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SENATE—*Tuesday, July 8, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Eternal Lord God, who rules the raging of the sea, great and marvelous are Your works; just and true are Your ways. Thank You for smiling upon America and for blessing this Nation with your generous providence. Forgive our tendency to forget Your goodness and our failure to express gratitude for Your gifts. Thank You for these Senators, who seek to produce fruits that will nourish this land. Give them a kindness that remembers those on life's margins and a courage that will narrow the gap between the creed and the deed. Remove the scales from our eyes, that we might discover celestial solutions to Earth's most difficult problems. Today, let our words, thoughts, and actions honor and glorify Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will begin up to 15 minutes of debate on the nomination of David Campbell to be a U.S. District Judge for the District of Arizona. At 11:45, the Senate will vote on the Campbell nomination. Immediately following that vote, the Senate will proceed to a vote on the motion to invoke cloture on the nomination of Victor Wolski to be a judge of the U.S. Court of Federal Claims. Therefore, the first vote will occur at 11:45 and that vote will be the first of two back-to-back votes.

For the remainder of the day, the Senate will resume debate on the motion to proceed to S. 11, the Patients First Act. A cloture motion on the motion to proceed to the bill was filed yesterday and that cloture vote will occur on Wednesday.

I ask unanimous consent that following disposition of the Wolski nomination, the Senate resume consideration of the motion to proceed to S. 11.

Mr. REID. Mr. President, reserving the right to object, I ask the majority leader if there were not a vote on the motion to invoke cloture on Wolski, would the distinguished majority leader consider allowing several hours this afternoon to debate Wolski? If cloture is invoked, of course, we would have 30 hours. It would seem to me that for the people who have been seeking this vote, we could vitiate the cloture vote and the leader could give us, say, 3 or 4 hours to debate Wolski and then vote.

Mr. FRIST. Mr. President, I would certainly entertain that. I ask if I might have a discussion with Chairman HATCH, the chairman of the Judiciary Committee, before committing to that, and I will get back shortly with the assistant Democratic leader.

The PRESIDENT pro tempore. Is the unanimous consent request withdrawn?

Mr. FRIST. No, it is not.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. No.

The PRESIDENT pro tempore. Without objection it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time during the quorum call be charged equally to both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

PATIENTS FIRST ACT

Mr. DURBIN. Mr. President, I would like to speak in morning business on the issue that is pending before the Senate, which is the motion to proceed on S. 11. This is a bill relative to an important issue that really we have to grapple with in this country, and that is the question of medical malpractice. It is an issue which has come at us in so many different ways. Unfortunately, the bill that is before us, S. 11, which we are now considering under a motion to proceed, looks at the issue of medical malpractice from only one narrow perspective, and from my point of view a very ineffective perspective.

What the bill before us would suggest is if you or a member of your family or one of your children is a victim of medical malpractice, there would be a

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● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

strict limitation in this bill of how much you could recover in court for what is known as noneconomic losses, pain and suffering. That strict limitation would be $250,000.

To many people, $250,000 seems to be a very substantial sum of money, and it is until it is put in the perspective of the injuries we are discussing. Yesterday, in the course of the debate, I told the story of a 6-year-old boy in my home State of Illinois who went to a downstate clinic with a high fever. Unfortunately, he did not receive appropriate medical care and a jury decided he had been a victim of medical negligence. The doctors who had treated him did not perform the type of medical procedures necessary to monitor his serious condition. As a result of that, this poor little boy at the age of 6 became quadriplegic and uncommunicative. It is now 11 years later. He is 17 years old. He needs care around the clock. He cannot respond to stimulus that ordinary people do. He certainly cannot communicate. His situation for the past 11 years is, frankly, what he will face as long as he is alive.

That is a harrowing prospect for his family and it means they are going to have to dedicate the rest of their lives, as mother and father, to try to make his life on Earth as bearable as possible. So $250,000 in that context has to be taken from a different perspective. It goes beyond his medical bills, of which he will receive compensation, to the question of pain and suffering for him and certainly for his family.

If this young man, now at the age of 17, is going to live 20, 30, or 40 years, what is $250,000 worth? That $250,000 turns out to be a very small amount when we consider that the injuries he suffered and the problems he has endured are going to be there for a lifetime. So for us to say we will decide in the Senate in S. 11, the bill that is before us, that this little boy and his family will never receive more than $250,000 regardless of the circumstances facing him for the rest of his life, I think is totally unfair.

In fact, it is a dramatic departure from where we have been in the United States for so long. We have said, first, that this is an issue to be decided by each State. Each State should decide if there is going to be a limitation on how much money someone can receive if they are a victim of a certain injury or malpractice.

Secondly, we have said historically this is an issue not to be decided by 100 Senators, men and women sitting in Washington, but literally by 12 of this family's neighbors and friends who live in the community, who will try to reach a fair amount of compensation when in fact they find fault on the part of the doctor and the hospital. That is the jury system. It is a system we have believed in in America from the start of this Nation. It really is a system which parallels free elections in America where we say we entrust our Government to the people of this country.

In the courtroom, we entrust these decisions to the people of America, 12 of them chosen at random to come to a fair conclusion. Those who are pushing this bill today say we can no longer trust the jury system in America; we cannot trust 12 of this little boy's neighbors and friends and people in the community to come forward and reach a fair verdict.

I think that is a terrible condemnation of a system of justice which has really been the bedrock of American principles and American values.

It is curious to me that many of the same people who decide today that the jury system consists of people who cannot be trusted will readily trust the jury system when it comes to questions of criminal penalties, penalties as severe as the death penalty. If we trust a jury of 12 to decide the life or death of a criminal defendant, is it not also fair to say we would trust them to decide a fair amount of damages, a fair amount of compensation, for this child and his family?

Well, no. S. 11, offered on the Republican side of the aisle, says the opposite. It says, we will make the decision here. We are smarter. We know what is fair, and $250,000 is adequate compensation for this little boy who will face a lifetime now of care on a daily basis, minute by minute, whose mother has had to quit her job so she can stay home and tend to this 17-year-old boy who was a victim of medical malpractice.

Let me also add that equally unfair and unjust in S. 11 is the treatment of people who are senior citizens, who have been the victims of medical malpractice, because what this bill compensates are medical bills and lost wages, and limits any other recovery to $250,000. So if one happens to be a senior citizen who has no active income, perhaps a little retirement and the money they derive from their savings, and they are a victim of medical malpractice, they are limited to $250,000 compensation.

I will come back later today and talk about a couple who were victimized frankly because a blood bank gave them blood that was tainted with the HIV virus, which resulted in this 70-year-old couple contracting that HIV infection, ultimately dying of AIDS. It was a sad situation and one that was graphic in terms of the malpractice involved. But because they were not wage earners, their compensation under this bill would be virtually nothing.

The medical care which they would receive, of course, would be compensated, but it would only be $250,000 for pain and suffering.

Let's go to the root cause of this debate. Why are we even talking about medical malpractice on the Senate floor? It is because we do have a serious national challenge. In many States, including my own, for many specialities of medical practice we have seen medical malpractice insurance premiums increasing at an alarming rate. When we have asked the General Accounting Office and private firms to analyze why this has happened, they have said there is a variety of reasons that have led up to it. Yes, in fact, there are more settlements in cases involving medical malpractice than there have been in the past, and in some marginal cases more verdicts. It is an indication of the fact there is more medical negligence being discovered, and even the Department of Health and Human Services gave us testimony a few weeks ago that we are facing medical negligence and medical errors across America, in their words, of epidemic proportion. So now we have this huge wave of exposure and liability coming at the medical profession, and naturally there are more lawsuits that are being filed to reflect this wave, this epidemic, of medical negligence.

What has happened on the insurance side to protect the doctors? Sadly, this has been, frankly, a casino mentality among many of the medical malpractice insurers. Back in the Clinton administration, when we had a strong, vibrant, growing economy, when the Dow Jones index was going up regularly and people saw their retirement incomes growing and their savings growing, many people were investing in the stock market and doing well and many insurance companies did as well, too.

In the case of medical malpractice insurers, they would collect the premiums from the doctors, invest them in the stock market or in bonds and do very well.

Now what has happened? In the last 2½ years under this administration, we have seen the economy in recession; we have lost jobs; we have lost businesses; we have seen people lose their life savings; they have made new decisions on whether they have to continue to work.

Business investment, as well, has not been as profitable. These insurance companies that thought they had a winning formula are starting to lose. The premiums collected from doctors, invested in bonds and the stock market, have not been as profitable. Because of this, many of these companies have gone out of business or raised their premiums because of anticipated exposure for medical errors. Those raised premiums have caused real hardship among doctors in America.

Senator DASCHLE came to the Senate floor yesterday—and I tried to make the point, also—to say we understand this issue is serious. On the Democratic side of the aisle, we have offered to the Republican side of the aisle to come together on a bipartisan basis to deal with the malpractice insurance crisis and the malpractice crisis in America. But we cannot resolve this issue by introducing a bill, S. 11, that only goes after one discrete part of it—limiting the recovery of medical malpractice to victims.

This drastic response is not going to solve the underlying problem. We need to come together on a bipartisan basis as we did on terrorism insurance after September 11. We found a way to do it. But we can only do it if we engage the three elements that can lead to success. Those elements are: First, the medical profession itself. We have to bring together those doctors of good will across America who want to work with us to reduce medical errors, to bring more safety to the practice of medicine, to take away from the practice of medicine those doctors and practitioners who are largely responsible for medical malpractice. Fifty percent of the medical malpractice claims in America can be attributed to 5 percent of the doctors. We need to make certain the medical profession is more vigilant in taking these doctors out of the practice of medicine, are changing the way they practice medicine so fewer innocent victims emerge from this experience.

Second, we need to bring in the insurance industry. I know this is a sacred cow in the Senate, to talk about insurance companies and holding them accountable for the way they are treating doctors across America. But you cannot have an honest conversation about dealing with medical malpractice premiums without talking about the insurance industry. We could cap recoveries across America in every courtroom for every victim of medical malpractice with no guarantee that medical malpractice premiums are going to decrease for doctors across America.

Here is what I think we should do. First, we should eliminate the antitrust exemption for insurance companies across America. To think we allow these companies to collude, to come together and share pricing information to the detriment of their customers—in this case, their doctors—is indefensible. The McCarran-Ferguson Act should be repealed so the antitrust exemption is removed from the U.S. industry.

Second, we need to look at the whole question of reinsurance. Most of these malpractice insurance companies only protect doctors up to a certain amount—perhaps $1 million or $2 million—in terms of their exposure to liability. Then they sell off the additional exposure—$2 million to $10 million, $2 million to $20 million—and buy insurance to cover it. There are five major companies selling reinsurance in the medical malpractice area. Four are offshore and not regulated by any State or Federal regulation in the United States. We have no oversight of the way they are treating malpractice insurers in America. That is a guarantee that, no matter what we do in the Senate, there will still be ultimate vulnerability by the medical profession to unreasonable and excessive malpractice premiums.

The solution involves: Bringing together the medical profession to reduce medical errors, to reduce medical injuries; bringing the insurance industry in to make certain that we have some accountability and fairness in the premium charges; and, finally, bringing in those in the legal profession to make certain that any lawyer filing a frivolous malpractice lawsuit is going to be held accountable for the costs and attorney fees, initially, and ultimately, if he or she continues doing so, banned from filing future lawsuits; also making certain that punitive damages would be eliminated in virtually all medical malpractice cases. All of these factors will move us toward a solution to this problem.

This week, we are going to be visited by many doctors from across the United States. They will come and tell us of their legitimate concerns about malpractice premiums that are hurting their profession and limiting the availability of good medicine and good doctors across America. I do not quarrel with their premise that they have a problem that needs to be resolved, that we need to face squarely and honestly.

But this morning, at 11 o'clock, I will hold a press conference in which we will have five victims of medical malpractice. They will tell their heartbreaking stories, how they went to the doctor, they went to the hospital, and came home so injured and so changed that their lives were never the same. The $250,000 being offered by the sponsors of S. 11 is totally inadequate to the injuries they suffered. The limitation of $250,000 would make them wards of the state and dependent on government and charity for the rest of their life. That is what is being offered on the Republican side of the aisle.

The last point I make is this: When you read S. 11 closely, you will find it is not only about doctors and hospitals, it is also about protecting from liability HMO insurance companies and health care organizations, the makers of medical devices, and those pharmaceutical companies that are found to have been negligent in the sale of their products.

I cannot understand how the medical profession can allow itself to be used by the sponsors of this bill so that those who are coming in to represent these special interest groups—the HMOs and managed care organizations, the pharmaceutical companies, and the medical device companies—get protection, using as their argument the sympathy that is being generated on behalf of doctors who are struggling with malpractice premiums. That is unfair to the doctors; it is unfair to the hospitals; it is unfair to the Senate, that we would include in S. 11 that type of limitation.

Finally, this bill, S. 11, allows for punitive damages in the most limited circumstances. It requires that there be a deliberate act on the part of a doctor for punitive damages to apply, as well as malicious intent being another option under punitive damages.

When I made an inquiry yesterday as to what it would mean if a doctor were intoxicated or an addict to drugs and, because of that intoxication or addiction, performed some medical procedure which harmed a person for life, I was told that punitive damage section would apply. I have to say quite honestly it does not because the language of the section is only about deliberate and intentional conduct, not about the kind of gross negligence involved in addiction and intoxication.

As we look at S. 11, we owe the medical profession as well as the people of America more than is being offered. To bring this bill on a take-it-or-leave-it basis, to say we will have no committee hearings, no amendment process in committee, no opportunity for an exchange of information, is not fair to the people of America. I hope we can do better—I think we can—that when the vote takes place tomorrow on the cloture motion, we will see a number of Senators are going to come forward and ask that we try to resolve this difference in a fair way, in a balanced way, rather than this unbalanced and unfair way being offered.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. REID. As I listen to the Senator today—and I am aware of what the Senator talked about yesterday—is the Senator saying he is not opposed to our doing something regarding medical malpractice?

Mr. DURBIN. That is exactly true. The Senator's home State, the State of Nevada, was a classic example of serious problems that were ultimately addressed last year by legislative action when the State of Nevada accepted its responsibility.

We need to deal with this through each State, and we need to find ways on the Federal level to try to make certain we do not have States in crisis, as mentioned yesterday, because of malpractice premiums.

Mr. REID. The Senator is absolutely right. In Nevada, the Governor, Republican Gov. Kenny Guinn, called a special session of the Nevada Legislature to address this problem which was created by one insurance company that decided to take a powder when the stock market fell, as the Senator aptly described.

The Senator, who previously served in the House of Representatives, also said during his statements in the Senate that if we are going to move important legislation such as this, there should be committee hearings discussing the legislation. It is true, is it not, that we have had no hearings on this legislation?

Mr. DURBIN. I would say to the Senator from Nevada, that is accurate. In fact, we had a limited hearing last February on the issue but not on this bill. Senator COLEMAN of Minnesota had a hearing in the Governmental Affairs Committee to talk about the general issue of medical malpractice, where the administration testified we are facing an epidemic of medical malpractice in America. But no one has sat down to measure whether this bill will actually reduce malpractice premiums. The only studies that have been done by the General Accounting Office, as well as by a group known as the Weiss Institute, have come to the conclusion that limiting the recovery of victims in medical malpractice lawsuits is no guarantee of malpractice premiums coming down. In fact, in many cases of States with caps on the recovery, limitations on recovery for malpractice victims, the malpractice premiums for doctors have gone up.

There is no linear connection or guarantee that limiting the recovery for victims is going to help the doctors, yet that is the only solution that is before us on the floor today.

Mr. REID. It is also true, is it not, I say to the Senator from Illinois, that the two studies of the Weiss and the General Accounting Office are not studies that have been paid for, were involved with or directed by attorneys? Is that a fair statement?

Mr. DURBIN. That is exactly right. I would say to the Senator from Nevada, it is true the medical profession feels very strongly on one side and the trial bar on the other. But what I have tried to do is gather information from those who have no axe to grind, people who are trying to analyze this problem honestly. The conclusions they have reached suggest to me this is a much more complex problem than what we see today.

Unfortunately, S. 11 I think is a political answer to a much more serious problem. If this is a question about whether the White House is going to take on the trial bar in some sort of confrontation for the next election, that is one thing. It is an interesting political battle. It is not going to solve the problem, not in my State or any other State. We have to deal with it honestly by saying the medical profession, the insurance industry, as well as the legal profession have to come to the table. We need to have not only committee hearings so we can see publicly what this issue is all about, but we need to have a good-faith effort. We can do it.

I think the Senator from Nevada recalls after 9/11 we had a problem with terrorism, of course, and the threat of terrorism. That had an impact on the construction industry and on investment. So people came to us and said: We can't get people to invest in building new buildings unless we do something about terrorism insurance.

We sat down on a bipartisan basis and worked it out. Senator DASCHLE came to the floor yesterday and said: Use the same model on malpractice. Bring us together, Republican and Democrat alike, and try to find common ground and a solution. If it is not through a committee process, let it be through an honest to goodness, good-faith negotiation, but we can achieve that goal.

Mr. REID. The Senator is aware, is he not, the reason terrorism insurance was held up for so long is that Republicans wanted absolute tort reform, everything involving medical malpractice, slips and falls, rear-end automobile accidents—everything. We said: Why don't we just deal with terrorism insurance? We finally prevailed, and we have done a good job. There is construction going on all over America today, and they are able to go forward because they can get terrorism insurance based upon the legislation we passed.

The Senator, as I understand it—I want to make sure I am correct in this—believes reform is needed?

Mr. DURBIN. Yes.

Mr. REID. No. 2, you believe we should do it through the ordinary process, have committee hearings.

Finally, you believe the insurance industry should be involved in this because the McCarran-Ferguson Act, named after Senator Pat McCarran of Nevada, was passed to give a few years of relief to the insurance industry so they could gather together during the Depression and not be involved with the Sherman Antitrust Act, and now, some 70 years later, they are the only business other than major league baseball that is not subject to the Sherman Antitrust Act. So the Senator believes they should be like other businesses in America, subject to the Antitrust Act.

If we did some reform here and we involved the committee structure and we involved the insurance industry, I think we could move the bill pretty quickly. Does the Senator agree?

Mr. DURBIN. I agree with the Senator.

One other thing that needs to be part of the record: Even if we enacted S. 11, which is the cap on recovery for medical malpractice victims—children, elderly people and families alike—there is no guarantee medical malpractice insurance premiums will come down. In Nevada, significant reform legislation was passed but, as I understand it, the premiums did not start coming down for some period of time, if at all.

Mr. REID. It is absolutely true. The fact is, if you look around the country, insurance rates have not gone down where these medical malpractice reforms have been initiated.

But another thing it doesn't take into consideration is the tremendous harm done to people who have no ability to move forward when a doctor does something wrong to them.

I think the Senator indicated there are about 100,000 people killed because of medical malpractice in America every year. But that doesn't take into consideration the people who are paralyzed, people who are injured and damaged in many other ways. With this cap, these cases simply do not go forward.

So it is really not fair to analyze what goes on in those States because you don't take into consideration the damage, the harm, the pain and suffering of these people who have no way to recover their expenses as a result of a direct negligent act by a physician.

Mr. DURBIN. I agree. I say to the Senator from Nevada, I do not profess to be an expert, but I did, in my private practice as an attorney before I came to the Congress, have several malpractice cases. In some I defended doctors and in some I sued doctors for what I believed to be malpractice. Those are heartbreaking cases and should not be dismissed easily by the Members of the Senate until they sit down and talk to families.

I can recall a family who brought in an infant girl to my office. She had gone to the doctor for her ordinary baby shots, which I am sure the Senator from Nevada and my family have done; we have brought our children in for them without any real concern. This poor little girl, because she had a condition known as roseola, a form of measles that was undetected before the administration of the baby shot, ended up with a serious reaction to the pertussis vaccine for whooping cough and literally became a quadriplegic. This little girl was going to live the rest of her life in a virtual coma-like state and need constant care.

What we hear from the other side of the aisle is that that is not worth more than $250,000.

I would say, if I were the parent of that little girl, I would view this a lot differently. I would want to have a jury of my peers to decide what it is worth, what is the value.

But S. 11 takes away the authority of the jury to make that decision and decides we will make the decision here for every case in America—no matter how serious the injury to the infant or the person who is the victim of malpractice, no matter what the circumstances—to strictly limit it to a $250,000 recovery.

I think that is unfair. I think the Senator from Nevada has made the point.

The last point I will make on this issue is that I think we need to give the doctors immediate relief on malpractice premiums. I am going to introduce legislation with Senator

GRAHAM of South Carolina that will provide an immediate tax credit, in addition to the deductibility, an immediate tax credit of up to 20 percent for relief to the specialties that are hardest hit by these increases in premiums for malpractice insurance—neurosurgery, OB/GYN, trauma surgeons. I really believe we need to do something quickly.

S. 11 does nothing but change a law which may or may not, in 3 or 4 years, result in premiums going down. It is far better for us to do something on an immediate basis, an emergency basis. I hope the medical association and societies across America will take a hard look at this bill—it is being offered in good faith to deal with the immediate crisis—rather than penalize the victims of medical malpractice.

Mr. President, I yield the floor.

Mr. REID. Mr. President, if I could say one thing—I know the Democratic leader is in the Chamber—I have the highest respect and admiration for my colleague from the State of Nevada, Senator JOHN ENSIGN, who has introduced this legislation. He is passionately involved with doing something to solve this medical malpractice crisis. As I have indicated, I have supported his efforts to do something about it. He and I tend to disagree on how to do it. But I want the record to be spread with the fact that I have great respect and admiration for his moving forward on this problem.

I only wish there had been full committee hearings on his legislation. I think it would have improved it before it reached the floor. I think he has been shortchanged by not having his legislation brought before the appropriate committee, had hearings, and then brought here. I think with some changes in this legislation it is something we could all support.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I compliment again, as I did yesterday, the distinguished Senator from Illinois for his great work on this issue and for beginning this educational process that I think has to be a part of the debate at this time.

I also want to thank, as is always the case, the distinguished assistant Democratic leader for his involvement in these discussions as well.

I have concerns about where we are with regard to this issue on at least two counts.

First of all, the procedural count: I wish I had $1 for every occasion when Republicans would lament the fact that the committee process was bypassed. Yet here we are. There has been no hearing. There has been no markup. There has been no committee consideration at all of what is one of the most complex and extremely controversial issues to face the Senate and the country. To bypass the entire committee process and bring the bill straight to the floor does an injustice to the issue.

As Senator REID has noted, a bill of this magnitude deserves careful consideration, deserves the opportunity to be heard, and deserves the chance to have some debate in the committee among the experts who know this issue. I think it would be very helpful.

It is interesting that the president of the Tort Reform Association said don't count on insurance premiums going down if this legislation passes. I think Senators need to know that. If the president of the Tort Association of America says, look, don't expect any relief, what is it we are doing? This isn't from some trial. This is a person who advocates tort reform, but he is in the name of real honesty saying: Look, this is not the reason we are arguing for tort reform today. It is not going to bring down insurance premiums.

I think procedurally we have a real concern about the reason we are here today. I think that is something that ought to be considered very carefully. This is an important bill. It deserves the kind of careful, substantive attention that only committees can bring.

Second, of course, is the issue itself. As the distinguished Senator from Illinois has said so ably, we understand how important it is to address the seriousness of insurance premiums. We have two approaches before us: The one offered by the Senator from Illinois, and the one offered by the Senator from South Carolina which will give immediate relief. We are talking within the next couple of weeks, if this went to the President's desk, immediate relief for meaningful insurance cost reduction.

When I go home that is the issue about which doctors tell me they are concerned. They can't afford to pay the premiums. There is no better way to reduce the premiums than to give them the immediate relief offered in the Graham-Durbin bill. But I must say this is also a recognition of the concern.

There has to be a way to address the problems created when mistakes are made. Tommy Thompson himself—certainly no advocate of the status quo—has recognized that last year, the year before that, and the year before that 100,000 people died as a result of mistakes made in operating rooms, in clinics, and hospitals across the country. That is not my figure. That is not some special interest figure. That is the Secretary of Health and Human Services—100,000 people died.

I oftentimes find myself equating numbers with Vietnam and Vietnam-era veterans. We lost 58,000 people in Vietnam. We are losing almost twice that number every year due to mistakes made in operating rooms and in hospitals.

What I find perplexing—interesting—is that our Republican colleagues, who say the States know best how to govern, are saying: Well, in this case we don't think that is the case. In this case what we think is we know better. Washington is going to dictate to the States what the laws with regard to tort will be. Not only are we going to set the cap at $250,000, but we are actually, under the legislation before us today, going to preempt every single State law except the cap.

We are going to tell the States we know better and we are going to dictate to the States what it is they are going to have to abide by from here on out—total Federal preemption of State law. It is amazing that is coming from our Republican colleagues.

I would also say I am concerned because I can probably even consider looking at caps if there was any conclusive evidence that caps work. There is a very respected analytical group that made, with some fanfare, a decision a couple of years ago to examine this whole relationship between caps and premiums. They announced when they started the study that they did not know how it is was going to turn out. It could be pro-cap or it could be anti-cap. They didn't know. But they believed an objective review of the available information ought to be considered. They studied it. They looked at every single State. They released their findings about 3 weeks ago.

Do you know what they found? They found that there is no relationship. In fact, what they found is, in those States where there are caps, insurance premiums went up more than in those States that didn't have caps.

They are not arguing that caps had anything to do with it. But it is an interesting fact. Those States today with caps have actually seen higher insurance premiums than those without caps, according to this very respected independent study just released.

Both on the substantive as well as on the procedural issue, we have great concern with the fact that we are here today. We have a solution. I would argue to anyone on the other side who really wants to resolve this issue that we go back to what we did last year with terrorism insurance. That, too, was a tort reform question. Member after Member came to the floor and said unless we deal with tort reform we will never solve the terrorism insurance question. We sat together in a bipartisan fashion—Republicans and Democrats—worked out a reinsurance concept and passed it on the Senate floor, finally, after a great deal of tribulation and negotiation, with a large margin.

If you go to New York or to Chicago or to the hometown of the Senator from Illinois or a lot of other places, you will find that the terrorism insurance bill worked. I would argue it worked in part because procedurally we decided to come together and resolve it and solve it. I think it worked in partly because we addressed the issue with real solutions. We didn't get hung up on all of this tort reform because that wasn't the issue there either.

Today, we still celebrate a success story. We celebrate a success story here, too. We have a bipartisan Graham-Durbin bill. It might not be everything. Maybe we can figure out a way to make it an even better bill. I think we have to deal with reinsurance. I think we have to find a way to deal with reinsurance reform. We have to provide immediate relief and the tax credit relief proposed by the Senator from Illinois. We can do that. I think it is important that we do it. I think it is important that we recognize unless we do it that way we are not going to solve this issue.

Cloture will not be invoked tomorrow—not because we don't want to solve this problem but because we don't want to have a bill that is poorly conceived and will not solve the problem and which will be rammed down the throats of the country. We can find a better way to do this.

I would just implore my colleagues on the other side to work with us to make that happen.

Let me again thank the distinguished Senator from Illinois for his work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Democratic leader for his comments and for his leadership on this issue. I think he has shown a good-faith effort in the past to deal with issues and with the complexity of terrorism insurance. And that opportunity is still here today.

This week in Washington, many representatives of the medical profession will come to visit us and talk about the seriousness of this issue. They don't need to convince me; I am convinced.

The question is, How do we resolve it fairly and not just for doctors but for the victims of medical malpractice. We can do this. But I don't believe S. 11 is the way to approach it.

If we are going to allow this to disintegrate into a political face-off between the White House and the trial lawyers of America, perhaps when it is all over someone will have bragging rights for a 30-second ad. It will not help the doctor with whom I met who is serving Primbrook Township, south of the city of Chicago about an hour-and-a-half drive. You will find some of the poorest rural towns in America in Primbrook Township. This doctor is literally giving his life to the poor who need medical care. He said to me 2 weeks ago in Washington: Senator, I am here to receive this Jefferson Award, and I am proud of it, but I need help with malpractice insurance. I want to help him.

Limiting the recovery by malpractice victims may ultimately give someone some satisfaction that they have scored a political victory over the trial bar, or perhaps their limitation of victims' recovery will give them some satisfaction, but it is not going to help that doctor. It is not going to reduce his premiums. It is not going to give him an opportunity to continue his practice.

So I say to my friends in the medical profession—and this doctor is a good example—we honor and respect what you do. We need you. We need to work with you. Do not get so caught up in a political agenda involving the White House and the trial lawyers that you overlook the fact there are many people of good faith and good will who want to sit down and help.

We believe this can be done. It can be done in a way that is not going to deny the parents and the family of the small child, who, as I mentioned earlier, is going to live a lifetime of medical dependency because of medical malpractice. It is not going to be done in a way that is going to deny a woman who went in for simple cosmetic surgery and ended up with horrific burns on her face that required a dozen operations and years and years of suffering. That is not the way to resolve this.

Do this in a fair way for doctors; do it in a fair way for medical malpractice victims. Do not be afraid to call in the special interest group, the insurance companies, and tell them they have to be part of this conversation. We have the power in Congress to bring them in. We have the power to change the laws to make sure they treat doctors and hospitals fairly and to make certain the medical profession comes forward.

It is interesting to me that as I have discussed the issue of medical malpractice with doctors in my State and across the Nation, they have been of one mind and one voice and they have agreed: We need to do more to make certain we reduce the incidence of medical errors.

A doctor, who is a friend of mine, in Decatur, IL, also works on the board of a local hospital. He said he went to the hospital pharmacy where they literally write thousands of prescriptions each year for the patients who come through that hospital and they wanted to find out how many errors had been made in the prescriptions that had been written. They came up with a handful of examples. The doctor said to me: Senator, I know better, and you know better. We're not doing a good enough job here to make certain that mistakes are not made in the drugs that are prescribed and the prescriptions that are written.

We can do a better job—and we should—to have medical safety. Doctors want the best results. They do not want bad results. Certainly, the families and patients do not, either. We can work together to try to improve medical care in America in a professional way.

The bill I am going to introduce is going to allow for the transfer of information, data on medical safety, and the transfer of information without legal liability, so a doctor who would report an incident at a hospital that may lead to a change in a procedure or perhaps to a disciplining of a doctor is not going to be held legally responsible for having come forward with this information.

I think that is the only fair and honest way to deal with this issue. But if we are going to deal with it, let us look at each of those components: the medical profession, the insurance industry, as well as the legal profession.

What I do not want to see occur is what S. 11 really mandates; that is, instead of a jury of 12 in communities across America taking a look at each individual case to decide what a fair, reasonable verdict and outcome might be, we would have a jury of 100, 100 Senators, men and women elected here, who would sit in judgment of every single case in America involving medical malpractice.

We are not going to hear the story of the parents, who are going to come from that downstate community in Illinois, who took their little boy in with a high fever, who expected medical care—which each of us would expect as parents bringing in our baby with a fever to a clinic—and did not receive it because no temperature monitor was in place and, as a consequence, that little boy's high fever led to complications, quadriplegia, and the fact that he now has a lifetime of medical dependence on his parents. He will never enjoy the simple things in life which each of us takes for granted.

We are not going to hear that story in the Senate as a jury would hear in a courtroom. We will not hear the details of his life and what it means now: the pain and suffering he goes through every single day. No, we will not hear those facts. We will not make a decision based on the reality of the malpractice that this family and boy endured.

Instead, we will make a decision, under S. 11, that says $250,000 is the maximum amount that boy and his family will ever receive for the injuries which they have suffered when it comes to pain and suffering. That isn't fair. We should not stand as a jury and make that decision. We ought to trust a jury system that has been part of American justice for a long time, a system that we rely on every single day in thousands of courtrooms across America.

I think a sensible approach is to say that we do have a problem; we will work with the doctors; we will work with the insurance companies; and we will work with the legal profession to find a reasonable alternative to it. S. 11 is not that alternative.

If, in fact, the cloture motion is defeated tomorrow, which means we do not proceed to the bill, I make this offer, not only to the sponsors of that bill but to all who are interested in this issue, that I will personally engage myself in trying to find a reasonable, good-faith alternative that reduces malpractice rates, premium rates, particularly for those doctors who have no experience of wrongdoing—now, there are some doctors paying high rates who, frankly, have to pay them because they have been found guilty of malpractice—but for the innocent doctors, who have given their lives to medicine and who come forward every single day in a valiant effort to save and improve lives, I will stand on their side to make certain that they are treated reasonably and fairly.

Please do not turn to S. 11 as your only recourse because S. 11, being offered on the floor today, is one bill which is as unfair to malpractice victims as the insurance premiums are unfair to doctors in many places in America today. Let us work together—as we can; as we did under the terrorism insurance legislation—to find a reasonable alternative.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the Senate for about 15 minutes on an upcoming judicial nomination.

The PRESIDING OFFICER. All remaining time is on the majority side. Is there objection?

Mr. ENSIGN. Mr. President, I was scheduled to make a statement on the medical liability bill, and I am prepared to do that at this time.

Mr. SCHUMER. Mr. President, I ask the Senator how long he intends to speak.

Mr. ENSIGN. Probably 10, 20 minutes.

Mr. SCHUMER. I ask unanimous consent that after the Senator from Nevada finishes his remarks, I be recognized for 15 minutes on the nomination of Mr. Wolski on which we will vote at 11:45 a.m.

The PRESIDING OFFICER. It was the Chair's understanding there would be a substitute in the chair so he could make a statement on the Republican time following Senator ENSIGN's speech and that the debate would begin at 11:30 a.m. on the judges.

Mr. SCHUMER. Mr. President, are you saying there is no time between now and 11:30 a.m.?

The PRESIDING OFFICER. All the time has been reserved on the Republican side.

Mr. SCHUMER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I have come to the Chamber to talk about the legislation we are going to be discussing for the next couple of days. It is very important legislation that affects people in virtually every State in the country.

We have patients today being denied access to medical care in many States across the country, and we are going to explore why that is happening and what I believe the solution should be. Several States are losing medical professionals at an alarming rate, leaving thousands of patients without a health care provider to serve their needs.

In Bisbee, AZ, the town's only maternity ward closed. Today expectant mothers must drive more than half an hour to have their babies delivered. In Mississippi, 11 out of 21 obstetricians terminated service in four rural counties. In my home State of Nevada, our only level 1 trauma center closed for 10 days, leaving every patient within 10,000 square miles unserved by a trauma unit.

The bottom line is patients cannot get care when they need it most. By definition, this is a crisis. This crisis boils down to two factors: affordability and availability of medical liability insurance for providers.

The States in red are currently in crisis. A number are new States in crisis. We can see they have been added, including the Chair's State of Wyoming. My State has been in crisis for quite some time now, and it has led to a lot of the national press, but it is certainly not alone. The States indicated in yellow are the States that have problem signs. The States that currently seem to be OK are indicated in white, and we can see that very few States are in pretty good shape. Most of those States have enacted medical liability reform that has been in place long enough to stabilize the rates on medical liability insurance.

On affordability, the American Medical Association found that in the year 2000, medical liability insurance rates increased at least 30 percent in 8 States and by at least 25 percent in more than 12 other States. In this past year, the physicians in my State would be pleased if the rates had only gone up that much. These rates are forcing more physicians, hospitals, and other health care providers to limit their practices or to leave the profession altogether.

Anecdotally—and obviously this hospital would not want this word to get out—at this time of the year when they get applications for new residents, they normally get about 18 to 20 residents applying for slots at that hospital. That is an average of 18 to 20 each year. This year they have received zero applications, and that is because of the medical liability crisis that is occurring in my State.

Rates are forcing so many physicians and hospitals into a situation they did not want to be in. They went into these practices because of the compassion they felt for patients, and they are not being able to deliver the services because of the out-of-control costs of medical liability insurance.

On the issue of availability, thousands of doctors nationwide have been left with no liability insurance as major insurers are either leaving the market or raising the rates to astronomical levels.

Why are insurers raising rates or leaving the market? Because there is no stability in the marketplace for providing medical liability insurance. Why is that the case? Because our health care system is being overrun by frivolous lawsuits and outrageous jury awards. This excessive litigation is leading to higher health care costs to every American and an unstable peace of mind for our health care providers.

This chart shows the average payment in red from the year 1989 to the year 2001 and the median payment. We can see the dramatic increase, especially in the last few years, and if this chart continued out, it is continuing that trend up to the point where the average being paid in jury awards is continuing to skyrocket, and it is doing that because of the number of over $1 million awards being made by juries.

This is a chart reflecting the median jury award. We can see this is the $1 million line, and we can see what has happened. It has gone up. This, unfortunately, has created a situation where doctors, hospitals, and health care providers cannot afford to buy the insurance they need to continue practicing.

This excessive litigation is leading to higher health care costs for every American and an unstable peace of mind for our health care providers. Health care professionals are forced to practice defensive medicine by ordering unnecessary tests just to avoid being sued for "underdiagnosing" their patients. A study by the Department of Health and Human Services found defensive medicine is costing the Federal Government an estimated $28 billion to $47 billion in unnecessary health care costs.

Who else pays for these unnecessary costs? Every American with health insurance in the form of higher premiums and, obviously, the American taxpayer. Too often costs are so great that employers have to stop offering coverage altogether, thereby increasing the number of uninsured Americans. A lot of those uninsured Americans are younger, healthier people. So the people who are left in the health care field are a higher risk pool, which drives up the cost even more, which causes more and more people to not be able to afford health care insurance; therefore, more uninsured. It is a vicious cycle that goes on and on. This cycle has to be stopped. We can do that by passing national medical liability reform right now.

Comprehensive reform is critical on a national level because every American patient should have access to affordable and high quality health care. Likewise, every responsible, meritorious member of the health care community should not be afraid to provide such care because of the fear of litigation.

To achieve these reforms, I have introduced the legislation that is before us today, known as the HEALTH Act. It has several key reforms. It includes a $250,000 cap on noneconomic damages, joint liability, and collateral source improvements, and limits on attorney's fees according to a sliding scale award.

In addition, my legislation includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of the so-called professional witnesses who are used to further abuse the system today. If one talks to physicians, there is literally a whole industry that has been created of these "professional witnesses." It would make sense that if somebody was testifying in a case involving neurology, that the person should have expertise in the field of neurology. I think that makes incredible common sense, but that is not the way it works today. As long as somebody is a physician, they are able to testify and be called an "expert."

Our legislation today says that if they are to be called an expert, they must have expertise in the field in which they are testifying. Over 50 organizations are in support of my bill, including business groups, medical associates, device manufacturers, and the list goes on. I have heard from people all over my State, and not just physicians. This is not a doctors versus lawyers issue. This is about patient access to medical care. That is why we have heard from nurses, physical therapists, and people who work in doctors' offices and understand the problem that is going on. We have heard, of course, from physicians, but we have also heard mostly from the patients who understand; we have gotten so many calls from women whose physicians used to deliver babies. The women are now pregnant and their obstetricians no longer can deliver babies because they may be a high risk delivery and they can no longer afford to provide that type of a service.

The broad coalition that has come forward to urge meaningful reform highlights that this problem affects a number of industries, not only our health care system. Starting the Senate debate with our strongest proposal is critical because we must not approve a weak bill that the President will not be able to sign into law. Doing something weak as a Band-Aid would actually make things worse, and that is why we need very strong legislation.

Opponents of this legislation ask how I know this approach works. It works because this legislation is modeled after the highly successful legislation that passed and has been in place for over 20 years in California. It is known as MICRA. MICRA has brought about real reform to California's liability system. The number of frivolous lawsuits going to trial has declined dramatically. Injured patients receive a larger share of their rewards because of the limits on the fees that go to the trial attorneys. Disciplinary actions against incompetent health care providers have increased.

The bottom line is that California's medical liability system works. This is a quote by one of our colleagues from the other side of the aisle, Senator DIANNE FEINSTEIN, January 14, 2003:

> With the California law, we have a time-tested solution. California passed MICRA in 1975, so we have our 27 years of successful experience with the law.

One important point, neither MICRA nor my legislation limits the amount of economic damages that an injured patient can recover. As in every other profession, mistakes are made by health care providers. I practiced veterinary medicine after graduating from Colorado State University. I saw firsthand that mistakes are made.

Medicine is an art and a science, and there is a human being practicing that very inexact science. Every day somewhere mistakes are made. They are unfortunate. We should do everything we can to limit those mistakes, but we know mistakes will be made.

Sometimes they are mistakes in judgment. When one looks back in hindsight, they can see how they could have made that decision differently. But when they are faced with it at the time, because the human body does not read the textbook—this is how the disease is supposed to progress, this is how the injury is supposed to progress—the human body does not read that. So sometimes it reacts differently to the way the physician was trained, and so what looks like a mistake in a court of law could have actually been a very difficult judgment call. Yet a lot of these are frivolous lawsuits that are going to trial.

In our legislation, we are trying to bring some balance back to the system. We do limit the amount of noneconomic damages, pain and suffering as it is most often referred. People say, how can that be limited? How can losing a leg be limited or how can a dollar figure be put on that?

Well, a dollar figure can never be put on it. No amount could ever be justified to somebody for some of the things that happen to them, but we have to look at the overall good of our system. With the system we have now, we are losing doctors, and we are losing the kind of patient care we need. How does one put a dollar figure on the doctor not being there, on the health care provider not being there, on the hospital closing, on the trauma center closing?

We had a press conference several months ago in Washington with a woman whose father was in Las Vegas visiting, and it happened to be the week that our trauma center closed. During that week, unfortunately, he needed our trauma center. I cannot tell my colleagues that he would have lived if it was open, but the reason trauma centers exist is because they provide intense expertise in the area of trauma. They have great results, much better than normal emergency rooms. Unfortunately for this family, that trauma center was closed.

By the way, the only way we were able to reopen the trauma center in Las Vegas was because the State stepped in and said that we are going to limit not to $250,000, but we are going to limit to $50,000 any injuries and malpractice that occurs. That is not just noneconomic, that is even economic damages. That is the only way that the trauma center in Las Vegas was able to open. We are losing all kinds of experts in emergency rooms in other areas in Las Vegas as well.

People talk about decreasing the amount of mistakes by physicians, and we need to do that. It is very difficult and very complex to do. One of the ways we can do that is to enact legislation to encourage voluntary reporting. The current system actually is a protectionist-type system that if somebody voluntarily reports mistakes, they set themselves up for lawsuits. So we have no way to follow where the mistakes are being made and to point out trends so we can correct those mistakes.

The House has passed patient safety legislation. We are going to be working on that in the HELP Committee, of which I am a member. I hope, in a bipartisan fashion, we can craft patient safety legislation that will make the outcomes more of what we all want to see. That means fewer mistakes. But understand that there is no way to have a mistake-free environment in such an area where the science is so inexact. We have an opportunity here.

We have an opportunity with so many States now in crisis. The States in red on the chart are in crisis; the States in yellow show serious problem signs. We have a chance in the Senate—the House of Representatives has already enacted this legislation—to make a real difference in patients' lives. We can make sure trauma centers do not close. We can make sure when a woman needs access to an obstetrician she can have that access.

A friend of mine has Parkinson's disease, lives in Las Vegas, and has to go to Loma Linda where his specialist treats him. We do not have that particular field of subspecialty in southern Nevada. He talked his physician into coming to Las Vegas before the crisis hit Nevada. When the crisis hit and we lost our major carrier of medical liability insurance, the rates literally doubled and tripled overnight, and that physician decided to stay in California. Why? Because they have enacted a law that has kept rates reasonably low.

My next chart shows differences in larger cities around the country. First, OB/GYN in Los Angeles, a well-to-do area that has enacted medical liability reform, $54,000 on average for an OB/GYN; in Denver, also where they have had enacted legislation, $30,000. Then we have New York, Las Vegas, Chicago, with Miami the worst. These are places that do not have medical liability reform. In Miami, rates are over $200,000 on average for an OB/GYN.

People say doctors make plenty of money. Have you talked to an OB/GYN lately about their average income? In Las Vegas, the average income is around $200,000 for an OB/GYN who goes through 8 years of undergraduate and medical school and then a 5-year residency. They come out $250,000 to $300,000 in debt minimum and they work about 100 to 110 hours a week to make $200,000. And their rates now in Las Vegas are around $130,000 to $140,000, up from a couple of years ago around $40,000 or $50,000 a year.

Because of managed care they are not able to increase their rates, so it comes out of their pockets. That is why a lot of them are leaving our State. That is why a lot of new people are not going into the practice of obstetrics and gynecology. Especially for delivery of high-risk patients, rates have skyrocketed. Many physicians simply will not treat high-risk patients.

What are the women to do with a high-risk pregnancy? More and more women today are choosing to have babies later and later in life, and more and more of them have high-risk pregnancies as a result. With fewer and fewer doctors able to deliver high-risk pregnancies, this does not add up. That is why it is so critical to enact this legislation before the Senate today.

I know where the politics lie. We will probably not be able to pass this legislation at this point. However, I want people to take a hard look, talk to the patients in your States, find out what is really happening at the grassroots level. This is not a question of how much money a physician makes. This is not a question of whether hospitals or insurance companies are going to be profitable. This is a question of whether when somebody needs the health care services to save lives or deliver babies, that health care will be there because the provider is there.

I am passionate about this issue because people are in jeopardy of not getting the kinds of lifesaving services they need, the types of services that improve the quality of life for so many Americans. That is why this legislation is so critical today.

As we go forward over the next 24 hours debating this bill, I encourage Members to have a healthy debate with an up-or-down vote and start hearing from the American people on this issue. If Senators listen to their constituents, they will hear loudly and clearly we need to reform our medical liability system so we can afford to have health care that is so desperately needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Are we in morning business?

The PRESIDING OFFICER. We are in morning business with remaining time on our side of 4 minutes 21 seconds.

Mr. REID. Mr. President, I ask that the Senator from Idaho be given whatever time he needs. He is talking about a very important subject.

The PRESIDING OFFICER. There is a unanimous consent to begin debate on judges at 11:30.

Mr. REID. I ask unanimous consent the Senator have whatever time he needs up to 25 minutes to the hour for this very important statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIRTH ANNOUNCEMENTS

Mr. CRAIG. Mr. President, the Democrat leader and I were visiting a few moments ago about our Fourth of July break and what we were doing. That is one of the reasons I am speaking this morning. I thank the Senator from Nevada for that courtesy.

We all went home during the Fourth of July break to celebrate a birthday, the birthday of our great Nation. We gathered with family and friends. We set off fireworks. Some Members were in parades. It was all about a birthday, the birthday of this great Nation.

My wife Suzanne and I were also home in Idaho because of other birthdays. On May 31 of this year, our daughter Shae and her husband David had twins. Two new grandchildren entered both Suzanne's and my life, a boy and a girl, born on May 31. The little boy's name is Drew Calvin Howell and he weighed 5 pounds and 3 ounces. His sister, I am sure always to be called the little sister, is Peyton Shae Howell, and she was born at 11:54. Drew was born at 11:32. She weighed 4 pounds and 1 ounce. They are twins and were premature so they stayed the first 3 weeks of their lives in intensive care in a Boise hospital before they were allowed to come home.

Here we are, Fourth of July, and they are really home for the first time. It is the first time grandpa had a chance to hold them and love them and see them and be around them. It was a treat for our family but especially for Suzanne and myself to be with our grandchildren.

This Fourth of July in Idaho with our family took on special meaning as we celebrated the birthday of these grandchildren, these twins, with our daughter Shae and her husband David. It is always an important time in families when grandchildren enter them. Drew and Peyton are the sixth and seventh grandchildren, so we feel very privileged by that.

Often we come to the floor to talk about momentous and meaningful events. The Republican Senator from Nevada just spoke about a critical issue of reforming health care in our country, and malpractice. But probably there is no more important event than when grandchildren enter our lives.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DAVID G. CAMPBELL, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. The hour of 11:30 having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 227 until the hour of 11:45, with the time equally divided between the chairman and the ranking member of the Judiciary Committee or their designees.

The clerk will report.

The legislative clerk read the nomination of David G. Campbell, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the cloture vote with respect to the Wolski nomination be vitiated; provided further that at 2:15 today the Senate resume the motion to proceed to S. 11; further, I ask unanimous consent that on

Wednesday the time between 9:30 a.m. and 11 a.m. be equally divided between the two leaders or their designees; that at 11:30 the Senate proceed to the vote on invoking cloture on the motion to proceed to S. 11; and, regardless of the outcome of that vote the Senate then proceed to an immediate vote on the confirmation of Victor Wolski to be a judge of the U.S. Court of Federal Claims.

I further ask unanimous consent that immediately after the confirmation of the Wolski nomination the Senate proceed en bloc to Executive Calendar Nos. 87, 129, and 130; and, further, that the nominations be confirmed and the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Finally, I ask unanimous consent that following that action the Senate then proceed to the consideration of Calendar No. 77, S. 925, the State Department authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object—I will not object—I will make a comment and then pose a clarification.

I talked to the majority leader earlier today about the concerns that we have regarding Mr. Wolski. Although it was not our intent to extend the debate indefinitely, it was our view that, given the nature of his nomination, it deserved a little additional attention and some specific time for debate beyond that which we were provided this morning.

I wish to express my appreciation to the majority leader for giving us that opportunity. I hope, if there are breaks in the debate either today or tonight, that Senators who have an interest in this particular nomination use that time in addition to the amount of time that is earmarked for the debate on the nomination tomorrow morning. So we will certainly find a way in which to make that part of the schedule.

The clarification: As I understand it—and I ask for the majority leader's affirmation—Nos. 89, 129, and 130 are the nominations involving the Federal Claims Court. They are the other nominees whose names are still pending on the Executive Calendar. I ask the majority leader if that is, indeed, the case.

Mr. FRIST. Mr. President, that is the case, and the understanding as put forth in the unanimous consent request is that we proceed to them en bloc. They are the other three on the claims court.

Mr. DASCHLE. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak for no more than 2 minutes on the nomination of David Campbell upon which we are about to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I advise my colleagues that the person we are about to vote on is one of the smartest candidates for Federal district court that I have ever seen nominated by a President of either party. His name is David Campbell. He is nominated to be a U.S. District Judge for the District of Arizona.

He has a distinguished record in the State of Arizona, primarily with the Phoenix law firm of Osborn and Maledon. He was a graduate of the University of Utah Law School in 1979, where he was a note editor on the Law Review and was awarded the Order of Coif.

He clerked for both Judge Clifford Wallace for the U.S. Court of Appeals for the Ninth Circuit and for U.S. Supreme Court Justice William Rehnquist.

He has practiced primarily in the civil area but has a broad experience, including a lot of work with the Arizona State Bar Association's Committee on Rules of Professional Responsibility, and he has been cobar counsel in a majority bar disciplinary case.

In addition to his work in the law practice, he has taught as adjunct professor of law at the Arizona State University Law School and was a visiting professor at the J. Reuben Clark Law School at Brigham Young University where he was named Professor of the Year.

He has published articles and has had a distinguished career as a lawyer in the State of Arizona.

I think the Senate will be proud to have confirmed him to the Federal bench. He epitomizes what we are looking for in judicial temperament, intelligence and integrity, and I think the State of Arizona and the U.S. bench generally will be the better as a result of our confirmation of David Campbell.

I commend the President for his nomination of David Campbell.

I also express appreciation to David's wife Stacey and their five children for putting up with what will now be a career on the Federal bench for this very fine candidate, David Campbell.

I urge my colleagues to support the confirmation of his nomination to be a U.S. Federal judge.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of David G. Campbell to serve as a judge of the United States District Court for the District of Arizona.

David Campbell is an extremely well-qualified nominee with a significant amount of litigation experience, and he will make an excellent addition to the federal bench.

He received his undergraduate degree magna cum laude, as well as his law degree, from the University of Utah—which, in my view, is a reliable and persuasive indication of his excellent judgment.

Upon graduation from law school, Mr. Campbell clerked for Ninth Circuit Judge Clifford Wallace, and for then Associate Justice William Rehnquist on the United States Supreme Court.

He joined the Phoenix law firm of Meyer, Hendricks, Victor, Osborn & Maledon in 1982 and became a partner there in 1986. Since 1995, Mr. Campbell has been a partner at its successor firm, Osborn Maledon, where he practices in the area of general civil litigation. The American Bar Association bestowed on Mr. Campbell its highest rating of unanimously well qualified in recognition of his outstanding legal skills and reputation.

In addition to his distinguished legal career, Mr. Campbell has been a great asset to his community and has donated many hours of pro bono service and volunteer time to help individuals and families in need in his community. His volunteer service has included building homes for the homeless in Mexico, providing Christmas supplies to crises nurseries, and providing back to school clothing for disadvantaged children. He was also named Professor of the Year in 1991 by the J. Rueben Clark Law School at Brigham Young University for his service as a visiting civil procedure professor.

I am confident that David Campbell will be a model jurist, and I urge my colleagues to join me in supporting his confirmation.

Mr. LEAHY. Mr. President, today we vote to confirm David Campbell to a lifetime appointment on the United States District Court for the District of Arizona. With this confirmation, we will fill the sole vacancy on that court—which is actually not even vacant yet. Mr. CAMPBELL is nominated to a new position that will become vacant on July 15. I have been glad to work with the Senators from Arizona to consider this nominee and provide bipartisan support. I congratulate the nominee and his family.

The Senate has now confirmed 133 judges nominated by President Bush, including 26 circuit court judges. One hundred judicial nominees were confirmed when Democrats acted as the Senate majority for 17 months from the summer of 2001 to adjournment last year. After today, 33 will have been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President

Bush. This total of 133 judges confirmed for President Bush is more confirmations than the Republicans allowed President Clinton in all of 1995, 1996 and 1997—the first 3 years they controlled the Senate process for President Clinton. In those 3 full years, the Republican leadership in the Senate allowed only 111 judicial nominees to be confirmed, which included only 18 circuit court judges. We have already exceeded that total by 20 percent and the circuit court total by 40 percent with 6 months remaining to us this year. In truth, we have achieved all this in less than 2 years because of the delays in organizing and reorganizing the Senate in 2001. The Judiciary Committee was not even reassigned until July 10, 2001, so we have now confirmed 133 judges in less than 2 years.

In the first half of this year, the 33 confirmations is more than Republicans allowed to be confirmed in the entire 1996 session, when only 17 district court judges were added to the Federal courts across the Nation. In the first half of this year, with 9 circuit court confirmations, we have already exceeded the average of seven per year achieved by Republican leadership from 1995 through the early part of 2001. That is more circuit court confirmations in 6 months than Republicans allowed confirmed in the entire 1996 session, in which there were none confirmed; in all of 1997, when there were 7 confirmed; in all of 1999, when there were 7 confirmed; or in all of 2000, when there were 8 confirmed. The Senate is moving two to three times faster for this President's nominees than for President Clinton's, despite the fact that the current appellate court nominees are more controversial, divisive and less widely-supported than President Clinton's appellate court nominees were.

The confirmation of David Campbell to the District Court for Arizona illustrates the effect of the reforms to the process that the Democratic leadership has spearheaded, despite the poor treatment of too many Democratic nominees through the practice of anonymous holds and other obstructionist tactics employed by some in the preceding 6 years. David Campbell is the fourth Federal judge confirmed from Arizona for President Bush. Under Democratic control, the Senate confirmed Judge David Bury, Judge Cindy Jorgenson and Judge Frederick Martone to the District Court for the District of Arizona.

If the Senate did not confirm another judicial nominee all year and simply adjourned today, we would have treated President Bush more fairly and would have acted on more of his judicial nominees than Republicans did for President Clinton in 1995–97 or the period 1996–99. In addition, the vacancies on the Federal courts around the country are significantly lower than the 80 vacancies Republicans left at the end of 1997 or the 110 vacancies that Democrats inherited in the summer of 2001. We continue well below the 67 vacancy level that Senator HATCH used to call "full employment" for the Federal judiciary. Indeed we have reduced vacancies to their lowest level in the last 13 years. So while unemployment has continued to climb for Americans to 6.1 percent last month, the Senate has helped lower the vacancy rate in Federal courts to a historically low level that we have not witnessed in over a decade. Of course, the Senate is not adjourning for the year and the Judiciary Committee continues to hold hearings for Bush judicial nominees at between two and four times as many as it did for President Clinton's.

For those who are claiming that Democrats are blockading this President's judicial nominees, this is another example of how quickly and easily the Senate can act when we proceed cooperatively with consensus nominees. The Senate's record fairly considered has been outstanding—especially when contrasted with the obstruction of President Clinton's moderate judicial nominees by Republicans between 1996 and 2001.

Mr. NELSON of Florida. Mr. President, yesterday the Senate voted on the nomination of David Campbell to serve as a U.S. District Judge for the District of Arizona.

I was unable to vote because I was returning to Washington, DC from official travel to Iraq in connection with my duties as a member of the Senate Armed Services Committee.

Had I been present, I would have supported Mr. Campbell's confirmation to the district bench. After reviewing his credentials, I believe Mr. Campbell is well prepared to serve in this important position and has the proper judicial temperament to fairly and justly apply the law.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David G. Campbell, of Arizona, to be United States District Judge for the District of Arizona?

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 263 Ex.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—8

Biden
Edwards
Graham (FL)
Inhofe
Kerry
Lieberman
Miller
Nelson (FL)

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Wyoming is recognized.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate begin a period of morning business until 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS FIRST ACT

Mr. ENZI. Mr. President, throughout the West, and all over the country, more and more physicians are closing up shop and moving their practices out of State because they can no longer afford their medical liability insurance premiums in States that don't have some kind of a control over the amount that can be awarded.

Whenever I go home for a town meeting or when I visit with constituents, I hear story after story about people who are facing the loss of the sole option for health care in their towns because of the skyrocketing premiums their doctors must pay.

One constituent told me about her family physician in Newcastle, WY. She had to close her doors because the cost of insurance premiums made it impossible for her to provide obstetrical services to the pregnant women of the town. She said: Telling a pregnant woman I won't be there to deliver her baby was one of the hardest things I had to do as a family physician.

She then joined two other doctors in Newcastle to announce as of July 1 they would be unable to deliver babies because of a more than 50-percent increase in their liability insurance premiums. That means pregnant women in the Newcastle area will now drive 30 to 90 miles when it comes time to deliver their babies. This is a problem for the people of Newcastle, but it is one that also faces the people who live in a lot of towns throughout my State of Wyoming and many other States.

Take Jackson, WY, for instance. A surgeon there paid $16,000 for liability insurance in his first year in practice. He is now facing an increase in his rates that will place his premium at $164,000. That is a jump of $148,000 in 1 year. Emergency room and trauma doctors are facing similar jumps in the cost of liability insurance. An emergency room doctor in Rawlins, WY, nearly closed his practice after his insurance company announced it would no longer provide coverage for emergency room services. Fortunately, his hospital was able to find him coverage at the last minute, but this is merely a temporary solution to a critical problem.

Recruiting physicians to practice in rural States such as Wyoming is a difficult job. The high cost of medical liability premiums is making it nearly impossible. These examples highlight the problem we are facing. This problem is not just about lawsuits and insurance rates, it is about people who cannot get the medical attention they need. It is about communities without doctors to serve them. It is about a health care system in crisis.

The cost of medical liability insurance and the role of medical litigation raise very complex issues, but the focus is not and should not be on doctors or trial lawyers or insurance companies fighting among themselves. Our focus should be on patients and on ensuring accessible and affordable health care for all Americans. In Wyoming, ensuring access to affordable health care is a persistent challenge. We probably would have a shortage of health care providers even if our medical liability system worked perfectly, but the costs of medical litigation and of medical liability insurance are taking matters from bad to worse for the people of my State.

In fact, a study released yesterday by the Agency for Health Care Research and Quality found that States that limit pain and suffering awards in medical lawsuits have more physicians per capita than States such as Wyoming that have no such limits.

Here are some other examples of the impact this crisis is having on Wyomingites:

Two physicians who practice internal medicine in my hometown of Gillette have been notified that their medical liability insurance will be canceled as of July 31—not increased, canceled. If they are unable to find insurance coverage to replace their canceled policy in 2 weeks, they will be forced to close their practice in a town that is already experiencing a shortage of primary care doctors.

Another doctor in Casper, WY, was barely able to find insurance coverage for this year. The doctor delivers more than 350 babies each year. Nearly half of the mothers are covered by Medicaid. He also performs nearly one-half of the gynecological surgeries in the Casper area. The only insurance he was able to find cost him $140,000 per year with an additional $69,000 to purchase "tail" coverage in case he is sued for something that happened before his new insurance took effect.

In Wyoming, a physician who delivers a baby can be sued any time until the child's eighth birthday. So this "tail" is quite long, which means the premium could be quite high. In addition, this coverage is a short-term policy only good for 1 year, and he expects his cost of insurance will increase substantially again next year. Without his service, many pregnant mothers will find it difficult to obtain important prenatal care, especially expectant mothers in low-income families.

Earlier this year, a doctor in Wheatland, WY, went to a high school basketball game between the Wheatland Bulldogs and the nearby Douglas Bearcats. At the game, he announced he would not be delivering any more babies in Wheatland or Douglas and may be leaving the State because of the cost of liability insurance. The irony is that he had delivered just about every player on both teams. This was not somebody new in practice.

We also have doctors who are being forced to leave Wyoming to find relief from the financial burden of liability insurance. One doctor from Riverton, WY, grew up there, married a native of Wyoming, and returned to Riverton to raise his family and practice medicine in the State he loves. But between paying off student loans from medical school and paying expensive premiums on liability insurance, he is being forced to move to a State that has limits on pain and suffering awards. By moving, he will reduce his premiums by $43,000 a year.

The threat of lawsuits is enough by itself to raise insurance premiums in a State such as Wyoming. Plus, with so few doctors purchasing insurance in the pool, one major payout, whether the doctor was at fault or not, can really send premiums for every doctor right through the roof. As a result, many doctors in Wyoming are moving to States with larger risk pools and fairer liability laws, just as their colleague from Riverton is doing.

People who are truly injured by errors made by health care providers ought to be compensated fairly for their losses. However, the medical justice system today does not achieve this objective. If fair compensation is the standard, our medical justice system falls woefully short of the mark. Most people who are injured as a result of health care errors do not receive any compensation. However, some who are injured receive multimillion-dollar judgments as compensation for a bad outcome often without regard for whether the physician or hospital was even negligent.

The unpredictability of our medical justice system really does not serve patients or providers well. The only people who come out ahead are the personal injury lawyers who happen to find the right case. When it becomes impossible for insurance companies to predict their losses with any certainty, premiums go up. It is a fact of the business, and it is no different for property insurers or life insurers than it is for medical liability insurers.

Yes, people are hurt by health care errors, but skyrocketing medical liability premiums are hurting people, too. They are hurting physicians and hospitals in my home State by forcing them to curtail services or, in the case of doctors, to leave their practices entirely. Those doctors who continue to practice now look at each patient as a potential lawsuit. So they order more tests, whether or not the patient needs the tests. They spend less time discussing a course of treatment with the patient so they can spend more time writing a report after the appointment to justify the treatment decision in case they get sued.

Ordering more tests and writing more reports costs an already overworked doctor time with his or her family and time to catch up on his or her sleep. Doctors should not have to make choices between what is right for their patients and what is right for themselves, but our medical litigation system does not offer them a real alternative.

Most importantly, the medical liability crisis in my State is hurting innocent citizens who are losing their trusted hometown doctors to other States that have reformed their medical justice systems.

What do we know about our overall system of medical justice in America today? We know compensation to patients injured by medical errors is neither prompt nor fair. We also know verdicts with huge awards that do not match the severity of injuries or the conduct of the defendants destabilize the insurance markets. This sends premiums skyrocketing, which forces many physicians to curtail, move, or drop their practices. This leaves patients without access to necessary medical care.

Finally, we know litigation does nothing to improve quality or safety. In fact, the constant threat of litigation drives the inefficient and costly practice of defensive medicine and also discourages the exchange of information about preventable health care errors that we could use to improve the quality and safety of patient care.

The current medical liability crisis and the shortcomings of our medical litigation system make it clear that this is the time for a major change. We need a medical justice system that promotes accountability and fairness instead of discouraging them.

Regardless of how we vote on this legislation before us, we all ought to start working toward replacing the current medical tort liability scheme with a more reliable and predictable system of medical justice. We need a system that restores rationality to the way in which we compensate the injured and learn from mistakes. We need a system that restores the trust that patients and providers used to have in each other. It is incumbent upon all of us to strive for such a system so that we may raise the overall standard of health care in this country.

The legislation we are considering today is an important step in the short term toward making the medical justice system work better for everyone, not just a fortunate handful of personal injury lawyers. I urge my colleagues to join me and vote for this bill.

I ask unanimous consent that at 2:15, Senator KYL be recognized to speak for up to 15 minutes to be followed by Senator FEINSTEIN for up to 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH.)

PATIENTS FIRST ACT OF 2003—

Motion to Proceed—Resumed

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. REID. Mr. President, if the Senator will yield just for a brief second, it is my understanding the Senator from Arizona has authority to speak up to 15 minutes, followed by a 25-minute speech by the Senator from California. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that following the statement of the Senator from California, Senator CORNYN be recognized for 30 minutes, followed by Senator HOLLINGS for 30 minutes, and following Senator HOLLINGS, I ask that Senator VOINOVICH be recognized for up to 30 minutes, and then he would be followed by a Democrat.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I am pleased to address one of the most important issues I think we are going to be talking about all year. I hope our colleagues will permit us to conclude our debate with a vote so we can actually adopt some legislation to deal with this crisis of lawsuit abuse in the United States. Some call it medical malpractice reform. Whatever you call it, we have to deal with it.

Unfortunately, what we have heard is that some of our colleagues are going to prevent us from having a vote on the bill that is before us, S. 11. It is a bill that addresses one of the most fundamental problems we have, and that is access to available quality medical care by a lot of people in our society today. We need to reform this flawed medical malpractice system which is prohibiting people from getting the quality medical care they need and deserve.

We debated just before the Fourth of July recess Medicare reform to provide prescription drug benefits to all of our senior citizens. We took a lot of time talking about why our senior citizens needed access to care and how we were going to improve that access. But all of that will go for naught, it will do no good, if there are no hospitals and there are no pharmacists, if there are no physicians and other health care providers—or an insufficient number of those providers—to help those people in need, whether they be senior citizens or others, because of the high cost of malpractice premiums and therefore the inability of these providers to continue to serve the people in their communities.

Last year, the American Medical Association released a study on this lawsuit abuse problem. It concluded that 12 States were having a full-blown crisis and that 30 States were seeing serious problems in terms of the ability of physicians and hospitals to stay in practice to take care of their patients.

Today, just a year later, that study has been updated and the AMA has now concluded that 19 States are having a full-blown crisis in dealing with the medical malpractice insurance rates just for physicians. Let me give some examples of how this is affecting different communities around the country so you can see it is truly a nationwide problem.

In my State of Arizona, health care providers have experienced dramatic increases in their insurance rates. Between 2001 and 2002, two hospitals in Phoenix saw a threefold increase in their malpractice premiums, paying more than $1.7 million. Meanwhile, in Winslow, AZ, the hospital premiums have more than doubled, to $1.8 million.

Some of you know the town of Winslow, AR, from a famous song by the Eagles. It is a town with great history and rich in tradition in Arizona but it is not very big. It doesn't have the patient base to support a hospital that has to pay almost $2 million a year in medical malpractice premiums. It is not just in my State of Arizona. Methodist Hospital in south Philadelphia recently closed its maternity ward and prenatal program because of its medical liability insurance rates. Greenwood Hospital in Mississippi was unable to keep its level II trauma center rating because the neurosurgeons in the area had left citing the high cost of liability insurance.

I spoke with a woman whose husband had been very seriously injured in an automobile accident in Mississippi. She told the story of how—because of the lack of physicians and because of the high cost of premiums—her husband has suffered so terribly as a result of that accident and the inability to get quick medical attention.

Back to my home State of Arizona, the Copper Queen Community Hospital in Bisbee, AZ, was recently forced to close its maternity ward because the family practitioners in that community were looking at a 500-percent premium increase. Expectant mothers now must travel more than 60 miles to the closest hospital, which is either in Sierra Vista or in Tucson. According to the recent news accounts, four women have since had to deliver babies en route.

To cite the news accounts, Time magazine has a June 9 cover story about the doctor being out and why so many patients are losing doctors to the rising cost of malpractice.

This is now truly a national event.

In the Time magazine piece dealing with this question of physicians having to leave the practice, there is a particularly interesting story about a woman in Arizona whose name is Vanessa Valdez. The title of the story is "Taking the Highway to Have a Baby." The story points out that Vanessa has to drive about 50 miles to see her OB/GYN and to have a baby. She lives in the town of Douglas, which is on the Arizona-Mexico border. But there is no obstetrician within an hour's drive to deliver her child. There were six family practitioners in that community but they couldn't afford the soaring malpractice premiums. As a result, the hospital was forced to close its delivery room, and suddenly rural Cochise County has but one delivery room for the 118,000 residents. That is in Sierra Vista, 50 miles from Valdez's home of Douglas.

This is beautiful country. It is a great place to live. But it is no place to live if you are going to get sick or you know you are going to have a baby because you have an hour's drive to get to a doctor. That is not right. It is not as if this is out in the middle of nowhere and you chose to live there with all of the attendant risks involved. No. There are a lot of communities in this area but none of them had physicians able to continue to practice because of the medical malpractice premiums they had to pay.

One other example: Nevada was very much in the news last year because of the crisis in that State. Nevada's top level trauma center was recently closed for 10 days after 58 orthopedic specialists in Las Vegas temporarily quit because of the skyrocketing insurance costs. Also, a lot of the physicians delivering babies and performing high-risk surgeries have indicated that they won't be able to continue to practice without some kind of relief.

Ultimately, this destructive lawsuit abuse hurts the patients. Yes. The doctors can't make it, so they leave. But ultimately it is the patients who are the ones who suffer.

Therefore, we are trying to deal with that through legislation that will make it a little bit more difficult for this kind of lawsuit abuse to occur so that the insurance companies won't have to charge quite as high a rate, so the physicians and hospitals can stay in business, and so the people of the communities can continue to be served.

Also, the threat of lawsuit abuse often forces doctors to perform a lot more in the way of tests and surgeries and other kinds of treatments than they otherwise would do simply to protect themselves from a claim that they weren't doing enough for the patients—sometimes expensive tests, sometimes invasive procedures.

All of this is called defensive medicine—trying to do everything they can to make sure some smart lawyer out there doesn't try to pick at what they did and find some kind of fault with it and find a client who is willing and able to hire a lawyer to bring a lawsuit against the doctor.

That is another effect of this lawsuit abuse. Another is the fact that a lot of times doctors are no longer willing to perform risky procedures that may be necessary to really help somebody or even save somebody's life. Obviously, the more serious the condition, frequently the more risky the procedure. You want to be served by a physician who is willing to go to the mat for you in that case. But if the physician is looking at a big medical liability suit, if the result doesn't happen to work out right, then that physician is going to be less likely to try to treat you.

All of this results in an inferior quality of medical care for American citizens, which is wrong. It is not at all uncommon for these lawsuits to be brought and the lawyers to get over half the settlement. That is wrong. That is one of the issues with which this legislation deals.

The Congressional Budget Office determined that the House bill, which passed and which was pretty similar to S. 11, would reduce direct Federal spending for Medicare, Medicaid, and other Federal health programs by almost $15 billion over the next 10 years. Since the Federal Government is a payer for many of the medical services, particularly for our seniors who are indigent, it is a saving to the Federal Government as well for this lawsuit abuse to be addressed. Because employers will pay less for health insurance for their employees and more of the employees' compensation will be in the form of taxable wages and other fringe benefits, including, of course, money that could be plowed back into greater health care for the employees, the Congressional Budget Office estimated that enacting this legislation would increase Federal revenues by about $3 billion over the next 10 years as employees receive higher wages.

Just a note about the legislation itself, there are a lot of different ways you can do this. I had actually cosponsored a bill somewhat different than this. But the basic idea is the same, even though we might want to change specific provisions of this legislation. It basically sets sensible limits on the noneconomic damages that can be obtained in these lawsuits. The noneconomic damages are those damages that go above and beyond the bills that have to be paid. When you get sick and the physician allegedly committed malpractice, you had to go to another doctor to get the problem resolved. Those are economic damages as you lost wages, and any other expenses that you have. And those economic losses are fully compensated. But above and beyond that, you are entitled and juries will award substantial damages for noneconomic losses, mostly called pain and suffering because of what you had to go through. Certainly people recover something for their pain and suffering. The question is how much.

In order to avoid lawsuit abuse, some States—for example, the State of California has put a $250,000 limit on those noneconomic damages. That is precisely what this legislation does as well. However, states with higher caps can keep those under this legislation too. It also reserves punitive damages for cases that justify it. Part of lawsuit abuse is very large punitive damage awards which have nothing whatsoever to do with either the economic or noneconomic losses but nevertheless help to enrich the lawyers.

There are some other features of the legislation as well. But the point I wanted to make is whatever the specifics of the legislation, we need to act.

I hope our colleagues will permit us to conclude the debate and have a vote on this legislation so we can get together with the House of Representatives, which also passed a bill, have a conference committee work out any differences, all have a chance to vote on that, and then hopefully have a bill we can send to the President.

If we are never able to have a vote on this, it is not just the doctors, hospitals, and other providers that are going to suffer; it is the American people because they will not have access to the quality of medical care which they need and deserve. I hope we cannot only debate this legislation but also permit it to come to a vote so we can address this serious crisis in America today.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I wanted to use 12 minutes of the Senate's time to discuss my reaction to this bill and my general thinking about the subject of medical malpractice insurance premiums.

I think it is pretty clear that medicine is at a crossroads. I think it is pretty clear that something has to be done. My own State of California was at the crossroads 28 years ago. A bill was passed through the legislature called the Medical Injury Compensation Reform Act, known as MICRA. MICRA had a rough road initially. It had a number of court challenges. Finally, it was sustained by the California Supreme Court.

What we saw—I will go into this in more detail later on—was that premium costs began to settle down. In fact, I think it is fair to say that the California medical profession is very pleased with the MICRA bill as it stands today.

The problem I have—and I am probably one of the few on my side of the aisle who is not opposed to the issue of caps because I think in this situation they are helpful, but my problem is with the bill that is before us today because that bill is nearly identical to the bill passed out of the House and, frankly speaking, it is not one that I can support.

This bill before us sets a $250,000 cap for noneconomic damages in medical malpractice suits. Now, this can be applied not only to suits against doctors but to suits against HMOs, nursing homes, and medical product manufacturers. It is a very broad provision. This cap would even apply for extraordinary cases. I will give you one: A youngster, Jessica Santillan, a 17-year-old who died after doctors mistakenly transplanted the wrong kidneys into her body.

So under this bill, suits against drug and device manufacturers also, such as the makers of the weight loss drug Phen-Fen, the Dalkon shield contraceptive device, faulty heart valves, and other products that have caused innocent deaths, would be limited to $250,000 in noneconomic damages. I find that unacceptable.

Secondly, this legislation would severely limit the availability of punitive damages not only for doctors but also for manufacturers. In general, punitive damages are capped at the greater of $250,000 or twice economic damages in this bill. But the bill also wipes out any punitive damages in several different types of lawsuits against medical product manufacturers. It would immunize the manufacturer or seller of drugs from punitive damages for any packaging or labeling defect on their product. So, presumably, if a drug package label had mistakenly directed a patient to take 10 pills a day instead of 1 pill a day, a patient could not sue for punitive damages, regardless of the harm caused or the basis of the mistaken direction.

It would also limit the availability of punitive damages against any manufacturer or distributor of medical products if the product complied with FDA regulations. Let me give you an example: a product such as the Bjork-Shiley artificial heart valve. It originally received FDA approval, but these valves broke in an estimated 619 patients and led to hundreds of deaths. Under this bill, they would be immune from any punitive damage case. I think that is wrong.

This FDA exemption, in a sense, sets a downward and unacceptable course. If a company has an FDA-approved product on the market and then learns of a dangerous complication presented by that product or a failure of that product, it should have the incentive to remove that product from the marketplace as soon as possible. I think to provide an exemption if the product has FDA approval creates a disincentive to the rapid removal of that product from the shelf.

So while I cannot support this proposal, there are, however, proposals which I could support because I do believe that rising premiums are creating a crisis all across this country in terms of access to care. Others have placed before this body a number of situations. Let me just repeat a few.

Obstetricians and gynecologists in Florida pay over $200,000 a year for malpractice insurance as opposed to $57,000 a year in California. And there is no more high-cost State than California. So OB/GYN premiums in Florida, $200,000; in California, because of MICRA, $57,000; surgeons in Michigan pay $110,000 for malpractice insurance. Twenty percent of the OBs and GYNs in West Virginia and Georgia have been forced out of their practice due to rising premiums.

Nine hundred doctors in Pennsylvania have left the State since 2001 to avoid annual premiums as high as $200,000. The Methodist Hospital in Philadelphia discontinued its prenatal program for low-income women because of high premium costs.

The neurosurgeons of Wheeling, WV, have left the area, and local trauma patients requiring neurosurgery need to be airlifted out of the State.

Not only are insurance premiums skyrocketing in some States, but insurers are leaving the market, and that is a very dangerous signal. There were 14 companies underwriting liability in Mississippi; today, there is but one willing to write new policies. Texas had 17 insurance carriers; today it has 4.

In California, we have nonprofits handling the insurance for California's doctors, and that is one reason the system works.

I have spent a number of months taking a good look at the California law to see what could be transferred to the national level. And I want to say, here and now, this Senator would support reasonable caps on noneconomic damages because I deeply believe they can lead to more stable premium rates.

At the time MICRA was enacted in 1975, the cost of health insurance in California was higher than any other market except New York City. In the 6 years before 1975, the number of malpractice suits filed per 100 physicians in California more than doubled.

MICRA has kept costs down. In 1975, California's doctors paid 20 percent of the gross costs of all malpractice insurance premiums in the country. Today, they pay 11 percent of the Nation's total malpractice insurance premiums. Clearly, costs have dropped in comparison with other States.

All over the United States, premiums have grown 505 percent in the past 25 years. California's premiums have grown 167 percent. In other words, premiums have grown three times slower in California than in other States. That alone shows that MICRA is working, regardless of what anyone might say.

Also, because of MICRA, patients get their money 23 percent faster than in States without caps on noneconomic damages. Bottom line: California's malpractice premiums today are one-third to one-half lower, on average, than those in Florida or New York.

Because the California law has proven successful at keeping premiums down—and I know there are those who do not want to believe it; they will say it is some other reason; but I believe it has—I used the law as a departure point for crafting a proposal which I believe is both just and fair and which I believe should stabilize and, over time, reduce premium costs.

I very much appreciate the efforts of Senator FRIST and Senator MCCONNELL in working with me to explore this option. I am not going to offer it on the floor today for one reason: Unfortunately, it would not have the necessary votes.

Specifically, my proposal would do the following: It would create a schedule for attorney's fees. It would create a strict statute of limitations, requiring that medical negligence claims be brought within 1 year from the discovery of an injury or within 3 years of the injury's occurrence. It would require a claimant to give a defendant 90 days' notice of his or her intent to file a lawsuit before a claim could actually be filed. It would allow defendants to pay damage awards in periodic installments. It would allow defendants to introduce evidence at trial to show that claimants have already been compensated for their injuries through workers compensation benefits, disability benefits, health insurance, or other payments—that is only fair—and it would permit the recovery of unlimited economic damages.

My proposal would differ from California's law in two key areas: One, noneconomic damages and, two, punitive damages. The California MICRA law has a $250,000 cap on noneconomic damages. In contrast, I would propose a $500,000 general cap on noneconomic damages. Today 15 States have caps of $500,000 or less for noneconomic damages. Twelve States have a cap of $500,000 or less on noneconomic damages, and that includes Alaska, Florida, Louisiana, Massachusetts, Michigan, Mississippi, Nevada, Oregon, Texas, Hawaii, North Dakota, and South Dakota. Three States have caps of $250,000-or-less and they include Montana, New Hampshire, and California. Thus, 15 States already have caps of $500,000 or lower.

In catastrophic cases, where a victim of malpractice was subject to severe disfigurement, severe disability, or death—in other words, a catastrophic exemption—the cap would be the greater of $2 million or 50,000 times the number of years of the life expectancy of the victim. This really takes into consideration terrible morbidity done to a young child whose life span might be 50 or 60 years more. Clearly, a cap of $250,000 or $500,000 is really not fair to that youngster. Therefore, the catastrophic exemption we would propose would provide the greater of $2 million or 50,000 times the number of years of life expectancy of the victim.

In addition, we would propose a less onerous punitive damages standard than California law. California law is very strict today with respect to a plaintiff's ability to prove punitives under the very high standard of fraud, oppression, or malice. In other words, if you can't prove fraud, oppression, or malice, you can't prove punitive damages. If a doctor is in the middle of surgery and walks out to go to his bank to make a deposit while the patient is under a general anesthetic, in my view, that doctor should have punitive damages brought against him because that clearly is not accepted medical procedure.

California's law is much stricter. You have to prove fraud, oppression, or malice. Under this law, I am not aware of a single case where a plaintiff has obtained punitive damages in California over the past 10 years. So at least in my view, for situations such as the one I just indicated, the California law is too strict in this regard.

Instead we would offer a four-part test where a plaintiff would have to show by clear and convincing evidence—and this was put together based on measures that have passed this Senate in the not too distant past—that the defendant, one, intended to injure the claimant unrelated to the provision of health care; or two, understood that the claimant was substantially certain to suffer unnecessary injury and, in providing or failing to provide health care services, the defendant deliberately failed to avoid such injury; three, the defendant acted with a conscious flagrant disregard of a substantial and unjustifiable risk of unnecessary injury which the defendant failed to avoid; or four, the defendant acted with a conscious flagrant disregard of acceptable medical practice in such circumstances.

Clearly, the doctor who walked out of a surgery and left a patient under a general anesthetic would fall under this fourth plank. It certainly is a flagrant disregard of acceptable medical practice which would be, you don't go to your bank in the middle of an operation to make a deposit when the patient is under a general anesthetic.

I firmly believe a variant of this type could lead to a compromise in the proposal in the Senate. Why didn't I go ahead with it? Much to my chagrin and, I think, surprise, both the American Medical Association and the California Medical Association rejected this proposal. The AMA contends that despite the fact 15 States have caps of $500,000 or less, they believe that a $500,000 cap is too high and it would not stabilize premiums.

The California Medical Association is opposed to it for a different reason. Although we leave State law in place, whether that State law is retroactively passed or prospectively passed, the CMA felt the State legislature might—I say "might"—change the $250,000 cap to $500,000. So both of these associations have rejected that proposal which meant I wouldn't have a chance to get the necessary votes on either my side of the aisle or pick up a few votes on the other side of the aisle.

They refused to move from a cap of $250,000 for noneconomic damages in even catastrophic cases. To me this is wrong because a $250,000 cap in 1975, when the California law set this cap, adjusted for inflation was worth $839,000 in 2002. So last year a $250,000 cap, passed in 1975, would be worth $839,000, if passed today. If a figure of $250,000 was adequate in 1975, why couldn't a figure of $500,000, which is lower than the 1975 cap adjusted for inflation, be acceptable this year?

Now if a victim receives $250,000 today, this is equal to $40,000 in 1975. So when California led the Nation by passing the Medical Injury Compensation Reform Act and setting a cap for noneconomic damages of $250,000 in 1975, everybody should know that that is worth $40,000 today. In my book, that is unacceptable.

There are many specific instances of why it is unacceptable. Let me share one case. That is Linda McDougal. She is 46. She is a Navy veteran. She is an accountant, a mother. She was diagnosed with an aggressive form of cancer and underwent a double mastectomy. Two days later she was told that a mistake was made. She didn't have cancer and the amputation of both her breasts was not necessary.

A pathologist had mistakenly switched her test results with another woman who had cancer. Is this Congress willing to say there should be a cap of $250,000 on noneconomic damages for this kind of mistake? I think not.

A cap on noneconomic damages must take into account severe morbidity produced by a physician's mistake, such as amputating the wrong limb or transfusing a patient with the wrong type of blood.

Unfortunately, because of the opposition of both the American Medical Association and the California Medical Association, I am not proposing an amendment at this time. My purpose was to help physicians and patients, and I deeply believe that a $500,000 noneconomic damage cap, coupled with the catastrophic exception I outlined, would accomplish this, would accomplish it fairly, and would stabilize premiums over the long term.

I also suggest that State laws, where they exist, should prevail. So the California MICRA law, or any other State law, would prevail regardless of whether that State law was already enacted or retroactive.

So, bottom line, I could not get 60 votes for this proposal with the opposition of physicians. So the result may well be an alternative because I don't believe the House bill can pass in the Senate in its present form.

Let me say this. I have given this bill a great deal of thought. I really mean what I say—that I am prepared to support a reform bill. I am prepared to support a cap on noneconomic damages. But it has to be a cap that is realistic in view of today's time. It cannot be a cap that was passed 28 years ago that has an actual value of $40,000 today. So I am hopeful there will be another time and another place when a bill such as the one I have tried to outline might be found to be acceptable. In the interim, I will vote against S. 11. But, again, I stand ready to participate in a solution along the lines I have mentioned.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I wish to say a few words about the issue of medical liability reform, a matter that cries out for a remedy from the Congress because of its sheer scope and size.

When it comes to health care, I believe the proper role of the Government is to protect the freedom of all people to act in their own interests and in the interests of their health. I think it is appropriate that we make sure their decisions are not made by the Government but by themselves and their families. Patients and doctors, rather than lawyers and bureaucrats, should be trusted to decide what treatment is best for themselves and their patients.

I strongly believe that when people have good choices in a health care system built upon free market principles, it ultimately translates into high-quality care. One of the obstacles, though, to achieving access to that high-quality care is the current crisis involving medical liability litigation.

Today, America is experiencing a medical liability litigation crisis that is increasing the cost of health care, it is decreasing access to physicians and hospitals for many patients, and it is generally lowering the quality of care. As a matter of fact, we could hardly call our medical liability system a "system" because it is such a mess. In recent years, average jury awards have more than doubled, from more than $460,000 in 1996 to more than $1 million in the year 2000.

In the past year, medical liability insurance premiums in many States have increased by more than 20 percent, on average, and more than 75 percent for certain specialties. That is just in 1 year. Between 1991 and 2001, the number of medical malpractice payments of $1 million or more that were reported to the National Practitioners' Database increased from 298 to 806. The overall result is sky-high costs for liability insurance, increased costs for those who provide health treatment, and costs that have really created a crisis of enormous proportions, one that is threatening the quality of care, diminishing access to care, and exploding the cost of care.

According to studies at the Department of Health and Human Services, doctors across the country are closing their practices, they are limiting the types of patients they see, or they are leaving communities where they have long practiced because they cannot afford the rapidly increasing costs of medical liability insurance or, worse yet, insurance coverage is unavailable altogether.

Fear of liability suits—even frivolous litigation—also results in the practice of defensive medicine.

A recent survey, for example, conducted by an organization known as Common Good, revealed some disturbing trends: 79 percent of physicians admit that the fear of litigation has caused them to order more tests than they thought medically necessary, and 74 percent refer more patients to specialists than their best medical judgment would otherwise dictate. Half have recommended invasive procedures they do not consider on a medical basis to be necessary, but they have done it in an effort to protect themselves against the second-guessing that goes along with the medical liability regime.

Defensive medicine increases risks for patients and it raises health care costs by as much as $126 billion per year. This is a crisis not just for the Nation's physicians, it is a danger to America's patients—in other words, every single one of us.

For example, pregnant women in Nevada, Mississippi, West Virginia, and Florida must drive hours just to find an obstetrician who can care for them, and many still cannot get the essential prenatal care they desperately need. The only level 1 trauma center in Las Vegas had to close temporarily last year because its surgeons could not afford medical liability insurance. Some physicians' annual premiums had increased from $40,000 to $200,000 in just a year.

In many States, physicians are retiring or moving their practices because they either cannot afford the liability insurance or simply cannot buy the liability insurance they need in order to protect what they have worked a lifetime to achieve.

In Mississippi, physicians are actually moving across the river to Louisiana to serve the same patients they would serve in Mississippi because they can no longer afford to practice in that State, and most cities in the State of Mississippi with populations under 20,000 no longer have any physician who will even deliver a baby.

There are many more examples from my State, the State of Texas. The city of Austin, for example, is suffering from a shortage of neurosurgeons caused by retirements and relocation to avoid liability coverage costs, a shortage so heavy that some patients have to travel more than 65 miles away to find treatment.

In 100 of the 254 counties in the State of Texas, there is no obstetrician; in other words, there is no medically trained specialist who will deliver a baby in 152 Texas counties. After 44 years, Spring Branch Medical Center near Houston has stopped delivering babies altogether due to the soaring malpractice insurance costs and the shrinking pool of physicians that will actually deliver babies.

According to the Texas Medical Association's physician survey last year, more than half of all Texas physicians, including those in the prime of their professional career, are considering early retirement because of the State's medical liability insurance crisis, and earlier this year the Fort Worth Star-Telegram reported about one story that illustrates the way this problem affects patients who need care the most. The story said:

> Last summer, a pregnant woman showed up at Dr. Lloyd Van Winkle's Castroville office in south Texas, less than 10 minutes from delivery. Her family doctor in Uvalde had recently stopped delivering babies, citing malpractice concerns, and the woman was trying to drive 80 miles to her San Antonio doctor and hospital. "She made it as far as Castroville and decided she wasn't going to make it any further," Van Winkle said.

We all want to prevent disease and injury. When patients get sick, we all want to prevent medical errors, and when errors do happen, we can all agree that a patient should be compensated fairly. But if you can find some goal hidden somewhere within the current dysfunctional medical liability system, that goal would not be either the prevention of errors or the fair compensation for injury. Very clearly, the current medical liability crisis operates for the benefit of a few at the expense of the many.

Personal injury trial lawyers should not be able to drive good doctors out of medicine or to reduce patients' access to health care. This system undermines the ability of physicians to treat their patients without fear, and it destroys the trust and the important relationship between patients and their physicians, and it truly abandons the American patient—that is, every one of us—when we need the help the most.

I am proud to say that in my home State of Texas, the State government has stepped up in the legislative session just ended and passed some needed reforms in this and other areas. This year, despite overwhelming pressures from special interest groups, the State passed historic liability reform which makes it possible for doctors to practice in Texas without fear of unwarranted and frivolous lawsuits. The law puts caps on punitive damages while allowing for patients who are truly hurt to be fairly compensated. Judgments will be based on the amount of involvement in the act caused in the suit without consideration of who has the deepest pocket.

I must add, though, that even in my State of Texas, there will be a vote of the people on whether the Texas Constitution will be amended to provide a means to achieve this historic reform and much needed reform, and that vote remains to be given and taken. Yet there is still little recourse for patients in States without meaningful reform, and this is truly a nationwide crisis and not one that should be addressed by individual States, given the sheer magnitude of the crisis, its geographic expanse and, frankly, the amount of Federal taxpayers' dollars to go in to paying for the current dysfunctional system.

Our health care system is still burdened with frivolous lawsuits and outrageous jury awards. According to a Health and Human Services study, premiums in States without meaningful liability reform went up 39 percent in the year 2001 and an additional 51 percent in 2002. An out-of-control system in one State can have an effect on malpractice premiums in other States, even those States that have made some incremental step toward reform.

This is a national problem, and it demands a national solution. This legislation is comprehensive reform that will enact several critically needed components. For example, it caps noneconomic damages awarded in medical malpractice cases at $250,000. It will eliminate joint and several liability; in other words, the person at fault will pay for their percentage or their share of fault and no more. It will create a uniform statute of limitations; in other words, a period of time in which a lawsuit can be filed and pursued in court in a way that will preserve both the rights of the patient, as well as make sure that so much time does not pass that memories dim, records are destroyed, and the facts are difficult to discern.

It will reform the collateral source rule, another arcane rule of our legal system that says that even if someone has already been paid from one source they can still keep that information from the jury and seek to be paid yet again for the same loss.

Finally, it will create reasonable limits and court approval of attorney contingency fee awards. In many places, the amount of money that a lawyer will receive, and others will receive, in terms of costs of expert witnesses and the like routinely exceeds the amount of money that an injured patient will receive, somewhere on the order of out of every dollar that is awarded by a jury the injured patient only gets 40 cents. It is the lawyer and the bureaucracy in our litigation system that absorb the rest.

If this were truly about what is best for the patients, we would see reform. We would see it in the Senate. Unfortunately, this is about the 60 cents on the dollar that goes to people, other than the patient, who are obstructing true reform.

This legislation is a comprehensive reform and is modeled after the highly successful MICRA law in California, one that has been very successful both in making sure injured patients are fairly compensated while at the same time holding down the escalating costs of medical liability insurance in a way that allows most physicians to practice their chosen profession and which provides better access to good quality health care.

This act will help protect our critical care hospitals and provide needed relief for nursing homes and medical specialists. The cost of health care will be reduced as the need for high premiums for liability insurance will become a thing of the past.

We must remember that this crisis is not, in the end, about what is best for doctors, hospitals, insurance companies, or personal injury trial lawyers. What this bill is about is what is best for patients—in other words, what is best for the American people.

This crisis is threatening the quality of care, jeopardizing access to care, and escalating the costs of care. In my own State, one can travel to the gulf coast and Corpus Christi where emergency room physicians live in fear that they will be called to answer to a patient in a hospital emergency room, someone who they know they have never seen before and will never perhaps see again after treating them in the emergency room, and for a patient visit that they will likely not get paid or will get paid only pennies on a dollar for their usual fee, but yet because of the medical liability crisis they will put at risk everything they have worked a lifetime to build and achieve for themselves and for their family. That is even when they can buy insurance.

The truth is, the costs of medical liability insurance have escalated so dramatically because of this crisis that many physicians cannot even buy adequate amounts of coverage. If they can, it is at such a cost that they figure why bother, why bother to practice, and so they simply leave.

I reiterate that in the end this is not about doctors, lawyers, hospitals, or insurance companies. This is about who gets access to quality health care, and in many parts of my State, and in many States across the Nation, access to health care is simply not there because of this crisis.

I believe we should end the liability lottery, where select patients and some trial lawyers receive astronomical awards, while others pay more—all of us really—for health care and many suffer access problems because of it. We should pass meaningful medical liability reform that includes real and lasting change and bring the lessons of Texas and other States that have done so to the Nation's Capital and the American people.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

My most respected colleague from Texas said it is not about doctors and it is not about insurance companies. I would have to dissent from that view from the standpoint of my experience over some 30 years dealing with this particular problem.

We started in the early 1970s with my good friend Victor Schwartz. Product liability was the style of the day, the crisis. The Little Leaguers could not play anymore at the playgrounds. Football was going to have to be abolished because they could not buy safe helmets. They were all being sued because of the helmets. We faced down the situation of so-called product liability and tort reform with the help of the National Legislative Association, the National Governors Association, and some others.

We went to Y2K. We would go to terrorism insurance. I resisted, being an old States righter. I have an unusually good insurance commissioner in South Carolina. In fact, we have low rates as a result of his administration. But from a studied view of this particular situation, the problem is, yes, the doctors and, yes, the insurance companies.

Why do I say that? Well, according to the Secretary of Health and Human Services, Mr. THOMPSON, there are 100,000 deaths a year in America as a result of medical malpractice. That is people killed. That is casualties. We had 58,000 people killed over 10 years, just about, in Vietnam.

Now, the doctors have to get ahold of themselves in the State of West Virginia, for example. There are some 40 doctors, I think it is, who account for some 25 percent, one-fourth, of the 2,300 malpractice claims.

Incidentally, they are moving down to South Carolina because I have talked to some of my doctor friends. There is no better friend of medicine than this Senator from South Carolina. I have worked with them closely over the many years I have been in the National Government, and as their Governor. We have a very disciplined, one might call it, medical practice in South Carolina. In fact, they have always told me, and again recently affirmed, that if we had the average licensed doctors of some of the other States we would immediately add 1,000 doctors. In other words, it is not easy to practice medicine in the State of South Carolina.

So we go immediately to the doctors disciplining themselves like the lawyers, and I can get example after example of us at the bar association disciplining the lawyers. Unfortunately, the doctors just recently returned now to that particular practice and they are beginning to see that they are having to pay for the whole thing. Otherwise, it is not tort reform; it is insurance reform.

The distinguished Senator from Texas mentioned California. I have heard, and it is true, that California has brought down the malpractice insurance rates for the doctors there. That was done with caps in the beginning, but it did not work—in 1975. And it wasn't until 1988 that they had Proposition 103, to institute insurance reform--not tort reform but insurance reform, where they had an immediate rollback of the rates of some 25 percent, regulation written by the insurance commission, and anyone who wanted to question any rate increase had a right before the commission to petition and be heard.

So, yes, there is a way to do it. But you will see, as I speak here this afternoon, it is not this tort reform. In fact, tort reform is being taken care of in the States. They are moving fast. They are already moving in the State of Illinois, as the distinguished Senator DURBIN has been pointing out, with respect to that, and other States have not waited.

The only trouble with the cap is that it has not brought down the rates. The cap States—I mentioned Illinois that has no cap. The rates are up there. But four of the first five—Florida, Michigan, Texas, West Virginia—these four of the five top States with the highest premiums have caps on damages.

So the proof of the pudding is in the eating. We have experienced this with caps. I have other examples to show. Time and again, the insurance executives say: Pass the caps, we are not going to lower the rates.

But the majority leader, the distinguished Senator from Tennessee, is one of the most eminent physicians. And I don't say that just speaking on the floor in a right fashion. He saved the life of a good friend of mine with a lung transplant back in Tennessee. She has been getting along extremely well as a result of the expertise, the touch, the sensitivity, the bedside manner of Dr. FRIST. So there is no question in this body that we have a very valued doctor friend as a Senator from Tennessee.

But Tennessee doesn't have that problem. Of course, there are no caps there. They are below the median in premiums, and they do not have damage caps. I am sure the distinguished doctor/Senator would long since have asked that his State move in that direction if that were the problem.

No, the problem is a political one. We have the doctors in town. It is almost like the computer crowd who came to town with Y2K, and the sky was going to fall—we had to immediately pass Y2K to make sure at the first of the century the world wouldn't end.

We have a similar situation now where we look for the needs of the campaign rather than the needs of the country. We call this bill, right in the middle of the energy bill, appropriations bill, and all the other important matters that we have, tort reform, medical malpractice, because the doctors are in town.

I guess instead of $2,000, those doctors could give $4,000 to political campaigns, so you might call this the $4,000 bill we will be voting on tomorrow morning, as to whether or not we should have cloture. I hope we do have cloture because we ought to nail this buzzard quickly and get rid of it.

You never hear anybody who has been represented as a result of medical malpractice complain about the fee. It is always the loser who complains about a plaintiff's fee. I never have found a plaintiff yet who complained about lawyers' fees.

That gets me right into lawyers because that is the pollster cancer we have in Government in Washington today. You get the pollsters—and they don't know. I never have found a pollster, incidentally, who ever served in government or public office. So they do not know the questions to ask, What about lawyers? Shouldn't we have tort reform? Of course, the Chamber of Commerce has us behaving like toadies for corporate America, doing everything they want because we want their money in order to run for office. So we only pay attention to the money needs and the campaign needs and not the needs of the country.

As far as tort reform is concerned, it is being taken care of at the State level. The big problem, of course, is the losses that have been, not from medical malpractice, incidentally, but from their investments.

Let's say a word about those lawyers because, after all, we just had the Fourth of July. I saw a program about the forefathers. They were all mentioning the different ones who brought us this 227 years of freedom.

> Is life so dear or peace so sweet as to be bought at the price of chains of liberty and freedom? I know not what course others may take, but as for me, give me liberty or give me death.

A lawyer said that.

I can see that 34-year-old Jefferson, with the quill in hand:

> We hold these truths to be self-evident, that all men are created equal.

Equal justice under law, with the Declaration of Independence.

What is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

We are out of control: We have a $428 billion budget deficit, after talking about the surplus, surplus, and surpluses for 2 years. The public debt to the penny is $428 billion, and we have not finished the fiscal year.

Madison, the lawyer, the Emancipation Proclamation—Abraham Lincoln, the lawyer.

> The only thing we have to fear is fear itself.

Franklin Delano Roosevelt, the lawyer.

You go right on down the line, giving meaning to equal justice under law.

Thurgood Marshall, the lawyer.

These were eminent lawyers and not jury fixers. We have 60,000 lawyers working on K Street. I am one of the 60,000 licensed to practice in the District of Columbia. There are 60,000, and 59,000 will never see the courtroom of law. They are supposed to fix the 535 of us lawmakers here in Government. They are salesmen. I delight in seeing them. They are a big help because we have to have the proceedings, and I listen to both sides and I make up my mind.

But they are, under the bill at hand that has been introduced, not limited in their fees. They sit there claiming frivolity. If you are a trial lawyer, you get the client who comes in. You have to perhaps get the doctor for him, get the medicine. Then if you get the case, get out on the highway, get some pictures and everything else like that, get the experts, draw up the pleadings. After the pleadings are drawn, make all the motions, the interrogatories, and discoveries. Still you haven't gotten a red cent. Time passes on, and what happens is you get to the trial and, after all the trial and the motions in the trial, you have to win all 12 jurors. And after the 12, you have to make the motions on appeal, you have to print up the briefs, you have to go and make the arguments before the appellate court. Then, if you finally win—if you finally win, yes, you get a good fee. But you probably spent a couple of years or more waiting around. And that is the practice of the trial bar.

I have been in it. I have also defended. And they are lazy. Man, they are lazy. I have seen them. They just absolutely sit there and let the runners and investigators do all the work, call that doctor and do this and do that, and then if it is inconvenient, they say: We have a witness who is sick, and we will move for a continuance—because, why? The clock runs. The clock runs, and they get, what, $450 an hour?

I remember when I passed the first textile bill here, a Senator on the other side of the aisle came and said: I know a lawyer downtown who has been paid $1 million to get that bill passed, and he didn't do anything. Here you are, a freshman Senator, and you passed it.

I said: Yes, and I passed it for free because I believe in it.

But you have big fees down here. The clock runs with this corporate crowd, just look at the bill. They say: Oh, no, no—they have no control over their fees. Just control the trial lawyers—with tort reform. You have the biggest myth on the courts we have ever experienced.

Let's go, since my time is limited, to the truth about malpractice premiums. According to the National Association of Insurance Commissioners:

> Total profits as a percentage of premiums for 1999 [that is the most recent year for which data is available] are nearly twice as high in the medical malpractice line than the casualty and property insurance industry coverage. Recent price increases are merely an attempt by the insurance industry to maintain the extremely high level of profitability for malpractice coverage.

If that is all the profits, where are the losses? This is Enron. This is Kenny Boy. The Justice Department spent 2½ years and they can't get him. They have gotten everybody in the world. They have gotten WorldCom all the way through the courts up to the SEC and reaffirmed their bankruptcy plan, but you haven't heard any more about Kenny Boy.

Listen to what this says:

> When terrorists slammed airplanes into the World Trade Center in 2001, the Donaldson Co. in Bloomington felt the blow almost immediately. The manufacturer's property insurance renewed just days later, with nasty surprises.
>
> Our premium quadrupled from $500,000 to $2 million.

I ask unanimous consent to have this article from the Metro edition of the Star Tribune in Minneapolis printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Star Tribune, Mar. 9, 2003]

FEW SPARED AS INSURANCE RATES SOAR; CORPORATE, HOUSEHOLD BUDGETS FEEL SAME PAIN

(By Dee DePass)

When terrorists slammed airplanes into the World Trade Center in 2001, the Donaldson Co. in Bloomington felt the blow almost immediately. The manufacturer's property insurance renewed just days later, with nasty surprises.

"Our premium quadrupled from $500,000 to $2 million" and suddenly excluded $150 million worth of terrorism coverage, said Marty Kohne, Donaldson's safety, environment and insurance manager.

After Enron imploded, Donaldson's cost to insure its directors and officers tripled to $300,000 a year.

"You get very frustrated because all these events affect you, but you have no control," Kohne said.

It's a common sentiment among insurance buyers of every kind, both corporate and consumer. Pushed by events as divergent as Enron's collapse, terrorism, natural disasters, and health care inflation, insurance costs are spiraling industrywide unlike anything seen in more than a decade. The insurance inflation is part of what's stifling corporate profits and eating into household budgets, and experts believe it could be at least another two years before prices stabilize.

Insurance executives contend they've had little choice but to make major adjustments in premiums. Paul Bridges, senior vice president of Marsh USA, the nation's largest insurance broker, explained the increases this way:

"We had an insurance industry that used to make all of its money off of investment returns on Wall Street. But with the death of the dot.bombs, those stopped," he said. "Then, with recent losses, margins reversed and [insurers] weren't making money for stock holders."

"We started ratcheting up prices partly on the backs of disasters" last year, added Bridges, noting that premiums are still on the rise. Commercial policies "started off rising 30, 40 and 50 percent and some even 100 percent."

THERE'S NO ESCAPING

The burden is being felt at firms of all sizes.

Minneapolis CPA Barry Rogers runs his own firm with six employees. There have been no major illnesses among his workers, so he was shocked when his agent announced last year that his premiums were "only going up 12 percent."

"We had one person who had outpatient surgery done, and that was the extent of it," Rogers said of the firm's previous claims.

The firm's health care premiums jumped from $145 per worker to $163, with the co-pay from $15 per office visit to $25.

Rogers and his agent eventually worked out a plan to reduce the co-payment back to $ deductibles for hospitalization climbed from $300 to $500.

Statewide, commercial health insurance premiums rose 12 percent in 1999, 16 percent in 2001, according to the Minnesota Department of Health. Estimates are that rates will go up again around 12 percent this year.

Health care companies reported their costs rose 9, 13 and 10 percent in 1999, 2000 and 2001, respectively.

In many cases, the rising health care costs are being partly passed along by employers, effectively canceling out workers' cost-of-living raises. Workers are then finding that their personal insurance costs also take more money. Last year, homeowner premiums rose 10 percent nationwide. This year, homeowners' rates are expected to rise again.

"There's no doubt about it, '02 had lots of premium increases," said Kenneth Ciak, president of American Express Property Casualty, which collected $260 million in premiums last year.

CORPORATE COVERAGE

"Frankly, it's about time," Ciak said. "On the personal lines side, we have not had a 9/11 catastrophe, but there are a fair number of storms that have occurred and the homeowners' product has just been underpriced. We have not made money for the last four or five years."

While homeowners paid $37 million nationwide to protect their homes against storms, fire and other disasters in 2001, insurers reported losses and expenses equal to 114 percent of all home premiums collected last year.

Even corporate coverage, which for years was predictably and modestly priced, has exploded in cost, thanks to recent events. The accounting scandals at Enron, WorldCom and other companies have erased an change for reasonable directors and officers insurance or cheaply priced surety bonds.

The recent $1.4 billion settlement by investment banks with regulators over allegations of misleading stock recommendations also has increased the pricing pressures on such policies, as insurers brace for investor lawsuits alleging biased stock research. Directors and officers insurance protects companies if their executives are sued by shareholders or other plaintiffs.

A 2001 survey by Tillinghast-Towers Perrin found that insurance claims against executives averaged $5.7 million for each of its 2,037 corporate respondents that year, up 75 percent from 2000. Shareholder lawsuits alone leaped 178 percent to cost insurers $17 million on average in 2001.

PAYING FOR ENRON'S SINS

Companies that haven't been sued aren't escaping the fallout.

Apogee Enterprises of Minneapolis manufactures and installs exterior building glass. The company has 5,500 workers, 12 directors and no directors and officer claims in its history. Nevertheless, it is paying or Enron's sins.

"Last year we paid about $150,000 [in premiums]. Now we can expect it to go way up, maybe triple . . . even though [four underwriter groups] are very comfortable with Apogee and our governance," said Michael Clauer, Apogee's chief financial officer.

"That's the reality of Enron. If you want the coverage, you pay the price," Clauer added.

Marcy Korbel, a Marsh vice president of financial professional services, recently shared similar bad news with risk managers from General Mills Inc., 3M Co. and other firms.

Industrywide, directors and officers "premiums average 50 to 300 percent increases and that's only if there are no claims," she said. "We are seeing increases of more than 300 percent if there is claims activity and even more for companies with market caps over $1 billion."

Policy prices have to reflect reality, said Bob Hartwig, senior economist for the Insurance Information Institute.

"The end of 2001 and all of 2002 were horrific years for this country in terms of corporate governance. We have had some of the worst scandals in the history of this country," Hartwig said.

PREMIUMS GOING UP

Enron alone hit 11 insurance companies for $350 million in director and officers claims. Enron's bankruptcy also cost the St. Paul Companies $10 million in surety bond losses and $12 million in unsecured debt the insurer held in the energy company. AIG has announced a $1.8 billion charge in part to deal with claims for both Enron and WorldCom.

All of this was on top of 9/11, which brought insurers $40 billion in losses.

The St. Paul Companies, which lost $941 million in 9/11 claims, hoisted commercial premiums 32 percent in 2001, and 27 percent last year to squeak back into the black after a dismal 2001. The company lost nearly $1 billion in 2001. It earned $290 million in 2002, about half the $567 million it earned in 2000.

St. Paul CEO Jay Fishman has said premium increases will continue this year.

At Apogee, the company's property premiums have risen 40 percent, while its general liability premiums doubled. To compensate, it has adopted higher property deductibles and is self-insuring for workers compensation claims.

"Not only did we assume more of claims but we also incurred even more costs because premiums keep going up. It's been a very challenging year for us," Clauer said.

On top of that, the company is still waiting for some projects to get going because of the lack of terrorism insurance, a product that is only beginning to be offered again now and is likely to add another cost equal to about 10 percent of the property's regular insurance costs.

"We still have projects on hold because of the developers' inability to get terrorism insurance," Clauer said.

SURGING PREMIUMS

After going through a long period of subdued prices in the '90s, premiums for business and homeowners insurance are rising fast, pushed by a confluence of events including terrorism, corporate crimes and natural disasters. Percentages for 2002 are estimated, percentages for 2003 are forecast.

Premium percent change from prior year—'90 4.5 percent; '02 14.0 percent; and '03 12.2 percent.

Mr. HOLLINGS. Mr. President, Enron alone hit 11 insurance companies for $350 million in director and officer claims. Enron's bankruptcy also cost St. Paul $10 million in surety bond losses and $12 million in unsecured debt insurers held in the energy company. AIG has announced a $1.8 billion charge in part to deal with claims for both Enron and WorldCom.

All of this was on top of 9/11 which cost insurers $40 billion in losses. Now, we find 9/11 and Enron. Kenny Boy is responsible for the losses. It is not medical malpractice. In fact, in all of the cases, only 1 out of 9, or 12 percent, of the cases actually go to court. Some 26 percent of that small percentage actually are tried. The verdicts are up instead of down. But now we find out from where they come.

I have another article in the final edition of the Gannett Corporation on Friday, January 3, 2003. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Jan. 3, 2003]

J.P. MORGAN, INSURANCE FIRMS SETTLE LEGAL DISPUTE

(By Edward Iwata)

Hoping to cut loose the Enron albatross, J.P. Morgan Chase early Thursday settled a legal dispute with 11 insurance firms that had accused the Wall Street bank of engaging in sham financial deals with the collapsed energy-trading firm.

Later in the day, J.P. Morgan Chase said it will take $1.3 billion in fourth-quarter charges to cover losses on its dealings with Enron and to create a $900 million reserve for related but unresolved legal claims.

J.P. Morgan Chase had sued the insurers last year, after the companies refused to cover $1.1 billion in losses on several failed energy trades in the late 1990s involving Enron and Mahonia, an offshore company associated with J.P. Morgan Chase.

The insurers—plus congressional investigators who have looked into Enron's ties with Wall Street banks—alleged that the deals between Enron and J.P. Morgan Chase were fake accounting transactions designed to hide debt and boost revenue.

Under the complex settlement submitted in court, the insurance companies could pay from $520 million to $660 million to J.P. Morgan Chase.

Neither side admitted wrongdoing, and both claimed a legal victory.

John Callagy, an attorney at Kelley Drye & Warren in New York who represents J.P. Morgan Chase, says the settlement bolsters the bank's contention that the Enron deals were legitimate. "There was absolutely no evidence of fraud," he says.

Alan Levine, a lawyer at Kronish Lieb Weiner & Hellman in New York and the lead attorney for the insurers, says, "We're very satisfied with the economics of the settlement."

J.P. Morgan Chase's troubles relating to Enron haven't ended, though. The bank still faces the giant Enron bankruptcy case, a shareholders' class-action lawsuit against Enron and several Wall Street banks and federal investigations into the Enron scandal.

The insurers' settlement should have no legal impact on the other legal fights, says one attorney close to the cases. However, lawyers often use settlements as leverage in talks in related cases.

In the insurers' case, the settlement came early Thursday morning, near the end of a monthlong trial in New York before U.S. District Judge Jed Rakoff. The jury was ready to start its deliberations Thursday.

As part of the settlement, Travelers Property Casualty could pay up to $159 million; Chubb's Federal Insurance, $110 million; Lumbermens Mutual Casualty, $94 million; Allianz's Fireman's Fund, $93 million; St. Paul Fire & Marine Insurance, $80 million; CNA Financial's Continental Casualty and National Fire Insurance, $47 million; Safeco, $33 million; Hartford Financial Services, $25 million; and Liberty Mutual Insurance, $13 million.

Mr. HOLLINGS. Mr. President, it says:

Hoping to cut loose the Enron albatross, J.P. Morgan Chase early Thursday settled a legal dispute with 11 insurance firms that had accused the Wall Street bank of engaging in sham financial deals with the collapsed energy-trading firm.

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Let us talk about those losses. Where do we go?

I quote from an article dated June 30 in U.S. News and World Report.

The case of Samuel Desiderio, while tragic, seems to give perfect voice to the complaints of many doctors who see a legal system gone wild. As a 4-year-old, he suffered brain damage following surgery at a New York City hospital. A state court jury awarded him a hefty $80 million for medical expenses and pain and suffering. In April, just two months ago, an appeals court approved boosting the award against his doctors and the hospital to an astonishing $140 million.

But as Joan Butsko's modest award suggests, caps may not be the answer. Insurance costs are up, but it's not clear that juries or the courts are the culprits, or even that the crisis is as dire as it's being portrayed. The statistics don't line up as neatly as doctors and insurers would have them, and left out of the argument is recognition that ordinary market forces may be at work instead.

For starters, there's no explosion of cases that might drive up legal costs. The number filed each year has remained fairly steady during the past decade, according to the National Center for State Courts. Further, most malpractice plaintiffs never even see a jury—two thirds of their cases are dropped or dismissed—and when they do, it often isn't a sympathetic one. Only a tiny sliver of cases filed—just 0.9 percent of some 5,500 cases surveyed for 2002—produce jury verdicts for patients claiming injury. And even the size of that small wedge is down by half since 2000, according to the Physicians Insurers Association of America, the trade group for malpractice insurers owned or operated by doctors, which account for about 60 percent of the market.

Within that wedge, the number of payments that doctors' insurers make following jury verdicts has held steady in recent years, at around 400 annually, according to a U.S. News review of hundreds of thousands of payments of all kinds reported to the federal National Practitioner Data Bank. These payments total about $143 million each year. Malpractice insurers are required by law to report their payouts to the system.

Doctors and insurers say that frequency of claims aside, the prime issue is the size of awards. Indeed, the size of insurer payments stemming from jury verdicts has been increasing in recent years, U.S. News has found; in 2002 it reached a median of $295,000. But, that's far below the median jury award of $1 million the AMA and others often cite. Even assuming two defendants per case—a number insurers say is typical—plus other adjustments, the median payment remains hundreds of thousands of dollars short of the $1 million figure.

But it's not clear that verdicts are really the whip behind settlements. Over time, the size of a typical settlement payment has grown somewhat faster than a typical jury verdict payment. And while the sum from jury awards has remained stable over the past decade, the total of payouts from settlements has soared, especially recently, when doctors say the crisis has emerged.

Mr. President, that is what punitive damages do. They really set the pace.

Dickie Scruggs and Ron Motley, the trial lawyers in the tobacco case, did more to cure people of cancer or prevent people from getting cancer than Dr. Koop and Dr. Kessler.

I have been in the vanguard since Warren Magnuson had me have cancer hearings all the way back in 1967 and 1968. And over the years, we have tried everything in the world to stop people from smoking.

If my time is up, I ask unanimous consent for 10 additional minutes, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

People talk about those two lawyers and say, "Look at all the fees they got." I say look at all the good they did. Over the many years, we have had the American Cancer Society, we have had fundraisers, we have had cancer institutes, we have had all kinds of research and everything else like that, but how do you stop people from smoking? When they got that 360-some-billion-dollar settlement with the Government, the Attorney General, the medical community, and everybody concerned, and the State attorneys general, that failed to pass the Senate, so it was taken up, and I think it was $232 billion that the States settled for. That money is being paid out. In many States they have programs to teach youngsters to avoid smoking. I go to the heart of the Pee Dee in South Carolina where they grow tobacco, and you will see a big sign on the courthouse that says: "No smoking."

Now, that really got me. Those two lawyers really deserve every dime they get out of the legal fees. They had been bringing cases upon cases upon cases, and I think their average victory was some 4 in 100 cases.

They just lost another case down in Charleston last year. Of course, there have been ridiculous verdicts, like in Florida, where the punitive damages is somewhere around $27 million, but had been $145 billion. Well, that was a six-man jury and a judge who did not know what they were doing. That was just a seven-man conspiracy. I agree, it was wild and unjustified.

My point is, these trial lawyers are really doing a wonderful service. I can go to the class actions, I can go to the asbestos cases. The onslaught has got to be stopped here on this so-called tort reform because it is totally political. It is totally campaign funds. It is totally the election next year and not the needs of the country.

Mr. President, that is what is going on, and colleagues have to wake up and realize we have a President who runs off to Africa, who has not settled Afghanistan, who does not know where he is in Iraq. All he knows is the election is next year, in November. So there we are. We are being put upon with not the needs of the country but, frankly, with the needs of the campaign.

I have an article here dated September 7 of last year from the New York Times. I ask unanimous consent to have that article printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 7, 2002]

Insurers Scale Back Corporate Liability Policies

(By Jonathan D. Glater and Joseph B. Treaster)

Shellshocked by corporate scandals and fearful of the hefty payments they will have to make to settle shareholder lawsuits, the big commercial insurance companies are cutting back sharply on liability coverage for American corporations, their directors and senior executives.

The cutbacks are taking the form of higher deductibles and lower limits on overall coverage. But the insurance companies are also demanding that corporations pay part of any court settlements or jury awards out of their own pockets. As a result, corporations in telecommunications, energy, financial services and pharmaceuticals—where the risk of being sued is thought to be highest—could face payments of up to half of the cost of any settlement.

The three leaders in this line of coverage—the American International Group, the Chubb Group and Hartford Financial Services—have already begun requiring some customers to share the expense of settlements.

The cutbacks effectively limit the size of policies insurance companies will sell to any one company, said Andrew Marcell, who is in charge of insurance for directors and corporate officers at Guy Carpenter, a New York reinsurance broker and a unit of the Marsh & McLennan Companies.

"Companies that until recently were willing to provide $50 million in coverage are now offering $25 million, and companies that offered $25 million are now providing $10 million to $15 million," Mr. Marcell said.

Enron had $350 million in this kind of coverage and some corporations had been buying up to $1 billion worth. But now, Mr. Marcell said, "$250 million in coverage is pretty hard to come by."

The sharing of the burden of settlements may also leave directors' and officers' personal assets exposed, lawyers said.

"This is very bad news for directors and officers," said Michael Young, a partner at the law firm of Willkie Farr & Gallagher in New York who often represents directors and officers. "The insurance industry is sending out the word that for outside directors, insurance that provides 100 percent protection is going to be increasingly difficult to get and companies are going to have to pay through the nose for it."

John Keogh, a unit president of the American International Group, said that some corporations could avoid sharing the costs of lawsuits with insurance companies and get full coverage up to limits of their policies by paying higher premiums. But David H. McElroy, who is in charge of this kind of insurance at Hartford Financial Services, said the riskiest clients could not get full coverage at any price.

The insurers say they are merely acting in self-defense as they watch corporate giant after corporate giant collapse as they come under fire for deceptive accounting and management abuses that have drained companies like WorldCom, Global Crossing and Tyco of hundreds of millions in corporate money.

As share prices of these companies have plunged, shareholders have turned to lawsuits in an attempt to recover at least some of their losses.

Combining the expected costs from some of the latest lawsuits, which are still in their early stages, and scores of others that have been working their way through the courts over the last few years, insurers estimate that they will have to pay out $7.5 billion this year on liability policies for directors and officers—but they collected only $4.5 billion in premiums.

"The expected claims paid out are going to be multiples of the premiums that have been collected," said Mr. Keogh of A.I.G. He would not comment on specific numbers. Some insurers said that they expected the actual losses to be lower, but that the industry would still lose money this year. Quietly, several insurers have also begun trying to cancel certain policies, arguing that corporate fraud makes them void—a nightmare for executives.

The cutback in liability coverage and increases in premiums are hitting corporations hard. Bruce S. Zaccanti, an insurance consultant at Ernst & Young, said a nationwide real estate management company he had been advising paid $3 million for $100 million in coverage last year. This year, the company's premium jumped to $4.5 million for $70 million in coverage. On top of that, he said, the deductible has jumped to $15 million from $5 million.

By forcing the companies to share the cost of settlements, the insurers also hope to prod them to fight harder to keep those costs down. When all the costs have been covered, the insurers said, the corporations are often eager to settle quickly—rather than work for a smaller settlement.

"There is no doubt in our minds that insureds' settlement behavior has been less reluctant than maybe it once was when there was an economic alignment," said Tony Galban, vice president and manager of directors and officers liability insurance underwriting at Chubb Specialty, a subsidiary of Chubb & Son.

In recent years, the average size of settlements in securities lawsuits has increased drastically, rising to $16 million in 2001, according to the Securities Class Action Clearinghouse, an organization at Stanford University that tracks securities litigation. Before 1995, when a law was passed making it tougher to bring securities fraud claims, the average settlement was less than half that amount.

The possibility that individual directors and officers could be forced to dip into their own wealth may make it harder to recruit executives to serve on corporate boards, said Brooks Chamberlain, head of the global insurance practice at Korn/Ferry International, an executive search firm. Fearful of personal liability, more and more recruits are conducting their own due diligence on prospective employers, he said.

Smaller companies, companies with financial problems, companies in certain industries perceived to have a higher incidence of fraud, and companies with fewer hard assets but sizable market capitalizations will have more trouble, Mr. Chamberlain said.

According to Mr. Young of Willkie Farr & Gallagher, directors want some assurance that somebody else will be able to pay any settlement or damage award.

"What if the company goes into bankruptcy? Then who covers?" he asked rhetorically. "Or what if the company's just not wealthy enough?

The changes have already had the odd effect of leading to the creation of a new type of policy that will protect only independent directors. A.I.G. will sell the policies that cannot be canceled even in the case of management fraud, Mr. Keogh said.

But Gregory M. Schmidt, general counsel at the LIN TV Corporation, an owner of television stations in several states, wondered whether companies might choose not to take on the additional cost of these policies and instead promise to cover any settlement costs owed by the directors. "The question is whether that's going to be satisfactory" to the directors and officers, he said.

LIN's policies are not up for renewal until March, he said, but executives at the company are monitoring changes the insurers are announcing.

"We're worried," he added.

Mr. HOLLINGS. We really are in trouble. I have in my own State the widow of a physician who worked at a hospital in Columbia, where her husband died after surgery. They had to sue as a result of his death.

How can we, the Congress, solve this problem? Let the doctors discipline the doctors. They are going to have to do it on the one hand. And let's have insurance reform. Yes, the Durbin-Graham approach is salutary in that it does away with the fixing of rates. That ought to be done away with. But the only way to really get at the problem itself is what they did in California with proposition 103 that passed in 1988 and that is to regulate the rates themselves.

You can get the information only then from the insurance companies, and I have tried my best as a member of the Commerce Committee, subject to insurance jurisdiction, to try to again and again, year in and year out. And the insurance companies won't tell you anything because they say they are State regulated and we have no jurisdiction whatsoever over them. If there is one thing that is engaged in interstate commerce, it is insurance.

Let's don't just go with terrorism insurance, and just tax credits to pay the premiums, and patchwork little Band-Aids on this problem. Let's get to the real heart of the problem. The insurance companies lost money. They lost it on Kenny Boy. And now the officers and directors of these corporations are being sued, and the rates have gone up with respect to corporate bad practice. The only way to get at it is insurance reform itself.

We are just acting like a dog chasing its tail when we go on about tort reform, and the lawyer's fees, and joint and severable liability, and product liability. If they are real problems, every State has a legislature and they are subject to that jurisdiction. They can do it. But as far as insurance goes, I have worked with them. I have seen them, after 50 years of governmental service at every level. I had to clean up my own insurance department as Governor of South Carolina. I know it intimately.

I can tell you that we have an insurance reform bill, and I want to work with my colleagues on this, for this is how to take care of the medical malpractice increase in premiums.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today in strong support of S. 11, the Patients First Act, of which I am an original cosponsor. Throughout my career in public service, health care has been one of my top legislative priorities. We all want access to quality, affordable health care. And when the quality is not there, when people die or are truly sick due to negligence or other medical error, they should be compensated. But when healthy plaintiffs file meaningless lawsuits to coerce settlements or to shake the money tree to get as much as they can get, there's a snowball effect and all of us pay the price.

For the system to work, we must strike a delicate balance between the rights of aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous lawsuits and outrageous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole.

I have been concerned about this issue since my days as Governor of Ohio. I wish we had the outpouring of support for medical liability reform 6 years ago that I see now. In 1996, I essentially had to pull teeth in the Ohio Legislature to pass my tort reform bill. I signed it into law in October 1996. Three years later, the Ohio Supreme Court ruled it unconstitutional, and if that law had withstood the Supreme Court's scrutiny, Ohioans wouldn't be facing the medical access problems they are facing today: doctors leaving their practice, patients unable to receive the care they need and costs of health insurance going through the roof.

During my time in the Senate, I have continued my work to alleviate the medical liability crisis. To this end, I worked with the American Tort Reform Association to produce a study that captured the impact of this crisis on Ohio's economy in order to share these findings with my constituents and colleagues. Guess what we found? In Ohio, the litigation crisis costs every Ohioan $636 per year, and every Ohio family of four $2,544 per year. These are alarming numbers! In these economic times, families can not afford to pay $2,500 for the lawsuit abuse of a few individuals.

It is not just the individuals but the lawyers who bear some of the responsibility. I recently received my yellow and white pages. Look what I found on the front and back covers, advertisements for personal injuries. This is the yellow pages of the Cleveland phonebook and the white pages, advertisements on the front cover and on the back cover. One of them says: Medical malpractice. It talks about wrongful death, quadriplegic/paraplegic. They have pictures, birth injuries, nursing home negligence, Erb's palsy, cerebral palsy, heart attacks/late treatment, cancer late diagnosis, emergency room negligence.

It goes on to say, "Our firm will advance expenses for our clients in most cases," and "Clients do not have to repay expenses unless there is a successful outcome." This kind of stuff is in the yellow pages and on television every night.

When I got out of law school, solicitation was a violation of the canons of professional ethics of lawyers. That has all changed today. I think unfortunately so.

Next to the economy and jobs—the most important issue facing our country today is health care. In fact, it is a major part of what is wrong with the economy. We have too many uninsured, employers face spiraling costs, and those who have insurance face soaring premiums every year. The impact on businesses is great. It affects their ability to offer health insurance to employees. Too many times, they pass on the added costs to their employees, whose family budgets are often already stretched razor thin. And then there are those who lose their jobs and can't afford COBRA, assuming their company is still in business and COBRA is available.

This issue is a personal one for me. My daughter-in-law, who is expecting her fourth child, recently learned from her obstetrician that after her delivery, she is no longer going to deliver any more babies. Her doctor is in a four-physician group, all of them obstetricians. They have never had any lawsuits against them, yet their insurance premiums have skyrocketed from $81,000 three years ago to over $381,000 today. That's $75,000 per person over a period of 3 years. How can physicians be expected to afford rate hikes like these? And how many babies do they have to deliver in order to pay for medical insurance. Think of somebody getting out of medical school that is an OB/GYN and being told: Before you open the door, you will have to pay a premium of $75,000 to $80,000 to practice medicine.

This crisis is out of control, and when you listen to the statistics, you will be astounded:

From 1994 to 2000, the median award for medical negligence in childbirth cases, $2.05 million, was the highest for all types of medical malpractice cases analyzed.

The median medical liability award jumped 43% in one year, from $700,000 in 1999 to $1 million in 2000; it has doubled since 1995.

Medical liability reform could produce $12.1 billion to $19.5 billion in annual savings for the Federal Government and increase the number of Americans with health insurance by up to 3.9 million people.

There are some who say the Federal Government doesn't have a dog in the fight. We certainly have, when medical liability reform could produce $12.1 billion to $19.5 billion in annual savings and increase the number of Americans covered by insurance.

Seventy-six percent of physicians in Ohio, surveyed by the Ohio State Medical Association, said rising professional liability premiums have impacted their willingness to perform high-risk procedures.

Over half said they are considering early retirement as a result of rising costs.

There has also been an immense jump in million-dollar verdicts. In 1995–97, a little over 36 percent of cases resulted in an award of $1 million or more. By 1998–99, the rate of million dollar awards reached 43 percent. By 2000–01, it was at 54 percent, with one quarter of all awards exceeding $2.7 million. It is going up like a rocketship.

These numbers are shocking, and they continue to grow. We feel this crisis very strongly in Ohio. Medical Liability Monitor ranked Ohio among the top five states for premium increases in 2002. OHIC Insurance Co., among the largest medical liability insurers in the State, reports that average premiums for Ohio doctors have doubled over the last 3 years. But don't listen only to the statistics. Let's talk about doctors—human beings who have practices and patients:

Dr. Perm Jawa, a Cleveland urologist, says that soaring liability premiums leave him in perpetual fear of career-ending lawsuits. "I shy away from major cases now. Sometimes you know what the best thing is but you don't want to be doing it because there are potential complications with it," Jawa said. "You're not as aggressive as you should be."

In Columbus, Dr. David Stockwell has seen coverage for his two-physician OB–GYN practice climb to over $100,000 a year. And he expected his premiums to rise 20 to 25 percent in May.

Dr. Robert Norman, a geriatrician in Cuyahoga Falls, saw his annual medical liability premium jump $5,700 to $34,000 last year. He had been warned that it could reach $100,000 this year if he continued treating patients in nursing homes. But in May he received an unexpected ultimatum from his insurer and every other carrier he queried: agree to stop seeing nursing home patients or lose liability coverage altogether. As a result, 150 of Dr. Norman's patients had to find a new doctor.

Dr. Stephen Cochran lost his hospital privileges at Akron General Medical Center when his insurer's financial stability rating was downgraded recently. He is seeking another insurer, but meanwhile, he says, "We receive daily phone calls from the patients: 'Why aren't you here? Why aren't you seeing me? I want my doctor.' " He says. "It's been very stressful to a lot of the patients, particularly the geriatric patients . . . This [the malpractice crisis] has probably changed the nature of our practice more than anything that has happened in the last 10 to 20 years."

After practicing for 15 years—their entire careers—in Cleveland, Dr. Christopher Magiera and his wife, surgeon Patricia Galloway, decided to leave Ohio to seek refuge from overwhelming liability premiums. Their insurance agent warned them that both would soon be paying $100,000 in annual premiums, up from $30,000 this year. Magiera and his wife decided to "get out before the situation became hopeless," he said. They resettled in Wisconsin. Good for Wisconsin.

This is disgraceful. This crisis is forcing doctors to close their doors and greatly affecting patient access to care.

I want to commend the physicians' grassroots efforts—they are really starting to get attention for this issue. On May 3, 2003, I spoke in my home State of Ohio at the annual conference of the Ohio State Medical Association. I also participated in a physicians rally last October in Columbus, OH which was sponsored by the Ohio State Medical Association. I was impressed with all of the speakers, in particular, Dr. Evangeline Andarsio, an OB-GYN from Dayton, who described the changes in the profession and the effect of the litigation cloud:

> The professional liability crisis is creating a barrier to patients' access to good medical care, especially pregnant women. . . . a paradigm shift needs to occur in our society. Our laws must change to begin to reflect this paradigm shift.

After speaking at this rally, I received a letter from a young doctor, telling me that he was leaving Ohio because he couldn't afford his medical liability insurance premiums. Dr. Cly had received a notice from his insurance carrier that his premiums would be increased by $20,000–30,000. This, plus the $20,000 increase from last year, forced him to make the difficult decision of uprooting his family and his practice to another State. Dr. Cly was unable to make the insurance premiums and still take care of his student loan obligations and his family. Even though he has never had a malpractice claim or judgment against him during his residency training or his private practice years, his rates continued to skyrocket to the point where he could no longer afford them. His move to Fort Wayne, IN, will save him $50,000 per year in liability insurance.

In his letter to me, which I would like to submit for the record, Dr. Cly writes:

> I represent young physicians in Ohio. Most young physicians I speak with are all considering relocating to a place where the ability to practice medicine is better and the liability situation is more stable. I do not want to leave. I have developed close relationships with many patients, families, nurses, physicians, and staff here in Dayton, Ohio. I always planned to retire here and raise my children here. It saddens me greatly to have to make this decision. I feel as if I am giving up and "throwing in the towel" by leaving, but I believe my decision is the right one for my family.

I ask unanimous consent that this entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 16, 2003.

Hon. GEORGE V. VOINOVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: Thank you for you listening to the challenges Ohio physicians are facing regarding the medical malpractice insurance premiums. As you may recall, I was the young physician from Dayton, Ohio who spoke with you after your speech to the Ohio State Medical Association May 3, 2003, while you were walking to another meeting. I work alongside Dr. Evangeline Andarsio at Miami Valley Hospital.

I too, am an obstetrician/gynecologist here in Dayton, Ohio. I have been in Dayton since 1988 when I attended the University of Dayton. I later went to Wright State University School of Medicine in 1992. After graduating from medical school, I did my residency training at Miami Valley Hospital from 1996 until 2000. I have been in private practice for the past 3 years.

In order to attend college and medical school I had to take out educational loans and work during those years. As a result, I have accumulated $150,000 in student loans. With the decreasing reimbursement and increasing medical liability insurance premiums I am not able make much effort in paying off my student loans. In addition, I am married with a set of 5 year old boy and girl twins. I haven't been able to afford to save for their future college educations yet, nor have I been able to put away much money in a retirement plan for me and my wife.

Unfortunately, the liability insurance rates are being unfairly and significantly increased once again this July by our carrier, OHIC. I am expecting another $20,000–30,000 increase from the $20,000 increase last year. Currently, prior to the July increase, I am paying $55,000 for my insurance premium. It is important to know that I have never had a malpractice claim or judgment during my residency training or private practice years.

I no longer afford to stay in Dayton or Ohio to practice medicine. I am leaving the state, in July, 2003, and I will be moving to Fort Wayne, Indiana to practice medicine. I will save approximately $50,000 per year in liability insurance alone. In addition, the managed care penetrations is much less and the reimbursement is better. These factors will allow me to begin eliminating my debt and saving for my family's future.

I represent young physicians in Ohio. Most young physicians I speak with are all considering relocating to a place where the ability to practice medicine is better and the liability situation is more stable. I do not want to leave. I have developed close relationships with many patients, families, nurses, physicians, and staff here in Dayton, Ohio. I always planned to retire here and raise my children here. It saddens me greatly to have to make this decision. I feel as if I am giving up and "throwing in the towel" by leaving, but I believe my decision is the right one for my family.

I am extremely thankful of your willingness to help physicians with this crisis. I am genuinely concerned about the future of medicine for our patients. If these issues aren't corrected soon, many patients will suffer due to the lack of access to care.

If I can be of any assistance please contact me. My home phone is 937-376-0705. My cell phone is 937-657-5094. My 24 hr pager is 937-636-3263. My office numbers, until June 27, 2003, are listed above. My email is geoffcly@msn.com.

Sincere Thanks,

GEOFFREY CLY, MD.

Mr. VOINOVICH. For those of my colleagues who think medical liability reform is a State issue, I ask them to read this letter and see how the medical liability crisis transcends State lines—particularly my friends from the neighboring State of West Virginia. Our Ohio physicians who practice along the border are feeling the effects of their proximity to West Virginia and its favorable plaintiff's verdicts. They are feeling these effects in their increasing insurance premiums.

This is a nationwide crisis. And it's not only doctors crossing State borders to find better insurance rates—it's patients as well. Citizens living along the thousands of miles of State borders very often obtain their medical care across that line. Federal action is appropriate and critically necessary. Even more so because this crisis affects Federal health care programs, including Medicare and Medicaid, and costs the Federal Government billions of dollars every year.

In fact, the cost of this crisis to the economy is quite staggering. With over 41 million Americans without health insurance, including an estimated 1.25 million Ohioans at some time in 2001, we have to look at a new system—because this crisis is not only bad for doctors and patients, it also affects our competitiveness in the global marketplace. Many of our company's insurance costs have skyrocketed because of medical lawsuit abuse costs that their competitors just do not have.

The Nation's medical schools and students feel the effects of the medical liability crisis. According to the National Resident Matching Program, a private, nonprofit corporation, the number of American medical students applying to general surgery residency programs declined by 30 percent from 1992 to 2002. If this trend continues, less than 5 percent of medical school graduates will choose a career in surgery by 2005, and only 75 percent of general surgery residency positions will be filled by graduates of medical schools in the United States.

Thank God we have foreign doctors who have come to the United States of America. In Ohio, one out of six doctors is an Asian Indian.

And, in its 2003 biennial survey of medical residents in their final year of training, the firm of Merritt, Hawkins & Associates, MHA, noticed a disturbing trend. When asked if they would study medicine or select another field if they had their education to begin again, one quarter of all residents surveyed indicated they would select another field—this compared with only 5 percent in 2001. It is sweeping across the country and everybody is getting hit. It is going to have a disastrous effect—it already is—and we have to do something about it. When asked to identify what factors caused them a significant level of concern, sixty-two percent of residents indicated that malpractice is a significant area—compared to just 15 percent of residents surveyed 2 years ago.

Specific medical specialties feel the crisis more than others. A September

25, 2002 report by the American Association of Neurological Surgeons, Congress of Neurological Surgeons, and Council of State Neurological Societies, entitled "Neurosurgery in a State of Crisis" found that professional liability costs among Ohio neurosurgeons have skyrocketed since 2000. For a $5 to $7 million coverage policy, in 2000, a physician would have paid $75,000. By 2002, this number had jumped to $168,000.

Not only in Ohio, but across the nation, between 2000 and 2002, the average premium increase was 63 percent. As a result, of those neurosurgeons polled: 14 percent said they plan to, or are considering moving; 25 percent said they either plan to, or are considering, retiring; 34 percent said they already do, or are considering, restricting their practices.

In my hometown of Cleveland, OH, at one of our hospitals, the neurosurgeons just left. There was no one there to take care of emergency patients, although just recently because of something the Cleveland Clinic did, they agreed to step in, but there were four neurosurgeons serving about 15 hospitals, and they just decided they were getting out. Who is going to pick that up for them? What is going to happen to those patients?

Patients cannot get emergency medical treatment because fewer neurosurgeons are covering ERs, and trauma hospitals are shutting their doors and diverting patients with serious head and spinal cord injuries to other locations.

Patients cannot find a neurosurgeon close to home because neurosurgeons are moving to States where insurance costs are relatively stable.

Further exacerbating this problem is the high retirement rate. According to the American Board of Neurological Surgery, in 2001 alone, over 300 neurosurgeons retired. This is 10 percent of our Nation's neurosurgical workforce. And for the first time in over a decade, there are now fewer than 3,000 board certified neurosurgeons practicing in the U.S.

Earlier this year, I participated in a press conference with my distinguished colleague from Pennsylvania, Senator SANTORUM, and my distinguished colleague from Nevada, Senator ENSIGN. During this conference, I met a doctor from Florida who had rushed his son to the hospital with his head hemorrhaging, only to find that there were no pediatric neurosurgeons there. He asked if a regular neurosurgeon could help, but they could not because pediatric neurosurgeons require special liability insurance. Due to the exorbitant costs of insurance for pediatric neurosurgeons, only seven were practicing in the State of Florida and the nearest one was 150 miles away. Fortunately, the boy survived, but this type of scenario does not need to happen.

I was recently speaking with some doctors in Cleveland who told me that the nephrologists practicing there will not even look at a baby facing kidney problems, because adding pediatric work to their existing practices will cause their premiums to skyrocket.

The effects of the medical liability crisis can also be felt by the obstetrics-gynecologists community. In fact, obstetrics-gynecology is among the top three specialties in the cost of professional liability insurance premiums. Nationally, insurance premiums for OB-GYNs have increased dramatically: the median premium increased 167 percent between 1982 and 1998. The median rate rose 7 percent in 2000, 12.5 percent in 2001, and 15.3 percent in 2002 with increases as high as 69 percent, according to a survey by Medical Liability Monitor, a newsletter covering the liability insurance industry.

According to Physicians Insurance Association of America, OB-GYNs were first among 28 specialty groups in the number of claims filed against them in 2000. OB-GYNs were the highest of all specialty groups in the average cost of defending against a claim in 2000, at a cost of $34,308. In the 1990s, they were first—along with family physicians-general practitioners—in the percentage of claims against them closed with a payout of 36 percent. They were second, after neurologists, in the average claim payment made during that period.

Although the number of claims filed against all physicians climbed in recent decades, the phenomenon does not reflect an increased rate of medical negligence.

That is something we should point out. It does not reflect an increased rate in negligence.

In fact, OB-GYNS win most of the claims filed against them. A 1999 American College of Obstetrics and Gynecology survey of its membership found that over one-half of claims against OB-GYNS were dropped by plaintiffs' attorneys, dismissed or settled without a payment. Of cases that did proceed, OB-GYNS won seven out of ten times. Enormous resources are spent to deal with these claims, only 10 percent of which are found to have merit. The costs to defend these claims can be staggering and often mean that physicians invest less in new technologies that help patients. In 2000, the average cost to defend a claim against an OB-GYN was the highest of all physician specialties: $35,000.

According to an ACOG survey of its members, the typical OB-GYN is 47 years old, has been in practice for over 15 years, and can expect to be sued 2.53 times over his or her career. Over one-fourth of ACOG fellows have even been sued for care provided during their residency. In 1999, 76.5 percent of ACOG fellows reported they had been sued at least once so far in their career. The average claim takes over 4 years to resolve.

Practicing medicine and having lawsuits hanging over your head, and only 10 percent are well taken, can you imagine, Mr. President, how it is to practice medicine under those conditions?

How does all of this affect patients' access to care?

As premiums increase, women's access to general health care—including regular screenings for reproductive cancers, high blood pressure and cholesterol, diabetes, and other serious health risks—will decrease. OB/GYNs are disappearing.

It leads to more uninsured women. Last year, 11.7 million women of childbearing age were uninsured. Without medical liability reform, a greater number of women ages 19 to 44 will move into the ranks of the uninsured.

The legislation we are debating today gets us on our way to enacting meaningful medical liability reform.

There are going to be a lot of excuses. We are going to hear from some colleagues as to why this is not a good thing, and they are going to get into specific caps and so forth.

The fact is, this legislation provides a commonsense approach to our litigation problems that will help keep consumers from bearing the cost of costly and unnecessary litigation, while making sure those with legitimate grievances have recourse to the courts.

That is what we want to do. We want to make sure those who are legitimately harmed have recourse to the courts and are compensated.

The bill sets sensible limits on noneconomic damages to help restrain medical liability premium increases, while ensuring unlimited economic compensation for patients injured by negligence.

In other words, there is no cap on economic compensation. All of those issues that can be documented, you can be reimbursed for. It limits attorney's fees so the money awarded in the court goes to the injured parties, who are the people who really need it. It mandates that relevant medical experts testify in malpractice trials, as opposed to highly paid "expert witnesses" who are often used to influence juries and foster abuses in the legal system. It also allows physicians to pay any large judgments against them over a period of time in order to avoid bankruptcy, and requires all parties to participate in alternative dispute resolution proceedings, such as mediation or arbitration, before going to court.

It is a sensible way of handling a problem in our country and, at the same time, looking at the societal costs that are being paid today by all Americans.

Providing this commonsense approach to our medical liability premiums is a win-win situation. Patients would not have to give away large portions of their judgments to their attorneys, truly injured parties can recover 100 percent of their economic damages, punitive damages are reserved for those cases that are truly justified, doctors and hospitals will not be held liable for harms they did not cause, and physicians can focus on doing what they do best: practicing medicine and providing health care.

I end with the words of Dr. Andarsio, whom I quoted earlier:

> Help us to maintain an ability to have a practice that offers patients excellent access to care—to continue one of the most important relationships in our lives—the doctor-patient relationship—thus maintaining individualized and compassionate care.

In my own particular case—and it may be why I am probably more fired up about this than some people in the Senate—when I was about 2 years old, I contracted osteomyelitis.

It is a disease in the marrow of the bone. There was a lot of controversy among a couple of doctors on how I should be treated for that osteomyelitis. There was one physician who had the courage to try some new things. His name was Dr. Holloway. Dr. Holloway saved my life. I will not ever forget going to his funeral.

There are a lot of other people around this country, like GEORGE VOINOVICH who are in need of access to orthopedic surgeons and other types of medical care. I want them to have the same opportunity I had, to have a life. That is what this is about.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I also understand we are under an agreement that we go back and forth. It could be that a Democratic speaker might have been next. Therefore, I ask unanimous consent that I be allowed to go ahead and speak since I am in the Chamber and prepared to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I have heard colleagues on the other side of the aisle extol the virtues of the Weiss report to justify opposing limits on noneconomic damages. Some of our colleagues on the other side of the aisle seem to view this report as the end all and be all of reports on the effect of damage caps.

This Weiss report makes the rather bold and somewhat astonishing assertion that States with caps on damages actually have higher premiums than States without caps on damages. I never heard of such a conclusion. Indeed, it flies in the face of common sense, common experience, and the expertise of actuaries and insurance commissioners.

As one can imagine, I was intrigued by this report and wanted to learn more about it. Upon reviewing the report, it reminded me of the saying by Mark Twain, or Will Rogers, who said: There are lies, there are damn lies, and then there are statistics.

I am wondering how Weiss calculated the median premiums found in his report. No one can seem to figure that out because the report never really explains how the median premium was established.

The Weiss report uses data over a decade-long period. We are talking about the cost of something, in this case insurance coverage, over a substantial amount of time. Inflation is a pretty basic statistical variable for which one should account. Does the Weiss report take inflation into account in reaching its conclusion regarding caps? It looks as if the Weiss report knows that to do a proper analysis one should take inflation into account. After all, it does so in analyzing insurance company payoffs.

For some inexplicable reason the Weiss report fails to do so in its analysis of the increase in insurance company premiums. There is no indication Weiss took inflation into account, despite the fact it does so in making a similar calculation for insurance company payoffs in other parts of the report. If I didn't know better, I would say such a glaring and telling omission was part of an effort to arrive at a predetermined conclusion.

The publication from which the Weiss report obtained its data is something called the Medical Liability Monitor. It is one of the best sources for medical malpractice premium information. Many legitimate reports use the data found in this publication to help explain the crisis. The most recent comprehensive rate survey in the Medical Liability Monitor, dated October 2002, had a headline that reads "2002 rate survey finds malpractice premiums are soaring. Hard market wallops physicians. Average rate increase more than double those in 2001."

It seems to me the methods the Weiss report uses are not only wrong but, in fact, misleading. The Weiss report is so seriously flawed, according to the Medical Liability Monitor, the experts who collect the data that Weiss manipulated, actually had to print the following disclaimer in a June 2003 issue to ensure this report was not used to mislead the public.

Let me read the most salient parts.

> The Weiss ratings analysis of medical malpractice caps cites Medical Liability Monitor as the source of data Weiss uses to calculate average and median premiums for physicians during the last 12 years.
>
> While we are an independent news publication and take no position on tort reform or other proposals to improve the medical liability climate, we feel it necessary to comment on the use of our statistics because some readers have expressed concern.
>
> The medians and averages in the Weiss report are not the numbers we report in our annual rates surveys. Weiss may have taken our numbers—the amounts and increases of premiums paid by doctors State by State—and used them to arrive at their statistics, but it is impossible from their report to say definitely how our numbers have been used.
>
> It is our view that it is impossible to calculate a valid "average" premium for physicians or for physicians in a particular State or territory, and we state that clearly in the executive summary of our rate survey.

But the editor of the Medical Liability Monitor goes further, advising the leaders it is misleading to use median annual premiums compiled from data from the Medical Liability Monitor to demonstrate the effect of noneconomic damage limits on medical liability rates. This is exactly what Weiss does. The report uses median annual premiums compiled with data from the Medical Liability Monitor to try to demonstrate the effect of noneconomic damage limits on liability rates. Not only is this wrong, it down right misleads the public.

I would be the first to confess I am not an expert on the subject but according to many experts, including the PIAA, it is impossible to calculate a valid and useful median premium using the numbers found in the Medical Liability Monitor for many reasons. One of the obvious reasons is a median is not a weighted average. Thus, the Weiss methodology, as far as we can tell, actually inflates the insurance carrier's premium increase by not weighing premiums according to market share. This is critically important because the highest rate probably has the lowest market share.

In fact, the Medical Liability Monitor does not report how many doctors have a particular premium, so a helpful weighted average is impossible to calculate based upon that data as the authors of the Weiss report will tell you.

In short, according to the very experts upon whom the Weiss report relies, the conclusion of the Weiss report on the effective economic damages are wrong, misleading, and should be avoided.

I think it is better to look at some legitimate studies. While folks should question the Weiss study, we can generally trust CBO. So let's look at some highlights from CBO.

Reading from pertinent parts, States with limits of $250,000 or $350,000 on noneconomic damages have an average combined highest premium increase of 15 percent compared to 44 percent to States without caps on noneconomic damages. In California, where the State has placed a cap on noneconomic damages, punitive damages, or rewards for pain and suffering at a quarter of a million, insurance rates have not shown the sharp increase experienced in other States.

Looking at my next chart which has been used by a number of proponents of the underlying legislation, it is very clear that major cities in States which have adopted some kind of caps on noneconomic damages are experiencing lower malpractice insurance rates for physicians. California and Colorado, where there are sensible restraints on noneconomic damages, whether you look at a specialty of internal medicine or general surgery or obstetrics, there is a dramatic difference between the rates in California and in Colorado compared to States such as New York, Nevada, Illinois, and Florida where there are no such caps.

The most dramatic example, I suppose, is in the area of obstetrics where in California the annual premium is $54,000; in Colorado, $30,000; compare these figures to a premium for obstetrics in Florida, which is $200,000 a year, Illinois is $100,000 a year, Nevada is $107,000 a year, and New York is just under $90,000 a year. These are actual 2002 premium survey data looking at selected specialties in States where there are caps versus States where there are no caps.

I repeat, once again, this legislation does not deny the victim a full recovery for all economic damages, plus on top of that, a quarter of a million dollars for pain and suffering, plus on top of that, punitive damages at twice the amount of economic damages or a quarter of a million, whichever is greater.

This is a bill that does provide for victims. In addition to that, it provides some reasonable restraint on lawyer's fees, which of course also benefit the victim because the dollars the lawyers don't get, the victims do.

We can have many legitimate arguments. I know my colleagues on the other side of the aisle seem to be terribly concerned about States' rights as it applies to this issue. I think that is certainly a reasonable argument to make. But it seems to me it borders on nonsensical to argue that caps on noneconomic damages have not had an impact on premiums, because clearly they have. The facts speak for themselves. All you have to do is look at the premiums for these specialists in States where there are caps on noneconomic damages and compare them to premiums in States where there are not. Clearly it makes an enormous difference.

Taking a look at California again, their underlying legislation, which is commonly referred to as MICRA, is the model for the bill which we hope to be able to proceed to. California has had very stable rates over the years going back to 1976 when MICRA was adopted, going right up to the present. If you look at the rest of the United States, California has had a 182 percent increase in medical malpractice liability insurance premiums over this quarter of a century period, but if you compare that to the rest of the country, there has been a 573 percent increase. Any way you look at it, the California law obviously has had a positive impact on making it possible for physicians to afford their liability insurance and therefore continue to offer health services for their people.

That takes us back to where I started yesterday. A year ago when the underlying bill was offered as an amendment, or a portion of it was offered as an amendment, we had a number of States in crisis. Today we have more States in crisis. Wyoming just yesterday changed from a state with problem signs to a state in crisis. Also, in the year since we last debated this issue, my own State of Kentucky, which was a State with problems a year ago, is now a State in crisis. We have to add both states to the red State list.

Connecticut. A year ago Connecticut was a State in trouble. Today, it is a State with a genuine crisis. So it will have to be added to the crisis State list today.

North Carolina. A year ago North Carolina was a State with problem signs. Today it is a State that is in crisis over this issue.

Arkansas. One year ago when we were considering legislation similar to this, Arkansas was a State with problems. Today, Arkansas is a State in crisis.

Missouri. A year ago, Missouri was in trouble. But today it is in crisis.

Finally, Illinois would have to be added today as a State in crisis.

So let's take a look at the map, where we stand today. As I can count them, there are only six States in America that are currently OK according to the AMA; that is, physicians are not avoiding choosing certain specialties or retiring early or closing their shops over the cost of their medical malpractice premiums. We now have 19 red States. Red States are States in crisis. I think we had 11 this time a year ago. Now we are up to 19. Then the rest of America is yellow. That is, States with problem signs. At the rate we are going, many of these yellow States will become red States in the coming months if we do not act to deal with this truly national problem.

I think the argument of States' rights occasionally makes sense, but this is a national issue, affecting health care for all Americans. This is really largely about the patients. Some people have described this as sort of a titanic struggle with doctors and insurance companies on one side and lawyers on the other. Frankly, I am not particularly interested in that struggle. I am sure it exists in a number of different ways. The real issue is whether or not patients are going to be cared for, whether or not there is going to be a medical professional within reasonable proximity of patients in order to deliver a service all Americans are entitled to. That is no longer the case in a significant part of our country.

In my State in eastern Kentucky we have had a number of horrendous occurrences as a direct result of medical professionals not being available because they went out of business. They simply could not afford to pay their medical malpractice insurance premiums and still be in business. So this is a national crisis.

Let me just say in closing, we are debating a motion to proceed. Reasonable people can differ about how to do something about this crisis, but I don't think there are many Senators coming out here, saying this is not a crisis. It is a crisis. Even those who are opposing the motion to proceed, I would expect most of them think we have a major problem here. One of the advantages of voting for the motion to proceed is to get us onto the bill so amendments can be considered. I would not even rule out the possibility that by the time we came to final passage of this legislation, it might look quite different. I might not like that, but I am not sure where the votes are unless we get onto the bill and have a chance to consider amendments and options to deal with this measure about the national health care crisis.

Two weeks ago we added a prescription drugs benefit to a reformation of Medicare. The House has acted. A conference will unfold in the coming weeks and we will on a bipartisan basis deal with one of the major health care issues confronting senior citizens, that is how to afford prescription drugs and whether or not they are going to have choices under the Medicare program.

Now we need to turn our attention to another major health care crisis, and that is the unavailability of health care in major portions of the country simply because physicians can no longer afford to pay their medical liability insurance premiums and still provide health care for patients. That is why we call this the Patients First Act of 2003.

I hope tomorrow, late morning, when we have the vote on cloture on the motion to proceed, that cloture will be invoked, that we will move on to this legislation, consider the various suggestions that have been made by Senators on both sides of the aisle as to how we ought to deal with this crisis. But let's act. Let's act. Let's make an effort to tackle one of America's great health care problems of the 21st century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent that I be allowed to address the underlying bill for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I will not object, but I would like to amend that to be recognized after the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, rapid increases in the cost of medical liability insurance are forcing many physicians to stop performing high-risk procedures, limiting the kind of patients they will see, moving to another State where the liability climate is more favorable, or, simply, they take the option of early retirement. When this occurs, who wins? Who benefits? No one. Everyone loses.

Twenty-six States, including my State of Nebraska, have instituted some sort of cap on noneconomic damages. However, some States have had their caps overturned by the courts and other States are barred by their State constitutions from enacting a cap. Medical liability and access to quality health care are national problems. Medical liability reform is needed to help preserve the ability of health care providers to obtain affordable malpractice insurance so we can remain in practice and deal with the health care needs of America. At the same time, we must ensure that victims of medical malpractice continue to have access to the courts and jury awards.

This is not an either/or issue. S. 11, the Patients first Act of 2003, is a responsible solution. It is a balanced approach to maintaining access to quality care while preserving the rights of both patients and providers.

S. 11 does not cap actual damages. S. 11 caps non-economic damages but defers to current or future state caps. It limits punitive damages to two times actual damages, or $250,000, whichever is greater, but does not preempt existing state caps. It does not preempt State law with respect to compensatory or punitive damages, regardless of the limit.

S. 11 limits attorney contingency fees so that awards go to victims, not to trial lawyers.

No provisions in the House-passed bill or in S. 11 would limit awards for actual damages.

This legislation is important to ensuring access to quality health care for our citizens, and retaining our healthcare workforce.

As an example of what providers face and the impact on patients, consider the fact that annual medical liability insurance premiums for OB-GYNS range from a low of $12,000 a year in Nebraska, to a high of $208,000 in certain areas of Dade and Broward Counties in Florida. Women in rural areas have historically been particularly hard hit by the loss of obstetric providers.

Practicing obstetrics is already economically marginal in rural areas due to sparse population, low insurance reimbursement for pregnancy services and growing managed care constraints. An increase in liability insurance rates will force rural physicians to stop delivering babies.

This is happening now. With fewer obstetric providers, women's access to early prenatal care will be reduced.

This is happening now.

Greater availability of prenatal care over the last several decades has resulted in this country's lowest infant mortality rates ever.

Providers' ability to maintain this standard will be threatened because the cost of insurance places a major additional strain on our maternal health care system.

Dr. Daniel Rosenquist, family practitioner in Columbus, NE who has been in practice 16 years, has delivered babies across Nebraska. However, if Nebraska's medical liability cap is overturned, he may have to give up that part of his practice. In the months before the cap was finally upheld, Dr. Rosenquist had to tell his patients that he wasn't sure if he would be able to continue seeing them.

Dr. Rosenquist is not alone. The Harris Interactive for Common Good Poll of April 11, 2002 states that 432 percent of physicians said they have considered leaving the medical profession because of changes brought about by the threat of malpractice liability.

Because of a liability cap, Nebraska is able to recruit physicians into rural areas by keeping medical malpractice insurance premiums at the fifth lowest in the Nation. It is important to note that even with a cap in place, medical liability premiums in Nebraska rose 36 percent in 2002.

Dr. Christopher Kent, one of four neurosurgeons in Lincoln, NE, who has come to view Nebraska as a great place to practice medicine, initially came to Nebraska to practice because of its reasonable medical liability structure.

If Nebraska's cap were to be overturned, he says he would have to leave the State, probably within a year. One of his partners would also leave Nebraska and another would retire. This is equivalent to losing 75 percent of the neurosurgeons in Lincoln, and 15 percent of the neurosurgeons statewide. Dr. Kent and his colleagues have already begun restricting their practice, and worry that they will have to restrict care further if the cap is overturned.

According to a study by the Department of Health and Human Services' Agency for Healthcare Research and Quality, States that have enacted limits on non-economic damages in medical lawsuits have about 12 percent more physicians per capita than states without such caps.

Medical liability reform is about quality of care and access to care.

Caps on non-economic damages help keep premiums down, and keep doctors in practice all over our State. S. 11 will provide security to States like Nebraska facing the uncertainty of legal challenges to existing caps, and will result in a faster, fairer, simpler medical liability system that protects both patients and doctors.

The economic benefits of medical lability reform are substantial.

CBO estimates that if legislation such as S. 11 is signed into law, Medicare, Medicaid and the Federal Employees Health Benefits Programs would save $14.9 billion in Federal spending over the next 10 years.

State and local governments would save about $8.5 billion. State spending for Medicaid would decrease by $2.5 billion over that period—again putting that money where we need it the most, where health care is most urgent.

The Joint Economic Committee in a May, 2003 report, estimates an additional $16.7 billion will be saved over 10 years due to reductions in the practice of defensive medicine. According to a July 2002 Health and Human Services report, States with reasonable caps on noneconomic damages saw premium increases of 12 to 15 percent in 2002 compared to 44 percent in States without caps on noneconomic damages.

Dr. Daniel Kessler, a professor at the Stanford Business School, and Dr. Mark McClellan, a former Stanford University economist who is currently FDA Commissioner, in a February 2000 study, looked at spending cuts after tort reform, beyond claim payouts and insurer expenses.

They concluded that States adopting direct reforms exhibited reductions in hospital expenditures of 5 percent to 9 percent, but this did not result in higher patient mortality rates or an increase in serious medical complications.

If these savings were generalized to all medical spending, a $50 billion reduction in national health spending could be achieved through such reforms, in addition to that sense of confidence that would be increased across America because these dollars would be focused in areas that need the health care the most—productive uses for $50 billion.

I am proud to be an original cosponsor of this responsible legislation, S. 11, the Patients First Act of 2003. I urge my colleagues to give it serious consideration and support S. 11.

Thank you and I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleagues on the other side of the aisle and on the other side of this issue for coming to the floor because I hope the tone we have set in this debate indicates that regardless of which side of the aisle you are on, regardless of which side of the bill you are on, we understand that we are facing a national challenge.

There is entirely too much medical malpractice in our country today. The best doctors concede that. However, the insurance that is being charged to even good doctors is too unreasonable in many areas, depending on the specialty and where they choose to live. Frankly, there are a lot of people who will suffer if we don't do something about that. Obviously, the doctors themselves who have dedicated their lives to the medical profession want to see some solution to this. I do as well. But the patients who are served by them are also looking for us to do something constructive and positive to make certain that quality health care is available across America.

I don't personally believe S. 11 is up to that challenge. I am not even certain it is a step in the right direction. There has been lengthy debate about whether or not putting a limitation on the amount that can be awarded to a person who has been a victim of medical malpractice is going to bring down malpractice insurance premiums.

This bill, S. 11, suggests that rather than giving that decision to a jury—whether it is in Rhode Island or Illinois or Nebraska—that decision on how much an injured patient should receive will be made by a jury of 100 U.S. Senators. We will pass a bill that says: Regardless of what has happened to you, what happens to your family as a result of medical negligence and medical malpractice, you will be unable to recover anything more than $250,000 for your pain and suffering. Oh, yes, they will pay the medical bills. And if you have lost wages, those will be paid, too. But when it comes to pain and suffering, regardless of whether you are 6 years old, 60, or 96, there will be a limitation of $250,000 which can come your way.

Now, $250,000 in the abstract sounds like a large sum of money—until you sit down and consider the cases, the actual people who have been affected by medical malpractice.

In a few moments, I am going to talk about a number of them, some of whom I met for the first time today. When you hear their stories, I hope those who are following the debate will step back for a second and say: Wait a minute—as I have—is this right for the Senate, for those of us elected from 50 States across the Nation, to decide in each and every case what the maximum recovery will be for medical malpractice injuries? I think the answer is clearly no. That is why I am encouraging my colleagues to vote against the cloture motion, which is a motion which tries to bring this bill before the Senate.

What I believe—and others, I think, share this belief—is that we have a national challenge and a problem when it comes to medical malpractice. But it is a problem that will not be resolved until we deal with it responsibly and completely, until we look at all the facets of the problem.

This bill says it comes down to one thing: Injured victims of medical malpractice are recovering too much money for their injuries. If we can limit the amount of money they recover, then the system is going to be so much better.

I think that oversimplifies it. In fact, I think it really is an abuse of the situation rather than an effort to rectify it. That is why I am opposing it.

We had testimony a few weeks ago from the Bush administration, a doctor from the Department of Health and Human Services, saying that medical malpractice in America has reached epidemic proportions—epidemic proportions. There are those who estimate that as many as 100,000 Americans lose their lives each year because of medical malpractice—not because they are destined to die because of God's choice but, rather, because someone has made a very serious and fatal mistake in their medical treatment—100,000 a year.

We also have studies that have come out from Harvard University that suggest that only 1 out of every 50 cases of medical malpractice ends up in a lawyer's office with a claim against a doctor or hospital—1 out of 50. So I say to those who support this bill, if you do not look at the underlying incidence of medical malpractice in this country, simply limiting the amount that an injured person can recover is no guarantee you will not face an avalanche of cases coming at you for medical malpractice. We have to go to the underlying issues in how to deal with it.

It is interesting to me, as well, how many elements are being overlooked during the course of this debate. All the debate on the floor has been about doctors: States that do not have doctors, communities that do not have obstetricians to deliver babies, red maps brought before us to show State after State where doctors are facing problems.

But read this bill. This bill isn't just about doctors. This bill is about protecting HMOs, managed care insurance companies, pharmaceutical companies, medical device companies, and nursing homes. So in all of this debate about the sad situations many doctors do face in America, no one has come to the floor to justify why, within this bill, there is protection for these special interests: HMOs, managed care insurance companies, which many times make decisions which can be as lethal and fatal as any decision made by any doctor.

I think most Americans know of what I am speaking. When an HMO that you are a part of or a managed care insurance company that your family is a part of makes a decision as to whether or not they will pay for a diagnostic test, a laboratory procedure, your hospitalization, or a surgery, when they decide how many days you can stay in the hospital, they are, in fact, dictating medical care in the name of profitability. They want to make more money. They would like to keep you out of the hospital as much as possible, reduce your costs as much as possible, and they make medical decisions.

It is interesting that today a report came out. It is a report that was published by Health Affairs, and those who prepared it are people from the American Medical Association based in Chicago: Matthew Wynia, Jonathan VanGeest, Deborah Cummins, and Ira Wilson. This report is entitled "Do Physicians Not Offer Useful Services Because Of Coverage Restrictions?"

They surveyed doctors across America and asked them the question: How often have you decided not to offer a useful service to a patient because of health plan rules?

I have talked to doctors who have told me many times that is happening more often than they would like to admit.

Let me show you a chart which tells you what they found in asking doctors across America that question. They were asked this question: How often have you, as a doctor, decided not to offer a useful service to a patient because of health plan rules, insurance rules? In this case, "very often," 2 percent; "often," 6 percent; "sometimes," 23 percent; "rarely," 27 percent. Even if you take the "very often," "often," and "sometimes," you have 31 percent of the cases. Almost a third of the time doctors are saying they are making decisions not to provide a useful service to a patient because the health insurance company tells them they will not pay for it and they cannot do it.

Now, that isn't part of this debate. No one has brought into this conversation the question as to whether or not HMOs, in the way they are treating doctors, are having some impact on medical malpractice and injuries to patients. No. What we are doing for HMOs is not holding them accountable but, rather, saying we are going to give them even more privileges under law. We are going to insulate them from the liability of these bad decisions. So the insurance companies, particularly the HMOs, are running rampant across the Senate when it comes to malpractice instead of being held accountable, as they should be, for their restrictions on good doctors making sound medical decisions.

This is another question asked of these doctors in this Health Affairs study that came out today: If "sometimes" or "more often" you decide not to offer a useful service because the insurance company tells you you can't, are you doing so more often, less often, or about as often as you were 5 years ago? Most of them say unchanged: 55 percent. But 35 percent say "more often."

So you have doctors who are increasingly finding insurance companies making decisions on what you, your mother and father, your wife or husband or child is going to receive in terms of medical care. Is that the answer to this issue, that we are going to say that HMOs will make these decisions, and when they are wrong, and people are injured, and these poor people then turn to a court and ask for some compensation for their injury, they will be limited not only in what they can recover from the doctor or the hospital but even the HMO insurance company? That is what this bill says. That is what this bill is designed to do: to insulate from liability even HMO insurance companies which are responsible for more and more doctors making medical decisions which they believe, based on their training and experience, are not the right decisions for their patients. I do not think that is fair. I do not think it treats people as they should be treated.

Let me mention a couple other items. We have a nursing shortage in America. It worries me. I am reaching an age when I am thinking about the day when I want to punch a button at a hospital or some other place to call a nurse and hope that someone shows up. But the likelihood that is going to occur is diminishing because we have a nursing shortage, and it is a serious shortage.

As America's population ages, we need more nurses to take care of us in convalescent homes and nursing homes and hospitals and other places. Sadly, those nurses are not as plentiful as they once were.

Let me tell you about a report from the Journal of the American Medical Association that relates to the issue of malpractice and the shortage of nurses. This is a report from October of 2002 from the Journal of the American Medical Association. They published the results of a study that, for the first time, showed that the number of patients who die in the hospital increases when nurses are assigned to care for too many patients. An estimated 20,000 people die each year in hospitals from medical mistakes attributed to nurses caring for more patients than they can handle.

This accounts for 20 percent of the nearly 100,000 deaths annually from medical mistakes. While a link between nurse staffing and quality of care seems like common sense, many hospitals downplayed the link until the study was published.

This is a troubling report as well. I read from a book entitled "The Wall of Silence," written by Rosemary Gibson and Janardan Singh. This is a quote from the book:

> Experienced nurses as well as newly-minted nurses are leaving patient care at the bedside at a time when other job opportunities exist. Their knowledge and skills are valued in pharmaceutical companies, managed care organizations and information technology firms. How many are leaving? It is hard to say precisely. The Federal Government's Bureau of Health Professions issued a report showing that about 50,000 fewer nurses were using their licenses in 2000, as compared with 1996.

As our population ages, as the demand for nurses increases, the number of nurses in America diminishes. We have seen that when there are fewer nurses in a hospital, there is more likelihood of medical mistakes, medical malpractice, and medical injuries. Has that even been mentioned in the course of this debate? Has anyone talked about the HMOs and their impact on medical practice? Has anyone talked about the shortage of nurses and the fact that it is leading to more medical mistakes, leading to more lawsuits filed against doctors and hospitals. Instead what we have had in this debate is a strict debate, limited to the question of how much injured parties can recover once they face medical malpractice, once the injuries have occurred.

I would like to introduce in the debate now some real-life stories about people who have been victims of medical malpractice. As I mentioned earlier, some of them were kind enough to join Senator LINDSEY GRAHAM and myself earlier this morning when we held a press conference and introduced our version of a bill which we think is a more reasonable approach to dealing with the medical malpractice challenge we face in America.

The first person is Colin Gourley. Colin is on your left as you view this picture here in the striped shirt. This is his twin brother Connor. Nine-year-old Colin Gourley, from the State of Nebraska, suffered a terrible complication at birth as a result of a doctor's negligence. Colin has cerebral palsy. He cannot walk. He could not speak until he was 5 years old. He has irregular brain waves and the amount of time he has spent in a wheelchair has affected his bone growth. He has had five different surgeries, and he needs to sleep in a cast every night to prevent further orthopedic problems. His twin brother Connor survived birth without any injury.

A jury ruled that Colin was a victim of medical negligence. They decided that because of that medical negligence the Gourley family was entitled to receive $5.6 million. That was what was needed to compensate him for his medical care and for the lifetime of suffering and problems which he will face. Last month, the Nebraska Supreme Court upheld a Nebraska law that severely cut this jury verdict to about one-fourth of the award. As a result, Colin will have to rely on the State of Nebraska and the Federal Government for assistance for the rest of his life.

The jury understood what the case was worth. The jury got to meet Colin, his brother, his two sisters, and mom and dad. The jury heard what happened that led to this terrible medical malpractice, and the jury decided in fairness that he and his family were entitled to $5.6 million. Yet the law came in and said: I am sorry. We have to limit you—a law similar to the one we are considering in the Senate this evening, a law which will say no jury in Nebraska nor Illinois nor North Carolina is going to make that decision. This decision will be made by a jury of 100 United States Senators, and we will decide, in the case of Colin, that no matter what his life may be, whether it is 5, 10, 20, 50, or 80 years, the maximum amount we will pay for his pain and suffering is $250,000.

What may have sounded like a large amount of money at the beginning of this conversation, as we understand as we consider each and every case, becomes an amount which is hardly adequate to take care of what Colin is going to face, as well as his family.

Let me introduce you now to Kim Jones. This is a picture taken before Kim's medical malpractice. As you can see, she is a lovely, proud mother from King County, WA. She was 30 years old and she remains severely brain damaged and in a comatose state today after undergoing routine tubal ligation surgery following childbirth at the Washington State Medical Center. After the operation, the hospital staff failed to notice that Kim had stopped breathing since her vital monitors had been improperly removed. Though successfully resuscitated, Kim suffered multiple seizures and was given seizure control medication that actually worsened her condition. She was later taken by helicopter to another medical facility.

Today Kim is unable to control her bodily functions. She has no discernable mental function and is being cared for at a convalescent center. Kim's father filed a lawsuit against the hospital and the anesthesiologist. The case is still pending.

Kim is standing there at a better time before the medical injury with her daughter. Now she is in a nursing home or convalescent home for the rest of her natural life. What is it worth? After the medical bills are paid, after her lost income is paid, what is it worth to her, to her daughter, to her parents? According to this bill, we know exactly what it is worth. It is worth no more than $250,000 for the pain and suffering she will endure for the rest of her life.

Now let me introduce you to a young lady who made quite an impact on us this morning. She told her terrible story. This is Sherry Keller from Conyers, GA. Sherry is shown in her wheelchair. That is where she was today when she came to speak to us. She stood up and said: I am from Conyers, GA, and I am a registered Republican. I want to make that clear.

I said: We have Republicans and Democrats and Independents. Then she told her story.

Sherry Keller received a complete hysterectomy. Her surgeon relied upon staples rather than sutures to hold her incision closed. Upon having the staples removed, Sherry's incision began to bleed. The surgeon began cleansing the wound. Unfortunately, the incision opened. I won't go into the graphic details. But the doctor in that situation—this happened at the doctor's office—apparently panicked and left her alone in the room for 35 minutes when the doctor went to call a wound specialist. She left her lying on an examination table. The doctor continued to see other patients while the specialist was on the way and left Sherry in that examining room for 35 minutes. Sherry went into shock from loss of blood, lost consciousness, and fell off the exam table. There was no one with her. Her head hit the counter as she fell. She came to but in the process damaged her spinal cord and rendered her an incomplete quadriplegic. She dragged herself out in that condition into the hallway to get the attention of a nurse or doctor to come to her aid. The doctor called for an ambulance but gave directions that she should be transported only. She, the doctor, left instructions that a doctor would go to the emergency room to dress the wound later.

Sherry was then left in the emergency room for 2½ hours waiting for a doctor to treat her wound. As a result of that fall in the office, Sherry will never walk again. As she was not employed outside the home, she has no lost income for her injury. Her damages were virtually all medical bills and pain and suffering. Here she is, a woman, some 35 years of age, who faces a lifetime in a wheelchair now because of malpractice.

This law we are considering would pay her medical bills but say that the total amount of compensation for her for the pain and suffering she and her family will go through is limited to $250,000. Some Senators as jurors have decided that in her case $250,000 is adequate, thank you.

I think a jury has a right to consider that case. A jury has a right to consider whether that doctor is guilty of malpractice and whether this woman and her family are entitled to more than $250,000. The fact that she was at home raising her children, because of this bill, will be used against her. She has no job where she earns a paycheck, but she has a real job as far as America is concerned; she was raising her family.

And now look at this situation. This bill will actually penalize her for being a stay-at-home mother with her family. For a Senate that is supposed to be dedicated to family values, it is hard to understand how Sherry's case tells that story.

The next person I would like you to meet is Evelyn Babb of Tyler, TX. This case is similar to many you may have read about. She is a bright, happy-looking person in this picture. She needed arthroscopic surgery on her right knee for a torn lateral meniscus. Her doctor marked her right knee to be operated on with an X. However, the hospital staff negligently prepared her left knee for surgery. Without verifying whether the staff had properly prepared the patient, the doctor proceeded to operate on the knee which the staff had prepared. He began performing the partial lateral meniscectomy before he realized he was operating on the wrong knee. The staff then prepared the other knee, and the doctor performed the operation as previously planned.

Due to the unnecessary surgery on the one knee, Mrs. Babb's recovery was considerably longer and more painful than it would have been. She has severe pain and swelling in her left knee and a lingering infection. She continues to suffer from pain, has difficulty walking, and has a markedly decreased range of motion in her knee.

As an elderly woman of 75, Mrs. Babb will suffer no loss of income, however, and there will be few, if any, additional medical expenses because there is nothing that could be done to improve her condition. Virtually all of the damages she could recover for this obvious malpractice would relate to the pain and suffering she would endure. This bill has decided how much her case is worth: no more than $250,000, period.

When you look at that situation, a person who is retired, with no active income, and with limited medical bills, but a serious medical outcome, it is an indication of the unfairness of this underlying bill.

This case I will tell you about now involves Heather Lewinsky from Pittsburgh, PA. Seventeen-year-old Heather Lewinsky's face remains scarred for life after a Pittsburgh plastic surgeon performed radical surgery to correct a skin disorder near the left corner of her mouth when she was 8 years old.

The doctor claimed to have done this procedure on children many times before when, in fact, neither he nor any doctor in the United States had ever done the surgery to treat a condition such as Heather's. Following the operation, Heather was left with horrific facial scarring and a terrible stroke-like tugging at the corner of her mouth.

The doctor attempted to fix the problem with two additional surgeries, which made it even worse, forcing her to undergo 10 more operations with other doctors between the third and tenth grades.

The pain, swelling, and recuperation with each procedure were excruciating. Heather and her family filed a lawsuit against the doctor who only paid a small fraction of the jury verdict because he had insufficient insurance coverage.

This is an indication of a young lady who is scarred for the rest of her life. What is permanent disfigurement worth if it is the result of medical malpractice? A point will be reached when no more surgeries will be indicated; they won't add much to her improvement. She may not have lost wages, but she is scarred for life. As far as this bill is concerned, permanent disfigurement because of medical malpractice is worth $250,000, not one penny more.

The last case I want to talk to you about is a case that involves Alan Cronin of California. In the year 2000, Alan Cronin, then 42 years old, went into the hospital for a routine hernia surgery. Alan was married with three children at the time—two of them still at home. He goes in for a routine hernia surgery. After the surgery, two doctors failed to diagnose an acute infection following the routine hernia repair. The doctors treated him as though he had the flu rather than inspecting the surgery site. He became septic and suffered toxic shock. Once the doctors finally opened the surgery site, the pus and sepsis were so overwhelming that they told Alan's family that he had a 98-percent chance of dying. Gangrene had set in and all of Alan's limbs were amputated. When he awoke from his coma, he no longer had arms or legs.

Alan was a customer service representative for a medical equipment manufacturer. Workers' compensation paid for all of his medical bills, including future expenses. He also had a private disability policy that was used as an offset against future economic damages.

In speaking with Alan about the cap on noneconomic damages, he says that there are so many things that you don't think of as necessities, and $250,000 could not begin to cover those expenses. Alan, 42 years old, has had the amputation of his arms and legs from medical malpractice. How much is the suffering and pain that he will endure in the next 30, 40 years of his life worth? We know in the Senate. It is worth $250,000 and not one penny more.

Incidentally, there is another provision in the bill. Because Alan had the foresight to work for a company that provided him with health insurance that covered some of his medical bills after the medical malpractice, and because he also had a private disability policy that will help him with some of his expenses as he tries to struggle through rehabilitation and rebuilding his life, that information, according to the bill, should be brought up in the trial. As a former trial lawyer, I can tell you it is being brought out so as to encourage the jury to diminish any award they are going to give to Alan Cronin. Because he had the foresight to pay for health insurance and a private disability policy, he would be penalized in a court of law by the disclosure of this insurance and this disability policy.

That isn't done today in any court in America, but it would be done under this bill. S. 11 has decided that is a fair way to deal with medical malpractice. I think most Americans would disagree. What they believe is, if you put a cap or limit on the recovery of a person who is a victim of medical malpractice, the malpractice insurance premiums may come down. They hope if they come down, the threat to the lifestyle and future careers of doctors is going to be diminished. Yet when you look at the studies—the Weiss study, for example—you find the opposite is true.

States with limitations on what can be recovered in court had a higher percentage increase in malpractice premiums between 1991 to 2001 than States without caps. So not only is this proposal in S. 11 fundamentally unfair, it is totally ineffective. What we are doing is seeing, frankly, this battle between the White House and the people who are gearing up for some Presidential campaign and the American trial lawyers. That is what this is about. It is not about malpractice premiums, bringing them down. It is not about the incidence of malpractice and reducing it. Frankly, it is about a political battle which should be secondary to the more important issues before us.

S. 11, as it has been brought to us today, is a bill against which I have led the fight. I am sorry I have to do it in one respect, but I am proud to do it in another. I am sorry because this should not be the bill we are considering. We ought to be coming before the American people with a bill that addresses this problem in its entirety and in a fair way. We ought to bring into this conversation medical providers across America. We should sit down and have an honest and open conversation about how to reduce medical injuries and medical errors. That would be good for everyone. I am sure doctors could tell us ways to do that.

Let me give you an example of what we have tried to do in the past. We decided at one point that we would create a national registry to try to find out how often we have these incidents of problems. With that national data bank, we would say to hospitals that before you hire a doctor on your staff, you can check to see whether he has had his license suspended or has been sued successfully for malpractice. In the 1980s, we established that—my colleague, Ron Wyden from Oregon, was then a Congressman who proposed the legislation. He thought if this data bank were present, we could find the limited number of doctors who are most responsible for malpractice and make certain that they either change their ways or get out of the practice of medicine. It was certainly a good idea.

Sadly, there haven't been many people who have used it. Consider this fact:

> The data bank is an effective information tool only if hospitals and other health organizations actually report adverse actions involving a health care professional. Federal law requires this information to be reported. But hospitals are not complying. Since the data bank was established, more than 60 percent of hospitals have never reported any adverse action [against a doctor that occurred on the premises.] It was expected that hospitals would report more than 1,000 disciplinary actions every month, yet fewer than 1,000 are reported in a year.

Managed care organizations, which are protected by this bill from liability—the HMOs and managed care organizations which, again, receive preferred treatment by the Senate under this bill—are not doing much better.

> From September 1, 1990, to September 30, 1999, [the managed care organizations in America] reported only 715 adverse events to the data bank. Eighty-four percent of them have never reported any adverse action. The investigative arm of the Federal Department of Health and Human Services, the Office of the Inspector General, notes that "with close to 100 million individuals enrolled in [managed care organizations and HMOs] and hundreds of thousands of physicians and dentists associated with them, fewer than a thousand adverse action reports over nearly a decade of service, for all practical purposes, are reported.

So the efforts we put in place to track medical malpractice, to try to weed out the bad actors, to try to take the doctors away who perform some of these acts of malpractice have been in vain.

Hospitals, HMOs, managed care organizations, have refused to report the bad actors. Yet our answer on how to deal with that situation is S. 11. We are going to limit the amount of money victims can recover. Is this totally upside down?

Should we not start with the premise that we want to limit the amount of malpractice itself and medical error in America and then follow through to the next and obvious question: When doctors are going to buy insurance, how can we help them secure reasonably priced malpractice insurance policies? That, of course, would mean bringing in the malpractice insurance companies and reinsurance companies.

Incidentally, there is one thing I said yesterday that we are going to look into. It was my understanding from reports we received that there were five reinsurance companies available to U.S. insurers. A call today to the Illinois State Medical Society said they work with 9 or 10. I want to make sure the record is corrected and reflects the fact that at least we are trying to come to the right number of reinsurance companies. Regardless of whether it is 5 or 50, the reinsurance companies have to be part of this conversation as to how we are going to reduce the cost of malpractice insurance for doctors and hospitals across America.

The third point, and equally important, and I speak to this one as a former trial lawyer myself, is that the legal profession has to be part of this conversation. We have to say those lawyers who would consider filing a frivolous lawsuit are going to face severe penalties. They will have to pay compensation of cost and fees associated with those cases, and if, in fact, they are found to have done it repeatedly, we can prohibit them from that field of practice completely.

I add, based on my personal experience, it would take an absolute fool as a lawyer to entertain a medical malpractice case that really did not have a chance of success and that could be considered frivolous. Those cases in my State of Illinois are extremely expensive. You start with a certification by a doctor that you actually have a justifiable cause of action before you file your complaint. An important consideration in taking these cases up is whether or not you can move them forward to recover for the plaintiff who is injured. If you do not think you have a chance, you have to tell that sad news to the client who sits in your office, and I have done that.

Frankly, you have to honestly tell many people who are seriously injured: I do not think you have a case on which you can recover.

We have to bring together, if we are serious about medical malpractice, the doctors who can speak for their profession, nurses who can help us understand how we can bring more medical professionals to the job to reduce the likelihood of medical injuries, HMO insurance companies that have to be told they can no longer dictate sound medical practice, where doctors are told what they have to do regardless of whether they think it is right professionally. We have to bring in the insurance companies to make certain the rates they charge are reasonable, and lawyers have to be brought in as well so they are involved in responsible conduct which is focused more than anything else on recovery for the patient or claimant involved. That is what this is about.

The idea that by limiting recovery for the victims we have talked about here is going to solve the problem just will not work.

Let me use this chart as an illustration as well. Here are two States in the Midwest: One I am very familiar with, my State of Illinois, and a neighboring State, Michigan. They are comparable States in makeup of the population in rural areas and urban areas. They are big States by most standards.

Michigan has caps and limitations on how much a person can recover in court. Illinois does not. Here we take a look at the professional liability insurance that is being paid in these two States as of October of last year. We will see in the State of Michigan, OB/GYNs on average are paying more than in the State of Illinois that does not have caps. With surgery, it is the same story. With internal medicine, it is the same story. Michigan, with caps, has higher medical malpractice insurance rates than the State of Illinois without caps.

The belief that in passing this bill and establishing caps across America we are going to bring down malpractice insurance premiums I do not think is a reasonable conclusion, which is borne out by the evidence presented here, and this comes from an analysis of the medical liability monitor data, the same monitor data used by both sides of the debate.

I understand the Senator from Utah is here and would like to speak. I close at this point by saying what I said at the outset, and I repeat today, I value very much the medical profession. They have meant so much to me and my family. I have entrusted the care of my greatest treasures on Earth—my wife and children—to great doctors, and I thank God they were there when we needed them.

I want them to continue in practice. I want them to feel good about what they do for a living. I do not want them looking over the shoulders at lawyers who are filing frivolous lawsuits. I do not want them facing 35-percent increases in malpractice premiums they cannot cope with, that they cannot pass on to patients, that force them to make decisions that, frankly, are not in the best interest of good medicine.

Today, during the course of our press conference with these victims of medical malpractice, one of the staff in the back of the room fainted. When he fainted, we stopped everything and somebody said: Call a doctor. How many times have we heard that said? We say it because we all know in those dire emergency situations and in everyday situations, we need the medical profession.

I said at the outset of this debate, and I repeat, I stand ready to sit down with anyone in good faith who wants to deal with the medical malpractice crisis facing America. Let us deal with this in its entirety and in an honest fashion. Let us ask everyone to make a sacrifice—the doctors, the lawyers, and the insurance companies—and then I think we can come up with a bill that is worthy of the Senate.

For us to deliberately limit the amount of money available to these victims with tragic stories, which I have brought to the Senate today, is fundamentally unfair. It is as unfair to those victims as those malpractice premiums are unfair to many of the doctors who are paying them today.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise to speak about the medical liability and medical crisis threatening our great Nation. Over the years, I have pressed for legislation to protect our health care delivery system from the ravages of an out-of-control medical liability system.

Many times we have come close to enacting legislation, and a giant opportunity stands before us today. I hope we do not let it slip through our fingers once more.

I remember as a young lawyer in the early days of my practice in Pittsburgh, PA, the law basically was, if you met the standard of practice in the community, there was no case because everybody knew that medical science is not an exact science. Once they adopted the doctrine of informed consent in its various forms, it meant that every case goes to the jury, regardless; every case that has a bad result, even though the doctor did everything in his or her power to effectuate a decent result. And we have had this medical liability catastrophe upon our hands ever since.

I can remember as a defense lawyer, my advice to some doctors was that they needed to do everything they possibly could to make sure there was absolutely no way they overlooked anything with regard to any person's complaint. If a person came in to them with a common cold, they could no longer say: Take two aspirin every 6 hours, drink all the liquids you can, and in 7 days you will be better. Or: Don't do anything and in 7 days you will be better. No, they have to give vascular and respiratory examinations, blood tests, et cetera. As a result, what used to be a $5 bill in those days, or at most $15 or $20, is far more today. Of course, I believe unnecessary defensive medicine such as that has driven our country to its knees from a medical liability standpoint.

Today, defensive medicine increases health care costs by $60 to $108 billion per year according to the Department of Health and Human Services report of last year.

As I have noted previously, out-of-control medical liability litigation is needlessly increasing the cost and decreasing the quality of health care for every American. It is preventing patients from accessing high-quality health care or, in some cases, any care at all because doctors are being driven out of practice.

I was pleased that President Bush announced his desire to address medical liability legislation reform last summer when he spoke of the need for reform in his State of the Union Address and when he called on us to pass meaningful medical liability reform legislation in this Congress. I am pleased that our majority leader, Dr. FRIST, has brought the Patients First Act forward to be debated today.

Our colleagues, Senator ENSIGN from Nevada, who introduced this bill, and Senator MCCONNELL from Kentucky, deserve special recognition and thanks for their work on this bill as well.

Of course, this was not the first time we have addressed this issue. As many of us will recall, we passed medical litigation relief language with the Commonsense Product Liability and Legal Reform Act in 1995. Unfortunately, it was stripped from that bill in conference.

I am sorely disappointed that in the ensuing 8 years we have not addressed this problem. As a result, the problem has continued to fester like an infection that will not heal. Worse yet, this infection is spreading to all parts of our country.

This map which has been utilized throughout this debate, and I think properly so, with data supplied by the American Medical Association, shows the States that currently are experiencing a medical liability crisis and those that are showing signs of a developing crisis. The 19 red States are crisis States. Nineteen of the 50 States are crisis States. The 26 yellow States are showing problem signs. Only 5 States are currently OK. The red ones are in crisis. The yellow ones are about to be in crisis. The white States are currently OK generally because they have passed medical liability litigation reform legislation like S. 11.

To contrast this for my colleagues, I must note that on a map with last year's data, only 12 States were in crisis. In March, it was up to 18. Now it is 19. The problem is growing and it reaches from coast to coast.

There are very unfortunate consequences to this crisis—doctors forced to quit practicing, trauma centers closing, babies being born by the roadside, and, yes, people dying. These are all due to out-of-control litigation and soaring medical liability insurance premiums.

The crisis is particularly acute in the farming and ranching communities of rural America where obstetricians and family practitioners, some of whom have been delivering babies for 25 years, are quitting their obstetrical practice. As a result, there is an increased shortage of obstetricians in the rural west, including in my home State of Utah.

Studies by both the Utah Medical Association and the Utah chapter of the American College of Obstetricians and Gynecologists underscore the problem. According to the Utah Medical Association:

> 50.5 percent of family practitioners in Utah have already given up obstetrical services or never practiced obstetrics. Of the remaining 49.5 percent who still deliver babies, 32.7 percent say they plan to stop providing OB services within the next decade. Most plan to stop within the next five years.

The Utah study examined the causes of the crisis also:

> Professional liability concerns were given as the chief contributing factor in the decision to discontinue obstetrical services. Such concerns include the cost of liability insurance premiums, the hassles and costs involved in defending against obstetrical lawsuits and a general fear of being sued in today's litigious environment.

Although many blame out-of-control litigation, others believe that the downturn in the economy caused the crisis. In an attempt to identify the cause, in February Senator GREGG and I held a joint hearing of the HELP and Judiciary Committees. We heard from a lawyer who believes the downturn in the economy and problems with State insurance regulations are responsible. But, in addition, we heard from the Texas State insurance commissioner and from the president of Physician Insurance Association of America, representing provider-owned or operated insurance companies that provide insurance for the majority of American doctors.

One reason they do is not because the insurance companies are so awful. It is because the insurance companies will not handle this type of coverage any more. The reason they will not is because of the exposures they are facing. So they have turned now to provider-owner and operated insurance companies.

These gentlemen face this crisis and its consequences every day. Their data and their studies, as well as those from the Department of Health and Human Services, show that increasingly frequent frivolous lawsuits and skyrocketing awards are responsible for rapidly rising premiums.

Have the recent downturns in the economy and the stock market affected medical liability premiums? Possibly. But this does not appear to be a major cause of the current crisis.

Look at this chart. This is a chart showing how insurance companies that offer medical liability coverage allocate their assets. As this chart shows, between 1997 and the year 2001, insurance companies invested conservatively, primarily in bonds—that is corporate in red, Government in green, which is the middle line, and municipal bonds in purple. A minority of funds, only about 10 percent, happens to be invested in equities, which is shown in the yellow.

This conservative investment strategy minimizes the effect that changes in the stock market have on insurance premiums. In fact, there is good evidence that increasing medical liability awards are responsible for increasing premium costs.

This pie chart with data from the Physicians Insurance Association of America shows the outcome of medical liability cases. The area in the orange, almost 68 percent of the pie, represents medical liability cases that were dropped or dismissed. In other words, a vast majority of cases are frivolous to begin with. In those cases, the plaintiff received no award because no harm was found. Yet these frivolous lawsuits cost money, an average of at least $25,000 per case, and those costs increase the costs of medical liability insurance.

This next chart shows the growth in median—that is the blue line and the average in red—medical liability claim payments between 1989 and the year 2001. Prior to 1995, median and average claim payments increased readily, as we can see. But the rate of growth for both increased dramatically after 1995.

Finally, this next chart shows the growth in million dollar "mega verdicts" claim payments equal to or greater than $1 million between 1985 and 2001.

In 1985, less than 1 percent of all awards exceeded $1 million. In 2001, over 8 percent of awards were $1 million or higher. The data is very clear. A high percentage of medical liability claims are frivolous. Average and median claim payments are increasing rapidly and the percentage of mega awards, those greater than $1 million, increased dramatically as shown on this particular chart.

It seems clear to me that out-of-control medical liability litigation is driving the increase in premiums, not the economy and not a problem with the insurance industry which some would try to make it. It is not just the doctors but all Americans who are paying the price. This is a national problem and one that requires a national solution.

In my letter of March 12 to Budget Committee Chairman NICKLES and Ranking Democrat CONRAD, I emphasized the important implications of medical liability litigation on the Federal budget. In that letter, I wrote:

> The Federal Government pays directly for health care for members of the armed forces, veterans, and patients served in the Indian Health Service. The Federal Government provides reimbursement for the Medicare and Medicaid programs. According to the Department of Health and Human Services' March 3, 2003, report . . . the Federal Government spends $33.7 billion-$56.2 billion per year for malpractice coverage and the costs of defensive medicine.

That is $33.7 billion to $56.2 billion a year just for malpractice coverage in these areas of Federal Government medicine.

That report states:

> reasonable limits on noneconomic damages would reduce the amount of taxpayers' money the Federal Government spends by $28.1 billion to $50.6 billion per year.

Now I continued to write:

> In my view, Federal legislation that would decrease costly frivolous medical liability lawsuits and limit awards for noneconomic damages is necessary, not only to ensure patient access to health care, but to curb increasing Federal health care costs. Because of the substantial and important budgetary implications, particularly to the Medicare and Medicaid Programs, we request that the budget resolution include language calling for medical liability legislation reform.

I am pleased to report the budget resolution we passed in the Senate recognized the tremendous impact of medical liability costs. The budget resolution included $11.3 billion in savings over 10 years as a result of medical liability reform based on CBO calculation. The Medicare Program alone would save $7.9 billion while Medicaid would save $2.9 billion. The remaining savings would occur in the Federal Employees Health Benefits Program and the Department of Defense.

What if we had that money to help with the poor? It would certainly do a lot of good, more good than is being done by spending it on medical liability.

But it is not only the Federal Government that is affected. Medical liability litigation directly and dramatically increases health care costs for all Americans.

What is more, skyrocketing medical litigation costs increase health care costs indirectly by changing the way doctors practice medicine. In an effort to avoid frivolous suits, doctors often feel compelled to perform diagnostic tests that are costly and unnecessary. This defensive medicine is wasteful. Unfortunately, for doctors, it has become a necessity.

I hate to admit it, but I am partly responsible for that myself because, knowing that many doctors are going to be sued unnecessarily and improperly, I advised them to do what they can to protect themselves. Consequently, this defensive medicine is leading to a lot of unnecessary defensive medicine And they have to do it or they face unnecessary litigation.

According to a recent Harris poll, fear of being sued has led 79 percent of doctors to order more tests than are medically needed; 74 percent refer patients to specialists more often than necessary; 51 percent recommend invasive procedures that they thought were unnecessary; 41 percent prescribe more medications, including antibiotics, that they did not think were necessary.

Defensive medicine increases health care costs. But the real problem inherent in the current medical liability system and the resulting process of defensive medicine is that it also puts Americans at risk. Every test and every treatment poses a risk to the patient. Every unnecessary test, procedure, potentially puts a patient in harm's way.

According to the Harris poll, 76 percent of the physicians are concerned that malpractice litigation has hurt their ability to provide quality care for their patients.

That brings us to the main question. What can we do to address this crisis today? The answer is, plenty. There are excellent examples of what works. The March 2003 Department of Health and Human Services report describes how reasonable reforms in some States have reduced health care costs and improved access to, and the quality of, care. According to this report, over the last 2 years the States with limits of $250,000 or $300,000 on noneconomic damages premiums have increased an average of 18 percent compared to 45 percent in States without such limits.

In 1975, California enacted the Medical Injury Compensation Reform Act, MICRA. Again, I will refer to this chart. This graph shows that MICRA slowed the rate of increase in medical liability premiums dramatically, and it did so without affecting negatively the quality of health care received by the State's residents.

The red on the chart is States that have gone up 573 percent from 1976 to the year 2000. In California they have increased by only 182 percent. As a result of MICRA, California has saved billions of dollars in health care costs, and Federal taxpayers have saved billions of dollars in the Medicare and Medicaid Programs.

The March 2003 report goes on to state:

> A leading study estimates that reasonable limits on non-economic damages such as California has had in effect for 25 years, can reduce health care costs by 5–9% without "substantial effects on mortality or medical complications." With national health care expenditures currently estimated to be $1.4 trillion if this reform were adopted nationally, it would save $70-$126 billion in health care costs per year.

Now, in our joint HELP and Judiciary Committee hearings in February, we heard from those who believe insurance reform is a cure for this crisis. These individuals believe the Federal Government rather than the States should regulate insurance. Those who advocate Federal insurance regulation apparently believe the States and the State insurance commissioners are not able to accomplish this alone. They suggest that insurance companies are colluding to increase premiums. In all honesty, some of them are getting out of the business because of the risks and exposure they face.

There has been little, if any, evidence during or after our hearing to support these allegations. In fact, we heard that the State insurance commissioners monitor and regulate insurance business practices very closely. The State laws are based on the National Association of Insurance Commissioners model rating laws that include the following language:

> No insurer or advisory organization shall attempt to monopolize or combine or conspire with any other person to monopolize an insurance market or engage in a boycott . . . of an insurance market.

And:

> No insurer . . . shall make any arrangements with any other insurer . . . which has the purpose or effect of unreasonably restraining trade or lessening competition in the business of insurance.

Moreover, insurance companies are precluded from increasing premiums to make up for past losses. It seems to me insurance reforms that some have proposed not only miss the mark badly, they would do nothing to address the cause of the crisis and would prevent State insurance commissioners from performing their jobs.

I have to say I came away from the hearing convinced, and I remain convinced, that out-of-control medical litigation is the major cause of the crisis and we have to do something to stop it. The current medical litigation system represents and resembles a lottery more than a justice system. This system harms patients in many ways. All Americans deserve the access to care, the cost savings, and the legal protections that States such as California provide their residents. This problem has reached crisis proportions, and it is high time we end it.

The task before us is to design a system that protects both the patient and the provider. S. 11, the Patient First Act of 2003, which I am proud to cosponsor, includes provisions that have been shown to work that are fair to all concerned. So S. 11 would encourage speedy resolution of claims by providing a reasonable statute of limitations. The bill provides for unlimited awards for economic damages, and it limits awards for noneconomic damages to $250,000.

Moreover, S. 11 does not preempt State limits on awards for damages, noneconomic or otherwise, even if the State limits are higher than those imposed by S. 11. The Patient First Act limits attorney's fees, thereby reducing the costs of medical liability litigation and channeling award money to where it belongs, the injured patient.

Normally I am against that, limiting the attorney fees, but in this particular case we have to do something. Women are going to be without obstetricians. Many people are going to be without surgeons and many will be without specialists. Young people are not going to go into the profession. Young outstanding geniuses who would make great doctors do not want to go into the profession.

In addition, S. 11 provides for evidence of collateral source payments to be introduced in any health care lawsuit. Juries would be made aware of existing health insurance or other sources that compensate individuals for injuries. No longer would Americans compensate an individual twice for the same injury.

While there is much to commend S. 11, one provision we should consider adding is the carefully crafted catastrophic exception to the limit on awards for noneconomic damages. A carefully worded catastrophic exception can provide that individuals who have particularly severe injuries as a result of extremely egregious acts of negligence receive an award for noneconomic damages that would be greater than the limit. Nine States have included such a provision in their statutes.

Having said that, I must say that S. 11 is a very good bill and I believe that it will accomplish our primary goal of ensuring that Americans have access to health care.

What I like most about the "Patients First Act" is that it is true to its name.

The bill puts the patient first.

Not the doctor.

Certainly not the lawyer.

You see, it is the patient who is threatened the most by the medical liability litigation crisis.

It is the patient who eventually pays for the increased health care costs and it is the patient that suffers most when he or she cannot access needed care.

The medical liability litigation crisis threatens the economic health of our country and the personal health of every American. It is like a festering wound, spreading like an infection throughout the country. It is time that we cured this infection by treating it with a proven remedy. S. 11, the Patients First Act of 2003 is the proven remedy Americans need and deserve. I urge my colleagues to join me in supporting this very important legislation.

Madam President, I began these remarks by stating that, as someone who had experience in this field, I have witnessed an unfortunate transition; a transition from the days when the standard of practice in the community was the rule in most communities, which seemed to me to be a fair rule, to a rule of the doctrine of informed consent, which means the doctor has to so inform the patient that the patient knows all of the risks involved. Well, the patient would have to go to medical school to know all of the risks and it would take so much of the doctor's time to advise a patient of those risks that none of us could afford it.

There are always risks in surgery and there are always risks in a number of clinical procedures. Consequently, because no doctor can ever really meet those standards, every one of those cases go to trial. In this country, jurors don't realize by giving outrageous awards that are not justified in these medical liability cases, they are basically spreading that cost to everybody in society.

If we do not act, babies will not be delivered with the utmost care in the future. Americans will not have access to trauma care. Americans will not have access to the top surgeons.

And if we do not act, unnecessary and costly defensive medicine will continue. I have to say, I have witnessed the increased use of costly CAT scans and MRIs in cases where patients could very easily have been treated at a very low cost in comparison. You can go right on down the line in almost everything else. It is getting so that young people in this country cannot afford to have children because it costs so much, and it is all driven by this medical liability situation. I think that is pathetic. I think it is pathetic for anybody to stand on the floor and say this is not a problem of tremendous concern and, literally, say that it is the insurer's fault.

That just is not the case. In all honesty, it doesn't take a rocket scientist to figure out what the problem is. I hate to say it, being a lawyer and having been a trial lawyer. The problem is caused by many in our profession who are bringing these frivolous suits. I have to tell you that I have seen lawyers bring frivolous medical liability suits for one reason and that is because it costs between $50,000 and $100,000 to defend those suits. Many of these insurance companies, rather than take the risk of a runaway jury or a forum shopping situation, even within in a state, will pay the defense costs to get out of the case even though the case has no merit.

Settling 20 of these frivolous cases per year, makes a pretty good living for an attorney, just forcing the insurance companies to pay defense costs because the insurance company doesn't want to take the risk of a runaway jury verdict in a runaway community.

I think what jurors need to know is that in many respects, by allowing outrageous verdicts in some of these cases where there has been no negligence, they are basically running this system right into the ground. That is what has happened.

As I say, I would have a catastrophic provision in this bill if I could, that basically would take care of particularly egregious, gross negligence type cases. There are reasons for bringing litigation from time to time. There are good reasons to weed out those doctors who should not be in the operating room, those doctors who really are incompetent, those doctors who do not do what is right.

But those are the exceptions, not the rule. We are finding that far too many good doctors are leaving the profession because they cannot stand this intolerable situation anymore. The country cannot stand it, either.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, this legislation, S. 11, is not a serious attempt to address a significant problem being faced by physicians in some States. It is the product of a party caucus rather than a bipartisan deliberation of a Senate committee. It was designed to score political points, not to achieve a bipartisan consensus which is needed to enact major legislation. For that reason, it does not deserve to be taken seriously by the Senate.

We must reject the simplistic and ineffective responses proposed by those who contend that the only way to help doctors is to further hurt seriously injured patients.

Unfortunately, as we saw in the Patients' Bill of Rights debate, the Bush administration and congressional Republicans are again advocating a policy which will benefit neither doctors nor patients, only insurance companies. Caps on compensatory damages and other extreme tort reforms are not only unfair to the victims of malpractice, they do not result in a reduction of malpractice insurance premiums. Not only does this legislation fail to do what it claims but it would do many things that its authors are attempting to conceal.

In reality, this legislation is designed to shield the entire health care industry from basic accountability for the care it provides. While those across the aisle like to talk about doctors, the real beneficiaries will be the insurance companies and large health care corporations. This amendment would enrich them at the expense of the most seriously injured patients, men and women and children whose entire lives have been devastated by medical neglect and corporate abuse.

This proposal would shield HMOs that refuse to provide needed care, drug companies whose medicine has toxic side effects, and manufacturers of defective medical equipment.

In the last 2 years, the entire Nation has been focused on the need for greater corporate accountability. This legislation does just the reverse. It would drastically limit the financial responsibility of the entire health care industry to compensate injured patients for the harm that they have suffered. When will the Republican Party start worrying about the injured patients and stop trying to shield big business from the consequences of its wrongdoing? Less accountability will never lead to better health care.

According to professor Sara Rosenbaum, a nationally respected expert on health care law at the George Washington University School of Public Health:

> This measure is so vast in scope that it reaches every conceivable health care claim against every health care corporation or manufacturer of health care products . . . In this sense the measure extends far beyond its popular billing as one related to the crisis facing physicians and other medical professionals in individual practice.

In testimony on the companion bill to S. 11 before the House Commerce Committee, she stated that the bill was written so broadly that it would shield health care companies from claims as varied as billing fraud, providing tainted blood to patients, fixing the prices of drugs, deliberately overcharging Medicare or Medicaid for health services, making defective implants and violating nursing home safety rules. This legislation is attempting to use the sympathetic family doctor as a Trojan horse concealing an enormous array of special legal privileges for every corporation which makes a health care product, provides a health care service, or insures the payment of a medical bill. Every provision of this bill is carefully designed to take existing rights away from those who have been harmed by medical neglect and corporate greed.

This legislation would deprive seriously injured patients of the right to recover fair compensation for their injuries by placing arbitrary caps on compensation for noneconomic loss in all of these cases. These caps only serve to hurt those patients who have suffered the most severe, life-altering injuries and who have proven their cases in court.

They are the paralyzed, the brain-injured, and the blinded. They are the ones who have lost limbs, organs, reproductive capacity, and in some cases even years of life. These are life-altering conditions which deprive a person of the ability to engage in many of the normal activities of day to day living. It would be terribly wrong to take their rights away. The Bush administration talks about deterring frivolous cases, but caps by their nature apply only to the most serious cases which have been proven in court.

A person with a severe injury is not made whole merely by receiving reimbursement for medical bills and lost wages. Noneconomic damages compensate victims for the very real, though not easily quantifiable, loss in quality of life that results from a serious, permanent injury. It is absurd to suggest that $250,000 is fair compensation for a person paralyzed for life.

Caps are totally arbitrary. They do not adjust the amount of the compensation ceiling with either the seriousness of the injury, or with the length of years that the victim must endure the resulting disability. Someone with a less serious injury can be fully compensated without reaching the cap. However, a patient with severe, permanent injuries is prevented by the cap from receiving full compensation for their more serious injuries. Is it fair to apply the same limit on compensation to a person who is confined to a wheelchair for life that is applied to someone with a temporary leg injury?

Caps discriminate against younger victims. A young person with a severe injury such as paralysis must endure it for many more years than an older person with the same injury. Yet that young person is prohibited from receiving greater compensation for the many more years he will be disabled. Is that fair?

Caps on noneconomic damages discriminate against women, children, minorities, and low-income workers. These groups do not receive large economic damages attributable to lost earning capacity. Women who are homeowners and caregivers for their families sustain no lost wages when they are injured, so they only receive minimal economic damages. Noneconomic damages are particularly important to these vulnerable populations.

In addition to imposing caps, this legislation would place other major restrictions on seriously injured patients seeking to recover fair compensation. At every stage of the judicial process, it would change long-established judicial rules to disadvantage patients and shield defendants from the consequences of their actions.

It would abolish joint and several liability noneconomic damages. This means the most seriously injured people may never receive all of the compensation that the court has awarded to them. Under the amendment, health care providers whose misconduct contributed to the patient's injuries will be able to escape responsibility for paying full compensation to that patient.

The bias in the legislation could not be clearer. It would preempt State laws that allow fair trdatment for injured patients, but would allow State laws to be enacted which contained greater restrictions on patients' rights than the proposed federal law. This one-way preemption contained in Section 11(b) shows how result-oriented the legislation really is. It is not about fairness or balance. It is about protecting defendants.

The amendment preempts State statutes of limitation, cutting back the time allowed by many States for a patient to file suit against the health care provider who injured him. Under the legislation, the statute of limitations can expire before the injured patient even knows that it was malpractice which caused his or her injury.

It places severe limitations on when an injured patient can receive punitive damages, and how much punitive damages the victim can recover. Under the bill, punitive damages can only be awarded if the defendant acted "with malicious intent to injure" or "deliberately failed to avoid unnecessary injury."

This is far more restrictive than current law. It prohibits punitive damages for "reckless" and "wanton" misconduct, which the overwhelming majority of States allow. In the very small number of cases where punitive damages would still be allowed, it would cap them at twice the amount of economic damages, no matter how egregious the defendant's conduct and no matter how large its assets.

It imposes unprecedented limits on the amount of the contingent fee which a client and his or her attorney can agree to. This will make it more difficult for injured patients to retain the attorney of their choice in cases that involve complex legal issues. It can have the effect of denying them their day in court. Again the provision is one-sided, because it places no limit on how much the health care provider can spend defending the case.

If we were to arbitrarily restrict the rights of seriously inured patients as the sponsors of this legislation propose, what benefits would result? Certainly less accountability for health care providers will never improve the quality of health care. It will not even result in less costly care. The cost of medical malpractice premiums constitutes less than two-thirds of 1 percent—66 percent—of the Nation's health care expenditures each year. For example, in 2001, health care costs totaled $1.42 trillion, while the total cost of all medical malpractice insurance premiums was $7.3 billion. Malpractice premiums are not the cause of the high rate of medical inflation.

This chart clearly reflects that we spend $1.42 trillion a year in total personal health care expenditures. It is a very large amount per individual. If we are ever able to get the cost of health care per individual down to a reasonable amount there would be real savings. But that isn't what this is about. This is about $7.3 billion, and that amounts to just one-half of 1 percent of all medical costs. Medical malpractice premiums do not contribute to the overall rise. We ought to address the cost of health care. That isn't what this bill is about.

Over the last 15 years, medical costs increased by 113 percent. The total amount spent on medical malpractice insurance rose just 52 percent over that period, less than half the rate of inflation for health care services. The increase is rising at virtually one-half of what other health care services are rising.

The White House and other supporters of caps have argued that restricting an injured patient's right to recover fair compensation will reduce malpractice premiums. But there is scant evidence to support their claim. In fact, there is substantial evidence to refute it.

In the past year, there have been dramatic increases in the cost of medical malpractice insurance in States that already have damage caps and other restrictive tort reforms on the statute books, as well as in States that do not. No substantial increase in the number or size of malpractice judgments has suddenly occurred which would justify the enormous increase in premiums which many doctors are being forced to pay.

Comprehensive national studies show that the medical malpractice premiums are not significantly lower on average in States that have enacted damage caps and other restrictions on patient rights than in States without these restrictions. Insurance companies are merely pocketing the dollars which patients no longer receive when "tort reform" is enacted.

Let's look at the facts. Approximately half of the States have a cap on medical malpractice damages. Most have had those statutes for a substantial number of years. The other half of the States do not have a cap on malpractice damages. The best evidence of whether such caps affect the cost of malpractice insurance is to compare the rates in those two groups of States.

Based on data from the Medical Liability Monitor on all 50 States, the average liability premium in 2002 for doctors practicing in States without caps on malpractice damages was $31,926, virtually the same as the average premium for doctors practicing in States with caps, which was $30,521.

There are many reasons why insurance rates vary substantially from State to State. This data demonstrates that it is not a State's tort reform laws which determine the rates. Caps do not make a significant difference in the malpractice premiums which doctors pay. This is borne out by a comparison of premium levels for a range of medical specialties.

The average liability premium in 2002 for doctors practicing internal medicine was less—2.8 percent—for doctors in States without caps on malpractice damages—$9,552—than in States with caps on damages—$9,820. Internists actually pay more for malpractice insurance in the States that have caps.

The average liability premium in 2002 for general surgeons was almost identical for doctors in States without caps—$33,016—than States with caps—$33,157. Surgeons are paying the same regardless of the State's tort laws.

The average liability premium for OB/GYN physicians in 2002 in States without caps—$53,163—exceeded the rate for doctors in States with caps—$48,586—by less than 10 percent, a relatively small difference.

Shown on this chart are the figures for: internal medicine, general surgery, OB/GYN, and the physicians in States without caps on damages and the physicians in States with caps on damages. A fair reading of that would indicate there is virtually little that would reflect itself in lower malpractice insurance rates for those States with caps.

This evidence clearly demonstrates that capping malpractice damages does not benefit the doctors it purports to help. Their rates remain virtually the same. It only helps the insurance companies earn even bigger profits. As Business Week Magazine concluded after reviewing the data "the statistical case for caps is flimsy." That is from their March 3, 2003 issue.

Since malpractice premiums are not significantly effected by the imposition of caps on recovery, it stands to reason that the availability of physicians does not differ between States that have caps and States that do not. AMA data shows that there are 233 physicians per 100,000 residents in States that do not have medical malpractice caps and 223 physicians per 100,000 residents in States with caps. Looking at the particularly high cost speciality of obstetrics and gynecology, States without caps have 29 OB/GYNs per 100,000 women while States with caps have 27.4 OB/GYNs per 100,000 women. Clearly there is no correlation.

If a Federal cap on noneconomic compensatory damages were to pass, it would sacrifice fair compensation for injured patients in a vain attempt to reduce medical malpractice premiums. Doctors will not get the relief they are seeking. Only the insurance companies, which created the recent market instability, will benefit.

A National Association of Insurance Commissioners study shows that in 2000, total insurance industry profits as a percentage of premiums for medical malpractice insurance was nearly twice as high—13.6 percent—as overall casualty and property insurance profits—7.9 percent. Do we understand that now? This is the National Association of Insurance Commissioners. Their study showed, in the year 2000, that the insurance industry profits as a percentage of premiums for medical malpractice insurance was twice as high as casualty and property insurance profits. The profits from the premiums for medical malpractice insurance were twice as high. This is the National Association of Insurance Commissioners study.

In fact, malpractice was a very lucrative line of insurance for the industry throughout the 1990s. Recent premium increases have been an attempt to maintain the high profit margins despite sharply declining investment earnings. That is what is at the root cause here.

Insurance industry practices are responsible for the sudden, dramatic premium increases which have occurred in some States in the past 2 years. The explanation for these premium spikes can be found not in legislative halls or in courtrooms, but in the boardrooms of the insurance companies themselves.

There have been substantial increases in the last 2 years in a number of insurance lines, not just medical malpractice. Insurers make much of their money from investment income. Interest earned on premium dollars is particularly important in medical malpractice insurance because there is a much longer period of time between receipt of the premium and payment of the claim than in most lines of casualty insurance.

The industry creates a "malpractice crisis" whenever its investments do poorly. The combination of a sharp decline in the equity markets and record low interest rates in the last 2 years is the reason for the sharp increase in medical malpractice insurance premiums. What we are witnessing is not new. The industry has engaged in this pattern of behavior repeatedly over the last 30 years. When "tort reform laws" are enacted, the insurance companies pocket the resulting savings to bolster their profits.

Last month, Weiss Ratings, Inc., a nationally recognized financial analyst, conducted an in-depth examination of the impact of capping damages in medical malpractice cases. This is a nationally recognized financial analyst. Their conclusions sharply contradict the assumptions on which this legislation is based. Weiss found capping damages does reduce the amount of money that malpractice insurance companies pay out to injured patients. However, those savings are not—those savings are not—passed on to doctors in lower premiums. That is the conclusion.

This is what the Weiss report, issued on June 3 of this year, states:

> Since the insurers in the states with caps reaped the benefit of lower medical malpractice payouts, one would expect that they would reduce the premiums they charged doctors.

At the very minimum, they should have been able to slow down the premium increases. Surprisingly, the data show they did precisely the opposite. Between 1991 and 2002, the Weiss analysis shows that premiums rose by substantially more in the States with damage caps than in the States without caps. The 12-year increase in the median annual premium was 48.2 percent in the States that had the caps, and only 35.9 percent in the States that had no caps. In the words of the report:

> On average, doctors in states with caps actually suffered a significantly larger increase than doctors in states without caps. . . . In short, the results clearly invalidate the expectations of caps proponents.

There it is. Those States with the caps, 48.2 percent median premium increase; States without caps, 35.9 percent. That is from the study by Weiss Rating, Inc. It is not a study that is made up by those of us who are expressing opposition.

Doctors, especially those in high-risk specialties, whose malpractice premiums have increased dramatically over the past 2 years, do deserve premium relief. That relief will only come as a result of tougher regulation on the insurance industry.

When insurance companies lose money on their investments, they should not be able to recover those losses from the doctors they insure. Unfortunately, that is what is happening.

Doctors and patients are both victims of the insurance industry. Excess profits from the boom years should be used to keep premiums stable when investment earnings drop. However, the insurance industry will never do that voluntarily. Only by recognizing the real problem can we begin to structure an effective solution that will bring an end to unreasonably high medical practice premiums.

I conclude with a quotation from the analysis of medical malpractice premiums by Weiss Ratings, Inc. Weiss Ratings, as I said, is not speaking from the perspective of a trial lawyer or a patient advocate, but as a hard-nosed financial analyst that has studied the facts of malpractice insurance ratings. Here are their recommendations to us based on those facts:

> First, legislators must immediately put on hold all proposals involving non-economic damage caps until convincing evidence can be produced to demonstrate a true benefit to doctors in the form of reduced med mal costs. Right now, consumers are being asked to sacrifice not only large damage claims, but also critical leverage to help regulate the medical profession—all with the stated goal that it will end the med mal crisis for doctors. However, the data indicate that similar state legislation has merely produced the worst of both worlds: The sacrifice by consumers plus a continuing—and even worsening—crisis for doctors. Neither party derived any benefit whatsoever from the caps.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. I also reference a really excellent article in U.S. News and World Report from June 30 that shows on a chart what has been happening with premiums going from $2.9 billion to $4.9 billion and, on the other hand, points out insurers' payments after the jury verdict was $147 billion in 1993 and in the year 2001, $172 billion—so basically a fairly flat line across almost a 10-year period, a dramatic increase in the premiums and virtually flat in terms of the payments.

I am glad to yield.

Mr. DURBIN. If the Senator from Massachusetts would yield for a question, I would ask him, since he has been our leader in the Senate on the issue of a Patients' Bill of Rights to ensure that patients across America have their rights against HMOs and managed care companies—I ask the Senator from Massachusetts, is he aware that despite the copious debate on the floor about the crisis facing physicians across America, S. 11 provides a limitation on liability not just for doctors and hospitals but also for HMO insurance companies, managed care organizations, pharmaceutical companies, and manufacturers of medical devices?

Mr. KENNEDY. The Senator is exactly right. It is not only limited to those groups the Senator has cited, but there is a strong belief that it would also apply protection for billing fraud, tainted blood to patients, fixing of prices of drugs, deliberately overcharging Medicare and Medicaid for health services, as well as making defective implants, and violating nursing home safety standards.

We don't hear much from those who are supporting this about why all of these various groups need this kind of protection. It is a catch all, not dealing with what was stated by many of those who were speaking in favor. This is a catch all for anything to do in any way, under any pretense, with the health care industry.

Mr. DURBIN. May I ask the Senator from Massachusetts another question through the Chair. There is a section in this bill I would like to call to his attention, section 13. I would like to read it to the Senator and ask him to respond, since he has been the sponsor of a Patients' Bill of Rights, so that once and for all HMOs and managed care companies will be held responsible and accountable for medical decisions they make that injure patients. I ask the Senator if he would respond and tell the Senate on the record what it means to include in S. 11 a section 13, with the following language—sense of Congress:

> It is the sense of Congress that a health insurer should be liable for damages for harm caused when it makes a decision as to what care is medically necessary and appropriate.

I ask the Senator from Massachusetts, does this sense of Congress language guarantee that those who are harmed by health insurers who make bad decisions about diagnostic procedures, stays in the hospital, necessary surgery—is this language some refuge and comfort for them that finally now they will have their day in court and now, with this sense of Congress, they can hold these health insurance companies accountable?

Mr. KENNEDY. It really insults the intelligence of the average family, and the average family is far too bright and smart not to understand what this says and what it does not. As implicated in the Senator's question, this is a sense of the Senate of something we should be doing by legislation which we have attempted to do with the Patients' Bill of Rights.

This sense of the Senate is meaningless. It isn't even worth the paper it is written on, because of all the other provisions included in the legislation which the Senator has spoken to so effectively during the course of the debate.

This is sort of a catch all, a "make them feel good," section, for some to be able to say: Look, they have language in here that it is the sense we all feel this way. But, of course, it says this in a piece of legislation which will effectively undermine the protections for working families, for their parents, and for their children.

We have many things that can be done to provide help to some of those who have the particular specialties which need attention, but the idea that you have these two lines of a sense of the Senate to effectively say: We have done all of these bad things, and we have put them in law, but we want a sense of the Senate to make you feel good and show that we are actually protecting the average family in this country—as the Senator well knows, it isn't worth the paper it is printed on.

Mr. DURBIN. If I may ask one last question of the Senator?

Mr. KENNEDY. If I may just add, as the Senator remembers—I hope the American people do—we had weeks of debate on the floor on the Patients' Bill of Rights. As the Senator remembers, what underlined that whole debate was that we ought to put the well-being and the health care interests of the patients of this country ahead of the bottom line of the HMOs. This was a debate in which the American people really participated. It was sidetracked because the administration refused to allow States to make the ultimate decision about compensation for individuals. That was in the final compromise which this administration refused.

So for all those who want to talk about States rights issues on this and the States know best—all those who make that argument—they somehow miss the importance of the real protections for people.

Mr. DURBIN. My last question to the Senator: If this sense of the Congress is not worth the paper it is written on, as the Senator has said, is it fair to conclude that since the HMOs and managed care companies prevailed before when the Senator from Massachusetts offered his Patients' Bill of Rights to protect individuals from insurance companies making medical decisions, is it fair to conclude that if S. 11 were enacted as written, limiting the liability of these HMO and insurance companies, these companies would win again, that we would reward them again for bad conduct, despite the sense of the Senate, sense of Congress, section 13 of this bill?

Mr. KENNEDY. I think what you could say is that this is the anti-Bill of Rights for the American consumer because it goes in just the opposite way. Rather than guaranteeing protections, it undermines whatever protections are out there. This is a battle we have been fighting over and over again in recent years, making sure the most basic protections for our consumers and families in the health care area are not undermined.

As the Senator has pointed out, this is going in the opposite direction.

Mr. DURBIN. I thank the Senator.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to respond to a few of the items just laid out in the Senate and try to point out what I think are glaring inaccuracies.

First of all, the Weiss report we have heard so much about from the last two speakers uses numbers from the Medical Liability Monitor. The Medical Liability Monitor just provides the numbers. They are not a group that is pro tort reform or anti tort reform. This is what the editor, Barbara Dillard, says about the numbers that the other side of the aisle is using to somehow skew what the premiums are doing in those States that have enacted tort reform. Let me read some of the most salient parts:

> The Weiss ratings analysis of medical malpractice caps cites the Medical Liability Monitor as the source of data Weiss uses to calculate "average" and "medium" premiums for physicians during the last 12 years. While we are an independent news publication and take no position on tort reform, or other proposals to improve the medical liability climate, we feel it is necessary to comment on the use of our statistics because some readers have expressed concern. The median and averages in the Weiss report are not the numbers we report in our annual rate surveys. Weiss may have taken our numbers, the amounts and increases of premiums paid by doctors State by State, and used them to arrive at their statistics. But it is not possible from the report to say definitely how our numbers have been used. It is our view that it is impossible to calculate a valid "average" premium for physicians, or for physicians in a particular State or territory, and we state that clearly in the executive summary of our rate survey.

But the editor of the Medical Liability Monitor goes further. She advised the leader's office that:

> It is misleading to use median premiums compiled with data from the Medical Liability Monitor to demonstrate the effect of noneconomic damage limits on liability rates.

This is exactly what Weiss does. That is the report they have been quoting here. The report uses median annual premiums compiled with data from the Medical Liability Monitor to try to demonstrate the effect of noneconomic damage limits on liability rates. Not only is this wrong, it downright misleads the public.

Let me refer to some of the other issues they were talking about. Half of the States have enacted medical liability reform. My State did that a year ago. It has caps. If you look at my State, as far as the numbers, it would look like it hasn't worked. It takes a minimum of probably 8, 10, 12, or 15 years to go through the courts to find out whether the caps are going to be upheld. If the insurance companies are unsure whether the caps are going to be upheld or not, there is no predictability there because they can reach way back—once it is held unconstitutional, they can go back and try those cases and get those awards.

That is why in California it took so long—from 1975 until the mid-1980s—to find out whether the law was going to work. Colorado and California have now had their laws in place long enough to stabilize rates. Let's look at those two States, in major cities, compared to other cities around the country.

Here are Los Angeles and Denver. We will start with the general surgery. It is almost $37,000 in Los Angeles for the medical liability premiums for the year; that is for a general surgeon. In Denver, it is around $34,500. New York is about $51,000. Las Vegas was $70,000. It is a lot higher this year in Las Vegas. In Chicago, it is $68,000. In Miami, it is $174,000. The cities in the gray on the chart are States without medical liability reform. The two in the white have had medical liability reform in place long enough for them to have predictability.

This whole debate isn't about hurting patients; it is about helping them to have access to quality care. In my State, we had a level I trauma center close for 10 days because of a crisis, where the specialists who were treating patients there could not afford the medical liability insurance anymore. So they had to say: We cannot come in there and practice because we cannot afford the insurance. The Governor of our State, within a week, called a special session of the legislature. They enacted, in a bipartisan way, caps. Unfortunately, like a lot of the caps in the country—and they use a lot of these statistics—they are similar to the caps in my State where they have loopholes that you can drive a truck through, which makes the legislation pretty much, as far as a court of law is concerned, ineffective. That is why there is a move in my State to close those huge loopholes down to where just the most serious cases actually have unlimited pain and suffering type of awards.

In our State, the way they reopened the level I trauma center in that special session of the legislature—not only did they enact a $350,000 cap for the general population but for the level I trauma center they put it under the State. Guess what. Our State has $50,000 caps total—economic, pain and suffering, medical, the whole thing. That is the only way they could get the level I trauma center back open. Why did they do it? They knew there was a crisis. People had died, and more would die if they didn't reopen the trauma center.

Well, how bad does it have to get in the U.S. for us to say there is a crisis? When will the other side realize how bad the situation is in America? We are losing specialists. People are leaving the practice of medicine—especially those specialties and subspecialties in which we already have a shortage in many areas; and new people are not going into these areas because they see the writing on the wall. They see it is going to be too expensive for them to go out and practice.

I have a good friend from Las Vegas, Dr. Spoon. We were talking a couple months ago. One of his favorite things to do in his practice—he is an obstetrician—is to deliver babies, especially those high-risk pregnancies. He got so much enjoyment from bringing them to the point where they were successful. His insurance company made him stop performing high-risk deliveries, and they also cut him down from 250 or 300 deliveries a year, and he can deliver no more than 125 babies a year.

Southern Nevada is the fastest growing metropolitan area in the country. Yet we are losing OB/GYNs and new ones are not coming in. So what happens in that area is women are having serious trouble locating OB/GYNs to deliver their babies.

I want to try to talk a little bit about the bill and what it really does do and try to clear up some of these issues. First, to go back to premiums. It was said that in places such as California premiums and caps on economic damages—caps on pain and suffering don't work. According to the CBO, they do work. H.R. 5, which is virtually identical to the bill we have today, would significantly lower premiums for medical malpractice insurance from what they would otherwise be under current law. Premiums for medical malpractice insurance ultimately would be an average of 25 to 30 percent below what they would be under current law.

The Congressional Budget Office is nonpartisan, and everybody is supposed to respect the numbers they put out around here. They certainly don't have any pro or con as far as tort reform is concerned. There are others such as the U.S. Department of Health and Human Services that say States with limits of $250,000 or $350,000 on noneconomic damages have average combined highest premium increases of 12 to 15 percent—that is average combined highest premium increases—compared to 44 percent in States without caps on noneconomic damages.

The Joint Economic Committee of the Congress says that tort reform will reduce overall spending on health care savings by between $67 billion and $106 billion over the next 10 years.

I wish to talk a little bit about what kinds of economic damages. That has been criticized. We don't cap economic damages. What can you get in economic damages under this bill? You can get all lost wages and benefits. Lost earning capacity. They say it hurts children. You get a child who gets hurt because of malpractice and you can calculate what that child would have had over the next 60, 70 years.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENSIGN. They may not have the education to know what their total potential was but it is 60 or 70 years' worth of earnings they can get in economic damages. That can be significant. I will freely admit it is not what Barry Bonds would get if he got hurt, or LaBron James, the new basketball player. They would obviously get a lot more money because they have the potential of making so much more money. But this child would still get a significant amount.

Let me go through these points, and then I will yield for a question.

All medical expenses would be covered under this bill: long-term care, assisted living devices, child care, household services, lost time, special medical damages, value of care, counsel, advice, aid, comfort, counsel for children, parents, and spouses. All of those are possible under economic damages in this bill.

The final point I wish to make is this: Does this capping hurt patients? We just have to look at Colorado and California and ask: Are there people out there being hurt? I submit there are a lot more people being hurt and going to be hurt in States such as Nevada where the doctors are leaving, where the doctor will not be in that emergency room or will not be able to deliver a baby, especially in those high-risk pregnancies.

This one case in Florida is a very good example. I actually met this gentleman. He is a physician himself. He was not performing duties as a physician at this time, he was a parent of an injured child. His name is Dr. Frank Shwarin. His 4-year-old child in Naples, FL, fell and hit his head on the side of the swimming pool. This was in July of 2002. The father is named Frank and Craig is the son. He rushed him to the nearest hospital only to find that none of the neurosurgeons on call would treat patients under 18 years of age. Why? Because they could not get medical liability coverage to treat, even in an emergency situation, a pediatric neurosurgery case. They had to medevac his son a couple hours away. Fortunately, because the father is a doctor, he was able to keep his son alive during that time.

A woman testified before the Senate that when the level I trauma center crisis happened in my State, her father died when that trauma center was closed because he had to be sent to another emergency room, and an emergency room is not a trauma center. They do not have the kind of expertise to treat severe trauma. As a result, her father died.

We cannot guarantee he would not have died in the trauma center, but we can guarantee he would have had the best possible care and the best chance of living. That is what I believe this debate has come down to: The system is out of balance now. It is not working. To correct this imbalance, we have to start reining in some of these frivolous, outrageous jury awards.

I yield for a question.

Mr. DURBIN. Mr. President, I thank the sponsor of the legislation for coming to the Chamber. I want to give him an opportunity to complete his statement, and perhaps at the end of that statement, if he and I can engage in dialog or debate, that would be fair. I do not want to interrupt his train of thought during his presentation.

Mr. ENSIGN. That would be fine. I have a couple other issues to go through. There are a few other cases I would like to bring to the attention of our colleagues.

First, because we need to put a real face on this issue—we need to put a face on the patients, and I think it is legitimate to put a face on the other way. I think it is legitimate to put a face on somebody who has had a claim of malpractice and actually had malpractice committed against them, and it is also fair to put faces on those people who now are having trouble finding the kind of health care they need.

This is a balancing act, there is no question about it. There is no perfect answer to this situation. I wish there were. The fact is, the current system is driving health care providers out of the practice of medicine, hospitals are closing down, and we need to correct the situation so that when we seek health care in an emergency situation or in a nonemergency situation, we will have the kind of care we need.

A friend of mine in Las Vegas has Parkinson's disease and goes down to Loma Linda—I told this story earlier today—to see his subspecialist in neurology to treat this disease. He had some fairly radical surgery where they actually separate parts of the brain. He has had very good success with it. He had a specialist talked into moving his practice to Las Vegas shortly before the medical malpractice crisis hit in Las Vegas. Once that hit the news, the guy said: Sorry, I live in California where we have caps. I cannot go to Las Vegas and pay $250,000 a year for my practice for medical liability coverage. I cannot afford to do it. Why would I do that when I have a good practice here, we have caps, and it is working well in California?

He wanted to move to Las Vegas. He was ready to go with his family. He liked the quality of life in Las Vegas. He did not go simply because he cannot afford to take that kind of economic hit. So people in Las Vegas have to drive down there.

Most of the time those are not emergency cases, but for those cases that are an emergency, it is just a shame.

People say this is a State issue. I would counter that this is the United States of America, and we are supposed to be able to live where we want to live, and now we are saying to people: No, you cannot go there because of medical liability premiums, you cannot afford to open up your practice because of medical liability premiums. People should be able to find the kind of health care they need wherever in the United States and live the quality of life and obtain the best health care they can possibly get based on what is available in the area. I do not think outrageous premiums should be the limiting factor.

Let me close with this point, Mr. President. Earlier there was debate about punitive damages and that we are protecting big companies. Under this bill, we do protect companies that make medical devices if they have followed FDA regulations. In other words, the manufacturer would not be liable for punitive damages if it satisfied FDA's rigorous approval process and if the harm to the patient did not result from the company's violation of an FDA regulation. If they played by the rules that the Government set down, we protect them in this bill from noneconomic—we do not protect them from economic or from medical expenses. But if they violate the FDA rules, then they are not protected. I think that is fairly reasonable. That is why we think this bill is a reasonable compromise, is a reasonable approach to solving what I believe is an out-of-control system.

I will be happy to yield for questions.

Mr. DURBIN. Mr. President, I thank the sponsor of the legislation. I would like to ask him this question. Virtually every example the Senator has given, every compelling example he has given for this legislation involves doctors paying malpractice premiums. Yet as he has written this legislation, it goes far beyond providing limitation of liability for doctors. It includes limitation of liability for HMOs, managed care, pharmaceutical companies, medical device manufacturers, and nursing homes.

Can the Senator from Nevada explain to me why he has not come before us and argued on behalf of HMOs and why their exposure to liability for wrongdoing is a source of concern and leads to, he thinks, the need for legislation?

Mr. ENSIGN. Mr. President, we know we live in a litigious society. We are sue happy today. Everything is somebody else's fault, and we immediately go to court. Because of the nature of our courts, it is easier to settle. When we settle, it drives up the cost for all of us. A lot of the cases never make it because it is too expensive to take the case all the way to court.

A lot of companies especially are self-insured for certain amounts of money. It is easier for them to calculate the cost of going to court, and what happens in the long run is that all of us pay for that in higher premiums. When we have higher premiums, it is pretty simple. We end up with a situation where employers cannot afford it. A lot of small employers especially are dropping their health insurance coverage and we are ending up with 41 million uninsured in this country and a big part of that is the cost, not only of the premiums to doctors but just the whole cost of defensive medicine that we have to practice today because of the fear of being sued.

Mr. DURBIN. So if the Senator from Nevada will yield for another question, through the Chair, is the Senator from Nevada going to bring for us then more evidence, as he has when it comes to doctors, as to the insurance crisis facing drug companies in America, which as I understand are the most profitable corporations in America with an average annual return of 18 percent on capital, about 6 times the rate of return of the Fortune 500? Is he going to tell us about the liability exposure of HMOs that really necessitate this protection which he is building into his proposed law, S. 11? Is he going to tell us about the medical device corporations that have made faulty products which are causing problems across America and how their exposure and liability necessitate this need to limit their accountability and cap the recovery of innocent people who are victims of their misconduct?

Mr. ENSIGN. If the Senator would vote for us to go forward with the bill tomorrow when we have a cloture vote, we will have a lot of time to debate this. We can amend it and go forward with this debate. So I hope he will join us in voting for cloture because I do have a lot of evidence to justify the various provisions in the bill.

The bottom line is we all know that today it costs around $900 million to bring a single new drug to the market. I am not here to defend the pharmaceutical companies or any other company.

Mr. DURBIN. That is what the bill of the Senator does.

Mr. ENSIGN. No. What I am here to say is we have a problem with our health care system today and we need to fix it. If we can go forward with this bill, if there are amendments the Senator thinks can improve this bill, let's at least move to it so that we can amend it, put the amendments forward, and have a healthy debate. We can take a week, or whatever it takes, to do that so that we can go forward and try to fix some of the glaring problems. If the Senator thinks there are some problems with the bill, let's bring forth amendments and try to fix it.

Mr. DURBIN. If the Senator will yield for another question, I am curious. What the Senator has just suggested is a good basis for establishing what we might even call a Senate committee where we could have Members of the Senate come together, consider evidence, and offer amendments before the bill comes to the floor. If I am not mistaken, the Senate bill already provides for committees. Why is it that this bill, of such consequence, should not go through a Senate committee system so that the very aspects that we have just discussed can be openly debated and amended and come up with a work product that might be of real value to this country?

Mr. ENSIGN. I say to my friend and colleague that it is obvious why. We could not get a bill to the floor. The Senator knows that and everybody here knows that. It is just like last year when the Senator was in the majority, there were at least two bills that I remember, the Energy bill, as, well as the prescription drug bill, that were brought to the floor that were not brought through committee. They were brought directly to the floor by the majority leader at the time. It is not a common procedure, but it is a procedure that has to be done every once in a while to bring up important legislation that cannot go through committee and my colleagues know cannot get through committee.

The way the Senate works is so different than the House, and the Senator knows that. We both served in the House of Representatives. The House of Representatives does almost all their work in the committee. We can do a lot of our work on the floor and produce a pretty darn good product by bringing it to the floor, amending the bill on the floor, and that is what I think we should do.

Mr. DURBIN. If I could ask the Senator from Nevada, the sponsor of this legislation, another question, he has spoken about his own home State of Nevada and the problems they have faced. In the last 2 days, there has been a lot of discussion on the Senate floor about the medical malpractice crisis in this country that involves an increasing incidence of medical malpractice. In fact, the Bush administration says it has reached epidemic proportions.

I ask the Senator from Nevada, what in his bill, S. 11, would deal with the problem in his home State of Nevada, reported by Business Week on March 3 of this year, in which they reported that in his home State of Nevada, which adopted a $350,000 cap on recovery last year, it was discovered that two doctors in his State were responsible for $14 million of the $22 million in claims awarded in Nevada in 1 year? What in this legislation would make certain that those doctors, guilty of malpractice, would be held accountable for their wrongdoing and would be removed from practice if, in fact, they are not meeting the standards of professional conduct?

Mr. ENSIGN. Mr. President, I say to my colleague that it is a great point. I practiced veterinary medicine and I understand how professional boards work. I understand that with professional boards there is a self-policing that is assumed. It is supposed to happen with lawyers. It is supposed to happen with accountants. It is supposed to happen with veterinarians. It is supposed to happen with physicians. The big problem today with professional boards is they are afraid to do something with somebody's license because if they do, they can be held personally liable. That happens time and time again.

All of the professional boards go through this; that as badly as they would love to jerk somebody's license, unless it is so clear and the evidence is so outrageous of what they have done to deserve their license being jerked, it just does not happen. Frankly, it should happen more. There are incompetent doctors. There are incompetent lawyers. There are incompetent veterinarians. More of them should have their license jerked in that case, and I wish they were empowered a little more and maybe protected a little more to do that.

Mr. SESSIONS. Will the Senator from Nevada yield for a question?

Mr. ENSIGN. I am happy to yield for a question.

Mr. SESSIONS. I say to Dr. Ensign, we appreciate his leadership on this matter and know that he is a professional himself, and he is familiar with these liability issues. The Senator talked about two doctors in Nevada being responsible for $14 million of the $22 million in punitive damages. I guess what I want to ask the Senator is that in this way we operate with punitive damages, is not the real truth that when two doctors get hit with big verdicts that the premiums from all the innocent doctors in Nevada go up? It is not just the bad doctor who pays—it is supposed to punish him—but the insurance company pays it, does it not, and then they pay for that by raising the premiums on everybody else?

Mr. ENSIGN. The Senator from Alabama brings up a very true point, but also the Senator from Illinois is correct in that we do need to do a better job of policing the physicians. They need to do a much better job of that. That is why I brought up the point of the boards. The point is, though, if we vote for cloture tomorrow, maybe we can work this out. Maybe we can come up with something that could be addressed, or at least give suggestive language to the States to be able to work this out. It is so clear that if we can invoke cloture—for the general public, that means that we can proceed to the bill. The vote tomorrow is just whether we can proceed to the bill. All of this is just pre-debate on whether we are going to proceed to a bill that is so critical to the future health care in this country.

Mr. SESSIONS. The Senator is exactly correct. I certainly agree, as a Federal prosecutor—and I prosecuted some physicians and other professionals in the medical business for bad behavior, but the odd thing about the way our tort system works, people think the doctor who gets sued is being punished, but really the doctor has insurance which he is required to have in order to practice in a hospital—virtually everybody has to have some, no matter how much it costs—and they do not end up being punished. Every physician in the community is punished, are they not? Is that not an odd thing that we are dealing with in current law?

Mr. ENSIGN. I do not know if the Senator can see this chart—maybe we can have that chart turned just slightly so the Senator from Alabama can see it, but it brings up the exact point. The States that have capped noneconomic damages in the white, California and Colorado, represented by Los Angeles and Denver, in those States let's go down to the OB/GYNs, $54,000 in Los Angeles for the annual premiums for the medical liability insurance, $30,000 in Denver. Go over to New York; it is almost $90,000; in Las Vegas, $108,000. I guarantee that number in Las Vegas is old because friends of mine who are OB/GYNs say they are paying anywhere from $130,000 to $150,000 a year. Chicago, $102,000 and Miami is over $200,000 a year. The cities in gray, representing the states in gray, have no tort reform that has been on the books. Nevada has it but it has not been on the books long enough. It will take 6, 8, 10 years. Los Angeles and Denver have had their laws on the books long enough to work.

Because they have enacted what we want to do today, we see these premiums.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Alabama.

Mr. SESSIONS. I will share my thoughts. I believe this bill is a good way to go about at the present time dealing with what is a health care crisis in America—the surging costs of insurance and liability. I wish we were not in the Senate having to deal with it. I have some great friends in the tort business, good lawyers, and they have learned over the years how to utilize the system to maximize verdicts and maximize recoveries. They have been successful.

Things have gotten out of sync. They need to be brought into sync. We can do it a number of different ways. We can do it State by State. The truth is over half of the medical care in hospitals in America today, and a very large percentage of what doctors do every day, is paid for by the Federal Government in Medicaid. It is our tax money. We are paying it. Part of the need they have for higher pay and higher reimbursement rates is because of the malpractice insurance they must pay.

Caps on damages have worked. Last week I was in the small town of Russellville in Alabama where I practiced law for a year or so. It is pretty far off the beaten path. A bright young doctor gave me a couple of ideas about reforming medical care unrelated to this issue. He told me he had come from California. His premiums in Alabama were substantially higher, and growing each year, than his colleagues he left in California. He did not expect that.

We have little or no caps. We have some caps in Alabama, but not the kind in California.

I talked to a physician friend of mine, a wonderful person I go to church with, Dr. Conrad Pierce, former president of the OB/GYN Association. And he talked about the $100,000 liability premiums that OBs pay. He said, Jeff, you can get by in a city if you are delivering a couple hundred babies a year, but if you deliver 50 or 100 babies, this is $1,000 per delivery. It represents your health care premium. That is a big deal.

Mr. ENSIGN. If the Senator will yield, is the Senator aware that, for instance, in Las Vegas, they are limiting the number of babies they are allowed to deliver to 125. What your friend was talking about is right, they used to deliver 250 to 300. Now they limit how many they can deliver.

Mr. SESSIONS. That is the result we are dealing with. All kinds of factors are occurring that are impacting adversely health care as a result of the premiums.

As my friend pointed out, in some rural areas you only deliver 50 or 60. It is not precisely how many babies delivered by a doctor that determines the premiums paid. You pay a basic premium if you deliver any at all. So the low numbers drive out physicians in rural areas who do not deliver that many babies.

It is a big deal. We have seen medical malpractice insurance jump by 81 percent over the past 2 years alone. It has driven people out of business.

The Physicians Insurance Association of America shows a fourfold increase from the period of 1991 to 2002 in the percentage of jury awards that exceed $1 million. We have a fourfold increase in the percentage of jury awards that exceed $1 million. Some say the reason these premiums have gone up is because insurance reserves are not producing the returns they used to produce. I don't think it is disputed that we have a substantial increase in the large verdicts around the country. That does drive the market.

In West Virginia, Charleston Area Medical Center lost its Level I Trauma Center status, leaving West Virginia University Ruby Memorial Hospital as the only Level I Trauma Center in the State. The inability of this facility to find neurosurgeons and orthopedists created a situation in which critically injured patients had to be medevac'ed out of the State.

Open the newspaper and you will read of similar crises in Pennsylvania, Nevada, Mississippi, and other areas. Rural areas are hit hardest by the increasing costs. This places additional burdens on those who can least afford it.

In my home State, I was in the town of Atmore, not too far from where I grew up. The Atmore Community Hospital was forced to close its obstetrics unit because it could not afford the 282 percent increase in malpractice insurance from $23,000 to $88,000. When you deliver a limited number of children, $88,000 is a substantial cost against you. Now expectant mothers must travel either to the hospital in Brewton, 30 miles away, or to Mobile or Pensacola, FL, an hour away, eliminating availability of health care.

Another rising crisis in my State has been brought to my attention involving the nursing home industry. It was a stunning statistic. At the request of the American Health Care Association, Aon Risk Consultants conducted an actuarial analysis that found there was a substantial increase in premiums, an extraordinary increase from 1995 to 2002 for nursing homes, meaning that the cost for settling and defending malpractice claims increased from $320 a bed in a nursing home to $4,410 per bed, over a tenfold increase in the insurance premiums paid. This was first brought to my attention by an individual I know in my hometown of Mobile who shared those numbers with me. It is consistent with his personal experience. I was shocked. We are looking at $4,000 per-bed cost annually for liability insurance per nursing home bed. That is very significant.

I hope as we go forward we can move beyond obstruction and a filibuster to be able to offer amendments, if people think they can make it better, that we can do things that would be realistic and effective. I think we can do that. This bill has a good core right now. I intend to support it and I intend to vote for it and I intend to vote to move it up for debate.

The odd thing about malpractice in America today and the lawsuits that get filed are, as I suggested to my able friend from Nevada, Senator ENSIGN, we think we are punishing doctors who make a mistake and we sue them for punitive damages. This historically was not a big part of litigation in America, but in the last 20 or 30 years punitive damages have become a staple in litigation. If a doctor makes a mistake, they sue him for the mistake, they sue him for the compensation, damages, pain and suffering of the patient, and they invariably add it was done recklessly, wantonly, or without due regard of care and that he is, therefore, responsible for punitive damages. Those punitive damages are added on to it as a punishment to that doctor. But already the doctor in the basic recovery is above the deductible he had on his insurance policy. He has already paid that out of his pocket. So whether it is $1 million or $10 million or $500,000 in punitive damages, that is paid for by the insurance system that we set up. And who pays into that insurance system? All the doctors in the community.

I absolutely agree with Senator ENSIGN that we need tighter controls on physicians by the medical associations, just as I believe—and have believed for a long time—we need tighter controls by the legal professional community, of which I have been a part. We do not do enough there.

But, regardless of that, you are still going to have negligence. You are still going to have these kinds of recoveries. If not capped, they continue to shift the payment from the person who did wrong to the innocent doctors and physicians out there who will all see their premiums increase substantially.

I have visited hospitals in my State on a regular basis. I visited probably 30 hospitals in the last 3 or 4 years. I ask them about how their liability insurance premiums are doing. They tell me they tripled in the last several years, invariably—more than double consistently, they tell me, over the last 3 or 4 years. Each one is somewhat different but the premiums have gone up at an extraordinary rate.

I think this Congress, faced with a demand for improving health care and health care delivery to more people, and at the same time trying to do so with contained cost, ought to look at one aspect of the medical system that produces little or no benefit and that is the amount of money paid out through this system.

Yes, I do believe that lawsuits make some physicians more careful. I do think it has led to the altering of practices for better health care. I do not believe all lawsuits are bad. I do not believe all recoveries are bad. I think it is good sometimes if physicians get hit and popped and sent a message. I think the embarrassment of the lawsuit itself has a substantial impact on this physician and other physicians in the community. But whether the recovery is $500,000 in punitive damages, $250,000 or $2 million is not the point. That physician is not really going to be paying it. The other physicians in the community will be paying it.

I think we will get the same impact in terms of improving health care if we allow lawsuits to go forward but we don't allow them to turn into jackpot justice where one patient, one victim, one injured patient who sues gets $10 million and another one gets $500,000 or zero for virtually the same circumstance. Too often that has happened. This is not a systematic way we are dealing with malpractice in America. And who is paying for it? John Q. Citizen, the Federal Government, in terms of Medicare and Medicaid moneys we send out.

I think we can do better. I think this bill is a step in the right direction. My friend from Illinois is a skilled lawyer. There is no doubt in my mind his remarks on this bill will represent the best comments that can be made in opposition to it. But overall I think it is a net plus. It is the right step to take. We are going to need to do something about these costs. I do not believe the benefits in improved health care are anything like the costs that are being incurred by physicians. They do not consider the amount of care being denied American citizens as a result of physicians choosing another course.

Finally, I read in the newspaper about Dr. Sumpter Blackman from Camden, AL, a small town I grew up in of not much more than 1,000 people with a small hospital with about 20-some-odd beds. Dr. Blackman is the main physician there.

It was reported that he may have to give up his practice; that he could not get insurance. One of the companies had changed and he was not able to get other insurance. The rates were extraordinarily high. He was wondering whether or not he should stay in the business.

I could say to the Members of this Senate, with no doubt, if you took a poll of the people in Camden, AL, and the environs and asked who was the most important person in that community to them, Dr. Sumpter Blackman would win that hands down.

He was my mother's physician. He takes care of people there. He knows them. He is an excellent physician. He is talking about retiring early as a result of lawsuits. I think this has gone beyond just talk and debate and big insurance companies and rich companies and poor victims and doctors. I think it is a health care issue. We cannot afford to lose people such as Dr. Sumpter Blackman from the medical profession. He has saved the lives of thousands in his long career there in Camden, AL, and there are a lot more like him. They are thinking maybe this business just isn't worth it; I put aside some money and maybe I will just go off somewhere and do something else and not have to worry about this and worry about getting insurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Alabama for his kind words. He and I disagree on many issues but respect one another very much. I am sure there will be an issue somewhere along the way on which we agree. We are both waiting, and after 6 or 7 years the day may come. We will announce it.

Mr. SESSIONS. If the Senator will yield, I think we do agree we need to work to improve our legal system to make it the best we possibly can. How do we do that? Sometimes we disagree but I respect the Senator from Illinois and his skill.

Mr. DURBIN. I consider that a rhetorical question but I respect the Senator from Alabama.

Let me say there was a statement made earlier by the sponsor of this legislation that tells the whole story. When he came to illustrate the savings in malpractice premiums from States with caps and States without caps, he said to us, I think the CONGRESSIONAL RECORD will reflect what I am about to say is accurate, that the reason he only chose Los Angeles and Denver to illustrate that States with caps lower malpractice premiums was because it takes a long period of time for the caps to be reflected in the premiums charged to doctors. In his words, he said 8 to 12 to 15 years before premiums come down.

I think perhaps he may be right. Perhaps he may not be right. Over a period of 8 to 15 years it is hard to measure what is going to have an impact on malpractice premiums. It could be the investment success of the insurance company as much as a cap or any other thing. But it tells an important part of the story. If we are facing a medical malpractice insurance crisis today in America, what is being proposed, limiting the recovery of medical malpractice victims, putting a cap on the amount of money they can take home from a lawsuit, is, in fact, not going to provide relief to doctors or hospitals facing these high premiums today. In fact, it may be 8, 10, 12, or 15 years, according to Senator ENSIGN, the sponsor of this legislation. I think that should give pause to every Senator who believes they can vote for this legislation, see it enacted, go home to doctors in their community and say we have met our obligation. I do not think that is a fact.

There is another side of the story here that is worth at least pointing to. When I asked the Senator from Nevada why he included more than just doctors in this bill, more than just hospitals in this bill, why did he go on to include health care organizations such as insurance companies, HMOs, managed care organizations, why did he include pharmaceutical companies, medical device manufacturers, nursing homes, why are all of them being brought into the debate if our concern is whether or not there will be enough doctors around to deliver babies, he basically said we are trying to reduce the cost to the health care system. I assume if you limited recovery to zero dollars, you could reduce it even more. This bill limits it to $250,000 in noneconomic losses. He gave an illustration of the fact that economic losses include lost wages. Then he went on to say that if a child were injured and would be unable to be employed, for example for the rest of his life, they would have to try to make some calculation as to the lost wages.

I might remind my friend from Nevada that his bill requires objective verifiable losses. How do you calculate that for a 6-year-old boy, such as the one I talked about yesterday, who will literally have no work life, no work experience the rest of his life on Earth? How do you calculate that in objective verifiable ways, as to his future lost wages?

The importance of that, of course, is that is only one of two things he can be compensated for—medical losses as well as loss of income. So the calculation is very difficult under the exact language of the bill written by the Senator from Nevada.

I take exception to a comment made during the course of this debate by my friend from Alabama. He has made this comment before. He referred to what he called "jackpot justice." He referred to verdicts that really are of little or no benefit, as he said, to society.

I suggest to him that we have statistics. Virtually both sides inundated the record with statistics. But these come from the National Association of Insurance Commissioners. Here is what they tell us.

The number of new medical malpractice claims declined by 4 percent between 1995 and 2000. During that 5-year period of time, new medical malpractice claims declined by 4 percent.

If we were talking about a proliferation of claims or lawsuits, the record suggests it is not the number. But, of course, some will argue how much is being awarded to those that are being filed. I would concede that the general awards have gone up. It reflects a number of things. It reflects inflation in medical care, and the cost of medical care. Everybody knows that is a fact. The cost of prescription drugs, the cost of doctors' care, and the costs of hospitals have all gone up. That is reflected when a verdict or an award is given to someone who has been injured. You would expect under normal circumstances for a person who is aggrieved or injured by medical malpractice on a year-to-year basis to see that award going up, understandably so. But how about the big awards, ones over $1 million?

According to Business Week, and their March 3, 2003, issue, which I quoted earlier—Business Week is hardly a liberal publication—in 2001 there were only 895 out of 16,676 payouts exceeding $1 million, about 1 percent. That is up from 506 in 1996.

In a 5-year period of time, the number of awards over $1 million went from 506 to 895.

From the debate on the floor you would conclude that the number was much larger.

I take exception especially to a reference to these awards and settlements in larger numbers as "jackpot justice."

I will not bring out the photographs. But earlier I mentioned some of the people who have been victims of medical malpractice.

Heather Lewinsky of Pittsburgh, PA, a 17-year-old who has gone through a series of plastic surgeries and will be deformed and scarred for the rest of her life by medical malpractice—would a verdict in her case be a jackpot? I don't think so.

Evelyn Babb, a 75-year-old woman from Tyler, TX, went in for a simple knee surgery and the surgeon operated on the wrong knee. As a result, this 75-year-old lady lost her mobility and will be suffering with pain for the rest of her natural life. Would a verdict in her case be "jackpot justice"?

Sherry Keller from Conyers, GA, a graphic case which I talked about earlier, a lady who went into her doctor's office after a hysterectomy and had a terrible situation where her womb was reopened because of bleeding and she went into shock—the doctor left her alone in the room, she fell off the examination table striking her head as she fell to the floor, eventually leading to a situation of being a quadriplegic. If she received an award, this mother and homemaker, of $500,000, has she hit the jackpot?

I don't think so.

Colin Gouley from Nebraska came with his family to see us today. This little 9-year-old boy, whose life has been compromised dramatically, will have a difficult time doing things we pray that every child can do, such as read, write, engage in conversation, walk, and run. He will never have that chance. A jury in Nebraska thought that his damages from malpractice committed against him was worth more than $5 million. So did Colin Gouley hit the jackpot with a $5 million verdict if he has a lifetime of being in a wheelchair because of medical malpractice? Is this "jackpot justice"?

Kim Jones, 30 years old, went in for a simple tubal ligation and ended up in a comatose state in a nursing home for the rest of her life. Is an award in her case a jackpot? Did she hit it big if they gave her enough money for someone to care for her the rest of her life? Frankly, she will never be able to care for her daughter again.

Or Alan Cronin, 42 years of age, who went into a hospital in California for a routine hernia surgery and ended up with an infection so serious that it lead to gangrene in all of his limbs and amputation of both arms and legs—Alan Cronin, would he be the winner of a jackpot if those who were responsible for his losing his arms and his legs had to pay and compensate him not only for his medical bills and lost wages but also for his pain and suffering?

That is the part of the calculation which those who bring the bill to the floor have not spoken of. They talked about the challenges facing doctors. We conceded that. In some areas of the country, malpractice insurance is too high. Don't overlook what this bill does. It closes the door and removes the jury from the decision about fair compensation for people who have been injured through no fault of their own.

That is why I think those who are pushing this bill will probably be unsuccessful tomorrow. People on this side of the aisle, and Republicans as well, believe this bill, S. 11, goes too far. This is excessive. This is not setting out to simply solve the problem. This is setting out to make a political point—that we are going to go after those who would be so bold as to file a lawsuit.

In the pages of this bill, you will see a limitation on what attorneys can be paid if they represent one of these clients or one of these patients I have mentioned—people who have lost their limbs, people who are no longer able to function as normal human beings. If they go to hire a lawyer to represent them in a case of malpractice, this law will restrict how much their lawyer can be paid.

If you believe in justice, wouldn't you also argue that those who defend the doctors and defend the hospitals should have their attorney's fees limited as well? Wouldn't that be fair? Isn't that justice with a blindfold? No. The blindfold is raised on one side. It is a wink and a nod to the defense industry representing the doctors and the hospitals. But when it comes to these poor people with limited economic resources fighting for compensation for injuries that are no fault of their own, this bill limits the amount of money that can be paid to those lawyers.

I will tell you that without the contingency fee system, most of these poor people I have described today will never ever have their day in court. No attorney will be able to represent them.

Do you recall not too many months ago that sad story in North Carolina, I believe at a major university, where there was supposed to be a heart-lung transplant and they mistakenly brought the wrong blood and tissue type organs to be transplanted and a mistake was made? It was clearly not the mistake of the family or the little girl who was involved. Discovering this error, they tried to implant an additional set of organs—heart and lung—to save her after this serious mistake was made.

I can tell you that this little girl, who sadly died because of that malpractice, would have recovered little or nothing for that wrongful death under this legislation.

Where do you point to in terms of lost wages for a little girl who died during the course of the surgery? Where is the pain and suffering in a wrongful death lawsuit? Yet that is what it comes down to.

Those sponsors of this bill are prepared to close the courthouse door and say that for her family, they do not have the opportunity to get a lawyer because the contingency fee is limited, and once they have that lawyer there is little or nothing they can recover despite clear evidence of medical malpractice.

That isn't fair. It isn't American. It isn't just. We are talking about rewarding people who have been seriously and egregiously injured.

I hope my colleagues will join me tomorrow in voting against the motion for cloture. We should not proceed to this bill. This bill should proceed to a committee. It should go to a committee for a long period of study of compromise, of amendment, of a good-faith effort on both sides involving the medical profession, and the insurance industry which gets a windfall from this bill, as they do virtually every bill that comes through here, as well as the legal profession; and a bill that will end up in a resolution of the problems facing our doctors and medical providers whom we value very much, but I don't believe they would stand behind such a product that is so fundamentally unfair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO ROZ WYMAN

• Mrs. FEINSTEIN. Mr. President, 50 years ago today a young and dynamic woman was elected as a member of the Los Angeles City Council. She was just 22 years old, making her the youngest council member in the city's history.

The fact that such a record has been held for so long is in itself remarkable. But then again, we are talking about a truly remarkable woman, Rosalind Wyman.

For many years now, Roz has worked tirelessly, for her family and friends, for the city she loves, for the State of California, for the Democratic Party, and for women everywhere.

There is a wonderful photo of Roz when she was only 2 years old, smiling up at a portrait of Franklin Roosevelt. Her mother, Sarah, was a precinct captain for FDR's first Presidential campaign, running the operation out of the family's drugstore on 9th Street and Western Avenue in Los Angeles.

Roz's father, Oscar, worried that such a partisan stance would cost them customers, but Sarah believed that electing Roosevelt was much more important.

Small wonder, then, that Roz developed a deep and abiding passion for political activism and the Democratic Party. Her first campaign was working on behalf of Congresswoman Helen Gahagan Douglas, in her ill-fated 1950 Senate race against Richard Nixon, when he unfairly portrayed her as "the Pink Lady."

Then, 2 years later, Roz made history by becoming the youngest person ever elected to the L.A. City Council, and only its second woman member. She went on to serve in that body for the next 12 years, on the finance and budget committees, and eventually becoming president pro-tempore.

As another woman who entered California politics in the 1950s, I can assure you that it was quite a different world back then. It was still very much a male club. In both Los Angeles and San Francisco, one was hard-pressed to find a women's bathroom anywhere near the chambers.

Something else Roz inherited from her mother was a love for baseball. In fact, there is nowhere that Roz Wyman would rather be than at Dodger Stadium, at the home plate corner of the Dodger dugout, where she has had her seats for over 40 years now.

It is no exaggeration to say that the Dodgers would not have come to Los Angeles without the vision, fortitude, and sheer determination of Roz Wyman. Just ask Tommy Lasorda, who said: "What this lady did for baseball in this city, they should erect a monument to her."

Today, it is hard to believe how polarizing the effort was to bring the Dodgers from Brooklyn in the late 1950s. Yet Roz, believing that a professional sports team was just what L.A. needed to cement its image as a major American city, braved death threats and earned many political enemies in order to see this come about.

One year after coming to L.A., however, the Dodgers went on to win the World Series, as they did again in 1963, 1965, 1981, and 1988, along with three National League Championships in the 1970s. No one today could imagine the city without one of baseball's greatest franchises.

One of the other defining moments in the modern history of Los Angeles, which placed the city firmly on the map as one of America's premier cities, was when it hosted the Democratic Convention in 1960.

And here, too, Roz Wyman played a vital, even pivotal role. She was an ardent Kennedy supporter, having supported him in 1956, in his unsuccessful bid for the Vice Presidential nomination.

She understood the natural connection between Hollywood and Washington, and before many others recognized Kennedy's enormous charisma and appeal, along with the growing importance of television to electoral politics.

And with her late husband, Eugene, who served as chairman of the California Democratic Party, they proved to be extraordinarily effective fundraisers and campaigners. They were responsible for enlisting the likes of Frank Sinatra to sing by the swimming pool, as Kennedy worked his political magic with the delegates.

It is easy to forget that back then, party conventions were not the largely scripted events that they are today. There was real drama—nothing was inevitable—and delegates could change their vote at the last minute.

Such was Roz's influence with the Kennedy campaign, that she was able to convince Robert Kennedy to change the venue for JFK's fabled "New Frontier" speech from the Sports Arena to the grander Memorial Coliseum next door.

She went on, 8 years later, to work closely on Robert Kennedy's bid for the White House, which ended so tragically in Los Angeles.

During the 1970s, both with her husband Gene and after his unexpected passing, Roz was a highly effective advocate for the Democratic Party, raising awareness on a wide array of issues.

I first met Roz when I was mayor of San Francisco and she served as convention chair and chief executive officer of the 1984 Democratic National Convention, the first woman—Democrat or Republican—ever selected to run a Presidential Convention. In that position she oversaw the entire planning and management of the convention and its $13 million budget.

We soon became close friends, forming a bond that has grown ever stronger over the years. She was already a living legend, already a star of our party, and she did an absolutely stellar job, not just for the Democratic Party but for the city of San Francisco.

President Clinton recognized Roz's contribution, back in 2000, when he said: "She reminds me of my ties to my roots. Her loyalty to our party and our candidates is something I hope I can emulate for the rest of my life."

I share President Clinton's sentiments—and I, too, hope that I can emulate Roz Wyman. A pioneering force in American politics, she is my Field Marshall, my trusted adviser, and most importantly to me, my very dear friend.●

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Tulsa, OK. On September 11, 2001, a 29-year-old Pakistani was hospitalized after he was badly beaten and kicked by three men. The racially motivated attack happened outside of a service station as the victim was visiting a friend who worked there. The victim suffered a broken jaw and lost several teeth during the attack. He was hospitalized for several days in a Tulsa hospital.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

HONORING STUDENT RECIPIENTS OF GATES MILLENNIUM SCHOLARSHIP

• Mr. NELSON of Nebraska. Mr. President, today it is my great honor to recognize three outstanding Nebraska students who recently were named Gates Millennium Scholars by the Bill and Melinda Gates Scholarship Foundation.

David Sanchez-Aparicio, from Oaxaca, Mexico, is the son of Benito and Juana Sanchez. Since he was a child, David's scholastic interest has been in computer technology. While a student at Lincoln High School in Lincoln, NE, David took part in the Information Technology Focus Program, specializing in computer programming, networking, and multimedia production. David played tennis and ran track, focusing on the 800-meter race. David also spent his time working at BryanLGH Medical Center in the cafeteria. In addition to rigorous coursework and extracurricular activities, David, whose mother passed away 2 years ago, has spent much of his high school career helping his father care for his younger siblings. David's teachers note that he is a quiet, yet diligent student who is dedicated to his studies and his family. David will attend the University of Nebraska-Lincoln in the fall where he plans to major in computer engineering.

Codah Gatewood, 18, is the youngest of three children and a member of the Navaho, Omaha, and Santee Sioux tribes. His parents are Edison Gatewood and Belva Gatewood. Since he was a young boy, Codah's primary academic interest has been architecture. As a child, he would create intricate buildings with Legos; at Lincoln High School, he learned to use computer-aided-design, CAD, in technical design and architecture classes before tackling advanced architecture and engineering. Codah won an academic letter during his senior year of study for his mastery in pre-calculus, differentiated physics, advanced architecture, and applied economics. In his free time, Codah volunteers at the Indian Center of Lincoln, assisting in powwows and dinners. He also likes to experiment with mobile electronics on his car, frequently updating his own website with his success in modifications. Codah's teachers describe him as a self-reliant and high-ranking scholar. For his commitment to academic excellence, Codah has also earned a University of Nebraska Davis Scholarship, awarded to the most academically talented racial minority students. He will attend the university this fall.

Huong Le, 18, came to Lincoln from Long An, Vietnam, 11 years ago with her parents, Vinh Le and Luong Nguyen, and sisters and brother. Long An is a small province in the Mekong Delta of South Vietnam. Huong spoke very little English when she arrived in Lincoln, but began to master the language while a student at Everett Elementary School. Huong was nominated for the Gates scholarship by her Lincoln High School chemistry teacher, who taught her a rigorous advanced chemistry course and saw promise in her passion for science. The following summer, Huong participated in a sophisticated research project, coordinated by the University of Nebraska, involving organic and biochemical processes of insects. While at Lincoln High School, she also played tennis for 4 years and was a member of the Asian Caucus, Upward Bound, and Youth Leadership Lincoln. Huong has also volunteered at the Lincoln Buddhist Temple, Lincoln Action Program and United Way. Huong plans to take English composition and calculus classes as part of the Summer of Promising Scholars Program. Huong will pursue a degree in pharmacy from the University of Nebraska.

The Gates Millennium Scholarships aim to reduce the financial barriers for African-American, Hispanic, Native and Asian-Pacific students with high academic and leadership promise. They also increase representation of minority students in the targeted disciplines. The Gates Foundation will pay for the students to attend any college with any undergraduate major, and for a graduate education in mathematics, science, engineering, education, or library science.

I am proud to represent these promising young students who are dedicated to excellence in the classroom and in the community. I am confident that these talented leaders will excel at the University of Nebraska and beyond. The city of Lincoln and the State of Nebraska are fortunate to have these three students as part of their community.•

HONORING THE LIGHT OF THE WORLD CHRISTIAN CHURCH

• Mr. BAYH. Mr. President, it is with great pride that I rise today to honor the Light of the World Christian Church of Indianapolis. This congregation, under the leadership of Bishop T. Garrott Benjamin Jr., is opening a new worship facility this weekend. The 3,000-member congregation has come together to raise the funds necessary for a truly impressive church. The new facility will feature a congregation hall capable of seating 1,200, a chapel for weddings and funerals, and amply space for classrooms and offices. But what I would most like to recognize is the persistence and dedication demonstrated in achieving this goal by Bishop Benjamin and the benefit he has provided our community as a result.

In addition to providing spiritual guidance, the church provides numerous family services including the well-known Respect Academy that emphasizes teaching children self-respect as well as respect for others. The church's programs and services affect nearly 2,000 young people each year. The influence the church has on the lives of the children at such an important time in their lives is invaluable.

Bishop Benjamin, now in his 34th year as pastor, has made his struggles in life the mission and driving force behind many of the youth programs offered at the Light of the World Christian Church. At the age of 5 Bishop Benjamin was abandoned by his parents and was raised entirely by his grandmother. He says it was his own experience that made him so distinctly aware of the value of a nurturing spirit in a young child's life and that has made him so proud of the youth programs sponsored by his church.

I would like to take this opportunity to commend the Light of the World Christian Church for nearly 140 years of service to the Indianapolis community. I know that my colleagues will join with me in congratulating the congregation, and especially Bishop Benjamin, for their accomplishments and in wishing them continued success as they enter a new and promising future.•

HONORING THE LIFE OF E.W. KELLEY

• Mr. BAYH. Mr. President, it is with great sadness that I rise today to honor the life of my friend, E.W. Kelley, who passed away on July 4, 2003, after a long-fought battle with prostate cancer. Mr. Kelley was known around the world for his philanthropy and generosity, yet remained a modest man who never sought the fame that came with his great gifts.

Among his many projects, Mr. Kelley helped found the Jerusalem YMCA to help foster peaceful coexistence and even friendship among the city's residents. He was also a past-president of the Boy Scouts of America Council and was involved with the United Way. In 1997, he donated more than $23 million to Indiana University's School of Business, where he had graduated nearly 60 years before.

Born in 1917, Estel Wood Kelley grew up near Sharpsville, IN, before attending Indiana University's School of Business. Mr. Kelley made a name for himself in business marketing, creatively introducing America to countless products that have become integral parts of domestic life today. In 1961, he became the youngest vice president ever at General Foods, and in 1967 was named "Marketer of the Year" by Advertising Age magazine. However, it is his philanthropic work and the numerous lives he touched through it, for which he will be remembered best.

E.W. Kelley served as a shining example for business executives everywhere, humbly giving back to hometown institutions and international organizations alike in order to improve the lives of those around him and those he would never meet. His legacy of giving will continue through his many scholarship awards, including the Kelley Scholarship Program at Indiana University, which provides full tuition to 15 business undergraduate students each year. Mr. Kelley eschewed any special attention connected with his gifts, saying that the reason he donated to causes like Indiana University was simply "to give back to society what society helped me get."

The sense of loss to all those who knew E.W. Kelley and were affected by his generosity in Indiana, the Nation, and throughout the world is tremendous. He is survived by his wife, Wilma Lippert-Kelley, and their children, E.W. Kelley II, Wayne L. Kelley and K. Kelley Germaine.

It is my sad duty to enter the name of my friend Estel Wood Kelley into the CONGRESSIONAL RECORD.•

TRIBUTE TO CAROL COTTRILL, TINA SLUSHER, AND ROBERT SALLEY

• Mr. BUNNING. Mr. President, I rise today to pay tribute to three of Kentucky's finest physicians. Drs. Carol Cottrill, Tina Slusher, and Robert Salley are exemplars in the field of medicine because they spend several months of each year providing medical care to children in developing and underprivileged countries.

Drs. Cottrill, Slusher, and Salley performed an implantation of a new mechanical heart valve for a young girl from the village of Eku, Nigeria. Dr. Slusher first examined Sussana Olesenekwu in a 168-bed Baptist hospital near her village in Nigeria. Upon realizing the gravity of Olesenekwu's heart condition, Dr. Slusher worked with urgency to find a U.S. hospital and surgeon willing to do the surgery quickly and for free. Dr. Cottrill, a children's heart specialist, and Dr. Salley, a heart surgeon, joined Dr.

Slusher in donating their time and skill to perform a surgery largely unavailable in Nigeria. Dr. Cottrill is even allowing Olesenekwu to recover in her home. Aided by Medtronic, which contributed the mechanical heart valve, and St. Joseph's Hospital, which incurred the remaining costs, these exceptional doctors saved Olesenekwu's life.

Open-heart surgery is almost nonexistent in Nigeria. Though the country has a population of approximately 130 million, it has just one facility that performs only a few surgeries each year. In Nigeria the surgery would cost $3,000 to $4,000, and most families earn less than $10.00 a week. Drs. Cottrill, Slusher, and Salley's altruistic and selfless donations of time and skill are unparalleled.

Drs. Cottrill and Salley both live and practice in Lexington, KY, and Dr. Slusher is a native of Bell County, KY. Their commitment to improving the lives of those less fortunate are an inspiration to many. Their contributions have truly made the world a better place. Drs. Cottrill, Slusher, and Salley are tributes to Kentucky. They are Kentucky at its finest. I thank the Senate for allowing me to recognize Dr. Carol Cottrill, Dr. Tina Slusher, and Dr. Robert Salley and voice their praises.●

TRIBUTE TO MAJOR ROBERTA KEARNEY CHANG

● Mrs. MURRAY. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for over 20 years in the Army Medical Service Corps: MAJ Roberta Kearney Chang. As a resident of Bellevue, WA, MAJ Chang began her career at Fort Benning, GA, home of the Army's infantry, as a medical platoon leader. There, she earned the coveted Parachutist Wings and Expert Field Medical Badge. Following in her father's footsteps, the late First Lieutenant Robert M. Kearney, United States Army, Retired, she quickly rose through the ranks and served at Army bases throughout the world.

MAJ Chang had two overseas tours, one in Honduras, Central America, and one in the Republic of Korea. In Honduras, she participated in humanitarian missions to provide aid and medical care to the people of this country. In Korea, she successfully completed two consecutive company commands for the 121st Evacuation Hospital and Headquarters, 18th Medical Command. MAJ Chang was handpicked to become an instructor at the U.S. Army Academy of Health Sciences, Fort Sam Houston, TX. In this capacity she taught health care administration subjects to over 5,000 officers annually. MAJ Chang also served as the senior patient administrator for the Command Surgeon, United States Army Reserve Personnel Command. She counseled and assisted hundreds of reservists that were injured as a result of service in Operation Desert Storm. Her knowledge of the intricacies of the physical disability system for both the active duty and reserve component soldiers is unsurpassed, and she is considered an expert trainer in these areas. She served as a health care operations officer and the head of communications and customer service at the TRICARE Mid-Atlantic, Lead Agent Office Norfolk, VA for final assignment TRICARE Mid-Atlantic serves over 1 million military beneficiaries.

In each assignment, MAJ Chang excelled and met every challenge, and was rewarded with greater responsibilities and opportunities. Her talent for teaching and mentoring personnel, as well as her creativity and skill in management, were instrumental in providing army medicine the fine cadre of hospital administrators serving today. Above all, she is a stellar officer and leader who always put the welfare of her staff and patients first. MAJ Chang is a committed health care professional, and is an active member of the American College of Healthcare Executives and the American Health Information Management Association. MAJ Chang always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the United States Army, the Department of Defense, and the United States of America. I extend my deepest appreciation to MAJ Roberta Kearney Chang on behalf a grateful Nation for her over 20 years of dedicated military service. Congratulations, MAJ Chang, and let me be the one of the first to welcome you home to Washington State.●

DICK KNIPFING'S 40TH ANNIVERSARY IN NEW MEXICO BROADCASTING

● Mr. DOMENICI. Mr. President, I rise to pay tribute to a friend and public servant of New Mexico, Dick Knipfing of Albuquerque.

A few years ago, a New Mexico research company conducted a statewide poll on the popularity of certain well-known people. My name was one of the most recognized, but I wasn't No. 1. The person best known and best liked by New Mexicans was Dick Knipfing.

He is not a politician. He has never been Governor, Senator, mayor, or on any city council. Dick is something more special to everyday citizens—he has been a nightly guest in their living rooms for 40 years.

In July 1963, Dick started as a reporter for the CBS affiliate in Albuquerque. He did it all. He shot and edited his own film, wrote his own scripts, and got to know some of the most influential people in New Mexico. Eventually, Dick became an anchor. Over the course of his career, he moved to the ABC affiliate, then to the NBC station, and back to ABC. This month, he celebrates his 40th anniversary in broadcast journalism at channel 13, the CBS station where it all started.

Since Dick returned to Channel 13, a station whose news had been in the ratings cellar, the station rapidly shot into head-to-head competition with other New Mexico news channels. There is one big reason—Dick Knipfing.

New Mexicans trust Dick as a veteran newsman. He is respected by his colleagues. He has been inducted into the Silver Circle Society by the National Academy of Television Arts and Sciences, one of the organization's highest honors for a television journalist.

Dick Knipfing is revered by viewers because they easily discern that he is devoted to bringing them a comprehensive and accurate look at the day's major news events. Viewers have welcomed him into their homes, either as a reporter or anchor, because he has shown them that he cares very deeply for New Mexico and its people. Dick, and his wonderful wife, Charlene, have made Albuquerque and New Mexico their home, and integrated themselves into activities to make it a better place to live.

Like tens of thousands of New Mexicans, my wife Nancy and I have grown accustomed to Dick's face and his voice. As he marks his 40th anniversary in broadcast journalism, we hope there will be 40 more years of Dick Knipfing to represent the best in broadcasting.●

GREATER MIDWEST AFFILIATE OF THE AMERICAN HEART ASSOCIATION

● Mr. LEVIN. Mr. President, I am pleased to recognize the creation of the Greater Midwest Affiliate of the American Heart Association. This new affiliate which was founded on July 1, 2003, covers seven States, including my State of Michigan.

Heart disease is still the No. 1 killer in America. The American Heart Association is the second largest funding source for research and prevention of heart disease behind only the Federal Government. Its mission is to reduce disability and death from cardiovascular diseases and stroke. To this end, they work within local communities to educate people on prevention and identification of heart disease.

The merger which creates the Greater Midwest Affiliate strengthens the potential for positively influencing the health and welfare of Americans by advancing groundbreaking medical research and spreading lifesaving education on heart disease to people of all ages. I am sure my colleagues join me in applauding the Greater Midwest Affiliate of the American Heart Association as they renew a commitment to create healthier communities and make stronger, longer lives possible for more Americans.•

IN RECOGNITION OF THE 21ST ANNUAL METRO DETROIT YOUTH DAY

• Mr. LEVIN. Mr. President, I would like to recognize an important event that will soon be held in my home State of Michigan. On July 9, 2003, community residents, business owners, and area youth will gather at Belle Isle to celebrate the 21st Annual Metro Detroit Youth Day.

Metro Detroit Youth Day was founded to improve relations between youth and other community members in the metropolitan Detroit area. Before its creation 20 years ago, a series of altercations had occurred between Detroit area youth and several grocery store owners. Since that time, Youth Day has provided an opportunity for all community members to work and play together and has drastically reduced the level of violence in the area. Youth Day includes games, meetings with celebrities, motivational speakers, sports events, and a wide variety of other activities designed to promote unity within the Detroit community.

I am pleased to recognize Metro Detroit Youth Day as an example of a proactive community effort that has promoted positive change. I am sure that my Senate colleagues will join me in saluting this event and in wishing Metro Detroit Youth Day continued success in the future.•

IN RECOGNITION OF MARQUETTE COUNTY

• Mr. LEVIN. Mr. President, I am pleased to recognize an outstanding county in my home State of Michigan for receiving a prestigious community recognition award. Marquette County, which is located in the beautiful upper peninsula of Michigan, was recently named an All-America City by the National Civic League.

The National Civic League has presented the All-America City Award annually for the last 54 years. The award recognizes outstanding communities such as Marquette for their excellence in combining grassroots efforts with local government and businesses' community programs to address critical local issues. This year Marquette County was selected in recognition of its efforts to increase access to health care, create a countywide nonmotorized trail system, and build support for at-risk youth in the community.

Marquette County was one of only 10 communities nationwide to be awarded the distinction of All-America City. The selection was made out of a pool of more than 700 applicants and 30 finalists. A 10-person jury comprised of nationally recognized public and civic affairs experts evaluated Marquette County based on a 10 category model developed by the National Civic League. Criteria include significant evidence of results which have improved the community within the last 3 years, extent of public participation, evidence of collaboration between multiple jurisdictions, and creative usage of available resources.

In addition to being an active and caring community, Marquette County includes some of the nation's most beautiful beaches, waterfalls, and wildlife. Thousands of tourists each year are attracted by the breathtaking scenery and numerous outdoor leisure activities such as golf, skiing, canoeing, hiking, and fishing.

I take great pride in congratulating Marquette County for the award of All-America City. This award is well deserved and is a source of pride for everyone in my home State of Michigan. I know my Senate colleagues will join me in saluting Marquette County and wishing its citizens continued success in the years to come.•

NEBRASKA'S TOM ALLAN

• Mr. NELSON of Nebraska. Mr. President, Tom Allan wasn't born in Nebraska, but that didn't stop him from falling in love with my State or from making the entire State feel like part of his family. Tom traveled the highways and byways for over 40 years, seeing the beauty of Nebraska, making friends, and sharing his experiences through his often humorous and always insightful news articles. When he passed away recently there were Nebraskans in every city, town, and village that mourned him and fondly remembered their favorite Tom Allan stories.

Tom Allan was born in Scotland and moved to Nebraska when he was only 9 years old. After graduating from high school and Ottawa College he served his Nation honorably in World War II with tours in the Philippines and Alaska. He retired as a major in the Nebraska National Guard.

He began working for the Omaha World Herald in 1947 and became the paper's roving reporter in 1959. He traveled more than a million miles and wore out 20 cars while filing stories from every community in the State. He covered the occasional big news story, but Tom Allan specialized in simple stories that touched the heart. For readers in Omaha, Tom brought to life the unique people and small towns that can't be found on a map.

Tom Allan outran tornados, trekked through the Amazon jungle, and even stood in for a U.S. Ambassador in Finland. He covered the State fair with such regularity that he was honored with "Tom Allan Day" at the Nebraska State Fair in 1997. His humor and humility were clear when he wrote, "I'd rather they'd just given me a fat-hog blue ribbon and let it go at that."

In that same column Tom described his job as the privilege of discovering what is over the next hill and who is around the next bend in the road along the byways of Nebraska. On behalf of all Nebraskans, I would like to thank Tom Allan for the privilege of his company and for the wonderful stories he shared with all Nebraskans for over 50 years. We will always remember his love for the State of Nebraska, and we are grateful that through his stories he taught us about Nebraska and helped us understand ourselves.

Tom Allan passed away on June 27, 2003.•

RECOGNITION OF THE MAGDALENA RIDGE OBSERVATORY

• Mr. DOMENICI. Mr. President, I rise to congratulate the Office of Naval Research for the successful design review to begin development of the next great astronomical telescope. The Navy is the preeminent authority in the areas of Precise Time and Astrometry, and distributes Earth Orientation parameters and other Astronomical Data required for accurate navigation and fundamental astronomy. Now they are managing an international team to build the Magdalena Ridge Observatory, MRO, on a 10,000 foot mountain in central New Mexico. The Navy, along with the Air Force, Army, and a consortium of universities from the United States and the United Kingdom, will break ground on October 20 this year.

This month, the prestigious scientific journal, Physics Today, published a superbly written article that explains the MRO. The project will create a unique array of mirrors that can take pictures of bright celestial objects with a resolution equivalent to a huge telescope measuring 400 meters in diameter.

I ask that a copy of the article be printed in the RECORD.

The article follows.

NEW MEXICO PLANS OPTICAL INTERFEROMETER AND FAST-SLEWING TELESCOPE

How does a minor university land a major observatory? In New Mexico Tech's case, it helped that the university has access to a high, dark site, that the Magdalena Ridge Observatory (MRO) will have national security applications, and that the project has allies in Congress.

"We had a coalition of universities looking for an observatory," says Van Romero, vice president for research at New Mexico Tech (officially the New Mexico Institute of Mining and Technology), which has around 1800 students and 110 faculty members. New Mexico Tech and its partners—New Mexico State University, New Mexico Highlands University, and the University of Puerto Rico—learned that the US Army's neighboring White Sands Missile Range wanted better missile tracking capability and the Air Force Research Laboratory in Albuquerque was interested in developing adaptive optics. "We seemed to have a critical mass—universities, along with more than one military user," says Romero. Representative Joe Skeen and Senator Pete Domenici, both New Mexico Republicans, supported creating the MRO because the potential for education outreach, adaptive optics research, and world-class astronomy "all came together in a happy confluence of ideas," says Stephen Traver, a legislative fellow in Domenici's office who used to work for the now retired Skeen. Domenici led the way in winning a congressional markup for the $48 million observatory.

The observatory's future home is on a ridge in the Magdalena mountains near Socorro, about 130 kilometers south of Albuquerque. Besides the clear skies and roughly 3200-meter-high perch, the site's advantages include that it is near both White Sands and New Mexico Tech, it has room for the observatory to expand, and it has a road and other infrastructure already serving ecological and atmospheric studies and the university's lightning lab (see box).

The MRO will consist of an optical-infrared interferometer with eight to ten 1.4-meter telescopes in a reconfigurable Y-shaped array up to 400 meters long plus a single 2.4-meter telescope. Groundbreaking is scheduled for 20 October.

STARS AND SCUDS

The MRO array will have a large number of bigger elements distributed over a wider range of baselines than any other optical interferometer in the works, says Chris Haniff, whose University of Cambridge group is involved in the project. MRO's angular resolution, he adds, "will be a factor of a hundred higher than the Hubble Space Telescope. That means that for any class of astronomical object, you can see more detail."

"One of the exciting things we think we will be able to do is to look at the central engines of active galactic nuclei," says David Westpfahl, project scientist for the MRO interferometer. "All the models have a massive object at the center, such as a black hole, and an accretion disk and polar outflow, but the detailed shape and arrangement of these things are still being worked on. We hope to be able to resolve several of these objects and decide among the models." The MRO interferometer will also be used to deduce the relative rotational axes of stars in clusters, which could shed light on the importance of turbulence in star formation, and to study other aspects of star birth, as well as star aging and planet formation.

Fast slewing is the special feature of MRO's single telescope. It will be able to zip to a particular part of the sky at 10° per second. The slewing was initially incorporated to accommodate the US Army. The MRO offers a good look at target missiles fired from Fort Wingate in western New Mexico, says Tomas C. Chavez, chief of test technology at White Sands. "We could collect phenomenology data during the target's boost and coast phases to help home in on the target with an interceptor." Adds Romero, "This is a match made in heaven. The army wants to use [the telescope] during the day and early morning, we want to use it at night." The 2.4-meter mirror was donated by the air force. Originally intended for classified space-based research, it has hardware added to keep it from sagging in Earth's gravitational field.

Astronomers will take advantage of the fast slewing, too. "One big use of the telescope will be 'alert response to transient astrophysical phenomema,'" says project scientist Eileen Ryan. "An example would be to find the optical counterpart of gamma-ray bursts." For that, the telescope would automatically interrupt other observations when it receives signals from Swift, a satellite NASA is supposed to launch in December. The MRO telescope, Ryan adds, will be bigger and will slew faster than other ground-based telescopes currently hunting for GRBs (see Physics Today, July 2002, pages 24 and 25). Mostly, though, the 2.4-meter telescope will be devoted to studying "small Solar system bodies—asteriods, comets, and Kuiper Belt objects," says Ryan. "We want to use the telescope to ask how fast asteroids are spinning. How big are they? What are their shapes?

POSSIBLE WITH PORK

What with the MRO being funded directly by Congress, the project often gets labeled as pork. Says Romero, "Without this type of funding, we would not be able to build it. But we think this is a facility that funding agencies like NASA and NSF will take the opportunity to fund research at." And, unusual for a federally funded project, New Mexico Tech and its partners will foot the running costs, estimated at $2 million a year. If all goes as planned, the single telescope would see first light in 2005, and the interferometer could be up and running a couple years laters.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3008. A communication from the President of the United States, transmitting, pursuant to law, a report that provides the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Colombia, relative to Plan Colombia; to the Committee on Appropriations.

EC-3009. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-3010. A communication from the Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Land Uses; Revenue Producing Visitor Services in Alaska" (RIN0596-AB57) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3011. A communication from Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-097-FOR) received on June 24, 2003; to the Committee on Energy and Natural Resources.

EC-3012. A communication from the Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Forest Land Enhancement Program" (RIN0596-AB95) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3013. A communication from Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities" (RIN0596-AB89) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3014. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Rev. Proc. 96-30" (Rev. Proc. 2003-48) received on June 24, 2003; to the Committee on Finance.

EC-3015. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Business Purpose Under Section 355—Fit & Focus—Capital Allocation Purpose" (Rev. Rul. 2003-75) received on June 24, 2003; to the Committee on Finance.

EC-3016. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Assumption of Partner Liabilities" (RIN1545-BB83) received on June 24, 2003; to the Committee on Finance.

EC-3017. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2003 Section 43 Inflation Adjustment" (Notice 2003-43) received on June 24, 2003; to the Committee on Finance.

EC-3018. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2003 Marginal Production Rates" (Notice 2003-44) received on June 24, 2003; to the Committee on Finance.

EC-3019. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—July 2003" (Rev. Rul. 2003-71) received on June 24, 2003; to the Committee on Finance.

EC-3020. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Election Under Section 953(d)" (Rev. Proc. 2003-47) received on June 24, 2003; to the Committee on Finance.

EC-3021. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CRP Cost-Share Payments" (Rev. Rul. 2003-59) received on June 24, 2003; to the Committee on Finance.

EC–3022. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Compliance Initiative for Nonresident Aliens and Foreign Corporations" (Notice 2003-38) received on June 24, 2003; to the Committee on Finance.

EC–3023. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: Mass Obsolete Ruling" (Rev. Rul. 2003-67) received on June 24, 2003; to the Committee on Finance.

EC–3024. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Report Concerning the Pre-Filing Agreement of the Large and Mid-Size Business Division for the Calendar Year 2002" (Ann. 2003-43, 2003-26) received on June 24, 2003; to the Committee on Finance.

EC–3025. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Correction to Rev. Rul. 2003-50 — BLS Department Store Indexes for March 2003" (Ann. 2003-44) received on June 24, 2003; to the Committee on Finance.

EC–3026. A communication from the Regulations Coordinator, Department of Health and Human Services, Administration for Children and Families, transmitting, pursuant to law, the report of a rule entitled "Child Support Enforcement Program Federal Tax Offset" (45 CFR Part 303) received June 25, 2003; to the Committee on Finance.

EC–3027. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, a rule entitled "Confidentiality of Commercial Information" (RIN1515-AD29) received on June 24, 2003; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1370. A bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING (for himself and Mr. BREAUX):

S. 1371. A bill to permit a special amortization deduction for intangible assets acquired from eligible small businesses to take account of the actual economic useful life of such assets and to encourage growth in industries for which intangible assets are an important source of revenue; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 1372. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under subpart 1 of part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS:

S. 1373. A bill to authorize and direct the Secretary of Commerce, through an independent commission within the Department of Commerce, to protect consumers by regulating the interstate sale of insurance, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mr. GRAHAM of South Carolina):

S. 1374. A bill to provide health care professionals with immediate relief from increased medical malpractice insurance costs and to deal with the root causes of the current medical malpractice insurance crisis; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1375. A bill to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1376. A bill to include the Department of Energy and the Nuclear Regulatory Commission as employers for the purposes of whistleblower protection; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1377. A bill to authorize a Native American language demonstration program at the University of New Mexico at Albuquerque, in consortium with the Linguistic Institute for Native Americans; to the Committee on Indian Affairs.

By Mr. DORGAN:

S. 1378. A bill to transfer to the Secretary of the Interior authority to revise the Missouri River Master Water Control Manual; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 11, a bill to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs.

S. 184

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 184, a bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 296

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 296, a bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 346

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 518

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 560

At the request of Mr. CRAIG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 764

At the request of Mr. CAMPBELL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 847

At the request of Mr. SMITH, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV.

S. 894

At the request of Mr. WARNER, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Michigan (Mr. LEVIN), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 982

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. CARPER), the Senator from Ohio (Mr. DEWINE), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1001

At the request of Mr. BIDEN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1001, a bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

S. 1120

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1120, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1177

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1196

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1196, a bill to eliminate the marriage penalty permanently in 2003.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1303

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1316

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1316, a bill to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 1317

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1317, a bill to amend the American Servicemember's Protection Act of 2002 to provide clarification with respect to the eligibility of certain countries for United States military assistance.

S. 1345

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1345, a bill to extend the authorization for the ferry boat discretionary program, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Ms. CANTWELL), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. CON. RES. 40

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. RES. 140

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 140, a resolution designating the week of August 10, 2003, as "National Health Center Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 1372. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under subpart 1 of part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill with Senator ENSIGN to ensure that Title I funds are directed towards instructional services to teach low-income students.

Title I provides assistance to virtually every school district in the country to serve children attending schools with high concentrations of low-income students, from preschool through high school.

It has been the "anchor" of Federal assistance to schools, since its origin in 1965. And while it has always been Congresses intent for Title I funds to be used for instruction and instructional services, the Federal Government has never provided a clear definition of what instructional services should entail.

This lack of Federal guidance has become especially clear now, as States scramble to comply with the new and expanded Title I accountability standards established in "No Child Left Behind."

While State Administrators of Title I are directed by law to meet these specific requirements, they have been given little guidance as to how to ensure that they are in compliance with the law.

I believe that the Federal Government is responsible for making this process as clear to States, as possible. In my own view, as it relates to Title I, we haven't lived up to our end of the bargain.

During consideration of "No Child Left Behind," I worked hard to get my bill defining appropriate Title I uses included in the Senate version of the bill.

Unfortunately, during conference consideration, my bill was stripped out and in its place language directing the General Accounting Office, GAO, to report on how States use their Title I funds was inserted.

In April, GAO released the report that Congress directed them to submit on Title I Administrative Expenditures.

What GAO found is that while districts spent a relatively small amount—no more than 13 percent—of Title I funds on administration that "because there is no common definition on what constitutes administrative, or indirect, expenditures" the accounting office couldn't precisely measure how much of their Title I funds were used for administration.

Because Title I funds are not defined consistently throughout the States, the accounting office created their own definition by compiling aspects of State priorities to complete the report.

You see, the very reason I worked to define how Title I funds should be used—to create consistency and distribution priority nationwide—became the definitive aspect preventing GAO from effectively drawing conclusions in their report.

My bill takes some strong steps by balancing the needs for States to retain Title I flexibility and providing them with the guidance needed to administer the program uniformly throughout the country.

My bill does two things: It defines Title I direct and indirect instructional services and sets a standard for the amount of Title I funds that can be used to achieve the academic and administrative objectives of this program.

It ensures that the majority of Title I funds are used to improve academic achievement by stipulating that "a local educational agency may not use more than 10 percent of [Title I] funds received. . . . for indirect instructional services ."

By limiting the amount of funds that schools can spend on administrative or indirect services, school districts are restricted from shuffling the majority of Title I to pay for non-academic services, but it also gives the districts flexibility to use the remaining funds for the indirect costs of administering Title I distribution.

The second component of my bill defines direct and indirect services so that all States apply the same standards for Title I use nationwide.

Examples of permissible Direct Services are: Employing teachers and other instructional personnel (including employee benefits); intervening and taking corrective actions to improve student achievement; extending academic instruction beyond the normal school day and year, including summer school; providing instructional services to pre-kindergarten children for the transition to kindergarten; purchasing instructional resources such as books, materials, computers, and other instructional equipment and wiring to support instructional equipment; professional development; developing and administering curriculum, educational materials and assessments; transporting students to assist them in improving academic achievement.

Examples of indirect services limited to no more than 10 percent of Title I expenditures are: business services relating to administering the program; purchasing or providing facilities maintenance, janitorial, gardening, or landscaping services or the payment of utility costs; and paying for travel to and attendance at conferences or meetings, except for travel and attendance necessary for professional development.

Current law on Title I is much too vague.

It says, "A State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds."

Basically, it says that Title I funds are to be used for the "education of pupils." That is just too nebulous.

The U.S. Department of Education has given States a guidance document that explains how Title I funds can be used.

Under this guidance document, only two uses are specifically prohibited: 1. Construction or acquisition of real property; and 2. payment to parents to attend a meeting or training session or to reimburse a parent for salary lost due to attendance at "parental involvement" meeting.

I believe we should give the Department, States and districts clearer guidance in law.

My reasons for introducing this bill are two-fold: First, I believe that States must use their limited Federal dollars for the fundamental purpose of providing academic instruction to help students learn.

Secondly, I believe that it is nearly impossible to do so without providing a clear definition of what is considered an instructional service.

I am not suggesting that it is the fault of the school districts for not focusing their Title I funds on academic instruction. They are simply exercising the flexibility that Congress has given them.

What I am saying is that if Congress also intended for those funds to educate our neediest children, Federal guidance must be given to ensure that it happens.

It is my view that Title I cannot do everything. Federal funding accounts for a small percentage of total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools.

That is why I am trying to better focus Title I funds on academic instruction, teaching the fundamentals and helping disadvantaged children achieve success.

Schools must focus their general education budget to pay for expenses that fall outside of the realm of direct educational services and retain the majority of Federal funds to improve academic achievement for poor children.

It is time to better direct Title I funds to the true goal of education: to help students learn. This is one step toward that goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title I Integrity Act of 2003".

SEC. 2. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

"(a) IN GENERAL.—

"(1) USE OF FUNDS.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this subpart only for direct instructional services and indirect instructional services.

"(2) LIMITATION ON INDIRECT INSTRUCTIONAL SERVICES.—A local educational agency may not use more than 10 percent of funds received under this subpart for indirect instructional services.

"(b) INSTRUCTIONAL SERVICES.—

"(1) DIRECT INSTRUCTIONAL SERVICES.—In this section, the term 'direct instructional services' means—

"(A) the implementation of instructional interventions and corrective actions to improve student achievement;

"(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

"(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

"(D) the provision of instructional services to prekindergarten children to prepare such children for the transition to kindergarten;

"(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

"(F) the development and administration of curricula, educational materials, and assessments;

"(G) the transportation of students to assist the students in improving academic achievement;

"(H) the employment of title I coordinators, including providing title I coordinators with employee benefits; and

"(I) the provision of professional development for teachers and other instructional personnel.

"(2) INDIRECT INSTRUCTIONAL SERVICES.—In this section, the term 'indirect instructional services' includes—

"(A) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

"(B) the payment of travel and attendance costs at conferences or other meetings;

"(C) the payment of legal services;

"(D) the payment of business services, including payroll, purchasing, accounting, and data processing costs; and

"(E) any other services determined appropriate by the Secretary that indirectly improve student achievement.".

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1375. A bill to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes; to the Committee on Small business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the "Small Business Administration 50th Anniversary Reauthorization Act of 2003," a bill to reauthorize the U.S. Small Business Administration, SBA, and its programs for the next three years. While reauthorization legislation is a significant event, this year it is particularly auspicious since we are celebrating the 50th anniversary of the agency—a full half century of helping to create, assist, and guide small businesses.

As the Chair of the Committee on Small Business and Entrepreneurship, I began developing this legislation just after assuming the leadership of the Committee in January. The bill I introduce today is the product of considerable effort and vetting, and I am very pleased to be joined by the Committee's Ranking Member, Senator KERRY, in this process. Through his contributions and those of other Members of my Committee, this is truly bipartisan bill.

Over the past several months, we have held a series of hearings and roundtables to examine virtually every aspect of the SBA and the wide array of programs and services it provides to the country's small enterprises. As we started that process, we looked back on the SBA's history to learn from its past in order to set a path for its future.

More than 50 years ago, congressional efforts began to focus on the specific needs of small businesses—to create a "level playing field"—and to develop Federal small business assistance programs. One of the objectives was to ensure that small businesses could develop management and marketing skills to compete with big business for their share of government contracts.

In May of 1953, the Small Business Act was introduced, and it became law on July 30 of that year with President Eisenhower's signature. Since 1953, Congress and the various administrations have responded to the needs of small businesses by creating a fair but competitive environment for those who choose entrepreneurship. The SBA has evolved from a direct lender and provider of management assistance to a nationwide delivery system of resources offering a complete menu of small business tools, professional counseling assistance, business education and training programs, Federal procurement opportunities, and loan guaranty programs.

Today, the agency faces enormous challenges. Each year, there are 3 to 4 million new business start-ups—one in 25 adult Americans is taking steps to start a business. One quarter of existing small business owners intend to form another business. And, small businesses account for approximately two-thirds of the net new jobs in our country. So while the SBA has had a tremendous impact on the success of small businesses over the past 50 years, it is critical that we ensure the agency is well positioned to produce even better results in the next 50 years.

My goal in developing this bill has been to ascertain what works among SBA programs, why it works, and apply that approach to other programs so there is more consistent success within the SBA portfolio of products and services. In the end, I hope this bill will lead to a renewed SBA, rededicated to improving the environment or leveling the playing field for small business ownership in America.

While the particulars of this bill are extensive, I want to highlight three of its most critical, key areas—

In terms of financing programs for small businesses, during this reauthorization process, I have focused extensively on improving the credit and venture capital resources that the SBA provides for small enterprises. These programs—including the 7(a), 504, and Microloan programs as well as the SBIC, New Markets Venture Capital, and Surety Bond programs provide vital capital for America's small businesses. In addition, looking just at the lending programs, they alone are responsible for helping small businesses create and retain more than 1.3 million jobs in just the past 3 years!

That is why I held two Committee roundtables on these financing programs so I could hear firsthand from small business, lenders, and the SBA about ways these programs can increase access to capital for small businesses. To start, we are proposing to continue the growth of the financing programs through reasonable increases in their authorization levels. The bill also increases the amount that small businesses can borrow subject to the SBA's guarantee, so that the SBA's loan sizes will keep pace with what it actually costs to start and operate a small business in today's economy. And we make improvements to the SBA's loan programs that will benefit fast-growing contributors and vital elements of our economy including women-owned and veteran-owned businesses and small business exporters.

Moreover, the bill addresses access to capital by helping SBA's lending partners. A new initiative that holds great promise will allow for the pooling of small business loans not guaranteed by the SBA. This pilot program was recommended by participants at our roundtable on April 30, 2003, and has been under consideration by the SBA. By pooling these non-guaranteed loans together and offering them as securities on the secondary market with a partial SBA guarantee on the pool, banks will be able to free-up capital for additional small business lending. As a result, they will be able to provide even greater resources for small businesses struggling to secure the necessary capital to start up, operate, and grow.

Similarly, the new National Preferred Lenders Pilot Program will allow qualified SBA lenders to be licensed on a nationwide basis. Currently, Preferred Lenders must qualify in every region where they do business, which is both cumbersome and costly. This initiative will streamline that process for the premier lenders who qualify for a nationwide license and enable them to provide capital more efficiently and effectively to small businesses across the nation.

In addition, the bill includes a proposal by Senator KERRY to permit non-profit child-care centers to qualify for 504 loans. I believe the growing need for child care in this country warrants testing this idea as a pilot program, even as I continue to have reservations about this initiative's effect on the availability of loans under the 504 program for other for-profit borrowers and the expansion of this loan program to non-profit entities. Accordingly, we have limited the loan volume under the pilot to 7 percent of the overall 504 loans to ensure that this initiative does not bar qualifying for-profit businesses from obtaining necessary financing.

Finally in the area of financing programs, we have also focused on improving the SBA's procedures for overseeing lenders participating in the credit programs. By improving this oversight, we can protect against improper lending practices, produce a more consistent system for lenders, and provide taxpayers with better protection of their tax dollars.

In the area of entrepreneurial development, we set out to ensure that the SBA's programs continue to provide the products and services essential to small businesses, which in turn create a return on our investment in these programs through successful business ownership and job creation. Recognizing the tremendous accomplishments by women entrepreneurs, I introduced the Women's Small Business Improvement Act of 2003 (S. 1154) earlier this year to improve the SBA's Office of Women's Business Ownership, the Women's Business Centers Program, the National Women's Business Council, and the Interagency Committee on Women's Business Enterprise. I have incorporated those provisions into the bill before us in order to provide a universal approach to all of SBA's sponsored programs and services for women.

A cornerstone of this effort involves making the Women's Business Center Program a permanent program that will offer opportunities for new centers and renewal grants for existing centers on a competitive basis. By replacing the pilot Sustainability Program, which expires at the end of the current fiscal year, with a fair and balanced grant program, the bill will correct the funding constraints that have plagued the program in 2003. The bill will also provide for the creation of new centers and the continuation of current operating centers through renewal grants. This structure will reward successful centers with continuation funding and weed out failing centers to make room for new ones with greater potential for serving the needs of women-owned businesses.

The National Women's Business Council will also be given greater control of its mission, and I am proposing the full funding of $1 million for each Fiscal Year for this program. The Interagency Committee on Women's Business Enterprise will be reenergized by providing interim leadership and a shared focus with the National Women's Business Council, the Women's Business Centers, and the Office of Women's Business Ownership. These programs hold great potential for women-owned businesses, but they must be coordinated so that their limited resources are dedicated to a focused goal.

In addition, the SBA's entrepreneurial development partners—the Small Business Development Centers and the Service Corps of Retired Executives—continue to provide quality training and free counseling through almost 2,000 locations and are limited only by funding and their geographic locations. Therefore, in addition to minor technical changes in these programs, I propose that we increase the authorization level for these programs to support the increased demand for their services.

And we have included the Native American Small Business Development Program in the bill. This initiative will provide entrepreneurial assistance to Tribal Governments and Colleges, Small Business Development Centers in Native American communities, and small businesses located on or near Tribal Lands. Complementing the SBA's Office of Native American Affairs, this initiative will strengthen the SBA's efforts to help Native Americans start, operate and grow small businesses.

Finally, one of the most serious problems facing small business is their inability to participate fully in Federal contracts, on either a prime or subcontract basis. In the last 10 years, contract bundling has forced more than 50 percent of small businesses out of the Federal marketplace. Steps clearly must be taken to ensure that small businesses have the opportunity to compete for the business of the nation's largest consumer—the Federal government.

President Bush recognizes the inequity that contract bundling represents. He also understands the damage it does to both small businesses and the Federal procurement process by denying the government the benefits of more robust competition, small business efficiencies, and small business innovations. He has spoken out against this practice, and I applaud his commitment to addressing this problem.

To achieve that objective, the SBA reauthorization bill addresses the practice of Federal contract bundling by limiting its use and giving small businesses access to Federal contracts and a fair opportunity to compete for them. By requiring studies to be done for all consolidations worth more than $5 million for the Department of Defense and $2 million for all other agencies, the bill also holds agencies to a higher level of accountability than exists under current law.

Those who support the practice of bundling allege that denying small businesses access to prime contracts can be offset by ensuring that such firms receive more subcontracts from the large firms that are awarded prime contracts. However, small businesses continue to experience difficulties at the subcontract level as well. This bill contains strong language that strengthens oversight and enforcement of small business subcontracting plans to ensure small business subcontractors are not neglected.

Furthermore, we have included provisions to encourage contracting opportunities for women-owned businesses—one of the fastest growing segments of the small business sector of our economy. Despite their success, women-owned small businesses have testified before the Small Business Committee about how difficult it is to do business with the Federal Government. Three years ago Congress created a Procurement Program for Women-Owned Small Business Concerns. That legislation required the promulgation of regulations to help implement new small business procurement set-asides for women-owned businesses.

The legislation, however, conditioned the regulations by first requiring a study to be conducted to justify the disparate treatment of women in various procurement instances. At the Small Business Committee's roundtable on April 9, 2003, women-owned small businesses expressed their frustration that it has taken so long to conduct the study and implement the program. This bill directs the GAO to complete that study by December 31, 2003 to ensure that the women's procurement program is finally implemented.

Finally, the bill contains improvements to the HUBZone program, which are intended, in part, to address the serious consequences that military base closings pose for our local communities. Closing a military base adversely affects the towns and communities surrounding the installation due to loss of tax revenue, defense income, base transition costs and clean-up costs.

Successful recovery from a base closing has been tied to public and private reinvestment in these communities. While Congress has taken action in the past to ease the transition for individuals and spur reinvestment, this bill supports faster redevelopment by expanding the HUBZone Program to include communities affected by base closures. It provides an incentive, through Federal government contracts, for small businesses to operate in these communities and to provide employment to these military and civilian personnel.

This year's SBA reauthorization bill paves the way to a stronger SBA able to meet the needs and concerns of the country's entrepreneurs. The future of our country is inextricably tied to the future of small business—and by enhancing the conditions that support small business, we will ensure a more prosperous future for all. I urge all my colleagues to support this important legislation on behalf of the nation's small businesses and entrepreneurs.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, today, as Ranking Democrat on the Committee on Small Business and Entrepreneurship, I join the Committee's Chair, Senator OLYMPIA SNOWE in introducing a three-year reauthorization bill for the Small Business Administration's programs. These programs help small businesses, often called the engine of the American economy, with access to capital, business advice and training and Federal procurement opportunities. But before I speak more specifically about the provisions of the bill, I would like to thank Chair SNOWE for working hand-in-hand with me on this, my third, reauthorization of the Small Business Administration. Having worked closely on two previous reauthorizations, and as a member of the Small Business and Entrepreneurship Committee for over 18 years, I can tell you that the SBA reauthorization process takes diligence and a strong attention to detail. I want to commend Senator SNOWE for taking the initiative to draft legislation that makes such important and necessary changes to the SBA during this reauthorization process and for showing great leadership in her first seven months as Chair of the Committee on Small Business and Entrepreneurship.

Our bill will strengthen the SBA and dramatically improve the agency's ability to deliver services to small businesses in every state. It is based on a sound Committee record. In addition to holding two hearings and three roundtables to specifically address SBA's programs and related reauthorization issues, our Committee met and spoke with numerous constituents, program directors and small business advocates. It is through this correspondence, research and input that our Committee has been able to prepare a comprehensive piece of legislation that will likely serve the Small Business Administration and the entire small-business community well past even the next reauthorization period.

Over the past three years, as Chairman and Ranking Member of this Committee, I have seen this administration reduce government funding and transfer that money to the wealthy with tax cut after tax cut, resulting in a significant loss of revenue for essential programs aimed at fostering small businesses and the economic activity they bring about. While many of us like to note that small businesses are the engine of economic growth and should be bolstered by our government, this administration has given small businesses more words than action.

The need for small business programs—for access to capital, for training and counseling, for assistance in gaining access to the Federal marketplace—runs counter cyclical to the economy. When the economy is slumping, as it now is, small businesses and entrepreneurs need the SBA even more. Our Committee has heard from the small-business community that demand for training and assistance and access to capital is up, yet this administration has proposed freezing funding for virtually all SBA programs for six years. Their proposal includes no adjustment for inflation or demand, despite SBA's own numbers that show demand is up for its programs.

It is carrying out our legislative and oversight responsibilities that Chair SNOWE and I raised a number of concerns regarding the SBA's reauthorization proposal and the overall management and direction of many of the agency's programs through hearings, and roundtables and in letters and phone calls to the administration. And after hearing from the community and working with small business experts in the field, Senator SNOWE and I came to the conclusion that many of the proposals put forth by the Small Business Administration would not help the agency's programs but ultimately hinder them.

This administration and small businesses across this Nation will find, however, that our prescription for small businesses in a flailing economy is quite different. Our reauthorization legislation embraces the programs that have worked for years, redirects those that have struggled and sets the SBA and up for continued success.

Although banks have plenty of cash to lend, small businesses are still having a problem getting access to credit. For the past few years as the economy has fizzled, the Federal Reserve has reported that banks have cut back on lending to small businesses, making it harder and more expensive to get loans. And who has been there to pick up the slack? The Small Business Administration and its lending partners.

Lending is up in SBA's largest lending program for working capital. Lending is up in SBA's microloan program, which serves those with the least access to capital through the private sector. And SBA's venture capital programs account for a significant role—more than 50 percent—in this country's investment in our fastest-growing small businesses. Last year these loans pumped about $20 billion into the economy, leveraged millions more from the private sector, fed the local tax base as the Federal government cut back, and created at least 400,000 jobs.

As the Committee reviewed SBA's programs for reauthorization, these facts figured largely into establishing the program levels. I thank our Chair, Senator SNOWE, for working with me to set the levels for SBA's lending and venture capital programs at increasing levels for the next three years. I am particularly pleased with the increased funding levels for the microloan programs.

I disagree with the administration's proposals over the past few years to cut back its investment in microloans and training assistance to micro-entrepreneurs. And I disagree with the Adminstration's contention that these borrowers are being served through the 7(a) loan program. The small borrower in the microloan program is different than the small borrower being served through the 7(a) loan program. Both are important, but they are different, and one is not a substitute for the other.

And who are these borrowers being served through the microloan program? Thirty percent are African American. Eleven percent are Hispanic. Thirty-seven percent are women. And anywhere from 30 to 40 percent go to small businesses in rural areas. Banks turn these borrowers away, and yet the administration proposed cutting the microloan program by 36 percent in its most recent budget. SBA needs to fully fund these programs and put more resources into the office that manages the program. Four people is not enough to manage 1,400 loans and 180 grants.

Aside from setting the levels for each small business financial assistance program, we made important program changes and started new initiatives. In the 7(a) loan program, SBA's largest loan program, which provides working capital to small businesses with long terms of up to 25 years, we made permanent the reduction in the fees borrowers and lenders pay. We are testing a proposal that allows the most proficient 7(a) lenders in good standing to lend in every state. Lenders have complained that applying for lending autonomy in each of the 70 district office and branches is administratively burdensome, both for them and for the Agency staff, and that some district offices have taken advantage of the power to approve or disapprove lenders when they apply for this special lending status.

I want to make clear while I want to avoid unnecessary paperwork and eliminate reported abuses, I do not want the lenders to take this as authority to quit working with the district directors. It is important to have a local connection and for the SBA and the lenders to work together to maximize service to the small businesses. For this purpose I have included a provision which directs the SBA to consider the recommendations and comments of any district directors and regional administrators when reviewing a lender for national lending authority.

To increase the value of 7(a) loans sold in the secondary market, the Committee has included a provision to allow SBA to pool and sell the guaranteed portion of loans with varied rates. Currently SBA has the authority to only sell those loans with identical rates. This should create efficiencies in market and bring down borrowing costs for the small business borrower. At Senator SNOWE's request, in order to reach more under-served small businesses, we have enhanced the Low-Doc program, allowing lenders to use the simplified application form for loans up to $250,000 from $100,000, making it the same as the SBA Express program. We have also expanded the incentives for lenders to provide financing to export small businesses, and proposed letting 7(a) borrowers use a simplified size standard when determining if an applicant is a small business.

To improve the 504 loan program, which makes long-term loans of up to 20 years to small, growing businesses to buy equipment and buildings, we have also raised the debenture size to keep pace with the rising cost of commercial real estate and equipment. We have brought the job requirement standard up from $35,000 to $50,000 after ten or twelve years. We have directed SBA to simplify the application and documentation process of applying for and closing 504 loans, long a goal of this Committee and made a priority based on the testimony of one of our witnesses during the reauthorization process. We have created two alternatives for 504 lenders to use when establishing a loan loss reserve to cover potential losses.

I am particularly pleased that we have included S. 822, the Child Care Lending Pilot Act in the reauthorization bill. It allows small, non-profit childcare businesses access to 504 loans. I thank Senator SNOWE and my colleagues for agreeing to try this for three years, similar to what we have done with the microloan program. And I thank the trade association of 504 lenders, the National Association of Certified Development Companies, and other 504 lenders for their endorsement of an input on the pilot.

The more research I've done, the more I've come to realize how vitally important it is that we give non-profit day care providers the same opportunities as for-profits to expand their businesses. Non-profit day care centers are often the only child care suppliers available in needy areas, from the most urban to the most rural. Giving these businesses access to 504 loans for three years will allow us to gauge whether this valuable loan program is the best way to aid these valuable providers of care to our Nation's children. I have taken note of states like Oregon, where 79 percent of day care providers are non-profit, Michigan, where that number jumps to 86 percent, Iowa with 77 percent, my own State of Massachusetts with 90 percent, Ohio with 62 percent, and the list goes on and on. I've learned that in State after State families are waiting for affordable day care; from more than one thousand families on the waiting list in Nevada and Maine to more than thirty thousand on the list in Texas. These parents are waiting for quality day care they can afford, and making available affordable loans to all licensed child care providers may increase access to care and cut down those waiting lists.

I understand the concerns of those who are concerned about the precedent of SBA lending to non-profits. And I agree it should not be expanded to all industries. However, this is a very unique industry that in many States is delivered mostly through non-profits, and the only way to penetrate the market is to reach both for-profit and non-profit. Further, non-profits are usually the providers that care for the neediest kids. I have added provisions to ensure the underwriting standards are just as tough, if not more so, as those applied to for-profit centers. The loans must be personally guaranteed, the collateral must be owned outright by the child care provider, and it must be able to make its loan payments and cover normal operating expenses from the revenue generated from its clients. With these protections, the loans to non-profits should perform just as well as those made to for-profits, and if there is a problem, the loans should be collateralized sufficiently to cover the losses.

The bill defines a small, non-profit child care business to mean an entity organized as a 501(c)(3), but not just any organization. It must be a licensed child care provider; it must meet the size standard for a small business; and it must provide care to infants, toddlers and pre-kindergarten and older children after school. At Senator SNOWE's request, the pilot is limited to 7 percent allowed for pilots under SBA's 7(a) guaranteed business loan program. I feel that the agreed upon cap should allow for sufficient lending under the pilot to adequately test whether lending to non-profit childcare providers is effective in increasing access to affordable childcare, and whether it protects the general 504 program, which is vital to the financing of small businesses in this country.

The bill also includes a comprehensive study by the GAO to track and monitor the impact of this program both on the industry and the program. Last, I want to remind my colleagues that the 504 program is funded entirely through fees and does not require appropriations.

Also included in this bill is S. 318, the Small Business Drought Relief Act. This simply reinforces in legislation something which SBA should already be doing. You see, the SBA doesn't treat all drought victims the same. The Agency only helps those small businesses whose income is tied to farming and agriculture. However, farmers and ranchers are not the only small business owners whose livelihoods are at risk when drought hits their communities. The impact can be just as devastating to the owners of rafting businesses, marinas, and bait and tackle shops. Sadly, at present these small businesses cannot get help through the SBA's disaster loan program because of something taxpayers hate about government—bureaucracy.

The SBA denies these businesses access to disaster loans because its lawyers say drought is not a sudden event and therefore it is not a disaster by definition. However, contrary to the Agency's position that drought is not a disaster, as of July 16, 2002, the day this legislation was introduced last year, the SBA had in effect drought disaster declarations in 36 states. That number had grown to 48 the beginning of this year, demonstrating that problem had gotten worse and even more small businesses were in need.

As I have said time and again, the SBA has the authority to help all small businesses hurt by drought in declared disaster areas, but the Agency won't do it. For years the Agency has been applying the law unfairly, helping some and not others, and it is out of compliance with the law. The Small Business Drought Relief Act of 2003 would force SBA to comply with existing law, restoring fairness to an unfair system, and get help to small business drought victims that need it. I thank Senator BOND for working with me on this when he was the Ranking Member of the Committee on Small Business & Entrepreneurship, and I thank Senator SNOWE and her staff for all their help and support. While we might have had a lot of rain recently in the Northeast, there are areas like Lake Mead in Arizona where it is so dry that the water level is down and small businesses are losing business and making expensive changes to extend docks to reach the water.

In this bill are also provisions to shore up SBA's venture capital programs—the Small Business Investment Company Debenture and Participating Securities programs, and the New Markets Venture Capital Program. We have balanced investment incentives with soundness issues and allowed small businesses to receive more SBIC financing than currently permissible if they also have a 504 or 7(a) loan. We have improved the arrangement for distributing payments from successful SBICs so that SBA and the investors are treated more fairly and the taxpayers has more protection for realizing repayment on the investments. We have put in place conforming amendments to make the New Markets Venture Capital program work with the New Markets Tax Credit, as Congress intended. We have clarified that new markets venture capital companies have two years to raise their matching capital, as Congress intended. The Committee has been troubled by the Agency's interpretation of the NMVC statute which they viewed as permitting SBA to choose how much time it can give conditionally approved NMVCs to raise the private-sector matching money. The chosen time frames were unreasonable and not what Congress intended.

We have also included many measures to strengthen SBA's oversight of lenders, responding to findings by the General Accounting Office and the Office of Inspector General. And we have reauthorized and clarified the law for surety bond guarantees to help small businesses get government contracts.

While no one would deny the importance access to capital plays in the success of small businesses, as SBA Administration Hector Barreto and past SBA Administrators have acknowledged time and again, debt is not always the answer. In the SBA's FY 2004 budget request, there is reference to information from the Ewing Marion Kauffman Foundation and Dun & Bradstreet that indicates "80 percent of new businesses discontinue operation within five years because of lack of 'knowledge' of key business skills." Despite the recognized importance of such assistance, the SBA's funding request for FY 2004 and its legislative proposal to implement that request would freeze funding levels for virtually all Agency programs, without even accounting for inflation, for a six-year period. If enacted, that would severely hamstring this nation's small businesses and their ability to effectively compete and prosper in the national economy.

Cuts to or inadequate funding of the SBA's entrepreneurial development programs are often attributed to vague and unfounded claims of duplication. Such claims mistake a common mission of training and counseling for duplication, ignoring the reality that small businesses vary greatly, are often at very different stages of development, and have many different needs. Just as it would be ineffective to only have one type of loan or venture capital financing structure for the 25 million small businesses in this country, it would be futile to water down specialized management and training programs to impose a one-size-fits-all approach.

I want to commend Chair SNOWE for giving women entrepreneurs such a prominent place in the reauthoziation process. Rarely do women entrepreneurs get the recognition and attention they deserve for their contributions to our economy: 18 million Americans would be without jobs today if it weren't for these entrepreneurs who had the courage and the vision to strike out of their own. During my tenure as a member, Chair, and lead Democrat of the Senate Committee on Small Business and Entrepreneurship, I have worked to increase and improve the opportunities for enterprising entrepreneurial women in a variety of ways, leading to greater earning power, financial independence and asset accumulation—and I am glad that Senator SNOWE is joining me in this endeavor.

As Chair SNOWE expressed when she introduced the Women's Small Business Programs Improvement Act—and when Senator SNOWE and I passed the Women's Business Center's Preservation Act—protecting the extremely effective and well-established Women's Business Center network was a high priority in this reauthorization. For that reason, we make permanent the Women's Business Center Sustainability Pilot Program by creating three-year "renewal" grants for those centers with sustainability grants and four-year "initial" grants for new centers; increase the program's authorization levels; and direct the Office of Women's Business Ownership, OWBO, to make all Women's Business Center grants at $150K and to consult with the associations of Women's Business Centers when making improvements to the program. Other changes to the Women's Business Center Program include streamlining the data collection and the grant application and selection criteria, protecting the privacy of Women's Business Council, WBC, clients, and providing for a smooth transition from sustainability to the newly established WBC program. Our legislation will not only secure the future of the Women's Business Center Program, but it will connect all SBA-related women's initiatives with a unified mission, similar guidance and training. These changes were coupled with minor, yet significant, changes to the National Women's Business Council, NWBC, and the Interagency Committee on Women's Business Enterprise. Senator SNOWE and I included provisions to give the NWBC cosponsorship authority, to allow more flexibility in the way the Council uses funds, and to direct the Council to serve as a clearinghouse for historical data. Each of these things will enable the Council to become a better resource for the Administration, Congress and the entire small-business community. To bolster the representation of women business owners in the federal government, our bill re-establishes the Interagency Committee on Women's Business Enterprise, directs the Deputy Administrator of the SBA to serve as acting chairperson of the Interagency Committee until a chairperson is appointed, establishes a Policy Advisory Group to assist the Committee's chairperson in developing policies and programs under this Act and creates three subcommittees similar to those created under the National Women Business Council.

This bill also supports and protects the Small Business Development Center network, which has served 9 million small-business owners since its inception more than 20 years ago. It should also be noted that in 2001, SBDCs helped small businesses create or retain over 80,000 jobs, generate $3.9 billion in sales and obtain $2.7 billion in financing. For every dollar spent on an SBDC, $2.09 in tax revenue was returned to the Federal Government. Numbers aside, the nationwide network of SBDCs provide important counseling services to small-business owners that are unable to afford private consulting, many of whom are women and minority clients. The SBDC program has grown to serve 1.25 million small-business owners and entrepreneurs each year, and there are nearly 1,000 centers serving every State in Nation.

While this bill rejects the potentially detrimental changes proposed by the SBA to the SBDC network, it does address concerns expressed by the centers and small businesses. Included in our bill are increased authorization levels to keep up with increased demand and a provision to protect the privacy of the program's clients and a provision to help SBDCs that have been adversely affected by poor economic conditions or government downsizing.

Also, included in the entrepreneurial development section of our bill is a provision to increase to $7 million annually the authorization level for the Service Corps of Retired Executives, SCORE, which has nearly 11,000 volunteers, and a technical change to allow SCORE to keep its modest staff of fourteen employees.

I want to thank Senator SNOWE for working with me to include, as introduced, the Native American Small Business Development Act, which I reintroduced earlier this year together with Senator JOHNSON and Senator SMITH to address the SBA's growing lack of commitment to the Native American community. According to a report released by the U.S. Census Bureau, the "three year average poverty rate for American Indians and Alaska Natives [from 1998-2000] was 25.9 percent; higher than for any other race groups." With an unemployment rate well above the national average and household income at just three-quarters of the national average, Native American communities need a commitment from the Federal government that we will help them, particularly during these difficult economic times. To reaffirm this commitment, the Johnson-Kerry-Smith bill provides Native Americans the resources they need to take advantage of the opportunities of entrepreneurship.

The Native American Small Business Development Act, as included in our reauthorization bill, will ensure that the SBA's programs to assist Native American communities cannot be dissolved by making the SBA's Office of Native American Affairs, ONAA, and its Assistant Administrator permanent. Our legislation would also create a statutory grant program, known as the Native American Development grant program, to assist Native Americans. It would also establish two pilot programs to try new means of assisting Native American communities and require Native American communities to be consulted regarding the future of SBA programs designed to assist them. In short, this legislation will ensure that our Native American communities receive the adequate assistance they need to help start and grow small businesses.

To address the growing business development needs of veterans, Senator SNOWE and I reauthorized the Advisory Committee on Veterans Affairs, expanded veterans outreach grants from just service-disable veterans, to veterans, reservists and service-disable veterans. Further, we increase the funding for the Office of Veterans Business Development to enable that office to better deal with the demand by veterans for outreach and development services.

We continue to receive reports of the detrimental effects of the Administration's policy of reduced staffing and resources for essential programs aimed at allowing small businesses to thrive. Week after week, the Federal Times reports on the decline in contracts being allocated to small businesses, small businesses losing ground in the federal marketplace, and most recently, on the awarding of more big contracts with less oversight from Federal agencies. With agencies awarding larger, more complex and more costly contracts with less staff performing oversight, this nation's small businesses and its tax payers are the ones shouldering the burden when small business goals continue to be unmet. In addition to helping small businesses obtain access to procurement opportunities, these goals are meant to help the government benefit from the cost-savings and innovations small business contractors can often provide.

Significant improvements to the ongoing problem of contract bundling, also called contract consolidation, are included in this bill. The first provision creates a two-tiered approach to preventing unnecessary contract consolidation. Civilian agencies will be required to meet specific standards if they attempt to consolidate contracts above $2 million and additional requirements for those contracts above $5 million. The Department of Defense is required to meet two types of similar requirements for contracts above $5 million and $7 million. The bill also eliminates the use of the term "contract bundling" and expands the definition of "contract consolidation," closing a loophole that has been widely used and has detrimentally affected small businesses.

The second provision increases in the number of Procurement Center Representatives (PCRs) stationed throughout the country. These representatives advocate on behalf of small businesses in cases directly affecting contracting, such as the bundling or consolidation of contracts. In the bill, we have increased the number of PCRs to ensure that every state and every major procurement center is allocated at least one PCR. Meanwhile, we have also ensured that these PCRs are not burdened with responsibilities that were previously the duties of Breakout PCRs and Commercial Marketing Representatives. These two improvements will dramatically increase the efficacy and efficiency of all three positions and allow proper review of the approximately 40 percent of Federal contracts, nearly $90 billion, that are currently not being reviewed by PCRs. This should increase small business's access to Federal contract opportunities.

The bill would also create a reporting requirement for the BusinessLINC program, which has been showing promise in creating real teaming opportunities for small businesses in the private sector. Although the Administration recommended elimination of the program, the reports this Committee received regarding the overwhelming success of the existing nine programs made it clear that the SBA did not have sufficient information about BusinessLINC to make an informed decision on its effectiveness. The Committee's bill would ensure that the SBA offers the proper level of oversight and would foster the continued success of the program. I would like to thank Senator SNOWE for working with me to find a compromise to preserve this successful program.

At each of this Committee's three Roundtables on Reauthorization and the hearing on contract bundling, the small business community reiterated the need for accountability for small business contracting at the agency level. I applaud Senator SNOWE on her efforts to ensure that Federal agencies be held accountable for fully utilizing small businesses and to allow a greater amount of Congressional oversight of the implementation of agency procurement strategies. Provisions within this bill will ensure that the heads of Federal agencies identify a specific portion of their budget request that will be awarded to small businesses in their strategic plan and their annual budget submission to Congress; will hold senior executives and senior program managers accountable in their annual performance evaluations for small business utilization in Federal contract awards.

In addition to increasing opportunities for prime contracts, this bill addresses another serious problem: small businesses have been severely hamstrung by dishonest practices by some businesses that have prime contracts with the Federal Government and receive preference over other prime contractors due to their superior subcontracting plans. Senator SNOWE and I have worked closely to address the concerns of small businesses regarding delays in payment, false reporting and the use of "bait and switch" tactics by prime contractors.

This bill holds prime contractors responsible for the validity of subcontracting data, requiring the CEO to certify to the accuracy of the subcontracting report under penalty of law. It also expands the penalties for falsifying data included in subcontracting reports to match the $500,000 penalty for businesses that falsify their status as a small and disadvantaged business. If one intentionally falsifies data as a part of a subcontracting report to a Federal agency, he is defrauding the United States government and will be punished to the full extent of the law. I commend Senator SNOWE for her diligence in creating these strict penalties and her efforts to create a bipartisan response to protect small businesses.

I want to thank Chairwoman SNOWE and her able staff for all of their hard work over the past several months. I also want to express my gratitude to all members of the Committee and urge them and my other Senate colleagues to support the Small Business Administration 50th Anniversary Reauthorization Act of 2003.●

By Mr. REID (for himself and Mr. ENSIGN):

S. 1376. A bill to include the Department of Energy and the Nuclear Regulatory Commission as employers for the purposes of whistleblower protection; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce legislation providing greater protection for workers dealing with nuclear materials and nuclear power. I am pleased to introduce this legislation today with my colleague from Nevada, Senator ENSIGN.

Several weeks ago, I chaired a hearing of the Energy and Water Development Subcommittee on problems facing the Yucca Mountain project. I was extremely disappointed that two of the witnesses—both current employees of the Department of Energy and one of its contractors—failed to testify at the hearing.

It was clear to me that these people failed to appear before the committee because they were concerned that their appearance could have negative repercussions on their jobs. That is completely unacceptable.

So today, Senator ENSIGN and I are introducing legislation to expand the whistleblower protections. The bill we are introducing does two things.

First, the bill would expand whistleblower protection to all Department of Energy and Nuclear Regulatory Commission employees and their contractors' and subcontractors' employees.

Second, the bill would provide a process for whistleblowers to utilize Federal courts if their cases are not addressed quickly by the Department of Labor.

Our Democracy depends on the ability of citizens and their elected representatives to make informed decisions. That means we need to know the truth about the issues.

These changes are simple fixes that help ensure that Federal employees and other people working for the Federal Government never have to fear they will lose their jobs for simply telling the truth.

I hope the Senate will act quickly on this important legislation.

By Mr. DORGAN:

S. 1378. A bill to transfer to the Secretary of the Interior authority to revise the Missouri River Master Water Control Manual; to the Committee on Environment and Public Works.

Mr. DORGAN. Mr. President, thirteen years ago the Corps of Engineers was given 6 months to revise the Missouri River Master Manual. The Master Manual provides a framework for managing the flows on the Missouri River.

But here we are, thirteen years later, and nothing has happened. So today I am introducing legislation to take management away from the Corps of Engineers and give it to the Bureau of Reclamation.

In my judgment, the Corps has failed miserably in its efforts to revise the Master Manual. In the interim, the Corps has managed the River in a way that benefits the downstream States at the expense of the upstream States, despite the fact that the upstream States generate ten times more economic activity from recreational use than the downstream states generate from barge traffic.

And this mismanagement has cost North Dakota a lot. Enough is enough. It's time to take this responsibility away from the Corps and give it to the Bureau of Reclamation. The Bureau manages other rivers, like the Colorado River, so let's give them a chance to manage the Missouri and to revise the Master Manual. Perhaps this will give the upstream States a chance to be treated fairly for a change.

I have written a letter to the head of the Corps of Engineers, General Robert Flowers, expressing my concern about this issue and I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 1, 2003.

LTG ROBERT B. FLOWERS,
Chief of Engineers, U.S. Army Corps of Engineers, Washington, DC.

DEAR GENERAL FLOWERS: More than a decade ago, the Corps of Engineers was tasked with revising the Missouri River Master Manual, which governs the management of the Missouri River. As you well know, I have been very frustrated with the long history of missed deadlines and continual delays. It certainly appears that the Corps has no intention of moving forward with a new Master Manual any time in the near future. In addition, as I have learned more about the unfairness of the current management plan, I am concerned that the Corps is either unwilling or unable to implement equitable management of the River.

Lake Sakakawea in North Dakota has suffered lake level decreases of over 16 feet. This has had a devastating effect on the recreational uses of the lake. It is unacceptable for the Corps to continue to shortchange the upstream states by sending water downstream for a barge industry that generates less than a tenth of the economic activity as the upstream recreational interests. Fort Peck in Montana has seen lake level declines of 21.2 feet and Lake Oahe in South Dakota has suffered lake level reductions of more than 22 feet.

And the downstream lakes? These lakes have seen virtually no change in their lake levels. Harry S. Truman Lake in Missouri has lost less than half a foot of elevation. Lake Rathbun in Iowa is down just 2.4 feet.

This is truly a case of double jeopardy for the upstream states. The water from their lakes gets drained off for a nearly non-existent barge industry at a time when the downstream states are not asked to make any contributions from their own lakes. The table below shows the inequity of this situation.

DOWNSTREAM LAKES

Lake	Change in elevation (feet)
Harry S Truman Lake (MO)	−0.4
Stockton Lake (MO)	−4.8
Pomme De Terre (MO)	−1.9
Lake Rathbun (IA)	−2.4

UPSTREAM LAKES

Lake	Change in elevation (feet)
Fort Peck (MT)	−21.2
Lake Sakakawea (ND)	−16.2
Lake Oahe (SD)	−22.1

The Corps has developed a deplorable track record of managing the Missouri River to the detriment of the upstream states and the millions of people who live in that region. This is just the latest in the Corps' string of poor decisions.

It is clear the Corps is simply incapable to managing the Missouri River in a fair and equitable fashion.

For this reason, I plan to introduce legislation when the Congress returns from its July work period, that would transfer authority for the revision of the Master Manual and the responsibility for the management of the dams along the Missouri River, to the Bureau of Reclamation. The Corps has failed in its mission to manage the River in an effective way and has neglected to revise the Master Manual despite 13 years of work on the project. My patience has run out, and I believe it is time to make a dramatic change in the stewardship of and the responsibility for the River so that the upstream states can have some hope of fairness and equity.

Sincerely,

BYRON L. DORGAN,
U.S. Senator.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MISSOURI RIVER MASTER WATER CONTROL MANUAL.

(a) FINDINGS.—Congress finds that—

(1) the original study for the revision of the operating plan under the Missouri River Master Water Control Manual was begun in November 1989 and was scheduled to be completed 6 months later;

(2) the Corps of Engineers has missed that deadline by more than 13 years and has consistently missed every other deadline set in the interim;

(3) the Corps of Engineers is unable or unwilling to move the process forward to revise the Manual, despite legal requirements, direction from Congress, scientific evidence, and various lawsuits from affected parties;

(4) in report number RCED–92–4 in January 1992, the Comptroller General of the United States concluded that there is no statutory or regulatory basis for any contention by the Corps of Engineers that the Corps is bound to give higher priority to navigation interests than to recreation interests affected by the operation of dams on the Missouri River;

(5) the Missouri River yields more than 10 times the economic benefit for recreation and tourism in upstream States than it does for shipping interests in the downstream States; and

(6) it appears that the Corps of Engineers is unable to provide the leadership necessary to finalize revisions to the Manual.

(b) DEFINITIONS.—In this section:

(1) SECRETARY OF THE ARMY.—The term "Secretary of the Army" means the Secretary of the Army, acting through the Chief of Engineers.

(2) SECRETARY OF THE INTERIOR.—The term "Secretary of the Interior" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) MANUAL.—The term "Manual" means the Missouri River Master Water Control Manual.

(c) TRANSFER OF AUTHORITY.—There is transferred from the Secretary of the Army to the Secretary of the Interior all authority of the Secretary of the Army to—

(1) revise the Manual; and

(2) operate the dams the operation of which is governed by the Manual.

(d) COMPLETION OF CURRENT REVISION.—The Secretary of the Interior shall, to the maximum extent practicable, complete the revision of the Manual begun by the Secretary of the Army before the date of enactment of this Act not later than the date set for completion by the Secretary of the Army.

(e) MANAGEMENT OF WATER RESOURCE PROJECTS.—After the Secretary of the Interior revises the Manual, the Secretary of the Interior shall manage water resource projects formerly operated by the Corps of Engineers in accordance with the revised Manual.

AMENDMENTS SUBMITTED & PROPOSED

SA 1135. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1135. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. ____. JUSTICE FOR UNITED STATES MARINES ACT.

(a) SHORT TITLE.—This section may be cited as the "Justice for United States Marines Act".

(b) AMENDMENT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 15, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony regarding the Compact of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

For further information, please contact Meghan Beal at 202.224.7556 or Meghan_Beal@energy.senate.gov.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, July 17, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

This is the second in a series of hearings devoted to the improved understanding of the governance of the Department of Energy laboratories and approaches to optimize the capability of those laboratories to respond to national needs.

The purpose of this second hearing is to contrast the management of science and technology resources by the Department of Energy with management of such resources in other agencies and in the private sector towards the goal of suggesting approaches for optimizing the DOE's management and use of its science and technology resources.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 8, 2003, at 2:15 p.m., in closed session, to receive a classified briefing on the situation in Africa, with a focus on Liberia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 8, 2003, at 9:30 a.m., on the nomination of Nicole Nason, DOT, and Pamela Harbour, FTC, and immediately following a hearing on "Radio Ownership" in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, July 8, 2003, at 10 a.m., to hear testimony on An Examination of U.S. Tax Policy and Its Effect on the Domestic and International Competitiveness of U.S.-Based Operation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Executive Nominations" on Tuesday, July 8, 2003, at 2:30 p.m., in the Dirksen Senate Office Building Room 226.

Agenda

Panel I: Senators.

Panel II: Michael J. Garcia to be Assistant Secretary, U.S. Department of Homeland Security; and Jack Landman Goldsmith III to be Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Tuesday, July 8, at 9:30 a.m., to examine agricultural sequestration of carbon.

The hearing will take place in SD 406 (Hearing Room).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 8, 2003, at 10 a.m.

The purpose of the hearing is to conduct oversight of the maintenance backlog, land acquisition backlog, and deficit in personnel within the National Park System, including the impact of new park unit designations on resolving each of these concerns.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF THURMOND TRIBUTES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that tributes to Senator Strom Thurmond be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 9, 2003

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, July 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the motion to proceed to the consideration of S. 11, the Patients First Act, provided that the time until 11:30 a.m. be equally divided between the two leaders or their designees, and provided further that the time from 11:10 a.m. to 11:20 a.m. be under the control of the Democratic leader or his designee and the remaining time until 11:30 a.m. be under the control of the Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, tomorrow the Senate will resume debate on the motion to proceed to the consideration of S. 11, the Patients First Act. Under the previous order, at 11:30 a.m. the Senate will vote on the motion to invoke cloture on the motion to proceed. Immediately following that vote, the Senate will proceed to executive session and vote on the nomination of Victor Wolski to be a judge on the U.S. Federal Claims Court. Therefore, the first vote of tomorrow's session will occur at 11:30 a.m. and that vote will be the first of two back-to-back votes.

Following the two votes at 11:30 a.m., the Senate will begin consideration of S. 925, the State Department reauthorization bill. Amendments are expected to be offered to the bill, but it is the majority leader's hope that we can complete action on this measure in short order. Therefore, Members should expect rollcall votes throughout the afternoon tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Wednesday, July 9, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 8, 2003:

DEPARTMENT OF JUSTICE

DANIEL J. BRYANT, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE VIET D. DINH, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CHARLES S. RODEHEAVER, 9932

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RODNEY P. REMPT, 5464

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PATRICE L. PYE, 1139

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*REBEKAH F. FRIDAY, 8829

CONFIRMATION

Executive nomination confirmed by the Senate July 8, 2003:

THE JUDICIARY

DAVID G. CAMPBELL, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

HOUSE OF REPRESENTATIVES—*Tuesday, July 8, 2003*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. MURPHY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
July 8, 2003.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 1. An act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1) "An Act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. FRIST, Mr. KYL, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. BROWN of Ohio. Mr. Speaker, earlier this year President Bush addressed a Michigan audience laying out his plans to restructure Medicare. He said, "If it's good enough for Members of Congress, it's good enough for seniors in this Nation." What he meant was that American seniors who enroll in Medicare should have health insurance choices like those available to Members of Congress under the health insurance plan called the Federal employees health benefits plan. President Bush was not the only one to say so. Republican leaders in the House made the same point. All of us have heard colleagues here say that. That message, that seniors should have the same kind of health insurance choices available to Members of Congress, was an important selling point for the Republican Medicare prescription drug bill.

That message is absolutely right. The problem is that the Republican bill is absolutely the opposite. The Republican Medicare bill, H.R. 1, does not even come close to giving seniors the kind of coverage that Members of Congress have provided for themselves. The Congressional Research Service says the FEHBP plan which Members of Congress are in offers a drug benefit worth $2,700, but the same CRS, Congressional Research Service, nonpartisan arm of the Congress said the Republican Medicare bill is worth only about half of that. The Republican Medicare bill does not offer American seniors health care choices just like Members of Congress even though the President said it did. It does not even come close.

Even a basic comparison shows how the Republican bill comes up woefully short. The Republican bill tells seniors they have to pay a $250 deductible. Members of Congress do not pay a deductible. The Republican bill requires seniors with drug costs over $2,000 to continue paying monthly premiums even though they do not get any coverage until they spend an additional $2,900 out of pocket. Members of Congress do not make premium payments and get nothing in return. The Republican Medicare bill does not offer American seniors health care choices just like Members of Congress. It does not even come close.

The Washington Post said the drug benefit proposed by the Republicans for seniors provides merely a fraction of the drug coverage that Members of Congress receive. The chairman of the health policy department at Emory University said that drug benefits are much better in the congressional Federal employees plan. Still do not believe the Republican bill offers a bad deal for American seniors? You have to look no farther than H.R. 2631 on today's suspension calendar. H.R. 2631 says that private insurance plans under the Federal employees health benefit plan must agree to provide drug coverage for Federal retirees actuarially equivalent to the drug coverage they provide to current Federal employees. In other words, what that means is that when Members of Congress and other Federal employees retire, they will not be forced to go into H.R. 1, into the Republican Medicare bill. It is good for Members of Congress, it is good for Federal employees, because the Republican Medicare drug benefit would be a step down for them. Remember what the President said: If it is good enough for Members of Congress, it is good enough for seniors in this Nation. That is what he says about the Republican bill.

It would be a big step down to go into the Republican privatized drug benefit plan for the 13 million American private sector retirees who get drug coverage through their employers' health insurance. The Congressional Budget Office said that more than one-third of all seniors who are in private retirement plans will see their plans dropped by their employer. They will be forced out of the private coverage they have today, forced out of that plan and put into the inferior Republican Medicare prescription drug plan.

H.R. 2631 says Members of Congress should not have to live under the same system that the Republican Medicare plan foists on the American public. Should we pass H.R. 2631 today? Absolutely, because 8.5 million Federal employees should not have to live with the Republican Medicare bill's drug benefit. But given that the Republican Medicare bill's drug benefit is so bad that Congress, after passing it 2 weeks

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ago, today is exempting themselves, get that again, the Republican Medicare bill is so bad from 2 weeks ago that passed here that today Congress is exempting itself from that plan so that Members of Congress can continue to enjoy good health coverage, not the inferior plan that President Bush and Republicans are foisting on Congress.

We should pass H.R. 2631 today and we should throw H.R. 1 in the shredder and get to work on a real prescription drug benefit for American seniors. And the President when he says, "If it's good enough for Congress, it's good enough for seniors in this Nation," the President should mean what he says.

BETTER TEACHERS MAKE BETTER EDUCATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, following President Bush's landmark No Child Left Behind law, we now have an opportunity to make overdue reforms in the Federal Government's role in our national education system. We will take up two very important education reauthorization bills this week to begin that process. The first is the Ready to Teach Act of 2003 sponsored by the gentleman from Georgia (Mr. GINGREY) which will strengthen and improve teacher training programs all around this country. With the enormous responsibilities weighing on them today, we owe it not only to American teachers but to their students to prepare every one of them before they set foot in the classroom. Highly qualified teachers, as all of us know and some of us were lucky enough to have in school, are worth their weight in gold. But too many inexperienced teachers are being thrown into the classroom without effective training and preparation. This legislation will start measuring training programs' success and holding them accountable. It will bring higher qualified individuals into the training programs and ultimately into the classrooms. It is an important first step in reshaping American education to face the emerging challenges of the 21st century.

Equally important is the bill of the gentleman from South Carolina (Mr. WILSON), the Teacher Recruitment and Retention Act. Under this bill, qualified teachers in math, science and special education would be eligible for student loan forgiveness of up to $17,500 if they teach in low-income community schools. Most of these poor title I schools are in our Nation's inner cities and in our rural areas where the need for qualified teachers is most acute. Too many math and science classes are being taught by teachers who neither majored nor minored in those fields. And two-thirds of public schools around the country have teacher vacancies in their special education programs.

Mr. Speaker, as more and more of our best teachers retire every year, the teaching shortage in America is approaching crisis levels and we must act. We have to develop innovative ways to attract and retain the highest quality individuals we can for our schools, to get results for students, parents and teachers around the country. And while these two bills are only part of a broader agenda, both of them start to do just that.

RECOGNIZING 30TH ANNIVERSARY OF CARICOM

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized during morning hour debates for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I rise this morning to recognize the 30th anniversary of CARICOM which was celebrated on July 4 of this year. Founded in 1973 in Chaguaramas, Trinidad, CARICOM, or its full name, the Caribbean Community, now includes 16 members. I want to congratulate CARICOM's outgoing chair, Prime Minister Pierre Charles of Dominica, and the incoming chair, the Honorable P.J. Patterson of Jamaica, on behalf of the people of the U.S. Virgin Islands, the Congressional Black Caucus, and the Congress of the United States. We in the Virgin Islands and the CBC pledge our continued support as they meet the challenges presented by new global and regional trade alliances and loss of preferences, HIV/AIDS and the other social and economic needs of their constituencies, governance, the need for regionalization and the difficult relationship with us, their northern neighbor.

I particularly want to recognize the historic participation of the Honorable Thabo Mbeki, President of South Africa, in the recent 24th regular meeting of the conference of CARICOM heads of government in Montego Bay, Jamaica. His presence significantly underscores the connectedness of all people of African descent and the sameness of our struggles no matter whether on the continent of Africa or in the diaspora. As we are linked by blood and history, so is our future tied together.

Mr. Speaker, the Caribbean community also shares important historical ties with this Nation and today represents not only an important trading partner with the balance in our favor but also a critical partner in our fight against drugs in our own country and our important efforts to ensure our homeland security. With this background and the need for closer cooperation, the recent interactions of our country at the 24th heads of government meetings held during the anniversary celebration do not make sense to me.

First, although the presence of U.S. Trade Representative Robert Zoellick was important to discussions of the impact of the upcoming FTAA agreement, the refusal to support what I consider to be standard transitioning for these smaller countries in the face of the loss of important preferences which have been the bulwark of their economic stability is not the action of a friend and neighbor. I hope that the administration will reconsider its position. Secondly, there was discussion on the International Criminal Court. While there may be differing opinions as to whether the United States should be given a waiver from liability under this court, it is unconscionable in my view for us to strong arm the Caribbean countries into supporting the waiver by threatening to cut off financial aid which has been previously committed and on which they are depending. With friends like us, the CARICOM nations do not need enemies.

This is not the first instance in which this country has sought to force its will by employing or threatening punitive measures that these nations can ill afford. The CARICOM countries are to be commended, however, for not surrendering their national integrity in the face of our bullying. But there has to be a better way. I want to use this time, Mr. Speaker, to call on the administration to seek that better way and to recognize the value and integrity of these countries and territories, not only because of their importance to our national defense in homeland security and economic stability but because they are also sovereign nations in their own right, with a long history of democratically elected governments.

As the Delegate from one of this country's two Caribbean offshore areas, the health of the region has a direct impact on my district and constituents, even more directly than it does on our larger Nation. We offer ourselves and that of the recently formed Caribbean Caucus as mediators to restore the relationships and mutual support that we used to enjoy with the members of CARICOM.

July 4 is our most important national holiday. It is interesting that this is the same day that CARICOM was founded. Perhaps the sharing of this date may form the basis of the beginning of that new and improved relationship.

INTRODUCING RESOLUTION TO BRING GREAT AWARENESS OF THE PROBLEM OF STALKING

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from New Mexico (Mrs. WILSON) is recognized during morning hour debates for 5 minutes.

Mrs. WILSON of New Mexico. Mr. Speaker, Peggy Klinke was a constituent of mine from Albuquerque, New Mexico. She was murdered in January of this year by a former boyfriend who was obsessed with her and stalked her for almost 2 years. Today I will be introducing a resolution to this House to bring greater awareness of the problem of stalking in America and the things that we need to do to protect its victims. It is my pleasure that Debbie Riddle and Mark Sparks are here today. Debbie was Peggy's sister and Mark was her boyfriend. I wanted to thank them for joining me here today in the House.

More than 1 million women a year and almost 400,000 men are stalked annually. Those numbers are staggering. One in 12 women and one in 45 men in their lifetime will be stalked. Yet the problem continues to go mostly unrecognized and not responded to properly. The bill that I am introducing would make January Stalking Awareness Month in honor of Peggy in the month that she died.

The first step in addressing any problem is to understand that problem and make sure that other people do, because until people understand it, you cannot mobilize the will for change. We need model laws and to make sure those model laws are implemented in every State in this country. We need to identify the best practices for dealing with stalkers, practical things proven to work in the field that can be used by victims and also by law enforcement to make sure victims are safer. We need to better train our police and our district attorneys so that they know what tools they have at their disposal when they are dealing with a stalker. And we need better cross-jurisdictional communication.

Eleven percent of stalking victims move to get away from their stalker. As soon as they do, you have got two police departments, two district attorneys and two judicial systems supposedly working together but often not communicating about the victim and the stalker. No one should have to live in fear without protection and without hope. I believe that this resolution is the first step to getting better protection for the victims of stalkers.

I ask the House to rapidly consider the resolution and pass it from this House.

U.S. SUCCESS IN IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, 227 years ago 56 men put their lives, their families and fortunes on the line as they defied the most powerful country in the world, England. These men declared independence and our country was born by a swift stroke of a pen. This weekend we celebrated our country's 227th birthday. This country, of course, has survived many conflicts, both foreign and domestic, and we have survived due to the fact that American men and women always have answered the call should our rights and our freedoms come under attack. In the last couple of years, terror has taken on a new meaning to this country and its citizens. We have been threatened like never before. With an amazing outpouring of patriotism, we refused to allow the mantle of freedom to be taken from our shoulders.

With that in mind, Mr. Speaker, with the end of Operation Sidewinder in Iraq, our Armed Forces have experienced tremendous success. Yet we remain confronted with the sad truth that this success has come at a cost of American lives. Over the weekend, a Florida National Guard soldier from my congressional district was killed. My thoughts and prayers are with his family and friends and I also mourn his loss. I had the opportunity to meet this young man at the community college he attended while serving in the National Guard. His presence, enthusiasm and dedication exemplifies the men and women of our Armed Forces that continue to serve in Iraq.

From Afghanistan to Iraq and possibly Liberia, our troops face life-threatening situations. But they fight for those who yearn for freedom, who cannot fight for themselves. All who wish for democracy know that America can be the source of the freedoms that have so long eluded them. Our troops liberated 24 million Iraqis and gave them the opportunity for freedom that had been denied them for so long. As such, rebuilding a country neglected for decades by a worthless tyrant takes time, it takes patience, it takes perseverance. Iraq is showing signs that the efforts of our troops are yielding large gains. We have over half of the Iraqis most wanted in custody. We are training Iraqis to police and govern themselves as a free nation. Iraqis have access to a growing number of publications, newspapers and magazines replacing the propaganda of the state-run news that previously existed. Electricity is running 24 hours a day in Basra and improvements are being made in Baghdad. According to reports now, Hussein would black out parts of Baghdad simply because there was not sufficient generation of power for the entire city. Our people are working to change that and they are working very, very hard.

Mr. Speaker, many in some parts of the media seem not only content but resolute in reporting only those stories that portray bad news. Remember, some of these same people called our initial military strategy a failure after less than a week of combat. But I find it perplexing that all we hear from some reporters are stories describing an Iraq that is a viper's nest of Saddam loyalists and full of an angry civilian population who want us to leave. However, unlike some of our media reporting, I believe normal, everyday people in this country realize that it will take time to foster democracy and to quell attempts to destabilize fledgling new, free governments. Today's copy of The Hill magazine touched on this issue and quoted dozens of soldiers who seem to be baffled by the endless wave of negative press. One helicopter pilot is quoted as saying, "The media has misrepresented Iraqi resistance. For the most part, people here are extremely friendly to us." He goes on to say that, quote, crime in Baghdad is one-tenth of what it is in Los Angeles. Finally, according to a poll taken by the Iraq Center for Research & Strategic Studies, it was found that 65 percent of Baghdadis want U.S. troops to stay for now. Only 17 percent wanted them to pull out immediately.

Let us look at what the U.S. has accomplished. For that, of course, we need look no further than the words of General Tommy Franks in his recent retirement speech when he said, "When we arrived, the Taliban and al Qaeda controlled Afghanistan and Saddam Hussein ruled Iraq with an iron hand. What a difference 22 months makes. Twenty-two months ago, the United States of America and the free world looked into the face of evil and defeated it." Now we are moving closer to freedom in Iraq and Afghanistan.

Yes, there is a tremendous amount of work to be done but the peace is not lost. With where we are today, the glass for continued democracy in these countries is over half full.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You delivered Jericho into the hands of Joshua with the mighty sound of trumpet blasts and the joyful shouts of believers in Your power. We remember the story of these tumbling walls coming down, but to this day no one can find any remains of Joshua's Jericho. So complete is Your victory, Lord.

In our own day, bring an end to the violence in Iraq. Protect and bless peacemakers and the coalition military forces who are trying to bring law and order to that land. Bring down the walls of prejudice and indifference which surround war-torn Iraq. Embrace the people there with Your Spirit, that they may know peace and unity. May their ancient treasures of culture be restored as they rebuild a new nation founded upon religious truth and human dignity.

May goodness, truth and beauty in the end prove victorious. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SANCHEZ led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NORTH KOREA SELLING HEROIN TO PAY FOR NUKES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a couple of months ago, a North Korean ship, the Pong Su, was captured while trying to transfer $80 million worth of heroin to a fishing boat off the coast of Australia. This incident confirms that the rogue regime of Kim Jong Il is selling drugs to tighten his grip on power and prolong his reign of terror.

The evidence tying this evil regime to the drug trade is overwhelming. One of the 26 people aboard the Pong Su was a member of the North Korean ruling party who served as a senior envoy in Pyongyang's embassy in Beijing.

At a recent hearing in the Senate, a former high-ranking North Korean official testified that Kim Jong Il has personally designated land in North Korea for the growth of opium. And U.S. State Department officials have concluded that the illegal drug program is sanctioned by the North Korean Government, who is using it to fund its weapons programs.

This incident is a reminder that North Korea will stop at nothing to expand its nuclear arsenal.

BRING IT ON

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice concern over the disregard President Bush has shown to our brave servicemembers and their families. Our troops are dying in Iraq at a rate of one per day. The reason? This administration failed to adequately plan for postwar peacekeeping and civil reconstruction in Iraq. As a consequence, our troops are overstretched, morale is low, and the situation within Iraq is getting worse by the day.

This administration must, it must readdress the situation and give our troops the peacekeeping training that they need; and, in addition, efforts to reach out to the international community for assistance must be enhanced. In short, we should do everything in our power to quell the violence as quickly as possible.

But instead, just last weekend, President Bush taunted insurgents in Iraq by boasting, "Bring 'em on." This is an insult not only to the military families who have lost a loved one in Iraq, but to those who live under the constant fear that their loved ones might not come home.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, June 26, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2658.

□ 1208

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004 and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 26, 2003, the bill is considered as having been read the first time.

The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

First, I appreciate very much having the opportunity to share this time with the gentleman from Pennsylvania (Mr. MURTHA). I am very pleased today to bring before the House the 2004 defense appropriations bill. It is a bill that reflects very much the direction of the Commander-in-Chief as well as the Department of Defense regarding the war on terrorism that we are pursuing in the Middle East at this point, but also recognizing its great threat around the world.

The bill itself is a very, very good bill that I highly commend to the Members, Mr. Chairman. I must say that in terms of its allocation, I am a bit disappointed, for the bill before us is in the neighborhood of $3 billion below the President's request. But having said that, we did provide some reallocation that helps some of our other bills, and in the meantime, we are doing all we can to recoup some of those dollars by way of other venues.

Having said that, the bill is a very balanced bill, and we have made every effort to reflect the will of the House as well as the needs of our men and women who are representing us so well around the world.

Before going on and commenting briefly about the bill, I want to express my deep appreciation to my colleague from Pennsylvania (Mr. MURTHA), who works hand in glove with me in developing this bill, always, but particularly in this very difficult year with the challenges we face in the world.

Mr. Chairman, I must say that this work would not have been able to have been carried forward in this timely fashion without the help of our very fine staff, Kevin Roper particularly, on my side, and a variety and mix of other fine staff members. I will let the gentleman from Pennsylvania talk about his fantastic staff on his own.

But in the meantime, rather than going into great deal about the bill at this point in time, let me say that we have made every effort to fully fund the personnel needs that we face in this challenging world, such as a modest pay raise for our men and women who make up our forces, and funding the health care programs that are so vital to their needs, as well as their housing challenges.

We are also providing funding to make certain as we go about being successful in this war on terrorism we also are laying the foundation for America's leading the world in a way that will preserve peace for all of us.

At this point, Mr. Chairman, I would like to insert the following tabular summary of the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	26,855,017	37,386,380	28,233,436	+1,378,419	-9,152,944
Military Personnel, Navy	21,927,628	25,282,454	23,052,001	+1,124,373	-2,230,453
Military Personnel, Marine Corps	8,501,087	9,559,441	8,962,197	+461,110	-597,244
Military Personnel, Air Force	21,981,277	26,715,989	23,121,003	+1,139,726	-3,594,986
Reserve Personnel, Army	3,374,355	---	3,568,625	+194,270	+3,568,625
Reserve Personnel, Navy	1,907,552	---	1,983,153	+75,601	+1,983,153
Reserve Personnel, Marine Corps	553,983	---	571,444	+17,461	+571,444
Reserve Personnel, Air Force	1,236,904	---	1,267,888	+30,984	+1,267,888
National Guard Personnel, Army	5,114,588	---	5,382,719	+268,131	+5,382,719
National Guard Personnel, Air Force	2,125,161	---	2,140,598	+15,437	+2,140,598
Total, title I, Military Personnel	93,577,552	98,944,264	98,283,064	+4,705,512	-661,200
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	23,992,082	24,958,842	24,903,992	+911,910	-54,850
Operation and Maintenance, Navy	29,331,526	28,287,690	28,060,240	-1,271,286	-227,450
Operation and Maintenance, Marine Corps	3,585,759	3,406,656	3,440,456	-145,303	+33,800
Operation and Maintenance, Air Force	27,339,533	27,793,931	26,689,043	-650,490	-1,104,888
Operation and Maintenance, Defense-Wide 1/	14,707,506	16,570,847	16,124,455	+1,416,949	-446,392
Operation and Maintenance, Army Reserve	1,970,180	1,952,009	2,031,309	+61,129	+79,300
Operation and Maintenance, Navy Reserve	1,236,809	1,171,921	1,171,921	-64,888	---
Operation and Maintenance, Marine Corps Reserve	187,532	173,952	173,952	-13,580	---
Operation and Maintenance, Air Force Reserve	2,163,104	2,179,188	2,144,188	-18,916	-35,000
Operation and Maintenance, Army National Guard	4,261,707	4,211,331	4,325,231	+63,524	+113,900
Operation and Maintenance, Air National Guard	4,117,585	4,402,646	4,424,046	+306,461	+21,400
Overseas Contingency Operations Transfer Fund	5,000	50,000	5,000	---	-45,000
United States Court of Appeals for the Armed Forces	9,614	10,333	10,333	+719	---
Environmental Restoration, Army	395,900	396,018	396,018	+118	---
Environmental Restoration, Navy	256,948	256,153	256,153	-795	---
Environmental Restoration, Air Force	389,773	384,307	384,307	-5,466	---
Environmental Restoration, Defense-Wide	23,498	24,081	24,081	+583	---
Environmental Restoration, Formerly Used Defense Sites	246,102	212,619	221,369	-24,733	+8,750
Overseas Humanitarian, Disaster, and Civic Aid	58,400	59,000	59,000	+600	---
Former Soviet Union Threat Reduction	416,700	450,800	450,800	+34,100	---
Support for International Sporting Competition, Defense	19,000	---	---	-19,000	---
Total, title II, Operation and maintenance	114,714,258	116,952,324	115,295,894	+581,636	-1,656,430
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	2,285,574	2,128,485	2,180,785	-104,789	+52,300
Missile Procurement, Army	1,096,548	1,459,462	1,533,462	+436,914	+74,000
Procurement of Weapons and Tracked Combat Vehicles, Army	2,266,508	1,640,704	1,956,504	-310,004	+315,800
Procurement of Ammunition, Army	1,253,099	1,309,966	1,355,466	+102,367	+45,500
Other Procurement, Army	5,874,674	4,216,854	4,547,596	-1,327,078	+330,742
Aircraft Procurement, Navy	8,812,855	8,788,148	9,030,148	+217,293	+242,000
Weapons Procurement, Navy	1,868,517	1,991,821	2,205,634	+337,117	+213,813
Procurement of Ammunition, Navy and Marine Corps	1,165,730	922,355	941,855	-223,875	+19,500
Shipbuilding and Conversion, Navy	9,032,837	11,438,984	11,453,098	+2,420,261	+14,114
Other Procurement, Navy	4,612,910	4,679,443	4,784,742	+171,832	+105,299
Procurement, Marine Corps	1,388,583	1,070,999	1,200,499	-188,084	+129,500
Aircraft Procurement, Air Force	13,137,255	12,079,360	11,877,051	-1,260,204	-202,309
Missile Procurement, Air Force	3,174,739	4,393,039	4,235,505	+1,060,766	-157,534
Procurement of Ammunition, Air Force	1,288,164	1,284,725	1,279,725	-8,439	-5,000
Other Procurement, Air Force	10,672,712	11,583,659	11,195,159	+522,447	-388,500
Procurement, Defense-Wide 1/ 2/	3,414,455	3,665,506	3,803,776	+389,321	+138,270
National Guard and Reserve Equipment	100,000	---	100,000	---	+100,000
Defense Production Act Purchases	73,057	67,516	67,516	-5,541	---
Total, title III, Procurement	71,518,217	72,721,026	73,748,521	+2,230,304	+1,027,495

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	7,669,656	9,122,825	10,186,272	+2,516,616	+1,063,447
Research, Development, Test and Evaluation, Navy	13,946,085	14,106,653	14,666,239	+720,154	+559,586
Research, Development, Test and Evaluation, Air Force	18,822,569	20,336,258	20,704,267	+1,881,698	+368,009
Research, Development, Test and Evaluation, Defense-Wide 1/	17,524,596	17,974,257	18,763,791	+1,239,195	+789,534
Operational Test and Evaluation, Defense	245,554	286,661	293,661	+48,107	+7,000
Total, title IV, Research, Development, Test and Evaluation	58,208,460	61,826,654	64,614,230	+6,405,770	+2,787,576
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,784,956	1,721,507	1,721,507	-63,449	---
National Defense Sealift Fund: Ready Reserve Force	942,629	1,062,762	1,066,462	+123,833	+3,700
Refined Petroleum Products, Transfer Account	---	675,000	---	---	-675,000
Total, title V, Revolving and Management Funds	2,727,585	3,459,269	2,787,969	+60,384	-671,300
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	14,100,386	14,876,887	14,874,037	+773,651	-2,850
Procurement	284,242	327,826	328,826	+44,584	+1,000
Research and development	458,914	65,796	410,296	-48,618	+344,500
Total, Defense Health Program	14,843,542	15,270,509	15,613,159	+769,617	+342,650
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	974,238	1,199,168	1,199,168	+224,930	---
Procurement	213,278	79,212	79,212	-134,066	---
Research, development, test and evaluation	302,683	251,881	254,881	-47,802	+3,000
Total, Chemical Agents 3/ 4/	1,490,199	1,530,261	1,533,261	+43,062	+3,000
Drug Interdiction and Counter-Drug Activities, Defense	881,907	817,371	817,371	-64,536	---
Office of the Inspector General	157,165	162,449	162,449	+5,284	---
Total, title VI, Other Department of Defense Programs	17,372,813	17,780,590	18,126,240	+753,427	+345,650
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	222,500	226,400	226,400	+3,900	---
Intelligence Community Management Account	163,479	158,640	170,640	+7,161	+12,000
Transfer to Department of Justice	(34,100)	(34,100)	(46,100)	(+12,000)	(+12,000)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	75,000	---	---	-75,000	---
National Security Education Trust Fund	8,000	8,000	8,000	---	---
Total, title VII, Related agencies	468,979	393,040	405,040	-63,939	+12,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(2,500,000)	(4,000,000)	(2,500,000)	---	(-1,500,000)
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8029)	-74,200	---	-74,200	---	-74,200
Disposal & lease of DOD real property (Sec. 8035)	29,730	31,000	31,000	+1,270	---
Overseas Mil Fac Invest Recovery (Sec. 8038)	1,000	1,331	1,331	+331	---
Rescissions (Sec. 8049)	-402,750	---	-139,350	+263,400	-139,350
Excess Foreign Currency Cash Balance	-338,000	---	---	+338,000	---
Travel Cards (Sec. 8083)	10,000	44,000	44,000	+34,000	---
Government Purchase Card	-97,000	---	---	+97,000	---
American Red Cross (Sec. 8107)	8,100	---	6,500	-1,600	+6,500
Special needs students	7,750	---	---	-7,750	---
Fisher House (Sec. 8093)	1,700	---	2,000	+300	+2,000
CAAS/Contract Growth (Sec. 8094)	-850,000	---	-172,500	+677,500	-172,500
IT cost growth reduction (Sec. 8099)	-400,000	---	-320,000	+80,000	-320,000
Travel cost growth	-59,260	---	---	+59,260	---
Revised economic assumptions reduction	-1,674,000	---	---	+1,674,000	---
Working Capital Funds Cash Balance (Sec.8101)	-120,000	---	-539,000	-419,000	-539,000
Working Capital Funds Excess Carryover (Sec. 8102)	-48,000	---	-67,000	-19,000	-67,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8103)	3,400	---	5,500	+2,100	+5,500
Transportation Working Capital Fund (Sec. 8119)	---	---	-600,000	-600,000	-600,000
Other Contracts (Sec. 8118)	---	---	-294,000	-294,000	-294,000
Fort Irwin education (Sec. 8117)	---	---	20,000	+20,000	+20,000
Excess balances from P.L. 108-11 (Sec. 8120)	---	---	-2,000,000	-2,000,000	-2,000,000
Total, title VIII, General Provisions	-3,993,530	76,331	-4,087,719	-94,189	-4,164,050
Total for the bill (net)	354,594,334	372,153,498	369,173,239	+14,578,905	-2,980,259
OTHER APPROPRIATIONS					
Consolidated Appropriations Resolution 2003 (PL 108-7)	10,000,000	---	---	-10,000,000	---
Additional transfer authority (sec. 8005)	(500,000)	---	---	(-500,000)	---
Supplemental appropriations (P.L. 108-11)	62,350,100	---	---	-62,350,100	---
Additional transfer authority (Sec. 1311)	(2,000,000)	---	---	(-2,000,000)	---
Net grand total (including other appropriations)	426,944,434	372,153,498	369,173,239	-57,771,195	-2,980,259
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Disabled military retiree payments (mandatory)	55,000	302,000	302,000	+247,000	---
Military personnel accounts (discretionary)	-55,000	-302,000	-302,000	-247,000	---
Army Venture Capital Funds (Sec. 8105)	17,000	17,000	17,000	---	---
Supplemental appropriations (P.L. 108-11)					
Defense Cooperation Account	28,000	---	---	-28,000	---
Legislative Proposals:					
Military personnel, Army	---	2,000	---	---	-2,000
Military personnel, Navy	---	10,000	---	---	-10,000
Operation and Maintenance, Army	---	7,000	---	---	-7,000
TRICARE indexing to OMB inflation rate	---	45,000	---	---	-45,000
NSETF Transfer	---	-8,000	---	---	+8,000
Total adjustments	45,000	73,000	17,000	-28,000	-56,000
Adjusted total (incl scorekeeping adjustments)	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Appropriations	(427,392,184)	(372,226,498)	(369,329,589)	(-58,062,595)	(-2,896,909)
Rescissions	(-402,750)	---	(-139,350)	(+263,400)	(-139,350)
Total (including adjustments)	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Amount in this bill	(426,944,434)	(372,153,498)	(369,173,239)	(-57,771,195)	(-2,980,259)
Scorekeeping adjustments	(45,000)	(73,000)	(17,000)	(-28,000)	(-56,000)
Total mandatory and discretionary	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Mandatory	277,500	528,400	528,400	+250,900	---
Discretionary	426,711,934	371,698,098	368,661,839	-58,050,095	-3,036,259

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	93,577,552	98,944,264	98,283,064	+4,705,512	-661,200
Title II - Operation and Maintenance	114,714,258	116,952,324	115,295,894	+581,636	-1,656,430
Title III - Procurement	71,518,217	72,721,026	73,748,521	+2,230,304	+1,027,495
Title IV - Research, Development, Test and Evaluation.	58,208,460	61,826,654	64,614,230	+6,405,770	+2,787,576
Title V - Revolving and Management Funds	2,727,585	3,459,269	2,787,969	+60,384	-671,300
Title VI - Other Department of Defense Programs	17,372,813	17,780,590	18,126,240	+753,427	+345,650
Title VII - Related agencies	468,979	393,040	405,040	-63,939	+12,000
Title VIII - General provisions (net)	-3,993,530	76,331	-4,087,719	-94,189	-4,164,050
Total, Department of Defense (in this bill)	354,594,334	372,153,498	369,173,239	+14,578,905	-2,980,259
Other appropriations	72,350,100	---	---	-72,350,100	---
Total DoD funding available (net)	426,944,434	372,153,498	369,173,239	-57,771,195	-2,980,259
Scorekeeping adjustments	45,000	73,000	17,000	-28,000	-56,000
Total mandatory and discretionary	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259

FOOTNOTES:

1/ Transferred $496,046,000 to Department of Homeland Security from O&M, Defense-wide (-$66,000,000), Procurement, Defense-wide (-$30,000,000), and RDT&E, Defense-wide (-$400,046,000).

2/ FY 2004 Budget amendment (H.Doc. 108-67) reduced Procurement, Defense-wide -$25,000,000 for a Military Construction program.

3/ FY 2004 Budget request for Chemical Agents and Munitions Destruction, Army reduced -$119,815,000 and transferred to Military Construction.

4/ Included in Budget under Procurement title.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a completely bipartisan bill, as the Chairman mentioned. Staff has worked diligently on working the details. We have worked with all the Members. We spent a lot of time asking Members for their input. We got a lot more input than we could afford, but we have done the best we could do with the amount that we had.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. YOUNG), chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I just rise in strong support of this bill and to compliment the chairman of the subcommittee, the gentleman from California (Mr. LEWIS) and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA).

Mr. Chairman, when they mentioned the ability of the staff, they are exactly right. This bill, while it is nearly half of all discretionary spending, is not half of all government spending, because mandatories take up two-thirds of the spending. But this bill is half of the discretionary spending, and this subcommittee does a tremendous job in allocating it in a proper way.

I am just in very strong support of this, and I compliment the leadership of the subcommittee.

Mr. CAPUANO. Mr. Chairman, I would like to commend the House Appropriations Defense Subcommittee Chairman and Ranking Democrat for their leadership in bringing this bill to the House Floor.

I would like to express my appreciation for the continued funding of the Joint Diabetes Project in Army RDT&E, Medical Advanced Technology. This project, a collaborative effort of DOD, VA and Joslin Diabetes Center, is bringing advanced, state of the art diabetes detection, care and prevention to large portions of the DOD and VA patient populations. The Joslin Vision Network, enhanced by the Comprehensive Diabetes Management Program, has been proven to reduce costs while providing improved care.

Ms. LEE. Mr. Chairman, I rise today in opposition to this bill. National defense is important to all of us. This bill, however, will neither ensure our defense nor promote the general welfare, two of the central obligations of this government.

At over $368 billion, this bill expends scarce resources in Cold War era weapons systems. It spends another $9 billion on missile defense, a 17-percent increase over last year. This represents another heavy installment on what may be a bottomless pit of spending.

This spending comes at real costs. To put this in perspective, last year, according to the National Priorities Project, the people of California paid $859 million in tax dollars that were spent on missile defense.

That money could have paid to allow another 106,000 children to enroll in Head Start. It could have extended healthcare coverage to nearly half a million children. It could have created over 12,000 new units of affordable housing. Or it could have hired nearly 15,000 elementary school teachers.

And this year we are spending 17 percent more. That's a misplaced priority. And it is not the ticket to national security.

Mr. WICKER. Mr. Chairman, I rise in support of this bill and would like to take a quick moment to compliment the work done by the Defense Appropriations Subcommittee. As a new member of this subcommittee, I have been thoroughly impressed by the professional and unified way in which this committee conducts its difficult responsibilities. My Chairman, Mr. LEWIS, Ranking Member MURTHA, and their staffs are to be commended on the difficult work of putting together a fair and balanced bill, while being under such a tight allocation constraint.

I would like to call attention to an item in the Defense Health Programs that I believe is noteworthy. Under the committee's action, there are resources allocated for muscular dystrophy research and the muscle research consortium. This research has significant applications for our military in terms of human muscle strength, and the implications for combating bioterrorism through better understanding of how motor neurons and muscle tissue are impacted by biotoxins. It is important that this program be shared in a collaborative consortium of the nation's four preeminent muscle research facilities and a national clinical trials network. More importantly, as the author of the Muscular Dystrophy CARE Act signed into law by President Bush in 2001, I am acutely aware of the tremendous needs for translational research regarding the scourge of childhood muscular dystrophy, and I am encouraged that appropriations such as this will bring hope to thousands of families who suffer much and deserve their fair share of Federal research dollars.

Mr. STUPAK. Mr. Chairman, I wish to express my concerns that funds from the Department of Defense budget could be used to provide universal health care coverage for the Iraqi people.

I understand that it may be necessary to care for Iraqi citizens injured in the war, but if we're going to provide universal health care to the Iraqi population we should do the same for our citizens here at home.

The 41.2 million Americans who lack health insurance coverage should not have to suffer from lack of quality health care any longer. And our soldiers fighting in Iraq, who will soon become veterans, should not be denied future health care and should not have to worry about whether their families will receive health care coverage now or in the future.

I had intended to offer an amendment to the 2004 Defense Appropriations bill to require that the U.S. provide funds only for the war-related health care needs of Iraqi citizens, and not for the universal health care services currently being offered for Iraq, however, I understood that my amendment may not have been ruled in order.

Instead of offering an amendment, therefore, I urge my colleagues to consider my position in opposition to universal care service for Iraqis until universal health is provided to all Americans. As Congress continues to address the future health care funding needs related to U.S. involvement in Iraq, I will continue to pursue opportunities to offer amendments which provide for universal health care here in the U.S.

I look forward to working with my colleagues to ensure that the critical health care needs of all Americans are adequately met before we commit to providing universal health care services in Iraq. I remain dedicated to providing affordable and accessible health care for U.S. citizens first.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2658, the Defense Appropriations Act for Fiscal Year 2004. This piece of legislation is perhaps the most important component of our wartime budget for America. It is the third bill we are considering pursuant to the 302(b) allocations adopted by the Appropriations Committee on June 17. I am pleased to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted as its fiscal blueprint on April 10. The budget resolution provided $400.1 billion in discretionary budget authority for the national defense function. This bill funds the bulk of that commitment. The rest is funded in the military construction bill, which the House already passed on June 26, and the energy and water bill.

H.R. 2658 provides $368.662 billion in new discretionary budget authority, which is within the 302(b) allocation to the House Appropriations Subcommittee on Defense. This is a 1.2-percent increase from the previous year, but builds on a 5-year average annual growth rate of 7.2 percent for defense appropriations. The bill contains no emergency-designated new budget authority, but does include $2.14 billion worth of rescissions from previously enacted appropriations.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

This bill represents the House's support for the more than 165,000 U.S. troops performing difficult and dangerous duty in Iraq and Afghanistan. The bill contains the largest research and development funding ever, and the largest procurement funding since 1990. H.R. 2658 also funds a range of military pay raises up to 6.25 percent, as previously provided for in the Defense Authorization Bill.

I would add one note of caution: the Pentagon has confirmed in a letter to me that the press reports claiming that DOD cannot account for some of the supplemental funding since September 11, 2001, are essentially correct. Accordingly, it is essential that this body adhere to budget rules, carefully examine budget requests, and diligently conduct oversight to ensure defense resources are used efficiently.

In conclusion, I express my support for H.R. 2658.

Mr. SANDLIN. Mr. Chairman, I urge my colleagues to join me in strong support of H.R. 2658, the Department of Defense Appropriations Act for FY 2004. I applaud the bipartisan effort that has brought this vital and carefully balanced legislation to the floor, and regret that I was unavoidably detained in my home State and, therefore, not able to cast my vote in favor of this bill. Had I been present, I would have voted "aye" on this extremely important legislation.

The bill before the House today deserves the strong support of every Member as it continues the efforts of Congress to ensure that our nation's military is ready for the challenges of the 21st century. As has been repeatedly demonstrated during our ongoing confrontation with terrorists and tyrants around the world, these challenges are as daunting as any our great nation has ever faced. I am gratified that my colleagues understand that our security and the defense of freedom must remain above the partisan fray and demand our full commitment.

We have been thrust into an age of warfare that demands heretofore unimaginable speed, complexity and flexibility for our fighting machines and the men and women who design, build and operate them. This bill provides for the most forward-looking technology in our aircraft, ships, ground weapons and missile defense. We must press forward in developing leading edge technology, looking not only to the needs of today but to 2020, 2050 and beyond.

The most crucial commitment we must fulfill, however, is the one we make to the soldiers, sailors, airmen and Marines who remain unquestionably the foundation for the United States' continuing status as the world's sole superpower, unrivaled in our ability to defend and support freedom anywhere in the world.

The funding provided in this bill is critical to ensuring that the brave men and women in our armed services have the tools and resources necessary to accomplish a swift, sure and decisive victory over tyranny and oppression across the globe. The best of America, and thousands of the best from my home state of Texas—our men and women in uniform, active duty and reserve components alike—are now in harm's way in Iraq and Afghanistan, on the high seas and at the far corners of the world. These brave Americans now risk their lives to confront the oppression, tyranny, and terrorism that plague and threaten the world and our nation.

Through our support of this bill, Mr. Chairman, we show our unequivocal support for our military men and women by providing them with improved pay and benefits and better working and living conditions. We can never do enough to compensate these dedicated men and women for their sacrifices in defense of our freedom, but this bill represents continuing movement in the right direction.

One of this nation's finest traditions is our support of our men and women in uniform. American forces, whether deployed here at home or across the globe, fight not for narrow interests or for reasons of national pride. American soldiers, sailors, airman, and Marines are engaged in combat today so that our people do not live in a world in which tyrants armed with weapons of horror hold free nations hostage, and in doing so threaten freedom itself.

Accordingly, it is our solemn obligation to stand solidly behind our soldiers, sailors, airmen and Marines and to give our men and women in uniform the full and complete support they must have in order to prevail in this war and come safely home. This appropriations bill is an appropriate step in fulfilling our obligation.

Mr. Chairman, I urge my colleagues to lend their full support for H.R. 2658. Our nation's service men and women deserve no less.

Mr. FRELINGHUYSEN. Mr. Chairman, as we debate this appropriations bill today, we should recall the words of our President, George W. Bush, shortly after the attacks of September 11, 2001. He stated: "America is a nation full of good fortune, with so much to be grateful for. But we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America, because we are freedom's home and defender."

Mr. Chairman, the bill we have before us today is our answer to those who would attack America. This is a strong legislative product—one that reflects well on the Committee on Appropriations, I want to commend you, Chairman, LEWIS, Chairman YOUNG and Ranking Members OBEY and MURTHA for your leadership.

Mr. Chairman, as we consider this important legislation, we must remain mindful that our troops are in the field—brave men and women fighting a new kind of war, as we speak.

It is a war fought with new technology in a land that is very old world.

It is a war that had Forward Air Controllers riding horseback and calling in strikes from laptop computers.

This is a war being fought from our ships stationed 700 miles from targets.

This is a war that utilizes B–52s and B–2s and B1Bs for precision targeting, but it is also a war that calls for our troops to go from cave to cave or building to building to seek out the enemy. It is a war whose enemy is difficult to identify.

At the same time as our men and women are in action in Iraq and Afghanistan and other scattered locations, the leadership of the Department of Defense continues its wide-ranging transformation of the methods and missions and capabilities of our fighting forces.

In this context, America's armed forces have been charged with developing the capabilities to fight jointly with coalition partners to secure victory across the full spectrum of warfare while continuing the transition to a more flexible, more agile, lighter and more lethal force.

Of course, our goal is to provide a new level of efficiency and protection to our warfighter so that they may fight—and win—the new kind of wars that will face the United States of America in coming years.

Mr. Chairman, we are a peaceful people. But recent months have shown the world that we will fight anywhere to defend our national security.

The men and women of our armed forces have made us proud. For them—and their families—I urge adoption of the bill.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Thursday, June 26, 2003, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,233,436,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 116, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill from page 2, line 15, through page 116, line 19, is as follows:

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,052,001,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,962,197,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,121,003,000.

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,568,625,000.

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,983,153,000.

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $571,444,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,267,888,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,382,719,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,140,598,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,034,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $24,903,992,000: *Provided*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance: *Provided further*, That of funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance, Army", in Public Law 107–117.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,463,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,060,240,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,440,456,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,801,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $26,689,043,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $16,124,455,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $34,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,700,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,031,309,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,171,921,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $173,952,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,144,188,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,325,231,000.

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,424,046,000.

Overseas Contingency Operations Transfer Account

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $5,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

United States Court of Appeals for the Armed Forces

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $10,333,000, of which not to exceed $2,500 can be used for official representation purposes.

Environmental Restoration, Army

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $396,018,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Navy

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $256,153,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Air Force

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $384,307,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $24,081,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Formerly Used Defense Sites

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $221,369,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Overseas Humanitarian, Disaster, and Civic Aid

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2561 of title 10, United States Code), $59,000,000, to remain available until September 30, 2005.

Former Soviet Union Threat Reduction

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $450,800,000, to remain available until September 30, 2006.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,180,785,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,533,462,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,956,504,000, to remain available for obligation until September 30, 2006: *Provided*, That of the funds made available under this heading, $35,000,000 shall be available only for advance procurement items for the fifth and sixth Stryker Brigade Combat Teams.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,355,466,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,547,596,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,030,148,000, to remain available for obligation until September 30, 2006.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,205,634,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $941,855,000, to remain available for obligation until September 30, 2006.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $1,186,564,000;
Virginia Class Submarine, $2,123,221,000;
SSGN Conversion, $1,167,300,000;
Cruiser Conversion, $194,440,000;
CVN Refueling Overhauls, $367,832,000;
Submarine Refueling Overhauls, $123,372,000;
DDG–51, $3,198,311,000;
LHD–1 Amphibious Assault Ship, $355,006,000;
LPD–17, $1,367,034,000;
Minehunter, SWATH, $9,000,000;
Service Craft, $39,480,000;
Landing Craft Air Cushion, LCAC, $73,087,000;
Prior Year Shipbuilding Program, $899,502,000; and
For outfitting, post delivery, conversions, and first destination transportation, $348,949,000.

In all: $11,453,098,000, to remain available for obligation until September 30, 2008: *Provided*, That additional obligations may be incurred after September 30, 2008, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $245,000 per unit; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,784,742,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,200,499,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,877,051,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,235,505,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,279,725,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $243,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $11,195,159,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, including not to exceed 3 passenger motor vehicles for the Defense Security Service; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,803,776,000, to remain available for obligation until September 30, 2006.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $100,000,000, to remain available for obligation until September 30, 2006: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $67,516,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,186,272,000, to remain available for obligation until September 30, 2005: *Provided*, That of the amounts provided under this heading, $10,000,000 for Molecular Genetics and Musculoskeletal Research in program element 0602787A, shall remain available until expended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,666,239,000, to remain available for obligation until September 30, 2005: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,704,267,000, to remain available for obligation until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,763,791,000, to remain available for obligation until September 30, 2005.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $293,661,000, to remain available for obligation until September 30, 2005.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,721,507,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,066,462,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That, notwithstanding any other provision of law, $6,500,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $15,613,159,000, of which $14,874,037,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005; of which $328,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; and of which $410,296,000, to remain available for obligation until September 30, 2005, shall be for Research, development, test and evaluation.

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,533,261,000, of which $1,199,168,000 shall be for Operation and maintenance to remain available until September 30, 2005; $79,212,000 shall be for Procurement to remain available until September 30, 2006; $254,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; and no more than $132,677,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $44,168,000 shall be for activities on military installations and $88,509,000 shall be to assist state and local governments.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $817,371,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $162,449,000, of which $160,049,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $300,000 to remain available until September 30, 2005, shall be for Research, Development, Test and Evaluation; and of which $2,100,000, to remain available until September 30, 2006, shall be for Procurement.

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $226,400,000.

Intelligence Community Management Account

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $170,640,000, of which $26,081,000 for the Advanced Research and Development Committee shall remain available until September 30, 2005: *Provided*, That of the funds appropriated under this heading, $46,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2006 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2005: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

National Security Education Trust Fund

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to May 31, 2004.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

F/A-18 aircraft;

E-2C aircraft; and

Tactical Tomahawk missile.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2004, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2005.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless such conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function and the Competitive Sourcing Official certifies that the projected savings of the competition exceed the minimum conversion differential for such activity or function: *Provided*, That this section shall not apply in circumstances in which the Department of Defense publishes in the Federal Register a determination that compliance would have an adverse impact on national security: *Provided further*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. (a) During the current fiscal year and hereafter, the Secretary of Defense may, by executive agreement, establish with the government of any North Atlantic Treaty Organization member nation a separate account into which residual value amounts negotiated with that nation in the return of United States military installations in that nation may be deposited, in lieu of direct monetary transfers to the United States Treasury. Any such deposit may be made in the currency of the host nation. Amounts in such an account shall be treated as credits to that host nation and may be used only as specified in subsection (b).

(b) Amounts deposited by a host nation in an account as provided for in an agreement under subsection (a) may be used—

(1) subject to subsection (c), for the construction of facilities to support United States military forces in that host nation; or

(2) for such real property maintenance and base operating costs at United States military installations in that host nation that are currently executed through monetary transfers to such host nation.

(c) A military construction project may be executed from an account established under this section only if the project has been previously authorized by law.

(d) In the budget justification materials submitted to Congress in support of the President's budget for the Department of Defense for any fiscal year, the Secretary of Defense shall identify—

(1) amounts anticipated to be received during that fiscal year in residual value settlements under this section; and

(2) such construction, real property maintenance, and base operating costs that shall be funded by the host nation during that fiscal year through such credits under an agreement under this section.

(e)(1) The Secretary of Defense shall report any executive agreement with a NATO member nation under this section to the congressional committees specified in paragraph (2) not less than 30 days before the conclusion and endorsement of the agreement.

(2) The committees referred to in paragraph (1) are the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding 41 U.S.C. §430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. §1544 or a small business owned and controlled by an individual defined under 25 U.S.C. 4221(9).

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) The Secretary of Defense shall afford qualified nonprofit agencies for the blind or other severely handicapped the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts for the procurement of supplies or services that are let by the Department of Defense using funds appropriated for military functions of the Department of Defense (other than for military construction or military family housing).

(b) A business concern that has negotiated with the Secretary of a military department or the director of a Defense Agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchase made from a qualified nonprofit agency for the blind or other severely handicapped.

(c) For the purpose of this section, the term "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind, or a nonprofit agency for other severely handicapped, that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

(d) This section shall apply during the current fiscal year and hereafter.

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8028. (a) Of the funds made available in this Act, not less than $32,758,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $21,432,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $10,540,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $786,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) Notwithstanding section 9445 of title 10, United States Code, or any other provision of law, of the funds made available to the Civil Air Patrol Corporation in this Act under the heading "Aircraft Procurement, Air Force", not more than $770,000 may be transferred by the Secretary of the Air Force to the "Operation and Maintenance, Air Force" appropriation to be merged with and to be available for administrative expenses incurred by the Air Force in the administration of Civil Air Patrol Corporation. Funds so transferred shall be available for the same period as the appropriation to which transferred.

(c) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal State, and local government agencies.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2004 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2004, not more than 6,321 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2005 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $74,200,000.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. (a) During the current fiscal year and hereafter, the Department of Defense may acquire the modification, depot maintenance, and repair of aircraft, vehicles, and vessels, as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms.

(b) In the case of a competition conducted under this section, the Senior Acquisition Executive of the military department or Defense Agency concerned shall certify that the successful bid includes comparable estimates of all direct and indirect costs for bids submitted both by Department of Defense depot maintenance activities and by private firms. The authority of the Senior Acquisition Executive under this section may be delegated.

(c) Office of Management and Budget Circular A–76 shall not apply to a competition conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2004. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2005 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2005: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2005.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

Sec. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

Sec. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Sec. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

Sec. 8048. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

Sec. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Aircraft Procurement, Army, 2003/2005", $47,100,000;

"Other Procurement, Army, 2003/2005", $8,000,000;

"Shipbuilding and Conversion, Navy, 2002/2006", $25,600,000;

"Missile Procurement, Air Force, 2003/2005", $27,000,000;

"Other Procurement, Air Force, 2003/2005", $30,000,000; and

"Research, Development, Test and Evaluation, Army, 2003/2004", $1,650,000.

Sec. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

Sec. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

Sec. 8052. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

Sec. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

Sec. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2002 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

Sec. 8055. (a) Limitation on Pentagon Renovation Costs.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) Annual Adjustment.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) Exclusion of Certain Costs.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) Certification Cost Reports.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) Duration of Certification Requirement.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

Sec. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end item.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8063. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8064. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8065. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8066. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8067. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8068. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8070. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of

the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8071. Funds appropriated for the Department of Defense in this Act or any other Act for the current fiscal year and hereafter for Operation and Maintenance or for the Defense Health Program for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated when the reimbursable order is accepted by the performing activity. For the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 8072. (a) During the current fiscal year and hereafter, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) During the current fiscal year and hereafter, amounts collected under the subsection (a) shall be credited to funds then available for the National Guard Distance Learning Project and shall be available to defray the costs associated with the use of equipment of the Distance Learning Project under that subsection. Such funds shall be available for such purpose without fiscal year limitation.

SEC. 8073. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8074. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8075. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8076. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8077. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8078. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8079. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8080. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8081. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8082. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8083. During the current fiscal year and hereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8084. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) Certifications as to Compliance With Financial Management Modernization Plan.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) Certifications as to Compliance With Clinger-Cohen Act.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) Definitions.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

Sec. 8085. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8086. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Sec. 8087. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

Sec. 8088. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Sec. 8089. (a) The Department of Defense is authorized to enter into agreements with the Department of Veterans Affairs and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

Sec. 8090. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8091. Of the amounts appropriated in this Act under the heading, "Research, Development, Test and Evaluation, Defense-Wide", $48,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That of the amounts made available under the heading "Operation and Maintenance, Army", up to $177,000,000 shall remain available until expended, and is available for the acquisition of real property, construction, personal services, and operations, for certain classified activities, and may be transferred to other appropriations accounts of the Department of Defense, and notwithstanding any other provision of law, such funds may be obligated to carry out projects not otherwise authorized by law: *Provided further*, That any funds transferred shall be merged with and made available for the same time period and for the same purposes as the appropriations to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority provided to the Department of Defense.

Sec. 8092. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2004.

Sec. 8093. In addition to amounts provided in this Act, $2,000,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

Sec. 8094. Amounts appropriated in title II are hereby reduced by $172,500,000 to reflect savings attributable to improvements in the management of prcfessional support services, surveys and analysis, and engineering and technical support contracted by the military departments, as follows:

(1) From "Operation and Maintenance, Army", $21,500,000.

(2) From "Operation and Maintenance, Navy", $34,400,000.

(3) From "Operation and Maintenance, Marine Corps", $4,300,000.

(4) From "Operation and Maintenance, Air Force", $21,300,000.

(5) From "Operation and Maintenance, Defense-Wide", $91,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $899,502,000 shall be available until September 30, 2004, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/04":

LPD–17 Amphibious Transport Dock Ship Program, $150,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1998/04":

New SSN, $81,060,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1999/04":

DDG–51 Destroyer Program, $44,420,000;

New SSN, $166,978,000;

LPD–17 Amphibious Transport Dock Ship Program $86,821,000;

Under the heading, "Shipbuilding and Conversion, Navy, 2000/04":

DDG–51 Destroyer Program, $69,460,000;

LPD–17 Amphibious Transport Dock Ship Program $112,778,000; and

Under the heading, "Shipbuilding and Conversion, Navy, 2001/04":

DDG–51 Destroyer Program, $90,313,000; and

New SSN, $97,372,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8098. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 8099. The total amount appropriated in title II is hereby reduced by $320,000,000 to reduce cost growth in information technology development, to be derived as follows:

(1) From "Operation and Maintenance, Army", $60,000,000.

(2) From "Operation and Maintenance, Navy", $100,000,000.

(3) From "Operation and Maintenance, Air Force", $100,000,000.

(4) From "Operation and Maintenance, Defense-Wide", $60,000,000.

SEC. 8100. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8101. The amounts appropriated in title II are hereby reduced by $539,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", $107,000,000.

(2) From "Operation and Maintenance, Navy", $45,000,000.

(3) From "Operation and Maintenance, Air Force", $387,000,000.

SEC. 8102. The amount appropriated in title II for "Operation and Maintenance, Navy" is hereby reduced by $67,000,000 to reduce excess funded carryover.

SEC. 8103. (a) In addition to the amounts provided elsewhere in this Act, the amount of $5,500,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $5,500,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8104. (a) During the current fiscal year and hereafter, funds available to the Secretary of a military department for Operation and Maintenance may be used for the purposes stated in subsection (b) to support chaplain-led programs to assist members of the Armed Forces and their immediate family members in building and maintaining a strong family structure.

(b) The purposes referred to in subsection (a) are costs of transportation, food, lodging, supplies, fees, and training materials for members of the Armed Forces and their family members while participating in such programs, including participation at retreats and conferences.

SEC. 8105. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight (NLOS) Objective Force cannon and resupply vehicle program in order to field this system in the 2008 timeframe. As an interim capability to enhance Army lethality, survivability, and mobility for light and medium forces before complete fielding of the Objective Force, the Army shall ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams to be fielded between 2003 and 2008.

SEC. 8106. (a) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT, KENTUCKY.—If a technology other than the baseline incineration program is selected for the destruction of lethal chemical munitions pursuant to section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note), the program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Bluegrass Army Depot, Kentucky, including management of the pilot-scale facility phase of the alternative technology.

(b) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT PUEBLO DEPOT, COLORADO.—The program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions.

SEC. 8107. In addition to the amounts appropriated or otherwise made available in this Act, $6,500,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amount of $4,000,000 to the American Red Cross for Armed Forces Emergency Services; and $2,500,000 to the Intrepid Sea-Air-Space Foundation.

SEC. 8108. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8109. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8110. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8111. Notwithstanding section 2465 of title 10 U.S.C., the Secretary of the Navy may use funds appropriated in title II of this Act under the heading, "Operation and Maintenance, Navy", to liquidate the expenses incurred for private security guard services performed at the Naval Support Unit, Saratoga Springs, New York by Burns International Security Services, Albany, New York in the amount of $29,323.35, plus accrued interest, if any.

SEC. 8112. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense

Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8113. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the "recipient"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117; 115 Stat. 2278)) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569–051–44, and located in the west ½ of the northeast ¼ of the northwest ¼ of the northwest ¼ of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

SEC. 8114. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53d Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8115. The Secretary of the Air Force shall convey, without consideration, to the Inland Valley Development Agency all right, title, and interest of the United States in and to certain parcels of real property, including improvements thereon, located in San Bernardino, California, that consist of approximately 39 acres and are leased, as of June 1, 2003, by the Secretary to the Defense Finance and Accounting Service. The conveyance shall be subject to the condition that the Inland Valley Development Agency and the Director of the Defense Finance and Accounting Service enter into a lease-back agreement, acceptable to the Director, for premises required by the Director for support operations conducted by the Defense Finance and Accounting Service.

SEC. 8116. Notwithstanding the provisions of section 2401 of title 10, United States Code, the Secretary of the Navy is authorized to enter into a contract for the charter for a period through fiscal year 2008, of the vessel, RV CORY CHOUEST (United States Official Number 933435) in support of the Surveillance Towed Array Sensor (SURTASS) program: *Provided*, That funding for this lease shall be from within funds provided in this Act and future appropriations Acts.

SEC. 8117. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, and notwithstanding any other provision of law, $20,000,000 is hereby appropriated to "Operation and Maintenance, Army", to remain available until September 30, 2004, to be available only for a grant in the amount of $20,000,000 to the Silver Valley Unified School District, Silver Valley, California, for the purpose of school construction at Fort Irwin, California.

SEC. 8118. Amounts appropriated in title II are hereby reduced by $294,000,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From "Operation and Maintenance, Army," $27,000,000;

(2) From "Operation and Maintenance, Navy," $50,000,000; and

(3) From "Operation and Maintenance, Air Force", $217,000,000.

SEC. 8119. The amount appropriated in title II for "Operation and Maintenance, Air Force" is hereby reduced by $600,000,000 to reflect cash balance and rate stabilization adjustments in the Department of Defense Transportation Working Capital Fund.

(RESCISSION)

SEC. 8120. Of the funds made available in chapter 3 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), under the heading "Iraq Freedom Fund" (117 Stat. 563), $2,000,000,000 is hereby rescinded.

SEC. 8121. Of the total amount appropriated by this Act under the heading "Operation and Maintenance, Defense-Wide" to provide assistance to local educational agencies for children of members of the Armed Forces and Department of Defense civilian employees with severe disabilities, the Secretary of Defense may use up to $855,566 to make additional payment under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C. 7703(a)) to those local educational agencies whose percentage reduction in the payment amount for fiscal year 2002 was in excess of the reduction otherwise imposed under subsection (d) of such section for that fiscal year. The Secretary of Defense may waive collection of any overpayment made to local educational agencies under such section for fiscal year 2002.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8122. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 8123. None of the funds appropriated or otherwise made available by this Act may be used to implement any amendment or revision of, or cancel, the Department of Defense Directive 1344.7, "Personal Commercial Solicitation on DoD Installations", until 90 days following the date the Secretary of Defense submits to Congress notice of the amendment, revision or cancellation, and the reasons therefore.

SEC. 8124. LIMITATION ON DEPLOYMENT OF TERRORISM INFORMATION AWARENESS PROGRAM.—

(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Terrorism Information Awareness program (formerly known as the Total Information Awareness program), or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element or component of such program intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Terrorism Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States citizens.

SEC. 8125. (a) CLOSURE OF NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.—Notwithstanding any other provision of law, the Secretary of the Navy shall close Naval Station Roosevelt Roads, Puerto Rico, no later than six months after enactment of this Act.

(b) DISPOSAL.—

(1) The Secretary of the Navy shall exercise the authority granted to the Administrator of the General Services pursuant to section 545 of title 40 and dispose of the real property and associated personal property at the former Naval Station by public sale.

(2) The Secretary of the Navy may transfer excess personal property or dispose of surplus personal property located at the installation pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 521 et seq.).

(c) The Secretary of the Navy may use funds in the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510 to implement the closure.

(d) There shall be deposited into the Account referred to in subsection (c) the proceeds of sale from the disposal of property authorized by subsection (b) for the benefit of the Department of the Navy.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

□ 1215

Mr. Chairman, let me confirm that I think this bill will be supported broadly on both sides of the aisle, and I would simply like to bring three matters to the attention of the House.

First of all, I really do believe that this institution is going to have to take a look at the number of commitments that we have worldwide and compare that to the strain that we have on the available troops for use under these many commitments. I think anyone who looks at the situation will understand that we are dangerously close to having an overextended military; and I think we ought to ask ourselves honestly if we are going to engage in these many commitments around the world, do we need to have a larger Army. In my view if we are, then we do. If we do not intend to enlarge the Army, then I think we must be much more aggressive in asking our allies to help us deal with some of the peacekeeping functions that we face, for instance, in Iraq.

Secondly, I do have some misgivings about the funding levels for SDI in the bill.

Thirdly, I want to talk about something that I think is more important than any of those considerations. This Subcommittee of Defense is perhaps the most bipartisan of all appropriations subcommittees, and the Committee on Appropriations is probably the most bipartisan committee in the House; and it is in that spirit that I raise a matter that I think every Member should be aware of because of its deadly importance. It involves intelligence, specifically the intelligence gathering and analysis used in support of Operation Iraqi Freedom.

What I am going to say is based on published reports purportedly based on interviews with intelligence officials and military officers. Neither I, nor I suspect anyone in the House of Representatives, knows the extent to which these reports are accurate so there is no possibility of disclosing classified material. We have had the staff of the committee look at the allegations on a bipartisan basis, and I think it is fair to say, while they do not have enough information to reach specific conclusions, they do find much of what has been said in these stories to be credible.

In addition to the CIA, which is an independent agency, there are four major intelligence organizations inside the Department of Defense. All of these entities are funded in this bill. The press stories I am referring to, and I would be glad to provide copies of them to any Member who is interested, those stories argue that a group of civilian employees in the Office of the Secretary of Defense, all of whom are political employees, have long been dissatisfied with the information produced by the established intelligence agencies both inside and outside the Department. That was particularly true, apparently, with respect to the situation in Iraq.

As a result, it is reported that they established a special operation within the Office of the Secretary of Defense, which was named the Office of Special Plans. That office was charged with collecting, vetting, and disseminating intelligence completely outside the normal intelligence apparatus. In fact, it appears that the information collected by this office was in some instances not even shared with the established intelligence agencies and in numerous instances was passed on to the National Security Council and the President without having been vetted with anyone other than OSD political appointees.

It is further alleged that the purpose of this operation was not only to produce intelligence more in keeping with the preheld views of those individuals, but to intimidate analysts in the established intelligence organizations to produce information that was more supportive of policy decisions which they had already decided to propose. There is considerable discussion regarding the intelligence relating to weapons of mass destruction.

I think it would be unfortunate if this issue were subsumed by the question of whether or not Saddam Hussein had such weapons. First of all, we do not know at this point. My personal suspicion has always been that he did. Secondly, measuring the quality of our intelligence apparatus requires more than determining whether the reporting was right or wrong on any single issue. Is what was reported consistent with the best information that was available? Did we reach the right conclusion based on good information or by happenstance?

These allegations, however, go well beyond the issue of WMDs. It appears that the individuals in question also challenged the consensus within the intelligence community on the number of troops that would be required for a successful invasion. The political appointees within the Office of the Secretary maintained regular contact with sources within the Iraqi National Congress, who in turn maintained contact with sources inside of Iraq.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, based on information transmitted by these sources, the political appointees argued that the conclusions of the intelligence community, the Joint Chiefs, and in particular General Shinseki, were in error and the invasion could be successfully carried out with fewer than 50,000 troops.

While the chiefs in the end got most of the troops that they requested, it appears that the invasion was both lighter than they would have desired and lighter than what was required. The inability to fully protect supply lines did in fact result in the loss of life. The shortage of available personnel did leave certain critical sites such as nuclear facilities unprotected.

We all know this is incredibly serious business. It is important not only to understand what we did or did not do with respect to Iraq, but it is far more important in terms of what we will do in the future. How will the information that the President and the Congress receive on our options in Korea be put together, for instance? Will the long-established collection mechanisms, evaluation and dissemination be used, or will we again fall back on the ad hoc efforts of this self-appointed group of experts?

It is important to note that these same individuals have established a new office with an Under Secretary of Defense for Intelligence. This office will have more than 100 people, and it is widely believed in the intelligence community that the office is being created for the express purpose of pressuring analysts to produce information more supportive of predetermined policy. I do not know if that is true or not, but the question remains, Will this office stand between our war fighters and the information they need? Why did they require this small group of civilians to employ this kind of a role? Will the Under Secretary compete with the Director of Central Intelligence in the coordination of these agencies? All I can say is that we are paying for all of this. We ought to have the answers.

I would like to ask Members to remember that there was a reason the National Security Act of 1946 placed all intelligence activities under the control of one man, the Director of Central Intelligence. General Hoyt Vandenberg, who himself served as the DCI, explained that decision in testimony before Congress. He said, "The joint congressional committee to investigate the Pearl Harbor attack found failures that went to the very structure of our intelligence organizations, a failure to coordinate the collection and dissemination of intelligence, and the failure to centralize intelligence functions of common concern to more than one department of the government which could more efficiently be performed centrally." I think we need to remember those words, and I think the Congress needs to dig and dig hard to get to the bottom of this.

I do not, frankly, know what the right structure for gathering and dissemination of intelligence information ought to be, but I am very leery of the fact that we have a new operation which can deal with information without clearing it with anyone else. The reason the system has served us so well over the past years is because all information has been vetted with other people who are supposed to know the most about it. I think it is dangerous when we get away from that practice.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

On page 103, line 9, strike "$67,000,000" and insert in lieu thereof "$96,000,000".

At the end of title VIII (page 116, after line 19), add the following new seciton:

SEC. ____. In addition to amounts provided elsewhere in this Act, the following amounts shall be made available for the purposes specified:

(a) The amount of $5,000,000 is hereby appropriated for "Operation and Maintenance, Army National Guard", for the nationwide dedicated fiber optic network program;

(b) The amount of $14,000,000 is hereby appropriated for "Procurement, Marine Corps", of which $9,600,000 is for the AN/PRC–148 tactical handheld radio, and $4,400,000 is for combat casualty care equipment;

(c) The amount of $5,000,000 is hereby appropriated for "Research, Development, Test and Evaluation, Air Force", for low emission/efficient hybrid aviation refueling truck propulsion; and

(d) The amount of $5,000,000 is hereby appropriated for "Research, Development, Test and Evaluation, Defense-Wide", for development of novel pharmaceuticals for anthrax.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, the minority has seen the amendment and has no objection. I simply ask for its passage.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLUMENAUER:

Under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", insert after the dollar amount on page 31, line 19, the following: "(increased by $100,000,000)".

Under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", insert after the dollar amount on page 33, line 4, the following: "(reduced by $100,000,000)".

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved on the amendment.

Mr. BLUMENAUER. Mr. Chairman, I come today with deep respect for the hard work that this subcommittee has done. I think it may be the toughest subcommittee in the House given the amazing pressures in terms of the military requirements of our country during a difficult time. This is a difficult budget, and there are crosscurrents that I cannot even imagine, but I get a little hint as I look from a distance.

My special interest has been in an area dealing with unexploded ordnance, being able to protect people at home and abroad from the consequences of everything from landmines to training munitions that are unexploded. This has been an area that I have been deeply troubled with. It is an area that around the country there are potentially millions of acres in the United States that are so affected; and when we look at what has happened overseas, whether it is in the war in Southeast Asia and Vietnam, Afghanistan, what is going on right now in Iraq, and we just had a boy back home die this week in my community as a result of efforts trying to clear landmines.

Around the world, over 300 million landmines have been built, and 75 million that have been placed remain undetonated.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman from California (Mr. LEWIS) and I have both talked to the gentleman about this issue. We understand the seriousness of it, and the importance to both the gentleman and to the country; and we are certainly going to work with the gentleman in trying to increase the amount of money in the unexploded ordnance area. We think it is a very important area, and we feel very strongly that the gentleman is right about it. We do not agree with the amendment, and we hope it will be withdrawn; but we do think money needs to be increased in that area.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, echoing the words of the gentleman from Pennsylvania (Mr. MURTHA), I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, I am deeply appreciative of the spirit of cooperation from the chairman and ranking member and willingness to work with us. We had made a request initially of $20 million before the subcommittee. Frankly, as I watched what moved through the process, I thought we had identified an area with the new generation of ballistic missile defense interceptor, additional research that frankly would be a higher priority. But given the strong encouragement to work with the subcommittee and their willingness to work with us, I look forward to working with them to make sure that at least the $20 million is there to protect Americans at home and abroad. Candidly, Mr. Chairman, it is not just going to save our fighting men and women. I would just conclude on the notion that every single day civilians, including a sad number of children, are killed and maimed as a result of landmines and unexploded munitions. This investment will reap dividends for generations to come. I deeply appreciate the cooperation of the subcommittee.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this bill. In one quick hour of debate, Congress will spend $368 billion on the military. Amazingly, this massive sum does not fund our troops in Iraq or Afghanistan. If we want to use our Armed Forces, the taxpayers will have to use extra. We all know that the President will be back asking for more billions of more taxpayer dollars for these operations.

This bill funds the wrong defense priorities that will do little to provide for a more secure America. It will fund weapons systems that we all know will not work and will be subject to spiraling upward costs; and yet we cannot fully fund education needs at home. The only needs this Congress will take care of today are the profit-gouging defense contractors. Perhaps we should rename this bill the Lockheed-Martin, Northrop Grumman, United Defense, Raytheon, Boeing and General Dynamics Welfare Act of 2003.

Unlike the Republican majority, I do not believe we should heavily deficit spend to further enrich defense contractors. We can heavily invest in education and reduce the deficit by cutting national missile defense, the F–22 fighter plane, the V–22 Osprey, space-based weapons and other unnecessary and wasteful programs.

□ 1230

I believe we should cancel the national missile defense, a savings of $8.9 billion, because it reduces our security here at home, it steals money for more effective security options, and because it will not work as promised, it leaves us more vulnerable.

National missile defense does not work. It has failed three tests that were much simpler than real-life scenarios. It will not be subject to a real-life test before deployment in 2004. The only conclusion I can draw is that proponents do not care. They do not care if this weapons system works and it harms rather than protects Americans. Any country that decides to attack the United States with nuclear, chemical, or biological weapons is more likely to use a less expensive and more covert delivery method than long-range missiles, such as smuggling it on a ship or a truck.

National missile defense would offer no protection against such an attack, and because we waste so much money on this system, we leave our homeland security system underfunded and unable to protect from real threats. We can also significantly reduce our shipbuilding programs funded at $11.5 billion. Our Navy is not threatened by any other navy; yet it offers little protection from today's real threats. We would do far more for our Nation's security by shifting some of these funds to the Coast Guard.

It would immediately save lives to cancel the V–22 aircraft program, a savings of $1.5 billion in fiscal year 2004. This aircraft has killed 30 Marines because it has an unsafe design that cannot be relied upon. I cannot support funds for such a program.

The F–22 fighter plane is a relic of the Cold War that suits no purpose in a modern Air Force. Our current airfighters are more than capable and far less expensive. The F–22 continues to be subject to massive cost overruns and continued development problems, making it an unaffordable plane. The $3.6 billion saved in fiscal year 2004 would raise a lot of teachers' salaries, providing our children with better education.

I believe we should roll back our spending in research and development of unnecessary expensive weapons systems such as Army's Comanche helicopter, a savings of $1.1 billion; the Joint Strike Fighter, a savings of $4.2 billion; the Space-Based Infra-Red System, a savings of $617 million; and the Space-Based Radar, a savings of $174 million.

Do we want to start a new war in space, or do we want to finish the struggle against deteriorating public schools? I believe we can do more for America by our repairing our school infrastructure. The savings proposed here amount to a significant investment in education. I have highlighted $30 billion in unnecessary defense spending, and this money can be immediately invested in education for our children. A thorough review of the Pentagon budget would likely reveal another $30 billion in defense waste and unnecessary programs.

Today only 12 percent of the 17 million low-income children eligible for child care subsidies receives assistance. Only 23 percent of all families with children younger than 6 have one parent working and one parent staying at home. And today the average cost of child care for a 4-year old in an urban-area center is more than the average cost of public college tuition in all but one State.

I ask who will care for our children? And I say that we can. With $60 billion we could have universal prekindergarten and child care in this Nation. I have a bill before this Congress, the Universal Prekindergarten Act, that would establish and expand prekindergarten programs to ensure that all children ages 3 to 5 have access to high-quality, full-day, full-calendar-year prekindergarten education.

It is time to set our priorities straight. We are arming ourselves to the teeth, and we are missing a chance to make sure our children have decent education.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DeFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DeFazio:

Under the heading "Reserve Personnel, Army", insert after the dollar amount on page 4, line 14, the following: "(increased by $37,300,000)".

Under the heading "Reserve Personnel, Air Force", insert after the dollar amount on page 6, line 6, the following: "(increased by $8,000,000)".

Under the heading "Operation and Maintenance, Army", insert after the dollar amount on page 7, line 21, the following: "(increased by $22,330,000)".

Under the heading "Operation and Maintenance, Army National Guard", insert after the dollar amount on page 12, line 19, the following: "(increased by $26,400,000)".

Under the heading "Aircraft Procurement, Air Force", insert after the dollar amount on page 27, line 22, the following: "(reduced by $273,000,000)".

Under the heading "Procurement, Defense-Wide", insert after the dollar amount on page 30, line 18, the following: "(increased by $52,100,000)".

Mr. DeFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DeFAZIO. Mr. Chairman, this is an amendment to close a gap that I see in the vital needs of the American people. The gentleman from Pennsylvania, as the father of the Civil Support Weapons of Mass Destruction Team, knows well that the National Guard is a unique repository of expertise with capabilities of response to weapons of mass destruction, chemical, biological, or radiological events, events that are far beyond the capabilities of most civilian units even in our major cities. They certainly exceed the capabilities that our States have to fund and train such teams at this point in time; yet we would all admit that a very real threat exists, and we are spending a tremendous amount of time around the world attempting to prevent such attacks on our country. But if the worst should happen, we are going to need these teams, and we are going to need more than we have. The Congress has authorized 55, but at this point, as I understand it, 27 are fully operational, and another 5 are in training, and yet there are 23 that have not yet received funding.

My intention with this amendment was to push the Congress to make a difficult choice between a weapons system and these teams. We have to make difficult choices around here in the hopes that we can move forward.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. DeFAZIO. I yield to the gentleman from Oregon.

Mr. MURTHA. Mr. Chairman, the gentleman talked to me, and I have talked to the chairman, and we are certainly going to work something out. We were disappointed we did not have more requests for more teams. As a matter of fact, as the gentleman mentioned, we started this 12 to 13 years. The National Guard fought it initially, but now they see the importance. We think every State should have these, and we hope we can work out four or five more times in this legislation.

Mr. DeFAZIO. Mr. Chairman, I thank the gentleman and the chairman, too, because I think they both recognize a critical need. I know there are difficult choices to be made, and I am very hopeful that we will come back from conference with the Senate with the additional teams funded, and I think that that would be a tremendous asset to the protection of the American people.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT OFFERED BY MR. ACEVEDO-VILÁ

Mr. ACEVEDO-VILÁ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Acevedo-Vilá:

Page 115, beginning line 20, strike section 8125 relating to closure of Naval Station Roosevelt Roads, Puerto Rico.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I rise in regard to Section 8125 of this bill which will arbitrarily close Naval Station Roosevelt Roads in Ceiba, Puerto Rico. I have been aware that this facility could be closed and presume that any such closure will occur through the 2005 base realignment closure process. I was, therefore, surprised and dismayed to find language in this appropriations bill authorizing the closure of Roosevelt Roads. I believe that this provision violates the standard procedures of Congress by legislating on an appropriations bill, that it arbitrarily circumvents the 2005 BRAC process, and that it neglects the importance of this facility both for the U.S. and the Commonwealth of Puerto Rico.

To address this issue, I have two amendments that will permit the normal process of Congress and the Base Closure Commission to take place. My first amendment will simply strike Section 8125. Thus, if the criteria of BRAC finds Roosevelt Roads to deserve closure, then it will take place, but Congress, as with all other bases, will remain out of the process. The economic benefits of Roosevelt Roads estimated by the Navy to be $300 million per year will continue to accrue.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman has talked to me, and I have talked to the chairman about this issue. This is a very delicate issue. We had the same situation in Philadelphia a couple years ago when they closed down the Navy yard there. The Navy insists it needs the personnel. They are very short. They are overly committed all over the world, and they need these 3,000 people in other places.

I have to say to the gentleman he is actually better off with it going with the appropriation process where we could work with him trying to help solve some of the problems that they have in Puerto Rico when they close down a base. For instance, we have done it in San Francisco. We have done it in other parts of California. We did it in Philadelphia. We did it in Texas. And we are very aware of the economic disruption, and if the gentleman would withdraw his amendment, we will certainly work with him. And it is going to take some time because we probably have to make a visit to Puerto Rico and see exactly what we are talking about.

One of the big problems we have, some of this equipment, when they knew they were going to close down, do not take care of it. So we need to see what really needs to be done.

But the gentleman can be assured we will do everything we can to help him. If this works its way through the entire Congress and the conference, we will do everything we can to help him.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I certainly would agree with the statement made by my colleague from Pennsylvania. As the gentleman and I discussed on an earlier occasion, it is our intention to work very closely with the Delegate to see that every step is taken to make certain that the people of Puerto Rico have all the flexibility they possibly can have to maximize the potential of this potentially very valuable property, and one that could provide a great stimulus for their economy.

Mr. ACEVEDO-VILÁ. Mr. Chairman, reclaiming my time, I really appreciate the support of the chairman and the ranking member. As I have spoken to them, my position and the position of Puerto Rico is we do not want the base to be closed because we think it is important for Puerto Rico and it is important for the U.S. But if that is the final decision, then, as with any other bases that have been closed, we need the support of Congress, we need a package, and we need special consideration to the possibility of transferring the lands to the Commonwealth of Puerto Rico and to the municipality of Ceiba. Actually the mayor of Ceiba, Gerardo Cruz, is here, and also the senator from that district in Puerto Rico Juan Cancel Alegria is here because this is really a main concern in that area. Unemployment is very high in the eastern part of Puerto Rico.

So if, based on the gentlemen's statements, if we can work this out in conference, again my position is we want to keep the base open, but if it is going to be closed, we need, we need some clear language from Congress that we are going to get an economic development package for that area and that the possibility of those lands be transferred to the Government of Puerto Rico and the municipality of Ceiba are going to be part of that discussion.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I repeat to the gentleman that I very much appreciate his forthright discussion of this matter. I know of the potential difficulty that could be faced, but I want the gentleman to know that we are very committed to working with him to carefully see that this very potentially valuable property is used for the best interest of people of Puerto Rico. Our experience with base closing would suggest there is a variety in mix of approaches that might very well be taken, and we look forward to giving him all the support that we possibly can.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I thank the gentleman for that commitment.

I include the following letters for the RECORD:

HOUSE OF REPRESENTATIVES
Washington, DC, June 23, 2003.

Mrs. CONNIE PATRICK,
Director, Federal Law Enforcement Training Center, FLETC Glynco Facility, Glynco, GA.

DEAR DIRECTOR PATRICK: I recently became aware of reports on the effects of increased federal law enforcement training needs. As was noted in Roll Call on June 2, 2003, Department of Homeland Security law enforcement training needs have increased and as a result, other agencies such as the U.S. Capitol Police, may be required to conduct training a federal facilities other than the Federal Law Enforcement Training Center in Glynco, GA. Rather than address this issue on an agency-by-agency basis, I believe that such trends indicate a new FLETC training facilities.

The FLETC facilities at Charleston, SC and Cheltenham, MD are located at former military sites. Such a transfer of government property from one agency to another serves valuable purposes, such as the elimination of land acquisition and plant construction costs and maintaining benefits to the local economy. For these reasons, I encourage you to consider the possibility of locating any future FLETC facilities at Naval Station Roosevelt Roads (NSRR), Puerto Rico.

NSRR is currently home to Atlantic Fleet Weapons Training Facility, however, many of the military commands located at NSRR are being downsized, relocated, or eliminated with the recent closure of the Vieques training range. Such ongoing changes will lead to excess buildings, land and other infrastructure. Located a short distance from San Juan, NSRR's assets include numerous buildings, dormitories and classrooms, a modern aviation runway, marine berthing facilities, firing ranges, communication facilities, among others. It is my belief that these plant assets, coupled with the downsizing of NSRR, could enable FLETC to make high use of this facility for federal law enforcement training. Further, NSRR could also be a suitable facility for the training of international law enforcement personnel, particularly those form the Caribbean and Latin America.

I would appreciate the opportunity to meet and discuss with you FLETC's future needs and the opportunities that NSRR may afford our nation's future law enforcement officers. Please contact me to determine a time that I could meet with you or an associate of yours to discuss these issues.

Sincerely,

ANÍBAL ACEVEDO-VILÁ
Resident Commissioner,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2003.

Hon. JOE KNOLLENBERG,
Subcommittee on Military Construction, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN KNOLLENBERG: During consideration of Military Construction Appropriations for fiscal year 2004, I respectfully request that the Subcommittee include language that calls for a thorough evaluation of the military facilities in Puerto Rico, including facilities at Naval Station Roosevelt Roads (NSRR). This evaluation should include what excess infrastructure currently exists and what will become available once the Navy finishes downsizing at NSRR in conjunction with the closure of the Atlantic Fleet Weapons Training Facility's (AFWTF) Inner Range

The Committee should be aware that Puerto Rico has a longstanding and impressive history of military commitment and sacrifice with the U.S. I am concerned that the difficult environmental and safety issues surrounding the AFWTF inner range have overshadowed this ongoing commitment by Puerto Ricans. Furthermore, Congress cannot let this issue hamper our ability to effectively take on the numerous challenges we face, including: the war on terror abroad and here in the Western Hemisphere; efforts to wage war on drugs; to provide for Special Operations training and missions; and to provide the best facilities and preparedness for homeland security. I feel that should NSRR in particular not be fully utilized to meet numerous security threats, that indeed our preparedness could well be undermined.

An ongoing military presence at NSRR during these uncertain global conditions offers numerous opportunities beyond the traditional naval presence at NSRR. Puerto Rico's strategic location in the Caribbean along with significant base capabilities provides ready access and other advantages that should be fully utilized. I suggest the following language be considered by the Committee in order to prevent underutilization of a strategic military facility when we can least afford to make such a mistake.

"Therefore the Committee directs the Secretary of Defense, in consultation with the Department of Homeland Security, the Department of Transportation and the Department of Justice to conduct an audit of ongoing operations in Puerto Rico and report to the Committee on Appropriations what steps may be necessary to maximize the use of existing infrastructure and what additional investments may be necessary to meet the operational needs of the agencies involved."

I appreciate your consideration of this request and remain available to discuss this matter with you at your convenience.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,
Resident Commissioner,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 2003.

Hon. HAROLD ROGERS,
Chairman, Subcommittee on Homeland Security Appropriations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROGERS: I write to respectfully request that you include in the Homeland Security Appropriations Act for FY 2004 a feasibility study regarding the potential for Department of Homeland Security facilities to be situated at Naval Station Roosevelt Roads, Puerto Rico (NSRR).

Naval Station Roosevelt Roads, a 31,000+ acre naval base located at the eastern end of Puerto Rico, contains 1200 buildings with over 4.6 million square feet of space. In addition to myriad naval assets, this facility also houses the Special Operations Headquarters for the U.S. Southern Command. By virtue of these facilities, NSRR provides a secure location, secure communications networks, and a domestic, forward-deployed location to the U.S. government. Essential DHS functions, such as border and maritime security, customs enforcement and counter-terrorism could be suitably located at NSRR, and would permit a high-degree of coordination between DHS and the armed forces. NSRR's position in the Caribbean is vital due to the growing threat of terrorist groups in Central and South America, drug trafficking to the U.S. from the Caribbean and South and Central America, and the unfortunate possibility that experienced drug smugglers could ferry weapons of mass destruction into the United States. As the nexus between drug trafficking and terrorism emerges, this location can further aid in the interdiction of both threats.

In order to examine the benefits that NSRR may provide to the DHS, I suggest that the following language be considered by the Committee:

"The Committee directs the Secretary of the Department of Homeland Security, in consultation with the Department of Defense, the Department of Justice and the Department of Transportation to conduct a feasibility study to determine the possible benefits of locating facilities of the Department of Homeland Security at Naval Station Roosevelt Roads, Puerto Rico."

I appreciate your consideration of this request. Should you have any questions, please do not hesitate to contact me or my staff, Eric Lausten, at 225–2615.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,
Resident Commissioner.
Member of Congress.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

AMENDMENT OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. BORDALLO:

Add at the end (before the short title) the following new section:

SEC.   . None of the funds appropriated or otherwise made available by this Act may be used to overhaul, repair, or maintain in a shipyard outside the United States or Guam any naval vessel that has no designated homeport and is located in an area of responsibility of the Unified Combatant Command encompassing a United States or Guam shipyard.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

□ 1245

Ms. BORDALLO. Mr. Chairman, I rise today to request that the House take action to ensure that Military Sealift Command vessels, known as MSC vessels, are repaired in American shipyards. This would ensure that the money we appropriate here today is used to not only "buy American," but to "repair American" as well.

You would think that if anything would be repaired in the USA, it would be our naval fleet procured with taxpayer funds. Unfortunately, the Military Sealift Command thwarts the will of Congress by exploiting a loophole in the current law to designate its vessels as having no home port. The MSC then repairs the vessels in foreign ship repair facilities in places such as Singapore and Korea. Such repair work is done without regard to American health, labor and environmental standards. Using foreign ports runs counter to force protection requirements following the October 12, 2000, terrorist attack on the USS *Cole*.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, one of the problems we have with this amendment is it should be in the authorization bill rather than our bill. But at any rate, it would really be very difficult for us to apply something like this.

I understand what the gentlewoman is trying to do, but I would hope that the gentlewoman would withdraw this amendment and let us see what we can work out, because we have a lot of "buy American" provisions. This is kind of a new wrinkle to it. But we have an awful lot of operational problems that we might run into if we prohibited some of these things from being done.

For instance, I remember the *Roberts* was first taken into a port in Dubai, I think it was, and then we finally shipped it back to the United States. But I think we need some more time to look at this. I appreciate your thoughts, and I know we will work with you trying to come up with something.

Ms. BORDALLO. Mr. Chairman, reclaiming my time, I understand, and I would be very willing to work with the gentleman concerning this situation with the MSC ships. I look forward to working with you to resolve this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment. I will work with the gentleman from Pennsylvania (Mr. MURTHA) on the matter.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to suspend, modify, or waive any provision of law under chapter 43, 71, 75, or 77 of title 5, United States Code, or any regulations promulgated under those provisions of law.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. INSLEE. Mr. Chairman, our amendment would ensure that no funds would be used essentially to alter our existing civilian personnel system for the proud men and women who are civilian employees of our defense system.

This basically is a response to the work we are now doing in an attempt to find a reasonable and protective reform package that originally left the House as H.R. 1588. We are concerned that the language of that bill, if in fact it would be implemented, would substantially degrade our protections of our civilian employees who are doing workman-like work.

Basically, we had concerns about that bill because it was overly broad and was really a rushed approach to civilian systems, but we are also troubled by a lack of explicit protections for fundamental worker rights. Currently, the bill has a lack of protection for true collective bargaining, a lack of a real right of fair appeals, a lack of adequate overtime and weekend compensation, preference for veterans and equal pay for equal work.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's yielding.

Let me mention that the gentleman and I have had a chance to discuss this, and I am aware of his concerns. The gentleman and I have very similar concerns in this arena.

Frankly, I would hope that, if the gentleman withdraw this amendment, we will have a chance to discuss it further and try to provide the kind of flexibility we need to give him the assurance and employees the assurance they need so we can go forward in a positive way.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I appreciate those comments, and will look forward to working with the gentleman, because we do not obviously want to go back to those bad old days of nepotism and poor performance and political selection. I look forward to working with the gentleman to get an honest, reasonable bill.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSTETTLER:

Insert at the end, before the short title, the following new section:

SEC. ____. None of the funds made available by this Act may be used to carry out sections 2912, 2913, and 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) related to the 2005 round of base closures and realignments.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. HOSTETTLER. Mr. Chairman, I rise today to offer an amendment to the FY 2004 Defense Appropriations Act that would prohibit any funds in this act from being used to carry out activities in 2004 related to the next round of Base Realignment and Closure, or BRAC, currently authorized to take place in 2005.

The purpose is to put a hold on the implementation of BRAC-related activities until Congress and the Department of Defense can get a better handle on the expected savings, anticipated force structure and infrastructure changes, and the actual need for additional closures.

As many of my colleagues know, in 2001, the Defense Department testified to Congress that it has 20 to 25 percent excess physical capacity that must be eliminated, so the President's fiscal 2002 budget proposal to Congress requested authorization to carry out another round of base closures.

As part of the FY 2002 Defense Authorization Act, the Senate authorized a BRAC round to take place in 2005. The House specifically refused to include any such BRAC authorization in its version of the bill, but this body did agree to the Senate's BRAC provision when it passed the conference report to the FY 2002 authorization bill.

To date, we have gone through four different rounds of military base closure process, in 1989, 1991, 1993, and 1995. Through these rounds, we saw the BRAC commission's result in the closing of over 450 military installations of various size, mission and stature in the United States.

Nearly everyone currently involved in this process agrees that all the low-hanging fruit have already been picked. Yet the current administration succeeded in enacting another round for 2005 following the horrific events of September 11, 2001. On December 28, 2001, just a little more than 3 months after those deadly attacks, and 3 days after Christmas, the President signed into law the FY 2002 defense authorization bill, which included the BRAC authorization provision at his request.

The administration seems to sincerely believe there is a 20 to 25 percent excess military infrastructure, and the administration has a laudable goal of finding additional savings in the defense budget to free up funds for procurement and new weapons systems.

Specifically, the Department of Defense claims that it could save as much as $6.6 billion per year with an additional round of base closures. But there are many reasons to question both the Department's rationale and its estimates.

First, this Congress deserves to know the details about the suggested excess capacity. Is it 20 percent? 25 percent? 23 percent? The 5 percent difference is not insignificant, particularly when you are talking about the hundreds of U.S. military bases. And where is that excess capacity exactly?

Furthermore, DOD estimates that it eliminated 71,000 Federal civilian jobs and 39,800 military positions in the past four BRAC rounds. Unfortunately, no one could give me an estimate of how many of those jobs were transferred to private contractors still paid through DOD contracts. Eliminating military positions, only to replace them with private contractors, raises doubts about any potential savings.

Regarding the estimated savings from additional base closures, I must advise the House of an April 2002 Government Accounting Office, GAO, report that indicates the previous four base closure rounds have produced a net savings of $16.7 billion through FY 2001. GAO, however, admits that these are the Defense Department's numbers and that they could not be independently verified because DOD's accounting systems are not oriented to identifying and tracking savings.

GAO further noted that the estimates do not include a cumulative $1.5 billion cost incurred by the Federal Government to assist communities affected by the closure process or $3.5 billion in environmental costs expected beyond FY 2001. Because the BRAC savings estimates cannot be supported by real data, the GAO report had to affirm the DOD numbers, while characterizing the savings as "imprecise and rough approximations."

The Members of this body need to understand that when Defense Department officials talk about so-called savings from a BRAC round, they are not talking about real cost savings. Most of the so-called cost savings are actually cost avoidances.

DOD also claims that it needs savings from BRAC to fund new weapons systems in support of the military transformation. However, the first few years of a BRAC round requires hundreds of millions of dollars in upfront investments costs. This includes upfront costs for new military construction, for relocated troops and families, new MILCON dollars for realigned missions, new money for environmental restoration and base conveyance procedures.

To complicate the problem, DOD still does not have solid data on costs of environmental clean up. Our current information indicates that environmental clean-up costs have exceeded $10 billion, and the estimated environmental costs beyond 2001 rose from $2.4 billion in 1999 to $3.5 billion as stated in last year's GAO report on purported BRAC savings.

Deputy Under Secretary of Defense for Installations and Environment, Ray DuBois, summed it up well when he told the DOD Roundtable in December 2002 the following: "The excess capacity statistic, which the Secretary and others, including myself, have referred to, is based on a 1998 capacity utilization study. It is true that there is excess capacity in some range of 20 to 25 percent, but that is a clumsy number insofar as it is an aggregate number."

He goes on to say: "Remember that BRAC is not inexpensive. BRAC will probably end up costing the Department of Defense, over a 4- to 6-year period, depending upon how large the BRAC is, depending upon how much capacity you are reducing, and by definition, how much you are realigning it, it could cost 10 to $20 billion over that period of time."

Mr. Chairman, I ask for my colleagues to support the amendment to limit the funding for BRAC in this appropriations bill.

Mr. LEWIS of California. Mr. Chairman, I rise to very briefly oppose this amendment.

Mr. Chairman, this is appropriately an item that should be a part of the authorization process. It is my understanding at the subcommittee level there was support for this proposal and there was a decision at the full committee to turn that around, and the authorizing committee has spoken in terms of this question.

It is, in my judgment, poor policy on the part of the Committee on Appropriations, going through the back door by limiting appropriations to essentially undo what is the policy in the existing law, a policy which has not been changed by the authorizing committee.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Washington.

The CHAIRMAN. Does the gentleman from California still reserve his point of order?

Mr. LEWIS of California. Mr. Chairman, I withdraw my point of order.

Mr. DICKS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is true that it does cost a substantial amount of money in the first few years; but there is no question that, long-term, billions and billions of dollars have been saved because of the BRACs we have had in the past. So I think we should move forward on this, and it would be wrong to do it in this bill. It would be an authorization matter. I think it is a mistake, and I support the chairman in his opposition to the amendment.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I very strongly oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment that would have restated the policy of our country against the use of torture. The reason that I was going to offer that amendment is that I do represent this body in the Commission on Security and Cooperation in Europe; and in many of our meetings, the issue of the use of torture has been raised, particularly in light of our war against terrorism. I might tell you there have also been press accounts recently that call into question the use of torture in regards to the campaign against terrorism.

However, Mr. Chairman, I think the President of the United States, along with the representatives from the State Department and Defense Department, have made it very clear on the U.S. policy in this regard.

□ 1300

Let me just point out that on June 26, the International Day in Support of the Victims of Torture, President Bush declared that "Torture anywhere is an affront to human dignity everywhere." He observed that "Freedom from torture is an inalienable human right." The State Department also noted that "Freedom from torture is an inalienable human right, and the prohibition of torture is a basic principle of international human rights law. This prohibition is absolute and allows no exceptions." Finally, as the General Counsel to the Defense Department William Haynes wrote to Senator LEAHY recently, "The United States does not permit, tolerate, or condone any such torture by its employees under any circumstances."

Mr. Chairman, I think the record is very clear on the U.S. position in regards to the use of torture, and, therefore, I will not pursue an amendment at this time. I thank my colleagues for their patience.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TOM DAVIS of Virginia) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAMP). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2631) to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally.

The Clerk read as follows:

H.R. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEGOTIATIONS BY THE OFFICE OF PERSONNEL MANAGEMENT.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p)(1) A contract may not be made or a plan approved which does not offer to Medicare eligible enrollees prescription drug benefits the actuarial value of which is at least equal to the actuarial value of the prescription drug benefits which are offered to enrollees under the plan generally.

"(2) For purposes of this subsection, the Director of the Office of Personnel Management shall establish processes and methods for determining the actuarial value of prescription drug benefits.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contract years beginning after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week the House passed H.R. 1, the Medicare Prescription Drug and Modernization Act. Part of this bill recognizes and seeks to address one of the core concerns regarding adding a prescription drug benefit to Medicare; that is, with the implementation of such a benefit, lead employers who currently offer prescription drug coverage to their employees to stop doing so. Obviously, we do not want to put a government entitlement plan into operation and drive the private plans out of existence, or the costs over the long term to the taxpayers will go off the charts.

The bill addressed these concerns by providing subsidies to private employers and unions to encourage them to maintain prescription drug benefits for their retirees. With the help of the gentleman from California (Chairman THOMAS), we were able to clarify that the Office of Personnel Management would also be eligible for these subsidies, something that I believe will lead to lower FEHBP premiums for all enrollees. However, I think it is necessary for us to go one step further.

Coming from northern Virginia, I represent over 50,000 Federal employees and retirees. As chairman of the House Committee on Government Reform, I am responsible for issues pertaining to Federal workers and retirees, along with the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the chairwoman of the Subcommittee on Civil Service. Thus, not only am I acutely aware of the challenges the Federal Government faces as an employer to recruit and retain quality employees, I am also very aware that Federal retirees are sometimes treated differently than current employees in ways that are not always equitable.

For example, current Federal employees are allowed to deduct their health insurance premiums from pretax dollars, but Federal retirees are not. I look at this issue from an employer's perspective. Remember: In addition to the large number of retirees already in FEHBP, 50 percent of the Federal workforce is eligible for retirement in the next several years. With H.R. 2631, we are telling the people that we are going to live up to our end of the bargain. We are saying that with regard to prescription drug benefits, Federal retirees will continue to be placed on par with current employees, that OPM will not reduce their benefits as opposed to the benefit offered to current employees.

In crafting H.R. 2631, I thought it was important to continue to allow OPM as much flexibility as possible in negotiating future prescription drug benefits. And for the record, Senator AKAKA, my colleague in the other body, has offered similar legislation on the other side of the Capitol. Thus, H.R. 2631 does not require OPM to offer a specific dollar amount of coverage that has to be maintained; they can raise or they can lower benefits as they see fit through negotiations with individual plans, but they have to do it for all FEHBP enrollees to treat them the same, regardless of their age. In essence, we are simply telling OPM to continue to do what they have always done.

Mr. Speaker, in closing, I believe H.R. 2631 sends an important message to both Federal retirees and current Federal employees. It will be a helpful tool in our efforts to build and retain an effective Federal workforce and give these employees a career path and retirement they can depend on. Therefore, I urge all Members to support the passage of H.R. 2631.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, H.R. 2631, was crafted to ensure that legislation expanding Medicare will not reduce prescription drug benefits for Federal retirees enrolled in the Federal Employees Health Benefits Program. While I support this legislation because it shields Federal employees from the illusive drug benefit in the Medicare proposal, the reality is it leaves millions of others unprotected.

Federal annuitants are worried, and they should be. They are worried because they see something in the government's subsidized Medicare prescription drug benefit that they do not like, and with good reason. This past Sunday The Washington Post reported that despite the Bush administration's proclamations, and I am quoting, "The reality is that the two Medicare drug bills passed by the House and the other body do not come close to providing the level of coverage given to the 8.5 million Federal workers, including lawmakers, White House staff, and the President. Both measures would require senior citizens to buy an auxiliary prescription plan, whereas all 188 plans offered to Federal employees include drug coverage, and at far more generous reimbursement rates."

To remedy this, H.R. 2631 would maintain prescription drug parity between Medicare-eligible retirees enrolled in the FEHB program, and active duty Federal employees and retirees. It provides that the prescription drug benefit offered to Medicare-eligible enrollees by a plan under the FEHB program be at least equal to the prescription drug benefits offered by such a plan to its enrollees generally.

This is obviously a good bill for Federal employees, but it also sheds light on what a bad bill the Medicare prescription drug benefit is for the rest of America.

Mr. Speaker, I urge Members to support this legislation and similar legislation for the rest of America's seniors.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), chairwoman of the Subcommittee on Civil Service.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 2631, a bill that has a simple, yet powerful, purpose: to protect the health benefits of our valued Federal retirees. I am proud to be an original cosponsor of this legislation, along with my distinguished colleagues from the Commonwealth of Virginia.

One of the hallmarks of Federal service has been the government's commitment to providing health care for its retired employees, those public servants who dedicated their professional careers to protecting our shores, fighting disease, keeping our air and water clean, and upholding the laws of the land. We not only owe them our thanks, we owe it to them to keep our commitments.

As the chairwoman of the House Committee on Government Reform Subcommittee on Civil Service, I want to thank the gentleman from Virginia (Chairman TOM DAVIS) for sponsoring this legislation and thank the leadership for allowing us to bring this important bill to the floor so quickly.

H.R. 2631 guarantees that Federal retirees will have a prescription drug benefit that is equal in value to the one provided to active Federal employees. This legislation fulfills the promise of the Federal Government not to eliminate prescription drug coverage to its retirees once a prescription drug benefit is also available through Medicare, which the U.S. House of Representatives has wisely decided to add.

This bill also ensures that there is no difference between the total amount of coverage offered to active employees and the coverage available to retirees. This is an important equity, one that we want to maintain.

I want to emphasize that this legislation does not diminish the Office of Personnel Management's authority to negotiate health care benefits for Federal employees, but assures that drug benefits will still be available for retirees.

Finally, this is a case of the Federal Government leading by example. If the U.S. Government were to cut benefits for its retirees, why would we expect the private sector to act any differently?

I thank the gentleman from Virginia (Chairman DAVIS) for bringing this legislation to the floor, and I urge passage of H.R. 2631.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I support the legislation that is before us today for one simple reason: Federal retirees deserve an adequate prescription drug benefit just like all America's seniors do. Without the protections of the bill before us, they face the possibility of losing what they have got.

But let us be clear: This legislation is necessary because the prescription drug benefit for Medicare beneficiaries that was forced through the House by the Republican majority is inadequate and unresponsive to the needs of America's seniors and disabled persons. The President and House Republicans like to defend that bill by saying America's seniors deserve the same coverage that Members of Congress and the Federal workforce get, but nothing could make it clearer that their Medicare bill fails miserably to meet that test. The drug benefit our Republican colleagues are willing to give Medicare beneficiaries is filled with features that will be laughed out of the room if they were suggested for Federal employees.

The Medicare bill contains large gaps in coverage, like the so-called donut hole, where beneficiaries have no coverage for their drug expenses. Once they have $2,000 in drug costs, coverage stops. Beneficiaries are stuck with the next $2,900 in costs, and maybe more. Oh, they get to pay premiums for coverage during that time. They just pay for nothing, because the program gives them no help, and whether coverage ever starts up again is uncertain. It will be a catastrophic situation for many of our seniors.

The hypocrisy of claiming that Medicare beneficiaries deserve what the Federal employees health program has, and then give a prescription drug benefit that the Republicans pushed through which is so inferior, it is breathtaking. And, to add insult to injury, the Medicare benefit is designed so that any help from an employer reduces Medicare coverage. That leads to the likelihood that employers will drop drug coverage for their retirees and make people worse off.

□ 1315

That is a very real possibility that makes the bill that is before us right now necessary. But what about those retirees in the same situation that this bill does not help? Federal retirees deserve to have adequate prescription drug coverage. They deserve to keep the benefits they have, but so do the rest of America's seniors and disabled people. We should live up to the rhetoric and make the Medicare benefit a good one: simple, comprehensive, certain, and affordable. It should truly be as good as what Federal employees have and Members of Congress have. The drug benefit in the Republican Medicare bill fails that test. That is the tragedy that that bill that is now before us highlights today.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), a co-sponsor of this legislation and a leader in the fight for Federal employees' rights.

Mr. WOLF. Mr. Speaker, I rise to express my strong support for H.R. 2631 and am pleased to be an original cosponsor. Before I make my comments, I want to particularly thank the gentleman from Virginia (Mr. TOM DAVIS) for his efforts.

Those who followed this debate know, through the colloquy that took place on the floor last week, the gentleman from Virginia's (Mr. TOM DAVIS) efforts with regard to this; and I think every Federal retiree and Federal employee will be very very grateful for that. So I want the gentleman from Virginia to know that I appreciate it, as they will also.

Mr. Speaker, this bill is necessary to clarify the intent of H.R. 1, the Medicare Prescription Drug Bill, which the House passed on June 27. H.R. 2631 would ensure prescription drug parity between retirees enrolled in the Federal Employees Health Benefit Program, FEHBP, who are eligible for Medicare, and other Federal employees in the FEHBP. It is vital to pass this legislation to make sure that the bill now moving through Congress to extend Medicare will not reduce prescription drug benefits for Federal retirees enrolled in FEHBP. Federal employees in their retirement must be assured that the commitment will be kept that their drug benefit will remain unchanged and they will not be forced to pay additional costs for prescription drugs. They deserve that commitment from Congress.

I urge all Members to vote for this bipartisan legislation to protect retired and active duty Federal employees.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Mr. Speaker, I rise in support of H.R. 2631, but I am just puzzled by this. I guess I must be missing something. This bill concerns the Federal Employee Health Benefits Program, which covers President Bush, Vice President CHENEY, and Members of Congress and others. Right now the plans offer drug coverage for retired Members of Congress and other Federal employees equal to the drug coverage these plans offer current employees. This bill puts this policy in law, requiring drug coverage for Federal employees must be equal to coverage for current employees.

This bill was introduced the day the House passed the Republican Medicare prescription drug bill. It is clear that this bill is meant to ensure that Members of Congress, this is where I am puzzled, Members of Congress do not have to live under the Republican Medicare privatization plan. That is why I am puzzled. If it is good enough for Congress, it is good enough for seniors of this Nation. That is what President Bush said in Michigan in January about H.R. 1, his Medicare prescription drug plan.

In his statement of administrative policy on H.R. 1, the White House praised the Republican drug plan saying it was just like the coverage that Members of Congress get. That is where I am getting stuck, trying to figure out why the gentleman from Virginia (Mr. TOM DAVIS) has brought this bill to the floor. If the Republican Medicare bill offers drug coverage just like Members of Congress have and as President Bush says, then why do we have to protect Members of Congress and Federal employees from being forced into the Republican privatized Medicare plan? I just do not get it.

The majority leader of the other body who runs that place and the leader on this side, both said the Medicare Republican bills would accomplish the goal of giving health care security to seniors. But if the Republican drug plan provides real health care security, H.R. 1, why do we have to exempt Members of Congress and other Federal employees from the bill that the gentleman from Virginia (Mr. TOM DAVIS) and other Republicans rammed through this Congress recently?

The gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, said the Republican drug plan uses private plans to compete to provide beneficiaries better care at lower costs. It is confusing. Why do we need this plan when Congress is exempting itself from what Congress did only 2 weeks ago? I hope that my friends on the other side would explain that.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to help the gentleman solve the puzzle. The fact of the matter is there are 1.25 million Medicare-eligible Federal employees and annuitants. Only 388 retired Members of Congress are in FEHBP. The majority of retired Members of Congress do not even take FEHBP. They are in other plans or have opted out of this.

The fact is they are eligible for that by virtue of their service here. This legislation was not crafted by Members looking after themselves. It was crafted with the help of the National Association of Retired Federal Employees. It was difficult to write out the 388 retired Members who happen to use this, which is a minority of the retired Members. Most Members do not use FEHBP. I want to clarify for the gentleman that in no way, shape or form was this for Members. In fact, this was called to our attention by the National Association of Retired Federal Employees. I do not know any other way to get at the problem.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, my friend sits on the Committee on Energy and Commerce where this bill was heard. I just heard over and over people saying that we wanted to give, under the Republican drug plan that passed 2 weeks ago by one vote, that we wanted to give the same coverage to seniors as FEHBPs. Are you saying then that the coverage for Federal retirees is significantly better than the coverage that you are providing or that this House provided under H.R. 1, the Republican Medicare prescription drug plan?

Mr. TOM DAVIS of Virginia. Mr. Speaker, all it does is ensures that Federal retirees will be treated the same as current Federal employees in regard to the Federal Employee Health Benefit plan. Currently, they are not in some areas. The feeling is that with this other plan, that retirees could have a different benefit program and that creates some difficulty. So we are trying to even this up and give that assurance.

Most Members of Congress do not opt for FEHBP. That is what the record shows after this is done. So that is kind of a misnomer. It is a small percentage that ends up in FEHBP when they retire. A few do, I grant to the gentleman; but that is not the purpose.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I rise in support of H.R. 2631. Today, about 76 percent of seniors have some form of prescription drug coverage; and less than 2 weeks ago the House passed historical legislation, H.R. 1, to create a prescription drug benefit for our seniors.

Mr. Speaker, when we passed H.R. 1, we did not intend to create a new Federal benefit that would replace the prescription drug benefits that many of our seniors today already enjoy. H.R. 1 does contain a number of incentives to employers to maintain their existing level of health care coverage to their senior retirees. But I personally heard from several constituents of mine, retired Federal workers, who are concerned that the Federal Government in an attempt to save money will reduce or eliminate their prescription drug coverage once a benefit is available through Medicare. In passing H.R. 1, we called upon employers to maintain that coverage it offers to retirees, and the Federal Government has an obligation to lead by example and ensure that Federal retirees continue to receive the same prescription drug benefit as current employees. So H.R. 2631 does just that.

It is the right thing to do, and I urge my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Mr. Speaker, the gentleman from Ohio (Mr. BROWN) said he was puzzled by this bill, but I am not so puzzled. It seems to me quite clear that the one thing that our Federal retirees were right to be concerned once the Republican prescription drug bill had passed this House, they were right to be concerned that they might some day have to live under those prescription drug benefits which do not even come close to the benefits that they have today.

So it does make sense that as soon as the Republican prescription drug bill was passed that Federal retirees would get worried and Members would come down here and say, boy, one thing we sure do not want to have is to have our Federal retirees forced to participate in the Republican prescription drug bill that we just passed.

Now, one of the reasons that this is happening so fast, and it is happening fast, the Republican bill passed by one vote here in the House. A bill has passed in the other body, but we do not even have a conference. We do not know what the final product will be like. But we know this: it will not be good for America's seniors. It will not be good for those Medicare beneficiaries who are counting on getting some relief from the high cost of prescription drugs.

The Republican bills are a disaster, a looming disaster for our Medicare beneficiaries; but they also fall far short of what Federal retirees are likely to expect. Because under the FEHBP program we have today, there are no additional premiums for drug benefits. There is no deductible. There is a small co-payment. There is no gap in coverage, and that is different from the Republican bills passed here in the House. This bill may make some sense for Federal retirees; but the question remains, if it is good enough for Members of Congress and Federal employees, it ought to be good enough for Medicare beneficiaries. That is what the President said, but the Republican bill does not keep that promise.

Mr. TOM DAVIS of Virginia. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from Virginia (Mr. TOM DAVIS) has 9½ minutes remaining. The gentleman from Illinois (Mr. DAVIS) has 10½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in support of this bill. And I am sure it will pass with near-unanimous support, because under this bill no plan on the Federal Employee Health Benefits Plan could be approved that has a prescription drug benefit for retirees that is lesser in actuarial value than the existing prescription drug benefit.

This legislation represents the commitment of the Federal Government not to reduce dues or eliminate prescription drug coverage to its retirees once prescription drug coverage is also available through Medicare. One of the core concerns with the Medicare prescription drug benefit has always been that, in the attempt to provide for those without coverage, we would take from those with coverage. The Congressional Budget Office has estimated that one-third of retired employees with employer-sponsored drug coverage could lose it as a result of the Medicare prescription drug bill that passed 2 weeks ago. Currently, there is no different prescription drug benefit for retirees than is available for current employees. Our bill simply seeks to maintain that dynamic.

We do not want the total amount of coverage offered to Federal retirees reduced for the reason that they could simply opt for the Medicare plan alone. This is an issue with the Federal Government leading by example. If the Federal Government cuts its benefits for its retirees, how can we expect private employers to do anything but follow our lead? H.R. 2631 does not tie OPM's hands in the negotiating process by requiring that they provide a plan of a certain dollar value. OPM can still negotiate higher or lower levels of benefits, but they simply cannot target retirees alone for reduced benefits.

The Federal Employees Health Benefits Plan has always led the way in setting the example for employer-sponsored health care. It should have been the standard for the Medicare prescription drug plan, but Federal retirees should not lose benefits because it was not. That is the point that many people have been making. But they should certainly not vote against this bill as a result. There is nothing wrong with this bill. This bill clarifies what the policy is and should be, and for that reason we should all vote for this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I kept hearing my Republican colleagues talk about parity for Federal employees; and I support this bill as well, because I do believe that Federal retirees should have good prescription drug benefits. But it is not an issue of parity. It is an issue of hypocrisy, hypocrisy because the Republicans say that they want to preserve a generous prescription drug benefit for Federal retirees, but at the same time they were not willing to provide it for the other seniors around the country.

The bottom line is that the Medicare prescription drug benefit that the Republicans have proposed both in this House and the other House is no real benefit. It is a meaningless benefit. It is not generous enough that anybody would even sign up for it.

□ 1330

And they wanted to make sure that the Federal retirees do not get stuck being forced into that Medicare system that they have proposed, which essentially gives an almost worthless prescription drug benefit to most seniors. Well, there is a lot of hypocrisy saying you want to preserve it for the Members of Congress, for the President, and for Federal retirees, but not give it to seniors in general.

There was an article in today's New York Times that had a little grid, and it talked about how Federal retirees' drug benefits stacked up with those under the Medicare prescription drug plan the Republicans have proposed for the rest of the seniors. And guess what? Average premium for Federal employees, nothing. No additional premium for drug benefits. But in the Senate bill, $35 a month, or $420 a year; in the House, $35 a month. What about the deductible? For Federal retirees, no deductible. But in the Senate bill, for the rest of the seniors, $275; in the House bill, $250. What about gap in coverage? For Federal retirees, no gap in coverage, but then there are major gaps in the Senate bill, $4,500 to $5,800 a year; in the House bill, $2,000 to $4,900 a year.

In fact, there is a statement that for the most popular plan among Federal workers, Blue Cross/Blue Shield, the Congressional Research Service estimates that drug benefits under the plan are worth 50 percent more than the proposed Republican bill.

Hypocrisy, not parity. Give the same benefits to the rest of the seniors. That is the fair thing to do.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume to respond that The New York Times chart is absolutely wrong when it says Federal employees have no deductible for their prescription drug coverage. What they get is, they get a set amount of dollars, and it is a cafeteria style. They can spend it on prescription drugs, preventive care, HMOs or whatever. So there is certainly a cost to that. But the way the system is set up, it is a total health care program.

So when the gentleman gets up and quotes this New York Times article, it is entirely misleading. Of course there is a cost to Federal employees opting for that over something else.

The other underlying part of the bill that this body passed 2 weeks ago is the fact that we did not want to drive private programs out of existence. Should we drive the 60 percent of seniors that are currently satisfied with their prescription drug program out of existence, then the Federal Government ends up picking up the total tab, and the cost rises significantly.

We are setting an example with this legislation that we are, in fact, making sure that the FEHBP program is not driven out of existence; that we maintain the parity it has always had with existing Federal employees. And this program ought not be diminished. It is the same thing that we have incentivized in the program passed 2 weeks ago by the subsidies that are in that program as well.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I cannot believe this bill is here, and I want to make clear that while I certainly do not object to the effort to insulate Federal employees from negative retirement actions, if there is a rollcall on this bill, I would vote "no." And the reason is because I think this bill demonstrates a rampant double standard.

As I understand it, last week in the prescription drug bill debate that we had on this floor, the majority party in essence told seniors, "Have we got a deal for you. We are going to set it up so that you are going to be able to get the same benefits as your Member of Congress." And now what are you saying this week? You are bringing a bill up that says to your future retiring Member of Congress, "Have we got a deal for you. It is going to be a special deal. You are going to be able to make sure that when you retire, you will have better prescription drug benefits than that poor sucker on Medicare."

That is what you are telling people, and I do not happen to think that is a very straightforward way to deal with our constituents.

I understand what the committee wants to do to protect Federal employees. I would be very happy to vote for this bill once the majority party brings back to this floor a decent deal on prescription drugs for every other American, but not under these circumstances, not under these circumstances.

Right now, if you are a Federal employee, if you are a Member of Congress, if you belong to the Blue Cross plan, you get 80 percent of your cost paid for for prescription drugs basically. But what do you say to seniors under that turkey of a prescription drug bill you passed last week? What you say is, oh, we will help you pay up to $2,000, but, boy, if you get stuck with drug costs that are somewhere between $2,000 and $5,000, for that $3,000 hit on your wallet, sorry, you are not going to get any help from Uncle Sam.

And my colleagues think that is a square deal? I mean, with all due respect to the effort behind this bill, it does not meet the laugh test, as far as I am concerned. If the majority party in this House wants to be considered a serious legislative force on this issue, they will pull this bill from the floor and bring it back when they can also bring back to the floor a bill with a decent, sustainable, consistent, reliable, affordable benefit under Medicare for all seniors for prescription drug costs. Until that happens, do not ask me to vote for a special insider deal for Members of Congress. That is what this bill does.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume, and let me just say in all candor that we have 1.25 million FEHBP employees covered by this, with 388 former Members of Congress. The vast majority of former Members do not even sign up for FEHBP, those who would be eligible for the plan passed by this body 2 weeks ago, and do not even use FEHBP, which is a more comprehensive option for retired Federal employees, including Members of Congress. So this really has nothing to do with Members of Congress.

The other question I pose is, why, when my colleagues on the other side of the aisle controlled this body for 40 years, did they not bring up any prescription drug benefit plan before this body for a vote? We have passed plans now the last 3 years, only this time has the Senate passed a plan as well, and we are giving meaningful relief to seniors who want it. It is a voluntary plan. It is not a perfect plan by any means, but it is within the budget limitations passed by this Congress. Their plan was outside the budget limitations.

I think we have to get real. I think we have a good deal for Americans in the plan that we passed 2 weeks ago. As we work with the Senate, we will try to refine it and make it better. I think this legislation today makes it better as well, recognizing that as we look at our Federal workforce, trying to make sure we have the right incentives to attract and retain the best and the brightest to fight for homeland security, to fight the battles for this country, to develop cures for cancer, that we are treating our employees well.

So I am very proud to support this legislation. I think it enhances and goes with the underlying theme of the legislation passed 2 weeks ago, and that is we do not want to drive current prescription drug benefit plans out of existence, which, if we do not pass this, we will be setting a terrible example here at the Federal level.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I am here to expose the hypocrisy of my Republican colleagues. The previous speaker just said that this bill has nothing to do with current Members of Congress. Well, we will just wait and see.

Over on the Senate side, Senator DAYTON successfully offered an amendment to the Medicare prescription bill to ensure that no Member of Congress would receive a better prescription drug benefit than that which is included in the Medicare bill. And guess what? It passed, 93 to 3. And Roll Call reported the following hypocrisy. According to Roll Call, indeed, many Republicans, 50 of whom helped add the Dayton provision to the Senate version of the Medicare bill this week, acknowledged that they were told by their leaders to vote for the Dayton amendment with the understanding that it would not show up in the final version of the legislation.

That is hypocrisy. What is good enough for America's senior citizens is good enough for those of us who serve in this Chamber. I am circulating a letter to the Speaker, and I am asking all Members of this House to sign this letter in support of the Dayton amendment. If this House, if this Congress does not support the Dayton amendment, we are little more than hypocrites. If this language is stripped from the conference report, it can only mean that Members of Congress believe that they deserve better health coverage than the seniors they represent.

America's seniors are watching us, and I hope my Republican colleagues will sign my letter to the gentleman from Illinois (Mr. HASTERT), and I hope all of my Democratic colleagues will sign my letter in support of the Dayton amendment. We ought not to do for ourselves what we are unwilling to do for America's senior citizens. It is as simple as that. And to do less is to be hypocritical.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I think the points that have been made by some of my Democratic colleagues about the impact of the bill passed when we were last in session to cover prescription drugs for seniors is a point well taken. That bill is inadequate, and the reason we are passing this legislation is that we want to protect retired Federal employees.

Well, we do want to protect them, but we have to protect them because we passed a Medicare prescription drug bill that will give incentives for employers, public and private, to drop insurance coverage for their retirees for prescription drugs. What in effect we are saying is we do not want Federal retirees to face the plight that other seniors are going to face when they are retired and their employers decide to let them go get their Medicare prescription drug benefit under the Republican-passed bill. It will be a lot less expensive, but it will be much less a benefit, in fact, a very inadequate benefit, for those retirees.

That leads me, however, to say that we should oppose the bill that the Republicans passed for the Medicare prescription drug benefit and make sure that we pass a really decent prescription drug benefit for all Medicare beneficiaries. That is not to say that we ought to leave our Federal retired employees without the protections that we promised them, which is that they would have the health care plans that they paid into during their working years available to them as retirees.

So I commend my Democratic colleagues for their pointing out the hypocrisy, and I support what they have to say, but urge, however, that we adopt this bill because we do not want to be against Federal retirees. But in doing that, we certainly need to acknowledge that the reason we are passing this legislation is because the prescription drug bill for Medicare that was passed by the House is so filled with holes and so inadequate.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume to say two things. This vaunted Senate bill that passed a couple of weeks ago, Senator AKAKA has also offered legislation in the Senate for their legislation as well. I think whatever happens under whoever's bill that passes, we want to ensure that we do not get that separation between the retired Federal employees and current employees in their health benefit premiums, and that is what this bill is about.

We had a spirited debate 2 weeks ago on a health benefit plan, and I do not think we need to continue to air this today. But I think this is good legislation, it is good protection for our retired Federal employees, and I urge my colleagues to support this legislation and thank them for the bipartisan support this bill is getting today.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I think we have heard a great deal of debate, and we understand the merits of this legislation. It is unfortunate we did not have a bill last week that would have covered all of the seniors looking for relief under Medicare.

I certainly agree that we do not want Federal retirees to be at risk for giving up what they have already got, and so I would agree with my colleagues that we should support this legislation to make sure that our Federal retirees maintain the benefits they have already received.

Mr. STARK. Mr. Speaker, we've heard the President, Republican Members of Congress, Administration officials, and Republican Senators claim time and time again that their Medicare prescription drug plan will provide seniors with the same choices as Members of Congress get. They've said that if FEHBP is good enough for Federal employees and Members of Congress alike, it should be good enough for seniors.

That's a great message and I'm sure it sells well with seniors. Unfortunately, their rhetoric fails to match the reality. The drug benefit they are willing to provide to Medicare beneficiaries is far less than the drug benefit provided to Federal employees.

We've been trying to expose this hypocrisy for months. Today, the Republicans point out the truth themselves.

This bill, authored by Representative TOM DAVIS, requires that each health plan in FEHBP agree to provide the same drug benefits to Federal retirees as they do to active employees.

In other words, it protects Federal employees from ever having their retiree drug benefits reduced to the level that the bill's author just supported for the rest of our nation's retirees!

Representative DAVIS represents an awful lot of Federal employees and he knows that the Medicare drug benefit is inadequate. Therefore, he's here today—the very first legislative day we are back in session after having passed the Republican Medicare drug bill—to get a fix for his constituents and himself.

If the Republican drug bill was as good a benefit as Federal employees and Members of Congress receive, Representative TOM DAVIS and others would not be here today ensuring that Federal employees are never forced to give up their FEHBP coverage and find themselves with only the Medicare drug benefit his party has legislated.

But, the Medicare drug benefit isn't as good. That's why they're here.

Unfortunately, they are ignoring the problems that will be faced by the millions of seniors and people with disabilities who are not Federal employees or Members of Congress.

The Congressional Budget Office has told us that if the Republican Drug Bill becomes law, one-third of employers will drop their retiree drug coverage. That will cause millions of Americans to lose the coverage they have today only to be replaced with the inadequate benefit put forth by the Republicans. Yet, nothing in this bill will help them.

Put frankly, we can't buy a health plan in FEHBP with as poor drug coverage as is included in the Republican Medicare prescription drug bill that was passed last week.

Rather than protect us from having to suffer with inadequate coverage with the rest of America's seniors, we should be considering a bill that guarantees all America's seniors and people with disabilities with a drug benefit as good as Members of Congress get.

Unfortunately, Republicans refuse to go along with that.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 2631.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1345

GARNER E. SHRIVER POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1761) to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building".

The Clerk read as follows:

H.R. 1761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GARNER E. SHRIVER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, shall be known and designated as the "Garner E. Shriver Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Garner E. Shriver Post Office Building.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1761.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1761, introduced by the gentleman from Kansas (Mr. TIAHRT), designates the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the Garner E. Shriver Post Office Building. All members of the Kansas congressional delegation have cosponsored this legislation.

Garner Shriver represented the Fourth Congressional District of Kansas in this House for 8 terms, from 1961 to 1977. He was a lifelong resident of the Sunflower State; he spent nearly his entire adult life working for other Kansas residents, first as the State legislator and later as a U.S. Representative. This legislation is a fitting commemoration of his service to his home State and to the entire Nation.

Mr. Speaker, Garner Shriver was born in Towanda, Kansas, July 6, 1912. He and his family moved to Wichita in 1925, and he graduated from the University of Wichita in 1934. Following his college graduation, he enrolled in the Washburn School of Law and received a law degree in February, 1940.

After he was admitted to the bar, he entered into public service for the first time by enlisting in the U.S. Navy. He spent 3 years as an officer in the Navy; and after being honorably discharged, he chose to run for public office. He was elected to the Kansas State House where he served 2 terms. In 1951, he left the State House to run successfully for the Kansas Senate, which he served from 1953 to 1960. Finally, in the fall of 1960, the voters of the Fourth Congressional District of Kansas sent Garner E. Shriver to Washington for the first of 8 distinguished terms in the House of Representatives.

In Congress, he was an influential member of the Committee on Appropriations. He accomplished much during his 16 years in the House, but he fought extra hard for his fellow veterans, particularly working to secure health and education benefits for his peers when they completed their duties with the U.S. Armed Forces.

Moreover, even when he left the House in 1977, he stayed in Washington to fight for veterans by moving a few blocks north and becoming the staff director for the Committee on Veterans Affairs. He worked in the Senate for 5 years before returning home to Kansas in 1982 to practice law.

Garner E. Shriver passed away on March 1, 1998, at the age of 85. He was a remarkable American who succeeded at everything he tried in life, and I know the citizens of Kansas still feel very grateful to him for his years of dedication. Congressman Shriver preceded the gentleman from Kansas (Mr. TIAHRT) as the representative of the fourth district, and I congratulate my colleague for his work on this measure.

I urge all Members to support the passage of H.R. 1761 that honors the life and service of Congressman Garner E. Shriver.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the chairman of the Committee on Government Reform in consideration of H.R. 1761, which designates the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the Garner E. Shriver Post Office Building, which was introduced by the gentleman from Kansas (Mr. TIAHRT) on April 10, 2003. The bill has been cosponsored by the entire Kansas delegation.

Garner E. Shriver served in both the Kansas House of Representatives and the State Senate before being elected to represent the Fourth Congressional District of Kansas. Reelected seven times, Representative Shriver served on the House Committee on Appropriations. He left the House in 1977 and went to the United States Senate where he served as the minority staff director and general counsel for the Senate Committee on Veterans Affairs from 1977 until 1982. He practiced law until his death in 1998.

He was obviously a person who spent all of his life working from one career to another career doing outstandingly well in each and every one of them. I think the designation, or the naming, of a postal facility in his honor is appropriate and serves as an indication of the tremendous legacy of service that he left. I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT), the author of this legislation.

Mr. TIAHRT. Mr. Speaker, I rise today to honor a former Member of this distinguished body, the late Congressman Garner E. Shriver. Congressman Shriver was born July 6, 1912, in the small Butler County town of Towanda, Kansas. His family later moved to Wichita in 1925 where he attended public schools and graduated from Wichita East. He remained in Wichita to receive his undergraduate degree from the University of Wichita, now Wichita State University, in 1934. Today his congressional papers are kept in the Ablah Library at Wichita State.

In 1940, he graduated from Washburn University School of Law in Topeka, Kansas. He put himself both through undergraduate and law school by working odd jobs, including serving as a doorman.

In 1941, Garner Shriver married Martha Jane Currier, his wife for the next 50 years of his life. However, before he and Martha had a chance to begin raising a family, World War II pulled him away from home. Mr. Shriver enlisted in the Navy; and after 10 months, he received a commission as lieutenant, leaving the Navy after 3 years as an officer. At the end of the war, Lieutenant Shriver found himself commanding a boat group in the Pacific for the Navy.

Not long after the war effort ended, Mr. Shriver made his first attempt at elected office. In 1946, he ran for the Kansas House of Representatives. He entered the race because, as he said, he felt he did not have anything to lose. Representative Shriver etched out a victory by a slim margin of only 222 votes. And so began the long and distinguished career of a great Kansas statesman.

After serving 2 terms in the Kansas House, Representative Shriver had greater ambitions and was elected to the Kansas State Senate where he served for two 4-year terms. During his 12 years of service in the Kansas legislature, he championed many worthwhile causes, including education for handicapped and mentally challenged children, keeping reckless drivers off the highways, creating the Kansas State Park Authority, important flood control legislation, and setting up the 4-H livestock show.

In 1960, he left State politics to run for Congress. Winning what was characterized as "a very spirited race," Garner Shriver became the new Representative of the Fourth Congressional District. At that time, the district included Sedwick and 14 other counties which are considered to be heavily Democratic. Congressman Shriver went on to win eight consecutive races before losing in a narrow defeat of 3,200 votes in 1976 to former Congressman and former Secretary of Agriculture Dan Glickman.

During his 16 years in Congress, Mr. Shriver became an influential voice on significant issues of the day, including health care and education benefits for our Nation's veterans, as well as landmark civil rights legislation. Congressman Shriver served on the committee that drafted the Civil Rights Act of 1964. His family is very proud of the fact that they have one of the pens President Lyndon Johnson used to sign the historic legislation into law.

While Congressman Shriver worked on various issues of national concern during his time, he was a relentless advocate of his constituents back in Kansas. As a senior member of the Committee on Appropriations, Representative Shriver was in a unique position to protect the vital interests of the fourth district of Kansas and the State of Kansas.

When Representative Shriver left Congress in 1977, he was ranking member of the Committee on Appropriations Subcommittee on Foreign Operations and third ranking Republican on the full committee. In that important capacity, Congressman Shriver was able to make sure Kansas was never overlooked during the Federal budget process.

Although he left the House in 1977, he did not leave Congress. He moved over to the Senate and served as minority staff director and general counsel for the Senate Veterans Affairs Committee until 1982 where he made a significant impact on the lives of his fellow veterans.

Upon completion of a near-lifetime of public service, Congressman Shriver returned home to Wichita where he practiced law and spent the rest of his life alongside his loving and dedicated wife, Martha Jane, until his death on March 1, 1998. Garner Shriver is survived by his wife and three children, David, Kay and Linda. He also has seven grandchildren and two great grandchildren.

During the nearly 30 years of elected public office, the name of Garner Shriver became synonymous with Wichita and south central Kansas. Simply put, Garner Shriver was a political giant. I am honored to succeed him as the current fourth district Representative, and I am pleased to have an opportunity to commemorate his service to our Nation by sponsoring this legislation.

Mr. Shriver's beloved wife, Martha Jane Shriver, receives her mail from the United States post office at 9350 East Corporate Hill Drive in Wichita, Kansas; and this is an especially appropriate location to designate the Garner E. Shriver Post Office Building.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I commend the gentleman from Kansas (Mr. TIAHRT) for introducing this legislation. Garner E. Shriver during his years in Congress lived in Lake Barcroft, which is the community I live in and represent in Congress. He was a good family man and neighbor there as well. This is a fitting commemoration for a very distinguished statesman, and I urge all of my colleagues to support adoption of this measure.

Mr. MOORE. Mr. Speaker, I am pleased to join with the rest of the Kansas congressional delegation in supporting H.R. 1761, which will designate a post office in Wichita, KS, as the "Garner E. Shriver Post Office."

As a Kansas native, who was raised in Wichita, I well remember Congressman Garner Shriver. My father, Warner Moore, served as Sedgwick County Attorney in the 1950s and was the Democratic nominee in 1958 for the congressional seat later held by Shriver. My father came within less than 2,400 votes of defeating Representative Edward Rees, who had held the seat since first being elected in 1936. Two years later, Representative Rees retired, and my father lost a very close primary battle with William Robinson, who was defeated for the open seat by Garner Shriver, who won with a margin of over 22,000 votes.

Garner Shriver served as a U.S. Representative for 16 years. He was born in Towanda, KS, in 1912; his family moved to Wichita in 1925. He graduated from University of Wichita in 1934; after postgraduate study at the University of Southern California, he graduated from Washburn University School of Law in 1940. The following year, he married Martha Jane Currier, who would be his wife for 56 years—they had three children: Kay, David, and Linda. He worked for Fox-Vlient Drug Company of Wichita from 1934–36, and taught speech at South Haven High School, of South Haven, KS, in 1936–37. Shriver joined the Navy at the outset of World War II and served 10 months in the enlisted ranks before being commissioned as lieutenant, senior grade. He was a boat group commander in the Pacific at the end of the war.

Shriver agreed to run for the Kansas Legislature in 1946, because, as his wife was later quoted as saying, "he figures he didn't have anything to lose. When we went to bed that night, we didn't know anything about elections. We woke up in the morning and he'd won by 22 votes." He served two terms in the Kansas House and two terms in the Kansas Senate before being elected to the House of Representatives in 1960. Senator Bob Dole, who was in Shriver's freshman class of House Members, recalled at this funeral that he "was known as a quiet and effective legislator and someone who kept his word. He was an exemplary husband and father." Former Representative Dan Glickman, who defeated Shriver in 1976, recalled him as "one who helped his district and state a lot, while being very congenial, civilized; not noisy, not polarizing."

Garner Shriver rose to be the ranking Republican on the House Appropriations Foreign Operations Subcommittee; he also was one of the original appointees to the House Budget Committee upon its establishment. Low key and moderately conservative, he was an active supporter of medical benefits for World War II veterans and for combat pay for Vietnam-era servicemembers. Early in his career, he served on a House subcommittee that originated the Civil Rights Act of 1964; his family still treasures one of the pens used by President Johnson in signing the measure into law. As the Whichita Eagle's obituary put it, Garner Shriver "embraced politics, seeing public service as a mandate for living a truly Christian life." As the Shriver family's minister and eulogist at his funeral, the Reverend George Gardner said, "Garner Shriver was always mindful of the people. They were not his people but God's people. And he thought they must be served with generosity, kindness and compassion."

Following his defeat in 1976, Shriver remained in Washington, DC, until 1982, working as the Senate Veterans' Affairs Committee's minority staff director and general counsel. After concluding that service, he returned to private law practice in Wichita, where he died in 1998.

Mr. Speaker, it is fitting that we come together today to commemorate the life and service of Garner Shriver with the naming of this post Office. As Reverend Gardner said at his funeral, "Garner Shriver came to us with energy and compassion and from his life we were called to a higher standard of principle. In him, we saw the value of public service as he revealed to us the great privilege of living in America."

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1761.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FRANCISCO A. MARTINEZ FLORES POST OFFICE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2396) to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office".

The Clerk read as follows:

H.R. 2396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRANCISCO A. MARTINEZ FLORES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, shall be known and designated as the "Francisco A. Martinez Flores Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Francisco A. Martinez Flores Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2396.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, introduced by the gentlewoman from California (Ms. SOLIS), designates the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the Francisco A. Martinez Flores Post Office. All 53 members of the California delegation have signed on to this bill as cosponsors.

The story of Lance Corporal Flores is one of remarkable courage. Born in Guadalajara, Mexico, Francisco came to the United States with his family at the age of 3. His family settled in the community of Duarte, California, east of Los Angeles. He grew up in Duarte, attended Duarte High School where he was a standout in the jazz band and on the football team. When Francisco graduated from high school in the spring of 2000, he bravely enlisted in the Marine Corps despite not yet being an American citizen. He was assigned to the First Marine Division and sent north to Twenty-nine Palms, California, the home of the Marine Corps Air-Ground Combat Center. After 2½ years of active duty in California, Lance Corporal Flores courageously journeyed with many of his fellow Marines across the globe to Iraq in January of this year for the military buildup to Operation Iraqi Freedom.

On March 25, 6 days into the war of liberation of Iraq, Lance Corporal Flores was killed in action outside of Nasiriyah in southeastern Iraq.

□ 1400

Sadly, he was less than 2 weeks from earning his United States citizenship, something that was his lifelong dream.

Mr. Speaker, Lance Corporal Francisco A. Martinez Flores lived an extraordinary life, albeit a tragically short one. He represents the best of what American immigrants bring to this country. I commend the gentlewoman from California for introducing this bill, that it will appropriately honor his sacrifices to our Nation.

I want to let all Members know that Lance Corporal Flores was deservingly granted his U.S. citizenship posthumously on April 6, right on schedule. Therefore, I urge all Members to support the passage of this bill that will name this post office after Lance Corporal Flores in his hometown.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2396, which designates the facility of United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office" was introduced by the gentlewoman from California (Ms. SOLIS) on June 9, 2003. The bill has been cosponsored by the entire California delegation.

Mr. Speaker, Francisco A. Martinez Flores was 3 years old when his family moved from Mexico to California. He joined the Marines so that he could go to college. Unfortunately, at the early age of 21, Lance Corporal Francisco Martinez Flores, who was assigned to the 1st Tank Battalion, 1st Marine Division in Twentynine Palms, California, was killed in Iraq on March 25, 2003. He died when his tank went over a collapsing bridge and tumbled into the Euphrates River.

The oldest of four children, Corporal Martinez was to have become a citizen of the U.S. in April of this year. Unfortunately, he died before he could take the oath of allegiance. He was buried as an American after being granted his citizenship posthumously.

Mr. Speaker, my heart goes out to Lance Corporal Francisco Martinez Flores, with commendations, who gave his life before being granted or having the opportunity to have been granted his citizenship. I express condolences to his mother and to his siblings, and I commend the gentlewoman from California (Ms. SOLIS) for seeking to honor the memory of a fallen hero, a soldier who gave his life so that others may experience the freedom, the liberty, and the opportunities that he never got an opportunity to fully enjoy. One cannot give much more than that, and I would urge swift passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the author of this resolution, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank our ranking member and also the chairman of the Committee on Government Reform. We just came back from celebrating July 4, and on that occasion I had the opportunity of attending one of the local parades in one of my cities, Rosemead, California. I met four soldiers that had just returned from Iraq, about the same age as Francisco Martinez Flores, and their stories were also heartening and compelling. They came back to their families, and I had a chance to meet them.

Lance Corporal Francisco Martinez Flores, a young man of 21 years of age, did not come back. And people ask me, Congresswoman, why is it that you want to name a post office after this young man? He was not an elected official. He was very young in life and was just barely starting out in his own career and finding his way. One of the things I have to tell the Members is that what when I read the tragic story of his death, one of the first soldiers to die among those in California, I was very moved, very moved to see his family and the community of Duarte that I now represent in the 32nd Congressional District come together. I attended his funeral where there were 1,200 people from outside of that city who came to gather to pay witness to this young man who had served and given his life.

As was stated earlier by my colleagues, this young man was not originally from the United States. At 3 years of age, he came to this country with his parents from Guadalajara, Mexico, but he attended our local high school in Duarte, participated in many activities, extracurricular, football team and the jazz band. He even wanted to be a member of our government, serving as a police officer. He will never get to realize that dream, and I saw that this was an opportunity for us to pay tribute to someone like him, like many other soldiers who are now serving and some that have not returned that we should pay tribute to, for they made and they make the ultimate sacrifice without a doubt and without question. In fact, his mother was quoted, and I recall at the church the mass that I attended at that funeral, her name is Martha Martinez, and she said of him, "He loved the United States so much. He was from Mexico, but he was fighting for America and its ideals." Everyone was touched and moved by that statement.

Lance Corporal Martinez Flores was not just a brave and self-sacrificing marine, but he was a loving son, a brother and a friend to many who live in the 32nd Congressional District. He was the eldest of four siblings that emigrated to the country, and as I said, he served a short time there at high school in various extracurricular activities.

And on that day January 23, 2003, he was sent abroad to fight in Operation Iraqi Freedom, probably not knowing that he would never come home. He was just 2 weeks shy from gaining his United States citizenship. Lance Corporal Martinez Flores was killed in the line of duty near Nasiriyah, Iraq, on March 25, 2003, and after his death, Lance Corporal Martinez's family proudly accepted a certificate of naturalization granting to Francisco posthumous U.S. citizenship on April 6, 2003. He was one of thousands of lawful permanent residents who have volunteered their service to protect the United States by joining the U.S. military.

Lance Corporal Martinez Flores was a courageous and dedicated marine who grew up in our local community of Duarte, and I am privileged that we will be naming a Federal building after him in his hometown.

Local residents in the city there have also shown their support to honor him. They have come together to put together their own funds to develop a scholarship in his name. And all 52 Members on a bipartisan effort from California support this initiative. The mayor and the city council of the city of Duarte are also bipartisan and support this piece of legislation. These efforts now will lead to the post office at 1210 Highland Avenue in Duarte, California, to be named Francisco A. Martinez Flores.

I want to thank all of them for their support for the bill, all those that had the ability to be a part of this to help us move this along in an expeditious manner, and I want to especially thank the family members and those people that represent that community that came together to fully unify themselves behind this young man. It is devastating for us to know that someone has to lose their life under such turbulent time and hardship to have a community come together like that. This was one of those moments in our history. The bill is a tribute to all those who have died to our country, and it is a tribute to all the families who have lost a loved one. The bill symbolizes the gratitude and admiration we have for our Nation's soldiers who risk their life to uphold their way of life and the American ideals of liberty, justice, and equality. And I urge all my colleagues to join me in recognizing this American hero, Lance Corporal Francisco A. Martinez Flores, who fought and died for our country, by supporting this bill today, H.R. 2396.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Let me say I commend my colleague for bringing this legislation to the floor. In our usual order of things, it is individuals with power, prestige, and notoriety that get postal namings, but it is the Francisco Floreses of this world, many of them immigrants, who built this country, who make it run every day, and who fight to keep it free. He is in a larger sense, as the gentlewoman from California (Ms. Solis) says, an American hero, and I urge adoption of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. Linda T. Sánchez).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am honored to stand before the Members today in support of H.R. 2396. This legislation designates the post office located at 1210 Highland Avenue in Duarte, California, after a courageous young marine, Lance Corporal Francisco Martinez Flores.

Lance Corporal Flores was killed in the line of duty near Nasiriyah, Iraq, on March 25, 2003, protecting the rights, beliefs, and values of a Nation that he could not yet call his own. He was just 2 weeks away from gaining his U.S. citizenship, which was granted posthumously on April 6, 2003.

According to the Department of Defense, an estimated 37,000 legal permanent residents are currently serving on Active Duty in our Armed Forces. These young men and women have willingly volunteered to carry out one of the most solemn duties any nation can ask of its people, and they have more than earned the right to become citizens of the Nation they have sworn to uphold and protect. Their contributions should always be remembered.

Naming the post office after Lance Corporal Flores is not just a way to honor his memory, but also a small way to show appreciation and respect to the other 200 soldiers who have made the ultimate sacrifice. Each day when a person walks through the Highland Avenue Post Office located in Duarte, California, they will be able to read about this hero and remember that it is the people in their community who contribute to the freedoms that we all enjoy as Americans.

I would like to thank every man and woman currently serving in the U.S. military. I hope they stay safe, and I wish them a speedy return, and I sleep better at night knowing that they are doing such a tremendous job, and I sleep better at night knowing that people like Francisco Martinez Flores are there serving our country. I urge all my colleagues to vote in favor of H.R. 2396.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

With the understanding and recognition that I agree with the gentlewoman from California that if one has the right to fight and die, one certainly has the right to citizenship, I would urge swift passage of this resolution.

Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Terry). The question is on the motion offered by the gentleman from Virginia (Mr. Tom Davis) that the House suspend the rules and pass the bill, H.R. 2396.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1610

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Dreier) at 4 o'clock and 10 minutes p.m.

REPORT ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–188) on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 6 o'clock and 34 minutes p.m.

THE CONGRESSIONAL DISTINGUISHED SERVICE AWARD

(Mr. HASTERT asked and was given permission to speak out of order, to revise and extend his remarks and include therein extraneous material.)

Mr. HASTERT. Mr. Speaker, this morning the gentlewoman from California (Ms. PELOSI), Democratic leader, and I had the honor of bestowing on four of our former colleagues the Congressional Distinguished Service Award. The four honorees were John Rhodes of Arizona, Louis Stokes of Ohio, Don Edwards of California, and Bob Michel of Illinois.

I first discussed creating the award last Congress with the gentleman from Missouri (Mr. GEPHARDT), the then Democratic leader. We thought it appropriate and fitting to have an award that is dedicated to former Members of Congress whose service to the country exemplifies the best traditions of the United States House of Representatives.

Today we honored four former colleagues, two Republicans, two Democrats, who had widely different political views, but who shared a love for their country and for this Congress. John Rhodes, Louis Stokes, Bob Michel, and Don Edwards shared certain virtues even as they pursued different political agendas. The words integrity, humility, honesty, and steadfastness describe all four of these individuals. None of them, none of the men that we honored today, pursued political ambition at the expense of common decency. None sacrificed their souls on the altar of political expediency. They inspired many with their political insight and their remarkable ability to bridge differences when seeking compromise.

All of them left their mark on this institution. Some were succeeded by former staff members who they mentored. All were giants in their district who cultivated many to go into public service. All of them left this institution a better place by their service, and for that we give them our humble thanks.

It was an honor to award these individuals, to hear them speak from their hearts today about what this House meant to each of them. It is a very special place for them and their generation and for us today. I wish them Godspeed.

Mr. Speaker, I ask unanimous consent to enter the entire proceedings of this morning's proceedings into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The material previously referred to is as follows:

REMARKS FROM THE CONGRESSIONAL DISTINGUISHED SERVICE AWARD CEREMONY, JULY 8, 2003

HASTERT. Several years ago, in conferring with then-Democrat Leader Dick Gephardt, we thought it was very fitting and proper for us to recognize members of Congress of this House of Representatives who've gone before us, who've laid the cornerstones of the good things that we enjoy in this Congress: the ability to communicate with one another, the ability to move forward good legislation, people who have shown the very best human attributes in this pursuit that we carry forth day in and day out.

I just want to thank every one of you, for being here today in Statuary Hall as we honor and recognize the first recipients of the Congressional Distinguished Service Award.

In doing this, we said, "Here are thousands of great people, people that we deal with, people that we live with in a sense day in and day out. But yet there are certain people who add a very special meaning to serving in this Congress and this House of the Representatives of the U.S. Congress."

The Distinguished Service Medal Award is dedicated to former members of Congress whose service to the country exemplifies the very best traditions of the United States House of Representatives.

We are honoring four men today, two Republicans and two Democrats. The purpose of this was to start two years ago, but because of illness and some extenuating circumstances called 9/11 and others we have put both the Congresses together today in this presentation.

The two Republicans and two Democrats who had widely different political views but who shared a love for their country and for this Congress, all four are members of the greatest generation who—those Americans who lived through the Great Depression, who fought in the Second World War, who played a critical role in making America the brightest beacon of freedom in the darkest days of the Cold War.

It is altogether appropriate that we honor these four men with this new award.

Since my colleagues selected me as their Speaker, I've had the distinct pleasure to participate in ceremonies recognizing recipients of the Congressional Gold Medal, our nation's highest civilian award given by the United States Congress.

I have had the pleasure to participate in ceremonies honoring Rosa Parks, the World War II Indian windtalkers, Ronald Reagan and Pope John Paul II with the Congressional Gold Medal. The gold medal awarded by the Congress is an important way for our nation to pay tribute to leaders who make this world a better place with their service.

The Distinguished Service Award pays tribute to those who make this House a better place with their service.

John Rhodes, Lou Stokes, Bob Michel, Don Edwards—all of these men shared certain virtues even as they pursued different political agendas: integrity, humility, honesty, steadfastness.

None of these men pursued political ambition at the expense of common decency. None sacrificed their souls on the alter of political expediency. They always respected each other's differences and opinions. They inspired many with their political insight and their remarkable ability to bridge differences when seeking compromise.

They're all war heroes who served their country during World War II, then continued to serve their country as leaders in this United States Congress.

John, Louis, Bob and Don will always be remembered not just as the first recipients of this award, but also as great leaders who truly made a difference in the lives of so many Americans.

You're all very deserving of such recognition.

Congratulations again for being the first recipients of the Congressional Distinguished Service Award.

And now it's my privilege to introduce the Democratic leader, Nancy Pelosi. (Applause)

PELOSI. Good morning.

Thank you, Mr. Speaker, for those very, very inspiring words about the people whom we are gathered here today to honor.

Thank you also, Mr. Speaker, for having the idea, along with Congressman Richard Gephardt—then-Leader Richard Gephardt, to recognize the distinguished service of our former colleagues.

Those of us who served with them are blessed to be able to call them colleague.

As you know, it's a privilege to be here in this role to honor the first-ever recipients of the Congressional Distinguished Service Award and their families. It's an honor for all of us to be part of this historic ceremony.

I'm so pleased that we've been joined by some of the pages, because they, of course, were not here when these distinguished gentlemen served. But what they should know is that all four of them had public service as a high calling, all four of them were an inspiration to other generations to serve to be attracted to public service. And that's one of the reasons we're honoring them today.

Again, I want to commend the speaker and Dick Gephardt for their foresight in establishing this award.

Today's ceremony offers the opportunity both to honor these individuals and to remind ourselves how outstanding the character of a few fine people through sheer measure of their decency can elevate the institution for everyone.

These former members were on different sides of the aisle, but they took a shared oath and recognized a greater obligation to serve the country together, both to find common ground where they could and to stand their ground where they could not. No one has come closer to the ideal, the perfect member of Congress, perfect public servant, than John Rhodes, Lou Stokes, Don Edwards and Bob Michel.

Though John Rhodes cannot be with us today, we are honored that his award will be received in the most appropriate way. John Rhodes earned the love and the respect of his colleagues and constituents for his service to his district, to his beloved house and to the country. We remember his calming strength and the dignity he displayed during the last days of the Nixon Administration, when his leadership was so important to the country.

I hope that you will convey, in addition to the award, all of the good wishes of all gathered here today to your distinguished father.

Lou Stokes and I served together for many years, both on the Appropriations Committee and the Ethics Committee. A man of humble beginnings and high principle through his integrity and his commitment to the less advantaged was unsurpassed. He came from a strong public tradition of public service, as did Mr. Rhodes—continuing that. His colleagues were blessed to see Lou's character in acton every day. But, the whole country caught a glimpse and were affected by what made his so special, and his moving personal statement during the Iran-Contra hearings.

He comes, again, from a distinguished family. His mother has a federal building named for her, and rightly so, because she produced two great public servants. And I have a personal connection because my brother served as mayor of Baltimore when Lou's brother was mayor of Cleveland, and went on, of course, to represent our country with great distinction as an ambassador.

And part of that family tradition is, obviously, the service of Lou Stokes in the Congress of the United States. On the Intelligence Committee, where he was chair, he introduced diversity into the mix: integrity, diversity, mission success.

On the Ethics Committee, it was always the highest possible standard. And on his work on the Appropriations Committee, he did a great deal to put forth the values of our country into our spending priorities, and he has been recognized for that at the National Institutes of Health, among other distinctions.

I had the privilege of naming this—Lou was named by Dick Gephardt when he was leader, and as the speaker said, the service of this presentation was deferred.

I, in my capacity as Democratic leader, had the privilege of naming Don Edwards, a great patriot in the finest sense of the word, absolutely committed to his country, to our country into making it better. Don spent his entire adult life defending the Constitution and protecting our civil liberties. Successfully demonstrating that neither our security nor our liberties need to be sacrificed. In order to have both, we need leadership; Don Edwards provided that.

Don is the only member who upon his retirement received both the American Civil Liberties Union Award and had a dinner honoring him hosted by the FBI.

And while in Congress, he was a mentor, a gentleman, a floor leader of the ERA. Well, you're going to hear so much more about all of these from our distinguished presenters, but suffice it to say, as a Californian, I am particularly proud of Don Edwards.

Bob Michel—anyone who served with Bob Michel knew that it was a special privilege to do so. He always had a basic respect for his political friends and political foes alike. He never questioned the motives of his colleagues.

A great Republican leader, Bob's strong working relationships and personal friendships with the Democratic speakers of the House, Tip O'Neill and Tom Foley, were on full display when then-Speaker Foley invited Bob to take the chair on the last day of the lame duck session in 1994. That spoke volumes as to the respect with which Bob Michel was held as a member of Congress as a Republican leader, and is held as a statesman for our country.

It is a joy always to see him as a source of great intellectual power, political strength and dignity in his service to the Congress.

I am honored to be part of any program that Bob Michel is being recognized.

As individuals, our honorees today are some of the finest people ever to pass through these halls. Together, they are a welcome reminder of what our country and our Congress can be at its best. These first recipients of the Congressional Distinguished Service Award call all of us to a higher standard.

Again, thank you, Speaker Hastert, for your vision and leadership in establishing this award with Leader Gephardt.

Congratulations to all of our honorees, and thank each and every one of you for being with us this morning.

Thank you. (Applause)

HASTERT. Thank you, Leader Pelosi.

Now I'd like to introduce the chairman of the Defense Appropriations Committee, a 25-year veteran of the House, a distinguished gentleman from California, the distinguished Congressman Jerry Lewis. (Applause)

LEWIS. Thank you very much, Mr. Speaker, Leader Pelosi, Reverend Dan and friends (inaudible).

Ladies and gentlemen, it's my distinct privilege and honor to say a few words about John J. Rhodes and remind all of us a bit of his service.

I first met the then-Republican leader in 1969—'79—'89—1979 as I came to the Congress a part of a band of wild men who arrived on the scene recognizing that the House had been dominated by one party too long and by golly it was our responsibility to do something about it.

The wild men led by Newt Gingrich and the likes of then-Congressman-elect Dick Cheney were counseled early on by Bob Livingston, who had arrived about six months before us, and he had special tools in mind to help us carry forward our quest.

At that point in time, we were fortunate enough to have a Republican leader who recognized that there was much to be done, including changing the House, but who also recognized that there were ways to accomplish things. And his advice and counsel, over that period and over the years, has been very, very important to me personally and to all of us.

John J. Rhodes, a man of the House, served in the House as the first Republican elected from Arizona. For 30 years, a member of the House of Representatives. John J. Rhodes, first and foremost a Republican but beyond that a public servant committed to representing his people and his state well and committed to bringing about change in our national government.

Over the years, John served on several committees in the House: the Education and Labor Committee, the Interior Committee, the Appropriations Committee, in which he served on my Subcommittee on National Security, and on the Rules Committee. During all of that service, he made many a contribution to the work of the House in terms of impacting public policy.

During those early years, he had a direct involvement in developing Republican policy or perhaps an alternative to the then leadership direction that might be a bit more conservative. He was chairman of the Republican Policy Committee, and he did a fantastic job helping the leadership to hold our band together to impact the direction of our government.

In 1973, his life changed rapidly for the then-Republican leader, Gerald Ford, was tapped to become our vice president. And by acclamation, John Rhodes was selected to be our leader. His advice and counsel, his stability, his solid commitment to the House made all the difference for the minority of those days.

He was a gentleman who everyone recognized as a person who cared about the House, the institution and public policy first. He reached out to the leadership on the other side of the aisle, seeking compromise, where possible, to impact the best possible of directions.

John J. Rhodes developed an interest in water because of its importance to Arizona. And while serving on the Interior Committee, he literally developed more base knowledge regarding the challenges in this difficult arena than anybody in the entire body.

John J. Rhodes, a public policy specialist, who early on expressed concern about the direction of our country in terms of national security. It was his voice that was heard time and again talking about the challenge and the problem of decreasing defense budgets. It was his voice that suggested we should have an intertwining between foreign policy and national defense that projected itself not for five years but for 10, 20, perhaps 50 years, to make certain that America played that leadership role that was necessary to make certain that we were the force for peace and freedom in the world, a voice that's heard today in many a circle, the first echoed in these halls by our leaders, John Rhodes.

A fabulous Arizonan who would be with us today if it were not for the fact that he is fighting another battle, the battle of cancer that we all know about affecting our country.

John J. Rhodes, a man to be remembered, a man of the House who indeed served out his destiny, making a difference in strengthening the House and laying the foundation for the future of this great institution. (Applause)

HASTERT. At this time, I'd like to call up Jay Rhodes.

Jay. (Applause)

On behalf of the Congress of the United States.

JAY RHODES, son of John Rhodes. Thank you, Speaker, and thank all of you for being here today. It's a great privilege and it's such a great honor for me to be here. I wish I weren't. There are so many of you in the audience that I recognize, members of my dad's staff, members who served with him, members who served with both of us.

As you all know, service in this House is a great honor and it's a great privilege. One of my honors and privileges was to serve with both Speaker Hastert and Leader Pelosi. And I thank you both very, very much for the kind words that you've mentioned here this morning.

And, Congressman Stokes, Congressman Edwards, Congressman Michel, it's an honor to share this podium with you.

We are here to award four longtime members of the House, members who lent a significant part of their lives and of their dedication to service to the House of Representatives, and that's quite appropriate.

But in many ways these four members are simply reflections of the House, because the House, while it's made up of a group of fiercely independent individuals, when it is the House, when it's the House acting on the country's business, it's a grouping of Americans, a grouping of Americans who have ideals and thoughts and aspirations and hopes and goals which basically can be boiled down to a peaceful, free, harmonious United States.

And those are the goals of every member of this body, regardless of the time that they served and regardless of the party that they served.

And so you award four very deserving former members of the House, but at the same time you're honoring yourselves and you're honoring the institution, and rightfully so.

And were my dad able to be here today—and let me hasten to say to you that he is not currently at death's door, he just simply would be physically unable to make the trip—but were he here he would tell you that service in this body is an honor that has been conferred upon and enjoyed by very few in the history of this country, and it's an honor that cannot be replicated and it's an honor that can sometimes barely be described.

But he would tell you that service here made him when he left a better person than he was when he arrived, and I think that each and every one of us who's had the honor to serve here would concur in that. I think that being here makes you a better person. Having the opportunity to be of some measured service to your country has to make you a better person.

If I could use two words to describe my dad, they would be service and they would be loyalty. Service is self-described in terms of the amount of time that he spent, both in the military and then here in this body, and what he has done since he's left the body.

Loyalty, of course, to his family, tremendous loyalty to his family. Tremendous loyalty to his wife, to my mother. But loyalty to this institution, because he felt and feels very strongly that this is democracy's cradle, this is where the work of keeping people free and hopeful starts and sometimes is concluded, hopefully always positively.

And were he here he would tell you that he appreciates this from the bottom of his heart, as do I for him. Thank you all very much. (Applause)

HASTERT. Thank you, Jay.

When Louis Stokes decided to retire after 30 years of service in the House many in Ohio thought it would be impossible to fill his shoes. But when a certain prosecutor by the name of Stephanie Tubbs Jones decided to run for his seat, the people chose her as their candidate to do that job.

Please welcome Congresswoman Stephanie Tubbs Jones. (Applause)

U.S. REPRESENTATIVE STEPHANIE TUBBS JONES (D-OH). To Speaker Hastert, Leader Pelosi, Reverend Coughlin, my colleagues, current, my former colleagues who I have not had a chance to meet, imagine this: In 1968, I was completing my freshman year in college at Case Western Reserve and I had the opportunity to work in the campaign for the first African American to be elected to the U.S. Congress from the State of Ohio. Imagine this: He didn't know who I was. (Laughter)

Imagine this: Some 30 years later, I would be running to hold that very same seat in the U.S. Congress, and today, 35 years later, I have the opportunity to participate in the presentation of this Distinguished Service Award to the Honorable Congressman Louis Stokes, to celebrate and recognize his outstanding service and achievement.

Let me fill in the blanks. Prior to serving in Congress, Congressman Stokes practiced law for 14 years and was one of the founders of the firm Stokes, Character (ph), Terry (ph), Perry (ph), Whitehead (ph), Young (ph) and Davidson (ph) law firm. His brother Carl (ph), the first African American mayor of a major American city, was also a partner. Congressman Stokes argued three cases before the U.S. Supreme Court, one of the most famous the stop-and-frisk landmark case of Terry (ph) v. Ohio. On November 6, he ran and was elected to Congress, serving 15 consecutive terms. When he left the Congress he was 11th overall ranking in the House.

But during his tenure he served as chair on several important committees, including, most notably, the House Select Committee on Assassinations, the Ethics Committee, the House Intelligence Committee and the Appropriations Subcommittee on Veterans Affairs, HUD and Independent Agencies.

He was the dean of the Ohio delegation and was one of the founding members of the infamous Congressional Black Caucus.

It is through his work and leadership that he became the chair of the Congressional Black Caucus health brain trust, and his name is marked across the country for his service in this area. He has worked in health care in so many different areas that he is recognized for the Alliance for Minority Participation program that was created under his leadership and funded by this Congress, and more than 20 programs across this country are participating in this wonderful program.

His work in the area of health care has also been recognized by the National Institute of Health, the Louis Stokes Libraries, the Case Western Reserve University Louis Stokes Health Center, the Department of Veterans Affairs Louis Stokes VA Hospital campus, and Howard University Louis Stokes Health Science Libraries.

I'm smiling, Congressman Clay, because Congressman Clay said if another building in Cleveland is named after Louis Stokes they might as well call it Stokes, Ohio. (Laughter)

He has received more than 26 honorary degrees from colleges and universities across this country. The Congressional Black Caucus, in association with the Heinken Company (ph), created the Louis Stokes Congressional Fellows Programs.

Now, why do you think that a man like this would be recognized in so many instances? It is because of his leadership. It is because of his willingness to stand up and talk about issues that are important for all Americans.

In Cleveland, the Cleveland Public Library has a Lou Stokes wing. The public transit station is named after him. A street is named after him and his brother. A day care facility. A post office after his wonderful mother, Louise (ph) Stokes.

Yet with all of this recognition, he takes time to talk to children at schools, to teach at Case Western Reserve, to serve as an adviser to the National Committee on Minority Health.

And you would think after retiring, at least in my conversations with Jay, that he would get a fishing pole and find a cool stream. Not my congressman. He, in fact, says, "How would you characterize successful aging?" These are not my words, these are his. "I'm not sure I know precisely what the term successful aging means. If by successful aging you mean continuing to be active and involved and productive, notwithstanding that I am older than 65, then that might be a good definition of successful aging. I've worked since I was 12 years old. I have never been without a job. I love work. I"—I need my glasses—" (inaudible) when I am productive and I am involved in being active. I perhaps overdo it in that one should have hobbies. Perhaps, people say to me all the time. 'What are your hobbies?' I don't know. I don't have any hobbies. My hobby is work. I just love work. If anything has enabled me to fill a category of successful aging, it is that I have spent my lifetime working."

And quote he says—well, the question is, "With your public service career behind you, to what are you looking forward to now?"

"The challenge of engaging a third career at the age of 74 is very exciting. To think that now I come back to the city to practice law is thrilling. I practiced law for 14 years as a criminal defense lawyer before I went to Congress. I spent 30 years in Congress. Now to come out and have a worldwide law firm, Squire (ph), Sanders (ph) & Dempsey (ph), accept me as senior counsel in the firm is very flattering. Most law firms kick you out at 65. The fact that they have a lot of seniors and juniors in respect to one of the myths that after 65 you don't have much utility to a law firm, for them to reach out and take a man who is 74 years old and say, 'Oh, he does have value,' should cause some of the law firms to rethink that myth."

It goes on, but I won't spend time reading it.

I have been personally blessed to have the ear, the heart and the support of the Honorable Congressman Louis Stokes. On each occasion that I've asked for help he was there for me, and occasionally when I didn't ask he was there. (Laughter)

People often ask, "Is it hard coming behind an icon like Congressman Louis Stokes?" I answer, "Of course it is. But I'm not trying to fill his shoes, I'm standing on his shoulders."

He's blazed the trail for me, cleared the bushes, and it's my obligation to keep moving forward. God has truly blessed me. I viewed Congressman Stokes from afar and I watched him on that TV doing that cross-examination or standing up on issues or bringing people in Cleveland out to vote or turning out people in support of issues important to our community. I sat at his feet, and now I can sit at his table.

What a great country we live in and what a wonderful and mighty God we serve that I've had the opportunity to go from afar and to come this close to my icon, the Honorable Congressman Louis Stokes. (Applause)

HASTERT. Would Louis Stokes please come forward?

Louis, on behalf of the United States House of Representatives.

FORMER U.S. REPRESENTATIVE LOUIS STOKES (D-OH): Thank you, Mr. Speaker.

And thank you, Stephanie.

To our leader, Nancy Pelosi. Distinguished members of the dais. Ladies and gentlemen.

I want to thank Congresswoman Stephanie Tubbs Jones for being my presenter on this occasion and for her very warm and kind remarks.

The choice of who in the current Congress would present me was not an easy one because I still have many friends here. But I chose Stephanie because she is not only my friend, she is the embodiment of all that I hold dear about this institution. She is now the current and the future for the people who gave me the honor of representing them in the United States Congress.

The torch I placed in her hands is burning brightly, and I anticipate her exceeding any accomplishments that I may have had in this house. She is now the pride and the joy of the 11th congressional district of Ohio.

Stephanie, I thank you. (Applause)

Mr. Speaker, I thank you for this honor bestowed upon me today. It is humbling to be accorded this honor by the speaker of the House of Representatives. Having served in this house with you prior to and during your speakership, I have great admiration and respect for both your leadership of the House and the great service you are giving to our nation. Thank you, sir.

Madam Leader, Nancy Pelosi, as you and I know, before Stephanie Tubbs Jones arrived you were my favorite female in the House. (Laughter)

Madam Leader, I am so proud of you, and I am proud of our friendship over the years. As members of the Appropriations Committee and the Ethics Committee, as you've already stated, you and I stood and fought together on many issues on behalf of health, education, housing, women, children, minorities, the poor and the disadvantaged. We didn't always win, but we always fought.

I want to thank you, Nancy Pelosi, also for this great honor.

I'm also indebted to my friend Dick Gephardt, who last year, while still Democratic leader, selected me for this honor. When I served in the House I was proud to be a member of his leadership team. His leadership in the House was exemplary, and I am grateful to him for deeming me worthy of this high honor.

In this audience today are a few people whose presence I would like to acknowledge. I share this great honor today with my lovely wife and closest friend, Jay Stokes, with whom next month I will celebrate 43 years of marriage. (Applause)

We have with us here today our four children, Shelley, Angie, Chucky, Lori, Lori's husband Brian. We also are privileged to have with us five of our seven grandchildren. My children and my grandchildren have been my greatest inspiration.

Also present is my best friend in the House, former Congressman William "Bill" Clay, who came into Congress with me, with whom I served for 30 years.

I'm also proud to acknowledge the presence of a number of my current colleagues at Squire, Sanders & Dempsey, a worldwide law firm, including the chairman of that firm, Tom Stanton (ph).

The word "ultimate" seems to best describe the award being given me, John Rhodes, Bob Michel and Don Edwards. Serving with each of them was a great honor.

I have always thought that to be one of the small group of Americans privileged to have been elected to serve in the greatest legislative body in the world was the highest honor that one could achieve. But to be given this ultimate award here today by my former colleagues in an institution which I revere is the most humbling experience of my life. No greater honor can ever be accorded than to be honored by one's own peers.

In accepting this award today I'm reminded of my first day in Congress, January of 1969, 34 years ago. My mother, my wife and family had been specially seated in the gallery, in the section usually reserved for the family of the president or other special guests. My mother had just been honored as Ohio's mother of the year. Seated next to her was my brother Carl, the mayor of Cleveland, who was America's first black mayor of a major American city.

Growing up on welfare in the housing projects of Cleveland, in the heart of Cleveland's slums, this mother, who scrubbed floors and cleaned houses for a living, constantly admonished Carl and me to work hard and grow up to be somebody. That day, 34 years ago, as I stood on the floor of the United States Congress and looked up in the gallery at her, painfully aware that Carl and I were the first in our family to ever to go to college, I was determined to make her proud.

Thanks to all of you in my prayers tonight I can say, Mom, I worked hard, and Congress said I grew to be somebody.

Thank you very much. (Applause)

HASTERT. Thank you, Louis.

I'd now like to introduce the distinguished gentlewoman from the state of California, who for eight years worked for Congressman Don Edwards before his retirement from Congress. She then ran for his seat and was elected to serve the people of the 16th District of California.

Ladies and gentlemen, please welcome Congresswoman Zoe Lofgren. (Applause)

U.S REPRESENTATIVE ZOE LOFGREN (D-CA). Thank you, Mr. Speaker, and Democratic Leader Nancy Pelosi. It is great to see all of you here today, and especially so many Members of the House. I know how hard it is to take time to be at a ceremony. We're pulled in a million different directions. But someone who's probably even busier than us is a Cabinet secretary, and I'd especially like to thank Secretary Norm Mineta, who shared San Jose with Don Edwards for so many years, for being here. (Applause)

Norm was the Watergate class, the class of '74. And I see people who served with Don Edwards, and I know that there was a scramble, every one of them would have wanted to introduce Don Edwards. And I guess I was lucky enough because not only was I elected to represent the people that he represented so well for 32 years, but I also served on his staff for nearly nine years.

And you know, those of us who were on the staff sort of divided up our service. I mean, there were different decades, the '60s, the '70s, the '80s, and the '90s. And some of those who served in the '90s never really knew the people who served in the '60s, but we knew that Don Edwards made a difference in every one of those decades.

It's worth noting that Don Edwards was not always a Democrat, hard to believe. A native of San Jose, he grew up on 13th St., just a few blocks from where I live today, on 16th St. He graduated from Stanford, passed the bar exam. He was a scratch golfer, he was "AM" in the winning Pro-Am at the Crosby one year. He established and ran a successful business in San Jose and looked like he was going in one direction when all of sudden the world turned.

And in 1960, John F. Kennedy was elected president of the United States, Don Edwards came to his senses and became a Democrat, and he got elected to Congress in 1962 to join the country's new president in changing the world. And he did.

As floor leader during the omnibus civil rights act in the '60s, he also led on the voting rights act; he was a key figure in the establishment of fair housing laws.

You know, he was part of the greatest generation in World War II. He was not afraid to fight for our country as a gunnery officer and later as an intelligence officer, but he also wasn't afraid to stand up for what he knew was right. And so he was one of only nine people who voted against the first funding for the Vietnam War, in the '60s. And he knew that he was right and he wasn't afraid to stand up for it.

In the 1970s, he was the floor leader for the equal rights amendment, and we all called him the Father of the Equal Rights Amendment, but he was gracious enough to make sure that women got to be the mothers and the authors. He was a gentleman.

In the 1980s he led the fight for the ADA. And although he and Congressman Henry Hyde had sharp differences of agreement on many issues, he was able to work with Congressman Hyde together on the assault weapons ban, and also on voting rights issues, because he is the kind of person who would not let a disagreement stand in the way of reaching an agreement when you could if it served the public interest.

There are things that he did that people don't even know about. I remember in the '70s, and you'll think back, when the junta threw out the democratically elected government in Greece, and his office became the center of the Greek parliament in exile. And they would meet in his office, and we would come in and find all the parliamentarians from Greece plotting their return. And I think actually the democracy in Greece today has a lot to do with what Don Edwards was willing to do then.

As a former FBI agent, he knew about and had the stature to go after misconduct in the FBI, the CoIntelpro, the misuse of FBI resources for politics. J. Edgar Hoover was not a fan. But the FBI has now become a better place because of the efforts that he did to make sure that we had standards and that law enforcement could not be misused.

I remember during 1974 in the impeachment inquiry of Richard Nixon, President Nixon, and having served on the Judiciary Committee's impeachment inquiries here, I am especially impressed by the dignity and the fairness with which Don Edwards dealt with that issue. He was never interested in getting to an end, to reaching a conclusion; he was only interested in making sure that the facts were out and that fairness was applied and the country was served.

As chairman of what was then known as Subcommittee Number 4, later the Subcommittee on Civil and Constitutional Rights, he spent full time securing constitutional rights for Americans, and, yes, trying to expand civil rights. He spent every day thinking how he could expand freedoms for America, not just in his bills: I think you can tell a lot about someone not just by their voting record and by the bills introduced, but how they act in their daily life.

And I remember so clearly a situation where the least powerful employees of the House of Representatives, workers in the cafeteria, were being unfairly treated, and the one person they felt they could come to in the House was Congressman Don Edwards. And this group of totally powerless people came to see him and he sat down with them and listened to them and became their advocate so that they could receive fair treatment.

I first saw Don Edwards in Mitchell Park in 1964. He was running for reelection. And Larry O'Brien, then the postmaster general, was with him. He gave a speech and I was totally inspired. I was totally impressed. And although he didn't know it, I walked a precinct for his election.

Later, on the staff, I was inspired again. And I will say, also, on a personal level, I would not be here today as a member of Congress except for the help and assistance and encouragement that he gave to me, both in terms of working here and helping me to go to law school and always inspiring me to do my best.

You know, when I got elected in 1994, after Don's retirement, members would come up to me and say things about him, and I think you can learn a lot by what people—the words used to describe someone they had served with, and let me just give you some of those words: "a gentleman, fair, decent, honest."

"Even when I didn't agree. I knew he was a principled person. He was someone who actually listened to other points of view. He stood up for his country."

I was inspired when I first saw Don Edwards in 1964. I'm inspired today that even in his retirement he continues to fight for civil rights, for civil liberties.

He continues to stand up for what is right and decent in America. Our country is a better place because of his service. We are all in his debt. And I am very, very honored to be participating in this ceremony today. Thank you very much. (Applause)

HASTERT: Will Don Edwards please come forward?

On behalf of the House of Representatives. (Applause)

EDWARDS. Thank you, Zoe.

And thank you, Mr. Speaker and Leader Nancy Pelosi. The people's house is in very good hands with your leadership.

I'm pleased today that my wife, Edie Wilkie Edwards (ph), can share in this happy day, and also that I have members of my family have come from a long way, from California, to share in this lovely day. My grandson, Eric Edwards (ph), and his fiancee, Susan Parret (ph), are here. They're going to be married in September in Carmel, California. Carmel is a little village...

(Laughter)

... out of the Third World...

(Laughter)

And we're looking forward to the ceremony.

Also, Eric's mother, Dr. Inger Sagatin Edwards, who is Norway's great gift to the United States. Inger is a professor, got her doctorate at Stanford University, and is the head of the Administration of Justice Department at San Jose State University.

We also have other people from different parts of the country, and welcome to all of you.

No member of Congress would be anything without a staff that is competent and skillful, and I was very lucky for all the many years to have a marvelous staff. And from Portland, Oregon, Terry Pocué came all this way to share in this celebration. Catherine LeRoi was the chief counsel for the Subcommittee on Civil and Constitutional Rights, where I was chair. Stuart Ishimaru from the Department of Justice and a valued staff member. And Virginia Stone, Ginny Stone, was a valuable lawyer, and she and I worked very closely on a lot of issues.

So I couldn't have gotten along without these valuable staff members, and I thank you all for coming.

I am very grateful to have had the privilege of being a member of the House of Representatives. It's a glorious organization, and I have many happy and important memories of my service.

One day in 1983 I was sitting in my office and the sergeant at arms called and said that You, as the senior member of the California delegation, have the honor of escorting the president into the House chamber tonight so that the can deliver his State of the Union message.

And I said, fine, and so I showed up at quarter of nine in the speaker's formal sitting room, I walked into the room, and there was only one person: It was President Ronald Reagan.

And I said, I said, What in the heck am I going to talk to President Reagan about? (Laughter)

All by myself. So I walked over and shook hands, and then I, there was a moment of silence, and I said, Mr. President, at your ranch in San Diego, do you have rattlesnakes? (Laughter)

And his face lit up, big smile, he said, We sure do. He said, And I wear boots up to my knees because they're pretty dangerous. And he said, When I see one on the path, I just stomp on it with those big boots.

Oh, but, he said, Two weeks ago Nancy and I had been riding, and we were walking back from the stable to the ranch house, and I saw a rattlesnake and I stepped on him, and I looked down and I had on tennis shoes. (Laughter)

But the most glorious moment in 32 years in Congress was in 1964, when the House enacted the omnibus Civil Rights Bill that did away with segregation and American apartheid in this country.

The House was the leader, and we didn't have the votes on the Democratic side because we lost so many votes in the South. And the Republicans joined us in enacting this glorious piece of legislation.

Bill McCulloch of Ohio was the Republican leader, and other great ones there were Bob Michel, John Rhodes, and the Republicans did better in the vote than the Democrats, and then next year this same thing happened with the Voting Rights Act.

So that was my glorious moment, when the House in a bipartisan way did this great movement. Now, if anybody asks me what's your advice as you leave the House—nobody ever asked me, but I said anyway——

(Laughter)

And all I would say is do good. Do good for the American people, don't do any harm. And the same would apply to the billions of people throughout the world. Do good for them, too. Be a good neighbor. Thank you very much. (Applause)

HASTERT: Thank you.

Now I'd like to introduce a congressman from my own state of Illinois, who also is known for his fair and balanced approach in the House, just like his former boss, Mr. Bob Michel.

Please welcome Congressman Ray LaHood. (Applause)

REP. RAY LAHOOD (R-IL): Thank you very much. Thank you, Speaker Hastert, for the honor you bestow on me and to my friend, Bob Michel, and the opportunity to say a few words of introduction to our great leader.

I've had the honor to know Bob Michel for over 20 years, so that I know there are three things that he dislikes very much. The first is to miss a three-foot putt at Burning Tree. The second is to see his Cubs lose a game they should have won. And the third, worst of all, is to sit quietly by while a former staffer sings his praises in public.

So Bob, I ask you to bear with me this morning. I'll try to make this as painless as possible.

We all know Bob as a great legislator, a combat veteran, a great singer, a patriot and as a man devoted to his beloved Karin (ph) and his great family.

But today I want to speak of Bob in another capacity. I want to speak about Bob Michel the teacher. I consider myself a graduate of the Robert H. Michel school of applied political arts and sciences, and there are some in this room who are also students, like our friend Billy Pitts, who's now at the Rules Committee; like John Feehery, who works for the speaker; and Ted Van Der Meid, who works for the speaker; and Karen Haas who works for the speaker, all students of Bob Michel. And Paul Vinevicy, who works at the House Administration Commission.

And my own staff, Diane Liesman and Joan Mitchell and Erin Reif, all students of the Bob Michel school. We went to one of the finest schools anywhere in the world.

His classrooms were his office, the floor of the House, its committee rooms, and the farms and towns of the 18th Congressional District. Everywhere he went, he taught his staff by his example what it means to be a great public servant.

President John Adams once said the Constitution is the product of, quote, "good heads prompted by good hearts." Bob Michel taught us that both of these qualities, head and heart, are necessary in order to make this institution work. Bob taught us by his example that the House floor should be a forum for reasoned debate among colleagues, equal in dignity.

He inherited an old-fashioned Peoria work ethic from his beloved parents, and he came to the House every day to do the work of the people and not to engage in ideological melodramas or political vendettas. And he expected, in fact he demanded, that all his staff do the same.

Bob knew warfare first hand. Not a war in a Steven Spielberg movie, or war fought on the pages of books, but real war. I guess that's the reason he never used macho phrases like "warfare" and "take no prisoners" when discussing politics with his staff. To Bob, the harsh, personal rhetoric of ideological warfare had no place in his office, no place in the House, and no place in American politics. He knew that the rhetoric we use often shapes the political action we take.

Bob Michel was a superb Republican leader. And he would have been a great speaker of the House. But fate decreed that this was not to be.

So Bob, today I want you to know that you are, in the opinion of many, the greatest speaker this House never had.

Bob, in a sense, you have never left this place you love so well. Whenever there is a debate on the House floor conducted by men and women with good heads and good hearts, treating each other with mutual respect, you are there among us, and will be so long as the House endures.

You are a great congressman, and you remain, as ever, a great teacher.

And if I may just indulge—I was told we only had three minutes, and some of the other people didn't get that memo, so I'm not going to abide by it either. Right after I was elected in 1994, and Bob was obviously a big help and came to our victory party that night. Right after we were sworn in, I had the great privilege of chairing the House of

Representatives. And during that chairing of the House, there was a phone call to our office from our great leader, Bob Michel, and he said to one of our staffers, You know, I served in the House for 38 years. LaHood's been there three months and he's chairing the House. How could this happen?

And it happened because of the great leadership that he showed to all of us. He was a great teacher, he is a great teacher, and we all—we all, not just those of us that worked for him, but all of us who stand in the House, or serve in the House, stand on his shoulders.

Thank you, Mr. Leader. (Applause)

HASTERT. Bob Michel, will you please come forward.

Bob, it's my great honor to present this to you on behalf of the House of Representatives. (Applause)

MICHEL. Well, thank you, Ray, for your introduction. And Mr. Speaker and Mrs. Pelosi and my erstwhile colleagues in the House and those currently serving, and my friends, I thought when I retired from the House, nine years ago, that I had received far more than my share of plaudits and awards. And yet, today there is one more.

I wouldn't feel right accepting it if I didn't share it in a way and acknowledge those over the years who made it all possible, those closely associated with me, working in my office back in Illinois, here in Washington, here in this Capital building.

And of course it would also include my dear wife of 54 years, members of the family.

When I first came—well, let me begin by saying that I decided upon embarking upon a career in politics without the blessing of my parents. I remember Dad and Mother telling me, why would you want to get involved in this dirty, rotten, nasty game of politics? And I had to respond to my mom and dad, Folks, you've taught me the different between right and wrong.

And while my father was a French immigrant, probably didn't quite understand our system all that well, and my mother was first-generation American, I told them that I was quite sure that politics could be a very noble profession, and that I'd give it a try, and then from time to time, Dad, we'd come back and we'd check signals with one another and see if you were right or if I was right.

And, well, time passed, and I went up the ranks, leadership, and became leader, and before my parents passed away, they changed their mind. And I think they were proud of their son.

But I mentioned that only because, well, for several reasons, because of the nature of things today, and how we have changed as a country. And mention has been made, or surely should be made, of my 38 years, all as a member of the minority party. All those were frustrating years, believe me. (Laughter)

And there wasn't many cheers. But I tell you, I never really felt that I was out of the game, or that I had no part to play. Under the rules of the House, the traditions of the House and practices of the House, there is a role to play for the minority and a solo voice from here and there.

And for me to have all these voices from around the country, men and women, of different persuasions, come to this body and argue those differences, the clash of ideas and views of members. And then I guess the more exhilarating days from me as I became leader and took on more roles of responsibility, that those differing views, those clashes of ideas, verbally, not personally, but on the issue, had to be harmonized, they had to be rationalized, and we struck a deal, we made a bargain, hopefully, and the joy of bringing dissonant factions together, to work together, to craft good legislation for the country.

That was the joy of it, and I can honestly say today, emotional as this is for me, that my service in the House was a real joy. And my colleagues, particulary John and Luke, with differing views than John Rhodes and I, were always just good friends.

And we went at it hammer and tongs from whatever it was, 12:00 to 6:00 or 7:00, but then after all the arguments, back and forth, you know, you could still be good personal friends.

That's the way I like to see these deliberative bodies work, and I hope we can continue to keep our eye on striving toward that end, because in that way, I think, we bring credit to ourselves and for our country to the rest of the world.

I tell you, this has been just some, such memorable day for me, Mr. Speaker, and Nancy, Majority Leader, thank you for the high honor that you do me by once again honoring me as you do today.

I shall surely treasure this moment for the rest of my life. Thank you. (Applause)

HASTERT. Thank you, Bob Michel.

As somebody has said several times today, we do stand on the shoulders of giants. That's how we can make this a better place. I think we can all learn from lessons passed and those heroes that have gone before us.

I want to thank everyone, including all the families and friends who have joined us for today, as we honor John Rhodes and Lou Stokes and Don Edwards and Bob Michel. Please stand and join me in a very deserving round of applause for all recipients of the first-ever Congressional Distinguished Service Award. (Applause)

And now please welcome the House chaplain, the Reverend Daniel Coughlin.

COUGHLIN. Every blessing comes from our eternal father. May divine providence continue to guide this nation, hold this House together with clear ideals, civility toward all, aware of the deepest needs of the people.

May God grant all who have gathered here, especially the family and friends of the honorees, his continued blessings. And let the honorees assure them happiness and health in the future, with unwavering faith, constant hope and love that will endure to the end.

God, order all our days and grant us peace of heart, hear our every prayer and bring us all to everlasting joy and life forever. Amen.

Mr. HASTERT. Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the Speaker for his very inspiring words about the people who were honored today and for having the idea along with the gentleman from Missouri (Mr. GEPHARDT), our former leader, recognizing the distinguished service of our former colleagues.

Today's ceremony was an opportunity to honor these individuals and to remind ourselves how the outstanding character of a few fine people through the sheer measure of their decency can elevate the institution for everyone. It was a sincere pleasure, Mr. Speaker, to see our friends and former colleagues today, and it was a moving occasion to thank them for their service and to rededicate ourselves to the ideals by which they lived. Those of us who served with them are indeed blessed to be able to have called John Rhodes, Louis Stokes, Don Edwards, and Bob Michel our colleagues. These former Members, as the Speaker indicated, were on different sides of the aisle, but they took a shared oath and recognized a greater obligation to serve the country together to find their common ground where they could and to stand their ground where they could not.

No one has come closer to the ideal of a perfect Member of Congress, a perfect public servant, than John Rhodes, Republican of Arizona, who could not be with us, but his son accepted the award for him, accepted the award and the very good wishes of all assembled. And let me say that the gentleman from California (Mr. LEWIS) had the opportunity of making the presentation on behalf of Congressman Rhodes, and moving it was indeed; Congressman Louis Stokes, who was presented by the gentlewoman from Ohio (Mrs. JONES), his successor, and with great pride; Congressman Don Edwards, who was presented by the gentlewoman from California (Ms. LOFGREN), his successor; and Congressman Bob Michel, who was presented by the gentleman from Illinois (Mr. LAHOOD), his successor.

Any who have served with these people know what giants they were, and as individuals they are some of the finest people ever to pass through these halls. Together they are the welcomed reminder of what our country and what our Congress can be. These first recipients of the Congressional Distinguished Service Award call all of us to a higher standard.

Mr. Speaker, it is so appropriate that this ceremony took place in the days following July 4, because all of these people honored the memory and the sacrifice of our Founding Fathers, every one of them, in their service to this country. And in the course of these holidays, and July 4 being a great one for our country, we are all singing God Bless America, and we know that God in the service of Louis Stokes, Don Edwards, Bob Michel, and John Rhodes in their service to this country, God truly blessed America.

Mr. HASTERT. Mr. Speaker, I thank the Democrat leader for her remarks, and I think in the spirit of Bob Michel, God Bless America was probably a very fine resemblance.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, June 26, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2658.

□ 1840

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from Indiana (Mr. HOSTETTLER) had been postponed, and the bill was open for amendment through page 116, line 19.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 57, noes 358, not voting 19, as follows:

[Roll No. 334]

AYES—57

Abercrombie
Allen
Bishop (UT)
Bradley (NH)
Cannon
Carson (OK)
Carter
Costello
Cubin
Cummings
Davis (CA)
Davis, Jo Ann
Farr
Filner
Foley
Forbes
Gingrey
Hefley
Hinojosa
Hostettler
Jones (NC)
Kanjorski
King (IA)
Lewis (GA)
Lewis (KY)
Lucas (OK)
Marshall
Matheson
McInnis
McIntyre
Meek (FL)
Michaud
Miller (FL)
Moran (KS)
Musgrave
Napolitano
Ortiz
Paul
Platts
Pomeroy
Rodriguez
Rogers (AL)
Ryan (OH)
Ryun (KS)
Scott (VA)
Shimkus
Shuster
Slaughter
Stearns
Strickland
Tauscher
Taylor (MS)
Thompson (MS)
Tiberi
Udall (CO)
Waters
Wilson (NM)

NOES—358

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fletcher
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Stupak
Sullivan
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Cramer
Crane
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Knollenberg
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin
Sweeney

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1900

Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Ms. LINDA T. SÁNCHEZ of California and Messrs. BURNS, RADANOVICH and HOLT changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 2004".

The CHAIRMAN. Are there further amendments to the bill?

If there are no other amendments, under the order of the House of June 26, 2003, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the previous order of the House of June 26, 2003, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1900

The SPEAKER pro tempore (Mr. TERRY). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 19, not voting 17, as follows:

[Roll No. 335]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus

Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Baldwin
Brown (OH)
Conyers
Farr
Filner
Frank (MA)
Jackson (IL)
Kucinich
Lee
Lewis (GA)
McDermott
Oberstar
Paul
Sanders
Schakowsky
Stark
Watson
Watt
Woolsey

NOT VOTING—17

Cramer
Crane
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1918

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CRANE. Mr. Speaker, my return flight to Washington was unavoidably detained due to inclement weather, and I therefore missed two votes this evening. I ask that the CONGRESSIONAL RECORD reflect that had I been here, I would have voted "no" on rollcall vote No. 334, the Hostettler Amendment, and "aye" on rollcall vote No. 335, final passage of H.R. 2658.

GARNER E. SHRIVER POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1761.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1761, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 336]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis

McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Burns
Cox
Cramer
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin
Schakowsky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). There are 2 minutes left in this vote.

☐ 1935

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1063

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors for H.R. 1063.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO NORMA KIPNIS-WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I stand before the House today compelled to share the inspirational story of a most extraordinary constituent. At 75 years of age, Norma Kipnis-Wilson remains a dynamic philanthropic force in the wonderful Miami-Dade County community which I am proud to represent. Norma fondly recalls making flower wreaths for the USO during the Second World War, and in her own words reflects, "I have always been an activist. I am a patriot, greatly influenced by my being born on the 4th of July."

A native of Jacksonville, Florida, Norma came to Miami in 1959. She studied at the University of Miami and later worked as a stockbroker and real estate agent. Although always involved in service, she entered the business world more out of necessity. After gaining financial security, she drove right back into her lifelong passion, extending a caring hand to those less fortunate.

According to Norma's daughter, Deahni Kipnis, philanthropy runs in her blood. In the late 1970s, Norma pioneered gender equality on the University of Miami's campus by breaking into that institution's male-dominated board of trustees. "It was wonderful to be a part of this change," she recalls. Deahni feels very grateful to her mom and remembers her mother's advice. "Don't ever learn how to type or take shorthand." In Deahni's own words, "She is a very forward-thinking, modern woman."

Norma's son, Dr. Douglas Michael Kipnis, adds, "It is a great honor to know that your mother was a pioneer in women's equality."

Deahni, considering her mother's struggle for female ascendancy, recalls an instance when she observed Norma sitting with a female Jackson Memorial Hospital nurse. Deahni promptly declared, "You're sitting in the presence of a legend. Your life is easier today because of the work my mother has done."

After her work at the University of Miami, Norma focused her attention on Jackson Memorial Hospital, serving as the chairman of the board of the Rape Treatment Center. She is also a member of the board of the Foundation at Jackson, where she raises money for many causes, ranging from the renovation of the Holtz Children Hospital to funding the Breast and Ovarian Cancer Center.

According to Norma's son Douglas, "She works effortlessly for the masses, people she will never see; but she knows that they will benefit from her work."

Striving to better her community, Norma Kipnis-Wilson, with her colleague Rosey Cancella, founded the Guardian Angels, an organization dedicated to lovingly supporting sick kids at the Holtz Children's Hospital. Norma was not content to just sit on a board; rather, she has always tried to make a difference.

In addition to her extensive local service, Norma Kipnis-Wilson has reached out to the international Jewish community as a lifetime contributor to and leader of the Greater Miami Jewish Federation, where she helps foster support and expedites programs for Miami-Dade and Israel. Indeed, Norma has recently been named as a life member of that institution's board of directors. Through her involvement with the Jewish Federation, Norma developed the Lion of Judah pin, which signifies outstanding generosity.

Considering the Lion of Judah to be her greatest contribution, Norma marvels at how her idea has become a benevolent global sorority, over 7,000 strong, helping to raise millions of dollars every year.

According to Norma's son, Captain Daniel Carlin Kipnis, "I have to credit her with my becoming a moral person." This is just one example of Norma's far-reaching influence, an influence that has helped better many lives and has inspired many others to adopt the cause of community service as their own. In the words of her lifelong friend, Roxcy Bolton, "Norma cares about the human race and cares about Israel."

Norma is also a tough survivor, recently triumphing in her battle against cancer. Never complaining about her pain, she continued to attend board meetings at Jackson Memorial Hospital throughout her chemotherapy and radiation treatment.

Norma Kipnis-Wilson is a remarkable woman who has had a profound effect on her immediate community and, indeed, on the world. In addition to her legacy of uncompromising perseverance in the face of obstacles, Norma encourages the young people of today with a challenge: Care about others as much as you care about yourself.

Mr. Speaker, I want to congratulate Norma and her entire family for their selfless contributions to our community.

BIOTECHNOLOGY RESEARCH AND DEVELOPMENT IN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate the opportunity to be here tonight, and I want to especially thank my good friend, the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Congressional Black Caucus, as well as the gentleman from New Jersey (Mr. PAYNE) for bringing us together tonight to talk about Africa.

The United States' focus on Africa has been sporadic at best, despite our extensive ties to the continent. I strongly believe that our past, present, and future is closely intertwined with Africa.

□ 1945

The United States is the leading foreign investor in Africa. Last year the total U.S.-African trade approached $30 billion, and America is Africa's largest single market. Over 30,000 Africans study in America today, and we have almost 35 million citizens of African descent.

Mr. Speaker, it is estimated that about 200 million people in Africa are chronically hungry. At least 25 percent of the world's undernourished people live in this region. Millions of Africans, mostly children under the age of 6, die every year as a result of hunger. Since becoming a Member of Congress, I have visited Africa a dozen or more times and have seen both the continent's problems and its promise. From Zimbabwe to Kenya, Gambia to Cape Town, I have been both saddened and inspired.

Just 2 weeks ago, I met with the Gambian President, A.J.J. Jammeh, in my office, and we spoke about how our nations can work together to promote economic reform, end conflicts, and build sustainable peace. We also discussed our partnership against crime and terror, which know no borders. I welcome the President's courage and farsightedness in supporting the democratic institutions and accountable government. There is an opportunity to build a true partnership between the United States and Africa, to leave behind the attitudes and habits of the past and seize opportunities to work together to achieve our shared goals.

I pledge to work to return American assistance to Africa to its past high levels. I join my Congressional Black Caucus colleagues in making the case to the American people that Africa's peace and well-being are closely bound to our national interests, whether fighting crime and terrorism or promoting exports and trade. The fight against poverty and underdevelopment is a critical part of our struggle of democracy and stability in Africa.

I am a passionate believer in the power of biotechnology to boost food production and fight hunger in this developing world. I know that the African continent is in special need of agricultural biotechnology, including transgenic crops. I believe that biotechnology is an indispensable tool that can produce dramatic benefits in food production on the African continent.

Biotechnology research has the potential to help the nations of Africa increase food security and improve the quality and nutritional content of food. Additionally, biotechnology can also improve the health of citizens of developing African countries by combating illness. Substantial progress has been made in the developed world on vaccines against life-threatening illnesses. Unfortunately, infrastructure limitations often hinder the effectiveness of traditional vaccinations methods in several developing nations.

For example, African clinics sometimes lack the electricity necessary to properly refrigerate and store vital vaccines. Even if a health clinic is able to effectively deliver the vaccines, the cost of multiple needles may hinder vaccination efforts. Additionally, the improper use of hypodermic needles can spread HIV, the virus that causes AIDS. Biotechnology offers the prospect of orally delivering vaccines to immunize against life-threatening illnesses through agricultural products in a safe and effective manner.

Mr. Speaker, during the 107th Congress we successfully created a competitive merit-based grant program at the National Science Foundation to conduct bio genome research on crops that can be grown in developing countries. I strongly believe this program can make invaluable contributions to the fight against hunger, malnutrition, and disease by providing research grants to the U.S. institutions and scientists in developing countries to address their agricultural challenges.

It is my hope that trade disputes between the United States and the European Union and the African countries do not prevent this promising technology from benefiting ordinary Africans who face ongoing food shortages due to agricultural challenges such as pest, drought, and disease. Indeed, the continent may be able to reduce dependency on food aid and increase self-sufficiency through increased investment in generic engineering.

We cannot hope to combat poverty without winning the war on HIV/AIDS. The HIV/AIDS epidemic has killed more people than all of the wars of this century combined, and it will leave 40 million children homeless and orphaned by the end of the next decade. The way to beat AIDS is not to ignore or deny it, but to actively prevent it. Countries such as Uganda and Senegal that have faced the threat squarely have begun to see reductions in their infection rates.

However, in order for these reforms to take place, Africa must have sustainable stability and peace. I have said repeatedly that our involvement in peacemaking in Afghanistan and Iraq, East Timor and elsewhere around the world is not an excuse for inaction in Africa. It is a challenge to do better. Crises in Congo, Liberia, or Sudan are serious roadblocks to the way of Africa's development, and ending them will be crucial to securing long-lasting prosperity.

One of the areas where the international community must improve is in developing the resources of our African partners—so that we can move together, quickly and effectively, to prevent and respond to crises.

Mr. Speaker, there is an Arab proverb that says, "He who drinks of African waters will drink again." Africa is too big to ignore, and too rich and too important to be the object of our pity. Africa matters. We will drink, and drink again.

Africans will determine their own fate, but our help can make a difference. Our support for democracy, conflict resolution, market reform and sustainable development—these policies serve our national interest and help give Africa hope.

LEAVE IRAQ TO THE IRAQIS

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, it seems that every day we read about a young American soldier being killed in Iraq. Three were killed in a 24-hour period from Sunday to Monday. In its November 25 issue, "Fortune" magazine, long before the war started, said an American occupation would be "prolonged and expensive" and that it "could turn U.S. troops into sitting ducks for Islamic terrorists."

Unfortunately, this prediction has turned out to be deadly accurate. This past Saturday, the top of the front page of The Washington Post had a headline reading "Attacks By Iraqi's Growing Bolder." The next day a young American soldier was shot in the head at point blank range as he stood in line to buy a soft drink.

A few days ago, the leading Shiite cleric, the most respected figure of the largest population group in Iraq, demanded that the U.S. get out and leave Iraq to the Iraqis. It is so politically correct today and sounds so fashionable and intellectual to say that the U.S. will have to be in Iraq for several years and that it will not be easy and that we must be prepared for the sacrifice and the difficulties ahead.

Well, someone should ask why. Saddam Hussein was a very evil man, a tyrant, a dictator; but his total military budget was only about two-tenths of 1 percent of ours. He was no threat to us, as this 3-week battle, with almost no resistance, proved. Our military did a great job, as we all knew they would. Now we should bring them home.

President Eisenhower, as everyone knows, was a retired Army general, a graduate of West Point. He loved the military. Yet he warned us as strongly as he possibly could against what he call the military industrial complex. Pressured by this complex, we have now spent over $100 billion on the operation in Iraq. The Congressional Budget Office originally estimated that a 3-month war followed by a 5-year occupation would cost us at least $272 billion. Most estimate that we will stay in Iraq for 5 to 10 years, at a cost of 200 to $300 billion, or more. And because we already face a $400 billion deficit for this year, and hundreds of billions more in the years ahead, we will have to borrow the money to do all this. Once again, we should ask: Why?

Already we have had demonstrations by Iraqi soldiers demanding back pay, and similar demands from Iraqi retirees. Why should Americans taxpayers borrow hundreds of billions to pay the Iraqi military or Iraqi retirees to rebuild Iraq? We are jeopardizing the futures of our children and grandchildren. I believe our Founding Fathers would be shocked if they knew what we were doing today.

I remember reading a few years ago in the Washington Post that we had our troops in Haiti picking up garbage and settling domestic disputes. Later I read that we had our troops in Bosnia building latrines and giving rabies shots to Bosnian dogs. I have nothing against the people in either Haiti or Bosnia, but they should pick up their own garbage and build their own toilets.

Now we are told that the military will build or rebuild 6,000 schools in Iraq and give free basic health care to any Iraqis who need it. We will stay in Iraq for many years, at great expense to U.S. citizens, because several large multinational companies will benefit from large contracts there. We will stay there because all the pressures and money and power and glory within the Department of Defense, the State Department, the National Security Council, and our intelligence agencies are to continue to do more and more in other countries.

These people are not seen as world statesmen and men and women of action unless we get involved in every dispute around the world. They never debate or discuss the merits of all this; they just label all opponents of an interventionist foreign policy as isolationist. However, whenever anyone uses this term, they are simply resorting to mindless name-calling.

Now I suppose we are going into the chaos in Liberia, as we have Haiti, Rwanda, Somalia, Bosnia, Kosovo, Iraq, and Lord knows where next.

What we really need are more Calvin Coolidges, more people in government who believe in a humble foreign policy. None of these countries were any threat to us. Should we now change the name of the Defense Department to the Department of Foreign Aid or the Department of International Social Work?

I believe in and have always supported a strong national defense, but I do not believe in massive foreign aid. Most of our foreign adventures are creating great resentment toward the U.S. around the world.

The Iraqi people may have hated Saddam Hussein, but they do not want Americans or our puppets running their country either. They have humongous oil wealth. Let them rebuild their own country. The only Iraqis who want us to stay there are the ones we are paying or who believe they can get money from us in the future.

Our first obligation should be to America citizens, and the lives of American soldiers should be precious to us. Let us bring our troops home before more and more of them are murdered. We can be friends with the Iraqi people without making our soldiers sitting ducks for Islamic terrorists.

Mr. Speaker, let us leave Iraq to the Iraqis.

PAYING TRIBUTE TO TOMAS SOTELO, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise to pay a posthumous tribute to Tomas Sotelo, Jr., one of the fallen sons of the 18th Congressional District in Houston, Texas, whose funeral today was commemorated and celebrated by his family and friends and by the city and by those who loved him.

Tomas Sotelo, Jr., Army corporal, lost his life in Iraq on June 27, 2003, fighting for the values and virtues of this Nation. This young man, barely 21 years old, lost his life in battle. Today was his funeral at his beloved Reagan High School, and I had the honor of saluting him at that service.

But more than that, I think it is appropriate to come today to raise up this young man for he was well admired and respected. In getting to know his family during this very troubling and trying time, I can say they love this country; and this family gave the ultimate sacrifice, their loving baby son.

Corporal Sotelo is immediately survived by Mr. and Mrs. Tomas Sotelo, Sr.; his brother, Jose; and his sisters, First Lieutenant Flor Lopez and Erica. Sitting in their living room, I got to know the family and heard them talk about the love and friendship and fellowship that this family engaged in. I heard the mother tell me that she had spoken to her son just 3 days before his death, that he always told them that he missed them and he loved them. He was never far from their hearts and minds.

Mr. Speaker, it is important that we be reminded as we stand in this body that we have an obligation to those young men and women who now are in Baghdad. We have an obligation to them to be reminded of their willingness without question to give the ultimate sacrifice, and we owe them not only the tribute and salute on the day of their death and funeral, we owe them a tribute as we conduct ourselves in determining the future that holds for this country and for Iraq.

I am told by Tomas' friends that he was a person of great humor, always lively and always engaging in some activity to make people smile or laugh. He loved Reagan High School, and graduated in the year 2000. He was a member of the ROTC. Let me say how proud I was to be able to have worked with the family to hold his funeral ceremonies at Reagan High School. I thank the Houston Independent School District for their courtesies in making every arrangement for that to be possible today.

□ 2000

Let me acknowledge his grandparents, who traveled more than 24 hours by bus from Mexico to be with his family. And let me acknowledge the fact that though this family may not have had its original origins in this Nation, they stand equal to any of us by having given the ultimate sacrifice, the loss of their young and their most beloved son.

So, Mr. Speaker, it is with great humbleness, great sorrow that I express on behalf of the United States Congress our deepest sympathy, for on this day there are conflicting emotions, the emotions of having lost its fallen son and hero, a recipient of the Purple Heart and Bronze Medal for his heroic achievements, and, of course, the ultimate sacrifice. And yet I stand here representing the fact that this young man, this Army corporal, Tomas Sotelo, Jr., was a hero of the 18th Congressional District of the State of Texas and, yes, the Nation. And might I say as he was a member of the Howitzer Battery, Squadron 2, Armored Cavalry Regiment from Fort Polk, Louisiana, that as he lays with the angels, we will not forget him, and we will simply thank him and bid farewell to this young man, dying in the prime of his life, being reminded that we will never forget him and that we will continue to thank his family for the ultimate sacrifice that they made.

Might I say, Mr. Speaker, in closing that he remains a true American hero, and we will tell his story over and over again so the young people of his high school will know that a hero walked this way.

Mr. Speaker, I rise today to pay tribute to Army Corporal Tomas Sotelo, Jr., a hero to the people of the 18th Congressional District of Texas and to the people of the United States of America.

Corporal Sotelo died last week while valiantly serving his country in Operation Iraqi Freedom. Corporal Sotelo served his country as a member of the Howitzer Battery, 2nd Squadron, 2nd Armored Cavalry Regiment, from Fort Polk, LA. Corporal Sotelo is also a cherished resident of Houston, TX.

Since his days as a youth in Houston, Corporal Sotelo has been dedicated to serving Americans as a member of our uniformed services. He was a member of the Reserve Officers Training Corps at Reagan High School in Houston, TX, where he received his high school degree. Dedicated service runs deep in the Sotelo family. Corporal Sotelo's sister is a First Lieutenant in the Armed Services as well.

As with every brave member of our military who has died in service to our country, the United States of America owes Corporal Sotelo an immeasurable debt of gratitude. His willingness to put himself at risk to create a world of peace will never be forgotten. He made the ultimate sacrifice by giving his life in service to our Nation during Operation Iraqi Freedom, and he has contributed immeasurably to the freedom and security of both Iraq and the world.

Corporal Sotelo epitomizes the best of the United States of America—bravery, selfless service, dedication, and honor. Corporal Sotelo possessed all of these attributes, and many more, in abundance. Corporal Sotelo's life and sacrifice should be celebrated by all Americans, and his contribution to this country should be remembered always. He will truly be missed.

To the family of Corporal Sotelo, I extend my deepest condolences and sorrow at the loss of their loved one. The memory of his bright life will remain an inspiration to all of us.

So today, Mr. Speaker, I ask every Member of Congress, and every American to join me in paying tribute to the life and courage of Army Corporal Tomas Sotelo, Jr.—a true American hero.

SOCIAL SECURITY'S COMING CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I rise today to talk about Social Security's coming crisis. The actuaries and trustees of the Social Security Administration have long understood, at least for the last 15 years, the challenges facing our Social Security program. With the impending retirement of the large baby-boom generation starting around 2012, there will be a shift in the proportion of workers paying into Social Security compared to those retirees drawing benefits. As a result, there will not be enough money as benefits going out will exceed taxes coming in by about 2015.

Recently I met with White House staff and political director Karl Rove to encourage Presidential leadership and Republicans and Democrats in Congress to deal with the coming crisis. It is easy to put off. There is even a greater need to face up to the Social Security problem now with the probability of more money being spent for a very expensive prescription drug benefit that probably is going to be added to Medicare.

Let me talk about what is happening to the population 65 years old and older. It is going to increase from currently 37 million today to 75 million in 2035 and to 95 million by 2075, so a huge increase in the number of retirees while the birth rate is going down, so fewer workers to pay their in taxes to cover those benefits. This population will grow much faster than the workers due to increased life expectancy for seniors and lower birth rates. Because Social Security is a pay-as-you-go system, with workers' payroll taxes going immediately to pay benefits to seniors, these demographic changes are going to lead to the program's insolvency in a little over 10 years unless something is done.

The options for Social Security are straightforward, I think. We can increase payroll taxes, which are already too high. Seventy-five percent of American workers now pay more in the payroll taxes than they do the income taxes. We can cut benefits, or, instead of using all the extra money coming in now from Social Security taxes for other government spending, get a real rate of return on payroll taxes we already collect.

It is obvious, to me at least, that the last option is best, but it cannot work unless we give money time to grow with interest. If we wait another decade to act, there will be no choice but to take drastic action.

I have introduced my own reform proposals in each of my last five terms in Congress. They have been based on slowing down the increase in benefits for high-income retirees and having a real rate of return on some of that extra money coming in. I am working on the final aspects of this year's bill, which I plan to introduce in the next 2 weeks, and as I finalize provisions to make the system more fair for women in this bill.

One thing I have learned over the last decade is that time is running out for reasonable solutions. As I have introduced each new bill in each new session of Congress, the way to solve the problem has been more drastic as we have been giving up the extra funds coming into Social Security that are dwindling, that are running out. It is this situation that gives me such a sense of urgency to act so we can avoid burdening our children and grandchildren with more debt, more taxes, and a failing Social Security system.

Many people are concerned that a Social Security system with worker-owned accounts is unsafe because people might invest poorly or lose their savings. I have studied the problem as chairman of the bipartisan Social Security Task Force and think that investments can be limited and protected as they have been in other countries such as Britain, Australia, New Zealand, Chile. My bill requires the government to start paying back what has been borrowed from the trust fund, and that current payroll taxes go someplace safe, earn interest and end up keeping Social Security solvent.

In conclusion, Mr. Speaker, government officials here in Washington need to act on Social Security, but they are too often focused on the next election to deal with problems that are still a decade away. The truth is that Social Security is headed for a cliff, and if we begin to turn and slow down now, we can avoid it smoothly. If not, a panicky swerve and screeching brake is coming. Let us avoid that. Let us stand up to our responsibility and deal with Social Security.

AFRICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE. Mr. Speaker, we are members of the Congressional Black Caucus here tonight, and we stand here tonight to speak on the state of Africa as the first day of President Bush's trip concludes. The President's trip shows a level of commitment that surprised many of us when we read in the newspaper that he was intending to visit Africa, but African journalists recently said Africa appreciates the words, but is awaiting the deeds.

Many people have written Africa off as a place that has too many grave problems, and that it is irrelevant to the United States' interest. Indeed, there are still a lot of people whose views of Africa are certainly limited by disasters and civil wars. However, engagement with Africa is a vital U.S. interest. From the war on terrorism to the supply of critical resources, from the campaign against threatening diseases to the opportunities for economic trade and investment, Africa is a global player. We ignore the continent at our own peril.

If we had paid a little more attention to Africa and Sudan, where Osama bin Laden lived from 1993 to 1997, recruiting and planning the al Qaeda movements that terrorized our U.S. Embassies in Kenya and Tanzania and then went on to organize the Taliban and to have havoc wreaked through Afghanistan, if we had paid attention to Africa, if we had looked at some of the requests for us to intervene in some way by assisting John Garang and the Sudanese Liberation Movement with trucks and telephone equipment and other things they were appealing to, perhaps Osama bin Laden would have been put out of existence, because the liberation movement from John Garang and his organization could have defeated the Khartum government which gave haven to Hamas and to al Qaeda and many of the other terrorists. By our ignoring Sudan, where 2 million persons have died and 4 million have been displaced, where food has been used as a weapon, if we had decided that that was an important country for us, then we perhaps could have avoided many of the things that we see today as our soldiers are in harm's way in Iraq and we continue to move through Afghanistan and Africa towns.

I will talk briefly between our speakers, but I do want to quickly bring focus to our main concern, my main concern tonight, and that is the situation in Liberia. On July 2, I wrote a letter to our Secretary of State and a week before that had the opportunity to be in his presence and asked the Secretary of State if attention could be given by the Bush administration to the country of Liberia. First of all, the Liberians have been asking us to come in and assist. People are in the streets with American flags and signs asking President Bush and Secretary of State Colin Powell to come to their aid, and people are saying, why should we be concerned about Liberia? There are 50 sub-Saharan African countries on the continent. Why should we be concerned?

I think many of our citizens in this country and it appears many of our lawmakers in the House and in the Senate have no knowledge at all of where Liberia's beginning came from. It was in 1822 that President Monroe, the Monroe document, President Monroe said that we should have a return to Africa movement and free black men. Many people have the opinion that these were simply illiterate slaves, ex-slaves that went to Liberia, but these were free men, some slaves, but free men, lawyers and businessmen, who went to Liberia to start that country in 1822. And in 1847, Liberia became a republic, started by African Americans who returned to Africa, to Liberia, to start this republic.

Their Constitution was based after the United States Constitution. Their laws were based on laws of the United States of America. There were very strong ties between the United States and Liberia. In World War II, the West African country allowed American troops to be positioned on their soil. Again during the Cold War Liberia was an important ally when it served as a leading U.S. base for intelligence activity against Moammar Ghadafi of Libya and other threats to the United States. Even Samuel Doe, even though he came to power in a bloody coup, the United States in the midst of the Cold War supported the government because Liberia served such a great interest to the United States during World War II when the Pacific region was cut off for rubber supplies. Liberia with Goodyear Rubber Company that had been established in Liberia for decades, for perhaps close to a century, Liberia was there to help the U.S. war effort.

So when people say why should we go there, there are many problems around. We should go there, and the reason that the British have asked us to intervene, the reason that President Kofi Annan of the United Nations have said the United States should lead a peacekeeping force, these are because Liberians, the world, look at the United States as the power that could come in and change the situation.

□ 2015

So I wanted to give that brief background of the country of Liberia and to say that is why this particular country is different, if we want to remove ourselves from other countries in Africa.

As I conclude my portion and will yield to the chairman of the Congressional Black Caucus, I would like to say that in Sierra Leone currently the British went in. They went in and they prevented the RUF, the terrible group that terrorized people in Sierra Leone, the British went in, because that was a former colony of theirs, and they made peace; and now Sierra Leone is on a peaceful track.

In Cote d'Ivoire, the French troops went in several months ago because of disorder there, and they have saved thousands of lives and are still there.

Just last week, the French, British and Belgian troops went into Eastern Congo, the city of Bunia, where there had been a civil strife between two ethnic groups. The French came in and said that this must stop, we are coming in; we give you 3 days to get out. And they have saved thousands of lives just last week.

So why the United States? Why Liberia? We are in Iraq right now and are receiving a terrible time. It is because we are being asked. President Taylor said he will step down, he will leave the country. We could really save lives there. It is a totally different situation.

With that, it gives me a great deal of pleasure to yield to the chairman of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS), who has done an outstanding job in his chairmanship of the Congressional Black Caucus, bringing us to the floor on every important issue to America in general and African Americans in particular.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding. I want to also thank the gentleman for his leadership. It is no doubt, Mr. Speaker, that the gentleman from New Jersey (Mr. PAYNE) is by far the most expert in the Congress on Africa and international affairs. His expertise certainly extends to Europe, Asia, Latin America and the Caribbean, just to name a few places around the world. His expertise is invaluable; and he is a very, very valuable asset to both the Congressional Black Caucus and this Congress.

I have often said of the gentleman from New Jersey (Mr. PAYNE) that so often people, Mr. Speaker, determine their response to a crisis by whether they will be uncomfortable. The gentleman from New Jersey (Mr. PAYNE) consistently travels around the globe, not concerned about his comfort, but more concerned about the comfort of those he touches. So I want to thank the gentleman for leading our discussion this evening.

Mr. Speaker, I am pleased to come to the floor this evening to discuss the state of Africa. Africa deserves and America needs a real strategic alliance with the continent of Africa. It is in the national security of the United States for us to have a strategic alliance with this great continent.

Just some brief facts: Africa is the second largest continent in the world, behind Asia. There are 54 countries in Africa. The population of the continent exceeds 770 million people.

Mr. Speaker, the economic potential and the natural beauty of the continent is extraordinary. Just this past May, Mr. Speaker, several members of the Congressional Black Caucus visited the nation of Nigeria on the West Coast of Africa. These distinguished members included the gentleman from New Jersey (Mr. PAYNE), the gentleman from Louisiana (Mr. JEFFERSON), the gentlewoman from Michigan (Ms. KILPATRICK), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from Florida (Ms. CORRINE BROWN), and the gentleman from Florida (Mr. MEEK). Although we mainly went there to attend the presidential inauguration of the Nigerian President, Obasanjo, we gained some valuable insights from our visit.

The people of Nigeria admire the people of the United States for how our democracy works. They also admire our form of government. As such, they expressed shock regarding the controversies surrounding the 2000 Presidential elections. They also noted their disappointment regarding the gradual decline in civil liberty protections post-9/11. In this regard, many of these citizens and government officials pleaded with us to defend the true meaning of our democracy because, as they put it, the best way to impact the world is through what America stands for, not by using our unilateral force as the world's only superpower.

But this feeling is not just present in Nigeria. The many countries of Africa, 54 in all, their governments and the people of Africa are looking to the United States for leadership and a real partnership. They do not just want rhetoric.

Contrary to what many people believe, the people of Africa do not want aid or a handout. What they want is opportunity for a level playing field from the United States, Europe, the World Bank and the International Monetary Fund as they pursue economic progress.

For many countries, the overwhelming financial debt from loans that were in some cases misused by governments in Africa is now stifling the economic progress of these countries. The payments on these debts are also diverting significant funds away from infrastructure improvements, education and other health needs for the people of Africa.

Through all of this, though, Mr. Speaker, the people of Africa are cautiously hopeful about the future. The African Growth and Opportunity Act, AGOA, legislation that was signed into law by President Clinton, embodies the philosophy that the United States, as the world's largest and most technologically advanced economy, can and should do more to contribute to Africa's economic development. It is one of the most significant pieces of legislation on Africa to be enacted into law in many years. Now the continued implementation and expansion of AGOA offers our country an opportunity to consider how this Nation can construct a comprehensive African policy that will facilitate Africa's success in the 21st century.

Before I close, Mr. Speaker, I must mention the issues of conflict resolution, hunger and disease in Africa. Quite simply, Mr. Speaker, the violence and civil war that has torn so many countries apart, displaced hundreds of thousands of families, killed countless others, and, in my opinion, is one of the biggest impediments to progress on the continent, must end. The people and governments of Africa need to know that it is difficult to make progress if we do not have an end to war and an end to violence.

The United States also has a role and our government and State Department should put forward every effort to help bring an end to the wars and conflicts that trouble so many African countries. The Congressional Black Caucus will also continue our efforts in this regard.

I agree with the gentleman from New Jersey (Mr. PAYNE); and I applaud him for all of his efforts over the last several years with regard to Liberia, and wholeheartedly support his opinion and his conclusions that we must have peacekeeping forces from the United States in Liberia.

With regard to hunger, the Congressional Black Caucus has been at the forefront of advocating for hunger relief efforts all around the world, and we will continue to press the issue. In a world with plenty of food for everyone, we have a moral obligation to feed those who are hungry. I am so honored that our former colleague, Congresswoman Clayton, has continued her battle against hunger around the world since leaving the Congress at the United Nations Food and Agricultural Organization in Rome.

Finally, Mr. Speaker, the medical diseases. HIV/AIDS, malaria, tuberculosis and countless other diseases that plague millions of Africans must be addressed. The Congress, following years of advocacy by the Congressional Black Caucus, passed what I would characterize as a 5-year, $15 billion down payment toward addressing these diseases in Africa. Now we must actually come up with the actual funding to make this commitment a reality. The world is watching, and we must provide the resources to eradicate these diseases.

So, Mr. Speaker, I call on this Congress and this country to renew our commitment to working with the people of the great continent of Africa for our mutual benefit. As I have said, it is in our national security and our strategic interests for the continent of Africa to succeed and prosper in our global community.

I also take a moment, Mr. Speaker, to thank all the members of the Congressional Black Caucus who have taken time out tonight to express their feelings about Africa and for their hard work over and over and over again, giving their blood, sweat and tears to lift up the people of Africa.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from Baltimore for those remarks. As he has indicated, for example, in 2002, the United States exports to Africa totaled over $5.8 billion, while the U.S. imported over $18 billion from Africa, more than all of the USSR put together, including Russia. So many people do not realize the importance of Africa to the U.S.

While oil is clearly a source of U.S. interest, it is also something that must be dealt with closely and carefully as we discover new finds of oil. The Chaad Cameroon pipeline, in addition to Nigeria and other places in Africa, 16 percent of U.S. consumption of oil comes from Africa today; and it will grow to 20 percent in the next 5 years. It may exceed the point of being one-fourth, or 25 percent, of oil imports. So Africa is extremely important to the United States.

Mr. Speaker, at this time I would like to yield to the gentlewoman from Florida (Ms. CORRINE BROWN) who 2 weeks ago helped organize a rally of Liberian Americans here and has been very vocal on the issue of Liberia.

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me first of all thank the chairman of the Congressional Black Caucus for his leadership on African issues and particularly on this Liberian issue; and let me thank the gentleman from New Jersey (Mr. PAYNE), who has been one of the leaders in the Congressional Black Caucus and Chair of our African subcommittee, for his leadership.

The Bush administration sent troops to Iraq, for, so they claim, so they claim, humanitarian reasons. Our troops went over there to alleviate the suffering of the Iraqi people, to liberate the Iraqi people from a tyrant, to bring justice to the people of that nation, so they claim.

At this very moment, leaders in the United Nations, leaders in various African nations, members of the Congressional Black Caucus, members of the human rights community worldwide, are pleading with the President to send peacekeeping troops to Liberia. Yet the President set off for Africa without any intentions of even visiting Liberia and without bothering to consult with members of the Congressional Black Caucus about his trip, many of whom have worked on issues pertaining to Africa for decades.

As you know, Liberia has always been a faithful ally of the United States. Both nations share close historic ties. Liberia in fact was founded by free slaves from the United States in 1820. The capital, Monrovia, is named after a United States President, James Monroe.

Unfortunately, the situation in Liberia has turned chaotic. Non-emergency staff at the United States embassy were evacuated when fighting broke out in the capital between government troops and rebels. Hundreds of Liberians have been killed and thousands have been wounded. The fighting is not over. Tens of thousands of others have been driven from their homes and aid workers say that up to 1 million Liberians may end up displaced.

This recent conflict is nothing new. This is a country that has been suffering from civil war for years. About 200,000 Liberians died in fighting during 7 years of war in the 1990s. We have been successful in drawing attention, thanks to the leadership of the Congressional Black Caucus and others, both nationally and internationally.

The CBC has been strong in its efforts to encourage the Bush administration that the United States play an active role in the conflict in Liberia, especially before it spreads to other nations in West Africa. We do not want this fighting to spread to other West African countries.

Let me repeat that. Liberia is now making headlines in newspaper and TV news across the country, making people around the United States aware of the conflict and forcing the administration to put it on their radar screen. Recently the U.N. secretary asked the U.S. to play a bigger role. African countries and others have pledged up to 3,000 troops if the United States helps out.

On all borders of Liberia, the Europeans are showing that peacekeeping missions can be successful. Clearly, our Nation plays an influential role in world politics. We saw that many times in the past and recently in Europe. And, remember, the State Department, when they argued for intervention for a European country, they always say it is for humanitarian reasons.

□ 2030

We do not want it to spread to other countries. So why should Africa be given the same treatment? The situation in Liberia is critical, and this is a perfect time for the United States to play a leading role in bringing about an end to the misery and suffering of the Liberian people.

In closing, my favorite scripture is "To whom God has given much, much is expected." We are expecting that the administration will come forward and help the suffering Liberian people.

Mr. PAYNE. Mr. Speaker, I thank the gentlewoman for her continued support.

Democracy is moving through Africa. Mr. Speaker, 1990 saw the spread of democracy in many African countries once dominated by military dictators. As the chairman of the Congressional Black Caucus indicated, many of us recently went on May 29 and spent several days in Nigeria to see the reelection and inauguration of President Obasanjo. It was Moshood Abiola that started the democracy movement, but it took General Abubakar to say, the time is up, and now we saw the election of President Obasanjo.

We saw in Zambia's recent elections where the former President and member of the same party as the new President was elected, who said he wanted the courts to look into the books to see whether the former President had run the country legally, and has now had an indictment on the former President Chiluba to look at the books to see if there was illegal activities.

This is a new breed of African leaders. In Ghana, the popular President Rollins stepped down after two terms. He could have run again and probably gotten reelected. President Moya, after many years being the Vice President under General Uhuru Kenyatta during the first movement of the Mau Maus in Kenya where colonialism was fought, stepped down. And, as a matter of fact, the grandchild of former President Kenyatta was the candidate and supposedly was supposed to win as a member of the Kenya Party. However, he was defeated because people wanted a new life, and it went on well. In South Africa we saw Mr. Mandela change from a white majority government.

So there are successes in Africa. In Timbuktu in Mali we have seen great strides going on. So we hear about the negatives, but so many positive things are happening, and that is why it gives me great pleasure to continue our Special Order. We will hear now from the gentleman from Illinois (Mr. DAVIS) to have his comments.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding. I also want to commend the gentleman from Maryland (Mr. CUMMINGS) for the tremendous leadership that he continues to display as he projects thoughts, ideas, and helps to focus the activities of the caucus.

I would agree with the gentleman from New Jersey that Africa is indeed changing, and that change is seen throughout the continent in many places that one goes. But even as the changes occur, problems have been so profound and so severe until it is difficult to stabilize, it is difficult to have the kind of economy, it is difficult to have the opportunities to grow and develop, and that is one of the reasons why we continue to have instability, one of the reasons why we see the inability to shape governments and hold those firmly in place.

I would also agree with my colleagues who have suggested that if we can spend much of our time, energy, and effort trying to make sure that there is a world order with peace and security, then the African continent is one of those places where our resources and our efforts are needed most.

Yes, I am in agreement that we need to intervene in Liberia, and we need to do it immediately. We need to do it now. We need to make sure that there are peacekeeping forces. We also have to make sure that we do it with a level of sensitivity, that we do it with a level of humaneness, that we do it in such a way that we do not overshadow, overpower; and that we make sure that the local indigenous people have control of the operation and further development of their government, and that they continue to be liberated and be able to produce for themselves the kind of government and the kind of governmental structures that they find desirable.

So, I say to the gentleman from New Jersey, I am pleased to have been able to join with him and other colleagues to come and simply say that the time is now. It is critical that intervention must come immediately before things escalate and before they reach other countries surrounding Liberia. So I thank the gentleman again for his tremendous effort and for his leadership.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from Illinois for his long years of government service in the great State of Illinois, and we look for his continued support.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE), a real fighter on HIV and AIDS, and a person who has served as an aide to the former Congressman and took over from Congressman Dellums and made her own footsteps; smaller feet, but very pronounced footsteps.

Ms. LEE. Mr. Speaker, I thank the gentleman and commend him for his consistent leadership, his vision and his real purpose as a Member of Congress in terms of really making sure that this Congress understands the connection between our United States foreign and domestic policy, especially as it relates to Africa.

Mr. Speaker, as we have been discussing Africa this evening, I am reminded now of the first day that the President has had in Africa. Now, let me just say, I believe it is always helpful when the President of the United States really visits neglected parts of the world, especially Africa. So I am glad that he finally made it.

Now, one of his first stops on this trip today was Goree Island off the coast of Senegal. It is important, I believe, that the President saw firsthand this real jumping-off point to the murderous Middle Passage. For centuries, millions of Africans were placed in chains and shipped off to generations of enslavement in the United States and elsewhere in the Western Hemisphere, and I am certain the President understands that now. Many of them passed through Goree Island on that very terrible journey. Millions upon millions died along the way. Families were destroyed. Men, women, and children were locked in chains, forced into the cargo holds of ships, and transported thousands of miles to a life of slavery. They were kidnapped, raped, murdered, and sold into bondage in an enormous crime against humanity. The bodies of those who died were tossed overboard as lost cargo.

But these were human beings. On Goree Island, President Bush stood in their footsteps, peered into their cells, and glimpsed the horror that was slavery.

This morning the President denounced slavery as one of the greatest crimes of history and called it a sin, which it was, but he failed to offer an apology on behalf of the Government of the United States that engaged in this deplorable, despicable institution for hundreds of years.

It is extremely important that the President understand the history of slavery. It is also extremely important because the vestiges of slavery are still with us in the United States. On Goree Island, President Bush stated that history moves in the direction of justice. But then I had to ask myself, why does he oppose affirmative action?

So let us just look at the facts for a minute. African Americans' income is lower than that of whites. Black Americans have fewer assets and experience far higher unemployment. Economic injustices have persisted long after emancipation. African Americans, on average, make 95 cents for every dollar earned by whites doing exactly the same jobs.

These disparities in the workplace and on the unemployment line are echoed in the health care system. African Americans are less likely to have health insurance and receive poor health care when they do finally see doctors. As a result, of course, our lives are shorter.

In this country, life expectancy projections are profoundly shaped by race. Racial disparities literally follow a cradle-to-grave cycle, beginning with infant mortality, continuing with workplace hazards and increased exposure to toxins, and ending with disparate access to health care, diagnosis, and medical treatment.

Asthma, one of our latest epidemics, is one more example of racial disparities in health care. Death rates from asthma and a host of other treatable diseases are significantly higher among African Americans than any other ethnic group. African American children are also more likely to suffer from lead poisoning, which can have devastating effects on mental development. More than one out of every four low-income African American children suffers from lead poisoning.

Now, some of these realities are realities that I hope the President really understands while he is in Africa. These are still realities of American life in the 21st century, and these are legacies of past oppression and continuing injustice.

In presenting the Bush administration's arguments to the Supreme Court opposing affirmative action on behalf of the President, Solicitor General Ted Olson called for race-neutral admissions policies. That is because the administration apparently believes we live in a race-neutral society, but that is a dangerous fantasy. It means that the administration is blind to the legacy of slavery in our own country and does not really get what the current ramifications are.

So maybe this visit to Goree Island will help the President better understand the legacies of slavery and racism, both in Africa and here at home. It is my hope that this African trip, short though it may be, will also drive home to the President the importance of following through on his welcomed rhetoric with real dollars. We need him to exert the power of his office to ensure that the HIV/AIDS initiative, the Millennium Challenge Account, and other promises for foreign assistance and development aid will be fully funded. He must support our request for a supplemental appropriation to meet the meager, which is really meager, $3 billion authorization with regard to the HIV/AIDS pandemic.

Goree Island was the start of a terrible journey for our African ancestors. Hopefully, it will be the start of a journey of enlightenment for this American President.

There is an Akan word called "Sankofa." This means that we must go back and reclaim our past so, of course, that we can move forward, so we can understand why and how we came to be who we are today. When African men, women, and children were dragged into the Slave House at Goree Island where the President was today, they went through the door of no return. As the word "Sankofa" evokes, we have to understand that journey.

This President must understand that journey, and he has to understand what destination we have reached in the United States and in Africa, and how far we still have to go.

I close by thanking all of the Congressional Black Caucus members who have come before all of us in this Congress, who help strengthen the bond between Africans and African Americans, who represented the voice of Africans who were left out of the democratic process here in our own country in terms of foreign policymaking. Especially I would just like to thank the great gentleman from the State of Michigan, Congressman Charles Diggs, who not only chaired the Subcommittee on Africa as the first African American Member, but really did provide an opportunity and an avenue for other African American staff and Members to get involved with international relations issues, especially relating to the continent of Africa.

I also want to thank Congressman Ron Dellums and the gentleman from Michigan (Mr. CONYERS), who took risks and fought against racist regimes in South Africa and Namibia and Zimbabwe, even when our own government supported those policies. We must not forget that, because the Congressional Black Caucus has to move forward, and the President must understand that we will not rest until Africa flourishes, and those who came before us really charted the course. Members of the Congressional Black Caucus, if it had not been for them, there would be no foreign policy as it relates to Africa.

So I want to thank the gentleman from New Jersey (Mr. PAYNE) again for continuing with that legacy and for continuing to ensure that our Black Caucus and the entire Congress understands and really begins to come to grips with the fact that Africa matters in terms of our policies and our funding.

□ 2045

Mr. PAYNE. Mr. Speaker, let me commend the gentlewoman for the outstanding work she has done.

Quickly, as I talked about how democracy was taking over, we also have seen Africans step up to the plate, the Egat process led by President Moi has dealt with the problem of Sudan; and the peace accord, even though fragile, has been done by the Egat countries of Ethiopia and Eritrea. South Africa's Nelson Mandela took over from the late President of Niari, from Tanzania, negotiating the Burundi situation where now President Thabo Mbeki has sent peacekeepers from his country to Burundi to see the new transitional government, and it is working.

We have seen Nigerians go into Sierra Leone and into Liberia, taking leadership on their own. And so when we say why is the U.S. in Liberia, it is because of the ties, as I mentioned, the British were in Sierra Leone just recently to save lives, the French in Cote d'Ivoire and in the Congo right now with Belgian troops. The Australians are going into the Somalian islands right now, as we speak, and we are in East Timor because they are the regional powers. No, we cannot go anywhere and everywhere; but I think that with the traditional history between President Monroe, the whole country of Liberia, it is the responsibility of the U.S.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS), who has done outstanding work for many years. We all know her. She needs no introduction.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PAYNE) for his leadership, for his years of commitment to the continent and for the constant effort that he puts forward in this Congress to draw attention to Africa and to try and negotiate funding to help not only this administration but past administrations understand the role we could truly play in helping Africa to become the continent that it could truly become.

Now, Mr. Speaker, the eyes of the world are on Africa. Clearly everyone is watching because the President of the United States is visiting five countries in Africa. We are pleased that the President of the United States has decided to go to Africa. As a matter of fact, the members of the Congressional Black Caucus truly believe that there will never be another President, no matter Democrat or Republican, who can avoid Africa. We are very pleased about the leadership that Bill Clinton provided, and we are proud that this President is following in his footsteps.

We are in a state of confusion about this President and his policies toward Africa. While he is visiting five countries in Africa at this time, it was just a short while ago right prior to his election in a debate that I believe he said something to the effect that we have no strategic interest in Africa and, no, I would not have intervened in the genocide that took place up in the Congo there with the Tutsis and the Hutus. And so we are perplexed by this visit, that comment; but we are pleased also that we have moved this government to the point where this President came forward with significant funding for HIV and AIDS in Africa, and we hope that it gets into the budget and that that funding will become a reality.

We are perplexed by the recent revelations that, in fact, the President made an announcement in his State of the Union that a country in Africa had supplied Saddam Hussein with materials for biological warfare. We now know that that is not true, that that statement was not based in fact. And while we are pleased that the President is providing some funding for HIV and AIDS in Africa, we are perplexed by the statements and the accusation of the President about a country in Africa supplying Saddam Hussein with dangerous materials, materials for biological warfare, and we expect the President to explain that to us.

The President is visiting South Africa, but the fact of the matter is we do not have, as one of the countries in Africa, we do not have an Africa policy. We do not know where the President is going with all of this. Today he gave a stirring speech from Goree. He went to Dakar, to Goree Island where he said he understood what had happened at Goree Island. He understood that slaves had been sold there, that they had been beaten there. They had been housed and stored and stacked like animals there, and that they had gone through the door of no return where many of them were simply just dumped into the ocean because they were sick or too weak to be sold into slavery from that point.

We listened and most of us read very carefully the words in that speech. But we are wondering as we stand here whether the President truly understands that we are the descendents of those slaves that he talked about. We wonder if the President really understands the connection between our work and our history. We wonder if the President of the United States truly has an appreciation for what we have been trying to do for so many years.

Most of the Members of the Congressional Black Caucus have been working on the problems of Africa for years. Long before I came to the Congress of the United States, I was involved, as were others, in trying to dismantle the unconscionable apartheid regime of South Africa. We worked to free Nelson Mandela. There are those who are wondering why Nelson Mandela may not be meeting with the President on this trip. The President certainly needs to get to know Nelson Mandela and understand who he is and where he came from. He needs to understand the struggle that Nelson Mandela was involved in. But he needs to understand why we work so hard to dismantle apartheid in South Africa. He needs to understand why we urge this country not to support Mobutu, not to have a puppet up in the Congo that would dance to the music of the United States and kill his own people.

We tried to get the Presidents in the past to understand why we were opposed to Savimbi that was supported by Reagan and others who were up in the bush causing displacement in Angola. We tried to get them to understand. We visited these places. We have been to Dakar. We have been to Benin. We have been to Botswana. We have been in Zimbabwe and Angola and the Democratic Republic of Congo and Rwanda and many countries in Africa. We understand.

The President of the United States needs to talk to the members of the Congressional Black Caucus. We are pleased that he is now paying attention to Liberia, and we believe that Charles Taylor needs to be dealt with. We do not know if the President is dealing with him in the proper way. And the President does not know whether or not he is dealing with him in the proper way, but he ought to talk with us. Should he be working out an agreement with Obasanjo of Nigeria to give him asylum?

There is a warrant out for Charles Taylor's arrest. He is responsible for working with RUF and the chopping off of the limbs of the people of Sierra Leone and other places. He is responsible for children being soldiers in the war. He is responsible for the rape and the pillage of many people. Should he not have to stand before the bar of justice in the U.N.-supported and -backed court that has a warrant out? Should he be allowed to have asylum and just go off up into Nigeria somewhere with the billions of dollars that he has stolen, the wealth he has reaped from the blood diamonds that came out of Sierra Leone? The President of the United States needs to talk to the Congressional Black Caucus because we understand the complications, and we understand what has been taking place in many of these spots. We would like to engage him on the future of Liberia and what should happen with Charles Taylor. We would like to help this President to build a real policy for the continent of Africa.

Mr. Speaker, we have been working on HIV/AIDS, and we are glad that the President has gotten involved in it and we will continue to do this work. We have got a long way to go.

I have been involved for years in working on debt relief for Africa. Africa needs assistance in many ways, but Africa is rich in resources and talent that needs to be developed by people who have Africa's best interest at heart.

Africa has been exploited, not only in many ways by our own government, by other governments and other countries. Everybody comes to Africa to get a little bit of gold and a little bit of diamonds. Everybody comes for the rich resources of Africa without real thought and planning and work for the development of Africa and the utilization of those resources for the benefit of the people. We can do better.

If this President is not simply reading a speech written for him by others in a photo opportunity, talking about that which he may not really understand, if he really wants to understand what is going on, the President of the United States needs to talk to the members of the Black Caucus. It seems to me that if the President can go to five African countries and talk to Africans about what is going on in Africa, he ought to be able to talk about the descendents who are here in the United States, who are just a few blocks away from him that he refuses to meet with. Yes, some of us are concerned about why the President has not engaged us in any discussion.

I do not believe that the President would travel to Israel, would take actions on Israel without speaking with the Jewish Members of the Congress of the United States of America. We need to talk with the President not only about what he is doing in Liberia, but about the future of that continent and about the possibility, about the importance, yes, there is oil, and, yes, there should be the kind of trade relationships that would help us to benefit from some of those natural resources and oil so that we are not dependent just on one section of the world. But this will never happen unless we go to the continent with good intentions, not unless we are all engaged as a family working in the best interest of our country.

I am not happy about the fact that the President took this as an opportunity to say simply, Mr. Charles Taylor, I want you out of Liberia within so many hours. That is not the way to handle this. We do not want to simply see American soldiers deployed there. This should be an international effort. But there should be international peacekeeping efforts not only in Liberia but in Iraq and other places because we do have to be concerned about stretching ourselves too far and too thin. We do have to be concerned about protecting our soldiers wherever they are. We want to help. We want to help frame and shape how that help should be given.

With that, I know that there will be those who will say perhaps there should be no challenging of the President at this point, no criticism of the President at this point while he is traveling in Africa. If the President wants to talk about Africa, now is the time for us all to do it.

□ 2100

We have been working too long and too hard to get this debate on Africa.

We have fought and worked. We have tried to leverage and do everything within our power to get Africa on this President's agenda. Now perhaps we can do it, and we welcome the opportunity.

Mr. President, we are waiting for you.

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from California. As I indicated, she needs no introduction. We appreciate her comments.

At this time we will hear from the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), who is, as we know, our health expert, a physician, and a leader on HIV and AIDS and other health issues around the Nation.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding to me. I thank him as well for putting together this Special Order and for the leadership that he provides to the Caucus and the Congress on issues concerning Africa.

Mr. Speaker, I want to say something briefly about three different issues because of the tremendous and tragic toll they have taken on the people of the countries involved, because they are representative of the challenges facing Africa, and also because of the relative indifference of this country and the global community to addressing them.

The first is the 5-year civil war in the Republic of the Congo, Africa's third largest country and the native country of one of my closest friends and medical school classmates, Dr. Louis Kanda, who often shares the grave concerns he has over the ongoing conflict and his and the frustration of many others over the lack of attention it has received from this country despite repeated calls from members of the Congressional Black Caucus.

With many of its bordering countries involved in the conflict, it has become Africa's first continentwide war. Just today, The New York Times reported that an estimated 500 civilians have been killed in just one province in the northeastern region between July 2002 and March 2003. There is elsewhere children as young as 10 who have been robbed of their childhood and trained as guerilla fighters and terrorists.

Mr. Speaker, I join the U.N. Deputy High Commissioner Bertie Rancharam in his call for a speedy investigation of the massive abuses and appropriate intervention in northeastern Congo, and I would add that this country should not only support such action, but be fully a part of it.

I also want to call attention to the longstanding drought, severe food shortages and suffering of the people of Ethiopia. The groups of caring people raising funds, many of whom are from Ethiopia, can only go so far. Despite donations of wheat and other food products from this country and others, Ethiopia still needs much more food. There is no telling when the drought will end, and so the urgency to act and act appropriately to that need is now.

I would be remiss if I did not also support the words and works of my colleague, the gentlewoman from California (Ms. LEE), on HIV/AIDS and the other illnesses plaguing the continent and our need to be, at the very least, appropriating the full $15 billion and all related funding now, and then to release those funds without condition. To wait here, as in the case of widespread starvation, is to wait until it is too late in the process, and that would mean millions more lives being lost, and the cost to bring this global pandemic under control would multiply.

Lastly, I want to say a word about Liberia, as we in the U.S. Virgin Islands have specific ties to that country, in addition to those shared by African Americans here on the mainland, and all Americans. One of our most esteemed native sons, Edward Wilmot Blyden, born in St. Thomas, became an important Liberian educator and statesman, having served as Secretary of State and Ambassador to Britain and France from that country in the 1880s. He also became president of Liberia College. And there were others, such as Dr. John Moorhead, another of our local treasures, who lived there with his family and practiced medicine during the 1950s.

So I want to join my colleagues on calling on President Bush to work with President Obasanjo while he is in Nigeria to work towards a satisfactory agreement for the departure of President Taylor and peace and recovery for this war-battered and torn country that we helped to establish.

What I would want to leave my colleagues with this evening, though, Mr. Speaker, is a picture of a continent that is rich not only in natural resources, but also in people and in culture and in spirit. On this continent, despite the great and many challenges, democracy is growing, and the standard of life and level of civil liberties are being raised. Africa needs our support, either alone or within the context of multinational groupings, whatever the case might require.

It is my hope and prayer that not out of interest and what we can get from Africa, but in the interest of seeing those on that continent who are brothers and sisters to all of us prosper and develop in ways that are in their best interests, and that this country would continue to increase involvement begun during the Clinton administration and not just mimic a Presidential visit.

Mr. PAYNE. As we conclude, Mr. Speaker, I do want to acknowledge that the gentlewoman from Texas (Ms. JACKSON-LEE) will be allowed to speak for 5 minutes on this Special Order, and we certainly appreciate the participation of the members of the Congressional Black Caucus.

We hope our message is getting out loud and clear. We think that Liberia has a special place in this country with African Americans who feel very close to this situation. Our young men have fought in every war, from Crispus Attucks, the first person that died in the Revolutionary War, up to just a week ago, when they buried a young Haitian soldier from my district who was one of the two men who were kidnapped and murdered. So we have fought in all the wars.

We hear people say that there should be a vote in Congress regarding sending 2,000 troops to Liberia. We have not heard that for the Colombians or for Panama. We did not hear that where the President is attempting to go into the Philippines now. Is there a different standard for Africa? Is it that 435 Members must get up and talk about 2,000 troops going into a country that we founded, that we colonized, that we have close ties with, that asked us to come so that the fighting will cease, and that other African countries will be there at our side? Is there a double standard? I hope not.

We have had failures before. There was a failure in Somalia. That did not mean we should no longer then go in on humanitarian issues. I hope this President and administration will have the same standard as we have had throughout this world, whether it was in Panama, whether it was in Colombia, whether it was in the Philippines, whether it is in places like even Haiti, where we went and were not asked to come. I hope that we will send those few peacekeepers, 2,000, to go in and lead the ECOWAS troops so that the cholera can stop, the children can stop dying, and the women can stop dying. They are asking us to come in. I think we have an obligation and a responsibility.

Mr. Speaker, I appreciate this opportunity to present this Special Order to the House.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 438, TEACHER RECRUITMENT AND RETENTION ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–189) on the resolution (H. Res. 309) providing for consideration of the bill (H.R. 438), to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2211, READY TO TEACH ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report

(Rept. No. 108–190) on the resolution (H. Res. 310) providing for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–191) on the resolution (H. Res. 311) providing for consideration of the bill (H.R. 2657) making appropriations for the legislative branch for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–192) on the resolution (H. Res. 312) providing for consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COLOMBIA AND THE ANDEAN INITIATIVE ON NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Speaker, I yield to my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

THE STATE OF AFRICA

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Indiana (Mr. SOUDER) for his kindness, because I am joining the Congressional Black Caucus in their Special Order regarding the State of Africa.

It is this time, Mr. Speaker, that many of us have come to the floor of the House to discuss foreign policy issues that have great concern to us, and I thank the gentleman from New Jersey (Mr. PAYNE) for his leadership over the years as the chairman and ranking member of the Subcommittee on Africa on the Committee on International Relations, and for his leadership and consciousness about the continent of Africa. Likewise, let me thank the chairman of the Congressional Black Caucus for his wisdom in having us be pointed this evening, pointedly speaking about these very vital issues.

Mr. Speaker, I rise on this floor tonight to speak globally about what the continent represents to the United States of America. Besides the historical perspective of Africa's desire to be an ally and a friend with the United States over the years, throughout the 20th century, from World War I to World War II, it should be known that after 9/11, as many of us were quite aware of, some of the loudest voices in opposition to the horrific incidents that occurred in New York on 9/11, in Washington, and in Pennsylvania was the continent of Africa. Their voices were those of support of the United States in our fight in the war against terrorism. So this bond with Africa and the United States is deep, it is strong, and it needs to be further cultivated.

Clearly, President Clinton established one of the strongest bonds in his long and extended visit just about 4 years ago. It was a visit to not only develop friendships, but to develop economic partnerships in the fight against HIV/AIDS. So I rise today to say that this momentum has not been carried forward, and it disturbs me that we are now debating why a friendship with Africa; why the intrusion, if you will, or the assistance in the issue of Liberia. Why? Because there are 700 million individuals, and that number is growing, who desire a strong and related friendship.

I am very impressed with the Global Business Council, headed by Ambassador Holbrooke, that brought together businesses from the private sector to fight the devastation of HIV/AIDS. I think it is important for Americans to be aware of the fact that so goes the continent of Africa, so goes many of the issues here in the United States. Of the 42 million people infected worldwide, over half, 29 million of them, live in sub-Saharan Africa. Also a higher proportion of women are living with HIV infections or suffering from AIDS than men in Africa. As of 2002, women in sub-Saharan Africa represent more than half, approximately 58 percent, of all adults living with HIV/AIDS.

We can applaud the work that has been done here in this country, as I said, with the Global Business Council; also with the work in this Congress, where we passed legislation in a bipartisan manner to give $15 billion in aid, as well supporting the Millennium Fund to help in our fight against HIV/AIDS and to help in Africa. But it cannot be continued if we do not embrace the momentum and embrace it in a collaborative way. The President needs to consult with the members of the Congressional Black Caucus and the African American community and others on policies dealing with Africa.

It is sad that on this trip we have not found an opportunity to collaborate and not recognize the voices being raised in the media proclaiming that Africa is a strategic partner. So I rise today to be able to reinforce the fact that we are stakeholders in the continent of Africa. One of the largest oil-producing nations is Nigeria, and just a week ago I hosted the chairman of OPEC, the distinguished chairman from Qatar, who responded that Nigeria and Africa is a very vital partner, just as Iraq is an important partner, as relates to oil production in the world.

There was no hesitancy, no question of whether there should be a vote as related to going into Iraq. And now, not recognizing or maybe failing to recognize the strategic relationship we should have with the continent, and particularly Liberia, there seems to be some debate. I happened to have been one who opposed the war in Iraq, and I can distinguish this. I would hope these troops would be peacekeeping. I would hope they would be a collaboration with the United Nations. I would hope they would be a collaboration with African troops. And I would hope we would recognize that Liberia has asked for us to come.

So I think it is important, Mr. Speaker, as we discuss the state of Africa that we discuss and say that Africa has had many successes; that we have seen the growth in Nigeria. We understand their stock exchange gives a 30 percent recovery on investments. We have heard from the President of Botswana just a few weeks ago speak about democratization and stability, and that country has been a stable government for more than 25 years.

We realize we have work to do, and that means to help them fight in the war against terrorism, help them fight in the war against HIV/AIDS, and help them fight, as our distinguished colleague in Rome, Eva Clayton, has said, help them fight with the issues of food and nutrition. And, yes, we must help Africa build its growth and its opportunities for jobs and give resources for the young people who want to be educated.

There is much that we can do as partners with Africa. Let us not stand a distance back while many are slaughtered and ask the question, why Africa? I would hesitate to say, Mr. Speaker, that it should not be a question of race, whether or not Africa happens to be a continent that is filled with Africans, people of color, black people. I hope that is not the dividing line that gives us reason to question when we ran without being invited to Iraq.

So I hope that as we look at this, and I thank the distinguished gentleman once again as I close, let me just simply say the state of Africa is good, it is a partner, it is a friend. And I would only hope that we look at Africa in our fight on the war against terrorism, in our fight, of course, for the opportunities to fight against HIV/AIDS, and, yes, to fight for peace and stability, and, of course, Mr. Speaker, to be able to say that Africa is our friend because it has stood with us. It is now time for us to stand with Africa and as well to stand with it as it fights for peace and stability for its people.

I thank the distinguished gentleman for his kindness.

Mr. Speaker, I thank Congressman Elijah Cummings, Chairman of the Congressional Black Caucus, for calling this special order to discuss the very important issues that are facing Africa. The most perilous of those issues is the HIV/AIDS pandemic. The HIV/AIDS pandemic has claimed more than 28 million lives in Africa. Current estimates suggest that 42 million are living with HIV in Africa.

Sadly, as a region, Sub-Saharan Africa has the largest number of individuals living with HIV/AIDS in the world. Of the 42 million people infected worldwide, over half 29 million of them live in Sub-Saharan Africa. Also, higher proportions of women are living with HIV infection or suffering from AIDS than men. As of 2002, women in Sub-Saharan Africa represented more than half, approximately 58% of all adults living with HIV/AIDS. The infection rate is particularly high among young girls.

In some African nations, infection rates are five times higher in young women then young men. What is more, AIDS now ranks as the number one cause of death in Africa and the fourth leading cause of death globally. These numbers are staggering and should strike a nerve in you each time you hear them. You have likely heard these figures before. However, these facts should constantly be reiterated in order to emphasize the dire situation that Africa is in today.

We must recognize that AIDS is not only a threat to the health of populations; it is a threat to the social, economic, and political stability of nations as a whole. In the past, what we had failed to do, particularly in Africa, was to chart a plan of action to address HIV/AIDS as a social crisis that affects all spheres of everyday life. Now we have allocated funds to provide for the prevention of the disease in Africa. Now is the time for a targeted response that aims to address the multiplicative effects of HIV/AIDS in each sector. This includes making sure that young girls have access to educational opportunities and trying to develop methods by which women do not have to rely on their husbands for their economic stability. It is time to stop placing old bandages on fresh wounds and to begin the process of healing our beloved Africa.

CONFLICT RESOLUTION IN LIBERIA

Mr. Speaker, another great challenge facing the continent of Africa is armed conflict. Clearly, many countries have the need for effective conflict resolution. Liberia is one of the countries. It is on the front page of our paper and it should be at the front of our minds.

Liberia was founded during the nineteenth century by freed American slaves. Once a nation founded on the premises of freedom and opportunity, the Liberia of today is wrought with political upheaval and social unrest. Liberia has been the site of intense devastation and profound loss due to years of civil war. The latest war has lasted for approximately three years and has caused immense disruption to the social and political fabric of the region.

The health infrastructure in Liberia has crumbled, schools have become refugee camps, and people have taken the law into their own hands. Nearly half of the Liberian population has been forced to flee to neighboring countries or to internationally assisted refugee camps in Liberia. Large numbers of innocent, young children are being made into child soldiers. Those children that are able to escape the life of forced military service are often left with little to no options aside from living on the streets. This conflict has brought about political destabilization on a mass scale, increased economic disparity, and what can only be described as societal chaos. And although a cease fire was recently agreed upon, fighting and civil disobedience within the country has yet to subside.

The United States has had a long historical relationship with Liberia dating back to its original founding. Liberia has served as an important ally for the U.S. particularly during the Cold War era. It is in recognition of this longstanding relationship that the U.S. should serve as a vigilant presence in the efforts to bring calm and civility to this war ravaged country.

The United Nations High Commission for Refugees (UNHCR) should work diligently to ensure that the basic human rights of those seeking refuge from the war in Liberia are preserved at all costs. A consistent supply of humanitarian aid in the form of shelter, food, water, and medical care should be supplied to the region as well. We must do all we can to ensure that peace and stability return to Liberia.

TRADE AND ECONOMIC INVESTMENT

On the matter of economic development, Africa is a continent rich with some of the most sought after natural resources in the world. Yet, this region has not been able to use its natural resources for activities that will stimulate growth in domestic economies and generate increases in national profit. Mr. Speaker, to create a stable Africa we need to promote the competitiveness of African goods and services. We need to create avenues by which these products can become profitable in the global market economy.

Mechanisms need to be established to promote increased working partnerships between U.S. and African businesses and organizations. Ideally, these initiatives should be directly targeted through existing trade and investment programs like the African Growth and Opportunity Act (AGOA) but other possibilities also exist. Established in 2000, AGOA offers tangible incentives for African nations to continue their efforts to open their economies and create free markets. If we hope to encourage our partners in Africa to strive for economic strength, then we need to ensure that they receive the training necessary to comply with the rules and regulations of both AGOA and the World Trade Organization (WTO).

Finally, in regions where conflict and civil war have decimated local economies, efforts should be made to provide the necessary technical assistance to help troubled African states, like Liberia and Sudan, transition out of conflict by fostering feasible economic activities that may ultimately lead to effective resolutions.

□ 2115

COLOMBIA

Mr. SOUDER. Mr. Speaker, tonight's Special Order is going to be on Colombia in particular and the Andean Initiative on Narcotics. I appreciate the gentlewoman's assistance over the years and having gone on a Codel with us down in the Caribbean last summer when we worked on the narcotics issue, and while we may have nuances of differences on the African question, Members are aware we cannot have superficial involvement in any area of the world anymore; and Africa is, indeed, a key area.

The gentleman from Virginia (Mr. Tom Davis), chairman of the Committee on Government Reform, and myself as chairman of the Subcommittee on Drug Policy and the cochair the Speaker's Drug Task Force and the gentleman from Arkansas (Mr. Boozman) just returned yesterday from Colombia, and I would at this time yield to the gentleman from Arkansas (Mr. Boozman).

Mr. BOOZMAN. Mr. Speaker, as the gentleman from Indiana (Mr. Souder) mentioned, this past weekend I had the pleasure of going to Colombia by invitation of the gentleman from Indiana (Mr. Souder) and the gentleman from Virginia (Mr. Tom Davis). I am a member of the Speaker's Drug Task Force, and we are going to celebrate the third anniversary of the Colombia Plan. We have spent a lot of money in Colombia; and we have tried to thwart the growing production and distribution of drugs, primarily heroin and cocaine. I really wanted to see firsthand if we were being effective, if we were spending our money wisely.

What I saw was beyond my expectation. I think we are doing very, very well in that area. The Colombians, with our help, are working very hard to eliminate the illegal drug production. They do this by spraying, by intercepting drugs by land, sea and air, and are actively breaking up drug laboratories, places of production.

I had an opportunity to ride in the boats that they use to intercept the drug traffic on the high seas. These are little speed boats. They will basically be watching the radar and they will see a little blip. They run out and jump in the boat and race out and intercept the ship, the boat, whatever. We had an opportunity to do this, and it was a lot of fun to see these guys in action, and they did a great job. I was very, very impressed with their professionalism and the fact that they were doing such a good job. And yet after we left, after the Americans left, the Colombians were there and went about their business. Since then, they have intercepted trafficking in cocaine, heroin, whatever.

The Colombians are fighting this battle. Certainly we are providing some help and resources. We were able while I was there to go to a Colombian hospital and see some of the soldiers that had been injured in the last few weeks. One of them had lost a leg. One of them had shrapnel blow up in his face and lost an eye and part of his face. But their spirits were high. The young man that lost his leg was talking about going ahead and trying to remain in the military and continue to fight the battle.

So the Colombians are making great headway. They are taking back their country from the terrorists and thugs that are financing this effort by kidnapping their own people and ransoming them and producing illegal drugs. I think what I like about the way that the Colombian Plan is structured is in the sense we have an exit strategy. We are providing a lot of resources, a lot of know-how, but the Colombians have done a tremendous job of picking up on that.

I have a good friend that is an ophthalmologist, an eye doctor; and he will go to Africa and he will work on the natives and do cataract surgery and glaucoma surgery. And while he is there, he will help a lot of people; but where he really helps is while he is there, he teaches the surgeons there how to do the procedures so when he leaves, the surgeons that are there go on about their business and continue to care for people, continue to do a good job.

Mr. Speaker, I thank the gentleman from Indiana (Mr. SOUDER) for asking me to go on the trip. I appreciate the gentleman's leadership in this area, and I thank the gentleman from Illinois (Mr. HASTERT) for taking on this scourge that is a problem to America and so many other places in the world. I really feel like the Colombia Plan is doing just what we want it to do.

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BOOZMAN) and thank him for his leadership in the meth issue. I know that is very important in northwest Arkansas. We are trying to work out doing a hearing on a new initiative on that possibly next week partly because of the gentleman's leadership in encouraging us to do that. We are all trying to deal with cocaine and heroin, meth, and Oxycotin hitting our districts.

Mr. Speaker, let me put this in context. From the world map, Members can see South America just south of the United States. Panama is connected to Colombia, and at one time in the Andean countries, which include Peru and Bolivia straight south of Colombia, that was at one point nearly 100 percent of the world's coca production and a large percentage of the heroin production. The other parts of the world that heroin is predominantly coming from, a little bit from Mexico and a little from the Golden Triangle, that is still significant in Afghanistan and that region kind of northwest or to the left of India, the far part of the map, that Hamas and Hezbollah are using to finance their efforts. Most of the heroin on that side of the world is flowing to China and Europe. But all of the coca in the world is coming out of this region. At one point it was fairly evenly split between Peru, Bolivia, and Colombia with Colombia being mostly a processing country; but it is increasingly concentrated in Colombia, taking one of South America's oldest democracies and turning it into a battle zone.

One other thing we can see from this is why we have a Plan Colombia and an Andean Initiative. If we look at that as a funnel, as it comes out of Colombia, if we do not get it when it is being grown and it gets to the border, it can go to the north side of Colombia into the Atlantic or to the southwest side of Colombia into the Pacific. Once it gets up to the United States border, it becomes even harder to stop. Or it can go across the Atlantic Ocean to Europe, across the Pacific Ocean to Asia, and the farther one gets from the actual poppy and coca fields, the harder it becomes, which is why we have dedicated and made Colombia the third largest recipient of foreign aid in the United States behind Israel and Egypt because the drug problem in the world right now is centered in that zone; and if we cannot tackle it there, it becomes far more expensive and far harder to tackle the problem as it moves out of Colombia.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. WELLER), who has been leading an effort for Members of Congress to learn Spanish. The gentleman has taken an aggressive interest in that region along with the gentleman from North Carolina (Mr. BALLENGER), the subcommittee chairman.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Indiana (Mr. SOUDER) and commend the gentleman for his leadership and efforts to eradicate the threat of narcotics coming onto American soil. I commend and am thrilled to participate tonight in this Special Order.

Imagine this here in the United States, if our judges were assassinated, our candidates for Congress, our candidates for President were threatened with kidnapping and assassination. Imagine if our elected officials were threatened and ordered to resign their positions at gunpoint, and this threat emerged from narcotraffickers here in the United States. Imagine how the American people would feel about the need to deal with this threat to our democracy and such a threat to our Nation's security.

Well, the people of Colombia have been threatened with these types of threats for decades where you have narcoterrorists organize military groups, in fact three groups, two left wing, one right wing, who are funded through the trafficking of narcotics, cocaine and other drugs. And, of course, they threaten something we hold very dear, which is freedom and democracy.

Mr. Speaker, Colombia is a wonderful country. It is a country of great history, great heritage; and today its democracy is threatened at gunpoint by those who make their means through the trafficking and production of narcotics.

I support Plan Colombia. I support President Bush's Andean Regional Initiative. Colombia is important to the United States. Not only does Colombia share our values of freedom and opportunity and free enterprise, but Colombia is an important partner in the western hemisphere for the United States. It is a trading and economic partner. We share a culture and heritage. Latin America is important to us, and Colombia is an important part of Latin America. Colombia continues and has always been a strong ally and friend of the United States. It is a significant U.S. trading partner and supplier of oil.

In fact, Colombia, as I noted, is today the longest-standing democracy in Latin America, and it is currently under siege by a number of guerrilla and paramilitary groups that we in the United States have designated as terrorist organizations, designated terrorist organizations by the United States Government. These terrorist groups today obtain their primary means and monetary support by the destructive drug trade.

Unfortunately, our friends in Colombia suffer from this; and today Colombia serves as a source of 90 percent of the cocaine and a majority of the heroin found on the streets of America, significantly contributing to the 19,000 drug-induced deaths in the United States each year. And many of those 19,000 drug-induced deaths here in the United States are children, kids in our home communities back in Illinois and Indiana and Arkansas and all 50 of our great States.

Today, Congress needs to support Plan Colombia. We also need to support President Bush's Andean Regional Initiative, legislation that recognizes the importance of Colombia. Today, as we approach the 3-year anniversary of Plan Colombia, it is important tonight to review the progress being made by the United States' support for the freely elected government of Colombia.

I am proud to say and pleased to say that our support of Plan Colombia has given us positive results that we can point to. In fact, there are many strong indicators that Plan Colombia and the Andean Regional Initiative programs are beginning to bear fruit.

Eradication of coca plants has led to major decreases in cocaine production, and purity of the drug has dropped as well. Law enforcement efforts have led to increased seizures on land and sea. Extraditions of drug traffickers to the United States is at an all-time high, and I note something that is so important for us, and that is the professionalism and the performance and the human rights record of Colombia's armed forces, and in particular that the counterdrug battalions and the Colombian National Police have shown tremendous improvement, as well as getting results.

□ 2130

I would also note that alternative economic development programs are also beginning to show great promise, and utilization of expanded authorities are being fully leveraged by our friends in Colombia to more effectively attack both drugs and terrorism. These are positive things that we can report happening right now today in Colombia, and there are many others. But the job is not done yet, and that is why we stand here tonight to continue our support for Plan Colombia as well as the Andean Regional Initiative. Plan Colombia and the Andean Regional Initiative has put Colombia on the road to success, but as I noted, the road is long, and we must continue to support Plan Colombia.

I would note that Colombia today is in much better position to win this fight against narcoterrorism than they were 3 years ago, not only because of U.S. support, but also because of Colombia's freely elected, democratically elected President Uribe. Since taking office in August of 2002, President Uribe has shown an unwavering commitment to achieving democratic security and has brought new hope to Colombia. He has acted quickly and decisively to address terrorism and narcotics trafficking while also promoting human rights. His national security strategy shows his determination to deny terrorists the drug-related resources they use to finance their operations against the people of Colombia. And President Uribe has made tough decisions necessary to improve Colombia's economic prospects, moving forward and ahead on tax, pension and labor reforms.

Overall President Uribe has energized Colombia, receiving high praise and high job-approval ratings from his own people, the Colombian people. No doubt with President Uribe's leadership, Colombia is on the right track to restoring security and prosperity, and we in Congress applaud Colombia's efforts of late and recognize the sacrifices that Colombian people have made over the last few decades.

Again, Colombia matters, Latin America matters, and I know there are meetings that will soon be held in Europe, and my hope is our friends in Europe will join the United States in supporting the people of Colombia and supporting the freely elected democratic Government of Colombia. And again, I note that no Latin American country has a longer history of democracy and freedom than Colombia. They are our friends. They are our allies. They stand with us in the values that we as Americans stand for, freedom and democracy and free enterprise. We in this Congress want to ensure that the people of Colombia continue to have freedom and opportunity, and that democracy grows and flowers and blooms, and that the people of Colombia have the opportunity to enjoy economic freedoms and free enterprise. So I would urge our European friends to join with the United States in supporting Colombia in its war against terrorism and to support Colombia's war against narcoterrorism which is threatening democracy right in our own neighborhood.

I again thank the gentleman from Indiana for his leadership in the war against drugs which finances, and let us remember the primary source of terrorism in the Western Hemisphere is narcotrafficking. That is why his leadership is so important, my good friend from Indiana.

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Illinois, and as he knows, as a long-time close personal friend of the Speaker, from the State Legislature in Illinois, and since we have been to Congress that our Speaker has been a leader on this issue, and he asked us to do this Special Order tonight. He asked us to go last weekend down to Colombia and has stood firm in making sure that this initiative was funded, make sure that we stayed focused on the narcotics issue. And it is our appreciation for his leadership in addition to each of us trying to take responsibility and work to help solve these problems that are big. Whether it is the streets of Joliet, Illinois, or the streets of Fort Wayne, Indiana, and throughout the rural parts of his district and the rural parts of my district, we see that drug problem, along with alcohol, as being the number one problem of crime and breakup of families, the reason people lose jobs. It is a problem that is not only a world problem, but it is a problem back home where the people are talking about it at their dinner tables, they are talking about it with their kids hopefully, but they are certainly talking about the byproducts of illegal narcotics. So I thank him also for his leadership.

What I would like to do is lay a little bit further out how we got into the Andean Initiative and the Colombian problem, how some of it has evolved over the years here in Congress and with our funding, some of the primary questions that have been coming up often in the news media, but with my colleagues here in Congress and address some of the myths that have been plaguing us in these debates.

First, let me describe a little bit what our Criminal Justice, Drug Policy and Human Resources Subcommittee was working with. When the Republicans took over Congress in 1995 and reformulated the committee that I now chair to focus on drug policy so we had one committee that pulled together oversight from what was 23 different committees looking at the narcotics problem, as we looked at this, we saw certain basic things that needed to be addressed. One was eradication. Two was interdiction. If we failed to eradicate it, we had to try to intercept it before it got to our borders. If it got inside the United States, we needed to do law enforcement, which explains the DEA, local police forces, State police. Then if we could tackle the problem at either end through prevention or treatment, we could try to reduce the demand side, too.

So there were five prongs: Eradication, interdiction, enforcement, along with prevention and treatment. And in that part it became apparent that the Andean region and the Colombian region was most in danger because of the drug habits of the United States and particularly Western Europe.

Myth number one is that there is a civil war going on in Colombia. There is not a civil war going on in Colombia. The FARC as well as the ELN, and even counting the paramilitaries, we are talking about a percent of the population that is, quite frankly, less, far less, than the prison population in the United States. What we are basically talking about are terrorists and criminals who have not been captured. Some of them early on may have started with the revolutionary idea that they wanted power and did not want to get it through a democratic process.

We have already heard from my colleagues that this is the oldest Latin American democracy, that has had many stable elections. They have had a history of some violence for numerous geographical reasons and others, but so have we in the United States. So have we in other parts of Western Europe. But a few dissidents that are a tiny minority of a country do not constitute a civil war. It is a rebellion of people who want to take the law into their own hands.

Over time, as we had the ELN which used kidnapping as its main route, we saw the FARC, which was the largest of the groups, decide to finance themselves by providing first protection and then actually running the growing operations after some of the big cartels were broken up; the Medellin and the Cali cartels, for example. Then we saw communities try to form a contract with so-called paramilitaries. Sometimes they were former members of the military. Sometimes they dressed like military and they were really kind of like Pinkerton detectives on steroids, that people wanted to protect themselves, so they hired them. Pretty soon that group got corrupted as well by narcotics, at least much of them, whatever their original intention was, to protect themselves from others because they could not establish order in the community, and the government was not strong enough to do so or whatever. Now we have three groups, still a tiny percentage, maybe numbering 40,000 in a country of 28 million, a tiny percentage of the country. It does not constitute a civil war. Their motives are not civil war. Their motives are to make money on narcotics.

Some of them now would like to buy peace and get power without having to go through a democracy, but President Pastrana, who more than bent over backwards, who turned every cheek times three to try to negotiate with them and wound up with what? Nothing. He had the right motives. I and others backed him in that effort to try to do that as we tried to rebuild and organize the Colombian military and the Colombian national police. But the bottom line is they did not want to come to the peace table. They are not interested in peace. They are terrorists, they are interested in selling narcotics, protecting narcotics and terrorizing villages.

We were sold to the United States Congress that Plan Colombia and the Andean Regional Initiative was going to be a joint effort, and while I have talked about the United States using the narcotics, the truth is we only consume about 50 to 60 percent of the cocaine production coming out of Colombia. Europe is consuming huge quantities of that, but also Canada, the region itself, and others, and Asia, because that is where they are getting their cocaine, and this should not all be the United States' problem. But some of the European countries and other countries who in the beginning promised huge amounts of dollars to help Colombia have not followed through. Their argument was they did not want to spend money on the military and law enforcement violations.

Okay. Let us accept that premise, which I do not think it was a very good premise, but let us accept that premise. Now as we are making progress in Colombia, and as villages are finally getting stabilized where people are again ready to be a judge or to be a mayor, where is Europe? Where are the alternative development dollars that they said were coming? Where is the help with setting up those law enforcement systems? If the United States has been willing to bear, along with Colombia, 100 percent of the burden even though 50 percent of the problem is not ours, and none of this basically is Colombia's, these groups would not be armed if it was not for drug abusers in the United States, and Western Europe, and Japan, and Canada and other places using cocaine and heroin.

We stimulated and funded the terrorism that is occurring in Colombia, the thousands of deaths, the police who are getting massacred, the individuals who are getting massacred. They are getting massacred with our money. It is our problem, not Colombia's problem. They need the help with it. Their people are using this. Their people are growing it. But they met our market demand. We have an obligation to help put order back and to help them reestablish their country.

The United States is helping Colombia, and Colombia has taken tremendous efforts, particularly under President Uribe, to go after the eradication, to go after the law enforcement, to get some stability in these areas. We need partners around the world now to follow through on their commitments, because if we cannot provide alternative development, if we cannot provide jobs, if we cannot make decent schools, if we cannot get a legal system that works with local police and mayors, we will go back to chaos with our money, because we have been the drug abusers and we need allies around the world.

Let me step back again and illustrate. Earlier I talked about the funnel, and let me in particular here show one of the problems that we face in the United States before I get into some specifics. My subcommittee has been holding hearings on the borders in the north and south border. We just did a hearing in El Paso. We spent 3 days here in this region of Texas. We did a hearing over here in Sells. We have had a hearing over here at San Isidro. We did a hearing and visited multiple times in Nogales and the area of Douglas, Arizona.

Let me guarantee the Members something. If the American people are saying it is not working, and we are not getting it stopped in Colombia, let me assure the American people something. We cannot get control of that border, and this is the easiest border to control in the south. We have virtually no control over the water coming in from the Caribbean. We have had to pull our boats in for homeland security, but once they are coming in water and going up the coast, it has been very difficult in the Caribbean region. It is even worse in the Pacific. As they come in with little boats up the California coast and out into that water, it has been very difficult to intercept.

We have 1 million plus illegal immigrants making it across the border every year in the south border, 1 million. That is a huge number. Some of them are running small amounts. Most of them are not. But it shows how porous the border is. We have thousands of Border Patrol. We are doing everything we can to control that and will continue to try to close it, but as we start to close the border, let me tell the Members about a hearing we had here in the Tohono O'odham Reservation. That day while we were having a hearing, one person was interdicted. It is a town of maybe 2,500 on an Indian reserve, the Tohono O'odham. Their police did one seizure of 200 pounds, one seizure of 300 pounds, one seizure of 500 pounds, and one of 400 pounds; a total of 1,500 pounds in 1 day. Then seven SUVs went through later in the day, of which one got through, but they managed to catch a number of them. They found a hole in this zone. A National Park Ranger was killed in the Organ Pipe National Monument, and as we squeezed other parts of the border, they moved to that hole. This is important because the previous 3 months they had 1,500 pounds, the previous year they had 1,500 pounds, and in that day between 9 and 2 o'clock, they got 1,500 pounds even though we had Federal people around.

There is so much stuff moving across, we cannot even intercept it all, even though we keep boosting the number of Border Patrol people. We will continue to make the efforts because when that comes in, the two biggest cocaine busts in my district's history, or it appears to be two of the biggest, if not the two biggest, occurred last 3 weeks in Fort Wayne, Indiana.

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One of them came from Texas, and I believe the other through Arizona, and it was Colombian.

Now, as that moves through, it is not a theoretical exercise we are talking about here. When you are driving down the road at night and you do not know whether somebody is whacked out on coke or whether they have injected themselves with heroin or are high on this high-grade marijuana, that has nothing to do with the historic marijuana that you hear about from the sixties and the news media jokes about. That is not what we are talking about in marijuana. We are talking about THC content; in my hometown a lot of the marijuana is selling for more than coke and heroin. This stuff is potent.

Think about it. When you get behind the wheel, whether you want to legalize drugs and whether you think we should back off from the drug war, do you feel safe? Does your family feel safe, knowing that the more that pours across there, the cheaper it is, the more of it there is, the more you could be killed driving home or there could be a robbery at the bank where you get caught in the shoot-out, or watching neighborhoods in your communities get sucked under, or people operating a bus or truck or equipment as they are building, using this drug?

Harmless crime? Harmless drug? Baloney. This is the biggest threat to the United States, 30,000 people dying because of illegal narcotics. We talk a lot, and I am on the Committee on Homeland Security, but the numbers we are looking at on an annual basis dwarf what we have seen yet.

Yes, one nuclear weapon and we could all be destroyed; but the fact is, while we are talking about that, we are watching people get killed every night. Tonight, in every city of the United States, somebody is going to be impacted. Maybe shot in some cities; in other cities it will be a dad or mom who use their money for drugs when they should have been supporting their family, or not being with their kids or abusing their kids or spouse abuse or not making their child support payments because they used it on illegal narcotics. Those are the real problems with that, and we are not going to be able to control, no matter how hard we try, enough of our borders; but we will improve that, but we have to get it at the source.

Now, let me deal with a couple of other questions. We heard a little bit from my colleagues about is it working? Let me start out with, first off, how do you define "working"? I constantly hear Members saying, well, there is still drugs.

Well, should we stand up when we deal with spouse abuse and say, you know, we funded spouse abuse last year and there is still spouse abuse. In fact, we funded spouse abuse programs for the last 10 years, and there is still spouse abuse. In fact, we have tried to deal with spouse abuse ever since the American Republic was started, and there is still spouse abuse, so we should give up?

On child abuse, when we come down here on Labor-HHS later this week and talk about funding for child abuse, could you imagine if somebody stood up and said, well, you know, we have been fighting child abuse the last few years. We spent hundreds of millions of dollars over decades here, and there is still child abuse here in America.

Of course there is. There will always be drug abuse. The root problem in my opinion is sin. It may be different variations and different people have different problems; but every day, somebody is newly exposed to the temptations of narcotics, and no matter how much we try to prevent it, and treatment is after the fact, and treatment is very important and I am pretty much on most treatment bills that are moving through Congress, but the truth is, that is treating the wounded.

We cannot just treat the wounded; we have to get into prevention. But there is a funny thing about prevention. You can convince people they should stay off drugs, and then they break up with their girlfriend and go to a party and all of a sudden they forgot everything they learned in the drug prevention program. They lose their job. Somebody packages something more potent or they are smoking cigarettes or having a beer and somebody says you want a little bit bigger high? And all of a sudden, at the very least, they are psychologically addicted, if not physically addicted. New people are exposed by the minute and by the hour. It is not something that you can ever fully eliminate.

But we can control it. And we have made successes. Even though we had a surge between 1992 and 1994, of which we are only making a little progress, the truth was that its peak was at 1994.

Let me briefly mention another method. "Just Say No" does not work. Under Just Say No under the Reagan administration, we had 8 straight years of decline that carried through the first 2 to 3 years of the Bush administration, 11 years of decline.

In that 11 years of decline, it went down so far that even in the surge up in 1991 to 1994, in the last year of the Bush administration and the first two of the Clinton administration, where now we would have to have a 50 percent reduction to get back to Reagan, even that peak in the United States was less than the peak in 1980 before Just Say No. So it is a myth that Just Say No did not work. It worked, because it was not Just Say No. That was one part. We did interdiction, we did treatment, we did eradication where necessary, but we fought and we had a consensus of how to fight it.

When we lost the consensus, the problem "upped" again. Now we have had a couple of years of success. But now they are better funded.

So among the things we are hearing about Colombia is, for example, everybody violates human rights. It is simply not true. There are degrees of violations of human rights, that human rights are not respected much at all by the FARC and the ELN. Kids are kidnapped, they use 14-year-olds in their military, they terrorize people. They do not respect human rights at all.

There have been problems with the paramilitaries, and the question is, are they too tied to the military? The answer is we have worked hard in this government. Uribe's government is committed to trying, for once and for all, to prosecute them all.

When you go and talk to the counter-narcotics brigades of the Defense Department, off to the side what they will tell you is literally when there is a firefight with the terrorists, they have to have an attorney there. They cannot move the bodies so they can identify and make sure they were not shot in the back, and they do things we do not do.

We are holding Colombia to a different standard even than the United States. Now, that is because we are putting money in. They have had a historic problem with human rights and there is an accountability with it.

But it is just wrong for anybody on this floor or anywhere in the world to imply that there has not been tremendous progress, that we have not vetted these brigades better than we have ever in the past, and there is not accountability, and that when you go to a Colombian military camp, their prisons will have a number of people in it who are being held for possible violations, something that is stricter than any other process we are doing; and it is important they have that, because if the American people are going to put the money in, they want to know we are doing human rights.

But we have been making progress and have made dramatic progress on human rights, and those who want to criticize the Colombian military and the government, I have asked people in my district too, sometimes they are criticizing what we do and sending our money down to violence. Why do they not criticize the FARC? Why do they not criticize the FARC? Why do they not criticize the ELN? Why is it always the government or the paramilitaries?

The FARC are the ones who started it, who have violations. I am not defending any human rights, but let us at least acknowledge that they are the primary perpetrators of human rights violations, that there is still violence, therefore the program has not worked because there is still violence in Colombia.

Yes, there is still violence. You know what? There is going to be violence for quite a while. They have got a lot of dollars from the American Government to work with. They can buy weapons. And one proof we are successful is they are getting more violent.

When we were down there, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Arizona (Mr. BOOZMAN), and I this last weekend, we went to a hospital. There we talked to a bunch of young soldiers, basically 22- to 24-year-olds. One of the solider's eyes was gone and his leg was gone; and he was in pretty bad shape, generally. A number of them were dead; he was in better shape than them.

They died because they were trying to eradicate the drugs Americans wanted to buy and Europeans wanted to buy. It was not predominantly Colombians who want to buy it. It was our money.

They were attacked from both sides. A number of them said it was the worst firefight they had ever been in. It was homemade bombs, screws coming at them, going into their eyes and their bodies. It was terrorist-type bombs, not traditional.

Now, they have traditional weapons too. For the first time we are seeing it looks like some arms-for-drugs shipments coming in from some of the arms negotiating sales places in Eastern Europe and some of the Mafia-type around it, not the traditional definition of the word, that are shipping arms in there.

We are going to see more sophisticated weapons. This myth that if we suddenly legalize this, that there would not be this conflict, oh, yeah. They are making $3 billion a year; and if we say we are going to legalize something, forget a second that I do not want to be driving down the highway worried about whether somebody is whacked out on drugs.

Let us say it was not that. But they are going to suddenly give up? Are you going to legalize cocaine and heroin? Are you going to legalize whatever the next thing is? Of course not. They are not going to give up their market. They are going to continue to step people up to more potent drugs.

They are making money on this. They are making buckets, trucks and boatloads of money on this, and they are not suddenly going to say, oh, they legalized marijuana, I think we will quit. We will just retire.

I mean, give me a break. There is going to be violence because there is tremendous money; and to the degree we try to cut off the source of their money, they are going to continue to become more violent.

Another question that comes with this is, yes, but you have not stabilized any villages. I have heard my colleagues on the floor testify that they have been to villages where there still is not order.

We all know that. When you have a place in a country where people, judges are getting shot, mayors are getting shot, we have a president of Colombia whose father was assassinated, we have a vice president of Colombia who himself was kidnapped for 9 months, they know what it means.

Quite frankly, I was sitting there in the presidential palace along with the gentleman from Massachusetts (Mr. FRANK) with the delegation for the inauguration of President Uribe, and we heard this big boom, and the gentleman from Massachusetts (Mr. FRANK) said I never heard a one-gun salute.

They blew off part of the corner of the presidential palace. They were trying to aim with their howitzer, blew up a housing complex, killed many innocent people, shot to the left, shot to the right. They did not care that there were thousands of troops around. They were shooting from a mile and a quarter away with sophisticated equipment. This is a tough battle, and they do not care who they hit. Even President Chavez, who you would think would have some connections, was in the building they were shooting at.

It is an equal-opportunity terrorist. They will hit anybody if they are trying to threaten their money. And we have to understand that this is not something you can just sit down and have a nice negotiation, maybe we can give them some trinkets and they will give us some trinkets and everybody will pat each other on the back and say, yeah, I will give up my $3 billion business.

We have to establish order in those communities. The plan under Plan Colombia, quite frankly, is taking a little longer than we thought, because they have chosen to fight, because another myth is that it is a balloon: if you squeeze Colombia, it is going to go back to Peru and Bolivia. The truth is that that is hard.

We have made progress in those countries. Some seem to be coming back a little bit, but it is nothing like it was, and they are trapped.

In Colombia, if you look at this map, much of the progress is being made a long the Putumayo. If we squeeze in from the south, and this is a big coca region, the heroin is in the higher elevations. Those mountains, by the way, are up to 18,000 feet. I thought the topography here was important, because you can see most of the people are on this side of the mountain range. That side is the Amazon basin.

They kidnap and harass people and terrorize people on this side, but most of the growing is over there. And as we start to put the pressure on, they move more out in the jungle. This is not an easy task. When you fly over, you cannot see the stuff. And the coca fields are at least big. The heroin poppy, you cannot see it.

Furthermore, I have heard people say, well, they are spraying legitimate crops. Walk on the ground. They are smart. They can make more in coca than they can make in palm heart; and unless you convince them that you are going to provide stability and protection for them and there is going to be an alternative crop, they just grow it underneath.

We are spraying where there is evidence that there is coca or heroin poppy; but as they move further in the jungle, you are farther and farther from any air base, you are farther and farther from re-fueling places, you are farther and farther from any roads. If you have a helicopter crash, guess what? They go in and capture your pilots, which they have right now with three Americans.

The farther out we go, they are going to get there. But the farther out they go, guess what? They are longer in the air and we can see them longer. They have more risk that we are going to interdict.

It is not true that we do not make progress by moving them. It just is that we are not going to eliminate the problem by moving it. We reduce the problem, we manage it. To the degree we reduce the amount of cocaine coming into the United States, we change the price and purity questions. They do not package it with marijuana as easily. It is watered down. It does not have the same potency. Addicts are not as difficult. You make step-by-step progress; you do not make huge progress.

Now, back to the villages. They have been able to establish a reasonable amount of order in about half the villages. The goal was to establish it in more than that.

Now what are some practical implications of that? Let me first show you something here. On the spraying of poppy crops, there is a discussion of why is this so hard to spray. First off, you have to hit it several times. Heroin poppy is one of the cases. They can replant it, so you need to do it multiple times a year.

But, do you know what? They try to shoot down those planes. This have taken more hits in the last couple weeks than they had in a long time, because they realize the more heroin poppy that we eradicate and the more coca we eradicate, the more they can predict where the planes are going to go for eradication, because there are fewer fields to eradicate. So they can take their armaments and focus better on where we are coming.

Another thing is that you have to have ground protection. My first trip there in 1996 and 1997 when we were doing some of this, I went out to one, I think it was in the Guaviare area, but I talked to some pilots whose concern was this: one of their partners had been killed because they would string up line that you could not see and their plane went through and it crossed their neck as they tried to eradicate.

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So now you have groups of soldiers on the ground trying to protect the planes to eradicate.

A couple of other illustrations. You can see here when you are flying the plane over, you have people in the fields on all sides. In different countries we use different things. In Bolivia and Peru, some were ground eradication, some were air eradication, but in that effort, every place you went, whether you are going after labs or field eradication, you have to be protected. As I have gone into the field and seen some of this, you have to be protected.

I want to illustrate one other point as to why this becomes important. There are somewhere in the vicinity of over 200,000 displaced people in Colombia. These people in these rural villages, as they are out in the villages, what started often is that the FARC will come in, they will say, grow coca. They can make a lot of money, they will bring the planes to it, and they will provide protection and forcibly push them into coca. Then the paramilitaries would come through their villages and say, you put up somebody from the FARC, you are cooperating with the FARC; we are going to kill you; we are going to terrorize you. Then the FARC would come back in town and say, you cooperated with the paramilitaries; we are going to kill you. And these poor villages just decide: I am not staying here. I do not care if my family has had a farm here for 100 years. I do not care if my family has had a business here. I do not want to get myself and my family killed.

We visited the Nelson Mandela village just outside of Cartagena. Mr. Speaker, 35,000 people live in basic shacks with these kinds of streets. Right now Indiana is flooding a lot, and it looks a little like this, but underneath there is actual, real streets. Here, it just turns into mud. AID has tried to develop some alternative development in this area. I had two, I do not think it was these two young girls, but two young girls came up to me and wanted to talk to a Congressman. I had drifted off from the group. I quick got back after they talked to me. But they said, even in this camp, the FARC is hunting them down, as are the paramilitaries, if they believe they cooperated with the other side. They go right in to where we have an AID plan where it might be 100 miles or 200 miles away from the village and terrorize them. The person I was with, the photographer and I decided we were going to go back to the rest of the group because we had not banked on them being in the same camp that we were.

But these kids deal with this every day. They cannot escape. They do not have the type of protection that a U.S. CODEL has, a congressional delegation, when we go in. They have to live with it. One young girl sang a song as opposed to just telling a story, sang a song about how she was in her home and the FARC came in and shot her husband right in front of her and her son, the little kids wandering around in this type of environment.

Now, part of the solution to that is, bluntly put, we can only do so many tar-paper shacks around the world. What we have to do is get their villages safe to the degree we can establish order and security in their villages. They did not want to leave their farms. They did not want to leave their businesses. Yes, some of them did not have employment and came to the cities. In Rio and in Lima and Buenos Aires and all over the world, you see at the edges of the cities some of this. But Colombia has a middle class. It is not Guatemala. It is not Venezuela. They have a relatively stable middle class and democracy.

The question is, how can we reestablish it? How do we do this? That is why we not only need at this point to finish off what we are doing in Plan Colombia and the Andean Initiative, we need to have the Europeans follow up with their commitment to help us now to get these people back to work and back to their villages if we can get those villages safe.

Now, another part of this is I met an amazing man. His name was Rudolfo Gedeon. He is president of PETCO. But he is doing one of the initiatives that has been so successful in Bangladesh, and that is microloans. In this pattern in Bangladesh, they gave little loans to try to build little capitalism that moves into a little bit bigger capitalism, that moves into a little bit more, because in so many of these countries you have the very wealthy people and the very poor people. In Medellin they started, and now they are doing in the Cartagena areas, a number of these businessmen working with AID are starting these loan processes with AID. Some AID capital, but the real success here is having local people be the monitors. Their loans, $1.5 million, 8,000 loans over the last year; average loan, $200, some a little bit bigger, some are $60. But do my colleagues know what? Ninety-eight percent, two percent default rate. No bank anywhere has that, except in Bangladesh and a couple of these microloans, because they are the people themselves monitoring them.

Now, how does this relate to the broader question?

In this village AID has a project where they are teaching some people metal working, some people how to sew, how to bake, how to make crafts. So they teach them that. Where do they go? What are they supposed to do? Mr. Speaker, it is amazing: $80, $100 you can start to sew in your neighborhood. Pay that back, like a credit union, which is really kind of how this is functioning, because your neighbors are all part of this, and you are watching each other, and there is accountability. Then you can get justified for maybe a $400 loan, then an $800 loan. You crawl, you take baby steps, you walk, but that is how you build a middle class.

But to do that, you have to have order. Some people do not understand, you can not give somebody $400 or $10,000 or $50,000 to start a business if they think their family is going to be murdered or kidnapped the next week.

Somehow, we have to establish order. We have to establish credible government units that are not involved in human rights violations, which this government is committed to do. Some people say, well, I cannot make as much growing soybeans as I can selling coca or growing coca. I cannot make as much in palm heart. Do my colleagues know what? The kids on American street corners cannot make as much at McDonald's as they can being a lookout either, but that does not mean we are going to pay them $400 an hour if they give up being a lookout. There are things that are not legal to do and that are destructive, and there are things that are legal. We need to work to give people a living wage, where they can work to support their family with their income, and we need to help the Government of Colombia, which has been undermined.

For example, they were the eighth largest supplier of oil in the world. There has been so much oil spilled in attacking that pipeline that it would be 8 *Exxon Valdezes* pouring into the north part of Colombia.

Mr. Speaker, I yield to my colleague, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I want to thank the gentleman from Indiana, my friend, who has demonstrated a commitment that is extraordinary in terms of this particular issue and to the people of Colombia. I hope that everyone that is watching tonight and listening to the gentleman's Special Order takes note.

Much of what the gentleman said, practically all of what the gentleman said I agree with. And I think it is important to understand that the commitment to Colombia has to be a sustained commitment. Unfortunately, those of us who enjoy the benefits of this country are sometimes susceptible to a lack of patience. This is not a problem that is going to go away overnight in Colombia, but I think that the gentleman made the link that absolutely cries for patience by the American people and by the Congress, and that is that here in the neighborhoods of the United States, there are young people and people of middle age that have been addicted to narcotics and have led lives that reduce them to hostages and prisoners in their own body. And if we are ever going to address that problem and the link that it has to crime and violence in the United States, our commitment has to be sustained.

I felt the need to say that. I know the gentleman has been on the floor. I am here with some colleagues to address a separate issue, but I want to applaud the gentleman's efforts. We have worked a long time on this particular issue, and I believe that the Colombian Government is making great strides. The gentleman pointed out that the Colombian Government is making strides in terms of human rights.

Mr. SOUDER. Mr. Speaker, I thank the gentleman for his comments.

Mr. TOM DAVIS of Virginia. Mr. Speaker, as we near the 3-year anniversary of Plan Colombia, it is important to reaffirm our commitment to this program, to the people of Colombia, and to American citizens. I have led three congressional delegations to Colombia over the past 5 months. I can say firsthand that our significant investment is beginning to pay dividends. Together with the strong commitment of the Uribe Administration and historic levels of support from the Colombian people, U.S. involvement in Colombia is beginning to hit narco-terrorists where it hurts.

We are seeing tremendous results in illegal crop eradication, and Plan Colombia's efforts have produced record reductions in coca production and in the destruction of drug labs. Each week brings news of new seizures of cocaine and heroin—interdictions that are usually the result of U.S.-supplied intelligence. In fact, just this last weekend, Colombian officials seized over a ton of cocaine from a drug trafficking boat off the Caribbean coast. The Colombian government is reestablishing state presence in areas of the country that for decades lacked it. Criminals who have remained at bay for years are being captured and extradited to the United States for prosecution. During the 11 months of President Uribe's tenure, 68 individuals have been extradited from Colombia to the United States.

Mr. Speaker, Plan Colombia is working. I have just returned from a trip to Colombia with Chairman SOUDER and have seen first hand the devastation that drug production and trafficking has on this country. To those who question our investment, I would ask them to visit, as I have, Colombian soldiers who have lost their limbs or eyesight or sustained permanent disabilities in their battle to return peace to their nation and keep drugs off American streets. I would also ask them to visit Barrio Nelson Mandela, a USAID sponsored facility for internally displaced people who have been forced from their homes by drug traffickers and guerillas. This facility showed me how our work on behalf of Colombia's millions of internally displaced people is offering men, women, and children a second chance at a violence-free, productive life.

The United States, however, should not have to do this alone. An increasingly significant amount of Colombian cocaine and heroin is being trafficked through Europe for consumption. I would like to urge our European allies to recognize their responsibility to do their share in supporting Colombia in the battle to reduce the supply of drugs entering the world market. The war on drugs cannot be won without appropriate funds, resources and tools. Every contribution possible is needed to disrupt the market and make the drug trade less profitable. The battle going on in Colombia against narco-terrorism is Europe's battle as well. A European contribution to fighting the war on drugs could provide these innocent people with a better life by strengthening the rule of law, protecting human rights, and providing security for all Colombians.

During my recent visit to Colombia, it was evident to me just how effective U.S. assistance is to their government. Colombia's ability to combat both drugs and terror has been strengthened due in large part to our support as well as the will and determination of the Colombian people. With such promising results over the last 3 years, it is important to continue our support and sustain the momentum. Goals are being met, and new goals need to be set. Of course obstacles remain, and progress is slower than we would like it to be. But now is not the time to turn our backs on this battle that is so intrinsically tied to our war on terrorism and illegal drug use. In light of the strong progress being made in Colombia, I urge all of my colleagues to continue their support of Colombia's unified campaign against narcotics trafficking and terrorist activities and their effort to bring democratic security to the country.

Mr. GIBBONS. Mr. Speaker, I appreciate the opportunity to offer some views as part of this evening's Special Order recognizing the third anniversary of Plan Colombia.

As a senior Member of the House Intelligence and Armed Services Committees, I wanted to take note of the significant gains that have been made since Plan Colombia was announced in July of 2000 in strengthening the rule of law and enhancing the stability of this important democratic ally. As important, the strategy set forth in Plan Colombia has achieved major positive results in initially slowing and now reducing Colombia's cocaine production during the past 3 years.

A recent U.S. Government assessment of global coca production trends notes the recent progress achieved under the Plan Colombia strategy: "Coca cultivation in Colombia (in 2002) declined by 15 percent—the first decline in Colombia's coca crop in a decade. . . . This reduction was largely because of a sustained aerial eradication campaign in what had been the country's densest coca growing areas. . . . Cultivation in the Putumayo—site of the country's most intensive eradication effort—declined by 80 percent." Nevertheless, the U.S. and Colombia Governments assessed in 2002 that Colombia's coca production zones totaled nearly 362,500 acres with the potential to produce 680 metric tons of pure cocaine.

With respect to Colombian heroin production, the latest assessment is that in 2002, Colombia's opium poppy production zones totaled some 12,200 acres with a potential yield of some 11.3 metric tons of pure heroin. According to the DEA, Colombian heroin captures approximately 70 percent of the U.S. marketplace and virtually all of Colombia's heroin production is intended for export to the United States. Unlike the aggressive strategies being applied against Colombia's coca production, the bilateral efforts to locate and eradicate opium poppy under Plan Colombia have lacked a consistent strategy and adequate resources and personnel. Both the U.S. and Colombian governments need to work much more effectively to apply new technologies to combat and defeat the heroin industry.

I wanted to briefly cite two initiatives that are elements of the Plan Colombia strategy, which have real potential to improve Colombia's security and to enhance the rule of law within Colombia's borders. With Plan Colombia funding, the United States Southern Command provided resources and training for the establishment of a Military Penal Justice Corps within the Colombian military. Since the establishment of Colombia's Military Penal Justice Corps in August 2000, over 300 military, police, and civilian attorneys have received professional legal education and training focused on military justice, international humanitarian law, and operational law. This legal training has had a direct and positive impact on the Colombian military's performance in the field against terrorists and narco-traffickers as well as on its adherence to international legal standards in very difficult combat environments.

A second initiative under Plan Colombia is the reestablishment of the binational airbridge denial (ABD) program, which is designed to interdict illegal aircraft engaged in transporting narcotics. The ABD program merits close oversight, but it has real potential to reduce narco-trafficking and to limit illicit weapons support to terrorists and other criminal organizations in Colombia. When I was in Bogota last November, I had the opportunity to discuss this issue at some length with Colombian President Alvaro Uribe. President Uribe was very clear about the urgency of implementing the ABD program. I am concerned that legal disputes over the ABD program's implementation have delayed the renewal of this important interdiction program. I strongly urge the Bush administration to resolve any outstanding issues affecting ABD implementation immediately, and to provide the Colombian Government with the appropriate support to carry out an effective and accountable ABD program.

While these recent trends are somewhat encouraging, it is equally clear that our two governments need to maintain their focus on the Plan Colombia strategic objectives by intensifying ongoing narcotics eradication and interdiction programs, and by restoring security and essential government services to areas threatened by terrorists and narco-traffickers. I am convinced that Colombia's fight is also our fight—as the terrorism and the narco-trafficking that are destabilizing Colombia's democratic institutions pose real threats to America's people and our national security.

Mr. GOSS. Mr. Speaker, I am pleased to contribute to this evening's Special Order commemorating the third anniversary of Plan Colombia.

As Chairman of the House Permanent Select Committee on Intelligence, I wanted to discuss the significant and measurable progress that has been made in the past 3 years in Colombia on a variety of fronts as a product of improved coordination and bilateral cooperation between the governments of Colombia and the United States.

Four years ago, the security situation within Colombia was extremely unstable—some were saying then that Colombia was unraveling into a failed state where the national government exercised control of less than 50 percent of its territory. Leftist guerrillas from the FARC and the ELN and rightist paramilitary groups were growing rapidly and expanding their reach throughout much of Colombia. These terrorist groups were financed by the surge in cocaine and heroin production in the unsecured areas of Colombia as well as by other widespread criminal activities, such as mass kidnappings, extortion, murder for hire, and money laundering. The rule of law in much of Colombia during that time was uncertain at best; judges, public defenders, prosecutors, and police were being terrorized and killed at unprecedented rates. The political, economic and security future of Colombia was clearly and increasingly at stake.

Given Colombia's economic and political importance as a major democratic ally within our Hemisphere, it was critical that Colombia and its friends jointly develop and fund an effort to enhance Colombia's security, strengthen the rule of law, interdict and eradicate narcotic crops, and grow its economy. During the past

3 years, the Plan Colombia initiative has provided a comprehensive strategy to reassert government control of Colombia's territory as well as to restore public confidence in the viability of Colombia's democratic institutions. Since the inauguration of Colombian President Alvaro Uribe in August 2002, the Colombian Government has stepped up its implementation of a wide variety of Plan Colombia programs affecting narcotics eradication and interdiction, enhanced law enforcement and other security-related measures, and alternative development efforts.

A recent United Nations study estimates that Colombian coca production has been reduced by 40 percent since Plan Colombia was begun. With the strong support of President Uribe and improved mobility and capacity of Colombia's military and police forces, there is an excellent opportunity in 2003 for our bi-national coca eradication program to eradicate 100 percent of Colombia's coca production zones, an area that encompasses over 150,000 hectares. While this is very good news in the short term, our two governments will have to pursue this nationwide eradication and interdiction strategy for at least the next several years as coca growers are forced out of their illegal business and the Colombian Government is able to establish a stable and effective security presence in numerous coca production zones across Colombia.

While the coca eradication trends show promise, I am concerned that insufficient attention has been given to developing and implementing an effective strategy to locate and eradicate Colombia's opium poppy crop. Our latest U.S. Government poppy crop data estimates that Colombia produced 14.2 metric tons of export quality heroin in 2002; virtually all of this Colombian heroin was exported to the United States and represented the large majority of all heroin consumed by Americans in 2002.

Despite the clear statutory direction and funding guidance in both Plan Colombia and in related Congressional authorizations and appropriations measures during the past 5 years, our bilateral effort against Colombian heroin has been so far insufficient. Given the lethal effects of the heroin trade on both our countries, this key element of Plan Colombia demands senior-level attention by both governments, appropriate resources, and the application of a new, more effective mix of eradication and interdiction technologies to locate and kill the opium poppy on the 12,000–15,000 hectares where it has been grown in Colombia's high Andes mountains.

Plan Colombia has registered some notable successes in the past 3 years. We need to stay committed to this important fight with our Colombian allies—not just for our national security, but for the safety of countless Americans who are threatened by the linkages between narco-trafficking and international terrorism. We need to redouble our efforts to stem the production and export of heroin and coca from Colombia, which harm and kill thousands of Colombians and Americans every year.

I commend the leadership of Speaker HASTERT in this important national security initiative. It was his foresight and concerted effort that has brought us this far. I look forward to working with the Speaker on this effort, and continuing to build upon the success of Plan Colombia as it enters its fourth year.

NATIONAL POLICIES IN IRAQ

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes.

GENERAL LEAVE

Mr. HOEFFEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and to include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOEFFEL. Mr. Speaker, we are here this evening to talk about Iraq, to talk about the military activity, to talk about the weapons of mass destruction, to talk about the postconflict steps that have been taken and need to be taken. I am joined this evening by the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from Illinois (Mr. EMANUEL), and perhaps others, to talk for the next hour about our national policies in Iraq.

Some of us, myself included, voted in favor of the military authority requested by the President to invade Iraq. Some of us who will be speaking tonight voted against that military authority. But all of us have some common questions. We all salute the brave and courageous efforts by our young men and women in uniform. They won a very impressive military victory in short order. That military victory was never in doubt, but it was impressive nonetheless how well our troops performed.

But there are two questions, really: Is our military mission completed in Iraq? And secondly, are we winning the peace?

Now, I would suggest, just to get the conversation started this evening, that first off, our military mission is not complete, because we have not found the weapons of mass destruction. Those weapons are what motivated me to vote in favor of this military authority, because I believed then and I believe now that it was necessary to disarm Saddam Hussein of weapons of mass destruction. But if we cannot find those weapons of mass destruction, there are serious questions. And we need a full accounting, first, of where those weapons are so that we know they are secured or dismantled and in safe custody. Secondly, we need a full accounting of how accurate our intelligence was. Were our intelligence agencies accurate in the information they gave to the administration? Was that information properly used by the administration?

And this is not just an academic exercise. The entire Bush doctrine of the preemptive use of force requires as a foundation accurate intelligence regarding the intentions of other countries and potential enemies around the world. If we are going to use force preemptively in the face of imminent threats to this country or to our allies, we have to know that our intelligence is accurate.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. HOEFFEL. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I would just simply add one other item that I would hope that tonight we can discuss and that our friend from Illinois (Mr. EMANUEL) has really, in my judgment, done an extraordinary job in terms of laying out for the American people what it is going to cost the taxpayers of the United States and the impact in terms of service cuts for Americans that that will entail.

But if for a moment I could just simply go to the issue that the gentleman from Pennsylvania raised about the issue of weapons of mass destruction.

It certainly is well-known that the two premises for the rationale for the military attack on Iraq as articulated by the President was, number one, links between the Saddam Hussein regime and the possession of weapons of mass destruction, coupled with an intent to use them by that regime that presented a clear and present danger to the United States and to our people. Since the end of the conflict, we no longer hear about links between al Qaeda and the regime of the tyrant Saddam Hussein. In fact, I would dare say there is a consensus now that there was no evidence to indicate any collaborative effort or any cooperation between Saddam Hussein and Osama bin Laden, and, most likely, the opposite was true.

I am sure the gentleman from Pennsylvania remembers and I know the gentleman from Illinois took note of the fact that about, I think it was in April of 2001, there was a report that Mohammed Atta, the ringleader of September 11, met with a senior Iraqi intelligence agent in the Czech Republic.

□ 2215

It was later revealed by the Federal Bureau of Investigation that that could not have happened because Mr. Atta at the time of the alleged meeting was here in the United States plotting against the American people. No longer do we hear about links between Saddam Hussein and al Qaeda. So that argument proved to be false and inaccurate.

Mr. HOEFFEL. If I could reclaim my time for a moment just to point out that the gentleman is pointing out that the Bush administration has a growing credibility gap regarding its prior claims and the evidence that is forthcoming after the conflict. And I know the gentleman from Massachusetts (Mr. DELAHUNT) was the first on this floor to my knowledge to raise the questions about the accusations regarding the country of Niger in Africa.

I wonder if the gentleman would share the latest information that has been made public on that score.

Mr. DELAHUNT. Mr. Speaker, the latest information is that today, today, the White House announced that when the President made the statement regarding the sale of highly enriched uranium to the Iraqi regime by a country in Africa, they made a mistake. Better late than never.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I think it is very important to note this fact that 2 weeks after the State of the Union, the Secretary of State was handed that same information as he was preparing his presentation to the U.N., and he rejected that data as insufficient and inaccurate.

Now, having worked in the White House, having worked on a few State of the Unions, which are the most important speech a President will give in their Presidency outside of an oval address, I cannot think of a moment in time where you can have a Secretary of State reject the information as inadequate for their presentation to the United Nations, and yet is adequate and sufficient for the President of the United States to stand in this well at that desk and address the Nation, the world, and for this speech on why we need to go to war.

Now, I happened to have supported the resolution, but the entire credibility of our ability to marshal the resources of the world as we relate to North Korea and Iran are going to be heretofore questioned. And I always think it is interesting if I were giving advice, not that I would be giving advice, nor would they be seeking my advice, that before the President of the United States was back from Africa, he would have the name, the phone number and the forwarding address of the individual that gave that information because they would not be in this White House any longer.

Mr. DELAHUNT. That is a point very well taken because several weeks ago, the gentleman from Hawaii (Mr. ABERCROMBIE), our colleague who has joined us, and the gentleman from Pennsylvania (Mr. HOEFFEL) and I were having this discussion just as the gentleman pointed out, the President of the United States in the State of the Union Address made that statement to the American people; and one week later before the United Nations Security Council when he made his presentation, Secretary Powell discarded that information. But it has taken until today, today, more than 6 months later, that the White House acknowledged that that information, and let me quote what they had to say, that it was incomplete and perhaps inaccurate information from American intelligence agencies.

Mr. ABERCROMBIE. Mr. Speaker, I would like to ask my friend, the gentleman from Illinois (Mr. EMANUEL), if he could give an educated, speculative assessment of what would have taken place had this same circumstance occurred today during the Presidency of Mr. Clinton.

Mr. EMANUEL. Well, heads would have rolled. You cannot allow the President of the United States to have gone up on any speech, let alone a State of the Union, to address the Nation and in this case, this State of the Union was unique, on the precipice of war, the world with information that was clearly, because of Secretary Powell's actions, inadequate, not up to snuff. Heads would have rolled. There would have been an accounting. There would have been an internal accounting to that; and I think properly so, Congress would have asked for it.

I would like to note, I cannot think what is worse, the fact that they have used, since there is ample evidence to say that Saddam Hussein was a dictator who used chemical weapons on his own people and started three wars, why you would go and stretch information, damage your own case. I cannot figure out what is worse, the fact that they used this phony memo, or the fact that they have had no plan for the occupation and no strategy for our exit.

Mr. ABERCROMBIE. Would the gentleman allow me to venture perhaps an educated guess myself on that score? Because they were trying to establish a new doctrine for the United States of preemptive warfare. Not that citations might not have been made with regard to other military actions by the United States in previous times, perhaps up to and even including President Clinton's Presidency, but that there was to be established with this a new paradigm of preemption based on an imperial view of the world that the stamp of the United States must be placed upon the rest of the world.

I would venture to further my question to the gentleman from Illinois, if President Clinton was in office today and this information was revealed today, what do you think the response of some of our colleagues might have been?

Mr. EMANUEL. I can feel the foam and the lather building up. We would not be arguing for 2 weeks whether Congress should call the inquiry an investigation or not. There would be a full-blown investigation, and it would be proper. Because the President of the United States at that point, at that Chamber, at that speech, at this podium would be addressing the world as the President of the United States speaking for all of us, not just the bodies in here and the cameras up there.

Mr. ABERCROMBIE. I do not think we would be speaking in a Chamber as we are tonight during Special Orders with, again, the press being absent. I will presume perhaps some of them are watching on C-SPAN. We would not have an empty Chamber. On the contrary, there would be a full-blown cry throughout the opposition to Mr. Clinton indicating that he should be brought to account or those around him who are giving advice should be brought to account. And I agree with the gentleman, that would be true.

Mr. EMANUEL. I want to add one thing to this whole discussion if that is okay with the gentleman from Pennsylvania.

Mr. HOEFFEL. Yes, it is.

Mr. EMANUEL. Because as we talk about this memo from Niger and how it got into the speech, how it got into the British dossier for the justification for the war, what is equally telling and missing in the debate is the discussion of reconstruction in Iraq. And if you go over and pull over at USAID, an agency within the State Department, the plans for Iraq's reconstruction, I would like to cite some statistics.

They call for 20,000 units of housing. Yet the budget for this country only calls for 5,000 units of housing here in the United States; 13 million Iraqis, half of the population, will get universal health care. Yet not a single penny in the budget presented by the administration or passed by a Republican Congress does anything to support health care for the 42 million working uninsured in this country; 12,500 schools will be given full resources for reconstruction and books and supplies. Yet in our country, teachers have to get a tax credit because they have to take money out of their own budget, personal budget, their salary to pay for supplies. Four million kids in Iraq will be given early childhood education. In the President's budget, 58,000 kids cut from Head Start. We have a deep water port in Iraq being built from top to bottom. Yet the Corps of Engineers in this country is cut by 10 percent, their budget.

I think if we look at the history, the American people are quite generous and quite supportive of our efforts and we support the notion of Iraq having a new beginning. But I do not think they would ever support the notion that we can deconstruct America while we reconstruct Iraq.

Mr. HOEFFEL. Given the extraordinary examples that the gentleman has just cited of American generosity to help reconstruct Iraq, does the gentleman think that we are winning the peace in Iraq?

Mr. EMANUEL. The fact is that there is nothing that has gone on post the war in Iraq that we could not have seen ahead. Nothing new. There was no plan for the occupation. In fact, there is no plan for the exit. We have 158,000 troops based there as far as the eye can see out to the horizon and there is no family member who can count the days of when they are coming home because they have no knowledge of when they are coming home. So nobody can check the calendar at home when the husband is coming, the wife is coming, the sister is coming, the brother is coming.

Remember, this is the heydays. These are the days we are getting the kisses, the hugs and the flowers. A year from now they will be tired of our presence there.

Mr. DELAHUNT. If I may, the day of the hugs and the cheers really could be numbered in hours. Since the official end of the hostility as declared by the President, almost on a daily basis, tragically, American service men and women are losing their lives.

Mr. EMANUEL. I checked that statistic. It has been 69 days since the President on the Lincoln aircraft carrier declared our mission complete and 70 Americans have died; 69 days, 70 Americans since May 1.

Mr. DELAHUNT. And they are all in our prayers. But I would like to make one other observation if I can. I do not want the American people as they watch here tonight to think that this is just simply four Democrats railing for political purposes against the White House and the administration. I know that many of our colleagues on the other side share our concerns. And I found extraordinarily interesting an article that was penned by someone whom we all respect, Senator RICHARD LUGAR of Indiana, who chairs the Senate Foreign Relations Committee.

And if I might, just for a moment, read his words:

> The combat phase of our war in Iraq ended with a speedy, decisive victory and minimal loss of life. That impressive success is now at risk. Clearly, the administration's planning for the post-conflict phase in Iraq was inadequate. I am concerned that the Bush administration and Congress have yet to face up to the true size of the task that lies ahead or prepared the American people for it. The administration should state clearly that we are engaged in nation building. We are constructing the future in Iraq, and it is a complicated and uncertain business. The days when Americans could win battles and come home quickly for a parade are over. And when some in the Pentagon talk about quick exit strategies or say dismissively that they don't do nation building, they are wrong.

This comes from a Republican, highly regarded and well respected. It is important that we are doing this here tonight so the American people know that, so they hear the truth.

Mr. EMANUEL. The fact is among us four we had different opinions and votes on whether we should or should not go to war, whether there was a case for a war.

Mr. DELAHUNT. I voted against the resolution. The gentleman from Pennsylvania (Mr. HOEFFEL) voted to support it, as did the gentleman from Illinois (Mr. EMANUEL); and the gentleman from Hawaii (Mr. ABERCROMBIE) voted against it.

Mr. EMANUEL. But we are united in our view that an administration should not mislead the American people; that a person who gave the President the wrong information needs to be held accountable because all of our reputations are on the line when the President of the United States is talking to the world with our judgment and justification. Second, that as we plan for this occupation, that if we had done the hard work of building allies on the front end, we would have allies on the back end. And that the only faces in the occupation are American and British and others, but dominantly American, and, therefore, Americans bearing this burden alone, which it should not, in both financial and human costs.

□ 2230

Mr. HOEFFEL. Mr. Speaker, if I can follow up on the comments of the gentleman, I certainly agree with him that we need to internationalize the postconflict situation in Iraq. We are bringing on ourselves the frustrations of those people. We do not have anyone sharing the burden other than the British. We do not have anyone else sharing responsibility or blame for things that are going wrong.

We need to bring in NATO to help with peacekeeping. We need to bring in the United Nations to help with reconstruction. And, obviously, the United States would be the major partner in both of those operations. We still would be very deeply involved, but we would have international allies and international institutions to help with resources and to help with credibility and to help with responsibility for the work that needs to be done.

We need to turn over to the Iraqis as quickly as possible two things: One, their oil; and, secondly, their government. We need to make sure that the Iraqi oil industry is transparent, corruption-free, and the proceeds from which are used to rebuild Iraq. And we have to turn over to the Iraqis their own government. We are moving way too slowly to do that.

Paul Bremer, the viceroy occupier, I am not sure what his title is, has postponed repeatedly the formation of an Iraqi interim government. He is now calling it an advisory committee that he will appoint to advise him. I do not think that is the way to give the Iraqis the stake in their future government that they expect and deserve.

Mr. EMANUEL. If I can add one thing to this debate before I need to go. I remember during the Reagan administration there was an open public discussion between the Secretary of Defense and the Secretary of State, which continued in years past, about the fact that we could not get into a military operation without an exit strategy. And I think it would behoove all of us in this institution, regardless of party or regardless of position, if we could define what the exit strategy is. What is the test? What is the standard?

When we have 70 deaths in 69 days, and some people, I think Senator LUGAR noted that we have to level with the American people we are here maybe 5, 10 years, that does not sound very convincing for an exit strategy and a standard that says here is when we know we are done. We cannot just say to the American people that we will know when we are done when we are done. We cannot have an open-ended checkbook and an open-ended sense of lives that are to be lost.

Again, I remind my colleagues that these are the days that are supposed to be flowers and kisses and hugs. A year from now we are supposed to be experiencing what we are experiencing today. Not today.

Mr. HOEFFEL. Before the gentleman leaves, let me ask him if he has been able to figure out what strategy the President was pursuing last week when he suggested, in the face of the guerilla attacks and ambushes and assassinations of American soldiers, that our opponents should "bring 'em on?" Could any of the gentlemen joining me on the floor today tell me what they think the President's strategy was with that comment?

Mr. EMANUEL. As a former staff person who worked for a President, I believe that every staff person in that White House who was sitting on the side cringed when they heard that, because you cannot but think that there was a President whose rhetoric got ahead of where the policy is and what they were saying.

Nobody would ever suggest that our men and women in uniform, who are doing all of us proud, should be the focus of further attacks, this notion of "bring 'em on." We have lost 70 Americans in 69 days. There are other Americans we have lost in this whole battle, but 70 Americans who are fathers, who are mothers, who are brothers, sisters, who are Boy Scout coaches, leaders in their community, YMCA leaders. And the notion that somebody would sit here in the comfort of our great country in our capital and say "Bring 'em on" to our soldiers I think misses what they are facing every day. And I think it was a very, very unfortunate choice of words.

Mr. ABERCROMBIE. If the gentleman would yield a moment further in that regard and in that context, I do think that the response to the gentleman's question is that the President, and my point to my colleague is, I wonder if he could corroborate or whether he would agree that the President, at least in my estimation, has said that this is wide open; that this does not have an end; that the calculations will be made on essentially an ad hoc basis; and that there is nothing that he can foresee at this moment that would lead us to the kind of exit strategy conclusions that the gentleman has raised.

Mr. EMANUEL. Well, my worry is not only do we not know the standard for our exit, and that before you get into any military engagement, you should know what your exit strategy is; that because we have 168,000 troops based now in all of Iraq, with no ability of any ally to come and replace our troops at a serious level, that our forces are stretched thin when it comes to the war on terrorism because of their occupation and being tied down in the deserts of Iraq.

Now, I think we are there, and we have to help turn this country around, but clearly now our troops are being targeted from guerilla warfare and from terrorists. Our ability to do what we need to do around the world, both in Afghanistan and other corners of the world, our resources are being stretched thin and spread thin when it comes to the war on terrorism.

Mr. DELAHUNT. Mr. Speaker, I am glad the gentleman mentioned Afghanistan, and I know he has another appointment, but let us review for a moment where we are in terms of Afghanistan.

How long have we been in Afghanistan? We are talking years already. And yet what progress have we made in Afghanistan? The American people should be aware of the fact that it is a mess. The President of Afghanistan, President Karzai, whom we supported from the beginning, is unable to travel throughout Afghanistan. He is just about able to leave the central district of the capital city of Kabul. We did not conclude our work there before we took on another military intervention of a much different magnitude, much larger size, when we went into Iraq.

As has been stated by all three of my colleagues tonight, America's word is at risk here. If we just go back again to the quality of the intelligence, I do not want to leave the impression with those who are watching this conversation that we are having tonight that this is, again, exclusively restricted to Democrats. These are concerns that are shared across the aisle. This is simply too important. Decisions were made regarding whether to wage war based on this intelligence, and, clearly, that is, in our democracy, a question of the most serious consequence, to wage war.

Mr. ABERCROMBIE. May I follow up in that context?

Mr. DELAHUNT. Certainly.

Mr. ABERCROMBIE. Today, as I am sure my colleagues will acknowledge, and not everyone who is observing us and listening tonight may be aware, we passed a defense appropriations bill from this House. If anything should reflect the concern of the administration with regard to the issues of resolving the consequences of our attack in Iraq, it should be contained in here.

I have, for my colleagues' information, Mr. Speaker, referring to the House Action Reports, a Congressional Quarterly publication, a fact sheet edition published today on defense appropriations. In it, section 3 addresses military personnel. It includes things like a military pay raise and a civilian Defense Department pay raise. Active Duty personnel are listed at 1,388,100 in fiscal year 2004, equal to the President's request of 1,600 less than the current level. On Reserves, the bill sets a ceiling on Reserve personnel for a total of 863,300 in the next fiscal year, equal to the administration's request of 1,258 less than the 2003 level.

Now, think about it. We now have 150,000 plus people committed in Iraq under the circumstances and conditions that have been discussed here tonight, personnel deployed throughout the world, not just in Afghanistan, but the Philippines, Yemen, and dozens of places, now possibly in Liberia, again under circumstances that are not clear as to where we are going, what we are doing, and who we are doing it with.

The President says, "Bring 'em on," but here is the congressional responsibility and obligation as manifested in the appropriations which follow on our authorizing personnel. And what we are saying is, is that the same deployments that have been taking place up until now, which have put such an enormous strain on the Guard and Reserves are going to continue. We are not adding a single person. We are not facing with any respect whatsoever the realities of what these deployments and the obligations attendant upon them will require of us.

That is why we are here in the evening during these Special Orders trying to reach out to the American public to explain that we are not quiescent on this. We are not merely observers. We are trying to participate in a respectful and responsible way as Members of Congress. But we have to rouse the attention of the American people to let them know that we are failing those men and women in the armed services if we think for a moment that we are providing adequate support and foundation for what we expect of them.

Mr. DELAHUNT. I would say to my colleague that that is only half the story. When those men and women come home, when they are discharged from Active Duty, and when they assume the title of veteran, what are we doing to them then? What are we doing to them then? Well, what we are doing to them is, in some respects, discriminating against them. We are creating new categories of veterans who no longer will have access to veterans health care. That is unconscionable.

We send them to war, and when they come home, we reduce their benefits and, in fact, eliminate some of these heroes and heroines from having access to health care provided by the Veterans Administration. That is shameful.

Patriotism is more than just simply raising the flag. The flag represents respect, respect especially for men and women who serve this country in the military, and we are disrespecting and dishonoring them. That is wrong.

Mr. HOEFFEL. If the gentleman will yield on that point, is he aware that the Bush tax cuts in 2004 will reduce revenues about $60 billion, and that for $1 billion we could fully fund our obligations to all of the veterans, including category 7 and category 8 veterans, so that they all would get the health care that we promised all veterans?

We are $1 billion short. Now, $1 billion is a lot of money.

Mr. DELAHUNT. But when it comes to Iraq, we are going to be sending hundreds of billions of dollars, as the gentleman from Illinois indicated, to build schools, to provide health care, and to provide deepwater ports, but we cannot take care of our own veterans.

Mr. HOEFFEL. The gentleman is correct. We are appropriating $29 billion next year for veterans health care. We need $30 billion to meet all of our obligations, our moral obligations, and we are not measuring up, and it is wrong.

Mr. ABERCROMBIE. If the gentleman would yield in turn, to follow up on my point in regard to our analysis, or rather not so much an analysis, I daresay, but our observation that these offhand remarks, these ad hoc remarks by the President, which take on the weight of policy, such as "Bring 'em on," this kind of childish assessment of what constitutes the ground operations in Iraq, are now followed by an observation of the President that Mr. Taylor, the President in Liberia, has to go.

Now, where he is going and how he is going and under what circumstances is not said. And the questions from the press, the press which is absent, which do not appear, at least as far as I can tell; now, whether or not people in the White House are so covetous of being in the White House that they do not dare ask the question that anybody with any journalistic bent worthy of the name would ask, just who is supposed to replace Mr. Taylor when he does go, wherever you think he should, provided you have got that far?

□ 2245

Mr. Speaker, the reason I raise this issue and the reason I raise it in the present context is if you think we had no planning in Iraq, I can tell you now and tell the American people and tell my colleagues we do not have a clue or an idea of what we will do in Liberia in terms of who will replace Mr. Taylor and who will prevail when he leaves.

Now, are we to send in not tens of thousands of, but perhaps hundreds of, American soldiers into a situation that we do not have the slightest idea, nor has there been any discussion in the Congress about what we are going to do, how, when or why we are going to do it, and what the circumstances will be upon the action taken.

Now, I for one admonish all of us to take into account where we are now in Iraq and remember that we face exactly the same circumstances in terms of lack of forward-planning policy with regard to Liberia, and the consequences could be just as severe. The numbers might be different, but the situation is the same. We have an administration now that thinks that military action in and of itself constitutes political policy. Furthermore, support for the troops is then defined as being support for whatever political agenda they have. Now, that is what we are facing this evening.

No one can say if only for the fact that we appear here on the floor tonight that due warning has not been given to the American public by Members serving in the Congress of the United States that we should have a full debate with respect to what we are going to do in Liberia, most particularly in the wake of what is taking place in Iraq, and that before any action is taken in Liberia, the will of the Congress has to be determined.

I would hope that we take the most serious and sober view before we commit American troops in furtherance of a political agenda, and that political agenda is made manifest for the world to judge on the basis of action by American troops.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments. I think we need to learn our lessons and learn them well and ask the questions that need to be asked and avoid the taunts and the arrogance that can get us into a lot of trouble when we fail to think things through.

I would like to point out to my colleagues that editorial opinion is focusing on the President's comments and on the post-conflict realities in Iraq. The Philadelphia Inquirer on Sunday in response to the President's comments about "bring it on" in their lead editorial title "Bring Reality On," said continued hubris in high places heightens risks for U.S. soldiers in Iraq. The Inquirer asks: "Mr. President, do you live in a playhouse or the White House? Childish taunts such as that are not the calibrated words demanded of the United States President at this turn of history's wheel." And the Philadelphia Inquirer goes on to make several points about the reality that is needed in our policy.

First, they say get real about the number of U.S. troops needed to establish and maintain order for months to come; get real about the full scope of reconstructing Iraq, its costs and duration; get real about cutting taxes. The incumbent is the only President, the Inquirer says, in the Nation's history to cut taxes in the middle of a hot war. They say get real about spurning the value of the United Nations; get real about the democratic aspirations you unwisely inflated among the long-oppressed, divided Iraqi population; and get real about admitting mistakes.

Mr. DELAHUNT. Mr. Speaker, obviously we all make mistakes, but it is important to acknowledge the making of mistakes. I would submit that if Secretary Powell had information that was available to him a week after the President of the United States in his State of the Union message referenced the sale of uranium by an African country to Saddam Hussein, then it is almost inconceivable that the Secretary of State, Colin Powell, would not have had a conversation with the President suggesting or informing him that he did not find that information reliable in terms of his presentation to the United Nations; and yet for 6 months the White House, the President, has continued to insist on the reliability of the intelligence that he selected when he made his presentation to the American people.

The complaints are not coming just from this side of the aisle, but are coming from the intelligence community. Even the top U.S. Marine officer in Iraq, General James Conway, said U.S. intelligence was simply wrong in leading the military to believe that the invading troops were likely to be attacked with chemical weapons. I respect the general for making that statement; and it is time that the administration, the President and those who, upon review, discovered that the premises and the facts that supported those premises were inaccurate or incorrect, it is time to acknowledge them and restore the confidence of the American people and the people of this world in the integrity of the United States and its leadership.

These are just some quotes from intelligence officials, individuals who have no particular partisan ax to grind, and these are reports from the New York Times, and I am quoting, "As an employee of the Defense Intelligence Agency, I know how this administration has lied to the public to get support for its attack on Iraq. Some others see a pattern not so much of lying as of self-delusion and of subjecting the intelligence agencies to these delusions."

Another quote, " 'The American people were manipulated,' bluntly declares one person from the Defendant Intelligence Agency who says that he was privy to all of the intelligence on Iraq. 'These people are coming forward because they are fiercely proud.' " He is referring to intelligence analyses at the Defense Intelligence Agency, and those that are watching should be aware that there are many intelligence agencies, but this is the consensus of their opinion, that they are fiercely proud of the deepest ethic in the intelligence world, that such work should be nonpolitical and are disgusted at efforts to turn them into propaganda.

This is from an individual who retired in September after 25 years in the State Department. His name is Greg Thielmann, and he spent the last 4 years of his public service in the Bureau of Intelligence and Research, and these are his quotes: "The al Qaeda connection and nuclear weapons issues were the only two ways that you could link Iraq to an imminent security threat to the United States, and the administration was grossly distorting the intelligence on both things."

The outrage among the intelligence professionals is so widespread that they have formed a group, an association, called the Veteran Intelligent Professionals for Sanity, and they wrote to President Bush this past month to protest what they called, and again this is their language, "a policy and intelligence fiasco of monumental proportions."

I am quoting from their letter: "While there have been occasions in the past when intelligence has been deliberately wopped for political purposes, never before has such wopping been used in such a systematic way to mislead our elected representatives into voting to authorize launching a war."

A comment by Larry Johnson, one of those talking heads that we always see on those cable programs, he used to be a CIA analyst and worked at the State Department, referring to the low morale among the intelligence community: "I have never heard this level of alarm before. It is a misuse and abuse of intelligence. The President was misled. He was ill-served by folks who are supposed to protect him on this. Whether this is witting or unwitting, I do not know."

Mr. HOEFFEL. Mr. Speaker, I am sure the gentleman is aware that there is a perfectly rational reason why the White House admitted this week that they made a mistake with the President's State of the Union speech in which he claimed Iraq was trying to buy uranium from Africa. The reason that the White House had to finally admit their error is they were basing this on British intelligence, and the British system has resulted in an open inquiry where British parliamentarians have investigated and continue to investigate the question of the accuracy of their intelligence prewar, and the uses of that intelligence by the Blair administration.

They have concluded that while Prime Minister Blair did not himself mislead the public, that this information regarding the purchase of uranium in Africa was simply wrong and was based on forged documents.

This White House could no longer maintain the fiction that there was any basis in anybody's intelligence reports that Saddam Hussein was trying to buy uranium in Africa, and they simply had to because of a more open system in England where their Parliament has been more aggressive than this Congress. They had to face reality.

Mr. DELAHUNT. I am sure that C–SPAN viewers have witnessed those hearings. Sources and methods were protected. No State secrets were given out. It was a respectful discourse; and it informed the British people, a people, by the way, who sent men and women into combat with the United States. But I do not believe that is the only reason, and I am directing this to the gentleman from Pennsylvania (Mr. HOEFFEL) because while they admitted it today, ironically Sunday there appeared an article in the New York Times written by the individual, a former ambassador who, on behalf of the CIA, went to Nigeria to investigate this assertion that, according to some newspapers, came via the Italian intelligence service, and what he has to say in his words, one might draw the inference prompted this response today by the White House. Some might claim it to be an effort at damage control. But his name is Joseph Wilson, and the article is entitled "What I Didn't Find In Africa."

He starts it by saying, "Did the Bush administration manipulate intelligence about Saddam Hussein's weapons programs to justify an invasion of Iraq? Based on my experience with the administration in the months leading up to the war, I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat."

Mr. Speaker, I am not going to read the whole article, but it is extraordinarily informative. Maybe we can do it here in the United States as well as they can do it in the United Kingdom.

Mr. ABERCROMBIE. Mr. Speaker, I want to assure our colleagues as well as those who may be observing and listening to us that we do not intend to make this a 1- or 2- or 3-time deal.

□ 2300

This is not two or three Members of Congress off on some individual crusade. We are not here simply to recount those things with which we have a disagreement. What we feel very strongly about is what I believe is the views of the overwhelming majority of the people of the United States and most certainly those who have talked to me about that Members of Congress have not stepped up to the plate with regard to the discussion of these issues in illuminating what is at stake for this country, and that right now some of these corporation-controlled media networks and the organs of the executive government are controlling the message that is out there, and only free men and women, freely elected with the faith and trust of the electorate, the people have put us into these positions of trust here in the people's House.

It is up to us with that kind of an obligation placed upon us by the people to speak out and to speak up, to speak forthrightly, to speak with as much knowledge as we can bring to bear, to exercise such judgment as we are able to bring to bear, and to keep the people of this country informed, and to let them know that we will not be silenced in this, that we are going to be back night after night after night, and that if we cannot get these issues discussed during the regular business of the day, then rest assured we will be here in the Special Orders that are given to us here in the people's House to make certain that the hammer of truth is going to come down on the anvil of inquiry that is required of a free people in a democratic society.

We are going to return here again. We invite our colleagues to engage in this colloquy. We invite our colleagues to come forward and express their views. We invite our colleagues to come forth and make inquiry of one another so that we can be better informed ourselves, so that we do not have a circumstance that comes to fruition again in this Nation such as we experienced in Vietnam.

If anything motivates me to be down here on this floor, I see parallels. I am not drawing analogies, but I see parallels, distinctly fearful parallels, to what took place in Vietnam in which we were urged to keep quiet, in which we were urged not to say anything for fear it would be called dissent, as if there was already an understanding as to what the correct position should be when it comes to issue of life and death as we face now in Iraq and other places where American troops are deployed.

I believe it is an absolute necessity of democracy that we have the fullest and freest and the deepest and with the widest breadth of discussion that it is possible to have, and that is what we are going to be doing on this floor.

Mr. DELAHUNT. Mr. Speaker, we would be derogating our duty. And I applaud the eloquence and the obviously genuine commitment that the gentleman from Hawaii just respected. We would not be honoring our obligation, and additionally we would be failing those members in the military that have fought as well as they have, and we would be failing those individuals in the Intelligence Community that have expressed their views.

It brings to mind a story that again appeared in the newspapers shortly before we broke, I think it was the day that we broke, where someone stood up and testified before a House Permanent Select Committee on Intelligence. There was a number of intelligence officials within this closed hearing. Of course, it appears in the press, so I can speak about it. And this individual's name is Christian Westerman, and he happens to be a top State Department expert on chemical and biological weapons, and he told the committees that he had been pressed to tailor his analysis on Iraq and other matters specifically pertaining to Cuba to conform with the Bush administration's views. That is unacceptable. He is viewed within the Department, according to reports, as a careful and respected analyst of intelligence. He served in the Navy, and he was obviously not comfortable making that statement, but that kind of courage is important if we are going to ascertain the truth.

And whatever the truth is, the American people deserve the truth, and it is our responsibility to make every effort that we can to seek it. And I want to associate myself with the words of the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments, and I actually wrote those words down. "The hammer of truth will be brought down on the anvil of inquiry," and that is our job. It is our challenge here. It is not unpatriotic to ask questions. It is not unpatriotic to seek accountability. It is not unpatriotic to dissent. In fact, it is the highest form of patriotism to seek the truth, to ask questions, to try to get to the bottom of this in the name of the American people.

I know our time is short. Mr. Speaker, does either gentleman have any concluding remarks?

The gentleman from Hawaii I thank for being here.

The gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I wonder if at some point in the future, and we should discuss this with other Members of the House, but I for one would like to extend an invitation to some of our colleagues who serve in the Parliament, in the House of Commons, to come to the United States, or maybe some of us to go there to further this discussion, because I was so impressed with British democracy after viewing on C–SPAN those hearings that we have alluded to tonight. And there is real deep concern among the British, and it is clear that it is having an impact in Britain to a far more significant degree, unfortunately, than it appears to be having in this country. Maybe at some point in time, because I really believe it is necessary to have an independent commission depoliticize this issue, take it out of the realm of partisan politics.

Yes, there are congressional committees going on, but we know that there was an independent commission that was chaired by former Senator Rudman and former Senator Gary Hart that, unfortunately, they examined national security and just about predicted the events of September 11. It is so important to restore the confidence of the people in our national security, in our system. I think that happens to be the answer, but I would really welcome the input from the members of Parliament, from the House of Commons that sat in on those hearings to come and give us their observations.

I was particularly impressed with former Minister Robin Cook and a female former member by the name of Claire Short. I would think that if we invited them, they would come here, and hopefully the American media, as the gentleman from Hawaii (Mr. ABERCROMBIE) have put up with, finally start to take a good look, because this is an issue that is not going to go away because it is about time that we reflected and began to see ourselves as others are viewing us if we are going to continue to claim a certain moral authority in this world.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments, and I would only add it would also be nice if we could be joined by our friends across the aisle in some of these discussions during these special orders. I thank my colleagues for being part of this discussion.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to comment on the Special Orders matter related to Post-Conflict Iraq and the U.S.–U.N. involvement therein. I ask that our colleagues remember that two wars and over a decade of sanctions have crippled Iraq's infrastructure. With respect to the events that led to the need for Iraq rebuilding, I renew my concerns that there has been an apparent break down in U.S. intelligence as to the search for Weapons of Mass Destruction (WMD) that suggests that the current administration may have misled the public in order to garner support of the war in Iraq. Secondly, because the international community looks, in large part, to the United States as the nation with the best ability to aid in the job of rebuilding Iraq, it is important that our leadership respect its humanitarian needs, especially of the right to self-determination and ensure that these needs take precedence over capitalistic prospect. Moreover, as will be evidenced by my introduction of a bill to authorize the formation of a women's peace commission, I strongly advocate the involvement of women in the peace and rebuilding process in leadership capacities. In fact, not only should the women's peace commission be composed of Members of Congress, American small, minority, and women-owned businesses should also be active in the rebuilding process.

As to the potential misleading of the public as to the U.S. motive for waging war on Iraq, I will offer a resolution calling for the establishment of an independent commission to study the performance of U.S. intelligence agencies in gathering and disseminating intelligence on WMD in Iraq, the current administration's knowledge of WMD in Iraq, and the accuracy of the information given to the public. During a Presidential address on March 17, 2003, President Bush stated, "Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised." Thereupon, the administration initiated Operation Iraqi Freedom on March 19, 2003. Although the public justification for this war was Saddam Hussein's alleged possession of WMD, we have seen nothing to date in the form of WMD in Iraq. This failure to locate any WMD in Iraq or any evidence that WMD have been destroyed or relocated strongly suggests the U.S. intelligence's inaccuracy or the inaccurate communication of this information to the public. At this point, thorough assessment of the performance of U.S. intelligence agencies with respect to the gathering of information as to WMD will be required to restore public confidence in the American Government before we are in a position to efficiently offer genuine aid in the rebuilding process of Iraq.

The United Nations (U.N.) has been in the nation-building/rebuilding business on a worldwide scale for over a decade: East Timor, Cambodia, Kosovo, Bosnia, Haiti, and to some extent El Salvador, Guatemala, and parts of Africa. Although the U.N. has experts and experience, it does not have sufficient resources in which to undertake the task of rebuilding Iraq. While, as I mentioned above, the international community looks to us for the lion's share of support resources, we must yield to the U.N. as a legitimizer of a new order in Iraq. Legitimacy through international alliances and high overt purpose is vital to an effective rebuilding process. The U.N. power is that bestowed upon it by its member-nations; however, it has great capacity to bestow legitimacy to this effort. In obtaining legitimacy through the U.N., we must not abuse the interest in self-determination of the Iraqi people. All ameliorative efforts should aim toward the goal of facilitating Iraqis in running their own trials without the involvement of U.N. international expertise. Furthermore, the United Nations will aid the effort to build internationally acceptable electoral machinery and run elections for the rebuilding nation. Experienced U.N. advisers could remain in government ministries, for years if necessary, without creating looking like an occupation.

As to the method of rebuilding Iraq, I have suggested the creation of a bipartisan, bicameral working group on Iraqi reconstruction. I proposed the convening of an immediate working group to craft a comprehensive strategy for the reconstruction of Iraq. I am deeply troubled by the reports we are receiving from Iraq. The picture that was painted for us before the war—what we would find and how the Iraqi people would respond to being "liberated"—seems to be wholly inaccurate. It seems that our forces, as well as the American people, were unprepared for the challenges we are now facing. It is essential that we develop a truer vision for the future of Iraq, and a realistic plan for making that vision come to be. Doing so will demand all the expertise and experience that Congress has to offer.

To tap into those skills, we should form a working group, composed of a diverse array of qualified and committed Members of Congress. Conceptually, we must immediately dispense with partisanship and turf-wars and come together to form a plan that is right for our troops, right for the people of Iraq, and worthy of support and financing by the American people. We do not have the luxury of time to start this discussion in both the House and Senate, a dozen committees, and then assimilate ideas later. So, I propose that we convene a joint House-Senate bipartisan working group on Iraq.

Since tensions began to escalate in Iraq last year, I have consistently fought for resolving the crisis with four goals in mind: minimizing the loss of American lives; minimizing the impact on the Iraqi people; minimizing the costs to the American taxpayers; and ensuring that our work in Iraq leads to long-term peace and stability in Iraq and the Middle East. I believe that those of us against the war, as well as those who supported it, can all agree on those four principles. We owe it to our troops and to the people of Iraq to acknowledge the problems that exist, and to make the investments of time and money necessary to get the job done—so we can bring our troops home.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRAMER (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. FROST (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. HARMAN (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and July 9 on account of official business.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and the balance of the week on account of a family emergency.

Mr. SANDLIN (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. GIBBONS (at the request of Mr. DELAY) for today and the balance of the week on account of traveling with a congressional delegation to Iraq.

Mr. GOSS (at the request of Mr. DELAY) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and July 9, 10, 14, and 15.

Mr. GUTKNECHT, for 5 minutes, today and July 9 and 10.

Ms. ROS-LEHTINEN, for 5 minutes, today and July 9.

Mr. KOLBE, for 5 minutes, today and July 9.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. HOEFFEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 9, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3009. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP-2003-0179; FRL-7311-5] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3010. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flufenacet (N-(4-fluorophenyl) -N-(1-methylethyl)-2-[[5-(trifluoromethyl)-1,3,4-thiadiazol -2-yl]oxy] acetamide; Pesticide Tolerance [OPP-2003-0181; FRL-7313-9] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3011. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerance [OPP-2003-0133; FRL-7306-8] Revceived May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3012. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerance [OPP-2003-0088; FRL-7308-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3013. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Cry34Ab1 and Cry35Ab1 Proteins and the Genetic Material Necessary for their Production in Corn; Temporary Exemption from the Requirement of a Tolerance [OPP-2003-0154; FRL-7310-1] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3014. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diallyl Sulfides; Exemption from the Requirement of a Tolerance [OPP-2003-0134; FRL-7303-6] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3015. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Famoxadone; Pesticide Tolerance [OPP-2003-0130; FRL-7310-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3016. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerance [OPP-2003-0135; FRL-7313-7] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance; Technical Correction [OPP-2003-0155; FRL-7316-5] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3018. A letter from the Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [OPP-2002-0043; FRL-7308-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3019. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [OPP-2002-0043; FRL-7316-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3020. A communication from the President of the United States, transmitting requests for emergency FY 2003 emergency supplemental appropriations; (H. Doc. No. 108—98); to the Committee on Appropriations and ordered to be printed.

3021. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Tommy R. Franks, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3022. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report on the Utilization of Industrial Partnerships within the National Nuclear Security Administration, Fiscal Year 2002; to the Committee on Armed Services.

3023. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Federally Enforceable State Operating Permit Program; Allegheny County, Pennsylvania [PA 138-4098a; FRL-7511-7] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3024. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Credible Evidence [SIP NO. CO-001-0075a; FRL-7512-7] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3025. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah; SIP Renumbering [SIP NO. UT-001-0048, UT-001-0049, FRL-7501-5] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3026. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for San Diego, California [CA-282-0389; FRL-7515-4] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3027. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Substantial Inadequacy of Implementation Plan; Call for California State Implementation Plan Revision [CA 086 SIP; FRL-7518-4] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3028. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination That the State of California Has Corrected Deficiencies and Stay and Deferral of Sanctions; San Joaquin Valley Ozone Nonattainment Area [CA286-0404B; FRL-7517-9] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3029. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; State Implementation Plan Corrections [SIP NOS. CO-001-0052, CO-001-0032, CO9-3-5603; FRL-7503-4] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3030. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Volatile Organic Compounds from Chemical Production and Polytetrafluoroethylene Installations [MD131-3091a; FRL-7503-7] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3031. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Air Pollution from the Emission of Sulfur Oxides [WV038/053-6026a; FRL-7500-2] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3032. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations [WV050-6029a; FRL-7503-9] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3033. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Removal of Alternative Emission Reduction Limitations [PA158-4206a; FRL-7504-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3034. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Georgia Update to Materials Incorporated by Reference [GA-200325; FRL-7500-9] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3035. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky: Approval of Revisions to Maintenance Plan for Northern Kentucky [KY 147-200329; FRL-7505-3] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3036. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee State Implementation Plan [TN-213-9952(a); FRL-7506-8] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3037. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [CA 267-0394a; FRL-7495-4] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3038. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 264-0398; FRL-7505-5] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3039. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7505-1] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3040. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Nitrogen Oxides Budget Trading Program [VA127-5064; FRL-7523-2] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3041. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [NE 178-1178a; FRL-7523-1] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3042. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa [IA 186-1186(a); FRL-7523-4] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3043. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Regional Haze Rule to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Geographic Area [FRL-7522-7] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3044. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that Iraq's declaration to the United Nations of December 7, 2002 has been transmitted to the House Select Committee on Intelligence; to the Committee on International Relations.

3045. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

3046. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2000 Through 2003 as of March 31, 2003," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

3047. A letter from the Inspector General, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3048. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3049. A letter from the Secretary, Department of Defense, transmitting a correction letter on the approved retirement of General Tommy R. Franks, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Government Reform.

3050. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3051. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: April 2003 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

3052. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3053. A letter from the Secretary, Department of the Interior, transmitting the 2002 Annual Report for the Office of Surface Mining (OSM), pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

3054. A letter from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting a report on how the provisions of Section 428 of the Homeland Security Act will affect procedures for the issuance of student visas; to the Committee on the Judiciary.

3055. A letter from the Secretary, Department of Homeland Security, transmitting a report on the Feasibility of Accelerating the Integrated Deepwater System, pursuant to Public Law 107—296, section 888(i); to the Committee on Transportation and Infrastructure.

3056. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards for Kansas [FRL-7522-5] (RIN: 2040-2A00) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3057. A letter from the Secretary of Veterans Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II and survivors of such veterans and extend health care benefits to certain Filipino veterans residing legally in the United States; to the Committee on Veterans' Affairs.

3058. A letter from the Under Secretary, Department of Defense, transmitting the biennial report on the Montgomery GI Bill for Members of the Selected Reserve; jointly to the Committees on Armed Services and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COX: Select Committee on Homeland Security. H.R. 2122. A bill to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes; with an amendment (Rept. 108–147 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee on Appropriations. H.R. 2660. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–188). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 309. Resolution providing for consideration of the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education (Rept. 108–189). Referred to the House Calendar.

Mrs. MYRICK: Committed on Rules. House Resolution 310. Resolution providing for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of

1965 (Rept. 108–190). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 311. Resolution providing for consideration of the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–191). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 312. Resolution providing for consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–192). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REGULA:

H.R. 2660. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. BARRETT of South Carolina:

H.R. 2661. A bill to name the Capitol Visitor Center after J. Strom Thurmond; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. Blunt, Mr. Isakson, Mr. Menendez, Mr. Andrews, Mr. Rogers of Michigan, Mr. Collins, and Mr. Foley):

H.R. 2662. A bill to amend the Internal Revenue Code of 1986 to provide that certain limousines are not subject to the gas guzzler tax; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 2663. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mrs. KELLY:

H.R. 2664. A bill to provide for Medicare reimbursement for health care services provided to Medicare-eligible veterans in facilities of the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. George Miller of California, Mr. McHugh, Mr. Smith of New Jersey, Mr. LaTourette, Mr. Andrews, Mr. Owens, and Mr. Kind):

H.R. 2665. A bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation; to the Committee on Education and the Workforce.

By Mr. LaTOURETTE:

H.R. 2666. A bill to authorize funds for fiscal year 2004 for research, development, test, and evaluation for a prototype multi-role, long-range sniper system; to the Committee on Armed Services.

By Mrs. MALONEY (for herself and Mr. Petri):

H.R. 2667. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting phone banks during campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mrs. MILLER of Michigan:

H.R. 2668. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 2669. A bill to provide a model for school districts in the United States using and building on the experience of the District of Columbia in establishing fully accountable public alternatives to traditional public schools; to the Committee on Government Reform.

By Ms. WATSON:

H.R. 2670. A bill to limit the reimbursement of travel expenses of the members and employees of the Federal Communications Commission; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. Pombo, Mr. Rahall, Mr. Hyde, Mr. Lantos, and Mr. Faleomavaega) (all by request):

H.J. Res. 63. A joint resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Ms. Lee, Mr. Meeks of New York, Mr. Lantos, Ms. Corrine Brown of Florida, Mr. Rangel, and Ms. Watson):

H. Con. Res. 240. Concurrent resolution expressing the sense of Congress with respect to the urgency of providing support for the "Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy of Liberia", and for other purposes; to the Committee on International Relations.

By Mrs. WILSON of New Mexico:

H. Con. Res. 241. Concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month; to the Committee on the Judiciary.

By Mr. McINTYRE:

H. Res. 308. A resolution expressing the sense of the House of Representatives that the Federal Government should actively pursue a unified approach to strengthen and promote the national policy on aquaculture; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. Andrews, Mr. Engel, Mr. Gillmor, Ms. Kaptur, Mr. McIntyre, Mr. Grijalva, Mrs. McCarthy of New York, Mr. Ballance, Mr. Holt, and Mr. Markey):

H. Res. 313. A resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of the House of Representatives regarding the service of the members of the United States Cadet Nurse Corps during World War II; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Wilson of South Carolina, Mr. Otter, Mr. Bishop of Georgia, and Mr. Burns.

H.R. 36: Mr. Foley and Mr. Wexler.

H.R. 119: Mr. Case.

H.R. 140: Mr. Miller of North Carolina.

H.R. 173: Mr. Garrett of New Jersey.

H.R. 218: Mr. Cox.

H.R. 284: Ms. Harman and Ms. Kilpatrick.

H.R. 290: Mr. Kucinich, Mr. Allen, Mr. Marshall, Mr. Duncan, Mr. Dicks, and Mr. Hinchey.

H.R. 303: Mr. Hensarling, Mr. Fossella, and Mr. Lewis of Georgia.

H.R. 369: Mr. Brown of Ohio, Mr. Kildee, and Mr. Knollenberg.

H.R. 384: Mr. Bartlett of Maryland and Mr. Burgess.

H.R. 461: Mr. Cooper.

H.R. 466: Mr. Cardin, Ms. Roybal-Allard, Mr. Ehlers, and Mr. Camp.

H.R. 516: Mrs. Musgrave.

H.R. 570: Mrs. McCarthy of New York and Mr. McHugh.

H.R. 571: Mr. Putnam, Mr. Gingrey, Mr. Peterson of Pennsylvania, Mr. Hefley, Ms. Harris, Mr. Sessions, Mr. LaTourette, Mr. Cole, Mr. Coble, and Mr. Beauprez.

H.R. 676: Mr. Nadler.

H.R. 687: Mr. Wicker and Mr. Weldon of Florida.

H.R. 713: Mr. McIntyre, Mr. Calvert, Mr. Wilson of South Carolina, and Mr. Doolittle.

H.R. 725: Mrs. Napolitano.

H.R. 742: Mr. Doolittle, Mr. Janklow, Mr. Lewis of Kentucky, Mr. McCotter, and Mr. Cooper.

H.R. 745: Mr. Allen.

H.R. 756: Mr. LoBiondo.

H.R. 785: Mr. Burr, Mr. Manzullo, and Mr. Emanuel.

H.R. 792: Ms. Eshoo, Mr. Allen, Mr. Kennedy of Rhode Island, Mr. Putnam, Mr. Inslee, Mr. Gutierrez, Mr. Dicks, and Mr. Davis of Illinois.

H.R. 806: Mr. Schiff and Mr. Pallone.

H.R. 811: Mr. Hall.

H.R. 816: Mr. Sanders.

H.R. 817: Mrs. Napolitano.

H.R. 822: Mr. Acevedo-Vilá and Ms. McCollum.

H.R. 828: Mr. Rangel.

H.R. 832: Mr. Bell and Mr. Bishop of New York.

H.R. 857: Ms. LINDA T. SÁNCHEZ of California, Mr. JONES of North Carolina, and Mr. PASCRELL.

H.R. 869: Mr. MOORE.

H.R. 879: Mr. MANZULLO and Mr. KOLBE.

H.R. 891: Ms. ESHOO.

H.R. 898: Mr. LYNCH.

H.R. 919: Mr. CARTER, Mr. WAMP, and Mr. FERGUSON.

H.R. 934: Mr. EMANUEL.

H.R. 979: Mr. DAVIS of Illinois.

H.R. 980: Mr. GORDON and Mr. PALLONE.

H.R. 1075: Mr. OSBORNE.

H.R. 1078: Ms. SOLIS.

H.R. 1093: Mr. CAMP, Mr. SULLIVAN, and Mr. HAYWORTH.

H.R. 1137: Mr. PITTS and Mr. OTTER.

H.R. 1157: Mr. DINGELL, Ms. MAJETTE, Mr. MARKEY, Mr. BECERRA, and Mr. INSLEE.

H.R. 1167: Mr. GREEN of Wisconsin.

H.R. 1173: Mr. WYNN.

H.R. 1196: Mr. BLUMENAUER, Ms. SCHAKOWSKY, and Mr. DeFAZIO.

H.R. 1236: Ms. CARSON of Indiana and Mr. PORTER.

H.R. 1259: Mr. SIMMONS and Mr. OTTER.

H.R. 1266: Mr. HONDA.

H.R. 1268: Mrs. NAPOLITANO.

H.R. 1288: Mr. MORAN of Kansas and Mr. DICKS.

H.R. 1295: Mrs. CHRISTENSEN and Mr. DAVIS of Illinois.

H.R. 1301: Mr. TIERNEY and Mr. GRIJALVA.

H.R. 1310: Mr. DAVIS of Alabama, Mr. ALLEN, and Mr. RENZI.

H.R. 1355: Mr. McDERMOTT, Mrs. MALONEY, and Mr. OBERSTAR.

H.R. 1359: Ms. DeLAURO and Mr. LARSON of Connecticut.

H.R. 1418: Mr. FOLEY.

H.R. 1421: Mr. FALEOMAVAEGA and Mr. MATSUI.

H.R. 1430: Mr. ANDREWS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, and Mr. MICHAUD.

H.R. 1435: Mr. FRANK of Massachusetts.

H.R. 1464: Mr. FALEOMAVAEGA, Mr. WEINER, and Mr. FARR.

H.R. 1472: Mr. KUCINICH, Mr. HYDE, Mr. WEINER, Mr. VITTER, Mr. DEAL of Georgia, Mrs. MYRICK, Mr. WICKER, Mr. FOSSELLA, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Florida, Mr. TOM DAVIS of Virginia, Ms. KAPTUR, Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. BUYER, Mr. ISRAEL, Mr. ADERHOLT, Mr. GOSS, Mr. GILLMOR, Mr. NORWOOD, Mr. PENCE, Ms. HART, Mr. HONDA, Mr. BACHUS, Mr. PORTMAN, Mr. EVERETT, Mr. COLLINS, Mr. BAKER, and Mr. SULLIVAN.

H.R. 1473: Mr. McGOVERN.

H.R. 1482: Mrs. LOWEY and Mr. HINCHEY.

H.R. 1513: Mr. REHBERG, Mrs. BLACKBURN, Mr. RAMSTAD, Mr. WAMP, Mr. HALL, Mr. BURNS, Mr. SHAW, and Mr. BEAUPREZ.

H.R. 1522: Mrs. CHRISTENSEN.

H.R. 1567: Mr. KINGSTON and Mr. HUNTER.

H.R. 1589: Mr. LUCAS of Kentucky.

H.R. 1605: Mr. MORAN of Virginia.

H.R. 1639: Ms. LEE, Mr. GRIJALVA, Mr. McGOVERN, and Mr. CASE.

H.R. 1657: Mr. VAN HOLLEN.

H.R. 1659: Mr. LANTOS and Ms. ROYBAL-ALLARD.

H.R. 1662: Mr. SHIMKUS, Mr. OSE, and Mr. FLAKE.

H.R. 1671: Mr. FOLEY.

H.R. 1710: Mr. GOODLATTE and Ms. DeLAURO.

H.R. 1748: Mr. CLYBURN.

H.R. 1807: Mr. SANDERS.

H.R. 1839: Mr. SHUSTER.

H.R. 1863: Mr. BELL and Mr. UPTON.

H.R. 1865: Mrs. CHRISTENSEN and Ms. JACKSON-LEE of Texas.

H.R. 1873: Mr. MICHAUD and Mrs. CAPITO.

H.R. 1886: Mr. KIND and Ms. ESHOO.

H.R. 1902: Ms. SCHAKOWSKY.

H.R. 1905: Mr. FRANK of Massachusetts and Mr. FILNER.

H.R. 1906: Mr. GEORGE MILLER of California.

H.R. 1909: Mr. BLUNT, Mr. DOOLITTLE, Mr. BISHOP of Utah, Mr. TANCREDO, AND MR. PAUL.

H.R. 1943: Mr. ENGLISH.

H.R. 1963: Mr. STUPAK.

H.R. 1999: Mr. CLYBURN and Mr. UDALL of New Mexico.

H.R. 2011: Mr. EDWARDS and Mr. LAHOOD.

H.R. 2020: Mr. DEUTSCH and Mr. SULLIVAN.

H.R. 2022: Mr. WAXMAN and Mr. GOODE.

H.R. 2028: Mr. CANNON and Mr. LoBIONDO.

H.R. 2038: Mr. FILNER, Mr. GONZALEZ, and Mr. MATSUI.

H.R. 2047: Mr. LEVIN.

H.R. 2052: Mr. RAHALL, Mr. BILIRAKIS, Mr. PALLONE, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mr. SNYDER, Mr. JACKSON, of Illinois, Mr. ANDREWS, Mr. MURTHA, Ms. HOOLEY of Oregon, Mr. LANGEVIN, Mr. JEFFERSON, Mrs. NAPOLITANO, Mr. GILLMOR, and Mr. SERRANO.

H.R. 2075: Mr. STEARNS and Mr. GINNY BROWN-WAITE of Florida.

H.R. 2118: Mr. DEAL of Georgia.

H.R. 2193: Mr. LYNCH.

H.R. 2198: Ms. MAJETTE.

H.R. 2205: Mr. MEEKS of New York, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DINGELL, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. CUMMINGS, Ms. McCARTHY of Missouri, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mr. ENGLISH, Ms. GRANGER, Mrs. MALONEY, Mr. McINTYRE, Mr. GUTIERREZ, Mr. GILLMOR, Mr. COX, Mr. DOGGETT, Mr. FALEOMAVAEGA, Mr. KIND, Mr. GEORGE MILLER of California, Ms. WATERS, Mr. FORD, Ms. ESHOO, Mr. CONYERS, Mr. HASTINGS of Florida, and Mr. BRADY of Pennsylvania.

H.R. 2218: Mr. BROWN of Ohio, Mr. TOWNS, Mr. GREEN of Texas, Ms. DeLAURO, and Mrs. NAPOLITANO.

H.R. 2224: Mrs. JO ANN DAVIS of Virginia.

H.R. 2232: Mrs. JO ANN DAVIS of Virginia, Mr. HEFLEY, and Mr. WILSON of South Carolina.

H.R. 2250: Ms. LORETTA SANCHEZ of California.

H.R. 2253: Mr. FALEOMAVAEGA.

H.R. 2262: Mr. FALEOMAVAEGA, Ms. GINNY BROWN-WAITE of Florida, and Mr. MICHAUD.

H.R. 2272: Mr. RANGEL, Mr. GORDON, Mr. CUMMINGS, Mr. JEFFERSON, and Mr. RUSH.

H.R. 2291: Mr. FALEOMAVAEGA and Mr. ALLEN.

H.R. 2295: Ms. DeLAURO and Mr. KIND.

H.R. 2300: Mr. BISHOP of Georgia and Mrs. NAPOLITANO.

H.R. 2318: Mr. RUSH, Ms. SOLIS, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr. OWENS, Mr. BISHOP of New York, and Mr. ROSS.

H.R. 2323: Mr. FRANK of Massachusetts, Mr. SANDLIN, Mr. WAMP, Mrs. CHRISTENSEN, and Mr. HOSTETTLER.

H.R. 2347: Ms. JACKSON-LEE of Texas and Mr. KLINE.

H.R. 2369: Ms. VELÁZQUEZ, Mr. STRICKLAND, and Mr. LIPINSKI.

H.R. 2377: Mr. NADLER.

H.R. 2379: Mr. SHUSTER, Mr. PEARCE, Mr. WAMP, Mr. ROSS, and Mrs. CHRISTENSEN.

H.R. 2418: Mrs. JONES of Ohio, Mr. NADLER, Mr. CONYERS, and Ms. WOOLSEY.

H.R. 2426: Mr. PRICE of North Carolina, Mr. McGOVERN, Mr. KUCINICH, Ms. McCOLLUM, and Mr. EMANUEL.

H.R. 2427: Mr. KUCINICH, Mr. LANGEVIN, Mr. SMITH of New Jersey, Mr. WAMP, and Mr. SANDERS.

H.R. 2437: Mr. HONDA, Mr. NADLER, and Mr. DAVIS of Illinois.

H.R. 2440: Mr. McDERMOTT, Mr. MICHAUD, Mr. BISHOP of Utah, Mr. CAMP, and Mr. WALDEN of Oregon.

H.R. 2444: Mr. OTTER.

H.R. 2445: Mr. FILNER.

H.R. 2446: Mr. HASTINGS of Washington.

H.R. 2448: Mr. ENGLISH.

H.R. 2449: Mr. BOUCHER.

H.R. 2455: Mr. NADLER.

H.R. 2462: Mr. TANNER, Mr. BACA, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, and Mr. PASCRELL.

H.R. 2464: Mr. OWENS and Mr. WILSON of South Carolina.

H.R. 2478: Mr. HINCHEY and Mr. KUCINICH.

H.R. 2482: Mr. KING of New York, Mr. LANTOS, Mr. MARKEY, Mr. CROWLEY, Mr. EVANS, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. McNULTY, Ms. McCARTHY of Missouri, Mr. WU, Mr. McGOVERN, Mr. RAHALL, Mr. KUCINICH, Mr. GRIJALVA, and Mr. BERMAN.

H.R. 2491: Mr. OWENS.

H.R. 2497: Mr. GUTIERREZ, Mr. McDERMOTT, Mr. ALLEN, Mr. RYAN of Ohio, and Mr. GUTKNECHT.

H.R. 2505: Mr. SANDERS, Mr. ALLEN, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. LANTOS, and Mr. WEXLER.

H.R. 2515: Mr. FOSSELLA, Mr. GILLMOR, Mr. WYNN, Mr. DAVIS of Florida, Mr. OWENS, Mr. LEVIN, Mr. MOORE, Mr. BLUMENAUER, Mr. SHERMAN, Mr. HINCHEY, Ms. WATSON, Mr. CARTER, Mr. HASTINGS of Washington, Mr. DEUTSCH, Mr. PALLONE, Ms. DeGETTE, and Mr. GORDON.

H.R. 2517: Mr. GOODLATTE, Mr. OLVER, Mr. CARTER, Mr. FEENEY, Mr. FORD, Mr. WEXLER, and Mr. HYDE.

H.R. 2519: Ms. HARMAN, Mr. ANDREWS, Mr. TOWNS, Mr. WEXLER, Mr. FOLEY, and Mr. GALLEGLY.

H.R. 2532: Mr. EMANUEL.

H.R. 2538: Mr. WEXLER.

H.R. 2545: Mr. OWENS and Mr. ENGLISH.

H.R. 2546: Mr. CONYERS.

H.R. 2550: Mr. WILSON of South Carolina.

H.R. 2574: Mr. OBERSTAR.

H.R. 2578: Mr. DEAL of Georgia, Mr. ISSA, Mr. SOUDER, Mr. RYUN of Kansas, and Mrs. BLACKBURN.

H.R. 2591: Mrs. MILLER of Michigan, Mr. MARIO DIAZ-BALART of Florida, and Mr. PAUL.

H.R. 2631: Mr. GOODE and Mr. VAN HOLLEN.

H.R. 2632: Mr. BAKER.

H.R. 2637: Mr. PASCRELL.

H.R. 2640: Mr. CROWLEY and Mr. SANDERS.

H.R. 2655: Mr. LYNCH.

H.J. Res. 11: Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, and Mr. SHAYS.

H.J. Res. 56: Mr. HAYES, Mr. BARRETT of South Carolina, Mr. BURNS, Mr. COLLINS, Mr. ROGERS of Alabama, Mr. WAMP, and Mr. STENHOLM.

H.J. Res. 62: Mrs. LOWEY.

H. Con. Res. 6: Mr. FROST, Mr. GOODE, Mrs. DAVIS of California, and Mrs. CHRISTENSEN.

H. Con. Res. 30: Mr. BLUNT, Mr. STRICKLAND, and Mr. ABERCROMBIE.

H. Con. Res. 39: Mr. CUMMINGS.

H. Con. Res. 99: Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. CUMMINGS, and Ms. CARSON of Indiana.

H. Con. Res. 111: Mr. LAHOOD.

H. Con. Res. 119: Mr. NORWOOD, Mr. BRADY of Texas, Mr. VITTER, Mr. ISTOOK, Mr. DOOLITTLE, Mr. FEENEY, Mr. OTTER, Mr. CARTER, Mr. CANNON, Mr. DEUTSCH, Mr. SCHROCK, and Mr. SESSIONS.

H. Con. Res. 130: Mr. FROST.

H. Con. Res. 210: Mr. REYES and Mr. SKELTON.

H. Con. Res. 215: Ms. Kilpatrick, Mr. Camp, Mr. Rogers of Michigan, Mr. Hoekstra, and Mr. Smith of Michigan.

H. Con. Res. 217: Mr. Pitts and Mr. Bell.

H. Con. Res. 229: Mr. Lantos, Mrs. Jones of Ohio, Mr. Cummings, Mr. Rangel, Ms. Corrine Brown of Florida, Mrs. Christensen, Ms. Carson of Indiana, Ms. Watson, Mr. Wynn, Mr. Clay, Ms. Millender-McDonald, Mr. Towns, Ms. Kilpatrick, Mr. Owens, Ms. Lee, Mr. Clyburn, Mr. Engel, and Mr. Smith of New Jersey.

H. Con. Res. 237: Mr. Hayworth and Mr. Flake.

H. Res. 103: Mr. Janklow.

H. Res. 238: Mr. Allen, Mr. Ballance, Mr. Bishop of Georgia, Mr. Brown of Ohio, Mr. Cardin, Ms. Carson of Indiana, Mrs. Christensen, Mr. Conyers, Mr. Cummings, Mr. Davis of Alabama, Mr. Davis of Tennessee, Ms. DeLauro, Mr. Deutsch, Mr. Fattah, Mr. Frost, Mr. Grijalva, Ms. Norton, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mr. Kucinich, Ms. Lee, Mr. Lewis of Georgia, Ms. Millender-McDonald, Mr. Pallone, Mr. Rahall, Mr. Rangel, Mr. Rothman, Mr. Rush, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Spratt, Mr. Towns, Ms. Waters, Ms. Watson, Mr. Waxman, Mr. Wexler, and Mr. Wynn.

H. Res. 259: Mr. Pitts.

H. Res. 280: Mr. Culberson, Mrs. Kelly, Mr. McNulty, Mr. Walsh, Mr. Engel, Mr. Frost, Mr. McHugh, Mr. Rangel, and Mrs. Lowey.

H. Res. 286: Ms. Eddie Bernice Johnson of Texas.

H. Res. 287: Ms. Eddie Bernice Johnson of Texas.

H. Res. 288: Ms. Eddie Bernice Johnson of Texas.

H. Res. 304: Mr. McDermott, Mr. Lynch, Mr. Frank of Massachusetts, and Mr. Davis of Illinois.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1063: Mr. Pallone.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2657

Offered By: Mr. Manzullo

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting—

(A) "Chief Administrative Officer of the House of Representatives" for "head of the department or independent establishment"; and

(B) "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting—

(A) in subsection (a)—

(i) "at least 65 percent" for "substantially all"; and

(ii) "Chief Administrative Officer of the House of Representatives" for "head of the department or independent establishment"; and

(B) in subsection (b), "Chief Administrative Officer of the House of Representatives has made any contract containing the provision required by subsection (a) and" for "head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (a)".

H.R. 2660

Offered By: Mr. Green of Texas

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec. . Section 2604(a)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)(1)) is amended—

(1) in subparagraph (A) by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(2) by adding at the end the following new subparagraph:

"(C) Not more than 50 percent of amounts appropriated for carrying out this title for any fiscal year shall be provided for home heating purposes.".

H.R. 2660

Offered By: Mr. Green of Texas

Amendment No. 2: In the matter relating to "Administration for Children and Families—Low-Income Home Energy Assistance", after the second dollar amount, insert the following: "(increased by $200,000,000), to remain available until expended".

H.R. 2660

Offered By: Mr. Blumenauer of Oregon

Amendment No. 3: At the end of the bill (before the short title), insert the following new section:

Sec. . Federally recognized Indian tribes shall be eligible to the same extent as States are eligible for programs funded with amounts made available under this Act.

EXTENSIONS OF REMARKS

IN HONOR AND REMEMBRANCE OF AIR FORCE COMMANDER MICHAEL JOSEPH AKOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Air Force Commander Michael Joseph Akos, who bravely and selflessly answered the call to duty and made the ultimate sacrifice on behalf of our country.

Commander Akos' young life was characterized by his dream of one day flying above the clouds, a dream that would be fulfilled in the form of service to his country. Michael's gregarious and mischievous spirit made him a pleasure to be around, a quality that followed him into adulthood. Devoted and diligent, Commander Akos had the strength and discipline to do anything he set his mind to, and an intense devotion to those he loved.

Commander Akos loved his family, and lived his life with passion. He served as a model husband, son, brother, and friend, always happy to be around his loved ones, and poignantly aware of the gift of family.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Commander Michael J. Akos, whose courage and commitment will forever be remembered as a testament to our great Nation. I offer my deepest condolences to the family of Commander Akos—his beloved parents, Dennis Joseph Akos and Nona Ann Akos; his devoted wife Karlynne Akos; his beloved brothers, Dennis Matthew Akos and Patrick Thomas Akos; and his extended family and many friends.

The significant sacrifice, service, and bravery that characterized the life of Commander Michael Joseph Akos will forever be honored and remembered by the Cleveland community, and the entire Nation. And within the hearts of his family and friends—the bonds of love and memories created in life by Commander Akos will never be broken, the joy he brought to this world will never be forgotten, and his sacrifice will serve as a living symbol of the human spirit.

INCLUSION OF GUAM IN PUBLIC LAW 101–426

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to place in the RECORD a resolution passed by the Guam Legislature which petitions the United States Congress to amend the Radiation Exposure Compensation Act of 1990 to include Guam in the jurisdictions covered by the Act.

The aforementioned Act, Public Law 101–426, calls for the compensation to be paid to the people of areas where they may have been exposed to hazardous materials as a result of the detonation of nuclear weapons. While those areas that were most obviously affected by nuclear testing have been compensated, recent evidence shows that the effects of these nuclear tests were more widespread than originally thought. Most specifically, the people of my island, Guam, were affected by these events, and it is of paramount importance that this problem be addressed. As the resolution states, Guam was affected by wind borne radiation and by the scrubbing of radiated vessels in Guam's harbors.

In the coming days, I will work towards the introduction of legislation that will extend Public Law 101–426 to include the people of Guam. Such legislation is a much needed action to compensate for allowing nuclear waste to contaminate areas in the Western Pacific. I look to my colleagues for their assistance and understanding in rectifying the impact of nuclear testing in the region.

RESOLUTION NO. 30 (LS)

Whereas, the United States conducted testing of atomic nuclear weapons on Enewetak and Bikini Atolls in the Marshall Islands, from 1946 to 1958. A total of sixty-seven (67) atomic and thermonuclear bombs were detonated which resulted in fallout across a wide area of the Pacific. Continental United States residents exposed to radiation resulting from the nuclear weapons testing subsequently developed serious diseases, including various types of cancer. On October 1990, in order to establish a procedure to make partial restitution to radiation exposure victims for their suffering, President George H. Bush signed into law the Radiation Exposure Compensation Act (RECA). RECA established the Radiation Exposure Compensation Program (RECP) within the Civil Division of the Department of justice to administer its responsibilities under the Act. In April 1992, RECP began processing claims. RECA was amended several times, most recently on July 10, 2000, when President William Jefferson Clinton signed into law the Radiation Exposure Compensation Act Amendments of 2000. The 2000 amendments further broaden the scope of eligibility for benefits coverage to include new victim categories and modify the criteria for determining eligibility for compensation; and

Whereas, RECA establishes a procedure to make partial restitution to individuals who contracted serious diseases, such as certain types of cancers, presumably resulting from their exposure to radiation from aboveground nuclear tests or as a result of their employment in uranium mines. The law established five (5) claimant categories—uranium miners, uranium millers, ore transporters, "downwinders" (those who were located downwind from aboveground nuclear weapons tests conducted at the Nevada test sites) and onsite participants (those who actually participated onsite); and

Whereas, as enacted, the law broadens the population covered by the Radiation Exposure Compensation Act, which authorizes monetary compensation to individuals who were present, or nearby when nuclear weapons tests were conducted at the Nevada Test Site or who worked in uranium mines, and later developed certain diseases; adds more qualifying occupations relating to uranium production; increases the number of states covered and extends the time period considered for radiation exposure; adds more diseases which may qualify individuals for compensation; decreases the level of radiation exposure that is necessary to qualify; makes certain that the medical criteria is less stringent for potential claimants; and

Whereas, nuclear tests that the United States Government conducted in the Marshall Islands from 1946 until 1968 have led to increased levels of radiation in some of the islands of Micronesia; and

Whereas, such increased levels of radiation may have led to serious health and other environmental problems for life in such areas; and

Whereas, Guam is approximately one thousand two-hundred (1200) miles directly west of the test sites; and

Whereas, the Atomic Energy Commission detonated sixty-seven (67) nuclear devices with a total yield of one hundred eight thousand four hundred ninety-two point two (108,492.2) kilotons in or around the Marshall Islands; and

Whereas, there were ten (10) detonations that had the yield necessary (one (1) megaton) to project material from the center of the explosion to the height of between twelve (12) to fifty-five (55) miles, and into the jet-stream; and

Whereas, the jet-stream travels generally westward from the Marshall Islands carrying the radioactive material as fine as dust particles; these particles collected ice crystals at high altitudes and descended as cloud condensation. This process is known as the scavenging effect; and

Whereas, the material drops to land surfaces and enters the food and water supply consumed by the local population; and

Whereas, reports from the United States Navy indicated that they had full knowledge and did not warn or help the local population; and

Whereas, ships present during the nuclear testing were decontaminated in Guam harbors with acidic detergents and the runoff from these operations went directly in the local fishing and reef environments; and

Whereas, the United States Navy performed radio ecological studies on the surface water in and around the island of Guam and found a major peak of radioactive contamination in 1959; and

Whereas, the Lawrence Livermore National Laboratory, for the United States Department of Energy, performed radio ecological testing on Guam beginning in 1968 and ending in 1974, to study potential radiation effects on the local population; and

Whereas, numerous other radio ecological studies were performed by government agencies, the United States military, and various research institutions from 1946 until 1974 to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

study Guam's environment and actual and potential radiation effects on the local population; and

Whereas, according to requirements set forth by the Radiation Exposure Compensation Act, the island of Guam should qualify as a jurisdiction and its population should be recognized as victims of radiation exposure from nuclear weapons testing and associated clean-up activities (see Appendix I listing the declassified documents pertaining to and indicating Guam's exposure to radioactive isotopes as a result of the Atomic Energy Commission nuclear weapon tests in the Marshall Islands); now therefore, be it

Resolved, That I Mina'Bente Siete Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, petition the United States Congress to amend the “Radiation Exposure Compensation Act of 1990”, Public Law 101–426, as amended by Public Law 101–510, §3139 (42 U.S.C. 2210) and Public Law 106–245; to include Guam in the jurisdictions (downwinders/onsite participants) covered by the Act; and be it further

Resolved, That the affected population previously and currently on Guam (those residing who have been exposed to radiation resulting from the Atomic Energy Commission tests in the Marshall Islands) be recognized as being “downwinders” of such tests; and be it further

Resolved, That those persons involved in the actual testing and clean-up activities of such atomic weapons tests be recognized as “on-site participants” and/or “downwinders” depending on their exposure as defined by RECA; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Senator Orrin G. Hatch, Chairman, Committee on the Judiciary, United States Senate; to the Honorable Senator Patrick J. Leahy, Ranking Member, Committee on the Judiciary, United States Senate; to the Honorable Senator Judd Gregg, Chairman, Committee on Health, Education, Labor, and Pensions, United States Senate; to the Honorable Senator Edward M. Kennedy, Ranking Member, Committee on Health, Education, Labor, and Pensions, United States Senate; to the Honorable Senator Daniel K. Akaka, United States Senate; to the Honorable Congressman F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary, United States House of Representatives; to the Honorable Congressman John Conyers, Jr., Ranking Member, Committee on the Judiciary, United States House of Representatives; to the Honorable Congressman W.G. “Billy” Tauzin, Chairman, Committee on Energy and Commerce, United States House of Representatives; to the Honorable Congressman John D. Dingell, Ranking Member, Committee on Energy and Commerce, United States House of Representatives; to the Honorable Congressman Neil Abercrombie, United States House of Representatives; to Mr. William A. Harper, National Commander, National Association of Atomic Veterans; to Mr. Charlie Clark, Hawaii State Commander, National Association of Atomic Veterans; to all the State and Area Commanders of the National Association of Atomic Veterans; to Mr. Robert Celestial, Guam atomic veteran; to the Honorable Angel L.G. Santos, former Senator of I Mina'Bente Sais Na Liheslaturan Guåhan; to the Honorable George Herbert Walker Bush, former President of the United States of America; to the Honorable William Jefferson Clinton, former President of the United States of America; to the Honorable George W. Bush, President of the United States of America; to the Honorable Madeleine Z. Bordallo, Member of Congress, U.S. House of Representatives; and to the Honorable Felix P. Camacho, I Maga'lahen Guåhan.

REINTRODUCTION OF PHONE BANK LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation to subject operators of push polls or phone banks to the same disclosure requirements as other types of political communication. It will not ban push polls or phone banking—it will simply create a level playing field for all types of political communication. Under this bill, any person conducting these types of calls would be required to disclose to each recipient of a call the identity of the organization paying for the call. In addition, the bill would require that campaigns and other organizations that conduct advocacy phone calls report to the Federal Election Commission, FEC, the number of households they have contacted and the script they used in making the calls. The bill would not interfere with legitimate polling, conducted either by candidates or independent organizations, as it would only apply to phone banks in which more than 1,500 households are contacted within the 25 days preceding a Federal election.

IN HONOR OF BENEDICTINE HIGH SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the students, educators and administrators of Benedictine High School of Cleveland, Ohio, as they celebrate seventy-five years of spiritual service and education for the young men of our community.

Benedictine High School, a Catholic, college preparatory school, was founded in 1922 by the Benedictine Order. This historic order of Benedictine monks was borne into existence more than one thousand years ago in 480 A.D. Despite the centuries of time gone by, the rich and significant traditions of the Benedictine Monks of the Middle Ages have been carried through time, and remain living monuments in the form of Saint Andrew Abbey and Benedictine High School.

The clear and ageless vision of leaders at Benedictine are founded upon the ancient principals of scholarly achievement tempered with spiritual discipline and social awareness. In complement to the school's strong academic foundation, Benedictine's offers its 387 young men opportunities to excel in athletic endeavors and other extracurricular activities.

Mr. Speaker and Colleagues, please join me in honor and recognition of the students, spiritual guides and administrators of Benedictine High School, as they celebrate seventy five years of exceptional scholastic achievement and significant spiritual guidance within the classrooms and on the surrounding grounds of Benedictine High School. The commitment, kindness, instruction and guidance provided by the Benedictine monks and lay staff have served to lift the spirits and minds of countless young men—thereby uplifting our entire community.

CITATION FOR COLONEL EDGAR J. YANGER, U.S. ARMY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. BORDALLO. Mr. Speaker, this citation is presented to Lieutenant Colonel Edgar J. Yanger of Mangilao for his promotion to the rank of Colonel in the United States Army.

Colonel Yanger is the son of Felizardo Galon Yanger and Cecilia Taitano Yanger of Mangilao. He is married to the former Doris San Nicholas Guerrero, daughter of Jesus Calvo Guerrero and Candelaria San Nicholas Guerrero of Sinajana. Edgar and Doris have two children, Melina and Edgar Jonathan.

Colonel Yanger has accomplished much over the past years. He is a graduate of Guam Vocational Technical High School and the University of Hawaii at Manoa where he earned a Bachelor's and Master's degree in architecture. He received his commission in the Army as an engineer through the Reserve Officer Training Corps. He went on to graduate from the Army Command and General Staff College at Fort Leavenworth, KS, and from the U.S. Army Engineer Officer Basic and Advance Courses at Fort Belvoir, VA.

Currently, Colonel Yanger is a program manager in the Army's Base Realignment and Closure Division at the Pentagon. He will soon be leaving for duty in Korea, where I am certain that he will continue to serve with the same dedication and commitment that has defined his career.

The people of Guam share the pride that the Yanger family has in the distinguished service and leadership of Colonel Yanger. He exemplifies the courage, strength and determination that defines the Chamorro people. He is a role model for the men and women who serve in the Armed Forces. We commend him for his leadership and look forward to his continued success.

On behalf of the people of Guam, I want to congratulate Colonel Edgar J. Yanger and his family on his many accomplishments, and extend our gratitude for his dedicated service to our island and our country.

IN HONOR OF THE LATE KATHARINE HEPBURN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to one of our nation's most beloved cultural treasures, the great actress Katharine Hepburn, whose death on June 29th has been an occasion for mourning around the globe. Appearing in forty-three films and countless plays and television productions, she received four Academy Awards for her acting abilities, a feat unmatched by any actor in cinematic history. The author of a best-selling memoir, she was one of the most recognized and cherished American women in all the world.

Katharine Hepburn was also beloved by her friends and neighbors on Manhattan's East Side, where she maintained a residence for many years in addition to her home in eastern Connecticut. For over six decades she lived in a townhouse on East 49th Street in the Turtle Bay neighborhood near the United Nations headquarters. Even after she retired permanently to Connecticut, she remained a generous and loyal dues-paying member of the local community group, the Turtle Bay Association to the end of her life. Her efforts on behalf of the Turtle Bay community led local residents to name a garden in Dag Hammarskjöld Plaza on East 47th Street in her honor in 1997. Every year, on her birthday of May 12, the community continues to celebrate their pride in their illustrious neighbor's achievements and character with a display and a ceremony in her honor. Following the news of her death at the age of 96, the Turtle Bay Association and Friends of Dag Hammarskjöld Plaza immediately established a memorial in the Katharine Hepburn Garden in tribute to their illustrious and beloved neighbor, complete with photographs, candles and flowers.

Because of her notable achievements on stage and screen and her indomitable and distinctive presence, Katharine Hepburn's spirit and presence will live on forever. It is only fitting that we salute her remarkable life and career and recognize her as a great American.

IN HONOR OF THE CITY MISSION OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the City Mission for providing shelter, hope and faith to individuals and families within our Cleveland community.

The facilities, programs and services that were developed at the Mission in 1910 on Superior Avenue have evolved over the years, but the vision, assistance, compassion and faith have remained a constant source of comfort and hope for more than ninety years. Within the Mission walls, Reverend Peter Bliss, Reverend Robert Sandham, Executive Director Tim Campbell and the nearly forty dedicated staff members continue the Mission legacy of reaching out, empowering and uplifting the hearts, souls and lives of thousands of women, men and children every year.

The Mission's commitment to helping and healing every person that walks through the door is a true testimony to the power of faith, the reality of miracles, and the existence of angels and heroes that walk among us. The angels are those we call staff—the staff who've dedicated their lives to helping others get back in the game. The heroes are those who enter here—despite painful histories, despite illnesses and addictions, despite physical, emotional or financial devastation and despite fear. These heroes among us—the women, men and children of our community—reflect courage, dignity, wisdom, an unfaltering will to survive, a refusal to give up, and an unbreakable inner strength and faith as they rise up into the light of a brighter day.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of the City Mission of Cleveland—a sanctuary in our community. Faith and love abound within these walls, producing miracles everyday—healing the lives of all who enter here—and uplifting our entire community.

HAPPY BIRTHDAY, MRS. SKELTON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mrs. MUSGRAVE. Mr. Speaker:

Dear Mrs. Skelton, Happy Birthday to You!

Juanita Skelton, nee Juanita Katherine Campbell, was born on July 8, 1913, near Panhandle, Texas. She graduated from White Deer (Texas) High School in 1930. That year she was Vice President, Girl Favorite, Editor of the Annual, General News Reporter for the Weekly Newspaper, President of the Library Society, President of the Dramatic Club, and Yell Leader for the Pep Squad, and a guard on the women's basketball team. Of course there were only 13 members of her graduating class. She was referred to as "our seniors' most representative girl."

She graduated from West Texas State with a Bachelor of Arts degree in 1934 and started teaching in Canadian, Texas. She married Hiram Bowmer Skelton on March 3, 1944, when she was 31 years old. They lived in Panhandle, Texas and she helped him run the movie theatre that the family owned. When her husband died, she moved with her son to Arlington, Texas in 1953. She resumed being a high school English teacher at that time. Mrs. Skelton went on to get her Master's in Speech Pathology from Denver University in 1956 and became the first speech therapist in the Arlington School District in 1956. She became the Coordinator of Speech Therapy in 1957 and the Coordinator of Special Education in 1965. She also became the first Director of Special Education in 1974. Mrs. Skelton retired in 1978 after 25 years with the Arlington School District.

During her years in special education, Juanita received the following recognition and awards: President of the Texas Association of Administrators in Special Education "Administrator of the Year Award for Outstanding Leadership;" Texas Council for Exceptional Children Award as the "Outstanding Contributor to Special Education."

In 1989, the Mayor of Arlington, Texas recognized Juanita as the "outstanding senior citizen."

She moved to Fort Collins, Colorado in 1997.

Again, congratulations on your 90th birthday!

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I appreciate Chairman THOMAS' willingness to clarify that FEHBP plans will be able to take advantage of the subsidies in H.R. 1. However, I have another concern that Federal employees are often treated differently from current Federal employees in ways that are not always equitable. For example, current employees are allowed to pay their health insurance premiums from pre-tax dollars; retirees are not. I know this concern is shared by a number of my colleagues, but specifically JO ANN DAVIS, Chair of the Civil Service Subcommittee. I am pleased Mrs. DAVIS will soon be taking up that specific issue in her subcommittee.

FEHBP currently does not provide different benefits for retirees and current employees—one simply is a member of FEHBP. I believe it is important this dynamic remain, once a Medicare prescription drug benefit is put in place. As Chairman of the Government Reform Committee, I look at this from an employer's perspective. We do not want private employers to drop the prescription drug coverage they provide for their retirees. H.R. 1 includes incentives so they will not do so. However, we as the Federal Government must lead by example.

Along with Chairwoman DAVIS, FRANK WOLF, and JIM MORAN, I have introduced legislation that simply states that Federal retirees will remain on par with current employees when it comes to prescription drug benefits. I regret we were unable to include this language in H.R. 1, but am grateful to have the commitment of Speaker HASTERT and Leader DELAY to bring this bill to the floor as soon as we return from recess.

IN HONOR OF THE 20TH ANNIVERSARY OF THE GEORGE E. FEDOR MANOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the founding members, current administrators and residents of the George E. Fedor Manor of Lakewood, Ohio, as they celebrate their 20th Anniversary.

In 1979, Father Richard Ondreyka, Pastor of SS. Cyril and Methodius Catholic Church, attorney George E. Fedor and local businessman Peter Shimrak brought together their personal and professional experience to form SS.

C. & M. Haven, Inc., with the goal of constructing an apartment community for low-income senior citizens.

In May of 1983, Fedor Manor—a not-for-profit facility—opened its doors to welcome its first residents. For twenty years, the 145-unit structure has served as a place of comfort and care for our most treasured citizens—our elderly. Fedor Manor offers an array of social services focused on the emotional, social and physical well-being of every resident.

Mr. Speaker and Colleagues, please join me in honor and recognition of the Twentieth Anniversary of the George E. Fedor Manor. The founding members and their mission have created a structure well beyond mere bricks and steel—they've raised this building as a haven of comfort and peace—and a place where hundreds of seniors along Madison Avenue call "home". The collective commitment of staff and residents, woven with the mission of the founding members, has remained constant for two decades: To provide a secure and warm life setting for the seniors of our community. "Where, after all, do universal human rights begin? In small places, close to home."—Eleanor Roosevelt.

TRIBUTE TO BRIGADIER GENERAL BRUCE ANTHONY CASELLA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. BACA. Mr. Speaker, I rise to pay tribute to Bruce Anthony Casella, who will be appointed as Brigadier General in the Army Reserve and is an individual of great distinction, and we join with family and friends in honoring his remarkable achievements and expressing pride in this recognition that has been afforded to him;

Whereas, Bruce is a remarkable individual who has devoted his life to serve his country and to proudly protect the citizens of the United States and his unyielding energy and passionate spirit render him a key member of his community and a vital resource to our country;

Whereas, since his graduation from Colfax High School, where he graduated second in his class and lettered in Football and Track, Bruce has worked in varying capacities, providing crucial support to the military community and from his appointment to West Point by Congressman Harold Johnson, where he graduated with honors and received a B.S. degree in engineering and the rank of First Lieutenant, to his tours in Germany and Korea as a regular Army Captain, he has fought tirelessly for our country and its people through his contributions to the management and administration of the U.S. Army;

Whereas, in addition to these contributions, Bruce has received Master of Science degrees in Electrical Engineering and Systems Management and currently works for Agile Communications, Inc. as the Principal Systems Architect and his specific efforts are focused on providing information to the Army on system engineering, communications, networking, and modeling and simulations;

Whereas, I join today with his wife, Catherine, his daughter, Heather, and his sister, Paula, in their joy at this wonderful honor he will receive, knowing he is an inspiration to our country and a patriot in every sense of the word: Now, therefore be it

Resolved, Mr. Speaker, that we salute Bruce Anthony Casella and express admiration he will receive this wonderful and well-deserved honor and hope that others may recognize the immense service he has provided for the people of the United States.

HONORING LEROY RADTKE, JR.

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. BILIRAKIS. Mr. Speaker, I am honored to rise today to bring to the attention of our colleagues a true American hero who was honored in my congressional district recently.

Private First Class LeRoy Radtke, Jr. served our country with honor and dignity. He enlisted in the Marine Corps when he was 20 years old. He did so because he loved his country and he loved the Corps. He was proud to be a Marine and lived his life by a code that only Marines truly understand. He died saving a member of his unit during a firefight in Vietnam. He was, in the proudest tradition of the Marines, ever faithful to his country and the Corps.

PFC Radtke left America as a young man with many hopes, dreams, and plans for the future. And although most of those plans went unfulfilled, he died being a soldier and fighting for the country he loved. PFC Radtke also left behind a family who loved him and who still grieves his loss. His mother, Dorothy, his sister, Peggy, and his brother, Karl, attended a ceremony this past weekend to add PFC Radtke's name to a memorial of veterans who died defending our country. This memorial, located in New Port Richey in my congressional district, stands as a lasting tribute to the brave men from Pasco County who gave their lives to guard our freedom.

People often forget that the families of our men and women in uniform make many sacrifices while their loved ones are worlds away fighting for us. This is especially true for families of Vietnam veterans. Many veterans of the Vietnam War returned home not to the admiration and reverence they deserved, but to scorn and ridicule from those who opposed the policies of our nation's leaders. They deserved much better. So did the families of those soldiers who did not return safely.

I am humbled to show my gratitude, and that of the House of Representatives, to PFC Radtke and his family. I hope these words will remind them that our country endures only because of people like PFC LeRoy Radtke. America is forever indebted to him. I hope that this small gesture will comfort them when they think of his loss that summer thirty-six years ago.

May God bless his family and may He continue to watch over the United States of America.

REMARKS AT TRUMAN PRESIDENTIAL MUSEUM AND LIBRARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SKELTON. Mr. Speaker, I had the privilege to deliver a few remarks at the opening ceremony of the new Korean War exhibit at the Truman Presidential Museum and Library in Independence, Missouri. My remarks are set forth as follows:

CONFLICT AND CONSEQUENCE: THE KOREAN WAR AND ITS UNSETTLED LEGACY

Thank you for inviting me to be with you today for the opening ceremonies of this important new exhibit at the Truman Library. I am humbled to be here, particularly as we honor those who served our country so nobly during the Korean conflict.

This library is a monument to the legacy and achievements of Harry S. Truman and we are blessed to have this renowned resource here in Independence. The Truman Library, and all of our Presidential libraries, are dedicated to the preservation of our nation's historical heritage, as repositories of Presidential papers and memorabilia. As far as I'm concerned, the mission of this Library—particularly its educational function—has never been more important, and the exhibit the Library opens to the public today is especially timely.

I have to admit, and I'm sure this will come as no surprise to anyone, that I am very sentimental about one of the artifacts on display in this exhibition. You see, my father, Ike Skelton III, was an attorney in Lafayette County and became a friend of Truman's when they met on September 17, 1928. The occasion was the dedication of the Pioneer Mother Statue—the Madonna of the Trail—located in my hometown of Lexington, Missouri.

They kept up this acquaintance, corresponding periodically, so it seems right in character that my father, a fellow veteran of World War One who served on the U.S.S. *Missouri*, sent a telegram to President Truman after the President decided to fire General Douglas MacArthur, letting him know that he agreed with the decision and pledging his continued support and that of Truman's friends in Lafayette County.

This momentous decision—reaffirming the supremacy of civilian control of the military—is full of the drama that makes our history fascinating. And I hope that for others who see this document, this personal note to the President from one of his Missouri friends, it will be meaningful as well.

I know that with the library professionals and historians in the audience I am preaching to the choir, but I am a big believer in the power of history, as was Harry Truman. Truman was an avid reader and student of history. My friend, the late Congressman Fred Schwengel, told me about meeting Senator Truman in 1935 while Schwengel was a college student in Missouri. Truman advised him that to be a good American, ". . . you should know your history."

That story is consistent with my experience. I well remember taking a group of grade school students to visit the Truman Library in 1963, and though President Truman was of advanced age, he spoke to them in the library auditorium about American history and the Constitution. He wanted young people to learn as much as they could about America.

I do my best to encourage people, particularly young people, to study history. I have embarked on a school visit program I call "History Matters", which gives me the chance to talk about the importance of history whenever I visit schools. I also recently issued a 50-book national security reading list, which is heavy on biographies and histories, including the books I recommend to Members of Congress, military officers, and anyone interested in learning about character, leadership, and military art.

Why do I believe it is so important to keep up our efforts to promote a broad knowledge of history? Let me share this with you for a little perspective. The college student interns who are working in my office this summer were only about 8 years old in 1989 when we witnessed the end of the Cold War with the fall of the Berlin Wall. This major event, as well as the many other significant events and crisis points of the Cold War, are far-removed from them. By no fault of their own, they did not experience these events the way many of us did.

It took 50 years of national commitment to see the collapse of communism in the Soviet Union and the Eastern Bloc. But in spite of the cessation of hostilities in Korea in 1953, U.S. troops still deploy to South Korea to deter invasion from the North. The totalitarian regime of North Korea continues to rattle sabers and threaten not only the future of peace on the peninsula but peace in the region and the world.

Today's college students have lived long enough to experience missile threats from North Korea, including nuclear threats. In spite of the prosperity of the South, and in spite of the passage of more than 50 years, many of the issues splitting the Korean Peninsula are still with us. This exhibit, which opens today, will be of invaluable help to all of us, but particularly our young people, to understand where we have been and where we are today.

For the last several years, we have recognized and commemorated many of the significant events and milestones of the 20th century. Sometimes when we look back on the past, we tend to remember "the good old days" and think that day-to-day life in America is much more difficult now than it was before. Without a doubt, our country today, in the infancy of the 21st Century, faces significant challenges. But it does us good to remember that the circumstances and state of the world presented to Truman during his Presidency were extraordinarily daunting.

Like the Presidents who came before and after him, Truman was burdened with the loneliness that goes along with being the Chief Executive. But President Truman's character ensured that he did not shy away from difficult, often politically unpopular, decisions. He once said, "Do your duty and history will do you justice."

America had endured the Great Depression. Along with our allies, America fought a long and costly war against fascism. Although there was an understandable euphoria following victory in World War II, the state of the world prompted Truman to move away from America's established pattern of peacetime isolationism in order to assist European economic recovery through the Marshall Plan and to protect Western Europe under the umbrella of the North Atlantic Treaty Organization. Almost immediately, Harry Truman was forced to confront the reality of the Cold War, and the struggle of the U.S. and other western democracies was on to stop the spread of communism.

Truman had the courage to stand up to the communist aggression that marked the beginning of the Cold War. The Truman Doctrine made clear that the United States would not stand idly by in the face of communist aggression in Greece, Turkey, and elsewhere. Truman's commitment to the democratic rights of free people was clear as the U.S. provided essential supplies to the people of Berlin during the Soviet blockade.

And fifty-three years ago, President Harry S. Truman made the agonizing decision to use American troops to lead the United Nation's resistance to the communist invasion of South Korea. Over the next three years, more than 54,000 Americans paid the ultimate price, with over 33,000 killed in action. Over 110,000 Americans were wounded or missing in action. In addition, over 228,000 South Korean soldiers and untold numbers of civilians gave their lives.

These stark statistics serve as a reminder to all of us that the slogan "freedom is not free" is more than just a few words. The sacrifices of thousands of American service members purchased the freedom that South Koreans enjoy to this day, a freedom that our military continues to protect.

In many respects, our participation in the Korean conflict has served as model for the way our military operates today. Korea was the first multilateral United Nations operation, and it has become the longest standing peacekeeping operation in modern times. The unfortunate experience of Task Force Smith has taught us the paramount importance of sending forces into battle only when they are adequately trained and equipped. We have also learned that units cannot be thrown piecemeal into battle but must be engaged in a coordinated fashion with air and sea power and with overwhelming force. The lessons of the Korean War, taught at such great cost, have served us well in the conflicts in which we have participated since then, from Viet Nam to the Persian Gulf War to Bosnia, Kosovo, and the War on Terrorism.

As much as we may be inclined to remember the leaders who ultimately brought us victory in the Korean War—Truman, MacArthur, Acheson, Walker, and Ridgway—it is really the men and women who served so bravely to whom we pay tribute. Without their selfless dedication, valor, and perseverance, the people of South Korea would not be living in a free and prosperous society.

To the veterans of the Korean conflict—those who are with us today, those who never returned home, and those who we have lost in the years since—we say thank you. Each of you who lost friends or family members who died during this conflict understand that their loss creates a void that can never be filled. Three of my close friends—a high school classmate, a Boy Scout buddy, and a friend from Wentworth Military Academy Junior College—were killed in Korea. You were the ones who carried out the orders of the Commander-In-Chief, President Truman, who drew a line in the sand. This line was held by your blood, sweat, and tears. You gave of your youth to stop the spread of communism. I maintain that these fledgling efforts, these supreme sacrifices, were the foundation of our victory in the Cold War, some 50 years later.

I know that you must feel a special kinship with our men and women who today are serving in Operation Enduring Freedom and Operation Iraqi Freedom. You, perhaps as much as anyone, understand the hardship of fighting a war, a continent away from home, a war to ensure the survival of a nation and a way of life. What they are doing today will set the stage for the next 50 years, and I suspect that, like the Cold War, it may well be 50 years before we know for sure whether we have won the War Against Terrorism and brought peace and stability to the Middle East in the wake of the Iraq War.

We would all do well to live by Truman's advice, "Do your duty, and history will do you justice." The tough decisions made by Truman earned the praise of British Prime Minister Winston Churchill who said to Truman, "You, more than any other man, have saved Western civilization." History has indeed done justice and given evidence to Truman's wisdom, strength, and vision. May what we learn from the past enable us to do our duty today as well.

God bless.

IN HONOR OF THE CLEVELAND-MARSHALL LAW ALUMNI ASSOCIATION AS THEY RECOGNIZE THE HONORABLE DIANE J. KARPINSKI AND HOWARD D. MISHKIND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Cleveland-Marshall Law Alumni Association as they recognize alumni Judge Diane Karpinski and Attorney Howard D. Mishkind—distinguished alumni of the Cleveland-Marshall College of Law, Class of 1980.

The mission of the Cleveland-Marshall Law Alumni Association (CMLAA) is to promote, support and serve the Cleveland-Marshall College of Law, its alumni, faculty and students by offering quality education, professional programs, and professional opportunities to assist in career and educational advancement of every alumnus. Additionally, CMLAA life membership dues fund a vital Student Scholarship Program.

Cleveland-Marshall College of Law Alumni Judge Diane J. Karpinski and Attorney Howard D. Mishkind, have evolved from law school graduates in 1980, to leaders in the legal profession. Both have raised the bar of excellence in their prospective areas of law and reflect outstanding professional profiles that encompass integrity, expertise, and service to others. While ascending throughout their legal endeavors, Judge Diane Karpinski and Attorney Howard Mishkind have remained committed to supporting the Cleveland College of Law and their community, and have become superior role models for the youth of our community.

Mr. Speaker and colleagues, please join me in honoring Judge Diane Karpinski and Attorney Howard D. Mishkind, as they are duly recognized by the Cleveland-Marshall Law Alumni Association for their significant professional achievements and, more importantly, for their service to the College and to our community. I also stand in honor of the Cleveland-Marshall Law Alumni Association, for their continued support of educational excellence; for their promotion and support of Cleveland-Marshall College of Law graduates and alumni; and for providing countless students an opportunity to attain a superior law education through the organization of scholarship funds. Cleveland-Marshall College of Law, its faculty, students and alumni have demonstrated academic and professional excellence within all areas of law, earning the highest respect and admiration of our entire community and beyond.

RECOGNIZING LOCAL 375 FOR ITS CONTRIBUTIONS IN THE AFTERMATH OF THE SEPTEMBER 11, 2001, ATTACK ON NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RANGEL. Mr. Speaker, I rise to recognize the Civil Service Technical Guild, Local 375, for its work on behalf of the people of New York. In particular, I applaud the members for their continuing efforts to rebuild the City's infrastructure after the destruction caused by the September 11, 2001, terrorist attack on New York City.

The 6,800 member local, headed by President Claude Fort, has been a New York City mainstay for decades, building and maintaining vital components of the city's infrastructure. Since its inception in 1937, the local's engineers, architects, scientists, chemists, planners and other technical specialists have designed, constructed, and maintained the City's infrastructure of bridges, highways, subways, sewer and water systems, schools and libraries; they also enforce air, water, fire, and building codes.

Hundreds of members are currently at work on a massive project to add a third water tunnel in the New York City area. The "Third Water Tunnel Project" is a system of sixty miles of underground aqueducts running through Westchester, Bronx, Manhattan, Queens, and Brooklyn. When completed, the tunnel will increase water delivery for the City's eastern and southern areas, allow drainage and treatment of the two existing tunnels, and provide an alternate delivery water system in the event service is disrupted in either of the two existing tunnels.

Since the September 11 attack, Local 375 members have worked on every aspect of restoring the City's vital systems to full service. They helped restore the Cortlandt Street Subway Station and lines that had been buried by debris and flooded by broken water mains after the collapse of the Twin Towers. Hundreds of tons of debris were removed from the tunnels while engineers ensured that the rescue and recovery work could proceed safely.

Local 375 members worked arduously from the time they were dispatched to Ground Zero immediately following the September 11, 2001, attack. Dedicated professional and technical workers performed flawlessly in cleaning up the site in dangerous demolition operations. In addition to strategic planning for the job, they monitored air quality and tested for anthrax. They even assisted in recovery and rescue efforts, and conducted DNA testing for victim identification. Members inspected adjacent buildings to ensure that all fire protection systems were working.

Few people outside of New York City know who is responsible for the life sustaining work that they do, but the fact is that without Local 375, New York could not exist as a City. I commend the union's leaders and the entire membership, many of whom reside in my Congressional District, for their contributions to our City and for performing their difficult jobs in a manner above and beyond the call of duty.

IN HONOR OF POLICE OFFICER CHARLES J. BRONSTON, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Police Officer Charles J. Bronston Jr., on the occasion of his retirement from the Bay Village Police Division that spans thirty-five years of dedication to the Force and honor to the Badge—Badge No 1. On April 8, 1968, Officer Bronston pledged his life to protecting the safety of others and was sworn in as Patrol Officer.

Growing up on the North Coast solidified Officer Bronston's love for the great outdoors and crystallized his deep commitment to his community on the Bay. His outstanding work and personal dedication to helping others was clearly reflected throughout his tenure of service. Officer Bronston's great enthusiasm for life, his kind and friendly nature, and his immediate willingness to help others elevated him to the highest level and best example of what a police officer should be.

Officer Bronston is so highly regarded within the Bay Village Police Division that its leaders informally judge all recruits against the stellar performance of Officer Bronston. Officer Bronston consistently went above and beyond the call of duty to protect and assist those who live and work in Bay Village. A true mentor, guide and friend, Officer Bronston's professionalism, expertise, sense of fairness, superior sense of humor, integrity and genuine concern for others have served to assist and improve numerous life situations for many people. In addition, his interest in protecting his community extends beyond Bay Village into neighboring suburbs, as is reflected in his ongoing membership of the first SWAT Team for the Westshore Enforcement Bureau.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of Officer Charles J. Bronston upon his retirement as full-time Police Officer with the Bay Village Police Division. His exceptional and courageous service on behalf of the citizens of Bay Village and beyond have served to lift the spirits and the lives of countless individuals, families within Bay Village and all along our western shores. We wish Officer Bronston, his wife Martha, children Charles III and Michael Scott and grandchildren Felicia and Cory many blessings of peace, health and happiness throughout his retirement. We also wish him many clear summer days of great fishing along the rolling waves, bays and shores of Lake Erie.

COMMEMORATING THE CAREER OF MRS. JANE LAKIN UPON HER RETIREMENT FROM TEACHING FOLLOWING A 40 YEAR CAREER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to honor one of the true heroes of Tennessee's Second Congressional District. For forty years Mrs. Jane Lakin has changed the lives of thousands in the Knoxville community through her dedicated service as an elementary school teacher at both the Alice Bell and Spring Hill schools. Having seriously considered a career in teaching myself and having taught briefly at T.C. Williams School in Northern Virginia, I can say without hesitation that this career is one of the most challenging and rewarding any person can undertake.

Each Member of this body understands the vital role teachers play in shaping the lives of our youth and I believe every teacher is to be commended. However, to dedicate forty years of one's life to improving and enhancing the education of children is truly exceptional.

During Mrs. Lakin's career America has experienced tremendous change. While the Nation grieved the tragedy of President Kennedy's assassination and witnessed the triumphant raising of our Flag on the Moon, Mrs. Lakin walked each morning into a classroom and changed a student's life. As America grew through the turmoil of Viet Nam and later hailed our victory of the Cold War, Mrs. Lakin taught our children, one class at a time, the value and joy of learning. The world has changed and our Country has grown during the past 40 years, but Mrs. Lakin's love of educating the young men and women of Knoxville has never wavered.

On behalf of the entire Second Congressional District, I want to thank Mrs. Lakin for her tireless work and her consistent encouragement of her students. Whether or not these students ever have the opportunity to tell her, she has changed their lives for the better and we are all in her debt.

The Knoxville News Sentinel recently published an article on Mrs. Lakin and her retirement. I would like to include this article in its entirety in the CONGRESSIONAL RECORD. I hope that women and men teaching today will look to Mrs. Lakin's example as an inspiration and a confirmation of the tremendous value they bring to our Country.

[From the Knoxville News Sentinel, June 9, 2003]

SPRING HILL TEACHER RETIRES AFTER 40 YEARS

(By Ed Marcum)

There's an odd thing about working with your former fourth-grade teacher, said Jackie Pena, who teaches kindergartners at Spring Hill Elementary School. Even after you have grown up, it's hard to forget that you once sat at a little desk in her classroom. Pena said that's why it was hard for her to think of Jane Lakin as just another one of the teachers at Spring Hill.

"The hardest thing was to get used to not calling her Mrs. Lakin," Pena said. Lee Ann Parker, who was a classmate of Pena's in the fourth grade, agreed. Parker, the music teacher at Spring Hill, said it felt funny to call Lakin by her first name. "You just don't say that to your teacher," she said.

Lakin has retired after 40 years teaching in the Alice Bell/Spring Hill community. "Forty years and six months," Lakin said to be precise.

Irene Patterson, guidance counselor at Spring Hill, got to work closely with Lakin over the years.

"A lot of seasoned teachers get set in their ways, but she was always willing to try something new," Patterson said. "And she did a lot of things for children that no one knew about."

"She would come into my office and say, 'Irene, I noticed that such-and-such student is wearing her big sister's worn-out shoes, so I've bought her a pair.'"

The student would get a new pair of shoes anonymously. Patterson said Lakin brought in such gifts a number of times.

Pena remembers that Lakin was always eager to help new teachers.

"She has always made people feel welcome and has been a mentor to new teachers," Pena said.

Lakin, who lives in Ritta, moved to Knoxville in 1962 from Chattanooga, where she had taught for a year. She found a position at Alice Bell Elementary and taught there until 1991, when that school was consolidated into Spring Hill Elementary.

Lakin said when you spend your whole career teaching in the same general neighborhood, you end up teaching the children of the children you have taught, and you run into former students most every time you go to the grocery store.

"I never really meant to stay here 40 years, but it just worked out that way," she said. Teaching has changed since 1962, Lakin said. Teachers had more flexibility then.

"In those days, the things you taught were mostly by your own design. Now someone tells you what to teach," she said.

Lakin said she and other teachers stayed on the lookout for ideas to try out in the classroom. She said she became a "pack rat," always scrounging thrift stores or yard sales for craft items, plastic boxes or any materials that might come in handy in class. She said plastic boxes are essential for storing supplies.

"Teachers ought to buy stock in plastic boxes," Lakin said.

There are so many classroom requirements now that a teacher's time in the classroom is much more regimented, Lakin said.

"You just feel like you can't do something unless it will be on a test. There's no time for fun things," she said.

Pena and Parker said some of their fondest memories were of Lakin bringing in books and reading them to the class. She is a good dramatic reader, they said.

Lakin and her husband, Nelson Lakin, own a farm in Ritta, and Patterson said she will always remember the roses that Lakin grew there and brought to the school office. Lakin said some of her favorite memories are of the years her students made trees for the Fantasy of Trees holiday celebration.

"Of course, they hated to give up the tree, once we finished," Lakin said. "We would usually have to make two of everything so the students would have ornaments to take home with them."

Then there were the occasional bizarre moments, like the time a boy brought a skunk to school for show-and-tell.

"It got loose and ran all over the school," she said. "Luckily, its scent gland had been removed." Eventually the skunk was apprehended.

Lakin remembers when Pena and Parker were in her class. They were both good students, Lakin said, although Pena sometimes talked when she wasn't supposed to. Lakin said that on at least one occasion she had to have a word with Parker.

"I think Lee Ann was the more mischievous," Lakin said. "She had a club, and she was charging everyone on the playground to belong to it."

Both women chuckled, and Parker rolled her eyes.

"It only cost a nickel," she said.

"It had to be disbanded," Lakin said.

Lakin said she will miss the classroom, but she looks forward to having more time for gardening and maybe doing a little traveling.

"I might do some volunteer work, too," she said.

TRIBUTE TO LAFAYETTE HIGH SCHOOL BOYS' LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. WALSH. Mr. Speaker, I rise today in recognition of the high achievements of the boys' lacrosse team from Lafayette High School. After a disappointing loss 3 years ago, the Lancers finally got another shot at the state title, and came home crowned the New York State Section III Champions.

The Lafayette lacrosse program has taken home many Sectional titles in the past, but according to Athletic Director Jerry Kelly, this year's team is one of the best he's seen in ten years. After an outstanding spring season with a final record of 23–1, it seemed only fitting that this well-trained group of young men should win this final game.

On behalf of the people of the entire 25th District of New York State, I would like to congratulate the following champions on their remarkable achievement: Haiwha Nanticoke, Brendan Storrier, Pat Shannahan, Lee Nanticoke, Josh Groth, James Pierce, Blake Gale, Andrew Spack, Andrew Thurston, Jeremy Thompson, Jerome Thompson, Tyler Gale, Wes Adam, Kevin Wilkerson, Brian Gormley, Nick Lavdas, Kevin Bucktooth Jr., Matt Noble, Jaimee Loughtin, Andy Gaffield, John Paige, Brion Salitino, Randy Hadzor, Ross Bucktooth, Spencer Lyons, Pat Dwyer, Head Coach Greg Scott, and Assistant Coaches Kevin Gale, Mike Riese, and Jerome Thompson.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. GREENWOOD. Mr. Speaker, I support this new, innovative Medicare prescription drug benefit, and commend Energy and Commerce Committee Chairman TAUZIN and Health Subcommittee Chairman BILIRAKIS for developing a proposal that is fiscally responsible, modernizes the Medicare program, and delivers a sound prescription drug benefit.

A prescription drug benefit in Medicare is the most important social policy that Congress can deliver this Congress. Period.

My home state of Pennsylvania has the second highest number of seniors in the country, and these seniors are living longer, healthier lives, thanks in part to modern medications. Death rates from heart disease, cancer and stroke are going down, and hundreds of new medications are now being developed to combat diseases of aging, including Alzheimer's, Parkinson's, and arthritis.

Unfortunately, along with these new drug therapies comes a higher price to those that need them. Seniors without adequate access to these drugs will not be able to benefit from the stunning advances in health care resulting from the newest pharmaceutical products. Society will spend more money on their health care, because many new drugs actually serve as preventive measures and often prevent costly hospitalizations.

Medicare in its current form does not cover most prescription drugs. When it was created in 1965, it was a good program for its time. President Johnson, on signing Medicare into law on July 30, 1965, said, "No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings they have so carefully put away over a lifetime so that they might enjoy dignity in their later years."

But with advancements in drug treatment, modern medicine has grown increasingly expensive, as Medicare does not pay for these wonderful outpatient drugs. We need to modernize Medicare. As long as Medicare does not cover outpatient drug benefits, seniors will not be as healthy as they could be, and they will pay more out-of-pocket costs for preventive medications.

Nearly two-thirds of seniors have some insurance coverage that helps pay for prescription drugs through private employer plans or supplemental (Medigap) coverage; however, the remaining third has absolutely no coverage for prescription drugs.

This is not good enough. Seniors, living on limited income, should not be the last payers of retail prices for drugs in our great country. But we should not impose price controls so that seniors can afford their prescriptions. Instead, we need to use the tools that the private sector does, using leverage and bargaining for discounts. Medicare needs to take advantage of reduced prices that we can achieve using the tools that are used by private entities, operating in the employer-provided health care market.

We need to be careful about how we reform Medicare. Those two-thirds of seniors who have drug coverage are pleased with what coverage they have and don't want a big government solution that could increase their costs. Congress passed the Medicare Catastrophic Coverage Act in 1988 with the intention of easing the cost of catastrophic events for Medicare recipients. However, instead of helping, it made things much worse for seniors who already had catastrophic coverage. They ended up paying more out-of-pocket for fewer health benefits. It was so devastating that Congress was forced to repeal the legislation the very next year.

Mr. Speaker, this bill finds the right mix. It establishes a generous prescription drug benefit, using the private sector tools that provide significant savings for seniors when they purchase prescription drugs. And, it reforms and strengthens the Medicare program in the right way.

This bill also provides significant relief to seniors in Pennsylvania by strengthening the Medicare+Choice program. Over the past few years, seniors who have enrolled in Medicare+Choice have seen programs increase their premiums, decrease their benefits, or leave the program altogether. For example, in the largest plan in my district, seniors have seen their premiums rise from $0 to $94 per month.

This bill stabilizes the Medicare+Choice program. And, it fundamentally reforms the program by creating the "MedicareAdvantage" program. This program provides for significantly more stability by allowing for competitive bidding by the plans. The MedicareAdvantage program will help these plans so that they remain a viable option for millions of seniors, and continue to provide a variety of health services, such as vision, hearing, and preventative care that are not offered through the traditional Fee for Service program.

Mr. Speaker, let me talk for a minute about the reforms in the bill. It provides for the creation of a new enhanced fee-for-service program that gives beneficiaries new options and choices for services. Finally, the Medicare program will incorporate the most popular option in private health insurance (and the health insurance offered in the federal employees health benefits program), preferred provider organizations (PPO). These new PPOs will create significant new options for services for seniors.

Furthermore, this bill will not only include improving access to prescription drugs, but will modernize the Medicare program by increasing the availability of wellness programs and streamlining the often cumbersome paperwork that seniors face in getting Medicare benefits.

Finally, I am pleased that H.R. 1 has included provisions to reform the payments for the drugs that Medicare does cover in part B. These reforms represent the culmination of a multi-year investigation by the Energy and Commerce Committee.

Presently, providers are reimbursed for the cost of these drugs at 95 percent of the average wholesale price (AWP). Congress and Medicare officials have wrestled for years with the difficult issue of how to set a fair and appropriate Medicare reimbursement rate for prescription drugs covered by Medicare part B. The reimbursement benchmark we have used since the early 1990s has been the AWP, which is reported by drug companies and price reporting services. prior to that, providers were reimbursed on a cost basis, which is cumbersome and inflationary.

Over the past decade, what we have learned is that the AWP is a fictitious number that must be changed. Rather than an accurate barometer of the price at which physicians purchase the drugs used in their practice, the AWP benchmark is more like a car's "sticker price," which is usually much higher than the actual acquisition cost. Under competitive pressure, manufacturers and wholesalers will routinely discount drug prices to physicians, lower their cost, while maintaining a higher AWP. In a competitive spiral, these discounts grow, increasing the net profits on the drugs, while the Medicare program continues to pay the higher AWP.

Unfortunately, due to the 20 percent copay that all beneficiaries pay for part B services, Medicare beneficiaries presently pay $200 million more than they should in inflated co-pays. What's more, the Medicare program itself pays over $1 billion more than we should.

The new system, based on competitive bidding and choice, pays appropriately for drugs and reimburses physicians appropriately for services. Under this new model, we provide physicians a choice—either continue to do business as they have or enter a new program that provides drugs to physicians for administration on a replacement basis. These reforms are fair, sound and must be enacted.

Earlier this year, Congress set aside $400 billion for the development of a prescription drug benefit in Medicare. This is a significant and meaningful commitment by Congress for our Nation's seniors. Some may quibble about the size of the benefit. However, I am convinced that we can pass legislation so that every senior has access to the latest prescription drug products and has catastrophic coverage for very serious, very costly medical conditions. We owe it to our seniors to pass and have the President sign into law, a prescription drug benefit this year.

HONORING PASTOR G.L. JOHNSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Pastor G.L. Johnson for his 40 years of ministry with Peoples Church in Fresno, California. He will be honored at a special dinner for civic and community leaders to be held Saturday, June 28th.

Pastor Johnson came to Fresno as the Associate Director of the Latin American Orphanage. In 1963, he accepted the position of Senior Pastor at Peoples Church, having had over ten years of pastoral experience. Under his leadership, People's Church has grown to become the largest Protestant Church in Central California, with an average Sunday attendance of 4,500. The Johnson Scholarship Fund has also been established in his honor to assist young people with the cost of education prior to entering full-time ministry.

Pastor Johnson has poured his life into Fresno for the sake of the Kingdom of God. He derives great joy in knowing that God has used his ministry to bring thousands to know Jesus Christ. The mission of Peoples Church seems to coincide with that of Pastor Johnson's personal mission, to "Reach . . . Win . . . Train . . . Send." It has been said that Pastor Johnson was to Peoples Church ". . . what Babe Ruth was to baseball, George Washington to the United States, and the Apostle Paul to the Gentiles."

Pastor Johnson's respect and admiration go beyond the walls of Peoples Church. In 1997, he was listed by the Fresno Bee as one of 75 people who made a positive contribution to life in the Central Valley. He and the late Pastor Bufe Karraker gathered church and local leaders to tackle the issue of crime in Fresno, forming the NoName Fellowship, and reached beyond the church family to touch lives of the citizens in the city. Pastor Johnson has been the recipient of numerous awards such as the Distinguished Service Award of the City of Fresno, "Mayor of Fresno, For the Day" in 1973 and 1987, and listed in "Who's Who" for Fresno and American Religion. He also sits on several boards, including the Sequoia Council of Boy Scouts of America, Fresno Leadership Foundation, Police Activities League, and Northern California National Association of Evangelicals.

Pastor Johnson has spoken at numerous Christian Universities and conferences across the country. In addition to his ministry in the United States, he has ministered to large crowds in Seoul, Korea; to Russian leaders following the fall of Communism; and to Christians in Romania and China. Pastor Johnson is also the author of several booklets and articles including How to Conduct a Stewardship Campaign in the Local Church.

Mr. Speaker, I rise today to recognize Pastor G.L. Johnson for his years of ministry and outstanding personal contributions to the community of Fresno. I invite my colleagues to join me in wishing Pastor Johnson many years of continued success.

HONORING DR. MICHAEL REYNOLDS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. LEE. Mr. Speaker, I rise to recognize the contributions of Dr. Michael Reynolds, PhD, to the advancement of science education, to the creation and development of the Chabot Space and Science Center in Oakland, California, and to the science education of young students in Oakland, the East Bay and Northern California.

Dr. Reynolds was hired as Executive Director of the historic Chabot Observatory and Science Center in 1991, after being named Florida Science Educator of the Year and being a finalist in the NASA Teacher in Space Program.

Dr. Reynolds led the team, which conceived, financed and built the new Chabot Space and Science Center, with energy, enthusiasm and skill. The center is a jewel of Northern California.

Dr. Reynolds has built programs with the United States Air Force, NASA, the National Science Foundation (NSF) and the Department of Education to further Science Education and the public understanding of the frontiers of space science.

Under Dr. Reynolds leadership, the new Chabot Space and Science Center has become internationally renowned for its science education programs.

Dr. Reynolds has secured, with NSF funding, a major new traveling exhibit from the People's Republic of China, consisting of artifacts and instruments used in ancient Chinese astronomy, that will tour the United States under the title of "Dragon Skies".

On behalf of the children, parents, educators of Oakland, of California and of the nation, I want to gratefully acknowledge the contributions of Dr. Michael Reynolds, PhD, to the advancement of science education and understanding, and for the building of the new Chabot Space and Science Center, which will serve as a place of inspiration and learning for generations to come.

On behalf of my constituents and myself I wish to recognize the accomplishments of an educator, scientist, astronomer, dreamer, and an eternal optimist whose watchword is "Keep Looking Up."

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. BLUMENAUER. Mr. Speaker, I was disappointed that the Rules Committee did not make in order an opportunity for an alternative proposal from my colleagues Ellen Tauscher and Cal Dooley, in the form of H.R. 1568. Looking carefully at the arguments from both sides of the aisle on the proposals before us today, I am inclined to think that they are both right. There are egregious problems in the proposal by the Republicans. It is going to have serious dislocative effects; it doesn't adequately meet the needs of low-income people; it could actually deteriorate prescription drug coverage for others; and, it extends services to many who do not need it.

The Democratic alternative is well-intentioned and more generous, but there are questions about whether this will be affordable over time. We may be biting off more than we can sustain as Medicare goes into a time of severe strain with regard to cost and the capacity to meet the needs of an exploding retirement population.

I continue to be troubled that low income senior citizens without drug coverage pay the highest prices in the world for their medicines. This is intolerable. There is real potential to harness the vast purchasing power of the United States to negotiate better prices, the same way private employers, local governments and hospitals do. The power of the free market and negotiation should not be denied to the sector that would benefit from it the most. There is no reason that the nation's Medicare recipients should pay a higher price for the same drugs that recipients who are part of our veterans program receive. We can craft a program that is not unduly coercive, and does not lead to a disruption of the drug industry. The pharmaceutical industry needs to be more accommodating of this approach, or I feel that they will inevitably end up with far more draconian solutions. They cannot continue to mine gold from low income senior citizens.

The alternative that I would rather have had on the floor today would expend the same amount of money that we have determined is affordable, and target it to low-income seniors without coverage, and people with extraordinarily high prescription drug needs. That is where we should target our Medicare resources. It would permit us to keep promises made to help remedy this serious situation. It does not over commit, and leaves the way open for subsequent Medicare reform. It would appear that if either of the other two bills were adopted, it would make long term reform more difficult and would pose significant budget pressures at a time when our fiscal policies are in disarray.

I truly think this is one of those times when less actually is more, and being careful will pay long-term dividends. I am voting accordingly, against the two alternatives, and hope that Congress will reach the point where we can have a more targeted, sustainable, and effective approach that can provide a foundation for future reform.

HONORING MRS. ODELL KINNEY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize a citizen who exemplified the spirit of self-reliance and a concern for others that we can all learn from. Mrs. Odell Kinney was a pillar of society, particularly among her community in Cleveland, OH.

Mrs. Kinney gained a well-founded reputation for taking in children of the neighborhood and dedicating her time to the development of her community for over 30 years. She made a lifelong commitment to raising 18 children who loved and admired her dearly. She was also a daycare provider for over 20 years.

Her dedication to children has inspired the Odell Kinney Scholarship Fund. The goal of the Odell Kinney Scholarship Fund is to award an annual scholarship in the amount of $1000 to a deserving student.

Among her abundant contributions to society, Mrs. Kinney was a member of the PTA, a persistent entrepreneur, an active member of the Lee/Harvard Ward Club and served as President of her street club for 10 years. She provided food baskets to the needy on an ongoing basis, served as a church missionary and a Bible school teacher.

There are hundreds of individuals, if not thousands whose lives Mrs. Kinney touched in a beautiful way. They will never be the same again:

"They don't make 'em like Odell anymore," said Mr. Simmons, a childhood friend.

"She had a beautiful spirit," said business partner, Brenda McCants.

"She was at the top of her game, committed and dedicated to the community and came from a great generation of black women," said Cleveland Councilman Joe Jones.

The biggest commitment she made was the love of God and God's children. In essence, Mrs. Odell Kinney had a heart as big as Texas. The lingering effects of her good work will last forever.

AFGHANISTAN'S FUTURE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, an unfortunate pattern is developing with the Bush Administration—militarily, in Afghanistan and Iraq, American forces have been extremely successful. I voted for the military action in Afghanistan, and against that in Iraq, but it is obvious that in both cases the American military performed extremely well and the people of the United States can be confident of the ability of our armed forces to do whatever is necessary to protect us and to advance our legitimate security interests.

Unfortunately, this administration's record in the aftermath of these military victories has been much less reassuring. The situation in Iraq is of course a very distressing one, and is widely known. In part because of the attention that is understandably focused on Iraq, with the continuing toll on American military personnel and the chaos and political troubles in the country, Afghanistan has to some extent been, as the headline in The New York Times for July 1 says, "Lost in the Shuffle."

I recently met in my office here with representatives of Afghans for a Civil Society, and I was troubled by the grave defects they described in American policy there. In particular, we are clearly doing much too little to support President Karzai—who seems to be a man genuinely trying to promote democracy and economic development in a difficult situation.

Mr. Speaker, I supported America's military intervention into Afghanistan to deal with the terrorists who had unleashed mass murder on the United States. And I believe that overthrowing the brutal, bigoted Taliban regime was also a service to human rights. But having done that, we have an obligation to help put a coherent government in Afghanistan in its place, and I regret to say that I do not think this administration is showing sufficient will in this regard.

Subsequent to my meeting with people from Afghans for a Civil Society, I read last week in The New York Times a very thoughtful and disturbing article by Sarah Chayes, who had been in that meeting, in which she points to one of the central weaknesses of America's policy in Afghanistan. Because redeeming our obligation to the people of Afghanistan is so important both in moral and geopolitical terms, I ask that Sarah Chayes' important article be printed here.

[From the New York Times, July 1, 2003]

AFGHANISTAN'S FUTURE, LOST IN THE SHUFFLE

(By Sarah Chayes)

KANDAHAR, Afghanistan—Ten miles outside this dust-blown city, the historical capital of Afghanistan, gunmen belonging to the local warlord guard the airport, which American forces use as a base. The hefty fee the guards get from the United States has allowed them to build a marble-faced barracks nearby.

Kandaharis, baffled, keep asking me, "Why are the Americans helping President Harold Karzai and helping his enemies, the warlords, too?" To them the problem with this practice is clear: United States policy is in danger of failing because America won't stop hedging its bets. At stake is not just the future of Afghanistan, but a whole region's hopes of escaping a 30-year nightmare. And ultimately, what happens in Afghanistan will shape relations between the Muslim world and the West.

The hedging of bets has taken many forms since the fall of the Taliban a year and a half ago: a dizzying succession of officers at the United States Embassy for the first six months; the lack of any reconstruction projects outside Kabul until after the grand council chose Mr. Karzai as transitional president; and later, international donors' obsession with quick-impact projects, known as quips, that didn't cost much and wouldn't be much of a loss if they failed.

Afghans, meanwhile, have been waiting for major reconstruction that would make a real difference. The Kabul-Kandahar road, on which work has only just begun, has become a cause célèbre. What was once a six-hour trip to the capital to deliver, say, Kandahar grapes, and the exquisitely fragrant raisins they dry into, is now a three-day trek—and 72 hours on the road means grape mash. A good road to Kabul would make all the difference to Kandahar's merchants, and jump start a whole region's economy.

And what about other projects that would substantially improve Afghan lives? There's the road to Urozgan, an isolated town that is easy prey to Islamic extremists and is at minimum a nine-hour drive from Kandahar along a ribbon of iron-hard dirt. The Helmand Province irrigation system, built by American engineers in the late 1950s, now lies crippled after years of neglect and Soviet sabotage. Donors, however, are loath to commit their money to big projects like these.

But the most dangerous form of bet-hedging has been American support for local strongmen. Eager for Afghan forces to help fight the Taliban, the United States brought these warlords back from exile after 9/11. What began as a relationship of convenience was cemented in a brotherhood of arms, as United States troops fraternized with the exotic fighters they had bivouacked with. Because they had reaped weapons and cash in the bargain, the warlords were able to impose themselves as provincial governors, despite being reviled by the Afghan people, as every conversation I've had and study I've done demonstrates.

Their positions have been reinforced by international donors who, for convenience's sake, distribute much of their reconstruction assistance through the warlords. The donors' reasoning sounds plausible: "So-and-so is the governor," numerous United States officials have told me. "The day President Karzai removes him, we will support that decision. But until then, we have to work with him." It's a bit disingenuous, since this explanation ignores the way these men became governors.

It also begs the truth. In late May, President Karzai summoned to Kabul the 12 governors who control Afghanistan's strategic borders. For the previous fortnight, Afghan and international officials say, he had been preparing to dismiss the most egregious offenders: four or five governors who are running their provinces like personal fiefs, who withhold vast customs revenue from the central government, who truck with meddlesome foreign governments, who oppress their people, who turn a blind eye to extremist activities while trumpeting their anti-Taliban bona fides. United States officials, saying they were taken aback by the scope of the Afghan government's plan, discouraged him. The plan was scrapped, and the Afghan government made do with an agreement in which the recalcitrant governors promised to hand over customs revenue owed the central government.

Washington, in other words, wouldn't stop hedging its bets. The United States backs Mr. Karzai, but it can't relinquish its alliances with the enemies of all he stands for.

But President Karzai bears part of the blame. He, too, has been hedging his bets. His endlessly polite interactions with his predator governors are confusing his constituents. Although Washington thought firing half a dozen governors was too much, it would have supported the dismissal of one or two, and Mr. Karzai wasted a golden opportunity by refusing to do that.

The problem is, no matter what they say, these warlords aren't going to behave. They are not reformable, because it is not in their interest to reform. The warlords' livelihood depends on extremism and lawlessness. That's how they draw their pay; that's what allows them to rule by the gun in an unofficial martial law, looting villages under the pretext of mopping-up operations, extracting taxes and bribes, crushing opponents.

The American alliance with warlords also discourages ordinary Afghans from helping rebuild their country. And without the people, the process is doomed. Afghans I have met and worked with share a fierce desire to live in a normal country. They have demonstrated that desire. In the face of tremendous adversity, they have managed to open schools, clean irrigation ditches, plant trees and dig sewers. But seeing warlords regain power is making people waver. I have found in my work that more and more Afghans are withdrawing to the sidelines, subtracting their life force from the battle to reconstruct Afghanistan.

They are also increasingly wary about the elections next year. At a recent meeting here with representatives from the commission that's drafting a new constitution, a nursing student asked, "How can we freely elect our representatives with warlords controlling the countryside?"

Despite American officials' misgivings, it would not be so difficult to remove the warlord-governors. Their lack of popular support means no one would fly to their defense were they dismissed. The mere display of American backing for a plan to oust them would be enough to cow their paid liegemen. In the interest of offering Afghanistan a chance at a future, and opening the door to a new kind of relationship with the Muslim world, the United States should back any future decision to remove the warlord-governors.

For despite the rocky start to reconstructing postwar Afghanistan, an ember of hope for the country's future is still burning. Several high caliber diplomats are now at the American embassy. American military commanders, who by training focus on battle plans, have begun to realize that their activities can have unintended political consequences if they do not have intimate knowledge of the people they are dealing with. These officers have grown more alert to the ways in which local warlords may be using them. In Kandahar, the base commander has begun meeting with tribal elders to forge links with the population. In other words, the United States is finally positioned to do a good job here.

When President Bush decided to invade Iraq, he promised that Afghanistan would not be forgotten. If that promise is to mean anything, America's accumulated experience in Afghanistan must be acted upon, unequivocally. It's time to stop hedging bets.

H.R. 1828, SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. NETHERCUTT. Mr. Speaker, today I joined a growing number of my colleagues in cosponsoring H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act.

I sponsored this legislation because I believe that Syria presents a unique threat to the peace, security and stability in the Middle East. Syria is geographically central in the region, but it is also central to the peaceful evolution of the region.

Continued Syrian sponsorship of terrorism threatens to unravel renewed efforts at peace in the region. President Bush's Road Map is at risk because of this state-sponsored terrorism and we must indicate the serious consequences of Syria's destabilizing activity.

This legislation gives the President the leverage he needs to persuade the Syrian regime to reconsider its role in the region. The fall of Iraq represented only the first in a series of positive changes that will sweep through the Middle East in the coming years, and Syria has an opportunity to be on the right side of history. The possibility of this legislation becoming law should be understood as a clear warning about the position of the House of Representatives.

At the same time, I do not believe that H.R. 1828 is a perfect bill. It needs to be improved before it is sent to the President for his signature. I am cosponsoring the bill out of a desire to move this legislation forward, but believe a number of changes are necessary.

First, the legislation must specifically define the meaning of "food and medicine" in Section 5(a). Specifically, this section should be brought into conformity with the definitions of "agricultural commodity," "medicine" and "medical device" included in the Trade Sanctions Reform and Export Enhancement Act of 2000 (P.L. 106–387). Enactment of this legislation three years ago signaled Congressional intent to prohibit unilateral sanctions on food and medicine. To ensure there is no confusion by implementing agencies that have historically demonstrated hostility to excepting categories of exports from unilateral sanctions, it is necessary to include very specific definitions.

Second, the legislation must incorporate sunset clauses for both the authorization of sanctions and for any sanctions that are imposed through Section 5(a)2. Congress should not impose sanctions in perpetuity, for while we are often quick to impose sanctions; we are not nearly as effective at repealing dated restrictions. Sanctions, fundamentally, should be an aberration to how the United States approaches other nations. Our bilateral relationship should stress engagement over restrictions, but in certain exceptional cases, sanctions may be necessary. These sanctions should be temporary in nature to encourage future Congressional scrutiny of the continued value of the restrictions. Should sanctions be perceived necessary in the future then future Congresses are likely to extend the prohibitions beyond the sunset period. Sunset periods also encourage rogue regimes to recognize that there is an opportunity to improve their relations with the United States. Should rogues wish to reengage with the United States, they need only to change their behavior. Regular Congressional review of sanctions ensures that this change in behavior will have a chance to be acknowledged. Conversely, permanent sanctions can backfire by signaling to the rogue state intent to isolate, irrespective of the nation's willingness to respond with reforms. The Trade Sanctions Reform and Export Enhancement Act outlines a two-year sunset for unilateral agricultural or medical sanctions. H.R. 1828 must incorporate a similar sunset provision.

Third, the legislation must provide greater flexibility to the Executive Branch in the imposition of sanctions. Section 5(b) provides a waiver from the imposition of sanctions if the President determines that it is in "the vital national security interest of the United States to do so." Such a waiver sets the bar too high and is potentially restrictive of the exercise of foreign policy by the Executive Branch. The Libertad Act (P.L. 104–114), for example, sets for a "national interest" waiver for Title III sanctions.

Fourth, the legislation must place a greater priority on cooperation with our allies in the imposition of sanctions. Sanctions tend to be effective when they are imposed under a multilateral framework. Unilateral sanctions isolate the United States as much as they isolate the targeted nation. Diplomacy, as in nature, abhors a vacuum and will fill it. A loss of American influence will be replaced by other nations unless sanctions are imposed through a broad, multilateral coalition. The United States must persuade other countries to join us in sanctioning Syria if we are to have significant influence.

I offer these reservations and recommendations out of a desire to improve H.R. 1828. I recognize that peace in the Middle East depends on change in Syria. But I also believe Congress should adhere to the limitations outlined above in the imposition of unilateral sanctions. When unilateral sanctions are imposed, they should be limited in scope and limited in duration and provide significant flexibility to the Executive Branch. H.R. 1828 can be amended to incorporate these recommendations, which must be made before the legislation is sent to the President for signature.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes:

Mrs. PELOSI. Mr. Chairman, many of us will spend part of the Independence Day work period at ceremonies marking the heroism of our service men and women, and the sacrifices of their families. If we were to ask any military commander present at those ceremonies, What is the most important aspect of leadership? The answer would be: First, take care of the troops.

This bill provides an opportunity for the House to exhibit that kind of leadership, the opportunity to take care of our troops. Instead, sadly, it is another missed opportunity.

If military quality of life issues were a priority, we would not be considering a Military Construction Appropriations Bill that is $1.5 billion below last year's funding level, but we would be passing Mr. OBEY's amendment, which would help nearly 8,000 service members and their families get the housing they deserve.

Instead, we pass resolutions that talk about supporting the military and then refuse to provide that support in the appropriations bills.

Active and retired military personnel and their families have been among the victims of the irresponsible and fiscally unsound budget and tax policies of the Republican majority. If putting the troops and their families first were a Republican priority, they would not have submitted a budget that continues the tax on disabled veterans, that cuts veterans benefits, and that impacts aid. And they would not have approved a tax cut that takes care of the children of the wealthy few while ignoring 250,000 children of active duty military personnel.

That is a regrettable message to send to the troops just days before the Fourth of July.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise tonight to oppose H.R. 1, the Republican Medicare bill.

Tonight we have an opportunity to provide seniors with a Medicare prescription medicine benefit. But the Republican Majority has thrown aside bipartisanship and crafted a bill that will confuse and short-change seniors while slowly eroding the time-honored guarantee of Medicare. I cannot vote for this seriously flawed bill.

Seniors in North Carolina's Second District, like those across the country, deserve a real Medicare prescription medicine benefit. They want a plan that is simple, comprehensive, and a part of Medicare. I have consistently voted for such a plan throughout my career in Congress.

But H.R. 1 subjects seniors to a complex plan that features fluctuating premiums, a huge gap in coverage, uncertainty about who's going to provide them with medicines, and it will end Medicare as we know it.

First, nothing in this legislation requires the drug-only insurance groups that will administer this plan to fix premiums at $35 a month. That number is merely a suggestion. Our seniors do not want suggestions Mr. Speaker, they want certainty.

Second, the $400 billion the Majority set aside for Medicare related spending in their Fiscal Year 2004 is woefully inadequate. This plan will only cover a fifth of what seniors will spend over the next 10 years on prescription medicines. To fit inside their budget, the authors of this bill have developed a huge gap, or doughnut hole, that forces seniors who spend between $2,001 and $3,500 on medicines to pay all of their costs. This is unacceptable, Mr. Speaker.

Third, this plan relies on an untested mechanism to deliver medicines to seniors. H.R. 1 creates a drug-only insurance market that will not work, especially in rural areas. But what makes this bill worse is that it makes no effort to provide a fallback for rural seniors should private drug-only plans decide to stop offering them coverage.

Finally, in this plan we see the Republican Majority's true colors. H.R. 1 is simply a shell-game that will privatize Medicare. Under this legislation, in 2010 private plans will be allowed to compete against Medicare to cover hospital and physician benefits. As private plans seek to siphon off healthy seniors, the cost of remaining in traditional Medicare will rise and seniors will be forced to join an HMO, along with all of its restrictions, to get coverage.

When President Lyndon Johnson signed Medicare into law over 38 years ago, Medicare was designed to be a guarantee that our seniors would be able to get affordable health care services regardless of their age, ability to pay, or degree of sickness. In the spirit of that landmark law, I will vote for an alternative amendment to H.R. 1 that creates a simple, comprehensive, prescription medicine plan under Medicare. This plan also includes superior rural provider provisions in comparison to those contained in H.R. 1.

Mr. Speaker, for the third Congress in a row we have another Medicare bill pending before us. And once again, the bill is a sham. It provides no guaranteed benefit, contains a huge gap in coverage, and it will privatize Medicare.

America's seniors want bipartisan cooperation in this body. They want us to come together to strengthen Medicare, not dismantle it. I urge my colleagues to oppose H.R. 1 tonight.

CENTRALIA SESQUICENTENNIAL RECOGNITION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay special tribute to the City of Centralia, Illinois as she celebrates her sesquicentennial. Since 1853, the people of Centralia have lived and prospered and given so much to this great nation.

Centralia was founded as a result of the building of the Illinois Central Railroad, hence the name Centralia. It was also a coal-mining town almost from the first years of its existence. The town has experienced an oil boom in the mid 1900s and is home to much industry.

Over the years Centralia has produced many leaders who have been instrumental in our Nation's history. One reason is due to the quality education provided. It is also the home of the "Winningest Basketball Team in America," the Centralia Carillon, and the Centralia Balloon Fest; just to name a few.

I am proud to represent the people of the great City of Centralia and to share in this special occasion. I thank them for all they give to our country and I wish them another successful 150 years. Congratulations and "Go Orphans!"

JOHN L. GROVE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHUSTER. Mr. Speaker, I rise to recognize the life and loss of John L. Grove, whose accomplishments have made an everlasting impact to Pennsylvania and the Nation.

John Grove committed his life to the Franklin County community as a defining model for entrepreneurism and the American dream. Mr. Grove personally had a hand in the creation of numerous successful companies and contributed his expertise and advice to a whole host of other business ventures.

John Grove was noted for his brilliance and huge innovations in the world of hydraulics. He was most notably, the "father" of the hydraulic telescoping crane boom. In addition to his prowess for business and ingenuity, he was also extremely generous to his community. Today his philanthropic endeavors, including the John L. Grove College of Business at Shippensburg University and the John L. Grove Medical Center in Greencastle, stand as a reminder of his faith in those around him and his determination to provide a better life for others.

John Grove and his brother formed Grove Manufacturing Company by building farm wagons out of a two car suburban garage. But brilliance would not be constrained by just farm wagons. In just three short years, he and his brother developed and built the industry's first industrial yard crane. Quickly the wagons were superceded by the demand for the cranes and the small business in a garage became an industrial giant.

After a very successful run in this career, Mr. Grove and his brother sold the company in the 1960's and John Grove took a well-deserved vacation. But as most truly gifted people find out, the body may rest but the brain never pauses. It was in the course of his vacation travels across this great country of ours, that Mr. Grove realized the pitfalls of those who needed to work on platforms and scaffolding. To that end, he invented the self propelled work-basket vehicle and in an instant a second career was born.

In implementing his new vision, Mr. Grove and a partner bought a small factory in McConnellsburg and began with only 15 employees. Soon, JLG Industries would grow to an internationally recognized company that would employ thousands from around the community.

In 1993, Mr. Grove retired from a hugely successful career at JLG, but he continued to offer both his business experience and philanthropy to the area he so dearly loved.

Few people have had such a tremendous impact on south central Pennsylvania. With the passing of John L. Grove, Pennsylvania and America have lost one of their greatest citizens.

HONORING THE 35TH ANNIVERSARY OF EDEN HOUSING, INC.

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Eden Housing, Inc. of Hayward, California on the occasion of its thirty-fifth anniversary. Eden Housing, Inc. was founded in 1968 by a group of dedicated individuals who were concerned about the lack of affordable housing in Alameda County. The original board members developed Eden's first affordable development, the 150-unit Josephine Lum Lodge for seniors in Hayward, California.

Since starting its first project nearly 35 years ago, Eden Housing has created 4,200 units of affordable housing for low income families, seniors and persons with disabilities, and has become one of the most active non-profit affordable housing developers in California. As it has grown, the organization has expanded its development activities into six Northern California counties. From its small but ambitious beginning, Eden, and its two major affiliates, Eden Housing Management, Inc. and nonprofit Eden Housing Resident Services, Inc. now employ a combined professional staff of 120 employees. The organization is guided by an eleven member volunteer board of directors from a wide spectrum of professional fields.

In addition to meeting the needs for affordable shelter, Eden Housing is committed to helping its residents improve their lives through free onsite supportive services and programs provided by Eden's nonprofit affiliate, Eden Housing Resident Services, Inc. These services include children's summer and after-school programs, scholarships for deserving adults, senior health and fitness programs, onsite service coordination, and computer learning programs where children learn skills to help them succeed in school, and adults acquire skills to help them compete for better employment opportunities.

Throughout its history, Eden Housing has made it a priority to mentor and partner with smaller non-profit organizations to build their capacity while providing housing to serve special populations or geographic communities. Included in Eden's collaborations are a 100-unit senior apartment complex, developed with East Bay Issei, a coalition of Japanese American groups concerned with creating housing for their senior constituents; multiple partnerships with Community Resources for Independent Living and the Mentally Handicapped Children's Organization to create developments for persons with disabilities; and a collaboration with East Bay Habitat for Humanity to build homes in Fremont for first-time buyers.

In its thirty-fifth year, Eden Housing is celebrating the future, as well as the past. Eden Housing, Inc. is breaking ground on new developments and opening others. The organization is conducting feasibility studies for additional units and continues to search out new opportunities, all of which support Eden Housing's commitment to provide affordable housing in Northern California well into the future.

Congratulations Eden Housing, Inc. I applaud your dedication and exemplary contributions.

RECOGNITION OF SSM HEALTH CARE AND ST. MARY'S/GOOD SAMARITAN HOSPITAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize SSM Health Care for receiving the Malcolm Baldridge National Quality Award. SSM Health Care sponsors St. Mary's/Good Samaritan Hospitals in Centralia and Mt. Vernon, both located in the 19th Congressional District of Illinois.

I am very proud of their accomplishment. SSM Health Care is the first health care organization to win the award. The award is given annually by the United States Department of Commerce and is the highest award a U.S. company can receive for management and quality achievement.

The leadership, medical staff, and all employees continually strive to meet the needs of their patients first. Their level of service is outstanding and very responsive. I thank them for their commitment to quality health care, but above all to the citizens of this great nation. Keep up the excellent work.

STEPHEN G. McCAHAN, JR.

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to honor Stephen G. "Mack" McCahan, Jr., an outstanding resident of Southcentral Pennsylvania who perfectly epitomizes the spirit of America. Mr. McCahan is a superb professional, an outstanding pharmacist, and a genuine expert in his field.

On August 22, 2003, Mr. McCahan will reach a true landmark, 50 years of service in the pharmacy profession. In the course of his career, Mr. McCahan has demonstrated high quality work and has exceeded all ethical standards. He has touched thousands of patients and positively impacted each community that he has served.

Mack McCahan started as a staff pharmacist in the United States Navy at Camp LeJuene, NC from 1953–1955. From there he moved to Bellfonte, PA to continue his pharmaceutical career and then to Waynesboro, PA where he worked at Minnick's Pharmacy. It was in 1963 that Mr. McCahan bought the Agnew Drug Store in Everett, PA and renamed it the Everett Pharmacy. In 1971, his brother Larry joined the business. In 1985, he further expanded his business by opening McCahan's pharmacy in Saxton, PA with his son Steve and his brother.

During his time in Everett, Mr. McCahan has become a leader in the community. His friendliness and goodwill have made him recognized by all. To that end, Mack and his wife Jean have been friends of the Shuster family for over 30 years. Having grown up with his sons, Steve and Matt, I know his goodwill personally, in fact growing up I was a member of the family.

It was only in 2001, that Mr. McCahan sold the business to his son and his brother. In that effort, he has helped to continue the legacy of a family pharmacy, to act in the best interest of the patient, and has passed that lesson to his son.

Today, Mack McCahan still continues to work in the pharmacy, by filling in for his brother and son on their days off. In his free time, he can be found with his lovely wife.

I salute Mack McCahan and congratulate him on 50 years of tremendous success in both his career and his leadership within the community.

HONORING THE LOGAN HIGH SCHOOL FORENSICS TEAM AND COACH TOMMIE LINDSEY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the Logan High School forensics team, and their coach Tommie Lindsey.

Recently, thirteen students from Logan High competed in the National Forensic League tournament in Atlanta, where five team members went twelve out of the thirteen rounds. One team member completed all thirteen rounds, winning the championship, and a $6,000 scholarship. Logan is one of only five schools that received the School of Excellence Award—and the only one from California—from a field that included 1,000 schools.

Coach Tommie Lindsey's successful coaching style was the subject of a PBS Documentary last year called "Accidental Hero: Room 408." Students are back in Room 408 at Logan, where Lindsey is preparing them for the coming year in a summer-school program that includes 156 of the 240 students who make up the forensics team. Room 408 is filled with dozens of certificates of merit and stacked high to the ceiling with trophies.

Four Logan students have won national forensics championships in the past 15 years, and 20 other students have reached the semifinal round of the competition. But those aren't the statistics Lindsey is most proud of.

This year, 27 or the 28 graduating seniors on the forensic team are going to four-year colleges and the other one is going to junior college, according to Lindsey. In a school where, Lindsey said, about 40 percent of the graduates go on to college, the numbers of the forensics team speaks volumes.

Lindsey has been coaching forensics for 27 years, and at Logan since 1989. He is the director of forensics and a teacher, but to his students, he is much more. According to them, they benefit from his coaching and beyond. He advises students on how to perform, how to maintain their concentration during a performance, how to dress and how to treat competitors, He also encourages them to volunteer in the community, such as their recent work with elementary school students.

It is with pride and honor that I commend the Logan High School Forensics Team and Tommie Lindsey for their community involvement, their passion to succeed, and continued commitment to excellence.

RECOGNITION OF MT. VERNON ELKS LODGE 819

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Mt. Vernon Elks Lodge 819. This year marks their 100th year of service to the people of Jefferson County. I am very proud of their milestone and that they are part of the 19th Congressional District, which I serve.

The Elks is a national fraternity involved in a variety of charitable work involving children and veterans. Members also uphold their longstanding tradition of patriotism and spirituality. Locally, they regularly disperse funds to help charitable causes and to provide scholarships. Several of their activities include assisting crippled children, volunteering at veteran's hospitals, organizing blood drives, providing learning opportunities for local students, and supporting the Jefferson County Sports Authority. The Mt. Vernon Elks have also been nationally recognized as the finest lodge in America.

I thank them for all the work they do and will continue to do in the future. Their commitment to their country and to their fellow citizens is very commendable. The selfless services they provide on a daily basis are an example for us all to follow. There is no question that their community, their state, and their country are better because of them. I wish the lodge the very best as they enter into their next 100 years of service.

HONORING CARL G. HARTMAN ON HIS RETIREMENT AS THE CLERMONT COUNTY ENGINEER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor Carl G. Hartman who has served as Clermont County Engineer for the past 11 years and who retired on May 31, 2003. In his tenure, Carl has excelled as the Clermont County Engineer, accomplishing much for the county's roadways and infrastructure.

When Carl was elected as the County Engineer in 1992, Clermont County was one of the fastest growing counties in Ohio presenting him with a variety of challenges. Carl faced those challenges and became the "transportation engineer" of Clermont County, expanding the role of county engineer beyond just the maintenance of the bridges and roadways. He had many accomplishments. He was able to secure funding and rebuild 75 bridges throughout the county. By working with local officials, he was able to pinpoint dangerous areas of the roadways and implement safety measures to secure the safety of travelers. In addition to his duties as county engineer, in 1996 Carl took on the role of Sanitary Engineer for the Clermont County Water and Sewer Department where he was responsible for handling over $5 million of capital improvement projects. His success is well known, and he has been honored by many of the industry's leaders for his outstanding work on the county's roadways and infrastructure.

Carl grew up in Anderson Township and graduated from Anderson High School in 1956. He continued his education at the University of Cincinnati's College of Engineering. After receiving his degree, Carl worked for various engineering companies including Sun Oil Company, and in 1970 started his own engineering and surveying firm that served the Greater Cincinnati area. Starting with only two employees, Carl's successful business grew to 25 employees before he was elected the Clermont County Engineer.

His service goes beyond his elected office. Carl is an active volunteer with the local 4–H Club, and helps the local Cub Scouts earn their Engineering Achievement Awards. He is devoted to his wife, Barbara, and they have three children and six grandchildren.

All of us in the Greater Cincinnati area congratulate Carl on his service. We appreciate his outstanding leadership and dedication to the betterment of Clermont County, and we wish him well in his retirement.

TRIBUTE TO MRS. CHRISTINE REED

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. PAYNE. Mr. Speaker, I rise today to recognize a magnificent individual and dedicated member of both her community and church, Mrs. Christine Reed, affectionately known as 'Grahams'. Born in Summit, New Jersey, Mrs. Reed has been an active member of the Saint Paul's Calvary United Church of God for over 35 years.

On July 13, 2003, the members of the Saint Paul's Calvary United Church of God's Usher board will proudly recognize Sister Christine Reed with the Lifetime Achievement Award.

Throughout her many years of membership, Mrs. Reed partook as a member of various choirs, the Missionary Department, Sunday School Teacher and the Usher Board. Mrs. Reed served as the President of the Usher Board for over 25 years. Also serving as the Vice President for a time, Mrs. Reed was a dedicated member, a hard and reliable worker, always willing to teach and lend a helping hand in any possible capacity.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today in saluting Mrs. Christine Reed for her many years of dedicated service to Saint Paul's Calvary United Church of God.

RECOGNITION OF RAYMOND FLOWERS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the late Mr. Raymond Flowers of Centralia, IL. Upon his death at the age of 100, Raymond held the status of oldest retired firefighter in the state of Illinois.

Towards the end of World War II, the Centralia Fire Department faced a significant shortage of firefighters. Many of Centralia's men had enlisted in the military and were serving our country in Europe and the Pacific. To help alleviate this shortage, Raymond decided to leave his job as a truck driver and in 1944 became one of many who filled in for the firefighters who were deployed overseas. He stayed with the Fire Department for another 20 years, until his retirement in 1964.

Raymond received little formal training or instruction in firefighting. Instead, he learned on the job, fighting fires with the members of the east side fire station in Centralia.

The Centralia Fire Department and many of the citizens of Centralia honored Raymond at his funeral.

Raymond's career as a firefighter is just one example of the thousands of contributions to our nation made by members of the "Greatest Generation." It is my prayer that all Americans would learn to make the same selfless sacrifices made by those citizens.

TEMPORARY AUTHORITY FOR CONGRESSIONAL HUNGER CENTER TO AWARD BILL EMERSON AND MICKY LELAND HUNGER FELLOWSHIPS

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H.R. 2474. Mickey Leland, our former colleague once said "I cannot get used to hunger and desperate poverty in our plentiful land. There is no reason for it, there is no excuse for it, and it is time that we as a nation put an end to it." But, according to USDA statistics, there are 33 million children suffering from pangs of hunger and poverty and nearly 300 million in the world. Hunger is still rampant.

The Congressional Hunger Center founded in 1993, successfully educates leaders to fight hunger globally. It is through this entity that the Emerson-Leland Fellowships are administered, and I stand strongly in support of this legislation.

H.R. 2474 authorizes the use of funds already appropriated for the Emerson-Leland Hunger fellowships for fiscal year 2003 and 2004. However, these funds were appropriated in The Farm Security and Rural Investment Act of 2002, which created an independent agency in the legislative branch. The act established an endowment in the Department of Treasury and a board of trustees to supervise and direct the program that is not yet operational. This presents a barrier to the foot soldiers of compassion, who are primed and ready to fight hunger both here and abroad while fulfilling the vision of Mickey Leland and Bill Emerson.

Substantial progress has been made to feed the hungry in the United States and abroad, yet much is still needed, and I am in full support of equipping the willing in this fight with whatever means are necessary to do so. This bill allows those funds to be used by the Congressional Hunger Center for hunger fellowships.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. CAMP. Mr. Speaker, I rise in strong support of H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

We're hearing a lot about the year 1965 today. Let me remind my colleagues of some of the other things from that year. Herb Alpert and Tijuana Brass won a Grammy for 'Album of the Year' and Tom Jones earned one as 'Best New Artist'. Sonny and Cher had a hit song in 'I Got You Babe' and 'Bonanza' was the top show on television. A postage stamp cost a nickel and a gallon of regular gasoline was 31 cents. And the Dow Jones Industrial Average reached a high of 969 points.

We've come a long way since then.

Also in 1965 Medicare, which has provided health care security for millions of Americans for almost 40 years, was created. When it was launched, the program was designed to focus on a different set of needs, needs that did not include prescription drug coverage and preventive care. It was designed to fit the needs of 1965.

Well my friends this isn't the mid-sixties anymore. Just as a postage stamp is no longer a nickel, the Medicare program which doesn't provide a prescription drug benefit doesn't work in today's world.

My friends, times change.

In 2003, we must honor our commitment of health care to seniors by ensuring that seniors have access and when needed assistance to prescription drug coverage. Additionally, H.R. 1 allows for other modernizations by adding an entry physical, cholesterol screening and offers disease management.

I am pleased that this bill works to address the needs of our rural communities. Long overlooked, H.R. 1 provides a permanent fix to formulas that have discriminated against health care providers in mid-Michigan and other rural areas. This is a policy change that goes to the heart of the problem and its benefits will be multiplied for years to come.

This legislation will increase to every small urban and rural hospital, equalizing their base payment rates with that of large urban hospitals. Additionally, H.R. 1 adds a five percent bonus for primary and specialty care physicians working in areas where such care is scarce; creating a new category of hospitals that are the primary hospital in the community to receive payments covering costs plus two percent; allowing rural and small-town hospitals that provide graduate medical education to receive additional direct medical education and indirect teaching hospital funds by moving unused residency slots to these hospitals; and adding a five percent increase for all rural home health agencies for two years.

Put simply, it is past time to modernize and improve the Medicare system. H.R. 1 will be able to better serve the needs of seniors. I urge my colleagues to support the passage of H.R. 1.

RECOGNITION OF EDITH JAMES AND SARAH LOCKHART

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Edith James and Sarah Lockhart of Mt. Vernon, Illinois. Edith and Sarah recently led the Jefferson County African-American Heritage Committee's Research Committee in publishing the booklet, We The People—Past Present and Future, a look at local African-American history.

I thank and commend them for their tireless work in preserving and documenting history. Their work will lead to a better understanding of those who have come before us. It will also help to better educate us on one of the most divisive and shameful periods of American history; slavery and racial discrimination.

Edith and Sarah have spent much of their lives giving back to Jefferson County. I am honored to take this occasion to recognize them for their devotion and commitment to their community. We are grateful.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes:

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 2555, the FY 2004 Homeland Security Appropriations Act.

The National Security Subcommittee, which I chair, has examined port security and found the volume of containerized cargo and the openness of our massive, complex port areas represent inviting vulnerabilities that must be secured.

Our ports are key commercial entry points, serving as the gateway for 95 percent of international cargo. Each year, nearly 10,000 vessels make 68,000 port calls and unload more than six million containers in the United States.

But, according to a GAO report published in August 2002, "Ports are inherently vulnerable to terrorist attacks because of their size, generally open accessibility by water and land, location in metropolitan areas, the amount of material being transported through ports, and the ready transportation links to many locations within our borders."

H.R. 2555 includes $100 million for Transportation Safety Administration port security grants and $61.7 million for the Container Security Initiative, which will help DHS protect what could be one of our Nation's most vulnerable access points,—our ports. It is imperative that we adequately fund efforts by the Department of Homeland Security to scale-up port and container security.

I also support the funding in this legislation for State and local first responders. H.R. 2555 will provide $4.4 billion for the Office of Domestic Preparedness, which includes $1.9 billion for domestic preparedness formula grants and $750 million for firefighter grants.

Before September 11, the firefighter grant program was funded at $200 million, but the changes our nation has undergone since that horrific day have made clear the need for a dramatic increase in funding. This bill provides that increase.

The bottom line for me is our ports are still vulnerable and our first responders need strong financial support to protect our Nation. This bill provides significant assistance in both areas and strengthens national security.

Mr. Chairman, I urge my colleagues to vote for this vital funding bill.

MR. JIM WITT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. OTTER. Mr. Speaker, I rise today to acknowledge and praise Jim Witt of Meridian, Idaho, for his steadfast commitment to safety. Mr. Witt is a professional truck driver who recently celebrated a remarkable career achievement: driving 1 million miles without a preventable accident. That's the equivalent of driving safely around the world 40 times.

Fatal accidents involving large trucks occur most frequently in rural areas like those throughout Idaho. On U.S. Highway 95—the major north-south route through my district—the long and tragic history of traffic fatalities is a constant reminder of the need to make highway safety foremost among our public policy considerations.

The U.S. Department of Transportation cites the danger posed by trucks on our highways as a growing concern for citizens. Professional, safety-conscious drivers like Mr. Witt provide an important public service as they navigate our corridors of commerce by helping to alleviate those concerns and setting an example for everyone who gets behind the wheel. I hope my House colleagues will join me in congratulating Mr. Witt and encouraging others to follow his lead in helping to make our roads safer.

RECOGNITION OF MAJOR GENERAL DAVID HARRIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Major General David Harris, The Adjutant General of the Illinois National Guard. Major General Harris will be retiring from his position after more than thirty-three years of military service.

Maj. General Harris was appointed Adjutant General in 1999. During his service as leader of the Illinois National Guard, he oversaw its largest mobilization since World War II. The military operations in Iraq saw more than 2,600 soldiers and airmen mobilized or alerted for duty. Mobilizations also took place in large numbers for Operation Enduring Freedom in Afghanistan as well.

New military construction projects were also a major part of Harris' tenure. Working with the Illinois congressional delegation along with state leaders, funding was secured for new armories and for the upgrade of existing armories throughout the state.

Major General Harris began his military career in 1970. In 1971 he successfully completed Infantry Officer Candidate School at Fort Benning, Georgia. He joined the Illinois Army National Guard in 1979 where he has held numerous positions. During the 1980's he served as a member of the Illinois House of Representatives representing his home in the northwest Chicago suburb of Arlington Heights.

I want to thank Major General Harris for his many years of service to his country and state. He is a man of great ability, but more importantly a man of integrity who has devoted his life to protecting the citizens of his country and state. I wish him the best as he enters retirement. He will be missed.

TRIBUTE TO MR. ALLAN R. JONES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to a man who devoted his life in service to our nation. Mr. Allan R. Jones passed away on May 7th, and I am certain he will be missed by all who knew him.

A graduate of the College of William and Mary, Mr. Jones is a decorated Korean War veteran. Due to his service with the 45th Division of the United States Army during the war, he received the Purple Heart and Silver Star Medal.

Mr. Jones was not only a veteran of the Army, but he was also a noted journalist for several newspapers. He began his career with the Daily Times News in Mount Pleasant, Michigan. While there he served as sports editor, reporter and photographer. He also worked at the Richmond Times-Dispatch as a reporter who covered Henrico and Chesterfield counties. As a reporter he covered several important stories involving state politics and school desegregation.

After working as a journalist, Mr. Jones started a new career on Capitol Hill as a researcher for the Senate Commerce Subcommittee on Oceanography and Merchant Marine. After his time with the committee, he served as a legislative assistant with Senator William Spong. During his tenure with Senator Spong, Mr. Jones and a colleague earned a national award from the National Association of Independent Insurers for research they did on auto insurance in Virginia.

In 1973, he joined the American Trucking Association Legislative Affairs department. Through his efforts, he helped push legislation which created the commercial drivers' license, and helped craft the landmark Intermodal Surface Transportation Act of 1991.

Retiring after twenty years with the ATA, Mr. Jones moved to Florida and became immediately involved with his community. He served as Vice President of the Flagella County, Florida Education Foundation, and served on the Flagella County Chamber of Commerce Legislative Action Committee.

In honor of his service to the United States during the Korean War, Mr. Jones was buried at Arlington National Cemetery on June 10". Mr. Speaker, I would like to commend Allan Jones for all that he has achieved during his life, both for his country and for the Commonwealth of Virginia.

TRIBUTE TO THE CHILDREN'S CREATIVE FESTIVAL

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute to the Children's Creative Festival of Orange County, California and support their efforts to educate and enlighten the community.

Last month, the Children's Creative Festival wrapped up their weekend-long street painting festival, Fun with Chalk. Hundreds of artists from around the world descended on to my district to transform the streets around the Mission Viejo, California civic center into a colorful, interactive art gallery.

The art of street painting and the carnival that follows it dates back to sixteenth century Europe when villagers decorated the cobblestone paths surrounding their town square to celebrate a harvest or other important occasion. The Children's Creative Festival continues this tradition as a way to educate, entertain and inspire young people, and to foster a small town atmosphere reminiscent of old Europe.

The Children's Creative Festival uses funds raised at this annual street painting faire to help local schools with art education and other cultural activities. Last year, more than 79,000 children benefited from year round programs and classes sponsored by this all-volunteer organization.

The Children's Creative Festival was also the key sponsor of my 2003 Congressional art competition, which awarded scholarships to five young artists.

Dr. Frank Lieberman and his wife, Elaine, founded the Children's Creative Festival five years ago to inspire creativity, teach art appreciation and provide supplemental funding for quality visual and performing arts experiences for school children, thus developing creative and imaginative adults. I believe they have achieved their stated goals and wish them and their organization continued success in future endeavors.

RECOGNIZING MICHAEL URBAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Mr. Michael Urban, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Michael is a junior political science major at the University of Missouri-Columbia and has distinguished himself as an intern in my Washington office by serving the great people of the 6th District of Missouri. Michael joined my staff for the 108th congress as part of the House of Representatives intern program at the United States Capitol in Washington, D.C., a program designed to involve students in the legislative process through active participation. Through this program, Michael has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During his time as an intern in my office, Michael has successfully demonstrated his abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Michael has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of his knowledge and skills acquired prior to his tenure as an intern and through a variety of new skills he has acquired while serving the people of Missouri and our nation. I would also like to commend his interviewing skills and his solo singing rendition of happy birthday for other staffers.

Mr. Speaker, I proudly ask you to join me in commending Mr. Michael Urban for his many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to him our very best wishes for continued success and happiness in all his future endeavors.

RECOGNITION OF BAYAUD INDUSTRIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Bayaud Industries, a nonprofit corporation that enables disabled individuals to contribute to their communities by providing them job training and placement.

Since 1969 Bayaud Industries has provided job training and placement to thousands of individuals with mental, emotional, and physical disabilities. Even after placement, Bayaud Industries continues its support, making sure that each of their clients has a case worker they can turn to even after they start their first job. Bayuad's mission is simple—to provide hope, opportunity, and choice by using employment as a means through which people with disabilities can participate in mainstream life.

Many working individuals find satisfaction in their jobs because they feel they have the opportunity to do something useful everyday. Groups of disabled Americans and advocates for individuals with disabilities have told me that employment can provide a sense of worth and accomplishment that many people with disabilities live without. In addition, they say that disabilities can keep people isolated from their communities, creating a sense of loneliness and dulling social skills. Employment can take individuals with disabilities off of the sidelines, provide them an opportunity to be involved in daily life, and a chance to interact with members of the community.

Unfortunately, according to the Mental Health Association the unemployment rate for individuals with disabilities is approximately 75 percent, and for those with psychiatric disabilities it is at almost 80 percent. Some of these statistics can be attributed to those individuals with such severe disabilities that they are unable to work, however much of that percentage is made up of individuals with disabilities who have never had the training or help they need to find the jobs they can do.

The need for a company like Bayaud Industries is clear. Bayaud provides an invaluable link between individuals with disabilities and employment. By being that link they are changing lives on a daily basis. They make a difference every day by opening doors for members of America's disabled community that many of them never knew existed before.

CITIZENS OF LIBERIA

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RUSH. Mr. Speaker, tonight, while the President of the United States is visiting Senegal and other countries in Africa, 'I rise to address the House to express my concern for the citizens of Liberia. Liberia is an African nation that was founded in 1820 by freed Black slave men and women from the United States. The nation, considered to be the only U.S. colony in Africa, was founded with a grant of $100,000. Its capital, Monrovia, is named after the United States fifth president, James Monroe. By 1847, thousands of freed slaves had immigrated to Liberia from the United States. They declared independence and the commonwealth of Liberia became the Republic of Liberia.

Liberia's recently-deposed president, Charles Taylor, seized power in 1997 after leading a seven year insurrection, which claimed the lives of thousands of Liberian Africans against his predecessor, Samuel Doe. Taylor, an accused embezzler and protégée of Libyan dictator, Col. Mu'ammar al-Qadhafi, spread terror throughout Sierra Leone, Ivory Coast and Guinea. Taylor's human rights abuses include the use of child soldiers and funding terrorist organizations with money from blood diamond mines.

On June 4, 2003, the United Nations supported an indictment of President Taylor by a Special Court in Sierra Leone, at the same time a group of West African Presidents were meeting with Taylor and others in Ghana to discuss efforts to negotiate a peace agreement.

During the negotiations, President Taylor [said he would step aside if it would bring peace to his war torn country]. On Sunday, July 6, 2003, President Olusegun Obasanjo of Nigeria announced that Taylor agreed to leave Liberia under certain conditions and with certain guarantees. President Obasanjo stated that what was happening in Liberia could happen anywhere in Africa. Liberia, he said, needed relief from dictatorship so that the entire region wouldn't be affected by the errant regime in that nation.

Mr. Speaker, thus far, there has not been a successor named to govern Liberia. The leaders from the 16 Liberian opposition political parties in the nation, as well as leaders from religious and women's organizations, have been meeting in Ghana to draw up a peace plan and establish a transitional government expected to run the country for 18 to 24 months before new elections can be held.

The Economic Community of West African States (ECOWAS) Britain and France have asked the United States to lead, at least initially—a peace-keeping operation designed to separate and disarm the warring factions and establish an environment where a transitional government can take control of the country. ECOWAS has pledged 3,000 troops for an intervention force and is asking the United States to pledge 2,000 troops in this effort.

Mr. Speaker, I urge you, and my colleagues support the Liberian people's struggle to return their country to sane and just rule. Liberia has been a friend and a supporter of the United States. It was an ally during the Cold War and a facilitator of covert operations against Col. Mu'ammar al-Qadhafi during the 1980s. It would be a betrayal of that long-held trust to turn our backs on the people of Liberia who have supported us in the past.

Liberia's natural resources are plentiful. The country has iron ore, rubber, timber, diamonds, gold and tin. In addition, in recent years that it has discovered sizable deposits of crude oil along its Atlantic Coast, and it continues to make strides in the agriculture sector. We need to work with the local communities and provide assistance in the areas of development, policing, healthcare.

Mr. Speaker, Liberia has the potential of re-establishing a strong democratic model of liberation and justice for the continent. We must do whatever we can to assist the Liberians—these proud people of liberty—rebuild their beautiful country.

DISEASE PREVENTION IN MEDICARE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RAMSTAD. Mr. Speaker, I rise today to submit into the Record a letter I have received from seven former Secretaries of the Department of Health and Human Services and its predecessor, the Department of Health, Education and Welfare. The letter, sent to many Members of Congress, and especially to the leadership of both bodies, requests that during our work on Medicare modernization we not forget about the benefits of disease prevention.

The letter specifically references a report by Partnership For Prevention, "A Better Medicare for Healthier Seniors: Recommendations to Modernize Medicare's Prevention Policies," which states that Medicare should increase its emphasis on keeping seniors healthy, not just treating them when they become sick, as a roadmap for a modernizing Medicare's prevention practices.

The Partnership For Prevention (PFP) is a highly respected non-profit partnership of public and private sector organizations committed to finding solutions to health issues in a non-partisan and rigorously scientific manner. The report and other recommendations can be viewed and downloaded at the PFP Web site, http://www.prevent.org.

I encourage my colleagues to read the attached letter, look at the Partnership For Prevention report and consider their recommendations in our further efforts to modernize Medicare.

THE FORMER SECRETARIES OF
HEALTH AND HUMAN SERVICES AND
HEALTH EDUCATION AND WELFARE
JUNE 25, 2003.

Hon. JIM RAMSTAD,
U.S. Representative, House of Representatives, Washington, DC 20515.

DEAR MR. RAMSTAD, as former Secretaries of Health and Human Services (or Health, Education and Welfare), we write to encourage you to include disease prevention in discussions about Medicare modernization.

Congress created Medicare In 1965 based on the knowledge of health and medicine at that time. Thus, Medicare came into being as a national insurance system to cover hospitalization and visits to clinicians' offices for diagnoses and treatment.

In the nearly four decades since Medicare's creation, considerable research and practice have yielded proven ways to not just diagnose and treat disease, but to prevent it and promote longer, healthier life. Today we know that postponing disability, maintaining social function, and sustaining independence are achievable for seniors through evidence-based health promotion and disease prevention services. It is nearly always preferable, both for the individual and for society, to prevent disease instead of waiting to treat it.

Congress has added selected preventive services to Medicare but has not included other services that are proven effective, nor has it encouraged Medicare to take a comprehensive approach to disease prevention and health promotion for America's seniors.

A recent Harris Poll found that nine in ten American adults want Medicare to be modernized and to put as much emphasis on disease prevention as it does on disease treatment.

The roadmap for this Medicare modernization is laid out in a new Partnership for Prevention (Partnership) report, A Better Medicare for Healthier Seniors: Recommendations to Modernize Medicare's Prevention Policies, which you already have received. These recommendations would move the U.S. toward realization of our nation's two overarching national health goals: Increasing life expectancy and improving quality of life, and reducing disparities in health among different segments of the population.

Respectfully yours,
JOSEPH A. CALAFANO, JR.
RICHARD S. SCHWEIKER.
MARGARET M. HECKLER.
DAVID MATHEWS, MD.
LOUIS W. SULLIVAN, MD.
DONNA E. SHALALA, PHD.
OTIS R. BOWEN, MD.

TRIBUTE TO RODNEY C. LESTER, PhD, CNRA

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. CULBERSON. Mr. Speaker, I pay tribute today to an outstanding representative from the State of Texas, Rodney C. Lester, PhD, CRNA. Dr. Lester will soon complete his year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that one of Texas's own was tapped as the 2002–2003 president of this prestigious national organization.

Founded in 1931, the AANA is the professional organization that represents more than 30,000 practicing Certified Registered Nurse Anesthetists (CRNAs). CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. They provide anesthesia for all types of surgical cases and are the sole anesthesia provider in two-thirds of all rural hospitals, providing these medical facilities with obstetrical, surgical, and trauma stabilization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites, obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

Dr. Lester received his PhD in health education from Texas A&M University in College Station, Texas; his master's of science in nursing from the University of Tennessee, Memphis, Tennessee; and his master's in business administration from Drury College Breech School of Business, Springfield, Missouri. He is currently the Nurse Anesthesia Division director and associate professor of clinical nursing at the University of Texas Health Science Center-Houston, School of Nursing. He also serves as a member on the Admissions, Progression and Graduation Committee at the school. Previously, he was the director for the University of Texas MD Anderson Cancer Center, Department of Anesthesiology and Critical Care in Houston, Texas.

Dr. Lester has served terms as president and vice president for the Texas Association of Nurse Anesthetists. Adding to his professional accomplishments, Dr. Lester has become nationally recognized in both publishing and speaking on anesthesia-related topics over the years.

In addition to his service to the AANA, Dr. Lester served his country in the United States Army as an officer and certified registered nurse anesthetist. He recently retired from the Army after 5 years active duty and 24 years as a reservist.

Mr. Speaker, I ask my colleagues to join me today in recognizing Dr. Rodney Lester, PhD, CRNA, for his notable career and outstanding achievements.

H. CON. RES. 210 HONORING SPECIALIST SHOSHANA JOHNSON FORMER IRAQ POW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RANGEL. Mr. Speaker, I am announcing the introduction of H. Con. Res. 210 honoring Army Spc. Shoshana Nyree Johnson, former POW in Iraq, and the first African-American woman POW.

Specialist Johnson was deployed to the Persian Gulf region as a member of the Army's 507th Maintenance Company. On March 23, 2003, Iraqi Troops ambushed her unit in Nsiriyah, Iraq, and Specialist Johnson and five other members of her unit were captured and held as prisoners of war. Specialist Johnson, four other members of her unit, and two helicopter pilots were rescued by United States Marines on April 13, 2003.

Specialist Johnson, who suffered gunshot wounds in both ankles, displayed extraordinary courage and valor during her 21-day ordeal, and outstanding dignity since her release.

She was honored on Capitol Hill on June 12, 2003, at an event hosted by the Congressional Black Caucus. Specialist Johnson described her experience as "just doing her job," and asked for prayers for those still fighting in Iraq. She also remembered fellow POW Private First Class Jessica Lynch, a member of her unit who was also captured and released. The humility of her remarks reflected the hero that she is.

H. Con. Res. 210 honors Specialist Shoshana Johnson for her sacrifice and for representing the highest ideals of service in the United States Armed Forces. To cosponsor this Resolution, please call Jean Mathis of my staff on extension 54365.

NORTON FILES BILL TO AUTHORIZE ANNUAL FUNDING FOR TRANSFORMATION SCHOOLS AND CHARTER SCHOOLS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. NORTON. Mr. Speaker, I submit the following for the RECORD:

Congresswoman Eleanor Holmes Norton (D–DC) today introduced the Model Alternative Publicly Accountable Schools Act of 2003 to allow the District to use its unique experience in establishing an unusual number and variety of successful publicly accountable alternatives to its traditional public schools in an effort to encourage other school districts to do the same and to provide additional funding to allow the city to continue these efforts, which are now threatened by cuts and a shortage of funds. Norton said that nationally, the Congress has been unwilling to fund private school vouchers and has had very limited success in getting school districts to establish public alternatives such as charter schools. (For example, Virginia has eight charters and Maryland has one, while the District has 42). Locally, she said that H.R. 2556—the D.C. Parental Choice Incentive Act of 2003—would authorize private school vouchers but without her bill there would be no bill authorizing funds for the city's transformation and charter schools that would treat these parents and children equally, as even voucher advocates say is necessary. In addition, Norton said, in a year when both D.C. and the federal government have cut school funding, her bill providing funds for publicly accountable schools would free up scarce D.C. funds for use in traditional public schools. The D.C. Public Schools last week cut 422 positions to help meet a $40.4 million shortfall, including $6.5 million in funds for textbooks. However, the voucher bill will result in a minimum loss of $25,114,000 if 2,000 students exit the public schools altogether next year because D.C. and federal law require that schools be funded on a per pupil basis.

The Norton bill would authorize a total of $15 million for the first of five years of funding. In the FY 04 budget, $12 million would fund and expand transformation schools based on a congressional finding that the District has significantly improved the performance of its poorest and lowest performing children in transformation schools. She said that the improvements in test scores and parental involvement were directly related to extra services provided only to transformation school children and parents. These improvements for they city's low-income children cannot be expected to continue if these services are withdrawn, as cuts now are forcing, she said.

A total of $3 million in FY '04 would fund public charter schools in recognition of heightened demand, long waiting lists, and unavailability of funds for facilities to meet a demand the city has shown it cannot meet. Norton said that a particularly large number of schools had applied for charter school status for the coming school year and that the $3 million was important to expand the direct loan fund to assure that start-up charter schools would have the necessary head start to lease facilities in D.C.'s costly rental market. In the remaining four years of the Norton bill, allocation of funds between charter and transformation schools would be done by the City Council after hearings based on the demonstrated needs and gaps in both.

The Congresswoman said that sporadic and ad hoc funding for charter schools from Congress demonstrate the necessity for a specific authorization. Last year, the House did not fund charter schools at all, but working with the Senate, Norton got $17 million for charters to help ease facilities pressures. "This was done without slogans about funding multiple sectors," she said, "and funds may come on an episodic basis again. However, no one should mistake any funds we may get without an authorization this year or in the future, for the authorized amount for vouchers that is designed to guarantee an annual appropriation. Only a comparable authorization can do for charter schools and transformation schools what H.R. 2556 does in authorizing a specific amount for private school vouchers."

Norton said that the voucher intervention by federal authorities "has been a distraction from the expressed desires and needs of the majority of the city's parents and children and has done a disservice to the District's leadership role in carrying out two congressional statutes"—the charter school provision of the Improving America's Schools Act of 1994, which Funded charter schools nationally, and Section 1115 of the No Child Left Behind Act, which encourages schools such as D.C.'s transformation schools. Norton is also one of the authors of the District of Columbia School Reform Act of 1995. written on a home rule basis with D.C. officials and residents.

Norton said that her bill is also necessary because the President's visit last week shows that his administration intends no extra funds for charter schools, because he spoke only of funds that are available to all charter schools nationally, despite demand here that far outstrips the available funds and despite D.C.'s record of establishing charter schools in particularly significant numbers, as Congress intended. She said without explicit authorization, charter and transformation schools would be left to the mercy of appropriation committees, which are free to fund whatever programs they desire while vouchers would be authorized for finds on an annual basis.

AFRICA

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. WATSON. Mr. Speaker, I want to thank ELIJAH CUMMINGS, Chairman of the Congressional Black Caucus, for once again holding this very timely and important discussion on Africa.

For the next week Africa will be page one news due to the President's trip to the continent. Then, once again, news on Africa will most likely recede to the back pages of our major newspapers and disappear. However, what many Americans don't realize is the increasing importance of Africa to the world and the United States.

Americans now import more than one quarter of their oil from the African continent. In the coming years, due to new major oil discoveries in the Gulf of Guinea off the west coast of Africa the percentage of African oil Americans consume will most likely rise. It will rise because there are quantities of untapped oil reserves on the continent, and it will rise because the U.S. realizes that oil from the Middle East can easily fall prey to the vagaries of war and politics.

Africa is so important to us, in part, because it is a continent rich in natural resources. Copper, diamonds, gold, and wood are all in abundance throughout the continent. The Congo River itself has enough potential hydroelectric power to supply the electrical needs of the whole continent. And the continent still has abundant rain forests, which have been described as the lungs of the world.

We as legislators can no longer afford to ignore Africa or view it solely through the lens of disaster and peril. Yes, we cannot deny that there are serious health problems in Africa with HIV/AIDS and malaria leading the list. There is crushing poverty throughout the continent. Africans living on less than a dollar a day now number over 315 million, according to a recent World Bank survey. Serious conflicts in the Congo—where not thousands but millions have perished—and West Africa still plague the continent and put a serious drag on the development of human resources and capital.

We cannot afford to ignore Africa because people are beginning to realize that failed states and crushing poverty are fertile breeding grounds for terrorist and criminal groups. We cannot afford to ignore Africa because the world is smaller and more interconnected. From the war on terrorism to the supply of crucial resources, from the campaign against threatening diseases to the opportunities for economic trade and investment, Africa is a key global player. We cannot afford to ignore Africa because we now ignore it at our own peril.

Africa matters in many ways. Not all the news coming out of Africa is gloomy. Trade and investments with Africa are growing. U.S.

exports totaled over $5.8 billion last year, while U.S. imports were $18 billion. Nigeria alone is the fifth largest supplier of oil to the U.S. Despite appearances, Africa is more peaceful today than in the 1980s and 1990s. Democracy is also taking root in many parts of Africa.

But Africa needs increased resources to deal with the multitude of problems. U.S. assistance to Africa has been stagnant for many years, and real development assistance to the continent is less than $500 million. Although total U.S. assistance to Africa may total about $2 billion, a large chunk of this is for humanitarian and health related programs. Many programs—including in the areas of agriculture, democracy, conflict resolution, trade and investment—have suffered from significant cutbacks. In short, Africa needs increased assistance if it is truly to be brought into the mainstream world economy.

The Congressional Black Caucus has been a staunch advocate and played a pivotal role in strengthening the cultural, political and economic ties between Africa and the United States. I am therefore concerned, but not surprised, that President Bush did not seek out the guidance and assistance of the CBC before making his sojourn to Africa. This is not surprising because, as our chairman recently noted, "The President has declined all of our offers to meet with him since our last discussion of January 31, 2001."

In closing, I want to make a few remarks on the President's proposal to send in U.S. peacekeepers to Liberia. First, I recognize the longstanding historical ties between the U.S. and Liberia. I don't believe it will be as difficult to win the hearts and minds of Liberians who are predisposed to look upon the U.S. with favor. I generally support the concept of a peacekeeping mission to Liberia. However, I believe that a U.S.-led peacekeeping mission should be placed under the auspices of the United Nations. The United States by itself cannot be the policeman of the world, and our forces are already spread thin by our other significant commitments around the world. Any U.S. actions in Liberia will have greater credibility if they have the seal of approval of an international body.

We must also think through very carefully our commitment to place U.S. forces in Liberia. We must have a mission that is clearly defined, and we must have an exit plan that is articulated and understood by the American public. I also believe that any plan to introduce U.S. forces in Liberia should be subjected to serious congressional oversight and approval.

The Devil is in the details. The administration must first clearly articulate its methods and goals before any U.S. troops are put on the ground.

RECOGNIZING CHARLES REESE, DISTRICT GOVERNOR OF DISTRICT 5670 OF ROTARY INTERNATIONAL

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize a Kansan devoted to his community and to the State of Kansas. Mr. Charles Reese, a Rotarian since 1975, will be installed as the District Governor of District 5670 of Rotary International on Friday, July 11.

I am personally proud of Mr. Reese, who resides in my hometown of Hays, Kansas. District 5670 encompasses Hays and all of northwest Kansas. As District Governor, Mr. Reese will lead 31 Rotary clubs with 1200 members in a 38-county region.

Reese's dedication to his community is well known. Mr. Reese served the Hays community as a board member of the Kansas Chamber of Commerce and Industry and as chairman of the board of the Kansas PRIDE program. Last year, Charles retired as Vice President of Corporate Relations for Midwest Energy, an electric and natural gas utility based in Hays.

Mr. Reese's commitment to community service is an example of tremendous leadership. He served as President of the Heartland of Development Corporation and is currently serving as interim director of the Ellis County Coalition for Economic Development. Mr. Reese and his wife, Louise, have also traveled to Panama with the Rotary District HungerPlus service teams. For his volunteer work in economic development, Charles received the 2002 Volunteer of the Year award from the Kansas Economic Development Association.

Not least of all, Charles and Louise are the proud parents of three grown daughters and grandparents of three grandsons. The family will celebrate Charles' formal installation as District Governor at a banquet Friday evening, July 11, in Hays.

Charles Reese is a role model for service to others. His devotion to his community, and to Rotary International, reflects his strong character and sense of duty to community, state, and nation.

SENATE—*Wednesday, July 9, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Lord God almighty, You have made all the people of this Earth for Your glory. Yet, too often we choose our own destructive paths. Deliver our own world from hatred, cruelty, and revenge. Save us from violence, discord, confusion, and sin. Guide and bless our Senators that their labors will please You and be a blessing to the nations of the Earth. May we be a people at peace among ourselves and determined to be Your instruments of reconciliation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Kentucky is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, this morning the Senate will resume consideration of the motion to proceed to S. 11, the Patients First Act. Between now and 11:30, the time will be equally divided between the majority leader or his designee, and the Democratic leader or his designee.

At 11:30, there will be two consecutive rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to the Patients First Act of 2003. Immediately following that vote, the Senate will proceed to executive session and vote on the nomination of Victor Wolski to be a judge on the U.S. Federal Claims Court.

Following those two votes, at 11:30, the Senate will begin consideration of S. 925, the State Department reauthorization bill. Amendments are expected to be offered to the bill. However, it is our hope, and the hope of Chairman LUGAR, to complete this bill expeditiously. To accomplish this, Members who intend to offer and debate amendments should notify their respective chairman or ranking member so that the amendments can be scheduled for consideration.

Rollcall votes will occur throughout the day as the Senate considers the State Department authorization bill.

Again, it is our hope that we will be able to complete this bill early this week so we can begin the appropriations process prior to the end of this week. I encourage everyone to help make that possible.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, if I may direct a question through the Chair to the distinguished majority whip, what is the pleasure of the majority leader as to what we are going to do on Friday? Is there a determination yet as to whether we are going to have votes on Friday?

Mr. McCONNELL. It is my understanding that the leader does expect there will be votes on Friday. We anticipate being on one of the appropriations bills.

Mr. REID. I certainly have no prior knowledge about amendments being offered on the very important State Department authorization bill. But I think it will be difficult to finish the bill by tomorrow evening. If that is what the leader wants to do, we will certainly try.

As I indicated, I don't know what amendments will be offered. We will have a better idea before we get on the bill, and we will inform Senator BIDEN and let him know what amendments there are, so the leader can have an idea as to what the week holds for us in that regard.

Mr. McCONNELL. Mr. President, I think the plan of Senator FRIST is to get started and see how it goes and to hope that we can move that bill rapidly.

Mr. REID. Mr. President, if it would be OK, the time, as the Senator from Kentucky has indicated, is evenly divided—the Chair will announce it shortly—until about 11:10; is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. One-half hour of the time we are allotted I will yield to the Senator from New York, Mr. SCHUMER, to speak on Judge Wolski.

I have been advised by staff that 25 minutes would be adequate because he has 5 minutes prior to the vote. So I will yield 25 minutes to the Senator from New York.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

PATIENTS FIRST ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration on the motion to proceed to the consideration of S. 11. Under the previous order, the time until 11:30 a.m. will be equally divided between the majority leader and the minority leader or their designees.

Mr. McCONNELL. Mr. President, the measure we are hoping to proceed to, the Patients First Act of 2003, seeks to address a major national crisis that confronts us in health care. Two weeks ago, or right before the recess, the Senate and the House acted on a major new health care proposal to modernize and preserve Medicare and to add a prescription drug benefit for our seniors. Now the Senate seeks to address another part of America's health care crisis—one the House of Representatives has already dealt with—which is the question of the rising cost of medical liability premiums, forcing physicians out of certain specialties or, in the case of young physicians, choosing not to go into such high-risk specialties as obstetrics because they know they won't be able to afford the medical malpractice premiums and still perform the service for which they have been trained.

Last year, when we dealt with this issue, there were about 11 or 12 States that were in crisis. Now there are 19. There are only 6 of our 50 States that have no problem at all. All the rest are on the way to having a major national crisis.

The underlying bill that we are seeking to get permission to go to—the principal sponsor is Senator ENSIGN of Nevada, who is here to my right and has been an active and major player in the legislation—is very similar to the measure that passed the House. It is also supported by the President of the United States. So we know that if we were to go forward with a bill similar to this, it could get a Presidential signature and we would be well on our way to dealing with this enormous problem that is beginning to deny patients care all across our country.

So when the Senate has an opportunity to vote, I hope Members will vote to invoke cloture on the motion to proceed so we can go to the bill and begin to address this incredibly serious national problem.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I commend Senator ENSIGN for his leadership on this issue. His State has certainly been one of those that has had an enormous crisis and they are trying to deal with it at the State level. He can address that. But the point is that this is a national problem that needs to be dealt with by the National Government.

That is what we are seeking to do today: to get an opportunity to get on to the bill and deal with this extraordinary health care crisis that we have in the country.

I will have more to say later in the morning and particularly just prior to the vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I appreciate the words of the majority whip. I rise today to speak on behalf of the bill that I have introduced, the Patients First Act. The reason we call it the Patients First Act is because it really does put patients first.

In our health care system today, we have too many patients who are either close to being denied care or have been denied care simply because physicians cannot afford the medical liability premiums they are facing today.

My State, as the Senator from Kentucky mentioned, is one of those States that is in crisis. Our State has a level I trauma center which serves a four-State region, and last year that trauma center closed for 10 days. The closure of that trauma center was the only event in my state of Nevada that brought the people who were against reforming our medical liability system and our overall tort system and the proponents of that reform together. This crisis allowed a special session of the legislature to be called so they could try to deal with this situation. I commend our Governor and State legislators for their efforts to deal with the situation.

The problem in Nevada, as with other States that have enacted reform, is it will take 6 to 10 years, depending on the length of the appeals and the challenges to the law, before we know whether the bill will actually take effect and have the result of lowering the costs for medical liability insurance.

In the meantime, Nevada and many other States are losing doctors in droves. Nevada is the fastest growing State in the country, and we cannot afford the migration of doctors from our state to continue.

Speciality fields are the most severely affected by this crisis, and of those, obstetrics and gynocology are of the most severely affected. In southern Nevada, we have 5,000 to 6,000 new people a month moving in. This increase in our population during this time of crisis has resulted in three things happening.

One is we are losing doctors; two is new doctors are not coming to replace them; and three is, the few ob/gyns who actually are staying, when they were delivering 250 to 300 babies a year previously, they have cut that number down to 125; 125 babies from 250 to 300. One can do the math. It does not add up.

Additionally, many doctors who previously delivered babies in high-risk pregnancies no longer can deliver them because their insurance company will not cover them for that procedure. We are in a situation where some of our best doctors are not able to give the care they are are capable of giving.

I see my friend from Wyoming just arrived in the Chamber. Mr. President, I say to him, I am going to take a couple more minutes and then I will yield the floor.

This is not just a Nevada issue. As the Senator from Kentucky mentioned, 19 other States are in crisis, and all but 6 States are showing signs of heading into a crisis. In every State that is in crisis or heading into a crisis, we hear the same kind of stories from patients. It is a real problem, a problem the Senate must address. The House has already dealt with it. Now the Senate must deal with it.

This crisis is a national problem. For Medicare, Medicaid, veterans, 60 percent of all the medical bills are paid through the Congress. Because of that, it is a national issue and it requires the House of Representatives and the United States Senate to act in concert to send a bill to the President. The House has done its job. Now it is up to the Senate.

I will share one or two quick anecdotes to illustrate real people who have been touched by this issue.

During the closure of the level I trauma center in my home State of Nevada, a woman and her father, Mr. Lawson, were in Las Vegas visiting when this level I trauma center closed. The father had to be transferred to a different emergency room, and on his way there, unfortunately, this gentleman passed away.

Level I trauma centers are staffed with the most talented, specialized people in the medical profession. We have trauma centers specifically staffed by the best because they must save lives that are in jeopardy every day. That trauma center closed because the specialists could not afford the insurance, and they could not afford the liability from the exposure of potential high-risk surgeries to save lives.

The only way the legislature was able to open that trauma center again is they covered the people who worked there under the umbrella of the State.

By the way, when we talk about caps, my home state of Nevada has a cap of $50,000 total for economic, non-economic and medical. It is a total $50,000 cap, obviously much more severe than we would even think to consider in this body. In the bill before the Senate today we have a $250,000 cap on pain and suffering, but an unlimited amount on economic damages and medical expenses, and if there is gross negligence, there are punitive damages in this bill as well.

We think we have taken a balanced approach so that patients throughout this country are not denied care, such as when the trauma center in Nevada was forced to close, do not have to go through that experience again. We have to ask the fundamental questions: How many more people have to be denied care who really need it? How many more people have to die in this country before this body will take action? That is really the bottom line today. People are being denied care, and more and more people will be denied the care they really need. That is why this institution needs to act.

Mr. President, I yield the floor so the Senator from Wyoming may speak.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Nevada. I always appreciate his comments. He has one of the fastest growing States in the Nation. I come from the most sparsely populated State in the Nation. We have some very common problems.

In the last couple of days, we have heard a lot of discussion about insurance companies. We have heard that medical liability insurers are the source of the problem; that they are gouging doctors to make up for investment losses.

Well, the Nasdaq index yesterday closed at its highest level since April 2002. The Nasdaq is up more than 30 percent since the beginning of the year. For that matter, the Dow Jones Industrial Average is up more than 10 percent in 2003. Under the logic we have heard this week, the stock market rebound ought to be leading to a sharp reduction in medical liability premiums. So why aren't we seeing any relief?

We are not seeing any relief because insurance companies are paying out more in losses than they are receiving in premiums. It is that simple. It does not take an accountant to figure that out. For every premium dollar collected in 2001, medical liability insurers experienced $1.53 in losses. Ten years earlier, for every premium dollar collected, insurers lost $1.03.

Regardless of investment gains or losses, the fact is that payments for medical litigation judgments and settlements are rising much faster than the incoming premium payments, even though premiums are escalating dramatically. Insurance companies cannot make up the gap between the $1 they take in and the $1.53 they pay out without raising premiums. That is why we are not seeing reductions in medical liability premiums, despite the stock market's advance in 2003.

It all comes back to our legal system. It is simply out of control. People who are truly injured by health care errors ought to receive fair compensation. The problem is that our medical justice system is completely out of whack. Doctors and hospitals live in constant fear of litigation. They order unnecessary tests out of legal fear.

Doctors look at their patients as potential lawsuits, not people in need of their help, because of this legal fear. They are forced to move their practices to States that have reformed their legal systems. All of this because of legal fear.

Some of my colleagues may have read a book that came out several years ago, in 1995. The book was called "The Death of Common Sense." The book was written by Philip Howard, a lawyer by training. His premise was that American law and regulation are stifling human judgment and good sense.

Well, Mr. Howard just published a new book, and I encourage my colleagues to read it. It is called "The Collapse of the Common Good." In the book, he describes how law and regulation in America create a warped sense of individual rights. In America today, people use the concept of individual rights to bully other members of society, using the threat of legal action as a weapon.

Some of what Mr. Howard has written is pertinent to this debate. For instance, some of my colleagues believe that this legislation would limit a patient's right to sue a doctor. We all believe that patients who are truly injured deserve fair compensation. The problem is that some personal injury lawyers are taking advantage of this belief to bring all sorts of claims against doctors, whether the doctors are at fault or not.

Let me share a passage from Mr. Howard's book. He writes on pages 22 and 23:

> Like ancient Mayans accepting human sacrifice or Catholics in the Middle Ages buying indulgences, Americans today accept that being sued is the price of freedom, and that diving for cover is the natural response to reasonable daily choices. Our faith in individual rights keeps us from pausing even to question this conception of justice. But should individual rights include the right to go to court over a sandbox disagreement involving 3-year-olds, or to milk the system whenever there is a freak accident, or to scare towns and school systems out of seesaws and peanut butter? The idea of individual rights derives its moral force from the rhetoric of liberty. But is this what our founders had in mind when they organized a society around the freedom of each individual?
>
> Actually, no. Our founding fathers would be shocked. There is no "right" to bring claims for whatever you want against someone else.
>
> Suing is a use of state power. A lawsuit seeks to use government's compulsory powers to coerce someone else to do something. Asserting individual rights sounds benign, like praying in the church or synagogue of your choice. Sticking a legal gun in someone's ribs, however, is not a feature of what our founders intended as an individual right. The point of freedom is almost exactly the opposite: We can live our lives without being cowed by use of legal power. The individual rights our founders gave us were defensive, to protect our liberty. Liberty, we somehow forgot, does not include taking away someone else's liberty. . . .
>
> Courts are not supposed to be commercial establishments where, for the price of a lawyer, anyone can buy a chance on a raffle. Courts supposedly represent the wisdom of law, overseeing when those powers can be used against others in a free society. There's no right to sue except as the state permits.
>
> I can practically feel your confusion. How else can we organize justice? People obviously have the ability to go to court. But by what rules and standards? Our modern consciousness is so focused on individual rights we can't conceive of another way to ensure fairness. But if lawsuits are recognized as an exercise of state power, perhaps the state should make conscious judgments of who can sue for what. That's what legal rules and interpretations are for.

That is what this debate is about. That is what this legislation intends to do—make conscious judgments about who can sue and for what, and the rules and limits under which medical lawsuits can go forward.

Is this bill a perfect bill? No. I have yet to see a perfect bill, and I am in my seventh year in the Senate, following 10 years in the Wyoming Legislature. But we ought to vote to begin this debate and move on to the consideration of this bill, and the amendments to the bill, so that we can address this medical liability crisis before it further compromises the liberties of the people in Wyoming and the other States, and especially their access to medical care.

We are debating whether to proceed to debate, whether to proceed to begin the amendments which can even be whole substitutes to this bill. So if my colleagues have a better idea, a way to solve this, they should vote to proceed, then bring their amendments.

Our Declaration of Independence speaks to our unalienable rights, as granted to us by our Creator, and that among these rights are life, liberty, and the pursuit of happiness.

Well, it is pretty hard for an expectant mother in Wyoming to pursue her happiness when she has to pursue her doctor for one more well-baby check-up before he closes his practice and leaves for a State where insurance premiums are lower.

There is another passage in Mr. Howard's book that is pertinent to our discussion about limits on pain-and-suffering awards. The statistics show that insurance premiums are lower in States with such limits, but I have heard Members on the other side of the aisle argue that the limit in this bill is too low, that it is unfair to someone who is severely injured, despite the fact that the bill does not limit in any way that person's right to recover every cent of the economic damages that result from that injury.

Well, if the limit on pain-and-suffering awards in this bill is too low, then what is the right amount?

I quote another passage from Mr. Howard's book, and I hope everybody will read at least the first chapter of this book.

> A great thing about bringing lawsuits in modern America is that it is so easy to threaten the adversary's entire livelihood. One stroke of the finger on the lawyer's word processor, and damages go from $100,000 to $1,000,000. Three more key strokes, and we're suing for a billion dollars. This is fun.
>
> What kind of justice system is it that allows someone to make up an amount of money to demand? Is that a fact to be "found" by a jury? It doesn't even qualify as a value judgment, which at least is a conclusion based on facts. Damages claimed today are completely arbitrary. Just stick your finger in the air and threaten someone with any number that comes to mind.
>
> Judges treat damage claims almost as if they are property, and only with greatest reluctance intercede. In 1987, five-year-old Gregory Strothkamp climbed up several shelves to the top of the linen closet, got an unopened box of Q-Tips, and, while trying to use them, punctured his eardrum. His parents sued the maker of Q-Tips for, among other things, $20 million in punitive damages. Whatever the merits of the argument that Q-Tips should come in childproof packaging (which would raise everyone's cost), most people probably agree that making Q-Tips is not an evil act.
>
> When the jury awarded young Gregory $20 million in punitive damages, the judge did what was obvious from the beginning and overturned the award. The claim ended sensibly, but is this how justice should work? Sweating through trial and verdict to get to obvious justice, while the judge is sitting there the whole time, doesn't exactly instill confidence in the system.
>
> Do judges enjoy watching the Q-Tip companies, or a Little League coach, or a doctor squirm at the end of a multimillion-dollar hook?
>
> Lying dormant along the side of society is another important legal principle: that a person injured should be "made whole" by damages. Traditionally, this meant out-of-pocket losses, like lost wages or medical bills. In an unusual case, like a homemaker with no wages, claims were permitted in categories not actually calculable, like "pain and suffering." In cases of genuine evil, punitive damages were possible.
>
> Today, the exceptions have engulfed the rule, with all kinds of side effects. Juries are regularly asked "to assume the baffling task of trying to place a monetary value on pain and suffering," Dean Bok observed, "although the predictable result [is] to encourage a rise in litigation and the growth of the most unsavory and deceptive practices."
>
> Judges might concede the principle but can't imagine how to apply it. They need some objective legal post to hang on to. If $1.35 billion is too much, what is the right amount? The "exercise of judicial power is not legitimate," as one scholar put it, "if it is based on a judge's personal preference rather than law." So what do the judges do? They abdicate. Judges look up at the allegorical figure of Justice and interpret her blindfold as impotence.
>
> But Justice is also holding balanced scales. How does Justice achieve balance but

> through the values and wisdom of judges? Proportion is critical to justice. Equals should be treated alike, Aristotle believed, and unequals proportionally to their relative differences: "the unjust is what violates the proportion." These distinctions, Aristotle observed, can only be made with human wisdom.
>
> Dead people can be so smart. "[T]o speak somewhat paradoxically," Cardozo observed, there are times "when nothing less than a subjective measure will satisfy an objective standard." Justice Potter Stewart had it right after all. Judges have to know it when they see it. One billion dollars for a wrongful dismissal case is absurd. Everyone knows it. The case should be dismissed unless the plaintiff comes back with some amount he can plausibly justify.
>
> I wonder if judges ever ask themselves why it is that damage claims have escalated to a level where they are like a parody of a dysfunctional system of justice. The answer couldn't be more obvious. Judges sit on their hands and tolerate claims that make lotteries seem like small change. The reason people bring huge claims is not hard to divine: It's a form of extortion. Why else sue for such ridiculous amounts? Being sued for, say, $5 million for a regular accident may not cause you to fold your hand, but the possibility of ruin never strays far from your consciousness. Most million-dollar claims end up settling for thousands or less. But not all. All that it takes is for a jury to get mad. . . .

The point I am making is that there is an imbalance. I think that everybody recognizes there is an imbalance. We want to have a just system. What we need to do is approve this cloture petition, end the debate of whether to proceed to the debate, and bring in substitute bills. And I have heard of some pretty good ones floating around. We can debate the issue and come up with something that will make doctors still accessible in States such as Nevada and Wyoming and the other ones that we have had on the chart of states in crisis. There are only about five that are not in crisis. Then there are varying degrees of crisis among the rest of them.

The problem we are facing today is that multimillion-dollar awards for pain and suffering are contributing to dramatic increases for insurance premiums for doctors. When this forces doctors to leave their practices, it hurts innocent patients who lose their access to medical care. Do we not have an obligation to say enough is enough, and set some limits on lawsuits?

As Mr. Howard points out in his book, if lawsuits are an exercise of State power, perhaps the State should make conscious judgments of who can sue for what.

When I spoke on this bill yesterday, I said the current medical liability crisis and the shortcomings of our medical litigation system make it clear it is time for a major change. I also said that regardless of how we vote on this legislation, we ought to start working toward replacing the current medical tort litigation scheme with a more reliable and predictable and faster system of medical justice.

I have heard Members on the other side of the aisle say they want to work with Republicans to find a better way to solve this problem, to find reasonable good-faith alternatives to this legislation. If we vote not to proceed on this bill, I hope this process will begin sooner rather than later. I hope we proceed so Members can bring their ideas out and suggest amendments; then we can vote up or down. The people of Wyoming and other States in crisis cannot afford to lose any more doctors. We cannot afford to lose any more time.

If we do not proceed on this bill today, I pledge to continue working to find solutions to this million-dollar liability crisis. I hope Members on both sides of the aisle will also take this pledge to keep working on this.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from the State of New York.

NOMINATION OF VICTOR WOLSKI

Mr. SCHUMER. Mr. President, I will talk today about the nomination of Victor Wolski to the Court of Federal Claims. This nomination admittedly has not gotten much attention from our colleagues because the Court of Federal Claims does not handle the breadth or the number of cases that the courts of appeals do or even Federal district courts.

However, I remind my colleagues that in one area these courts are extremely important—they are important in many areas, but in one area where we have our usual ideological discussions and battles, the area of the environment. The Court of Federal Claims is the place where claims of takings reside. Takings have been the way many have opposed the advances we have made in the environment. They make their arguments this is a government taking from you your right to use your property as you see fit.

When the Government says you cannot pollute the water on the land you own or you cannot pollute the air on the land above which you own, some have come up with the theory that the Government is taking something from you. It is sort of denying the theory of compact that we all live together and we all have to be responsible for our land and our water.

I argue that the vast majority of Americans do not agree with this argument. However, there is a small group of people who tend to be propertied, tend to be quite well off in society, who are very much for this argument.

The nominee to the Court of Federal Claims, Victor Wolski, if we nominate him, if we approve him, we are approving somebody who has led the charge in this area—not somebody who sees some merit to the taking argument and sees the other side but somebody who is a committed ideologue, not somebody who would have the balance we need on the courts.

If anyone does not believe me, I take Mr. Wolski's own words to the National Journal:

> Every single job that I have taken since college has been ideologically oriented trying to further my principles.

He then goes on to describe his principles as "a libertarian belief in property rights and limited government."

This man is a self-described ideologue. I thought we had been making some progress in this body, that while some would propose more conservative nominees and some would propose more liberal nominees, that it was a bad idea to put ideologues on the bench, ideologues of the left or the right.

Mr. Wolski is clearly an ideologue and does not belong on this sensitive court. For that reason, he is opposed by 13 national environmental groups. When he was counsel for the Pacific Legal Foundation, Mr. Wolski consistently furthered his ideology through sweeping arguments that would have dramatically undermined the Nation's environmental laws.

My guess is he preferred an America of the 1890s or the 1930s where our air was much dirtier, our water was much filthier. Whether you are a Democrat or Republican, if you believe at all in preserving the environment, it would seem to me it would make a good deal of sense not to further this nomination. We can find people who might be more consistent with the President's views, with many views on the other side in terms of not extending environmental laws or making sure that the excesses of environmental laws are limited. Mr. Wolski is just not that. He is so committed to this ideological view that the Government has virtually no right to tell you you cannot pollute the air or the water, that if he had his way, we would turn the clock back dramatically in the environmental area. As a result, as I mentioned, 13 national environmental groups oppose his nomination.

In addition, a broad coalition of groups, civil rights, women's rights, human rights organizations, including the Leadership Conference on Civil Rights, the National Fair Housing Alliance, and the National Women's Law Center have expressed serious concerns with Wolski's "extreme views on governmental power and his troubling record in race and sex discrimination cases."

Admittedly, this court does not handle race and sex discrimination cases, but it does handle the takings cases that relate to our environment.

In addition, I argue to my colleagues, Mr. Wolski does not really have the judicial temperament to be a Federal judge. He argued a case where there were ponds that were providing habitat for migratory birds. I know from my own experience that some would think every piece of water, every pond and every lake is a wetlands and cannot be touched, and sometimes the advocates, I would be the first to say, go overboard. However, in this case, Mr. Wolski called ponds "puddles," and he belittled the possibility that there might be any interest in protecting migratory birds. "Jurisdiction over puddles was justified by the Ninth Circuit on the basis that birds might frolic in these puddles."

He wrote:

> Will one fewer puddle for the birds to bathe in have some impact on the market for these birds?

In the argument he is making—I don't know, the facts of the case might be right—the language does not show the temperament, a fair and balanced temperament, that we seek in nominations to the bench, whether they be Democrat or Republican.

In a letter to the San Francisco Chronicle, Wolski derided what he called "a rogue Congress" and referred to the Members of Congress as "bums." Again, many of our constituents have hard words about Congress Members, but I don't think a lawyer, a trained advocate, ought to be using that kind of language. Again, it shows the kind of temperament Mr. Wolski has.

On the merits of his views, he is way over to the extreme. On his judicial temperament he has used incendiary language that is inappropriate for a lawyer or a judge. Mr. Wolski should not be put on the bench.

I make one other argument in this regard. The Federal Court of Claims has some vacancies. It has 16 slots. It now has 13 senior judges in addition to the 11 regular judges. This court does not have much of a caseload. The average number of cases the United States District Court judge handles is 355 cases; the number of cases a current judge of the Court of Federal Claims handles is 24. If we add the new nominees, each will handle 19 cases.

Let's say you don't agree with CHUCK SCHUMER on the environment. Let's say you even agree with Victor Wolski, but you are a fiscal conservative. Why are we adding more judges to a bench that does not need any help?

The Washington Post editorial—and, as you know, the Washington Post on the issue of judges has not agreed with many of us on this side—called the CFC:

> . . . a court of extravagance and an unnecessary waste of judicial resources that should be abolished.

Each of these judges costs a million dollars. I would say to my colleagues, those on the other side of the aisle did not allow nominees to the Court of Federal Claims when President Clinton was in office because, they said, the caseload was too low. Today the caseload is even lower, and there is a rush to nominate. This should not be dispositive.

If Wolski were a good man, if the caseload were growing, I would support him no matter what was done between 1995 and 2000. But I have to tell my colleagues on the other side, it is extremely galling to us that the very arguments that have been used in the past now seem irrelevant, now that there is a new President making different appointments. If the Court of Federal Claims should not have had appointees under the Clinton administration and the Republican-controlled Senate did not allow any because the caseload was too low—24—why are we now nominating 4 and bringing the caseload down to 19? It is just not right. It is not fair. There ought to be some consistency to the argument. There is not. There absolutely is not.

So for these grounds, I urge Mr. Wolski's defeat. No. 1, he is a good man—he may be a good man, I don't know him personally, but when I said "a good man" before, I did not mean in terms of his views for this court. He is an extremist. By his own words, he is an ideologue. He does not believe in the progress we have made on the environment.

If the President wishes, as our great process unfolds, to nominate somebody who would cut back a little bit on the environmental laws, or not make decisions that move them forward, that is a fair and legitimate argument. To nominate an ideologue—a self-admitted ideologue who has made it his career to say that anytime the Clean Water Act or Clean Air Act has effect, it often means it is a taking—is really not what the American people want. My guess is maybe half of the people on this side of the aisle, on the Republican side of the aisle, do not agree with these views at all—in terms of their voting record.

His temperament is poor. He uses inflammatory and derogatory language. That makes sense, in a certain sense—that when you nominate ideologues, they are not dispassionate. They are not going to interpret the law, which is what the Founding Fathers wanted; they are going to make law. I have rejected nominees from the left in my own judicial panel because they are ideologues, too, and they want to make law. We want judges to interpret the law. Those far right and those far left tend to want to make law. On temperament and ideological grounds, he is not the right man for the job.

One other argument to boot. Even if you think he is the right person for the job—and I argue, I plead with you to think otherwise—this court has no caseload. This court could handle many more cases without an additional new judge. This is a total boondoggle. This is a waste of the taxpayers' money. If it was right that this court did not have the caseload under the Clinton administration so we would fill the vacancies, with the caseload even lower today, why are we doing that?

I respectfully urge my colleagues to vote no on Victor Wolski.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. SCHUMER. I yield the remainder of my time to my colleague, the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining for each side for debate before the vote?

The PRESIDING OFFICER. There remain 34 minutes on the Democratic side; 19 minutes remain on the majority side. The order indicates the Democratic leader will be recognized at 11:10.

Mr. SCHUMER. Mr. President, before my colleague speaks, I didn't realize when I yielded all the time, there was at least one other of my colleagues who wanted to speak on Mr. Wolski. Could we, if he should come, just leave 5 minutes to continue the debate? I just reserve 5 minutes of the time to discuss the Wolski nomination, and I will yield the remainder—whatever is left after reserving those 5 minutes—to my colleague who I know wants to speak on both issues.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I hope I understand what just happened. I have 29 minutes remaining? Is that mistaken? Five minutes will be given to some Democrat to speak on the Wolski nomination, and then the remaining 13 minutes, is that correct, are on the Republican side, majority side?

The PRESIDING OFFICER. There are 19 minutes remaining on the Republican side.

Mr. DURBIN. I think I have it, or at least close to it.

Thank you, Mr. President, for your cooperation and I thank my colleague from New York for yielding this time.

In the last 2 days we have been engaged in a debate on the floor which affects every American family and business, and the question is, What are we going to do about the dramatic increase in the cost of medical malpractice insurance that we see among some specialties in some parts of the country? It doesn't affect every State. It doesn't affect every doctor. But those doctors who are hardest hit, I believe—and I think everyone here shares that belief—need relief. They need some help.

What do we have offered to us today? S. 11. This is the bill brought to us by the Senator from Nevada, Mr. ENSIGN, and Senator McCONNELL and a number of other Republican Senators. This suggests that the best way to limit the medical malpractice premiums being charged to doctors is to limit the amount of recovery that a person who has been a victim of medical malpractice can receive. It is a decision which says we will no longer trust a jury of 12 people from your community, your city, and your State to decide what is fair compensation for your injury caused by another person. That decision will be made by a jury of 100 Senators, who will decide today, with S. 11, that regardless of what has happened to you or your child, regardless of the severity of the injury, regardless of how many years you are going to go through constant pain or suffering, we will decide today, in the Senate, that if your State has not come up with another number, the maximum amount you can receive is $250,000 for pain and suffering.

Some may say that is a pretty substantial sum of money. I have heard that said on the floor here. How can the critics of this bill be coming to you and saying $250,000 is not that much money?

I concede, if you bought a lottery ticket today and were paid $250,000 tomorrow, you would be a happy person. But if you had a medical injury today which incapacitated you for the rest of your life, which left you in a wheelchair, quadriplegic for the rest of your life, which left you in a state dependent on others for the rest of your life, which left you permanently scarred and disfigured for the rest of your life, and you were told that your compensation was $250,000, I think it would put it in a much different perspective.

I think that is what is missing in this debate. I cannot get over how Senators come to this floor and dismiss all of these victims of medical malpractice and say, basically: It is a shame, but they just don't get it. We have a bigger problem here. We have a malpractice insurance problem.

I have listened to the debate. I have listened to those who suggest that this bill, S. 11, is the answer to the problem. I say it isn't. The problem is national. The problem is serious. The problem will not be answered by this legislation.

There is a belief that if you limit the amount that a victim can recover malpractice insurance premiums will go down. Let me tell you that facts don't bear that out.

Take a look at these States. Some of them have State laws that cap liability. Others don't. Of the States without caps where a victim of malpractice can receive whatever a jury thinks is fair in the period 1991–2002, four of those—Arizona, New York, Georgia, and Washington—saw modest increases in malpractice insurance premiums. Here are four States with caps on what a victim can receive. The malpractice insurance premiums have shot up dramatically. There is no direct link between limiting a victim's recovery and the malpractice insurance premiums that are charged. Yesterday, Senator ENSIGN of Nevada, I think in a very candid moment, conceded that fact. He brought out a chart. He said you can't compare States with caps that have only been in place for a short time. In the words of Senator ENSIGN, as the CONGRESSIONAL RECORD reflects, it will take 8, 10, 12, or maybe 15 years before these caps on victims in terms of what they can recover for their serious injuries really do have a measurable impact on malpractice insurance premiums.

I would say to the doctors in Illinois and in Nevada and in any State in the Union, is this a reasonable answer to today's malpractice insurance crisis to suggest that limiting a victim's recovery will ultimately reduce malpractice insurance premiums 8, 10, 12, or 15 years from now? Trust me. In some of these specialties, OB/GYN and neurosurgery, these doctors can't wait for that period of time. Sadly, even if you bought the premise of this bill that limiting a victim's recovery will help a doctor's malpractice premiums, the sponsor of the bill came to the floor yesterday and conceded that it won't happen for 8 to 15 years.

Where does that leave us? It leaves us in a situation where we have a bill that is fundamentally unfair to the victims of medical malpractice premiums.

I listened to the rhetoric on the other side. I have been a practicing attorney, a trial lawyer, both a defense attorney and a plaintiff's attorney. I guess I understand that my profession has been the butt of a lot of jokes and a lot of derision. I have heard Members come to the floor and talk about those greedy lawyers. I will have to tell you that there are an awful lot of men and women practicing law across the United States who I think are doing a service to their clients and to America. They have people come into their law offices who are seriously hurt or who have lost a loved one and who have no money to their name and are looking for justice. They want an opportunity to go to court. They can't pay for it. They can't pay for an attorney on an hourly basis and be charged $10,000, $20,000, $30,000, or $40,000 for their day in court. Some of them can't even pay the court costs or the filing fees or the necessary expenses for a deposition asking questions preparing for a lawsuit.

Lawyers who represent these people say: I will take it on a contingent basis. If you succeed, if you win, I will be paid. If you do not succeed, if you lose, I will lose with you. That will be the gamble we will take together. We believe we have a good lawsuit. Let us go forward. Some of these lawyers say on a personal basis this is what my recovery will be.

I don't think there is anything unfair or insidious about this any more than it is unfair or insidious that those who are defending the person accused of wrongdoing are generally represented by insurance company lawyers who pay unlimited amounts of money for the defense of a lawsuit. That is just the nature of our judicial system.

On this floor the people who take contingency fee cases are referred to as greedy and selfish, exploiting the plaintiff, exploiting the claimant, and exploiting the victims. I am sure it has happened. I am sure it will continue to happen—I hope in as few cases as possible.

There is nothing unfair or unjust about a contingency fee system. In fact, it gives people an opening in the court they would never be able to afford. I have seen it. I represented people under those circumstances. I have run that risk. Sometimes I didn't succeed for the client or myself. Sometimes I did. That is the nature of the system.

Then a Senator came to the floor yesterday. He is a friend of mine. I respect him. But he used a term which troubles me greatly. He said he wants to end this "jackpot justice." That was his phrase—"jackpot justice." I guess the idea is that if someone goes into a courtroom with a flimsy case and ends up with millions of dollars, hit the jackpot. I guess that can happen, too. Maybe it has.

But I want to talk to you a little bit about "jackpot justice" in the world of medical malpractice. I would like to point, as exhibit No. 1, to Alan Cronin, a 42-year-old man from the State of California. Alan Cronin is a man who has three children. He went in for a simple surgery of a hernia repair. After the surgery, two doctors failed to diagnose an acute infection. They treated him as if he had the flu. But he had a very serious infection instead. He became septic and suffered toxic shock. Once the doctors realized that, and they had to reopen the surgery site where they repaired the hernia. They found a horrendous infection underway. They told his family that he had a 98-percent chance of dying as a result of this infection. Gangrene had set in. As a consequence of a simple hernia operation and the malpractice that occurred afterwards, this gangrene claimed all four of Alan Cronin's limbs—both of his legs, both of his arms.

He used to be a customer service representative for a medical equipment manufacturer and workers compensation paid for all of his medical expenses, including some of his future expenses. He also had a private disability policy that he used to help keep his family together, offsetting future damages.

The reason this case is important is I guess there are some in the Chamber who would say if Alan Cronin goes to a courtroom and asks the jury for a verdict against the doctor who made the mistake which led to his infection, which led to gangrene and which led to this man losing both arms and both legs and asks for a verdict against that negligent doctor and he is given several million dollars to try to keep his family and life together for the rest of his natural life, in the words of some of my colleagues, Alan Cronin would "hit the jackpot."

What a jackpot—several million dollars for both arms and both legs? How many volunteers would sign up for that jackpot? How many people want to buy a ticket on that jackpot lottery? None of us would. None of us would ever trade places with what this man has gone through and will go through every minute of every hour of every day of every week of every month and every year for the rest of his life. This is a jackpot?

You should have been in the room yesterday when Senator GRAHAM and I met four victims of medical malpractice who came in to see us.

Colin Gouley, a young man from Nebraska, came to us. As a result of medical malpractice, when he was born he had serious problems and disabilities and is going to be confined to a wheelchair. He must sleep at night with a cast. He has a limited ability to respond and learn and speak. He won't go through the ordinary human events of experiences that we take for granted.

He has a twin brother. This is a picture of Colin and his twin brother Conner. You can see Colin on the left and his twin brother, who is healthy, happy, and an active young man. That will be the fate and future for Colin.

They took the case to a jury in Nebraska and said for the rest of his life and with all of the pain and suffering that he will endure, what is it worth? That jury said: We calculate it to be about $5.6 million. But because of Nebraska's State law that limits the amount that can be awarded in cases of medical malpractice, the family will receive a fraction of that amount. It will mean that his mother and father and his two sisters and brother will be tending to his care for the rest of his life, as they would naturally, but they will have to do it much more because of his situation. It also means that ultimately the doctors and hospital that may have been responsible for this wrongdoing will not be held accountable but it will be the responsibility of the government to pay more and more of his medical expenses. That is not what the family wants, but look at the situation they face.

Do you believe the Gouley family hit the jackpot? This is jackpot justice? I can tell you what this bill would say. If your State does not have a limitation on recovery, this bill would say to Colin Gouley and his family: We are sorry this happened to you, we are sorry you were a victim of malpractice, but the pain and suffering you will endure for the rest of your natural life is worth $250,000. The verdict rendered by the jury of the Senate is $250,000 and not one penny more.

That isn't fair to the Gouley family, but, frankly, that is our idea of how to deal with the medical malpractice insurance crisis. At least that is what has been proposed.

We have to put a human face on this issue. We have to make sure people understand it isn't just doctors who face malpractice premiums, it isn't just people who are looking for care but cannot find it because doctors cannot practice in some areas because it is more expensive. The solution being offered by the Senator from Nevada and others is to limit the recovery of medical malpractice victims and their families, to limit the amount of money that would be paid to children who are the victims of medical malpractice.

There is no argument here about who is at fault. The fault was established by the jury. But this bill would say: The Federal Government will decide how much the Gouley family can receive. The Federal Government will decide how much Alan Cronin will receive for pain and suffering in those States that do not have a different limitation.

I guess what troubles me, too, is this bill does not go to the root issue that is before us. We were told by this administration, the Bush administration, through Dr. Clancy of the Department of Health and Human Services, that medical errors and medical malpractice have reached epidemic proportions in this country. Instead of dealing with medical malpractice at an epidemic proportion, what we are saying is the real way to control this problem is to make sure Colin Gouley and his family are not adequately compensated for the injuries and damages they have suffered.

That is so shortsighted and it is so fundamentally unfair.

If these malpractice premiums are unfair to doctors, I can tell you S. 11 is fundamentally unfair to Colin Gouley and his family and people like them across America.

Mr. President, 100,000 Americans will lose their lives this year because of medical malpractice, not because of their disease or illness but because of mistakes that are made—100,000 people. And that figure comes from the Bush administration Department of Health and Human Services.

Of those who could file a malpractice claim in any given year, 1 out of 50 actually do go to a lawyer and seek compensation; 2 percent, 1 out of 50. If we do not go to the root cause of this problem, this bow wave of malpractice that is about to swamp us in this country, then, frankly, we are not addressing the root problem. Instead, what we are doing is penalizing the Gouley family and others like them and rewarding insurance companies.

Do not be surprised by that. We do that on a weekly basis in the Senate. We find ways to take a special interest group, such as insurance companies, and give them more profitability, less accountability, whether it is HMOs, which, incidentally, are protected and rewarded by this same bill, or other insurance companies. That is the nature of the philosophy that drives the majority opinion in the Senate.

But families across America see it differently, and they should. This law we are considering, S. 11, unfairly is going to insulate from liability HMO insurance companies, managed care insurance companies, as well as drug companies and medical device manufacturers.

One last point I would like to make at this moment is they have a provision in this bill which says if your drug, for example, or medical device has been approved by the Food and Drug Administration, it virtually insulates you from liability for punitive damages. I asked my staff to prepare a list of the various drugs that have been marketed which have been found to be dangerous and deadly to people across America. Frankly, there are too many for me to list in the RECORD at this point. I will submit them at a later time.

Why in the world would we want to put in this bill an insulation for those who make medical devices which end up killing people? Why in the world, in a bill that is supposed to be helping struggling doctors, are we talking about insulating from liability pharmaceutical companies that sell dangerous drugs?

Oh, the argument is, if it is approved by the FDA, that should be enough. We know better. Those of us who have been involved on Capitol Hill know we do not fund the Food and Drug Administration adequately. There are not enough people there doing the important work that should be done. We know they do their best, and we know that 9 times out of 10, maybe 99 times out of 100, they are going to make certain drugs are safe and efficacious, but we also know quite well that there are not enough people there doing the job that needs to be done.

Much like the tobacco companies hid behind the warning label on their packages when they were sued for cancer and heart disease, these drug companies, under S. 11, want to hide behind an FDA approval and say: We can't be held accountable for what we might have known or what we might have done if, in fact, somewhere along the way the FDA gave us a stamp of approval. That should insulate us from liability.

Think about what we are doing here, and think, for a moment, about the victims. If you love the companies, if you love the insurance companies, couldn't you have some love in your heart for these victims, some compassion for what they are going to go through? I think that should be an important part of the debate.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Mr. President, how much time is on each side?

The PRESIDING OFFICER. Nineteen minutes on the majority side, 13 minutes on the minority side.

Mr. ENSIGN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, first of all, let's make sure one thing is clear. What we are debating today is whether to proceed to the bill. We are trying to get on the bill. If people have certain problems with the bill, they can offer amendments, but only if they allow us to proceed to the bill. That is what the vote is on today, whether or not we are going even consider that we might address a crisis that is happening in the United States.

There have been a few things that have been talked about from the other side of the aisle today that I would like to address. I want to read from a report because they have been quoting this study. The Weiss study, which has been referenced repeatedly by the other side of the aisle, supposedly took numbers from this publication called the Medical Liability Monitor.

Mr. President, I ask unanimous consent that a portion of this report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Medical Liability Monitor, Oct. 2002]

2002 RATE SURVEY FINDS MALPRACTICE PREMIUMS ARE SOARING

HARD MARKET WALLOPS PHYSICIANS; AVERAGE RATE INCREASES MORE THAN DOUBLE THOSE IN 2001

A nationwide survey of rates for physicians' medical professional liability insurance confirms that not only has a hard market for this necessary coverage arrived, but from all indications, it is settling in to stay for awhile.

For the past 12 years Medical Liability Monitor has conducted an annual study of malpractice insurance rates. Reports come in from carriers in all 50 states who represent approximately 65% to 70% of the entire market. This year, that percentage may be even larger, now that former insureds of St. Paul and other companies who have quit the business must obtain replacement coverage and are moving to carriers remaining in the traditional market when possible.

For many physicians, whose incomes are held down by rigid government and health plan reimbursement schedules, coming up with funds to pay fast-rising insurance costs poses real problems. Here is a closer look at how malpractice insurance rates have risen in many places in the past year.

The chart below shows that the average cost of malpractice insurance for internists rose by 24.7% from July 1, 2001 to July 1, 2002. In 2001 the percent of increase was 10.1%. General surgeons' rates went up similarly, increasing by an average 25% in 2002 from 10.3% in 2001. The average increase in rates for obstetricians/gynecologists climbed from 9.2% last year to 19.6% this year.

For internists and general surgeons the average percent of increase in the 12-month 2001–2002 period was a staggering 145% and 143%. Increases for OB/Gyns, whose rates typically are much higher than those of their internal medicine and surgical colleagues, went up on average by 113%.

The effects of the rate increases were uneven, falling most heavily in certain states and metropolitan areas, like New York, Chicago, Detroit, Cleveland and Miami. Unlikely spots for exploding premiums were Las Vegas, West Virginia, and the Rio Grande Valley in Texas. Even though there were rate hikes in most states, they sometimes were more modest. Two states, Alabama and Alaska, had no increases at all. Insurers in several states raised rates only modestly. There were even a few, but very few, downward adjustments in rates for certain specialists in specific territories in a handful of states. One company in Alabama cut rates for general surgeons by 6%. A company in California pared rates for internists in certain areas by 4% and 7% and for obstetricians in other areas by 1% and 3%. An Illinois company lowered rates for general surgeons, except in Cook and two other counties by 4% to 8.6%. There were some modest reductions for certain type of physicians in two or three other states, but these were by far the exceptions, not the rule.

The size of increases in some areas in which malpractice problems with claims and claims severity have exploded was mind-boggling. Increases of 40%, 50%, 60%, 80% were not uncommon. In Arkansas one carrier boosted rates by 90.1% to 112.7%.

BASEMENT TO THROUGH-THE-ROOF VARIATIONS

The differences in premiums for specialists in various states and areas are widespread. Base rates for internists in South Dakota provided by one insurer, were $2,906, while the highest rate reported for these physicians was $56,154 in Dade County, Miami.

The extremes in base rates for general surgeons are even greater. In Minnesota one company's manual rate was $8,717, but in Miami the highest number quoted by a carrier for this specialty was $174,268. The wide swings were also typical for OB/Gyns. One company's rate for these physicians was $13,317 in South Dakota, but once again, the highest rate was $210,576 in Miami.

Mr. ENSIGN. Mr. President, the editor of this report has basically said the Weiss study they quote is completely misusing their numbers. I refer you to a portion of the report entitled "Survey Finds Wide Swings in Premiums" because my colleagues on the other side of the aisle state that there have not been these wide swings in premiums. The report says:

> The size of increases in some areas in which malpractice problems with claims and claims severity have exploded was mind-boggling. Increases of 40 percent, 50 percent, 60 percent, 80 percent were not uncommon. In Arkansas one carrier boosted rates by 90.1 percent to 112.7 percent.

Notice what it said here. It said, "malpractice problems with claims and claims severity have exploded." The premium increases have been "mind-boggling."

The Senator from Illinois has put up pictures of victims of malpractice. I want to show a picture of one of the victims, because there are victims on both sides of this issue.

Picture this gentleman shown here.

This was a gentleman, Mr. Lawson, who was visiting the city in which I live, Las Vegas, Nevada with his family. Unfortunately, the time they visited was the week the trauma center closed because of the crisis we have in the State of Nevada. The trauma center closed, and this gentleman, unfortunately, could not get care. In this picture he looks healthy. Unfortunately, he is no longer with us.

There are a lot of people the other side have shown as victims. Those people, if we do not do something, will not even have doctors to go to because doctors are leaving the profession, and new doctors are not coming in to replace them.

We have a crisis in this country in 19 States. All but six States are showing serious problems. The Senator from Illinois quoted my words yesterday, that it takes years to find out whether legislation in the States that have enacted reform will be effective. The reason for that isn't that they aren't necessarily good pieces of legislation, it is that they are being challenged in court and then appealed and appealed and appealed. A lot of the State courts are striking down these laws, because of some technicality in their constitution or a particular problem in their piece of legislation. Because of that, there is uncertainty even when States pass legislation if this crisis will remain out of control. The insurance companies don't know whether the laws are going to be upheld, so they can't lower rates because they may end up with a huge liability down the road if the law is struck down. That is the problem.

We must act now while we still have some time. How bad does the situation have to get in the future? I would love to add into this bill, as we did with campaign finance reform legislation in the year 2001, an expeditious judiciary review of the law so that we can find out whether it is going to be held constitutional or not. But we can't do any of that because the other side of the aisle will not even allow us to proceed to the bill. We can't debate the legislation and we can't offer any amendments unless we can at least agree to proceed to the bill.

If the opponents don't like the legislation, if they think there are ways to fix it, they should allow us to at least proceed to the bill so that we can have amendments offered, have a full debate, bring out all the pictures of the victims you want to bring out, amend the bill, and come up with legislation that is going to actually fix the problem in the United States. It really is a crisis and you can be sure that debating on the motion to proceed, and not agreeing to take up the bill will not fix the problem.

I wish to again illustrate the differences in the premiums across the country by the use of this chart. In white are the two States with cities represented that have had medical liability reforms in place for some time.

I yield myself an additional minute.

The ones in gray have not.

Let's go to obstetrics and gynecology. Los Angeles, CA, the bill before us today mirrors the law they have there. There is a $54,000 medical liability premium in Los Angeles. In Denver, where they have had it since 1988, it is $30,000. New York, Las Vegas, Chicago, Miami are much higher: $89,000, $108,000, $102,000, over $200,000 in Miami. That illustrates the difference in the premiums in States that don't have the reform. These numbers are continuing to go up at a rapid rate. The numbers reflected here are actually a couple years old, and they are continuing to skyrocket in States without reform. That is why we need to act. It is a national priority, and we must act now.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I yield myself 5 minutes.

My question is, Why do we need to consider a bill of this magnitude without taking it through the ordinary committee process? The Senator from Nevada said yesterday, we just know we would never get it out of committee. I am a little bit surprised at that because, if I am not mistaken, it is the party of the Senator from Nevada that is the majority in every committee that would consider this bill. If they are truly looking for a bill that is fair and one that compromises where necessary and negotiates a good-faith outcome, then it would come out of committee. And certainly with the direction of the majority leader, Senator FRIST, who has spoken in favor of it, there would be an urgency to it.

That is not the way this bill is being considered. This bill is coming to the floor without committee hearing. They haven't had a chance to hear the witnesses, not the four malpractice victims and their families we met yesterday, not the doctors on both sides of the issue, not the practicing attorneys, not representatives of the insurance companies, none of them, no hearings from them, no statements from them, no suggestions from them. I don't know where this bill came from.

I can tell you the people who want it: Not only the American Medical Association but clearly those who represent HMOs and managed care companies that are insulated from liability under this bill, those who represent prescription drug companies that are insulated from liability under the bill, as well as medical device manufacturers. They put this bill together.

Mr. ENSIGN. Will the Senator yield for a question?

Mr. DURBIN. On the Senator's time I am happy to yield.

Mr. ENSIGN. Is the Senator aware, last year, when his party was in control, 115 bills bypassed the committee process, including the economic growth package, No Child Left Behind, the Patients' Bill of Rights, a Medicare prescription drug bill, the energy bill, and the Trade Promotion Act? All were brought directly to the floor and bypassed the committee process. Is the Senator aware his party did that?

Mr. DURBIN. I am aware of that. I also have quotes from Republican Senators who screamed in outrage every time that happened.

S. 11 is too important for us to consider without deliberation. It is too important for us to ignore that this bill is an historic precedent. It will take away from States across America the power they have had from the beginning of this Republic to establish standards for procedure and recovery in civil lawsuits.

That is something that, honestly, we do very rarely around here. If we do it, if we consider it, as we are right now, for example, on the asbestos issue, it is with a long and deliberative process. Not so when it comes to medical malpractice. This is being brought to the floor on a take-it-or-leave-it basis. When you say take it or leave it, I hope my colleagues will leave it because the thought that we would limit recovery to $250,000 for pain and suffering for every case defies logic, common sense, and compassion. If you are looking for compassionate conservatives, you won't find them in those supporting this bill.

Let me give one illustration. This poor lady is from the city of Chicago. She had two moles on the side of her face. She went to an outstanding hospital to have the moles removed. She is about 50 years of age. During the course of the simple surgery, she was receiving oxygen. They were using a cauterizing gun, which you are not supposed to do. As a consequence, there was an explosion with the oxygen. Her face was literally burned off because of the fire which happened.

Her nose was so burned and scarred, she went through several successive surgeries and, even after those surgeries, has to rely on oxygen tubes to breathe 23 hours a day. It is anticipated she will go through more surgeries to deal with the scarring and disfigurement and problems she has had. She is in her fifties. She went in for simple surgery. She came out disfigured for life.

According to this bill, the hospital and doctor responsible for it should both come together and pay her medical bills. I certainly hope so. If she bought health insurance to cover her own medical bills, that would be brought up in the courtroom, so that the jury might not believe she receives quite as much money because her payment of health insurance, frankly, would be used against her. She would receive lost wages for time off the job. That is reasonable. But when it comes to the pain and suffering she will endure and has endured from the moment this occurred until the day she dies, the jury of the Senate has reached a verdict through this bill: She is entitled to recover not one penny more than $250,000 for a lifetime of disfigurement.

She wrote an article in the Chicago Sun-Times and said: How many of you would trade what I went through for $250,000? The answer, obviously, is no one. No one would.

For those who come before us today and say this is the only way we can deal with the medical malpractice insurance crisis is to ignore what happened to this woman who went in for routine surgery and saw her life tragically changed. That is what is wrong with the bill.

What we need to do is to be honest about addressing malpractice. I have not heard one word from the other side of the aisle on how we can reduce medical errors. What can we do about HMO insurance companies making medical decisions when in fact doctors know better? It is happening. This bill does nothing about that.

What can we do about the nursing shortage which accounts for 20 percent of the deaths in hospitals each year for malpractice? Nurses overworked. They can't keep up with the caseload, the patients coming. This bill does nothing about that.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. DURBIN. I yield myself an additional 1 minute.

This legislation addresses the issue from one perspective only. To deny to this person and other victims an opportunity for their day in court, to say we don't trust a jury in America, in any State in the Union, to make a decision on the death penalty in a criminal case, or we cannot trust a jury in Chicago to make a decision on what she is entitled to receive because of the injuries she endured in that one tragic moment in the hospital, that just defies logic.

It says to me that this bill is being brought to us by insurance companies, by drug companies, by HMOs, by medical device manufacturers, and it is not being brought to us with an eye toward solving a serious national problem of bringing down malpractice insurance rates.

I am going to reserve the remainder of my time. When I return, I will talk about an alternative bill that Senator GRAHAM of South Carolina and I are offering, which addresses this in a more responsible and timely fashion. I reserve the remainder of my time.

Mr. ENSIGN. Mr. President, I think we have 12 minutes 20 seconds on our time. How much time is on theirs?

The PRESIDING OFFICER. Six and a half.

Mr. ENSIGN. Two Senators have just come into the Chamber. As soon as they are ready, I would like to yield them 10 minutes and reserve 2 minutes on our side and we can close up. At 11:10, the Democratic leader will be recognized. So I will yield 10 minutes to the Senator from Missouri, Mr. BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to speak about the Patients First Act of 2003. Going to the doctor for a checkup is hard enough these days. You have to juggle your family and work schedules. A few of us get all the checkups and screenings we need, but making matters a lot worse is the fact that more and more doctors are closing their practices or limiting the services they offer. They are doing so because they cannot afford the increasing costs of their medical malpractice insurance, which they are required to carry.

According to the American Medical Association, 19 States are in a full-blown medical liability crisis, including, regrettably, my home State of Missouri.

In Missouri, physicians' average premium increases for 2002 were 61.2 percent. This was on top of increases in 2001 of 22.4 percent. As a result, over 31 percent—almost one-third—of all physicians surveyed by the Missouri State Medical Association said they are considering leaving their practices altogether. Let me repeat that. Almost one in three physicians in Missouri are considering leaving their practices altogether because they simply can no longer afford to practice because of exorbitant medical malpractice insurance rates.

In some cases, medical liability insurance rates are tripling in Missouri, forcing older doctors into retirement and younger physicians into other fields.

What is the cause of that? The cause, quite frankly, is the unrestrained plaintiffs' legal actions asserting all kinds of noneconomic and economic damages, which are paid, ultimately, by the consumers who must compensate the doctors or lose their doctor services because of the rates of malpractice insurance. Those judgments go against doctors, and they have to be paid by insurance companies. But the insurance companies raise their rates and drive good and bad doctors out of practice.

According to the Missouri State Medical Association, 32 insurance companies are licensed to write professional liability insurance for Missouri physicians. Currently, only three of them are willing, or able, to write new business. Three companies, which accounted for almost one-third of Missouri's markets in 2001, have left the State of Missouri altogether. The result: doctors who have practiced for years in Missouri are closing their doors, moving their practices and families across State lines, or limiting the care and services they provide. It is happening in my State and it is happening across the country.

But this is not just a problem for doctors. They are well educated, and they can move elsewhere and resume their practice, as difficult and unfair as that is. The real damage and pain is being felt by the patients, or people who would be their patients if they had the choice. Look at what is happening in Kansas City, MO, for example. Twelve doctors at the Kansas City Women's Clinic, founded in 1953, used to serve women in Missouri and Kansas. Because of rising medical liability rates, the clinic could not find a single company that would offer them a single medical malpractice insurance policy that they need to keep their office open in Missouri. The result: On December 31, 2002, they closed their doors to Missouri patients. They closed their doors.

There were over 6,600 visits a year in the Missouri office. Now women in Kansas City, MO, tell me that when they are expecting a child, in order to go in for a checkup, they have to go to Kansas—drive across the State line to Kansas. They either travel to Kansas to see an obstetrician/gynecologist or try to find a new doctor elsewhere in Missouri.

In a recent letter, Dr. Anthon Heit, president of the Kansas City Women's Clinic, said:

> Our loyal patients from Kansas City, Missouri, and many surrounding Missouri communities, lost large, well-respected groups of OB/GYN physicians as a source of their maternity care. This type of action is going to continue to occur in the Kansas City area, and in many other specialties, if the trend does not reverse.

Sadly, that is not an isolated case. Also in Kansas City, the Midwest Women's Health Network suffered a 170 percent increase in the cost of its medical malpractice insurance. It used to pay $200,000 a year for liability coverage. Now it pays $543,000.

Two Kansas City inner-city OB/GYNs, who serve low-income, high-risk patients, had to sell their practices to their hospital in order to continue to see patients in Missouri. Excessive litigation has created an environment that forced these two doctors—committed to serving some of the most vulnerable in Kansas—out of business. They are no longer in independent practice.

One OB/GYN practice in Missouri is taking out a $1.5 million loan to pay its medical malpractice insurance for this year. That doesn't even cover the cost of previous actions over which they might subsequently be sued. Other doctors in Missouri are considering going without insurance for those past actions, or the "tail" coverage, as it is called, because they cannot afford the premiums.

In Missouri, this year alone, we have already lost 33 obstetricians and it is only July. If this trend continues, potentially 3,564 pregnant women in Missouri will be forced to find new physicians annually to provide their obstetric care—probably outside of the State—thus, interrupting continuity of care and long-established physician-patient relationships upon which so many women have come to rely.

Patients cannot get the care they need. The communities are losing their trusted doctors. We have a health care system that is in crisis in Missouri.

Mr. President, I yield such time as he may require to my friend and colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, may I inquire as to how much time remains that was yielded by the Senator from Nevada to the Senator from Missouri.

The PRESIDING OFFICER. Four minutes 45 seconds.

Mr. ROBERTS. I thank the Chair.

As his neighbor to the west, I share Senator BOND's concern for our health care providers and patients. But it seems that we have a "tale of two cities" between Kansas City, KS, and Kansas City, MO.

Just across the State line, we in Kansas have problems and challenges. But we don't have the same severe problems Missouri doctors and patients are facing. That is because, in the 1980s, Kansas enacted sweeping medical liability reform legislation that does create a hard cap of $250,000 on noneconomic damages.

By contrast, that same cap in Missouri is $557,000 and can go even higher under certain circumstances. As the Senator from Missouri said, you won't find it surprising that nonsurgical specialists in Missouri are now seeing very dramatic liability premium increases that have been, until now, limited to surgical specialties. One pulmonary practice's quote for traditional insurance went from $35,000 to $125,000 per year. Another pulmonary specialist quit practicing at North Kansas City Hospital because he couldn't afford the premium on his Missouri practice. Now, as the Senator knows, he practices in Kansas.

Here is another example.

We have learned that both neurosurgeons in Independence are moving out of Missouri this summer leaving eastern Jackson County with no neurosurgeon. There is no trauma care basically between the Kansas State line and Columbia, 2 hours to the east.

According to the Kansas Medical Society, the two largest companies in Kansas that provide medical liability insurance, Kansas Medical Mutual Insurance Company and Medical Protective, had increases that were not nearly as excessive as the increases in Missouri. Kansas Medical Mutual, the largest insurer in Kansas, took rate increases of 16.2 percent last year and 8.5

percent this year. Medical Protective took a 13-percent increase last year.

Premiums for the standard policy in Kansas that have been available for the last 15 to 20 years were actually lower in 2002 than they were in 1991.

As I have stated, premiums for the standard policy in Kansas are actually lower than they were in 1991. I simply want to make the point in the short time I have that we have a tale of two cities. We have a Kansas law in which we have 15 percent more doctors in Kansas than in the past. Their premiums are not excessive. People are leaving Kansas City, MO, to practice in Kansas. It is a tale of two cities. That is why I think we should support the bill that has been authored by the Senator from Nevada, S. 11.

A study by Weiss Ratings on medical malpractice caps was mentioned yesterday evening. The study found that States with caps experienced higher premium increases than those States without. I cannot speak for other States but I can speak for Kansas, and the reports conclusions were untrue.

First, as I have stated, premiums for the standard policy in Kansas are actually lower now than they were in 1991.

Secondly, the point needs to be made that all caps are not the same. The Weiss report lists the 19 States with caps, but only 5 States, including Kansas, have $250,000 caps on noneconomic damages. The rest are significantly higher, thus reducing the cap's impact on payouts and premiums.

There is no question that the cap on noneconomic damages has had an impact on premiums. It has created an unparalleled period of premium stability for Kansas physicians and hospitals. Yes, premiums are increasing in Kansas but at a much lower rate that other States.

Case in point: a family physician who delivers babies paid $13,790 in 1991 . . . . in 2001, that same physician paid $12,575—an 8.8 percent reduction. Similar reductions exist for virtually every specialty. In the aggregate, physicians paid $75.3 million in premiums in 1991 and $60 million in 2002.

Finally, I wish to point out that there are probably about 15 percent more physicians practicing in Kansas today than there were 12 years ago, and the total premium is still lower.

Senator BOND and I have shared with our colleagues what good medical liability reform can do.

Our Kansas City doctors have provided an outstanding example of how medical liability affects doctors and patients on different sides of the State line.

I urge my colleagues in the Senate to take a closer look at the differences between our two States and the positive impact medical liability reforms have had in Kansas. I hope that the Senate will support S. 11 so that States like Missouri which are struggling to retain doctors and offer the best patient care are not left out in the cold.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six and a half minutes.

Mr. DURBIN. I thank the Chair.

Mr. BOND. Mr. President, I wish to reclaim the remaining time. How much time is remaining?

The PRESIDING OFFICER. The Senator will have 1 minute 30 seconds left, but the Senator from Illinois has been recognized.

Mr. DURBIN. Mr. President, I yield to the Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague and fellow Cardinal rooter from Illinois for allowing me to finish.

It is important, as I hope the Senator from Kansas and I have pointed out, that we must do something on a national basis. Missouri patients cannot continue to lose their trusted doctors to the State of Kansas. We cannot see people driven out of the practice of medicine—well-educated, good practitioners who cannot afford the premiums. Unless we act today, retaining and recruiting doctors in Missouri will continue to be a difficult task.

I urge my colleagues to consider the experience of patients in Kansas City and across Missouri and support the essential medical liability reforms in S. 11.

Mr. President, I ask unanimous consent that an editorial in today's Wall Street Journal entitled "Political Malpractice" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

POLITICAL MALPRACTICE

Democrats are expected to muster the 41 votes needed to kill medical liability reform in the Senate today, so why are Republicans smiling? Perhaps because they know they're teeing up what promises to be one of their better issues going into 2004.

Democrats have long made the Senate the graveyard of any and all legal reform. The news is that they're having a harder time getting away with it. The scandal of asbestos litigation has forced them at least to bargain on that issue, while momentum is also building to limit class-action suits. It says something about Tom Daschle's devotion to the trial bar that he's willing to ask his Members to walk the plank even on medical liability, just as voters are discovering the damage it is doing to health care across the country.

No fewer than 19 states are in "malpractice" crisis; Doctors have protested or walked our from Nevada to New Jersey, while pregnant women have had to cross state lines to find an obstetrician. One New Jersey doctor has held seminars to train toll-booth operators in emergency delivery, since more live births are likely to occur in transit to a distant hospital.

Before Texas passed a recent reform, 14 of 17 medical insurers had left in the past two years. In Arkansas, doctors who treat nursing-home patients face a 1,000% premium increased on renewals. In West Virginia, trauma centers closed and doctors went on strike before Democratic Governor Bob Wise led a successful reform effort. Because they contribute to the practice of "defensive" medicine—or unnecessary procedures just to be sure—liability suits are also a major cause of rising health-care costs.

All of this prompted the House to limit medical damages by a vote of 299–196 in March. But Senate Democrats continue to just say no. California's Dianne Feinstein dallied with support for a while, before the lawyers and Mr. Daschle yanked her back into line.

The irony is that the proposed Senate bill is modeled after California's own successful 1975 reform that limited pain and suffering damages to $250,000. Victims of genuine malpractice still get compensated for economic harm, but they are no longer able to win the lottery of a huge jury award. In the past 25 years premiums across the U.S. have risen three times more than in California.

Even if reform fails in Congress, the national battle has helped to trigger a wave of change in the states. Ten states have passed some liability reform in the past year, and another 17 have debated it. Nearly all of these reforms include some limit on non-economic damages, the kind that drive insurance rates out of sight and are unconnected to genuine harm.

Still more state reforms are on tap this year. Florida Governor Jeb Bush is calling his legislature back for an unprecedented second session starting today to address the problem. Connecticut, where obstetricians will seen an 85% increase in premiums for next year, may also have a special summer session.

As federalists, we think this wave of state reform is probably better than a single national law. Unlike class actions, which damage commerce nationwide, medical liability affects health care in individual states. If a state's political-legal class is driving doctors away, then its voters can throw the political bums out. That may be what eventually happens in Missouri, for example, where Democratic Governor Bob Holden is promising to veto reforms passed by the GOP-run legislature. There's also a danger that a national reform might override even better state laws, such as California's.

The argument for national reform is that the crisis is too acute to wait for 50-state trench warfare, especially against a trial bar grown so rich on tobacco and asbestos shakedowns that it can buy entire legislatures. Some states in crisis, notably Pennsylvania, also have constitutional obstacles to capping non-economic damages. And yet reform's recent success shows that is can be done.

The vote in Congress will help this along by educating Americans about the problem and who refuses to solve it. Among Republicans, we'll be watching Pennsylvania's Arlen Specter in particular. He's typically a pal of the trial lawyers (his son is a medical liability lawyer), but he also faces a primary challenge next year from a reform proponent, Congressman Pat Toomey.

But the main result of today's vote will be to get the Democrats on record for killing reform one more time. They will then have handed President Bush and most Republicans an issue that is both good policy and good politics for next year. In a debate between lawyers and patients, we know where the voters will come down.

Mr. BOND. The Wall Street Journal says:

> As federalists, we think this wave of state reform is probably better than a single national law. Unlike class actions, which damage commerce nationwide, medical liability affects health care in individual states.

It goes on:

> The argument for national reform is that the crisis is too acute to wait for a 50-State trench warfare, especially against a trial bar grown so rich on tobacco and asbestos shakedowns that it can buy entire legislatures.

I yield the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset, we have talked a lot about the Patients First Act that is before us, S. 11. As far as I can tell, this is "patients last." It says, regardless of the injury you sustained because of medical errors, medical negligence, medical malpractice, we are going to limit you to $250,000 that you can recover for your pain and suffering no matter how many years you have to endure.

This is a photograph of Sharon Keller whom I met yesterday, a proud registered Republican, as she announced in our press conference. After a hysterectomy, she went into the doctor's office for an exam. Unfortunately, the surgeon, as she examined her, made a move and removed a suture and bleeding started. When the bleeding became excessive, the doctor left the room and left Sherry on the examining table as she went out to find someone who could respond to the need and, at the same time, went to see some other patients while Sherry was bleeding on the examining table.

Unfortunately, after a period of time, she went into shock and fell off the examining table, as she was left unattended in the examining room. When she fell off the table, she hit the counter as she fell and damaged her spinal cord, rendering her an incomplete quadriplegic.

In this state of bleeding and virtually paralyzed, she dragged herself out into the hallway to beg for help. The doctor called an ambulance to take her to the emergency room but said: Just transport her; you do not need to treat her on the way. She waited several hours at the emergency room before they eventually treated her. She will never walk again. She is a housewife and mother who had no lost wages because of this and, frankly, because of this bill, she would be limited to recover $250,000.

Is that jackpot justice? Has Sherry Keller made out like a bandit—$250,000—for what she is going to go through for the rest of her life? Is she being treated first as a patient? She is being treated last, and that is unfortunate and unfair.

There is a medical malpractice insurance problem in America. We should address it in a responsible way and not at the expense of victims such as Sherry Keller.

Senator GRAHAM of South Carolina and I have introduced a bill as an alternative to this which we believe is a constructive first step toward dealing with this.

First, to increase patient safety efforts across the United States to reduce malpractice.

Second, to provide an immediate tax credit for doctors and hospitals for their malpractice premiums. Doctors and hospitals cannot afford to wait 8 to 15 years, as the sponsor of this legislation says it will take, before limiting the recovery of victims results in lower premiums.

Incidentally, there are people in the insurance industry who will not even say it will result in any reduction in premiums over a period of time.

We also repeal the antitrust exemption given to the insurance industry, which is totally unfair, which will end collusion among those companies in setting rates.

We reduce frivolous lawsuits in saying to attorneys, those few bad actors: If you do it, we not only will fine you, but ultimately we will prohibit you from filing this type of lawsuit.

We give grants to hard-hit areas described in Missouri, Kansas, Illinois, and North Carolina, so they can deal with losing doctors and hospitals. We say that punitive damages are going to be allowed in only the most egregious cases, serious intentional situations. But if a doctor has been involved in helping his or her community through Medicare and Medicaid, they would be immune from punitive damages in medical malpractice cases.

We do not provide this great protection for the drug companies and the medical device manufacturers who decided to jump on this medical malpractice bandwagon for the ride and limit their own liability.

We do not preempt State laws. Individual States can still make decisions they made historically, and we do provide statute of limitations be decided by each State.

This is going to result in lower premiums and better situations for people across America. It is a better way to go. I, frankly, think we have to look at the root causes of the malpractice insurance problem. First is the incidence of malpractice of epidemic proportions, according to the Bush administration. That is the root cause.

Secondly, the malpractice insurance companies, when they made investments during the Clinton era, as the stock market was booming—and we all remember that—they did quite well. When the bottom fell out a couple years ago in the stock market, so did their investments.

What does an insurance company do when their investments start to lose ground? They raise the premiums on the doctors. That is what is going on here. We are being asked to penalize patients and victims of medical malpractice because of the investment practices of insurance companies. We are riding to the rescue of insurance companies at the expense of children whose lives are forever damaged and changed because of medical malpractice. We are putting limitations on recovery for people who are innocent victims so we can help the bottom line and profitability of insurance companies.

Time and again, this Senate races to protect special interest groups and forgets the families, children, and elderly people across America who are the victims of this wrongdoing. That is not fair to them. It certainly is not fair to this country.

I end by saying to doctors and hospitals across this country, after we defeat this bad bill, let us come together for a reasonable solution to reduce medical malpractice, to bring in the insurance companies and hold them accountable and say to the legal profession they must guarantee to us as well that there will be responsible conduct on their part.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. ENSIGN. I have 2 minutes and 20 seconds remaining.

The PRESIDING OFFICER. There is no time remaining.

Mr. ENSIGN. I yielded to the Senator from Missouri and reserved 2 minutes and 20 seconds for myself.

The PRESIDING OFFICER. It is my understanding the Senator from Missouri used that time.

Mr. DURBIN. If I might, I am happy to yield 2 minutes to the Senator from Nevada. I ask unanimous consent that the Senator from Nevada have 2 minutes.

Mr. PRESIDING OFFICER. There is no time to be yielded.

Mr. SCHUMER. Mr. President, as I understand it, I have 10 minutes.

The PRESIDING OFFICER. Under the previous order, at 11:10, the Democratic leader will be recognized for 10 minutes. At 11:20, the majority leader will be recognized for 10 minutes.

Mr. SCHUMER. I designate myself as the Democrat to control those 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I am happy to yield 2 of those 10 minutes to the Senator from Nevada, and I will then take the next 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I thank my colleague for the time.

I will make a couple of quick points. First, we have seen a lot of pictures from the Senator from Illinois. He talked about the $250,000 cap on damages included in this bill. Let's get one thing straight. It is a $250,000 cap on pain and suffering.

He put up a picture of a young child. I will read some of the totals. California has comprehensive medical liability reform in place that this bill I have presented today is modeled after. These are the following awards, and these are almost all economic damages or medical damages that were awarded to these infants: $43,500,000 in May 2002; July 1999, $30,800,000; April 1999 in Orange County, almost $7 million; January 1999 in Los Angeles County, almost $22 million; December 2002, $84 million. So for pictures to be put up and to say, what is this child going to get, this child can get a lot. Most of these awards are in economic damages or in medical expenses. Those damages are not capped in this bill.

The next picture we have to put up is a woman with her child. Because there was no OB/GYN available, she had to deliver this child on the side of a road by herself. Unfortunately, the patient did have complications, and the mother had to provide CPR to the baby on the side of the road in the middle of the Arizona desert. Thankfully, the baby survived. But she could have had serious consequences, and then they would not have been able to get compensation from anybody. And this is because there was no care available at the community hospital that she had to bypass because the doctors could no longer afford the premiums because of the frivolous and outrageous lawsuits that are destroying our court system.

I yield the floor.

NOMINATION OF VICTOR J. WOLSKI

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask that I be given 4 minutes of the remaining 8 and the Senator from Illinois be given 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I want to repeat the arguments against Mr. Wolski. Something new has happened since I spoke an hour ago. The AFL-CIO has come out against him, which is understandable, because of his ideology.

Mr. Wolski should be defeated for two reasons. First, he is an ideolog. This important court, when it comes to the environment, does not deal with much else we would care about, other than just claims issues, and we should not have somebody who is a self-described ideolog. Let me repeat that Victor Wolski, in his own words, said every single job he has taken since college has been ideologically oriented, trying to further his principles, which he describes as a libertarian belief in property rights and limited government.

I do not think the Founding Fathers intended judges to be ideologs. That is why they have us advise and consent, so that if a President, as this President does, sees judges through an ideological prism and does not nominate moderates—I do not like judges far right or far left—when he nominates them, we can be the check. We have used that power judiciously. We have defeated or filibustered only two of the 134 nominees the President has made.

This man deserves to be defeated. He is an ideolog, way over. If my colleagues believe we have made advances in clean water and clean air, his theory is that any type of environmental law is a taking, which denies the compact on which we all live: That if someone lives upstream on a river from somebody else, they do not have the right to dirty that river and foul the water of the person who lives downstream. If someone lives 100 miles east and they own a factory where the winds blow in that direction, they do not have a right to spew SO2 and NO2 in the air and foul the lungs of people who live downwind.

Mr. Wolski does not believe in that. He says if someone has the money and can build the plant, go build it. That is the core of his beliefs in terms of takings. So he is an ideolog. He does not have the temperament for the bench, as mentioned. He said that Members of Congress were, and this is his word, bums. If he does not like us, he has a right to denounce us, but that is not the kind of word of a person we want to see as a judge.

Just as importantly, whatever one's views on Wolski, this is a boondoggle, a waste of money. The average number of cases a court of appeals judge handles is 355. The Court of Federal Claims handles 24. If we add these judges, it will go down to 19—a million-dollar boondoggle.

The Washington Post, in an editorial, called it the "Court of Extravagance." When President Clinton was President, Members of the other side refused to fill these vacancies, stating there were too few cases and too small a workload. Well, the workload is even smaller and we are nominating four judges. We do not have money for all of what we are talking about—prescription drugs health care, education—and we are doing this. It is wrong. It is hypocritical of those who have said in the past that this court should not be filled, because it has such a low caseload, to fill it now.

I urge Mr. Wolski's nomination be defeated.

Mr. SANTORUM. Mr. President, I rise in support of proceeding to the consideration of S. 11, the Patients First Act. The issue of medical liability reform has been studied extensively, and clearly Federal policymakers have an obligation to address the explosion in litigation across the country and jackpot-sized awards that are having a severe impact on doctors, hospitals and patients' access to care.

This is a national crisis that requires a Federal solution. The crisis is not confined within State lines, as patients are losing access to physicians within their State and are having to cross State lines merely to get access to care. Similarly, physicians are being forced to leave their practices due to high insurance rates, and relocate to a State that has enacted some type of reasonable reform that has remained on its books through judicial review.

In Pennsylvania and many other States, health care providers are facing enormous increases in their medical liability insurance premiums or are unable to obtain coverage at all due to a significant rise in scarce resources being drained from our health care system because of sporadic and sometimes frivolous health care litigation. As a result, real patients are being denied access to care and losing their family doctors because of exorbitant medical liability costs.

In some States including Pennsylvania, some ob-gyns have been forced to stop delivering babies, trauma centers have closed, and physicians are grappling with how they can continue to provide other high-risk procedures. South Philadelphia now has no operating maternity wards. In Fayette County, a practice of three obstetricians that delivers half of the babies born in the area stopped delivering babies when faced with a premium increase from $150,000 in 2002 to $400,000 in 2003. And according to the Pennsylvania Medical Society, 72 percent of doctors in our State have deferred the purchase of new equipment or the hiring of new staff due to increased medical liability costs.

To be sure, Mr. President, the health care profession is not free of error. And I fully support a person's right to seek just compensation when they are harmed by negligent or improper medical care. And I also fully support initiatives referenced over the past couple of days that would help to root our and prevent medical errors. But escalating jury awards and the high cost of defending against lawsuits—even frivolous ones—are driving up liability premium increases, with devastating results for patients.

According to Jury Verdict Research, the median jury award increased 43 percent in just one year, 1999–2000. More than half of all jury awards today top $1 million, and the average jury award has increased to $3.5 million. And the vast majority of medical liability claims do not result in any payments to patients.

And so how does this impact patients? Quite simply, medical professionals are fleeing from areas where medical liability premiums are escalating at a rapid pace. We have heard of many horror stories over the past couple of days and in Congressional testimony about patient access to care being adversely affected. The Wilkes-Barre Times Leader, on October 23, 2002, reported the experiences of one of my constituents in Northeastern Pennsylvania who suffers from two herniated disks, having to travel an entire day because high insurance premiums have decreased the number of neurosurgeons.

The truth is—every American pays the price for this country's liability crisis, and Congress and the President have a responsibility to fix this very serious problem.

Pennsylvania's own Representative JIM GREENWOOD has been a strong leader on this issue and has introduced the bipartisan HEALTH Act, legislation which would put in place new Federal minimum standards for liability reform, based on measures that have been proven to be effective in States like California with its proven MICRA reforms, to help prevent excessive awards that are driving up health care costs, encouraging frivolous lawsuits, and promoting time-consuming legal proceedings.

The Patients First Act we are seeking to consider here in the Senate is largely based on the House-passed HEALTH Act, and includes many commonsense provisions which can serve as a bipartisan model for medical liability reform. It would establish a reasonable Federal fall-back cap on non-economic and punitive damages, but would allow States the flexibility to set levels higher and lower if they choose. It would allow for unlimited economic damages, and would ensure fair allocation of damages, in proportion to a party's degree of fault. It would also ensure that more of the awards from meritorious cases are paid to the patient instead of trial lawyers.

Far from limiting the opportunities of patients to seek redress in the courts, S. 11 would ensure full and unlimited recovery of economic damages, of medical expenses, of rehabilitation costs, childcare expenses, all current and future wage earnings that are lost, including employer-based benefits, and any other economic losses.

We have heard a lot from the other side of the aisle about how this legislation would somehow limit patient access to the courts by forcing a Federal mandate to limit non-economic damages to $250,000. This is completely false, and the other side of the aisle knows it. S. 11 would give States the flexibility to establish or maintain their own laws on damage awards, whether higher or lower than those provided for in this bill.

And the experience of California shows that injured patients have not only maintained access to the courts, but in many cases have received multimillion dollar awards in economic damages, including minors and nonworking spouses.

The opponents of moving to consideration of this bill have also tried to move the spotlight away from the underlying issues of cost and access and suggest that the answer lies in insurance reform. This is a flawed argument that takes needed attention away from the real problems.

Suggestions that liability rates are high because insurance companies are trying to recover past losses are, quite simply, factually wrong. As a matter of law, medical liability rates are determined by estimates of future losses from claims. State regulators are already required by law to reject liability insurance rates that are excessive. Changing insurance laws will do nothing to change the underlying reason for rising premiums—an increase in meritless litigation and skyrocketing jury awards.

President Bush is committed to passing balanced bipartisan legislation that will put reasonable limits on liability lawsuits while allowing compensation for patients truly harmed by medical malpractice. Such reforms can save the Federal government and our health care system tens of billions of dollars in rooting out frivolous lawsuits and reducing defensive medicine.

We can and should create a medical liability system that more equitably and rapidly compensates patients who have received substandard care, but which at the same time limits frivolous lawsuits and increases access to health care by reducing the excessive costs of the system.

Mr. President, we have an obligation to at least move to consideration of this bill, to have the opportunity to offer amendments, and to show the American public that Congress is capable of working toward real solutions on this growing health care crisis.

Mrs. DOLE. Mr. President, today the Senate must make a decision that will affect the entire state of our health care system. For years, America has enjoyed world-class health care. We have led the way in cures and treatments, we have developed the latest and the best technologies, and we have ensured that our doctors are trained in ground-breaking procedures. Indeed, our Nation has accomplished much in the area of health care.

But today the future of our world-renowned health care system sits in the balance as this Senate mulls two very important choices. Will we succumb to some trial lawyers who have nearly crippled the system by filing hundreds of frivolous lawsuits each year? Or will we do the right thing and place limits on these lawsuits and the big-money fees lawyers earn off of them, so that our doctors can have the peace of mind they need to do the job they love? I challenge my colleagues to do the latter.

America is in the midst of a crisis. Those who need health care, the most vulnerable and sickest among us, are the real victims. We have all heard their stories. Too many of our patients can't get doctors, can't get specialists, can't get health care. In North Carolina, rural residents have been among the hardest hit. Patients tell stories of driving miles just to find a doctor to treat an illness. There have been reports of women driving for miles and miles just to find someone to deliver their baby. This is beyond unacceptable. No one in this country should have to struggle like this for health care. The America I know is better than that.

I have heard from doctors in my State. And this crisis is having a detrimental effect on our medical providers. Too many of them can't afford rising malpractice insurance rates. They have had to curb their medical practices, stop taking some patients, move to another State and perhaps the most painful, leave the profession altogether. Dr. Jack Schmitt says his insurance premiums went from $18,000 to $45,000 a year. He eventually decided to leave his practice and teach at the University of Virginia Medical School.

Doctors who decide to remain are forced to practice defensive medicine and order an excessive amount of tests and procedures to protect themselves from lawsuits. Dr. Steve Turner of Garner estimates that internists like him prescribe close to $5,000 a day in defensive medical practices or $1.2 million a year per doctor. This cannot continue.

North Carolina is included on a list of 18 States that the American Medical Association says is suffering from a medical liability crisis. According to the AMA, some North Carolina hospitals have seen their liability insurance premiums rise three- and five-fold in the last few years. Specialists—like our obstetricians, emergency doctors, and anesthesiologists—are seeing even higher increases.

Consider this: Novant Health, the corporate parent of Presbyterian Hospital in Charlotte, saw its malpractice insurance increase by 114 percent between the years 2000 and 2003. They are now paying $4.5 million in malpractice insurance.

In Catawba County, doctors participating under the Network of Primary Care practices have been told that because of rising premiums, charity care will no longer be purchased for them under their policy. This means if doctors want to volunteer their medical services at a soup kitchen, homeless shelter, or some other charity, they are going to have to first buy separate, costly insurance coverage themselves.

Even our Level III trauma center in Cabarrus County is in danger of closing after premiums increased 88 percent. The list, the stories, and the pain are endless.

The legislation before us is a solution that we know works. It is modeled after California's MICRA law which has been in place since 1975 and has kept insurance premiums down in that

State. This legislation does not cap damages. Victims who suffer from a doctor's malpractice will be able to recover every penny of their actual economic damages. It does limit noneconomic damages, like pain and suffering. Punitive damages would be limited and so would attorneys' fees. But the legislation allows patients to collect for medical bills, funeral expenses and other costs. And States would still have the option of setting higher or lower caps than what is in the bill.

This really is one of those issues where the Senate cannot sit idly by. The House has passed a bill. It is time for the Senate to do the same.

We have a choice. We can vote with some trial lawyers who file endless lawsuits and watch our health care system spiral into decay, or we can put an end to this debate and protect our health care system by casting a vote for our patients and the medical professionals who so tirelessly care for them. I urge my colleagues to vote in favor of cloture. Let's pass the bill for our patients who need it most.

Mr. NELSON of Florida. Mr. President, while I recognize that medical malpractice insurance premiums have increased at an alarming rate in many States, I rise today in opposition of the Patients First Act of 2003, S. 11. This bill does not put patients first, and fails to address major parts of the problem.

Any legislation aimed at reducing premiums for medical malpractice insurance must include reforms to the industry, and should be done by experts at the State level. Insurance regulation and tort law are traditional State issues.

The Senate is moving forward on this bill even though it has not been vetted through the appropriate committees. To date, there have been no hearings in Judiciary or a markup of S. 11.

In addition to foregoing the appropriate legislative process, I am also concerned that this proposal, as introduced, fails to do what it promises to do—ensure patients' access to doctors and decrease malpractice insurance rates for physicians.

As a former insurance commissioner, I learned first hand that insurance is best regulated at the State level. That level or regulatory oversight over the industry ensures that residents of a particular State are all afforded the same protections and guarantees. A one-size-fits-all approach like S. 11 is not the best policy.

In addition, one of the cornerstones of the McCarran-Ferguson Act in 1945 was that in exchange for exemption to Federal antitrust laws, the regulation of the business of insurance would be carried out at the State level.

In the late 1980s and early 1990s insurers flocked to the medical malpractice insurance market because of increased cashflow and rising interest rates. These insurers pursued as much business as they could and as competition increased, prices dropped. This competition created an environment of underpricing the actual risks of the insurance.

As the economy worsened and investment income dried up, insurance companies increased premiums to recover investment as well as insurance losses. The Senate should not ignore the business practices of the insurance industry in the so-called "medical malpractice crisis."

In a recent report by the Institute of Medicine it was estimated that 98,000 people die each year due to preventable medical errors. That is 268 each day. Why then instead of solely focusing on the tort system are we not also addressing this issue? After all these errors are the reasons most people seek compensation.

The Senate's proposal fails to improve overall patient safety and the reporting of medical errors. Patients should have access to this information and be allowed to make informed decisions about their physicians.

Proponents of this legislation argue that by limiting the risk of insurance companies through caps on damages, that by protecting their interests, we will then lower medical malpractice insurance premiums and ensure access to health care providers. I do not believe this is accurate.

In the State of California, which already limits non-economic damages to $250,000, the average actual premium is $27,570, 8 percent higher than the average of all States that have no caps on non-economic damages. Clearly a cap did not keep these premiums from rising.

In Florida, as in the Nation, we have had some sad malpractice cases. If patients had access to information about their doctors then perhaps Willie King may not have had the wrong foot amputated in 1995.

Mr. King was admitted to University Community Hospital in Tampa, Florida, for the removal of his right foot. Imagine his surprise when he woke up to find that Dr. Rolando Sanchez had removed the left one instead. As it turns out 2 years earlier, Dr. Sanchez had settled a claim from a man who agreed to one type of hernia operation but instead had another, State records show.

Still, Mr. King—who was already collecting disability—still had to have his other foot removed and was unable to remain independent as he had been prior to the operation.

To cap damages, without regard to the extent of an injury is shortsighted and unfair. Caps just do not fix the problem. It is far more complicated than that.

In California, which is often touted as the example of how effective caps are, medical malpractice premiums increased by 190 percent during the first 12 years following enactment of the $250,000 MICRA cap. It was not until California's Proposition 103 was enacted that malpractice premiums were lowered and stabilized.

In Florida, where this issue is being hotly debated, insurers have made no guarantees to lower their premiums. Even after the Governor sought to get that assurance by further protecting them from lawsuits, the industry still refused to guarantee any sort of decrease in rates.

In addition to caps not reducing malpractice insurance premiums, they are also unfair. Take the case of Janet Pandrea from Coconut Creek.

In January 2002, at the age of 65, Mrs. Pandrea was diagnosed with cancer in her chest. Janet had been married for 46 years, she had been a healthy and active mother and grandmother. She was told to begin chemotherapy treatments, and died from complications after only 2 months.

The doctors did not tell her family why she died so suddenly, so they requested an autopsy. The autopsy showed that she never had cancer. Janet should never have been subjected to the chemotherapy that killed her.

The economic damages for a 65-year-old woman would cover only her medical bills. Her family would not be able to recover more than $250,000 for the loss of their wife, mother, and grandmother.

Mr. President, I rise in opposition to this legislation, not because I do not think that there is a serious problem with the medical malpractice insurance in this country, but I do not support this bill because it will not reduce premiums or enhance a physician's ability to provide care.

Mr. FEINGOLD. Mr. President, I recognize that we have a problem in this country with malpractice insurance premiums. I would like very much for Congress to address that problem. It is my judgment that S. 11 will not solve that problem, and it will harm innocent Americans who have suffered horrible and permanent injury at the hands of negligent medical practitioners. I will therefore vote no on the cloture motion.

Mr. President, there are many provisions of S. 11 with which I have serious disagreement. Let me just mention a few. In a provision called the fair share rule, the bill eliminates joint and several liability in medical malpractice cases. What that means is that if one responsible defendant is insolvent and has no insurance coverage, the victim of malpractice ends up without a full recovery of his or her damages. This is not fair. Most State laws provide that the risk of one defendant being insolvent or judgment-proof is borne by the other responsible defendants. There is no reason to change this longstanding principle of law.

Another problem with this bill is the new statute of limitations that the bill imposes on medical malpractice claims. Shorter statutes of limitation don't discourage frivolous claims, they encourage them. Lawyers facing a looming statute of limitations have to file lawsuits to protect their clients' options. Imposing a statute of limitations of as little as 1 year, as this bill does, does not allow adequate time to investigate a claim and determine if it is really worth filing.

I am also concerned that this bill has been drafted to protect not only doctors but medical device manufacturers and drug companies from liability claims. There is no evidence that suits against these defendants are contributing to rising medical malpractice insurance premiums. So this bill is not just a medical malpractice bill, it is a product liability bill.

But the most ill-advised provision in this bill is the cap on noneconomic damages of $250,000. At the one hearing held on this issue this year, the Judiciary and HELP Committees heard from Linda McDougal, a 46-year-old Navy veteran from Woodville, WI. Last year, Ms. McDougal underwent a double mastectomy after her biopsy results were switched with those of another patient. She didn't have cancer, she never had cancer. We can be thankful for that. But her life, and her family's life, will never be the same.

I hope everyone in the Senate will read Linda McDougal's testimony and learn about her experience. It is a powerful cautionary tale for those of us who are charged with voting on legislation concerning medical malpractice.

I find it hard to believe that anyone in this body can look Linda McDougal or any of the thousands of victims of catastrophic medical malpractice in the eye and say, "$250,000 is all your pain and suffering are worth." Would any of us be able to tell our mothers or our wives or our daughters that their damages should be limited to $250,000 if they were the victims of the unspeakable pain and lifelong sadness that Linda McDougal will endure? Remember, Linda McDougal didn't have extraordinary medical bills or lost wages. Her damages are noneconomic. But her loss is real, it is permanent, it is unfathomable.

There is no question that we have a problem in this country over the cost of malpractice insurance. But the solution cannot be to penalize innocent victims like Linda McDougal, to prolong and extend this suffering by denying them adequate compensation.

We have virtually no evidence that caps on economic damages will actually lower insurance rates. Indeed, as Senator DURBIN noted in this debate, in States that have caps on noneconomic damages, insurance premiums increased 48 percent from 1991 to 2002. But in States without caps, the insurance has been only 36 percent. So the case has just not been made that the caps in this bill will lower malpractice premiums. But more importantly, the case has not been made, and in my view cannot be made, that these caps are fair to victims like Linda McDougal.

There very well may be solutions that we in the Senate can develop to addrsess the cost of medical malpractice insurance in this country and the effect on patient care that rising premiums are causing. And there certainly are things we can do to address the disturbing problem of medical error in this country. The Institute of Medicine estimates that between 44,000 and 98,000 adverse medical events occur in hospitals every year.

If we want to reduce malpractice insurance premiums we must address these problems as well as looking closely at the business practices of the insurance companies. What we shouldn't do is limit the recovery of victims of horrible injury to an arbitrarily low sum.

This is obviously a complicated issue. This is the kind of issue that needs to be explored in depth in our committees so that a consensus can emerge. It is not the kind of issue that should be brought directly to the floor with such a great gulf between supporters and opponents. So I will vote "no" on cloture today, and I hope that the bill will go through the HELP Committee and/or the Judiciary Committee before we begin floor consideration of this important topic.

Mr. ALEXANDER. Mr. President, I come to the floor today to express my concern with the rising cost of medical liability insurance. I have heard from doctors and hospitals from one end of Tennessee to the other, all concerned with the sky rocketing cost of medical liability premiums. The increasing cost of medical liability insurance is creating a patient access crisis because doctors are leaving the practice of medicine.

At Hardin County General Hospital in Savannah, TN, both an orthopedist and an OB/GYN have left the hospital to go practice in other States because their insurance premiums were too high. High medical liability insurance is one more reason it is difficult to recruit specialists to rural areas.

At the University of Tennessee Health Sciences Center in Memphis, young people just entering the profession are being sued at a horrifying rate, discouraging them from continuing with the practice of medicine. Since 1990, one third of all residents in training have been served with a malpractice suit. Some specialties, such as OB/GYN and Neurosurgery, are being sued so frequently that students are not pursuing these specialties. This will soon cause a crisis in access to specialty care.

Tennessee hospitals experienced liability insurance premium increases of 75 percent to 400 percent last year. Baptist Memorial Health Care Corporation in Memphis, TN, had liability coverage of $2.7 million for 2002. For 2003, Baptist was quoted $8.3 million for liability coverage. This is an increase of $6 million in 1 year.

In 2002, the medical liability premium for an OB/GYN in Tennessee was $62,000. In 2003, the premium more than doubled to $160,000, and in 2004, it is estimated to more than double again to $285,000. This sort of increased cost is not sustainable. I am worried about who will deliver babies in my State. Other physicians are also feeling the squeeze. In 2002, the medical liability premium for a family practice physician was $44,000. In 2003, the premium increased to $117,000. Again, this sort of increased cost is not sustainable.

I believe that S. 11, the Patients First Act, is a great step in the right direction. The Patients First Act will reduce the effects of excessive liability costs by placing a sensible cap on noneconomic damages. The bill will still allow unlimited economic damages. If a patient is injured, they will have unlimited access to economic damages to pay for their recovery.

S. 11 will help stem the tide of rising medical liability premiums before patients lose access to medical care. I hope we reach cloture on the motion to proceed so that we can consider this very important legislation.

Mrs. MURRAY. Mr. President, there is a health care crisis in this country. Millions of Americans have no health insurance. Insurance companies continue to increase their premiums and doctors and patients are the ones who are paying.

In my home State of Washington, our health care system is in trouble. Some doctors are closing their practices, retiring early, or moving to other States. We have a shortage of nurses and other medical professionals. And one in nine Washington State residents do not even have health insurance.

Doctors in my State are seeing their malpractice insurance premiums increase by 100 and even 200 percent. At the same time, Medicare, Medicaid, and private insurance companies are reducing their reimbursement amounts. These multiple forces have created a perfect storm for doctors and patients.

In some specialties, like OB GYN, the malpractice insurance market is out of control. Insurance companies keep jacking up their premiums. These insurance company increases are simply not sustainable.

I strongly support legislation to correct these problems and to get skyrocketing insurance premiums back under control. We must help to stabilize our health care system by making sure that doctors are not forced out of business by rising insurance rates.

Unfortunately, the proposal before us is not the answer. There are major flaws with both the process and the substance of the proposal.

First, this bill would preempt State patient rights laws, and give more protection to HMOs and insurance companies at the expense of real people who are hurt.

Second, caps on noneconomic malpractice awards have not been effective at reducing insurance rates in States where they have been tried; and

Third, this bill is being used as a political club, instead of a real attempt to find a meaningful solution.

I am deeply disappointed that some Senators would rather play political games with our Nation's health care instead of trying to find a real solution.

One problem is that this proposal preempts State patients' right laws and protects HMOs and insurance companies rather than doctors and patients.

For the past 3 days Senators have talked about the impact of the medical malpractice crisis on doctors and patients across the country. And those who have been following this debate might assume that this legislation would only provide protection to doctors and hospitals. But this bill goes much further.

S. 11 also extends additional protections to nursing homes, HMOs, drug and medical device manufacturers.

Not only does S. 11 provide liability relief for these groups. In some cases it preempts State patient bills of rights laws and protections—protections that patients and doctors have fought hard to achieve.

Since 1997, I have worked to secure passage of a Federal Patient's Bill of rights to protect patients and to ensure that insurance companies make decisions based on sound medicine, not profit margins.

Working with doctors and hospitals we have twice tried in the U.S. Senate to enact a comprehensive Patients' Bill of Rights, but were defeated by special interests. The foundation of any patients' bill of rights legislation is holding HMOs accountable for making medical decisions. Unfortunately, S. 11 would take us in the opposite direction.

Many States, like my home State of Washington, did not wait for Federal action to protect patients and doctors. In March 2000, Washington state enacted a strong Patients' Bill of Rights law that held HMOs and insurance companies accountable and liable for harm caused when insurance plans denied or delayed access to recommended health care services.

The State law also provides a 3-year statute of limitation from the completion of the independent external review process. But, S. 11 would preempt this law. It would impose a Federal noneconomic limitation of $250,000 and would reduce the state of limitation to 1 year.

This is the wrong approach. The Senate leadership is proposing to substitute the judgment of the Federal Government in Washington, DC for the judgment of the State legislature in Washing State. As insurance has historically been a State, not a Federal, issue, Congress must be careful about this Federal expansion.

The second problem with this proposal is that caps on malpractice awards do not necessarily reduce insurance rates.

I have heard my colleagues refer to California's experience as a model for Federal action, since California has enacted caps. However, recent data shows that average actual premium rates in California are actually higher than States that have no such caps, according to the Medical Liability Monitor.

Across the country, States that have imposed caps on noneconomic damages, are now seeing similar increases in insurance premiums as those States without caps. If the goal is to help insurance companies with their profit margins, then this bill might help. But if the goal is to help doctors afford to pay for insurance, then this bill will not help.

Even if caps did force insurance companies to reduce their rates, are caps fair to patients who were harmed?

We know that as many as 90,000 people a year die from medical errors. Not all of these errors constitute malpractice, but limiting fair and just compensation for even a fraction of these individuals and their families is a major change in our judicial system—and a huge price to pay in the name of reform.

If this legislation had gone through the appropriate committee process, Congress might have gotten some answers to these questions, and the legislation before us, might have been helped doctors and patients.

Unfortunately, this bill was brought forward for purely political reasons. This is the greatest tragedy of all for doctors and patients. Some colleagues would use this bill to help their follow partisans rather than the physicians who need it.

This bill did not go through the standard committee process. There were no public hearings to get expert testimony to help shape the legislation. There was no committee markup for the legislation for Senators to weigh in on the issue.

In fact, there are a number of reports indicating that malpractice claims are not necessarily responsible for higher insurance premiums. These reports suggest that it is not the growing number of cases or even the size awards that are driving premium increases, but rather the decline in the value of investments for insurance companies.

Without the opportunity to fully understand the problem—with hearings and markups-Congress cannot develop a real, workable solution.

Instead, some Republicans are exploiting this legislation, according to the Washington Post, "as an issue for next year's election."

In fact, even Republicans have acknowledged that this is not a serious proposal, but instead is a "political document."

A Republican Senator was quoted in the New York Times this morning discussing this bill. He said the Senate leadership is "bringing this bill up to get most of my Democratic friends to vote against it, a handful of Republicans to vote against it, and they're going to take it on the campaign trail."

This is outrageous. Patients are losing their doctors. Doctors are going out of business. And rather than address a critical problem, the Senate leadership is playing political games.

So what is the answer?

Clearly, the medical malpractice insurance rates doctors are facing are untenable. They are a real problem for doctors, for patients, and for our entire health care community. Every week, I hear from doctors throughout Washington State about the challenges that soaring malpractice insurance premiums are causing.

That is why I support the Durbin-Graham proposal to provide immediate relief to doctors.

When insurance markets are dysfunctional—as they certainly are in malpractice—the Federal Government has a tradition of providing needed support. We did that with flood insurance a few years ago, and we did it again with terrorism insurance in 2001. When an insurance market fails, there is certainly precedent for Federal corrective actions.

If we can provide relief for terrorism and flood insurance, we should be able to provide relief for high-risk, critical practices like trauma and OB GYN services.

While we need to examine every way that we might address this crisis, as I look at this idea, I am also realistic. Noneconomic damages are not the only factor impacting insurance premiums. It is not clear to me that capping just noneconomic damages will really solve the problem. In addition, malpractice insurance is traditionally a state issue. If the Federal Government is going to insert itself so dramatically in a State matter, we need to be sure this approach is going to work.

There are still too many unanswered questions to proceed with this bill. We know that the status quo is not sustainable, but we need to recognize that this is a complicated problem and there can be no quick fixes.

It is time to stop playing politics and start working together to find solutions and heal our ailing system.

Mr. EDWARDS. Mr. President, I speak out for ordinary people.

We all recognize that we need to do something about the medical malpractice problem in this country. Premium rates are too high and, in some cases, drive away the medical care these people need. I have spoken out loud and clear about this issue and recently published an op-ed piece in the Washington Post calling for common sense provisions included in our bill, which I am proud to cosponsor.

The PRESIDING OFFICER. I ask unanimous consent to have that printed following my remarks. Without objection, it is so ordered.

Mr. EDWARDS. We have to do something about this problem. But the answer is not to slap down the victims, which is exactly what the Republican plan will do.

This is nothing new. Time and again, we have seen this administration and the Republican majority stand up for corporate interests with little regard for the people who will be harmed by this rush to protect big business. This time it is the malpractice insurance companies who are being protected at the expense of ordinary people.

S. 11 comes right off the insurance companies' wish list. It might as well have been written by the insurance companies. It drastically limits the compensation these companies have to pay children and parents who have been blinded, paralyzed or otherwise severely injured. The victims who make the least money will suffer the most under this plan. The harm to the kinds of families I represented as a lawyer for nearly 20 years will be enormous. We need to stand up for these people.

We need to fight for people like little Tristan Lewis, who lives in my State of North Carolina. Tristan was born 3 months premature, but her early signs were good. She was breathing on her own and had scored eight out of 10 on the APGAR tests, used to rate newborn babies. Unfortunately, nurses attempted to warm Tristan with heated IV saline bags that burned the tiny girl. They heated the bags in a microwave without doctor approval; they failed to check the temperature of the bags, and then left Tristan on the boiling hot bags for over 10 minutes, even though she was crying loudly.

Black burns covered much of Tristan's back. The third-degree burns had penetrated her skin. Nine days after she was born, Tristan was sent to another hospital for a surgery, commonly needed by premature babies, to close a blood vessel near her heart. The doctors there discovered a dangerous infection. Tristan had meningitis, which likely entered her little body through the burn wounds. Tristan spent most of her first year in the hospital and she had more than a dozen surgeries.

The pain and complications of the burns increased Tristan's blood pressure and caused or aggravated bleeding inside her brain. The bacteria that led to her meningitis probably entered her body through the burn wounds, where the skin's ability to serve as a barrier against infection had been weakened.

Tristan, who is now 7, is legally blind. Her eyes bring in images, but her brain cannot process them. She is fed through a tube. Antiseizure medications make her groggy, so she spends most days sleeping. Tristan has no purposeful movement and cannot communicate.

The hospital's insurance company agreed to settle the case. Now Tristan's mother knows that her little girl will always have what she needs.

But if the administration had its way, the hospital would have been less likely to settle the case and Tristan would have been limited to $250,000 for her "noneconomic" suffering. That is just not right. It is wrong to try to protect the profits of big insurance companies at the expense of victims like little Tristan.

But every time we point out these inequities, we are shouted down with cries of "class warfare!" Well, the American people need to hear the truth. We are engaging in class warfare. What we have here is a fight for fairness.

The Republican plan is just plain, flat out unfair. And it won't work. It penalizes the worst injured people but it doesn't do a thing to solve the problem. It doesn't do anything to punish the bad lawyers while rewarding the good. It doesn't do anything to make doctors accountable for bad behavior. All this plan does is save insurance companies money by slamming the courthouse door in the face of innocent victims who have nowhere else to turn. But it doesn't require them to pass along one cent of this savings to doctors. So victims lose, doctors get nothing, and the insurance companies get richer. How can anyone claim that is fair?

Our plan is fair and it will work. It will work because it cracks down on price gouging by the insurance industry and takes aggressive action against lawyers who bring frivolous lawsuits that don't belong in court.

We have got to reform the insurance industry, something the Republican plan completely sidesteps. Today insurance companies use slow and burdensome processes to discourage both doctors and patients from filing legitimate claims. Worse still, these companies can fix prices and divvy up the country in order to drive up their profits. Even when companies don't explicitly collude, they set their rates based on a trade-group loss calculation that they know other companies will follow. In any other industry, this kind of conduct would be subject to scrutiny under the antitrust laws. But an obscure 1945 law gives insurance companies a broad antitrust exemption. Because of the insurance lobby's influence, Congress has even blocked the Federal Trade Commission from investigating insurance company rip-offs. These special privileges have go to go and our plan does just that.

Next, we need to prevent and punish frivolous lawsuits. The vast majority of lawyers are responsible advocates for their clients, but the few who aren't hurt the real victims, make a bad name for the good lawyers and clog up our courts. But for all his talk about frivolous lawsuits, President Bush does nothing to address them. He has got it backward—instead of cracking down on irresponsible behavior and baseless cases, he is targeting serious victims who win in court and are believed by juries.

Our plan requires that before a lawyer can bring a medical malpractice case to court, he or she must file an affidavit from a qualified health specialist verifying that real malpractice has occurred. Lawyers who file frivolous cases will face tough, mandatory sanctions. Lawyers who file three frivolous cases will be punished severely—in other words, three strikes and they are out.

And, while it is important to clamp down on frivolous lawsuits, we also must do everything we can to prevent malpractice in the first place. That is why our plan includes measures that will help patients avoid doctors with bad track records.

And, finally, our plan enhances patient access to quality health care by easing the burdens imposed on doctors by out-of-control insurance companies. First, it repeals the special interest antitrust exemption that allows insurance companies to collude and jack up premium rates with impunity. Second, it provides a tax credit for malpractice premiums paid, based upon the nature of risk in their areas of practice. And, third, our plan will help stem the tide of health care providers being driven out of certain geographic areas by out-of-control insurance rates by, among other things, providing grants and tax credits to areas experiencing shortages.

Our plan is fair, it is reasonable, and it will work. The Republican plan is not only mean-spirited, but it won't do a thing to solve the problem it is supposed to address. Their plan doesn't do a thing but build more wealth for big insurance companies on the backs of ordinary people who have already suffered too much. And I won't stand by and let that happen. None of us should. That is why I urge all of my colleagues to stand up for what is right and fight for fairness by voting no on S. 11.

[From the Washington Post, May 20, 2003]

LET'S KEEP DOCTORS IN BUSINESS

(By John Edwards)

The rising cost of malpractice insurance for doctors is getting in the way of good health care. In rural areas, some specialists can no longer afford to practice, and patients can't get the care they need. We need to fix this problem now, and we need to fix it in a way that is consistent with the doctors' own Hippocratic Oath: First, do no harm.

Unfortunately, President Bush's proposed prescription comes straight off the insurance companies' wish list: a sharp limit on the compensation these companies have to pay children and parents who have been blinded, paralyzed or otherwise severely injured. The victims who make the least money will suffer the most under this plan. The harm to the kinds of families I represented as a lawyer for nearly 20 years will be enormous.

What the president's proposal won't do is work. Insurance premiums have spiked recently because of insurance companies' losses on their investments, not their losses to victims. In fact, about half the states already have some limits on victim compensation, yet premiums in states with caps average about the same as premiums in states without caps. California finally controlled rates not by attacking victims—that didn't work—but by reforming the insurance industry and rolling back premium increases.

We need a real solution that frees doctors from crippling insurance costs—without preventing the most badly injured victims from receiving the compensation they deserve.

That real solution has three elements. Most important, we need to crack down on price gouging by the industry. We also need aggressive action against frivolous lawsuits that don't belong in court—not against the serious lawsuits that bring help to the most badly injured. And finally, we need to reduce the number of medical errors, many made by a very small fraction of the medical profession.

The most critical step is reforming the insurance industry. Today insurance companies use slow and burdensome processes to discourage both doctors and patients from filing legitimate claims. Worse still, these companies can fix prices and divvy up the country in order to drive up their profits. Even when companies don't explicitly collude, they set their rates based on a trade-group loss calculation that they know other companies will follow. In any other industry, this kind of conduct would be subject to scrutiny under the antitrust laws. But an obscure 1945 law gives insurance companies a broad antitrust exemption. Because of the insurance lobby's influence, Congress has even blocked the Federal Trade Commission from investigating insurance company ripoffs. These special privileges must go.

Next, we need to prevent and punish frivolous lawsuits. Most lawyers are responsible advocates for their clients, but the few who aren't hurt the real victims, undercutting the credibility of the legal system and clogging our courts. For all his talk about frivolous lawsuits, President Bush does nothing to address them. He's got it backward—instead of cracking down on irresponsible behavior and baseless cases, he's targeting serious victims who win in court and are believed by juries.

Before a lawyer can bring a medical malpractice case to court, we should require that he or she swear that an expert doctor is ready to testify that real malpractice has occurred. Lawyers who file frivolous cases should face tough, mandatory sanctions. Lawyers who file three frivolous cases should be forbidden to bring another suit for the next 10 years—in other words, three strikes and you're out.

Finally, we can reduce malpractice premiums by helping to reduce malpractice. The Institute of Medicine found that at least 44,000 people die from preventable medical errors every year. In medicine, as in law, a few people cause the most problems: Only 5 percent of doctors have paid malpractice claims more than once since 1990. This same 5 percent are responsible for more than half of all claims paid. One part of the problem is state medical boards whose discipline is as lax as state bar associations'. We need to provide resources and incentives for boards to adopt real standards on the "three strikes" model. At the same time, we need to encourage doctors to report more medical errors voluntarily, so we can learn more about systemic problems.

Together these measures will give relief to most doctors who are suffering under the staggering weight of insurance premiums. But where premiums still cause shortages of medical care, Washington must provide a temporary subsidy so good doctors can continue their essential work. We shouldn't be padding insurers' profits and hurting people who have already suffered immensely, as the president proposes. But we should be protecting good doctors and the patients who depend on them.

The writer, a Democratic senator from North Carolina, is seeking his party's nomination for president.

Mr. JOHNSON. Mr. President, I support the bipartisan medical malpractice alternative legislation, a bill that is more comprehensive than the bill previously being considered on the floor, S. 11, called the Patient First Act. I want to thank Senators DURBIN and LINDSEY GRAHAM for their leadership and hard work on this issue, and I am proud to be a cosponsor of the alternative, which really begins to address the root of the medical malpractice premium problem, rather than just attempt a quick fix as does the approach found in Senator ENSIGN's legislation.

In South Dakota, we already have a cap on noneconomic damages at $500,000, which has been in effect since 1997. While some are claiming that caps are supposed to reduce premiums doctors pay, this issue is not that cut and dried. The Medical Liability Monitor found that in South Dakota, prior to 1997, medical malpractice premiums charged by some insurers were being maintained or on the decline, while for others rates were going up. And these rates varied across specialty. For example, in 1996 the premium rate went up for general surgery across two insurers, while one company increased premiums for internal medicine and OB/GYN and another insurer reduced rates for those exact same specialties. Since the implementation of caps in my State, rates initially declined, but in 2002 rates jumped as high as 20 percent over the previous year. This would indicate that caps are not the quick fix that Republicans would like you to believe is needed.

Generally, my feeling is that caps are really a State issue and that we should spend our time focusing on how to prevent the need for malpractice in the first place, through measures to reduce medical errors and improve patient safety. Beyond my overall view of this issue, I am disappointed that our Republican colleagues have taken the issue of medical malpractice, which touches the core of these important patient care issues, and are using it for politically motivated purposes. This legislation has not had any hearings in the Health, Education, Labor and Pensions or Judiciary Committee. It has not been given careful consideration in a bipartisan way prior to the majority leader bringing it to the floor. This is not the way we get things done in the Senate and this is one of the reasons why I cannot support S. 11.

I also cannot support S. 11 because it is crafted in such a way that has broad implications across the health care continuum. This bill's supporters will try and tell you that it is only about doctors' abilities to continue to provide care to patients. While I do recognize that this is of significant concern and support measures to bring down the cost of medical malpractice premiums, this bill goes far beyond that. S. 11 represents a broad, sweeping initiative that would apply not only to lawsuits against doctors, but to all health care lawsuits, thereby shielding HMOs, drug companies, nursing homes, hospitals, and medical device manufacturers who injure patients.

And what is equally disturbing is that this so-called fix is not even considered the solution by all doctors, some who have conceded that this legislation would not reduce their malpractice premiums for 3 or 4 years. This legislation also discriminates against the most vulnerable: the aged, children and low-income. By placing a cap on noneconomic damages, it says to those with lesser earning potential—"your lives mean less and a small pot of money for the rest of your life is enough, irrespective of how much of your quality of life has been taken from you." I cannot support this mindset and would prefer to approach this issue more comprehensively and without discriminatory practices.

As mentioned, we have learned that caps do not necessarily translate to lower premium rates. Studies have examined this issue and results are found on both sides, some finding that caps do reduce malpractice premiums, while others find the exact opposite. This says to me that we do not have the sound evidence needed to say that caps are the way to go. Because of this, we must be looking at other creative ways to address this issue that is forcing many doctors, especially those in high-risk specialties, to leave practice. That is why I support the Durbin/Graham alternative, which takes a critical look at the causes of high malpractice premiums and seeks to address them.

The Durbin/Graham alternative does provide some relief to doctors through tax credits for malpractice premium rates. It also provides a voluntary system to share medical error information through a database that is immune from legal discovery and will improve patient safety. It addresses issues related to frivolous lawsuits and provides some protection from punitive damages for health professionals participating in federally funded programs. This alternative finally addresses Federal antitrust exemptions enjoyed very broadly by insurance companies in an effort to diminish their opportunity to collude and set rates. These initiatives get at the root of the medical malpractice problem and are a step in the right direction. I urge my colleagues to vote against cloture on the motion to proceed to S. 11 and work together to embrace the Durbin/Graham alternative.

Mr. McCAIN. Mr. President, Americans are fortunate to enjoy some of the best medical care available in the world. If we do not reform the current system, however, our good fortune will not last. Medical malpractice reform looms as one of the most critical factors negatively impacting our Nation's health care system. In the year 2000, doctors alone spent $6.3 billion on medical malpractice insurance coverage. That does not take into consideration coverage paid for by hospitals, nursing homes, and other groups.

Originally intended to provide patients with security by improving quality and providing fair and equitable compensation for valid claims, our Nation's medical malpractice system has only succeeded in adding billions of dollars a year to the cost of health care, while reducing patient access to physicians and treatment. The current system is broken.

Qualified doctors with years of valuable experience are leaving the medical field in droves. Some are opting for early retirement, while others are changing fields. Many physicians, particularly those in high-risk specialties, are moving to States that have implemented reforms or are opting to scale back their practices. Discouraged by the current system, many of today's medical students cite medical malpractice as a major factor in their choice of fields.

Rural areas have been hit particularly hard. In Arizona, our rural hospitals are struggling to keep qualified doctors. In our border region, where hospitals already struggle with the high cost of uncompensated care due to illegal immigrant populations, the Copper Queen Hospital in Bisbee has been without an obstetrician for over a year because of the high cost of medical malpractice insurance. Because of this void, pregnant women in southeastern Arizona have had to drive extremely long distances to reach the nearest hospital with an obstetrician.

Earlier this year, the daughter of a hospital board member gave birth on the side of the highway as she and her husband drove over a mountain pass to the nearest hospital in Sierra Vista. Fortunately for Bisbee and the surrounding areas, a local community health center, which is shielded from high liability costs by Federal law, recently received a Federal grant to develop a birthing facility. Now, the community will be able to retain obstetricians and pregnant women will be assured access to vital prenatal care.

Unfortunately, patients suffer most from the failures of our current system. Not only are patients losing access to qualified doctors, they are also losing health care coverage, substantially contributing to the rising numbers of uninsured Americans, most recently estimated at over 41 million. A recent study by PricewaterhouseCoopers found that 7 percent of the rise in health care costs are due to litigation and risk management. Those skyrocketing health care costs are passed from health insurance companies to employers, making it more difficult for American businesses to provide coverage to employees. Businesses today pass a larger share of the cost burden on to employees than ever before, and many, particularly small businesses, have made the difficult decision to drop employee coverage entirely.

This morning, the Senate voted on the motion to invoke cloture on, S. 11, the Patients First Act of 2003. I voted to invoke cloture on this bill, not because I believe it is the perfect solution to this crisis, but because I believe that our Nation's medical malpractice system is broken and we must begin debating viable solutions. I have long supported tort reform generally, and medical malpractice in particular, because the current system is unfair and inefficient.

Unfortunately, the medical malpractice debate has been polarized by two powerful special interest groups, preventing necessary compromise and real reform. On one side, the trial lawyers, fearing the loss of enormous jury awards, have fought tooth and nail against any cap on non-economic damages. Similarly, the insurance industry and other medical special interest groups have been equally unwilling to compromise on the dollar amount of these caps. As long as this body remains polarized in between these two competing interests, we will not have real reform and the American people will suffer.

Under the bill considered today, patients would be able to recover the full cost of medical expenses coupled with past and future wage losses through unlimited economic damages. To address exorbitant jury awards for non-economic damages, this bill, caps non-economic damages at $250,000, while allowing states the flexibility to maintain their own caps. A federally imposed ceiling would be a tremendous help to States like Arizona that require State constitutional amendments in order to implement medical liability reform.

The reality is, we know that caps on damages do successfully reduce the cost of medical malpractice insurance. Malpractice rates nationally, have risen three times faster than in California, where caps have been in place for twenty years. Similarly, a recent study by the Agency for Healthcare Research and Quality found that states that enacted limits on non-economic damages have 12 percent more doctors per capita than states without caps.

Although I support reform efforts, I am concerned that $250,000 may not be a realistic amount at which to cap non-economic damages. I recognize that although the state-imposed cap of $250,000 has functioned well in California, there are also certain medical errors which are difficult, if not impossible to put a price tag on.

Additionally, I believe any medical malpractice reform legislation must be coupled with meaningful measures to address the alarming numbers of medical errors in this country. A 1999 study by the Institute of Medicine found that upwards of 98,000 people a year die of medical errors. Congress must address this escalating problem, particularly in the context of the current debate. Bipartisan legislation establishing medical error reporting requirements passed the House and will hopefully pass the Senate later this year, however much more can and should be done on this issue.

I believe a majority of my colleagues in the Senate agree that there does exist a serious problem in our Nation, that patients and doctors are suffering as a result, and something must be done. When the Senate voted this morning to invoke cloture, this bill did not have the votes necessary to continue debate. In fact, it did not even garner a majority vote. If we are truly committed to addressing this important issue, we must put special interests and partisan politics aside and work together to craft an equitable compromise.

Mr. LEAHY. Mr. President, I am disappointed that the majority appears to be playing politics with the medical malpractice insurance debate. This is a complex issue, and the bill before us would encroach on the rights of every state and would take away the legal rights of the American people. Great care is in order as Congress considers such steps. But instead of introducing a bipartisan bill and sending it through the committee process to reach consensus, the majority is rushing a partisan bill directly to the Senate floor. That is highly unfortunate, because our health care system is in crisis. We have heard that statement so often that it has begun to lose the force of its truth, but that truth is one we must confront, and the crisis is one we must abate.

Dramatically rising medical malpractice insurance rates are forcing some doctors to abandon their practices or to cross state lines to find more affordable situations. Patients who need care in high-risk specialties—like obstetrics—and patients in areas already underserved by health care providers—like many rural communities—are too often left without adequate care.

We are the richest and most powerful nation on earth. We should be able to ensure access to quality health care to all our citizens and to assure the medical profession that its members will not be driven from their calling by the manipulations of the malpractice insurance industry.

The debate about the causes of this latest insurance crisis and the possible cures grows shrill. I had hoped for a calmer and more constructive discussion within the Senate Judiciary Committee and on the Senate floor. My principal concerns are straightforward: That we ensure that our nation's physicians are able to provide the high quality of medical care that our citizens deserve and for which the United States is world-renowned, and that in those instances where a doctor does harm a patient, that patient should be able to seek appropriate redress through our court system.

To be sure, different States have different experiences with medical malpractice insurance, and insurance remains largely a State-regulated industry. Each State should endeavor to develop its own appropriate solution to rising medical malpractice insurance rates because each State has its own unique problems. Some States—such as my own, Vermont—while experiencing problems, do not face as great a crisis as others. Vermont's legislature is considering legislation to find the right answers for our State, and the same process is underway now in other States.

In contrast, in States such as West Virginia, Pennsylvania, Florida, and New Jersey, doctors are walking out of work in protest over the exorbitant rates being extracted from them by their insurance carriers.

Thoughtful solutions to the situation will require creative thinking, a genuine effort to rectify the problem, and bipartisan consensus to achieve real reform. Unfortunately, these are not the characteristics of the bill before us. Indeed, S. 11 is a partisan bill that was introduced only a few days ago without any committee consideration. Ignoring the central truth of this crisis—that it is a problem in the insurance industry, not the tort system—the majority has proposed a plan that would cap noneconomic damages across the nation at $250,000 in medical malpractice cases. The notion that such a one-size-fits-all scheme is the answer runs counter to the factual experience of the states.

Most importantly, the majority's proposal does nothing to protect true victims of medical malpractice and nothing to prevent malpractice in the first place. A cap of $250,000 would arbitrarily limit compensation that the most seriously injured patients are able to receive. The medical malpractice reform debate too often ignores the men, women and children whose lives have been dramatically—and often permanently—altered by medical errors. The experience of Linda McDougall, who testified a few months ago before the Senate Judiciary Committee, is just one tragic example of such an error. Mrs. McDougal is recovering from an unnecessary double mastectomy, and her testimony reminded us all of the real-life consideration of these issues. Arbitrarily limiting injured patients' remedies under the law without addressing the system-wide medical errors that result in patient harm and death is a recipe for failure.

The majority's proposal would prevent individuals like Linda McDougall—even if they have successfully made their cases in courts of law—from receiving adequate compensation. We are fortunate in this nation to have many highly qualified medical professionals, and this is especially true in my own home state of Vermont. Unfortunately, good doctors sometimes make errors. It is also unfortunate that some not-so-good doctors manage to make their way into the health care system as well.

While we must do all that we can to support the men and women who commit their professional lives to caring for others, we must also ensure that patients have access to adequate remedies should they receive inadequate care.

High malpractice insurance premiums are not the direct result of malpractice lawsuit verdicts. They are the result of investment decisions by the insurance companies and of business models geared toward ever-increasing profits as well as the cyclical hardening of the liability insurance market. In cases where an insurer has made a bad investment, or has experienced the same disappointments from Wall Street that so many Americans have, it should not be able to recoup its losses from the doctors it insures.

The insurance company should have to bear the burdens of its own business model, just as the other businesses in the economy do. And a nationwide arbitrary capping of awards available to victims—as the majority has proposed here this week—should not be the first and only solution turned to in a tough medical malpractice insurance market. The problem at hand deserves thoughtful and collaborative consideration in committee to achieve a sensible solution that is fair to patients and that supports our medical professionals in their ability to practice quality health care.

One aspect of the insurance industry's business model requires a legislative correction—its blanket exemption from federal antitrust laws. Insurers have for years—too many years—enjoyed a benefit that is novel in our marketplace. The McCarran-Ferguson Act permits insurance companies to operate without being subject to most of the federal antitrust laws, and our nation's physicians and their patients have been the worse off for it.

Using their exemption, insurers can collude to set rates, resulting in higher premiums than true competition would achieve—and because of this exemption, enforcement officials cannot investigate any such collusion. If Congress is serious about controlling rising premiums, we must objectively limit this broad exemption in the McCarran-Ferguson Act.

In February, I introduced the "Medical Malpractice Insurance Antitrust Act of 2003," S. 352. I want to thank Senators REID, KENNEDY, DURBIN, EDWARDS, ROCKEFELLER, FEINGOLD, BOXER and CORZINE for cosponsoring this essential and straightforward legislation. Our bill modifies the McCarran-Ferguson Act with respect to medical malpractice insurance, and only for the most pernicious antitrust offenses: price fixing, bid rigging, and market allocations. Only those anticompetitive practices that most certainly will affect premiums are addressed.

I am hard-pressed to imagine that anyone could object to a prohibition on insurance carriers' fixing prices or dividing territories. After all, the rest of our nation's industries manage either to abide by these laws or pay the consequences.

Many State insurance commissioners police the industry well within the power they are accorded in their own laws, and some states have antitrust laws of their own that could cover some anticompetitive activities in the insurance industry. Our legislation is a scalpel, not a saw. It would not affect regulation of insurance by state insurance commissioners and other state regulators. But there is no reason to continue, unexamined, a system in which the Federal enforcers are precluded from prosecuting the most harmful antitrust violations just because they are committed by insurance companies.

Our legislation is a carefully tailored solution to one critical aspect of the problem of excessive medical malpractice insurance rates. I had hoped for quick action by the Judiciary Committee and then by the full Senate to ensure that this important step on the road to genuine reform is taken before too much more damage is done to the physicians of this country and to the patients they care for.

But our legislation to narrow this loophole in the nation's anti-trust laws for medical malpractice insurers has languished for months in the Senate Judiciary Committee. Instead of conducting hearings and a markup on our bill, the majority now rushes a "tort reform" agenda item to the floor without any committee consideration.

I want to comment for a moment on why committee consideration is so important to building the consensus needed to enact serious legislation to address the serious issue of rising medical malpractice premiums. During the last Congress, some of my colleagues on the other side of the aisle complained about the lack of committee consideration of prescription drug legislation. This year, we had committee consideration of a bipartisan bill and the Senate passed prescription drug legislation.

Last year, during that debate, Senator LOTT said: "If we bring these important issues to the Senate floor without them having been worked through committee, it is a prescription for a real problem . . . ."

Last year on the Senate floor, Senator NICKLES declared: "What happened to the committee process? Shouldn't every member of the Finance Committee have a chance to say, I think we can do a better job? Maybe we can do it more efficiently or better. No, we bypass the committee and take it directly to the floor."

And Senator SNOWE, one of the Senate's most thoughtful members, wisely pointed out: "I think each of us here knows that without a markup in the committee we are creating a predetermined train wreck. We are heading for a train wreck because we are creating a process designed for failure. It is designed for politics. It is not designed for creating a solution to a serious problem."

If Congress is serious about controlling rising medical malpractice insurance premiums, then we must limit the broad exemption to federal antitrust law and promote real competition in the insurance industry, as well as attack this problem at its core by reducing medical errors across our health care system. Unfortunately, the partisan bill before us is not designed for creating a solution to a serious problem. Instead, it is designed purely for politics.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Four minutes.

Mr. DURBIN. On the other side?

The PRESIDING OFFICER. They have 10 minutes.

Mr. DURBIN. I am happy to yield to the other side unless they are going to use the entire 10 minutes and then I will use my 4.

Mr. MCCONNELL. I ask the Senator from Illinois, what is the time situation?

Mr. DURBIN. Ten minutes on his side, 4 minutes on my side.

Mr. MCCONNELL. And the suggestion of the Senator was?

Mr. DURBIN. If the Senator is going to divide it and would like to have one speaker and then I will speak and he can close.

Mr. MCCONNELL. I was going to split the time with Senator ENSIGN and use the last 5 minutes. Does the Senator from Illinois want to be the last speaker?

Mr. DURBIN. I defer to the Senator. I believe that as proponents of the bill, the Senator should have the last word. If the Senator is going to divide his time, I would just suggest that one of his speakers go first, I speak, and then the Senator be the last speaker.

Mr. MCCONNELL. Let me ask if my friend from Nevada is ready to proceed? He will be ready momentarily.

Mr. DURBIN. I will use my 4 minutes.

First, I thank my colleagues on both sides of the aisle. Although we disagree on the approach, and I certainly do not support S. 11, I encourage all of my colleagues in the Senate to join me in stopping this bill from moving forward. This is too important to come to the floor without a committee hearing, without deliberation. It is unfair to address the medical malpractice premium crisis in America by simply saying that victims of malpractice shall be limited in what they can receive from a court. It is unfair for us to put ourselves in the place of a jury. If we are going to deal with the malpractice insurance crisis that faces us, let us do it in an honest and complete fashion.

Early in this debate, I told the story about David from the small town in downstate Illinois. At 6 years of age he went in with a high fever and because of medical negligence and medical errors, this 6-year-old boy became a quadriplegic. He is unable to communicate with others. He breaths through a tracheotomy stoma and is fed through a gastrointestinal tube. They believe he understands what is being said, but he is unresponsive. He is now 17 years of age. His mother has quit her job at a local college to be with him full time.

The decision of this bill is that in cases such as David's what they are going to go through the rest of their lives, David and his family, is worth no more than $250,000 in pain and suffering.

This verdict by this jury in the Senate is unfair. I say to doctors across America who have a genuinely serious problem that needs to be addressed, the love and compassion you give to your patients, the commitment you made to your patients is inconsistent with the message of this bill. I believe doctors in my home State and those I have met with in other places are some of the finest people with whom I have ever worked. I genuinely want to work with them to deal with malpractice premiums that are much too high, by reducing the incidence of malpractice, by saying to insurance companies, just because you made a bad investment does not mean you will run a doctor out of business—that is what is happening with these high premiums—and by saying as well to the legal profession, the bad actors have to get out of the courtroom; stop harassing doctors with frivolous lawsuits. That is relatively uncommon, but where it occurs in one case, that is one case too many.

We need to come together after this bill is stopped today in a good-faith, bipartisan effort as we did on the terrorism insurance issue. We need to bring in the AMA, the bar association, the trial lawyers, the insurance companies, and all parties that can come to a good solution. We need to do it quickly. We need a tax credit for doctors right now. We do not need to pass a bill that might help them 8 or 10 years from now; we need to pass a tax credit now, so they can get through this troublesome period where the insurance companies have seen the bottom fall out of their investment and are charging these high premiums. That is the fair way to deal with it.

Please, do not close off a day in court for deserving victims of medical malpractice.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, what is this about today? What are we really talking about? We are talking about access to health care by patients. We have enacted reasonable limits in this bill so the crisis facing 19 States and the patients in 19 States across this country can be resolved.

The problem is caused by out-of-control jury awards and frivolous lawsuits which are cheaper to settle—and those get settled all the time—than they are to fight. The reason they will settle them is the potential huge award and the huge downside risk they have down the line. A lot of insurance companies just settle those and pass the higher rates on to doctors. That has led to many physicians leaving those 19 States in crisis and a lot of new doctors not going into the specialties which are in short supply.

If we ask ourselves the fundamental question, Is there a shortage of doctors or is there a shortage of lawyers? we do not have a shortage of lawyers in my State home state of Nevada, or in any other State, as far as I know. We do not have any shortage of people going into the practice of law. We do have a shortage of people going into the practice of a lot of the specialties in health care.

The reason is that we have a jury system that is out of balance. We did not used to live in this litigious society of today. People are so sue happy and the system is set up to encourage frivolous lawsuits.

California and Colorado are the two best examples we have of medical liability reform that has been on the books long enough. We know it works. Victims get what they deserve in those States, but the system is balanced so doctors can afford their premiums on medical liability. That is what the bill before the Senate today lays out, a model very similar to Colorado and California for the rest of the country.

I encourage all of our colleagues to at least vote for the motion to proceed to the bill so we can have a full debate with amendments to proceed to solve this severe crisis we have in access to health care across the country.

The PRESIDING OFFICER. The assistant majority leader.

Mr. McCONNELL. The vote we are about to have is not about the details of the underlying bill, it is about whether we think there is a medical malpractice crisis in America and whether we ought to do something about it. If we were able to get on the bill, it would obviously be open to amendment and we would see how the Senate felt, that some issue ought to be addressed.

The Senator from Nevada, the floor leader on this subject, says 19 States are currently in crisis and 25 are on the way to crisis, while only 6 of our 50 States are OK as far as the price of medical malpractice premiums not driving physicians out of work is concerned.

It has been incredibly stated on the other side of the aisle by numerous speakers that this crisis has nothing to do with runaway judgments. I don't know how you can reach that conclusion. The people at CBO and the Department of Health and Human Services and the Joint Economic Committee, insurance commissioners, actuaries, all believe this crisis is related to runaway judgments.

California, which we keep referring to, has the model system after which the underlying bill has been modeled. My friends on the other side of the aisle think this crisis has been created by something else. They have been suggesting it is bad returns from the stock market or insurance company collusion, or a cadre of quacks who are causing problems for medicine. I don't know whether all of that has made some contribution, but we know there is one solution that works, and that is the California approach. That is what is in the underlying bill.

We ought to at least recognize this is a national crisis, a national problem that ought to be dealt with at the national level. We will have an opportunity to find out whether the Senate agrees with that shortly when we vote on cloture on the motion to proceed. I hope the Senate will give us an opportunity to get to the underlying bill. It would then be open to all kinds of amendments and we could begin to proceed, as we normally do in the Senate, in crafting legislation to deal with national problems.

We urge our colleagues to vote for cloture on the motion to proceed.

Mr. FRIST. Mr. President, today we will be voting on a cloture motion to allow the Senate to proceed to debate S. 11, the Patients First Act. I want to strongly urge my colleagues to vote for the motion to proceed.

We have had a good debate over the last three days, and it is clear that right now patients across the country are facing a crisis of access to quality health care. Congress needs to act.

The upcoming vote will allow us to fully debate this critical issue. If action is delayed, we know what will happen: Patients will suffer, doctors will continue to flee their practices, and more States will be added to the AMA crisis list. Since we last debated this issue seven more States have joined the list, that is nearly a 60 percent increase over last year.

I have received letters from doctors all over America, including from my home State of Tennessee. Premiums in Tennessee have gone up 68 percent over the last four years, and Tennessee is not even considered a crisis state by the AMA yet.

One doctor from Waverly, TN writes:

> My insurance premiums as a general surgeon have jumped over 70 percent in the last four years. The current crisis has forced me to limit doing any moderate to high risk surgery . . .
>
> There are counties around mine that have lost the services of their general surgeons who have opted to limit their practices to family practices . . . rather than continue to pay the high premiums that are prohibitive for a surgeon in rural Tennessee.

Another doctor from Madisonville, TN writes:

> My wife and I came to Madisonville, Tennessee, 24 years ago as national health service corps doctors. We helped start the Women's Wellness and Maternity Center, Tennessee's first out of hospital birth center. We depend on the obstetrical service at Sweetwater Hospital for C-sections and consultation.

This doctor goes on tell me that because of high malpractice premiums Sweetwater has only one remaining obstetrician who is now forced to bear full responsibility for providing 24-hour maternity coverage and that efforts to recruit additional doctors have failed.

As these real life stories show, this health care crisis is real and it is spreading. The current medical liability system is costly, inefficient and hurts all Americans. In addition to damaging access to medical services, the current medical malpractice system creates problems throughout the entire health care system.

It indirectly costs the country billions of dollars every year in defensive medicine. The fear of lawsuits forces doctors to practice defensive medicine by ordering extra tests and procedures. Though the numbers are hard to calculate, well-researched reports predict savings from meaningful reform at tens of billions of dollars per year.

It directly costs the taxpayers billions. The CBO has estimated that reasonable reform will save the federal government $14.9 billion over 10 years primarily through savings in Medicare and Medicaid.

It impedes efforts to improve patient safety. The threat of excessive litigation discourages doctors from discussing medical errors in ways that could dramatically improve health care and save hundreds or thousands of lives. I am a strong supporter of patient safety legislation which I hope we will pass this year. But in addition to patient safety legislation, we need to address the underlying problem—our liability system.

We must reform this broken liability system. That is why I strongly support the Patients First Act. I want to thank my colleague, Senator McCONNELL, the majority whip, who skillfully led this debate. I also want to thank Chairman GREGG and Chairman HATCH for their longstanding leadership of this issue, and Senator ENSIGN, the lead sponsor of S. 11, who has seen the current crisis close up in his own State of Nevada. And finally, I want to thank Senator DIANNE FEINSTEIN of California. Her State has been the model of medical liability reform and has demonstrated that commonsense reforms work. I look forward to continuing to work with Senator FEINSTEIN on this issue. We share the goal of putting patients first.

The Patients First Act will protect access to care and ensure that those who are negligently injured are fairly compensated. Again, I encourage my colleagues to move this legislation forward. We cannot afford further delay.

I yield the remainder of our time.

CLOTURE MOTION

The PRESIDING OFFICER. All time having expired, under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

> CLOTURE MOTION
>
> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the consideration of Calendar No. 186, S. 11, the Patients First Act of 2003.
>
> Bill Frist, Mitch McConnell, John Ensign, Craig Thomas, Rick Santorum, Larry E. Craig, George V. Voinovich, John Cornyn, Trent Lott, Ted Stevens, Michael B. Enzi, James Inhofe, Chuck Hagel, Jon Kyl, Judd Gregg, Pat Roberts, John E. Sununu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 11, the Patients First Act, shall be brought to a close?

The yeas and nays are ordered under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (SC)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Stabenow
Wyden

NOT VOTING—3

Graham (FL)
Kerry
Miller

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

EXECUTIVE SESSION

NOMINATION OF VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—54

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Graham (FL)
Kerry
Miller

The nomination was confirmed.

Mr. LAUTENBERG. Mr. President, I rise today to express my profound disappointment with the very troublesome nomination of Victor Wolski to be a judge on the U.S. Court of Federal Claims.

The last time I spoke on the Senate floor about judicial nominations, I whole-heartedly supported and endorsed President Bush's nomination of Mr. Michael Chertoff to the Third Circuit Court of Appeals.

I commended the administration for selecting Mr. Chertoff because he was a "consensus nominee." I supported Mr. Chertoff and many other judicial nominees because they demonstrated that they were not ideologues beholden to a specific political agenda.

I support nominees who demonstrate moderation, fairness, open-mindedness, and the proper judicial temperament.

Victor Wolski is a self-described political ideologue on a mission to promote extreme right-wing libertarian views.

In his own words, Mr. Wolski told the National Journal that "every single job I've taken since college has been ideologically oriented, trying to further my principles," which he describes as a "libertarian" belief in "property rights" and "limited government."

There is nothing wrong with having convictions and strong beliefs. I respect that. But when a judicial nominee views the world through a limited, ideological prism, that presents a grave danger to our democracy and judicial system.

Such a nominee does not inspire trust or confidence in our judicial system.

Victor Wolski has unabashedly dedicated his career to promoting an extreme right-wing crusade to erode important Federal safeguards protecting workers, human health, and the environment.

For example, he has argued that it was "far beyond" Congress's power under the Commerce Clause to protect wetlands that serve as habitat for 55 different species of migratory birds and repeatedly referred to these wetlands as "puddles."

Mr. Wolski also lacks the judicial temperament necessary for a Federal judge.

In his testimony to the Judiciary Committee, Mr. Wolski asserted that he "certainly meant no disrespect" when he referred to Members of Congress as "bums" in a letter he wrote to the editor of the San Francisco Chronicle. I wonder what he did mean?

Mr. President, it is entirely permissible for Mr. Wolski—as an advocate—to promote limited government; but he should not be a Federal judge.

And he certainly shouldn't be a judge on the Court of Federal Claims.

This is the court that hears disputes involving the Government arising under the fifth amendment's "takings" clause—the very constitutional provision Mr. Wolski has fervently worked to undermine and redefine.

Appointing Victor Wolski to the Court of Federal Claims is akin to putting the fox in charge of the henhouse.

It is part of the Bush administration's war against the environment—a war the administration is waging on many fronts—the courts included. His nomination is another example of the Bush administration's zeal to pack the courts with right-wing ideologues despite the President's claim that he is "a uniter, not a divider." How cynical.

The "bottom line" is that Victor Wolski is wholly unfit for the position to which he has been nominated. I urge my colleagues to vote against his confirmation.

Mr. HATCH. Mr. President, I feel compelled to take a moment to respond to remarks of my colleague from New York on the nomination of Mr. Wolski and the status of the Court of Federal Claims. My colleague from New York has stated that we should not fill the judgeships that Congress itself created. This eleventh-hour attack on the court of claims and Mr. Wolski is simply a thinly veiled effort to stall action on more of President Bush's judicial nominees. Let's give the President a break and be honest.

I would like to respond to allegations that Mr. Wolski is not qualified to serve on the court of claims. These allegations are simply unfounded. I agree with my colleague that, in print, Mr. Wolski's statement in his 1999 National Journal profile raised questions about how he would view his role as a judge. But Mr. Wolski was indeed thoroughly questioned about this statement at his hearing. His response to those questions has convinced me that this statement should not be any bar whatsoever to his confirmation. Mr. Wolski testified at his hearing that he understands that the role of a judge is not political. He understands that the role of a judge—especially a trial court judge—is to follow the law and not to consider personal beliefs or positions argued as an advocate in determining how to rule. Mr. Wolski explained during his hearing that this statement was meant to reflect that his decision to work for our former colleague, Senator Connie Mack, was consistent with his commitment to public service. Mr. Wolski emphatically stated on several occasions throughout his hearing that his statement was meant to clarify the point that he has been not motivated by the money throughout his career, and he does not consider himself an ideologue.

Mr. Wolski has also been criticized about some of the clients that he has represented. It is important to remember that the clients Mr. Wolski has represented have been on both sides of the issues. He has represented property owners in takings cases, but he has also represented municipal and State governments. For example, he is presently a member of the litigation team representing the State of Nevada, Clark County, and the city of Las Vegas in their opposition to the location of a nuclear waste repository at Yucca Mountain. He represented a group of municipal governments challenging a commercial development that would have caused environmental, traffic, and other urban sprawl problems. So plainly, Mr. Wolski has represented a broad range of clients, including some whom a die-hard conservative ideologue would not represent. Instead, Mr. Wolski's clients indicate to me that he has done his best to act as an advocate on behalf of his clients' positions, regardless of his personal beliefs, just as every good lawyer should do.

I know that some of my colleagues have expressed concern about Mr. Wolski's brief in the case of Cargill v. United States. The first thing that I want to point out is the obvious: Mr. Wolski was acting in this case as a lawyer on behalf of his employer and had to perform his duties as assigned to him. In this case, his job was to submit an amicus brief. Second, it is important to note that Mr. Wolski was not challenging Congress's ability to protect migratory birds in general. Rather, his argument specifically addressed the scope of the Clean Water Act, which does not incorporate findings about migratory birds. Mr. Wolski clearly testified that he believes that the Clean Water Act is constitutional.

Finally, in regard to Mr. Wolski's comments in the San Francisco Examiner, I agree that they were a bit passionate, but Mr. Wolski's hearing testimony reflects that he has matured in the 11 years since he penned that letter. In fact, Mr. Wolski testified that he wrote that letter before he worked as a congressional staffer. He testified that had he worked on the Hill before he wrote that letter, he probably wouldn't have written it at all. So I believe that this letter can easily be chalked up to youthful indiscretion, and nothing more. I have every reason to believe that, as a judge, he will act consistently with his past practice by following the law regardless of his personal beliefs.

Now, I would also like to take a moment to respond to some of the allegations regarding the Court of Claims. It is clear that the Court of Claims is a necessity, especially with the current backlog of cases in our Federal district courts. The Court of Claims and the district courts have overlapping jurisdiction. This allows the Court of Claims to ease the heavy caseload in the district courts. As such, the Court of Claims is a mainstay of the system.

A letter to the editor in the Washington Post on April 9, 2003, from the president of the Court of Claims bar association made the point well. He said that the docket of the court "consists of more than 4,000 cases. Opinions by the judges are recognized as well-written and well-considered and reflecting of the complexity of the caseload. Those practicing before the Court know that its judges are busy." This letter, drafted by a lawyer who actually practices before the court, took direct issue with the Post's recommendation to abolish the court, saying it "missed the central point."

The editorial by Professor Schooner in the Washington Post on March 23, 2003, suggesting that the current cases pending before the Court of Claims can be easily divided among the district courts is troubling to me. Eliminating the Court of Claims would add nearly 5,000 additional cases to the district courts at a time when they are unable to keep up with the pace of cases being filed. Professor Schooner's academic analysis also fails to take account of the considerable work and learning that district judges do in order to handle complex patent, antitrust, environmental or civil rights cases.

I must admit that I was surprised to learn how inaccurate the statistics of my colleague from New York were after I did some research regarding the caseloads of the Federal district courts and the Court of Claims. These misleading numbers allege that the district court judges have an average caseload of 355 cases per judge, whereas Court of Claims judges would have an average caseload of 19 cases if the four pending nominees were confirmed. After reviewing statistics from both the Federal courts' legislative affairs office and the Court of Claims, however, it is clear that Senator SCHUMER's figures are erroneous. If we take the current caseload of the Court of Claims and suppose that the court was at its fully authorized number of 16 judges, the average caseload per judge would be 309. This is in sharp contrast to the 19 my colleagues would have us believe and not much less than the average caseload per district judge.

This campaign against Mr. Wolski and the Court of Claims is just the newest tactic in an organized effort to prevent President Bush's well-qualified judicial nominees from being confirmed and it must stop. It is obvious to me that the criticism of the court's necessity is borne more of political opportunity than any serious merit. We shouldn't be in the business of creating more rationales for delay. The lack of any functional problem in litigation between sovereign and citizen, or problem with the court structure, makes the solution of elimination of the Court of Claims a solution in search of a problem.

Mr. HATCH. Madam President, I rise today in support of Victor Wolski, one of the four nominees for the Court of Federal Claims who have been awaiting votes on their nominations by the full Senate since March.

When Mr. Wolski was first nominated to the Court of Claims in September 2002, he joined three other well-qualified nominees to the same court who had been pending even longer. Charles

Lettow had been nominated a month earlier, in August 2002, while Susan Braden and Mary Ellen Coster Williams had been nominated, respectively, in May and June 2001. None of them received a hearing in the 107th Congress.

So I am pleased that we have at last reached an agreement for an up-or-down vote on the nominations of Mr. Wolski and the other Court of Claims nominees. But getting to this point was not simple. We had to file a motion to invoke cloture on Mr. Wolski's nomination. Now, I am pleased that our Democratic colleagues agreed to vitiate this motion. But the fact still remains that we were almost forced to resort to a cloture vote simply to secure an up-or-down vote on Mr. Wolski's nomination. Mr. Wolski would have been the first Court of Claims nominee in the history of the Senate to be forced through a cloture vote. This would have been a historic but sad precedent that we came dangerously close to setting. As I said, I am pleased that we did not go down this path and that we are proceeding to an up-or-down vote on Mr. Wolski's nomination.

Mr. Wolski will make a fine addition to the Court of Claims. His nomination has bipartisan support, having been reported favorably to the full Senate by all 10 Judiciary Committee Republicans and Senator FEINSTEIN. He is an accomplished trial attorney who has represented clients on both sides of the issues, including a number of clients on what many consider to be the so-called liberal side. For example, Mr. Wolski has represented a group of municipal governments challenging a commercial development that would have caused environmental, traffic, and other urban sprawl problems. He presently represents a class of Medicare beneficiaries who are suing the tobacco industry to try to recover reimbursement to the Medicare system. And he represents the State of Nevada, Clark County, and the City of Las Vegas in their opposition to the location of a nuclear waste repository at Yucca Mountain. Clearly, this is not the work of an ideologue but the work of an accomplished lawyer who recognizes his duty to represent his clients' interests to the best of his ability.

Mr. Wolski's breadth and depth of experience will be a true asset to the Court of Claims. After graduating from the University of Virginia Law School, Mr. Wolski clerked for Judge Vaughn Walker of the U.S. District Court for the Northern District of California. He has a fine record in public service, including 5 years as a litigator with a public interest law firm. During his tenure there, he represented clients in cases presenting significant issues of constitutional and property rights law. He continued his public service by serving as General Counsel and Chief Tax Advisor in the Congress with the Joint Economic Committee for Senator Connie Mack. As the first person to attend college in his family, Victor Wolski feels it is important to give back to the community and felt a strong commitment towards the public sector. This commitment is quite evident in his professional background.

In 2000, Mr. Wolski transitioned from the public sector to private practice, joining the prominent Washington, DC, law firm Cooper, Carvin & Rosenthal. He now practices with its successor firm, Cooper & Kirk. He has a reputation for being a thoughtful and hard-working legal professional who will be a stellar addition to the Court of Federal Claims, and I commend President Bush for nominating him.

Mr. President, we find ourselves at an important point. We have two eminent and well-qualified circuit court nominees, Miguel Estrada and Priscilla Owen, currently being blocked by a minority of Senators from an up-or-down vote on the Senate floor. History will show that this minority group of Senators was not asking for a full and open debate. They were not asking for meaningful deliberation on these well-qualified nominees. Rather, this minority group of Senators was committed to subverting precedent and reworking the meaning of advice and consent.

I think we can agree that the confirmation process is broken. I certainly hope we can find a constructive way to restore the process, but recent talk does not lead me to be overly optimistic—not when we hear injudicious talk about plans for three, four, or more planned filibusters. I hope that is not the kind of history we want to write. Instead, I hope that my colleagues will see today's up-or-down vote on Mr. Wolski's nomination as an opportunity to put a stop to the obstruction and delay by giving all the rest of our nominees the courtesy of a simple vote on their nominations. That is all we ask.

NOMINATIONS OF MARY ELLEN COSTER WILLIAMS, OF MARYLAND, SUSAN G. BRADEN, OF THE DISTRICT OF COLUMBIA, AND CHARLES F. LETTOW, OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, en bloc, which the clerk will report.

The assistant legislative clerk read the nominations of Mary Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims; Susan G. Braden, of the District of Columbia, to be a Judge of the United States Court of Federal Claims; and Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to speak for up to 2 minutes on the nomination of Susan Braden before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I rise to speak in support of the nomination and confirmation of someone for whom I have a great deal of respect, Susan Braden, to be a Judge for the U.S. Court of Federal Claims. I cannot think of a better person for this court. She is currently counsel at Baker & McKenzie. She earned her bachelor degree in 1970 and her law degree in 1973 from Case Western Reserve University. She has worked as a trial attorney in the Department of Justice. She has served as a senior attorney at the Federal Trade Commission. For the past 18 years, she has had a distinguished career in the private sector, specializing in Federal litigation, antitrust, international trade practices, and intellectual property.

Her work on international trade gave her the opportunity to accompany a delegation led by Justices O'Connor, Kennedy, Ginsburg, and Breyer on an official visit to several European courts in 1998.

She is very qualified, and I wish to say on a personal note that she and her husband, Tom Sussman, have been friends of mine for a long time. I went to law school with Tom Sussman. I have a great deal of respect for both Tom and Susan, and I urge my colleagues to support this qualified nominee. She will be a wonderful public servant.

Madam President, I urge approval of the three nominees.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to add my comments to the confirmation of Susan Braden. I happen to know her. She represented a business in the steel industry in Alabama that was in trouble. We tried to save it for the State. She worked so hard with the union members and with the company. I came to be extraordinarily impressed with her dedication, her legal skill, her love of law, and her integrity. I think she will do an excellent job in this important position.

I wanted to add my comments that we need more people like Susan Braden in the courts of America. I think she will do a super job. I am very proud of her on this special day.

I yield the floor.

Mr. HATCH. Madam President, I rise today in support of the confirmation of Susan Braden, who has been nominated to serve as a judge on the U.S. Court of Federal Claims. Ms. Braden has the breadth of experience and accomplishment we look for in a Federal judge, and I commend President Bush for nominating her.

After graduating from law school, Ms. Braden served for 7 years as a trial attorney, and then as a senior trial attorney, for the Department of Justice Antitrust Division. She then worked at the Federal Trade Commission for 5 years as a senior attorney advisor and senior counsel to Chairman David Clanton and Chairman James Miller III. In this capacity, she assumed responsibility for special policy and legislative projects, such as drafting a potential set of guidelines concerning interlocking directorates and issues concerning enforcement of the antitrust laws to professionals.

Ms. Braden has worked in the private sector for the past 18 years, where she has focused on antitrust law, complex civil litigation, international trade matters for industrial clients, and computer software litigation. Her experience will serve her well on the bench. I am confident that she will execute her duties on the bench with integrity, intelligence, and fairness. I ask my colleagues to join me in my unqualified support for her nomination.

NOMINATION OF MARY ELLEN COSTER WILLIAMS

Mr. HATCH. Madam President, I am pleased today to speak in support of Mary Ellen Coster Williams, who has been nominated to the U.S. Court of Federal Claims.

Judge Williams has served with distinction on both sides of the bench. Upon her graduation from Duke University Law School in 1977, she worked in private practice with Fulbright & Jaworski and with Schnader, Harrison, Segal & Lewis.

Judge Williams then left private practice in 1983 to work in the Civil Division of the United States Attorney's Office in Washington, DC. She returned to private practice in 1987 as a partner with Janis, Schuelke & Wechsler.

During her 8 years in private practice and 3½ years as an Assistant United States Attorney, Judge Williams gained valuable experience handling matters involving Government contracts, employment law, torts, and commercial litigation. Since 1989, she has served as an administrative judge on the General Services Administration Board of Contract Appeals.

Judge Williams was named a Life Fellow by the American Bar Association and is currently the vice chair of the ABA Section on Public Contract Law. She also has been active in the District of Columbia Bar Association. Since 1997, she has served on the U.S. Court of Federal Claims Advisory Council, so she has much more than simply a passing familiarity with the court to which she has been nominated.

With her wealth of experience and dedication, Judge Williams is well equipped to serve on the Court of Federal Claims. I urge my colleagues to join me in supporting her nomination.

NOMINATION OF CHARLES F. LETTOW

Mr. HATCH. Madam President, I rise today to express my full support for the confirmation of Charles F. Lettow, who has been nominated to the U.S. Court of Federal Claims.

Mr. Lettow is an excellent selection to join the Court of Federal Claims. He has a strong academic background and more than 30 years of litigation experience in constitutional and administrative law matters. A graduate of Stanford Law School, Mr. Lettow clerked for both the Ninth Circuit Court of Appeals and the U.S. Supreme Court before taking a position in 1970 as Counsel to the Council on Environmental Quality, which was established by Congress a year earlier. His responsibilities included drafting legislation and Executive orders and working to negotiate bilateral agreements.

In 1973 Mr. Lettow joined the firm of Cleary Gottlieb as a litigation associate, became a partner three years alter, and has remained with the firm since that time, focusing on Federal litigation and environmental cases. Cases he has handled over his career have presented often difficult questions of constitutional and administrative law, and he has handled them with expertise.

Mr. Lettow has argued before the U.S. Supreme Court three times and in the U.S. Courts of Appeals in more than 40 cases, as well as litigated in numerous Federal district courts and the U.S. Court of Federal Claims. I cannot imagine someone who is better prepared to sit on the Court of Federal Claims. I urge my colleagues to vote for his confirmation.

The PRESIDING OFFICER. Under the previous order, the nominations are confirmed, en bloc, the motions to reconsider are laid upon the table, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 925, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 925) to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

AMENDMENT NO. 1136

Mr. LUGAR. Madam President, I send a substitute amendment to S. 925 to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1136.

Mr. LUGAR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, today the Senate will be considering S. 925, the State Department authorization bill. During the last 4 months, the Senate Foreign Relations Committee has been working hard on issues related to the funding and operations of the State Department. We have held hearings on public diplomacy, embassy security, the role of the State Department in the war on terrorism, the nonproliferation programs overseen by the State Department, and the overall State Department budget. In numerous other hearings and briefings covering such issues as Iraq, North Korea, Afghanistan, and NATO, we have reviewed the vital role of diplomacy at this stage of our United States history.

In our hearings and through our daily contacts with the State Department, the Foreign Relations Committee has witnessed the commitment and the skill of departmental personnel as they work to improve national security and our prosperity in increasingly difficult and often very dangerous circumstances.

We have seen both the benefits of our successes and the consequences of our failures. We cannot expect diplomacy to succeed 100 percent of the time, but it is vital that our diplomats have the resources and the capabilities that will maximize their chances of success. That is the job of the Senate today. We must make certain that Secretary Powell and this Department have the tools they need to make our case convincingly.

I wish to thank especially the ranking member of the Senate Foreign Relations Committee, Senator JOE BIDEN, for his strong support of this process and his leadership in foreign policy matters. We have agreed on the vast majority of provisions in this bill, and when we have disagreed, we have worked hard to bridge our differences and find bipartisan solutions with our colleagues.

We have always shared the common goal of bringing good legislation to the floor for the Senate's judgment. Senator BIDEN's commitment to this process and his innumerable contributions to the substance of this bill have been indispensable.

After consultations with Senator BIDEN and the majority leader, we determined the Senate would best be served by adding the foreign assistance authorization bill, passed by the Foreign Relations Committee in May, to the State Department bill.

Consequently, the substitute amendment that is the pending business contains the language of both S. 925 and S. 1161. Both bills passed in committee by votes of 19–0. I believe that this combination will give us a chance for a meaningful debate on foreign policy, while expediting the work of the Senate.

At this time in our history we are experiencing a confluence of foreign policy crises that is unparalleled in the post-cold war era. Our Nation has lived through the September 11 tragedy, and we have responded with a worldwide war against terrorism. We have fought wars in Iraq and Afghanistan, where we are likely to be engaged in security and reconstruction efforts for years to come. We have been confronted by a nuclear crisis in North Korea that threatens U.S. national security and that could destabilize the entire northeast Asian region. We are continuing efforts to safeguard Russia's massive stockpiles of chemical, biological, and nuclear weapons and to prevent proliferation throughout the world. We have experienced strains in the Atlantic Alliance, even as we plan for its expansion. We are trying to respond to the AIDS pandemic in Africa and elsewhere, as well as help stabilize Colombia and preserve democracy in Venezuela.

Despite these extraordinary international conditions that demand the constant attention of our Government, the State Department and our foreign assistance programs are still underfunded. Although President Bush and Secretary of State Powell have supported important funding increases for our foreign policy accounts during the last 2 years, we dug a deep hole for ourselves during the 1990s, when diplomatic capabilities were placed at the bottom of our spending priorities.

From 1994 through 1997, for example, the Function 150 account, which funds State Department operations and foreign assistance, sustained consecutive annual real decreases of 3.6 percent, 5.6 percent, 11.4 percent, and 1.5 percent. This slide occurred even as the State Department was incurring the heavy added costs of establishing new missions in the 15 states of the former Soviet Union. Relative to other spending priorities, we continue to disadvantage our diplomatic capabilities. As a percentage of discretionary spending, the international affairs account stands at about 3.4 percent in fiscal year 2003. This is the lowest percentage of discretionary funding devoted to international affairs in the past 2 decades. We are still conducting diplomacy on a shoestring in an era when embassies are prime terrorist targets and we depend on diplomats to build alliances; work with foreign governments to apprehend terrorists before they reach U.S. soil; and explain U.S. principles, values, and policies worldwide.

In April, with the assistance of Senators FEINSTEIN, BIDEN, DEWINE, HAGEL, SARBANES, CHAFEE, SMITH, JEFFORDS, KENNEDY, and others, I offered an amendment to the Senate budget resolution that restored $1.15 billion to the 150 account. The amendment brought the 150 account up to the level requested by the President. The success of the amendment on this Senate floor, during a process when few amendments received favorable votes, illustrates the growing appreciation for and understanding of the role of Secretary Powell and the State Department. But we need to go further. We need to commit to a long-term course that assigns U.S. economic and diplomatic capabilities the same strategic priority that we assign to military capabilities.

There is a tendency in the media and sometimes in this body to see diplomatic activities as the rival of military solutions to problems. We have to get beyond this simplistic formulation. We have to understand that our military and our diplomats are both instruments of national power that depend on one another. They both help shape the international environment and influence the attitudes of governments and peoples. They both gather information and provide expertise that is vital to the war on terrorism. And they both must be unsurpassed in their capabilities, if the United States is going to survive and prosper.

Americans rightly demand that U.S. military capabilities by unrivaled in the world. Should not our diplomatic strength meet the same test? If a greater commitment of resources can prevent the bombing of one of our embassies, or the proliferation of a nuclear weapon, or the spiral into chaos of a vulnerable nation wracked by disease and hunger, the investment will have yielded dividends far beyond its cost.

Both the State Department authorization bill and the foreign assistance authorization bill for 1-year authorizations. Given that the Foreign Relations Committee has many new members, the State Department's responsibilities are expanding, and world events are unpredictable, we decided that it would be wise to retain the opportunity for the committee and the Senate to revisit these bills next year after we have had some time to perform oversight.

The State Department portion of this bill contains funding that covers the operating expenses for the department, embassy construction and security, education and cultural exchange programs, as well as other programs and activities. It also includes funding for: assessed contributions to international organizations required by treaty; international commissions and such centers as the Asia Foundation and the East-West Center; international broadcasting activities; refugee and migration assistance; and Peace Corps funding for 2004 through 2007.

The committee is recommending increases to the administration's request for the State Department of about $400 million, or roughly 4 percent. These increases address needs that the Foreign Relations Committee identified as keys to U.S. success in this dangerous new century. They include: an additional $312 million for embassy construction that will allow groundbreaking this year for three new embassy compounds; approximately $8 million to increase the cap on hardship pay and danger pay for State Department employees; an increase of $8.9 million to restore cuts in international broadcasting to Eastern and Central European nations; the restoration of $25 million that was cut for SEED and Freedom Support Act funding to Central Europe and the Balkans; and an additional $30 million to strengthen public diplomacy and international exchanges with the Islamic world.

In addition, in committee, individual members offered amendments on such important issues as international support for a successor regime in Iraq, U.S. policy toward Haiti, and U.S. policy regarding recognition of a Palestinian state. A detailed listing of other issues covered and policy recommendations made by the Senate Foreign Relations Committee in this bill are contained in the committee report.

As our committee undertook an indepth study of State Department needs, we simultaneously examined our foreign assistance programs and their evolving role in U.S. humanitarian and national security efforts. As I indicated, in May, we passed a foreign assistance authorization bill by a 19 -0 vote.

The committee held hearings on U.S. foreign assistance in six strategic regions of the world: the Near East, South Asia, East Asia, Eurasia, the Western Hemisphere, and Africa. In other hearings we explored numerous topics related to foreign assistance, including global hunger, reconstruction in Iraq and Afghanistan, and President Bush's vision for a new Millennium Challenge Corporation.

In the hearings, we learned how the administration's 2004 budget request would support U.S. foreign policy interests. Those hearings were very informative, and I again want to express my appreciation to the subcommittee chairs and ranking members who conducted them, as well as to all Senators who participated.

This was only a first step. Since the mid-1980s, Congress has not fulfilled its responsibilityb to pass an Omnibus Foreign Assistance Act. Several discrete measures, such as the Global AIDS bill, the Freedom Support Act, and the Support for Eastern European Democracy, SEED, have been enacted.

But in the absence of a comprehensive authorization, much of the responsibility for providing guidance for foreign assistance policy has fallen to the Appropriations Committees. The appropriators have kept our foreign assistance programs going, but in many cases, they have had to do so without proper authorization. In most years, the Foreign Relations Committee did pass a State Department authorization bill, but that bill only authorizes about 35 percent of the function 150 account. To fund the remaining accounts, appropriators frequently had to waive the legal requirement to appropriate funds only following the passage of an authorization bill.

There is no single reason why the Congress has failed to pass a comprehensive foreign assistance authorization bill for so long. But we all recognize the difficult legislative task involved. As a general spending item, foreign assistance rarely is high on the list of constituent priorities. Yet specific provisions in foreign assistance bills have often raised political emotions. Thus, comprehensive foreign assistance bills have contended with the most difficult of legislative circumstances—they have generated seemingly intractable political disputes, while lacking an overriding legislative payoff.

We must stop thinking in conventional political terms. Passing a comprehensive foreign assistance bill is good politics, as well as good policy. It is good politics because it underscores the leadership of this Senate at a time when our country is in great peril. It is good politics because foreign assistance is an instrument of national power in the war on terrorism. It is good politics because it recognizes that our standard of living, the retirements of our parents, our children's educations, advancements in our health care, and the security of Americans depend on winning the war on terrorism.

With this in mind, Senator BIDEN and I, with the support of the majority leader, bring the Foreign Assistance Authorization Act to the floor in tandem with the State Department authorization bill.

The Foreign Assistance bill before you authorizes funding levels for most of the foreign operations accounts within function 150 for fiscal year 2004. The committee took as a starting point the request submitted by the President last February. The executive branch has been working with our embassies around the world for many months to develop accurate budget numbers.

As I previously mentioned, the Foreign Relations Committee worked closely with the Budget Committee on maintaining the President's requests for the 150 account. I note this to highlight the fact that we have sought to work within the rules to achieve the overall funding levels that are before us today. Many members of the committee, including myself, would like to have more funding available. But I am hopeful that members will respect the budget process and the decisions that were made earlier in the year.

With respect to the foreign assistance authorization, the committee made relatively few changes to the dollar amounts requested by the President. We provided a $70 million increase for the Freedom Support Act, a $40 million increase for the Support for Eastern European Democracy Act, a $15 million increase for development assistance, a $6 million increase for peacekeeping operations, and a $100 million increase for the Non-proliferation, Anti-terrorism, Demining and Related Programs account. The additional funds in the Account would be used to safeguard and hasten the destruction of weapons of mass destruction. They also would provide $15 million for a new initiative, The Radiological Terrorism Threat Reduction Act of 2003, contained in title IV of the bill. This legislation authorizes the State Department to provide contributions and technical assistance to the IAEA to deal with the dirty bomb threat. The bill is the result of a cooperative effort between Senator BIDEN and myself, as well as Senator DOMENICI. I want to thank Senator BIDEN for his leadership, going all the way back to the hearings he held in 2002 on this issue.

On the other side of the ledger, we have reduced funding for two of the President's requested programs. The Millennium Challenge Corporation has been reduced from $1.3 billion to $1 billion. This is not an expression of doubt about the MCC concept. Rather, the reduction is based on the judgment that the MCC will require time to become established and may not be able to efficiently distribute the entire $1.3 billion request in the first fiscal year. The $300 million has been deferred until the next fiscal year when the MCC would be in a better position to spend it. We also have made a small cut in the Andean counter-drug initiative. It has been reduced from $731 million to $700 million—the amount appropriated in the previous fiscal year. In addition, we have authorized 2 new contingency funds at the request of the President—the Complex Foreign Crises Fund and the Famine Fund. But we have not authorized specific amounts for these Funds.

Finally, I would like to address the Millennium Challenge Corporation. For those Senators who have not studied this concept, it is a bold proposal by President Bush to provide a new model for U.S. foreign assistance programs. A compromise version of the Millennium Challenge Corporation bill is included in the substitute before us.

Our foreign assistance must be aimed at both humanitarian objectives and goals that aid in the fight against terrorism over the long run. These include strengthening democracy, building free markets, and encouraging civil society in nations that otherwise might become havens or breeding grounds for terrorists. We must seek to encourage societies that can fulfill the aspirations of their citizens and deny terrorists the uncontrolled territory and abject poverty that the terrorists use to their advantage. To do this, all of us should begin to think about foreign assistance as a critical asset in the long-term war on terrorism.

This process will require us to ask how nations develop political stability and economic momentum and how they become good international citizens that contribute to the peace and prosperity of the world community. The Millennium Challenge Corporation has been proposed on the assumption that we do know some of the answers. We believe that successful societies cannot be built without good leadership, economies based on sound market principles, and significant investments in health and education. By establishing firm criteria to measure and reward the progress of low-income nations in these areas, the MCC can provide a powerful incentive to foreign governments to embrace and sustain reform.

The Senate Foreign Relations Committee strongly supported the basic premise of the MCC and applauded the President's personal commitment to the concept. However, members came forward with differing proposals on the organization and bureaucratic status of the MCC. The committee passed a version of the MCC that differed substantially from the President's initial vision.

Since that time, Senator HAGEL, Senator BIDEN, and myself have sought to construct an efficient format for this concept that would be supported by the White House while meeting the concerns of our committee. These talks were difficult, but they also were a positive indication of the interest in the ultimate success of the MCC. I believe that we have succeeded in constructing a good compromise. Everyone gave up something to move the bill forward. Senator BIDEN and Senator HAGEL will be addressing the Senate on their views toward the MCC, and I am sure that they will outline some concerns and reservations. I want to thank both of them for their willingness to be flexible and their contributions during this process.

I would note that the White House also was instrumental in concluding this compromise. The administration has endorsed Senate passage of the the Lugar-Hagel version of the MCC.

Our MCC compromise creates the needed ingredients for inter-agency coordination, a top priority among a majority on the committee. It puts the MCC under the authority of the Secretary of State and has the chief executive officer report to the Secretary. But it does not determine the integrity of the President's concept. It gives the MCC the same autonomous status as the US Agency for International Development with the right to manage itself, hire staff, and create its own new culture. It mandates coordination between the MCC and USAID in the field and gives USAID the primary role in preparing countries for MCC eligibility.

I believe our MCC approach is the right plan at the right time. It provides a way to focus single-mindedly on economic development that is results-based and meets clear benchmarks of success. We can have the coordination we seek while also insulating it from short-term political considerations so that it can focus on the long-term benefits of widening the universe of countries that live in peace and look to a prosperous and stable future.

I would like to notify members that I will be offering a managers' package of amendments and will be asking unanimous consent that it be adopted. As part of that package, Section 204 of S. 925 will be deleted from our bill because it has been included in the defense authorition bill. I would like to express appreciation to Senator WARNER, the distinguished chairman of the Armed Services Committee, for his help on that matter.

The other amendments in the managers' package are technical in nature, clarifying original intention, or correcting errors.

I am looking forward to the debate on this bill and the constructive contributions of our Members at this important time in our Nation's history.

The PRESIDING OFFICER. The Democratic leader.

ACCELERATING THE INCREASE IN THE REFUNDABILITY OF THE CHILD TAX CREDIT—MOTION TO PROCEED

Mr. DASCHLE. Madam President, first, I compliment the distinguished chair of the Foreign Relations Committee for his work on this omnibus piece of legislation. I intend to support it. I admire the work that has been done. I notice Senator HAGEL is in the Chamber, and Senator FEINGOLD. They and Senator BIDEN have really done yeoman work bringing us to this point. The MCC, foreign aid legislation, in addition to the State Department authorization bill, represents a tremendous amount of work and effort to get us to this point. I look forward to the debate.

Having said that, however, I must rise to express my frustration on an unrelated matter. I want to call to the attention of my colleagues the fact that it has now been a month since the Senate passed bipartisan legislation, 94 to 2, to rectify a problem that we all agreed should be fixed. I am referring to the 12 million children, and over 6 million families, that were excluded from legislation we recently passed and signed into law providing tax relief to American families.

Shortly after the exclusion was noted, the President admonished the Senate and the House to solve this problem as quickly as we can because we were bumping up against a deadline.

I recall all the speeches on the Senate floor. Republicans and Democrats came to the floor and said: Yes, we have to change this. Yes, we have to recognize that by July 25th all of this must be done. Yes, when all of these checks go out and relief is provided to everybody else, we should not be leaving out these 12 million children or these 6 million families. Let's resolve it. Let's do it. We said unequivocally that we were going to resolve this by the 25th of July.

Here we are, well into the second week of July, just a matter of a couple of weeks to go before the 25th is here, and yet there is no action. We keep promising. We keep hearing the promises made by others. The fact is, nothing has been done.

I think it is important for us, once again, to light a fire, to reignite it, to state again our determination to see that this is going to be done, to see that these people are not left out, to ensure that we address this issue as we all promised we would do just a month ago.

While I want to get on with this bill and while I want to be as supportive as I can to assure that the very distinguished chair of the Foreign Relations Committee can move this legislation along, I simply believe it is time for us, once again, to restate our determination to solve this problem. We do not need any time. We can have the vote just as we had it before and complete our work on it. But I do think it has to be done prior to the time we get into the real, legitimate debate and discussion about the many worthy aspects of the bill the distinguished chair has laid down.

So, Madam President, at this time I move to proceed to S. 1162, the child tax credit bill, in order for us to accomplish that task first.

Mr. LUGAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HAGEL. Madam President, I ask unanimous consent I be allowed to speak for not more than 10 minutes on the pending legislation, to be followed by the distinguished Senator from Wisconsin for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Madam President, if I could ask, when I am recognized, that my statement be as in morning business, rather than as part of this subject.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. HAGEL. Madam President, I thank my friend and colleague from Wisconsin.

I rise this afternoon to support the legislation that the chairman of the Senate Foreign Relations Committee has brought to the Senate floor today. I also wish to acknowledge his strong leadership, along with that of the distinguished ranking minority member, Senator BIDEN. They have done a particularly effective job at a historic time in the history of this country and the world. This country, the world, and this body will continue to look to their leadership as we go forward into the next challenging year.

I also rise this afternoon to support the Lugar-Hagel compromise regarding authorization for expanded development assistance through President Bush's initiative to establish the Millennium Challenge Account—MCA, as the distinguished Chairman mentioned, as part of the substitute to the Foreign Relations Authorization bill which is now before the Senate.

America faces no greater challenge in the world today than assisting global development and helping eliminate poverty. The security and prosperity of America and our allies cannot be disconnected from stability in the developing world. There are approximately 6.3 billion people in the world and roughly half of them live on less than $2 per day. An estimated 2.4 billion of them are 19 years old or younger.

The next generation hangs in the balance. Global threats and connections to terrorism, weapons of mass destruction, poverty, despair, oppression and infectious disease are not always apparent, but this combination of threats presents complex challenges for America and her allies. Global economic development is a shared interest and must be a shared responsibility.

The Millennium Challenge Account represents a significant new direction in economic development. Linking American development assistance to good governance, democracy, human rights, transparency, and rule of law, will help support the transition to more stable and democratic political systems in the developing world.

The Lugar-Hagel compromise on Millennium Challenge assistance addresses the concerns of myself, Senator BIDEN, and some of my colleagues on the Senate Foreign Relations Committee regarding the organization and management of the Millennium Challenge Corporation, the new agency that will be established to administer this program.

There was unanimous support in the committee for the goals of the President's program—the innovative evaluations and indicators that will be used to assess a country's eligibility for assistance, and the need for more funding for economic development. But I shared the concern of Senator BIDEN and other colleagues that this initiative should complement and expand, not constrain or complicate, the authority of the Secretary of State to manage foreign assistance.

This is a particularly critical time in the history of our Country and the world.

Given the many challenges we face in the world, the secretary's role as America's chief diplomat must not be undercut or compromised. The Lugar-Hagel compromise places the management of the MCA directly under the authority of the Secretary of Sate, who chairs the board of the corporation.

We have the potential to bring a new dynamic to American government interagency cooperation and coordination on economic development on a large scale. The board of the Millennium Challenge Corporation, chaired by the Secretary of State, would also include the Secretary of the Treasury, the USAID Administrator, and the U.S. Trade Representative, as well as the CEO of the corporation, who will report directly to the Secretary of State. This type of coordination, if managed properly, will bring new energy and creativity to our development programs.

America remains the world's indispensable leader in working with others to help promote global stability and prosperity and help eradicate poverty and disease. We need to do more. We will do more. And we need to do it better, smarter and wiser in meeting the challenges of global poverty.

That means our programs and the management of those programs must be more efficient and accountable. Establishing the Millennium Challenge Account is clearly in the interest of the United States. Millennium challenge assistance can play a creative and important role in helping shape a new approach to development policy.

Global development is not a zero-sum game.

As economies stabilize and grow, the citizens of those countries prosper, as well as citizens from all countries. Trade-based growth is the most effective approach to long-term economic stability and prosperity. America's development policies should reflect these economic development fundamentals.

America's credibility will much depend on our ability to continue to assist the developing world. Our power and influence is not defined solely by our military might. President Bush's Global AIDS initiative, his trip to Africa, and the MCA proposal all reflect dynamic and new commitments to security and development.

September 11, 2001 reminded Americans that we face a dangerous world with complex connections and enormous responsibilities for U.S. leadership. The world is inter-connected. Global development, prosperity and stability are directly connected to America's future.

I urge my colleagues to join Senator LUGAR, myself, and others in supporting this compromise management approach to the Millennium Challenge Assistance program.

As the chairman of the Senate Foreign Relations Committee indicated, this approach, this amendment, this compromise, is also being supported by the White House and the State Department.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under "Morning Business.")

Mr. FEINGOLD. Mr. President, I thank the chairman for allowing me to speak at this point and for the excellent experience of serving on the committee during his tenure as chairman.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Wisconsin for his extraordinary leadership as subcommittee chairman and ranking member over a number of years and his eloquent and important statement on Africa today.

In a moment, the majority leader will be on the floor, and Members will want to take note that a rollcall vote is likely to occur sometime around 2 p.m. The leader will explain the situation. In the meanwhile, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I understand the Democratic leader has made a motion to proceed to a bill on the calendar regarding the child tax credit and that the motion is pending.

As my colleagues know, we have been considering critical legislation regarding the State Department reauthorization and are ready to proceed with that debate. The child tax credit bill is currently in conference. That conference is underway. We need to allow the conferees the opportunity to work through the regular order and reconcile the differences between the House and Senate bills. Meetings are underway. We will be meeting later today on the very important issue of the child tax credit. Therefore, in order to allow the process to move forward on that issue and to allow us to return to the important pending legislation, I now move to table the motion to proceed and ask that the vote occur at 2 p.m. today and further that the pending motion be set aside until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Delaware.

Mr. BIDEN. Mr. President, I am pleased to join Chairman LUGAR in presenting the Foreign Relations Authorization Act for fiscal year 2004. As the chairman has described, we will soon submit a substitute amendment consisting of the text of three bills: S. 925, the Foreign Relations Authorization Act as reported out of committee in April; S. 1161, the Foreign Assistance Authorization Act, as reported out of committee in late May; and thirdly, a bill authorizing a new program, the Millennium Challenge Account which was initiated by the Bush administration in March of 2002. This program was authorized by the committee in legislation also reported in May. Since then, further discussions have occurred between myself, Senator HAGEL, and the chairman which the chairman has already described. I will return to that subject in a few moments.

All three bills received unanimous support from the Committee on Foreign Relations. The markups of these bills were not at all contentious and, quite frankly, didn't last very long. Their easy passage in committee is a testament to the bipartisan approach the chairman is developing on this legislation and the committee as a whole. The chairman has already summarized the provisions of the substitute amendment. Let me join him in highlighting a few of the key points.

First, the bill provides the President's budget request for the Department of State, and it does more. We increase the authorization for several programs where we believe the budget request is inadequate, such as embassy security, international exchanges, public diplomacy, and in certain foreign aid accounts, including programs devoted to nonproliferation activities. If we are going to send people overseas to advance American interests, we have to protect them. We have to give them the tools to do the job. That is what we attempt to do here.

Second, the bill authorizes establishment of a Middle East television network. In recent years, the Broadcasting Board of Governors has done an incredible job in reviving our radio broadcasting in the region. Radio Sawa now is, if not the most popular, one of the most popular and oft-listened-to programs in the region. I would note parenthetically that as we struggle to make our case known in the Middle East, we have to understand who our target is. You have the vast majority of the people, for example, in Iran under the age of 18. You have the vast majority, 60 percent of the folks in the Arab world, under the age of 18. We have a very young audience, an audience that if we don't begin to get the U.S. message across, in light of what they are being fed now, these young pages sitting here who make the Senate run, they are going to, when they get to be my age, inherit the whirlwind. They will have a gigantic problem.

The television network is a new undertaking that I and others have been pushing for some time. It is a new undertaking for the U.S. Government in broadcasting but one that I believe is clearly worth trying. Most people in the Middle East get their news from television. Three of us, the Presiding Officer, the chairman and I, returned a week or so ago from Baghdad. One of the things we found out was our case has not even been made there. We control the television de facto right now, and we are on, unless something changed in the last week, at least 4 hours a day with the most bland broadcasts. It is not but it seems that it is straight out of the public information department of one of the agencies in the Federal Government. We have to figure out a way to get Iraqis on television 12, 14, 18 hours a day explaining straightforwardly what is going on over there.

The Iraqi people right now are in 123 degree weather. They have no electricity and they are wondering why Uncle Sam, who could defeat their great Satan Saddam Hussein in such a short time, rout his vaunted army and Republican Guard and fedayeen, can't get everything up and running immediately for them.

They think like most folks in that difficult region of the world that there must be some plot. What they don't know is—and we are not broadcasting it—that all our efforts—not all—are being sabotaged, literally blown up, blowing up the grids, blowing up the powerplants. They are blowing up the oil pipelines.

So one of the larger points about the television network is we have to be in the game. We have to be in the game to be able to try to get our points across in a region where we don't get a very fair shake.

Third, the bill authorizes expanded international exchanges with the Muslim world, including high school exchange programs, modeled on a successful effort that has been in place with Russia and the newly independent states for some time now, and it is successful. There are a lot of avenues for reaching out to the Muslim world, and face-to-face exchanges are one of the best ways to be able to have impact on opening people's minds.

In the foreign assistance portion of the bill, let me call attention to two provisions—the Radiological Terrorism Threat Reduction Act and the Global Pathogen Surveillance Act. My friend from Indiana, the chairman, may be quietly smiling at me for taking these two and focusing on them because they are two proposals that I put forward. But I thank him for concluding they had merit and seeing to it they are in the bill.

I developed these bills over the past year to address the threat of possible radiological terrorism and bioterrorism. The bill on radiological terrorism would address the threat posed by radiological dispersion devices, colloquially known as dirty bombs. Most people listening to this do not understand when we talk about dirty bombs. A lot of people think it is a nuclear device, a homemade nuclear device. That is of consequence, but the dirty bomb can cause incredible economic dislocation, although it is not likely to kill a lot of people. It is taking radioactive material and packing it around conventional explosives and blowing it up and ending up making the area in which it is dispersed have a level of radiation that exceeds what is safe in the minds of the EPA and scientists for people to be engaged in. But it is not going to kill a lot of people if one went off, God forbid, in the Mall, which is not far from here. But it is a clear and present danger and a concern.

The Global Pathogen Surveillance Act is the second piece of legislation which authorizes $35 million in assistance for fiscal 2004 for developing nations to improve their efforts to detect, track, and contain disease outbreaks.

As the SARS epidemic has demonstrated, viruses and pathogens do not respect national borders. Without a quick diagnosis of a biological attack or a rapid recognition of suspicious patterns of diseases, and fast transmission of that information, we can see that an epidemic can spread very rapidly by getting people heading out of an airport not knowing they were exposed.

In dealing with dirty bombs and dangerous pathogens, it is in our national interest to help other nations contain these threats before they get to our shores—threats that do not respect national borders. This legislation does that. It helps them set up infrastructures to be able to have their public health systems go out and identify the existence of these pathogens. One of the things we know about SARS—and the criticism of the Chinese is they didn't acknowledge what was happening quickly enough. They didn't put in place quickly enough a national system to contain it. You have to know the problem before you can warn people of its existence. Many of these countries—a vast portion of them—do not have a public health infrastructure to be able to do this. This helps them; it is a small start of $35 million for that effort.

Finally, let me say a few words about the millennium challenge account. The President deserves, in my view, credit for proposing a significant increase in foreign aid, and requiring that such assistance be targeted to selected countries which meet certain performance criteria. I will acknowledge on the floor what both of my colleagues here know. I was skeptical of whether or not the performance criteria were really a way to avoid delivering foreign aid or a way to identify what we know is important. When we give foreign assistance to a country that, for example, is a democracy, as opposed to a dictatorship, we know that aid is more likely to meet its desired end and be used in a way that is efficacious than when we give it to a country that has no standards, so that we can determine how the money is being dispersed. I have become convinced for some time now that—and this is a President who, historically, I am told has been opposed to foreign aid per se, and some of his predecessors share his view—this is actually a way to increase not only our contribution in foreign assistance but also its efficacy. When we spend a dollar, we will get a dollar's worth of benefit—not us, but the people who get it for the expenditure.

We have learned over the last several decades that providing foreign assistance is important. We have learned a lot. One thing we know is that assistance works best in countries that get the basics right, countries that invest in the health and welfare of their people, have a relatively democratic system and an economic system that is open and transparent. That is what this millennium account is about—making sure that more money goes to places that will be able to use it well.

Where the administration has taken the wrong turn, in my view, is with this proposal to establish a new governmental agency to administer this program. Five years ago, under the leadership of our friend and former colleague, Senator Helms, Congress abolished two foreign policy agencies, the

Arms Control and Disarmament Agency and the U.S. Information Agency, and merged them into the State Department. The legislation enacted in 1998 also gave the Secretary of State more authority to supervise operations of agencies; in particular, the Agency for International Development, so-called AID. I supported that initiative as did I think both of my colleagues here.

The President's proposal, the Millennium Challenge Account, in my view, is directly contrary to the decision Congress made 5 years ago about how we should organize. It would create a new agency to be located outside the State Department and outside the Agency for International Development. In my view, it would weaken the authority of the Secretary of State to coordinate all foreign assistance. I find it ironic that a Republican President would seek to expand the Government's foreign policy bureaucracy, just a few years after Congress voted to reduce the size of that same bureaucracy.

During the committee markup on this bill, the Presiding Officer, Senator HAGEL, and I offered an amendment with the very powerful case he made, which the committee adopted by an 11-8 vote, to prevent the establishment of such an agency. Instead, the Hagel-Biden amendment gave the Secretary of State the authority to coordinate this new program consistent with the 1998 Helms reorganization legislation that passed. The administration responded by threatening a veto if the Hagel-Biden amendment were to survive in conference. I must say I don't find that veto threat very credible. It is easy for me to say, since I am not the chairman. There is a degree of sensitivity that increases when you are the ranking member and it is a President of your own party. I have been there. So I am sure my friend believes that veto threat is much more credible than I think it is. But that is pure conjecture. The reason I am doubtful is the President has yet to veto a bill—I would be shocked if he would veto this whole bill over that one issue. But that is a matter of subjective interpretation.

Subsequent to our markup and this veto threat, the chairman developed a compromise text that meets Senator HAGEL and me part of the way. It retained the provision establishing a new agency, but it does do some good, in my view. It gives the Secretary of State greater authority over the agency by having its chief executive officer report to the Secretary of State, just as the AID administrator reports to the Secretary.

That is an improvement, but it still contains a fatal flaw, and that fatal flaw is the new agency, in my view. Moreover, it adds to the confusion by having the head of the agency report to the Secretary of State, but then assigns several of its critical functions to a five-member board on which the Secretary of State is only one of those five members and dispersing this aid through the millennium account.

Reluctantly, I will go along with this compromise proposed by the chairman. I still believe it is a mistake to create a new agency, and if things were to change, and if by the grace of God and the good will of the neighbors my party took over the Senate again, and if I were chairman of this committee, I must put everyone on notice that I will try to eliminate that agency and try to put it back in the State Department because I think it is a mistake. But I want to deal in full disclosure here.

I am going along with it because, quite frankly, the option is not particularly acceptable. The option is not have the agency, not have the money, not have the increased foreign aid, which I think is not a rational option.

If this legislation is enacted, as I said, I reserve my right to fight another day to attempt to reverse the decision. But based on the way things are going, I do not think anybody should get too worried if you think having a separate agency is a good idea.

I have acceded to the desire of the chairman in order, as I said, not to let the bill get bogged down on this organizational issue. I agree Congress should move forward and improve this important initiative, but in the coming months, the President's proposal will be put to the test relatively quickly. In announcing this initiative, the President pledged to increase foreign assistance above and beyond current aid budgets; in other words, not to sacrifice current programs. This is not we take away from here to give to foreign aid. It is to increase foreign aid and maintain our commitment on other programs as well.

I must tell my colleagues, I am starting to doubt the President will be able to deliver on that commitment. The allocations of the foreign operations appropriations account for fiscal year 2004 in the other body, the House, is abysmally low, in my view, just $17.1 billion, a reduction of $1.7 billion below the President's request. The allocations in this body, in the Senate, are better, $18.1 billion, but still three-quarters of a billion dollars below the President's request.

Even the bill before us falls short. It authorizes $1 billion in fiscal year 2004 and increases to the $5 billion level by 2006. But for this fiscal year, it is $300 million below the President's request.

Again, this is not a criticism of the chairman. He made a very valid point. We have not passed an authorization bill in a long time, and we did pass a budget with which I did not agree. I voted against the budget resolution, but the majority of the U.S. Senate voted for it. The chairman's argument is we must stay within that budget to have credibility in order to get the requisite number of votes to do something we have not done in a long time: pass an authorization bill.

The fact is, we are below the President's request because of being constrained by the budget guidelines we passed, and the House is way below it, $1.7 billion. According to press reports, the Vice President of the United States was involved in negotiations with the House leadership over House allocations. If that is true, it does not look to me as if the administration is working very hard to support this millennium challenge account. Again, as the old saying goes, the proof of the pudding will be in the eating. We are going to know very soon, God willing.

It is beyond my comprehension how the Congress will adequately fund the millennium account, keep our commitment to $3 billion a year to HIV/AIDS assistance, and not reduce any current programs. I seriously doubt it can be done, but I sincerely hope I am proven wrong on that score.

The burden, in my view, is on the President and the majority in Congress in both Houses to deliver on the President's promise. Just as the United States will demand accountability for countries that become eligible, the rest of the world is waiting to see if we will fulfill the President's commitment that has been widely circulated at the G-8, widely circulated in every international forum, and I think we will be making a gigantic mistake if we do not meet the President's commitment.

Mr. President, I yield the floor. I thank the chairman, and I believe we are ready to consider amendments. I see Senator BROWNBACK is in the Chamber. It is my understanding Senator BROWNBACK may start, but we are going to, at 2 o'clock, have a vote and then go back to Senator BROWNBACK.

I thank the chairman for his diligence, for his courtesy, and for his leadership in getting us to this point.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in the absence of the Senator from Delaware, I congratulated and commended him earlier on for his work as former chairman of the committee and one who has worked so closely with the chair and with myself on the MCA and so many other issues. I deeply appreciate that. That is the reason we are at this point.

AMENDMENT NO. 1139 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send a managers' amendment to the desk, and I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself and Mr. BIDEN, proposes an amendment numbered 1139.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1139) was agreed to.

Mr. LUGAR. I thank the Chair. Senator BROWNBACK is in the Chamber, and he has amendments to offer. I am hopeful he might be recognized.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank Senator LUGAR for his outstanding leadership on this bill and on the issues of foreign affairs. He has done a fabulous job, as has Senator BIDEN, the ranking member.

I also thank Senator BIDEN for the tremendous eulogy he gave about Strom Thurmond at the funeral in South Carolina last week. The Senator really did us very proud with his representation of this body and his relationship with Strom Thurmond. It was a touching event. His eulogy of Strom Thurmond was beautiful. I heard a number of people comment about it. It was very nice of him to do that. It was very nicely done.

Mr. BIDEN. Mr. President, I thank my colleague. It was a great honor for me to participate.

AMENDMENT NO. 1138 TO AMENDMENT NO. 1136

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1138.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow North Koreans to apply for refugee status or asylum)

At the end of title VIII, add the following:

SEC. . TREATMENT OF NATIONALS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

Mr. BROWNBACK. Mr. President, this is a simple amendment. I wish to spend a little bit of time talking about it, but it is quite straightforward, it is very important, and it is quite timely.

This amendment regards North Korean refugees and their seeking of refugee status in the United States. It is a one-paragraph amendment. Succinctly put, this will allow the United States to accept as refugees North Koreans who are fleeing North Korea and accept them as refugees into the United States. There currently is a legal dispute as to whether they can be accepted as refugees into the United States. The reason is because when you are born on the Korean peninsula, under the South Korea Constitution, they are automatically citizens of South Korea. Under our law, if you go to another country, you can go there and not seek refugee status here.

There are exits of massive proportions taking place out of North Korea today. We do not know how many. Some have guessed it is as low as 30,000 and as high as 300,000 North Koreans currently outside North Korea and in China living off the land. South Korea really cannot be expected to take all of these refugees who are fleeing China.

It would be an important statement, an important gesture of the United States to be willing to accept North Koreans who are fleeing as refugees into the United States. We can talk about how many at a later time. This seeks to clarify the legal dispute right now so they can be accepted.

The reason I say it is important right now is because currently, at a British consulate in China, there are four North Korean refugees seeking refugee status in the United States, and they are being denied that status of coming to the United States.

I think it is very important that they be allowed to come here as a statement of our support for freedom and liberty and against the tyranny of Kim Jong-il and his regime. The story of the North Korean people is one of the saddest tales on Earth, of hunger and fear and desperation. Isolation, indoctrination, torture, and arbitrary executions are the means to keep North Korean leader Kim Jong-il and his circle of cronies in power, and they exercise this authority and abuse that enormously.

Just the other day, the Financial Times reported on the lavish lifestyle of the North Korean tyrannical dictator saying that while Kim kept a private chef flown in from Japan to prepare his meals:

His people were forced to consume . . . tree bark, grass and insects to stave off starvation.

The wretched situation inside North Korea has forced many North Koreans to take flight to any country that will accept them. The most logical destination is China, given its porous border and proximity with North Korea. Yet China refuses to acknowledge North Korean refugees, instead calling them "economic migrants," thereby denying them protections normally afforded those fleeing political persecution. This is first and foremost a humanitarian concern for the fate of several hundred thousand refugees currently hiding in fear from North Korea in northeast China.

Without forcing China to grant this opening for safe harbor, not only will we be abandoning the North Korean refugees in China but we will be abandoning the 22 million people still inside North Korea. If a window for exodus is created, then the North Korean people will want to escape Kim Jong-il's tyranny. Though it is not yet certain, this exodus will likely expose the fissures in the regime, therefore triggering its implosion.

I rise to offer this amendment to the Foreign Relations Authorization Act, an amendment version of the North Korean refugee bill that I recently introduced along with other Members. Senator KENNEDY has been a key sponsor and supporter of this effort, which will allow North Koreans fleeing Kim Jong-il's tyranny to be resettled in the United States.

Under the Constitution of the Republic of Korea, any person born on the Korean peninsula of a Korean father automatically retains the right to citizenship in the Republic of Korea, that is South Korea. That presents a simple problem for Koreans wishing to be resettled here in the United States.

This past weekend, as I noted, while we were enjoying hot dogs, fireworks, and family during the Fourth of July Independence Day, four teenaged North Koreans made their way to the consulate of the United Kingdom in Shanghai, China. These four North Koreans wanting to get away from the Stalinist-style repression sought refuge first with the British consulate, but expressed the desire to be resettled as political refugees in the United States.

According to today's Korea Times, their request to be resettled in America was denied by the U.S. Government, reportedly saying that it is the U.S. position not to "accept North Korean defectors."

These are people simply yearning to be free from a Stalinist, repressive regime, one of the worst human rights situations in the world, one of the worst politically oppressive situations in the world. If this is the case, if they are being denied by our Government, then I wonder if the Department of State believes that by doing so it is upholding America's responsibility under international law and fulfilling our moral obligation to give safe harbor to anyone fleeing persecution, and clearly they are.

I find this report to be appalling. It is sad to me to think that of all the United States can do in the world, and do so correctly, it is to be humane and uphold the principles of human dignity.

On June 5 of this year, I chaired a hearing titled "Life Inside North Korea," exposing the brutality of Kim Jong-il's regime. In January, I attended the inauguration of the new South Korean president, President No, in which I asked him, a former human rights lawyer and admirer of Abraham Lincoln, to have compassion for his fellow Koreans across the DMZ and help them in their exodus.

Last December, I traveled to northeast China along the North Korean-

Chinese border to see the situation there, to meet with local Chinese officials and get input from NGOs working with North Korean refugees trapped in China.

Finally, in June of 2002, Senator KENNEDY and I held a hearing on North Korean refugees and the resettlement question.

My amendment would ensure that at least there is the opportunity to come to the United States as refugees and it would give hope to those fleeing this repressive regime of North Korea.

There is much we could do to prioritize resettlement of North Korean refugees, but this is the first, easiest, and most noncontroversial step. I want to thank Chairman LUGAR and Senator BIDEN for allowing me to offer this amendment and give this consideration before the committee.

This is a situation that needs to be addressed now. It will be an enormous positive statement to the world and to the Korean refugees if the United States says, yes, we will accept refugees from North Korea. It will be a terrible travesty if we say, no, we will not accept refugees fleeing one of the cruelest, meanest dictators in the world.

About a third of the North Korean people right now live on international food donations, much of which are coming from the United States. It is a regime that is repressive beyond belief. There are books out now—one I have read, "Eyes of the Tailless Animals"—about how the regime treats the people so horrifically, worse than animals.

We have had pictures of refugees coming out—they drew them. They could not take pictures, but they showed how deplorable the conditions are.

I ask for a strong vote in this body to pass this amendment allowing the possibility of resettlement of North Korean refugees in the United States.

I yield the floor.

Mr. LUGAR. Mr. President, I support the amendment of the Senator from Kansas. Some may suggest this legislation is unnecessary, that any legal right to citizenship that North Koreans may have in South Korea would not necessarily bar them from eligibility for refugee or asylum status under the Immigration and Nationality Act.

However, with enactment of this legislation, certainty is provided on this issue. And I believe we must do more. It is important that we continue to press China toward better treatment of North Korean refugees, and I support efforts by the Administration in providing greater emphasis on supporting non-government organizations assisting North Korean refugees.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, very shortly we are going to have a rollcall vote. I am hopeful we might take action before that point. So I will make just a brief statement of support for the amendment of the Senator from Kansas. He is a dedicated member of our committee, has traveled to Korea as he mentioned in his statement, as well as other parts of Asia that are relevant to this amendment.

Some suggest the legislation is not necessary, that the legal right to citizenship North Koreans may have in South Korea would not necessarily bar them from eligibility of refugee or asylum status under the Immigration and Nationality Act. However, with enactment of this legislation, certainty is provided on this issue.

I believe we must do more. It is imperative that we continue to press China toward better treatment of North Korean refugees and support efforts by the administration in providing greater emphasis on supporting nongovernmental organizations assisting North Korean refugees.

Both managers of the bill, Senator BIDEN and I, are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1138.

The amendment (No. 1138) was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

CHILD TAX CREDIT

Mrs. LINCOLN. Mr. President, I rise today to speak on behalf of an issue we are getting ready to vote on at 2. This is an issue we have had a lot of debate on. We have certainly discussed the issue in great detail about how important it is to provide the kind of tax relief to all working Americans trying to raise a family. This is an issue, of course, of the refundability of the child tax credit.

I do not know what it is going to take for this body and the other body to send a bill to the President, who has already said he would sign this initiative. It is less than 1 percent of the overall tax package that was passed and sent to the President to be signed. The fact is multitudes of Americans are going to get tax relief in the next couple of weeks and 12 million children in this country are going to be left out. These are hard-working American families who are playing by the rules. They do not even qualify for this unless they have a working income and they have children.

This is a special opportunity we have. If one individual in the House of Representatives can hold up providing relief to 12 million children, 200,000 military families, not to mention well over 50 percent of the population of my State, there is no reason we should be here to begin with.

I encourage my colleagues, let's move to proceed to the bill to provide the refundability of the child credit to all working families and those who are working desperately to provide for their children and our great Nation.

Mr. McCAIN. Mr. President, I will vote to table the motion to proceed to the consideration of S. 1162, the Child Tax Credit bill. However, I am only voting in favor of the motion to table in order to give the conference sufficient time to create a final bill so that millions of American families earning between $10,500 and about $25,000 will receive tax relief through the acceleration of the refundable child tax credit.

Accelerating the refundability is especially important for military families. The Department of Defense estimates that there are approximately 192,000 families whose income is between $10,500 and about $25,000. I believe that it is highly unconscionable that many of them will not receive child tax credit relief this year unless we pass a child tax credit bill this summer.

Therefore, I urge the conference to complete a final bill in a timely manner. Otherwise, if there is another motion to proceed to the consideration of this legislation, I will vote in favor of the motion to proceed.

VOTE ON MOTION TO TABLE MOTION TO PROCEED TO S. 1162

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, there will be a vote on the motion to table the motion to proceed.

The yeas and nays have been ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—4

Graham (FL)
Kerry
Lieberman
Miller

The motion was agreed to.

Mr. LUGAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Madam President, the distinguished Senator from California, a member of our committee, is prepared to offer an amendment, and we are eager to have that debate.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1141

Mrs. BOXER. Madam President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. SNOWE, proposes an amendment numbered 1141.

Mrs. BOXER. Madam President, I ask unanimous consent that the reading of the remainder of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961)

At the end of title VIII, insert the following new section:

SEC. 815. GLOBAL DEMOCRACY PROMOTION.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the "right of the people peaceably to assemble, and to petition the government for a redress of grievances" is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

(b) ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.—Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

Mrs. BOXER. Madam President, the reason I was happy to have the clerk read the first three findings in this amendment is that I think these words really speak to what the United States is all about, which is free speech, the ability for people to be told the truth, and the ability of medical professionals not to be gagged from telling the truth.

Most unfortunately, what is happening right now, as a result of this administration's policy known as the Mexico City policy, foreign nongovernmental organizations—in other words, nonprofit organizations—that received USAID family planning funding are restricted in how they can help their patients.

Who are these patients? I will go into this later in detail. But they are the poorest of the poorest women in the world. What has happened, I would say because of politics in this country, is we have a very unfortunate worldwide policy now that says to the private, nonprofit organizations that are helping the poorest of the poor people—mostly women—they cannot use their own money to advocate for changes in the abortion laws of their own country.

So if they believe the abortion laws in their own country are, for example, killing women because they are saying there can be no abortion ever, even to save the life of a woman, they cannot use their own funds to advocate for change. Or if they believe the woman who comes before them has decided, of her own free will and her own conscience and with her own religious guidance and with her own family guidance, that she would like to have a legal abortion, these foreign, nonprofit organizations may not use their own money to help that woman. Not only that—this is, to me, the worst of it all—they may not use their own money to provide full and accurate medical information about what options a woman has.

It is hard for me to understand that in a country as free as ours, in a country as great as ours, we would have a policy which we dare not do in our own country because it would be clearly unconstitutional. A domestic gag rule is clearly unconstitutional. Why would we put such a policy forward and tell these little nonprofit organizations, that are struggling to meet the needs of the poorest of the poor, they would jeopardize their USAID funding if they absolutely do nothing more than even tell a patient what her legal options are, what her safe options are?

This is known as the Mexico City policy because it came out of a conference in Mexico City a very long time ago. This policy ended with President Clinton in 1992, when he said he would absolutely uphold the law that we had before this global gag rule which said you cannot use Federal money in any way to promote abortion—that was the law, and he didn't disturb that—but certainly a group could use its own money.

What happened is for 8 years we did not have this regressive policy that turns the clock back on women's rights, and yet when President Bush came in, it was one of the first things he did, to reinstate this Mexico City policy.

I am very proud that cosponsoring my amendment, which would overturn this policy, are Senator CHAFEE and Senator SNOWE. I am very proud to have them as Republican lead cosponsors. I am also very proud to have Senator MIKULSKI and Senator MURRAY as cosponsors. I am very happy to say the ranking member of the committee has told me I may add his name and he will be speaking in behalf of this amendment.

Clearly, we have an opportunity to do the right thing today. We have done it before. We have overturned this before. We have taken a stand before. I hope we will do it again.

Again, I wish to say what we are talking about here because there is always confusion. This has nothing to do with Federal funds. Federal funds may not be used in any way related to abortion. This only has to do with the private funds of these little nonprofits that are trying to help women.

What has been the impact of this gag rule? You may say, Senator BOXER, that is very interesting, but what is really happening on the ground?

Here is what is happening on the ground. With the gag rule in place, these organizations face two choices: They can either refuse U.S. assistance or they can limit their own services. You know how hard that must be for these struggling organizations in these very poor nations.

Madam President, you have seen the world in your capacity as head of the Red Cross. You know some of these places are struggling. You know very much of it is the women who struggle the most, who are the most poor, who have the most health needs. We are seeing organizations saying: OK, I can't take the money. I can't take USAID funding because I cannot limit my ability to help my patients.

I am going to show you a case later that is very emotional and very disturbing as one example of a group that turned back this funding, and I will tell you why.

Imagine the Hobson's choice they face. Here they are, struggling, yet if they take this money, they can literally not tell their patients the truth. They are literally barred from telling their patients what is the most safe procedure for you, what are your options. They may not tell the patient that.

What is happening on the ground—and we will prove it with cases before you—we say women and families are suffering increased misery and even death. They are suffering this because there are clinics that are shutting down because they cannot take the money, and there are clinics that are being gagged, they cannot tell the truth.

Why is family planning assistance important? This is not just about abortion. These are clinics that help women plan their families. We know family planning increases child survival rates. It improves maternal health. It prevents the spread of HIV/AIDS. We have the President of the United States—and it is wonderful that he has decided to visit Africa. I have to say, while he talks about how much he wants to help HIV/AIDS, and I believe he does, he needs to understand, and perhaps he doesn't get the fact, if these clinics close down, we are going to see the spread of HIV/AIDS, we are going to see the spread of other infectious diseases.

International family planning funding helps save lives. On the one hand, to say I am here in Africa to help and on the other hand to have imposed a gag rule on doctors and nurses and clinicians so they cannot tell poor women the truth about their options or they cannot work to change the regressive laws of their country—for example, to say if a child is raped, if a child is the victim of incest, that child ought to be able to get a safe, legal abortion—these clinics cannot even do this under this global gag rule.

As a result of USAID funding, more than 50 million couples in the developing world use family planning. In the last 30 years, the percentage of couples using family planning has risen fivefold. This is something to celebrate. We know fewer than 10 percent of couples used contraception in the 1960s. We are talking about foreign countries that we helped. Now 50 percent of the couples use contraception. So the word is getting through. But the need for family planning assistance continues because of the growth of population.

Why on Earth are we setting in place a vehicle, this global gag rule, which will deprive people of their health care, will deprive women of knowing what their options are? We don't know exactly how many organizations have refused funding because of this gag rule, and we cannot measure exactly how many abortions would have been prevented by family planning. But we know clearly whenever you cut back in family planning services, you see an increase in abortions. We know 78,000 women throughout the world die each year. I want us to think about what that means. Seventy-eight thousand women throughout the world die each year as a result of unsafe abortions. At least one-fourth of those unsafe abortions in the world are girls age 15 to 19.

When we have a policy that results in clinics shutting down, we have a policy that results in illegal abortions because if they take the money, they can't tell a young girl the truth of what her options are. She may run to a back alley in desperation, and she may well die.

Seventy-eight thousand women throughout the world die each year from unsafe abortions. That is not a pro-life policy. I am sorry. That is an anti-life policy to put women at risk.

Seventy-eight thousand women die each year. That is a horrific statistic. That is happening because women cannot avail themselves of the family planning services they need.

What does our amendment do? What does the Boxer-Chafee-Snowe-Mikulski-Murray-Biden amendment do? First, it says foreign nongovernmental organizations cannot be denied funding based on the medical services they provide with their own funds, including counseling and referral services. Withholding medical information, as I have said before, to patients who need it is an intolerable situation. It would be intolerable in this country. We know, because it was tried in this country 20 years ago. There was absolutely an uproar. Doctors would say, excuse me, are you putting a gag over my mouth? Are you saying I cannot tell my patients what their legal options are? The answer came back: This cannot be sustained in a country that believes in freedom of speech. So what we couldn't do here we are doing there.

We say there shall be no gag rule. That is the first part of our amendment.

The second part says in addition to being able to tell the patients the truth about their options, an organization should be able to lobby in any way it wants as long as it doesn't use USAID funds.

We have a win-win situation in this amendment. Doctors and nurses and folks who work in these nongovernmental organizations and these small nonprofits are going to be able to tell the truth to their patients. Here are your options. Treat their patients like adults. I think it is essential to treat a woman like an adult. This is your predicament. These are the things you can do. You can have a child. You need to think about that. You could keep the child. You can give the child up for adoption. That is an option. You can end this pregnancy, if you end it early without complication. But it is your choice. I think women should be treated as adults.

Then if these organizations see that women are dying from illegal abortions because this country, let us say, outlawed legal abortions, they can lobby for this with their own funds. What we are doing is restoring democracy to the USAID program.

Frankly, I can't believe this regressive policy is even here in the 21st century. It is killing women. This is not something that is preventing abortions. Its impact is that women will seek illegal abortions. It is what happened in this country. Hundreds of women in this country died every year because they could not get access to safe, legal abortions until Roe v. Wade. Then we said to women, this is a legal option. It is your call. It is up to you at the early stages of the pregnancy. It is really a very straightforward and fair law.

What we are saying to women abroad now is if you go to a doctor, you should be able to hear your options. If your organization wants to be able to lobby on your behalf for better laws to protect your life, they ought to be able to do that—not with Federal funds, not with USAID funds, but with your own funds.

The global rule is undemocratic. It is a miserable impediment to poor women. It would be unconstitutional if imposed on our own citizens. It is bad foreign policy. I believe our bipartisan amendment ends it and does it in a very good way—in a way everybody can be proud of.

I want to tell you a story and give an example that occurred in Nepal.

I am so proud to serve on the Foreign Relations Committee at this time. I am the only woman, which is a lonely thing. Madam President, you ought to think about coming on with me. It is a great honor and privilege.

I want to say that our chairman, Chairman LUGAR, could not be a more fair chairman, could not be a more hard-working chairman, and could not have more respect on both sides of the aisle. It is an honor to be on that committee in the Senate. It is an honor to be serving with the ranking member, JOE BIDEN. I think our colleagues are very bipartisan. It is a tough time now in our country for bipartisanship. We really work together on that committee.

At the time we were in the majority, we had a series of hearings on this global gag rule to see what was happening on the ground.

In 2001, I chaired a subcommittee hearing where we had a small nonprofit, nongovernmental organization from Nepal. They were faced with this global gag rule. They had to make that Hobson's choice: Do they take the money and then give up their right to lobby in behalf of their patients or do they turn back the money? This little organization turned back the money. The reason they did it was not some abstract theory but a specific case. They cited how their organization was able to advocate on behalf of the 13-year-old girl whose name was Min Min.

This is a story I want to share with my colleagues. How can we turn our backs on this child and other children like her? How we can turn our backs on the organizations that are out there is beyond my comprehension to understand.

Min Min was raped by a relative. I want to show you her face. She was 13. Her family forced her to have an illegal abortion after the rape. As a result of illegal abortion, she was arrested and she was taken to a central jail in Nepal. In 2001, Nepal put the victim in jail—not the relative who raped her. Look at this child. The girl's relatives were not punished. But Min Min was sentenced to 20 years in jail, and she was abandoned by her family.

In your life, could you even imagine such a thing? A 13-year-old girl jailed for her life after she was raped. That was her crime.

This particular NGO in Nepal had refused to take USAID money because they wanted to advocate to change the laws in Nepal.

You would think we would be on their side. You would think we would be horrified that 13-year-old girls can go to jail for 20 years because they are the victims of rape by a relative. You would think we would say to this nongovernmental organization: We want to help you. But, no, under this global gag rule put into place by this administration this little girl was left that way, without the help of USAID, without the funding of USAID.

This NGO, which turned back the money, went to bat for her and to change the law. After 2 years in prison, this child—2 years in prison, from age 13 to age 15, when a child should be home with her family, getting the guidance and love of her family—after sitting in jail after 2 years, finally, the laws were changed. Because the NGO, the nongovernmental organization, refused to take the money—because they knew they must work to change laws—they were free to go and do it, and they got the law changed and she was released after 2 years in jail—2 years in jail for being a victim of a sexual assault by a relative.

Now, had this NGO taken the money of USAID, they would not have been able to advocate on behalf of this child. We had the leader of this organization come before the Foreign Relations Committee, and this is what he said: "How can we turn our back on women who die or are injured daily due to unsafe abortion?" How can we stop organizations from changing the laws?

The happy ending to this terrible tale is that the NGO worked with the government and last year the law was changed. There will no longer be lifetime jail sentences when these young girls are raped. That is the good news.

Let me give you the really terrible news. This NGO has been forced to close clinics in Nepal because of the loss of their USAID money. Now, can anyone stand up here—and I would ask someone. We have a Senator in the Chamber who I know opposes this and may get up and defend what we are doing. But it is pretty clear, my friends. You can put any fancy language and ideology on it. I am not ideological. I just do not want to kill women. I just do not want to have little girls age 13 sitting in prison because they are raped. I just do not want to tie the hands of organizations to rescue girls such as this, to change the laws of their country that wind up killing women, harming women, and making them sit in jail when they are raped.

If you can explain why that is a good law, that is your choice, and I respect that and all, but I cannot understand how we would, in this 21st century, tie the hands of small nonprofit groups that want to help girls and women such as this.

In Zambia, the Family Life Movement of Zambia, a faith-based, antiabortion organization, has been unable to expand programs because the global gag rule has disqualified Planned Parenthood Association of Zambia, a partner organization. The FLMZ promotes abstinence among young people in Zambia and it does not provide contraceptives but they are in partnership with Planned Parenthood. They are a faith-based antiabortion organization.

I told you, I am not ideological on this point. They are in a partnership with Planned Parenthood. This group that believes in abstinence, they cannot get the funding from USAID. Now, you explain to me how that works.

What this organization does is, if they would come across a young person or young people who are sexually active, they would be referred to this Planned Parenthood group or they could receive information about contraception. But the global gag rule has forced Planned Parenthood of Zambia to close three of its nine rural outreach programs and costs them more than $100,000 worth of contraceptives.

So here you see it. You see on the ground what is happening to organizations that are trying to help the most desperate women and girls.

The Family Planning Association of Kenya, which does not provide abortion, has had to cut its outreach staff in half, close three clinics that served 56,000 clients in traditionally underserved communities, and they have had to raise their fees at their remaining clinics because they would not take the money because they did not want to be gagged.

One of the clinics that closed housed a unique well-baby center that provided comprehensive infant and postpartum care, making it easier for women to receive critical followup care. The baby center is now closed.

What is going on? I think there is a misunderstanding in this administration because they are shutting down well-baby clinics. They are shutting down well-baby clinics. They are shutting down organizations that distribute contraception. They are shutting down organizations that are fighting for laws that will save women's lives.

This is a terrible, terrible regulation. It is terrible for the women. It is terrible for the doctors there. It is terrible for the nurses there. It is terrible for the babies there.

I think it is a terrible message from our country that we are so ideological over here that we will not let nongovernmental organizations that are trying to help women and families do their work because of some dispute over abortion in this country. I have some words about that: Get over that dispute. That dispute will be with us for a long time. We are going to have to resolve it in our way. But why make women in foreign countries pay the price, children in foreign countries pay the price, little girls such as Min Min pay the price because we have an argument over here over whether a woman should have the right to choose?

We are doing things to these organizations we cannot do in this country because it is a violation of the Constitution; it is a violation of freedom of speech. We are going around the world trying to bring democracy to countries.

We have soldiers dying for freedom of speech in Iraq right now—every single day. I have another 14 Californians who are dead since the war "ended." Why are they there? They are fighting for freedom and democracy and freedom of speech for the Iraqi people.

But we have a policy that takes away freedom of speech from folks who want to help people get health care. It is a very bizarre twist in our country's history, and one that, believe me, is not lost on other nations.

Recently, the Health Minister of Kenya has suggested that abortion should be made legal as a way to confront the devastation that unsafe abortion has on the women in that country.

Well, congratulations to the Health Minister of Kenya for understanding something that our Supreme Court figured out a long time ago: that abortion should be legal and women should not be made into criminals, nor should doctors who help them as long as that abortion is performed in the early stages of the pregnancy. That is all that Roe says in this country.

The Health Minister in Kenya is looking at the devastation of illegal abortion. He is looking at the devastation of back-alley abortion, just as our people looked at that in the 1950s, 1960s, and 1970s and came to the conclusion that we ought to legalize this and keep the Government out of it and let the people decide such an intensely personal, private, difficult, moral, religious issue.

He has come to the conclusion that people know better, not the government, that there should not be a rule that you must be forced in any way on this issue—either to not have an abortion or to have an abortion—and that maybe his people should be trusted. The organizations that have the gag rule in Kenya cannot speak out, when they know what they see and they want to help reduce maternal mortality and morbidity.

I am giving you these examples of various countries because I want my colleagues to understand this is not about ideology. This is about practicality. This is about children like this. This is about women. This is about families. This is about babies. This is about people getting help.

The Family Guidance Association of Ethiopia, the largest reproductive provider in that country, operates 18 clinics, 24 youth service centers, 671 community-based reproductive health care sites, and hundreds of other sites for health care. Still fewer than 20 percent of Ethiopians live within a 2-hour walk of any health provider.

We are talking about countries where people can't jump in a car and drive an hour to get health care. They literally have to walk to their health care. So if even a few of the clinics have to close down because of lack of funding, women are consigned to trouble. They are going to have to go two blocks around the corner, down the street, behind a house and have an illegal abortion and maybe face death or infertility.

A half a million dollars has been turned away by this organization, the Family Guidance Association of Ethiopia, because they will not abide by being gagged. They will not say to their doctors: You can't tell women the truth. They will not say to the nurses: You can't tell women the truth. They will not say to their people: You can't lobby your own government for changes in laws that will help women.

So what has happened? They have had to cut off the supply of contraception. It is a very sad day. Since abortion is illegal in Ethiopia, imagine what is going to happen if people can't have contraception?

You want the world to be perfect. I well remember this discussion when my children were younger. You want your children to listen to you. You want to make sure that every child is a wanted child. You want to make sure that there is abstinence, yes. But it might not happen. And if it doesn't happen that way, the way you want it to happen, to what are we consigning our young people?

In the case of these foreign governments, we are looking at a child in jail, and this one was raped by a family member. What is the policy of our country to be that we are going to tell these young women we are not on their side?

I cannot fathom it. A girl put in jail, served for 2 years because she was raped by a relative, and the nonprofit foreign organization that helped her was punished by America because they wanted to help her, because they wanted to get the laws changed, because they wanted to get her out of jail? What is wrong with us? How can we proudly stand by this gag rule? We should not. We should repeal it today.

As I say, we have bipartisan sponsorship on this bill and we have a chance to overturn it. The President has threatened to veto the bill if we overturn this global gag rule. Can you imagine, the President has said he will veto the bill if we reverse this rule, if we want to help children like Min Min. I want to ask the President: Do you think it is right to put a little girl in prison because she was raped by her family? I am sure he would say: Of course not. It is awful.

Then I would ask him: Do you think it is a good thing for people in that country to come to this little girl's rescue and help her? I am sure he would say: Of course.

My next question would be: Then why are you shutting off the funds to the nonprofit organizations that want to help her cause? He would probably say: Let me get back to you.

Frankly, I don't see how he could answer that without taking a long time to twist it around. This isn't about ideology. This is about real people. This is about the poorest children, the poorest women, the poorest families. This is about imposing a gag rule, which we are not allowed to do in this country because we have a Constitution, on other people. Why? I guess because we can. It is wrong.

It is wrong that the largest family planning organization in Ethiopia—God knows they have enough trouble there; they have droughts and everything else—loses $500,000 because they won't be gagged. And as a result, people cannot get contraception. And as a result, women are going to have to have illegal abortions because abortion is illegal in that country.

We know 78,000 women every year die across the world from illegal abortion. We are the United States of America. We are a good country. We are a kind country. We are a generous country. We are a great country. Why would we do this to the poorest of the poor?

In the case of Ethiopia, 229,000 men and 300,000 women in urban areas are not getting served by this organization because there is some ideological problem that we have here in this country that we should not export elsewhere.

I am coming to the end of my examples. I have one more about Peru. There is a program in Peru that is designed to engage local women from poor communities across the country in identifying the most pressing reproductive health needs. This organization, Manuela Ramos, convenes the discussions and then works with the Ministry of Health to develop specific responses to those needs. In many communities, women identify unsafe abortion as their most pressing problem. The gag rule prohibits this organization from even engaging in discussions about ways to reduce illegal, unsafe abortion.

I am mortified that a decision by this administration is gagging not only the people who receive USAID funds but even the people who go there are not allowed to discuss together how to make life better for the women of Peru, the women of the world.

I am taking a lot of time on this today because I am pleading with my colleagues to stand up and be counted. If it is true that you are not going to vote for this because the President said he will veto the bill, I say: Let's go for it. Maybe he will change his mind. I am happy to sit down and tell him about Min Min, this 13-year-old girl. I am happy to give him the statistics. I will be glad to talk to him about the 78,000 women dying every single year from illegal abortions. I believe I could maybe change his mind.

Maybe he will change his mind—let's give it a chance—if he sees a strong bipartisan vote.

I want to show you a couple of other charts and then I will be finished, until I hear the other side and I will come back to debate.

This is an editorial that appeared in the Washington Post when this global gag rule was put into place. It is headlined "Divisive on Abortion."

> Making an organization censor its views as a condition of receiving government money would be unconstitutional on free-speech grounds in this country; it should have no place in U.S. foreign policy. Moreover, requiring doctors to withhold information from patients violates the common conception of medical ethics. There will be . . . more circulation of the AIDS virus, more poverty-entrenching high birthrates and more unwanted pregnancies—meaning more abortions.

I will take a minute to talk about this because this really sums up what I have been saying in a very neat little package.

> Making an organization censor its views as a condition of receiving government money would be unconstitutional on free speech grounds in this country.

Well, you know that is true. We don't do that. We don't tell every group in this country that receives Federal funds they cannot talk about anything, because this is America, the land of the free and the home of the brave. Free speech is the basis of our country. It is what our soldiers are dying for in Iraq. So we don't tell people in this country that if you get Federal funds, if you get Social Security, you cannot talk about X, Y, or Z. If you get funds through Medicare, you cannot talk about A, B, or C. Try that on the elderly population in this country. You will be out of office so fast you won't know what hit you. Face it, that is what we are doing here.

They say that kind of condition on receiving money should have no place in U.S. foreign policy. I agree with that. Here we are, a bastion of freedom and democracy and free speech, going around the world telling people about that on the one hand and our soldiers are putting their lives on the line. Yet in this program, we are telling little charitable, nonprofit health care centers they cannot tell their patients the truth. Not only that, if they see a law that is killing their patients, they cannot work to change it. What a shame on our country. They say it should have no place in foreign policy. That is exactly right. That should have no place in foreign policy.

> Requiring doctors to withhold information from patients violates the common conception of medical ethics.

How true is that? When our doctors take the Hippocratic oath, they say they will do no harm, they will do everything to save the life of their patients and give them the best of health care. Imagine going to your doctor and you have a terrible illness and the doctor knows four options for you and he cannot talk about two of them because the Government said he could not. So you hear about two options but not the other two. When you found out that you didn't get the whole story, and something happened to you, your family would be in the courthouse door—and rightly so—saying: How could my doctor not have told my dad that this particular type of surgery would have cured his cancer?

The fact is, we are gagging doctors and health care practitioners in foreign countries from telling patients the truth. Then this editorial says:

> There will be . . . more circulation of the AIDS virus, more poverty-entrenching high birthrates and more unwanted pregnancies—meaning more abortions.

We have a policy in our country called the global gag rule which I, Senator CHAFEE, Senator SNOWE, Senator MIKULSKI, Senator MURRAY, and Senator BIDEN are trying to overturn. We hope to get a lot of you with us. We are trying to overturn a policy that is causing illegal, unsafe abortions to take place because, clearly, if you tell a nonprofit organization they cannot tell you the truth, you are going to be desperate.

Seventy-eight thousand women a year die. So you are also going to see more circulation of the AIDS virus. Why? Because a lot of these clinics that are closing down—and it is not just about abortion; it is about family planning, contraception, and learning how to protect yourself from the AIDS virus and other sexually transmitted diseases. And there are going to be "poverty-entrenching high birthrates."

Why would this be a policy of the United States of America? It is hurting people, not helping them. It is gagging people, not giving them free speech. It is hurting America's reputation in the world. It turns the clock back on progress.

Let me say very clearly as I close my opening statement that the Washington Post said:

> Around the world, more than a half-million die from pregnancy-related causes annually. A real pro-life policy would focus on reducing that death toll by providing more contraception and safer abortions.

That is it in a nutshell. It is not like we are dealing in mysteries. We know certain truths. We know that if women have access to good health advice, they will avoid unwanted pregnancies. We know that if they have access to good health advice, they will have healthy babies and they will be healthy. We know all those things. And we know for that to happen, women have to be educated on their options. We know that.

What else do we know? We know that some countries do terrible things. I want to show you again the picture of Min Min, who is 13 years old. She is in prison because a family member raped her. The organization that tried to help her, in order to do that, had to hand back their USAID funding because President Bush said they could not help her. He put the global gag rule in place. He said nobody can help her. That is what it says. If I talked to him one on one, I know he would be shocked at this story, but the fact is that this policy of a global gag rule made it impossible for the organization to help her until they gave back their USAID funding. What a shame on our country—to be associated with such an outcome.

I want to be proud. This is a country I love. I want to be seen as helping, as spreading democracy and freedom of speech and ideas.

So for all those reasons, I hope we will have a good vote that will get rid of this global gag rule. I don't care if there are veto threats. We have to stand up for something here. This is the Senate of the United States of America. This is the year 2003. Little girls such as this should not have to suffer because we have a policy that punishes folks who want to help her.

With that, I yield the floor and I hope we can continue this debate.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Indiana.

Mr. LUGAR. Mr. President, the distinguished Senator from California has presented her case, as always, with eloquence. Let me ask the distinguished Senator, I understand Senator BROWNBACK may wish to speak on this issue, I want to speak for a short while on the issue, and the Senator from California perhaps wants some time.

Mrs. BOXER. Mr. President, if my friend will yield, Senator REID wants to be here, and I believe Senator BIDEN. I can get back to the Senator from Indiana in short order with how much time we will need.

Mr. LUGAR. What I would like to propose is we plan to vote at 5 o'clock and have 40 minutes more debate evenly divided, 20 minutes to a side. That would be my hope.

Mrs. BOXER. I would think that will work, if I can just have a moment to get back to the Senator.

Mr. LUGAR. Very well. I will proceed, and then if the Senator can inform me, that will be helpful.

Mr. President, when the Mexico City policy, which is our discussion today, was restored by President Bush in 2001 when he came into office, he stated once again the conviction that the U.S. taxpayer funds should not be used to pay for abortions or for the advocacy, for those who actively promote abortions as a means of family planning.

The fact that this President has taken this position, as have other Presidents before him, does not lessen his commitment or our commitment to strong international family planning programs. Indeed, President Bush's fiscal year 2004 budget requests $425 million for population assistance, the same funding level appropriated during fiscal year 2001, President Clinton's final year in office.

President Bush has confirmed his commitment to maintaining these funding levels for population assistance because he knows one of the best ways to prevent abortion is by providing voluntary family planning services. That is a policy of our Government now. It is a policy that our President advocates for the future.

We are all aware of the numerous attempts to reach compromise language that would satisfy all sides on this very important issue but no acceptable accommodation has been found to date. Perhaps in recognition of this state of affairs, the President has advised that any legislation that seeks to override the Mexico City language will be vetoed.

Let me make clear that the restrictions in the Mexico City policy do not prevent organizations from performing abortions if the life of the mother would be in danger if the fetus were carried to term, or abortions following rape or incest. Similarly, health care facilities may treat injuries or illnesses caused by legal or illegal abortions.

I wish to make that point because the distinguished Senator from California has told the story, and it is a tragic one, of a 13-year-old girl. I simply want to clear up the point that the Mexico City policy has not prevented organizations from performing abortions if the life of the mother would be in danger if the fetus were carried to term, or abortions following rape or incest.

The issue comes in whether taxpayer funds of the United States should be utilized by organizations in the internal debates within countries. That clearly is an issue upon which Senators will differ, but it is a different issue than the issue of whether, in fact, funds might have been utilized in this particular tragedy.

There are many foreign nongovernmental organizations through which USAID can provide and does provide family planning information and services to people in developing countries. The President has decided that assistance for family planning will be provided to those foreign grantees whose family planning programs are consistent with the values and the principles of his administration. And every President since 1984 has exercised his right in that regard.

I wish to make clear, and the Senator from California is correct in this assumption, the administration's statement of policy with regard to legislation that we now are engaged in states with regard to the amendment on Mexico City policy:

> The administration would strongly oppose any amendment that would overturn the administration's family planning policy, commonly known as the Mexico City policy, and allow U.S. taxpayer funds to go to international organizations which perform abortions and engage in abortion advocacy. The President would veto the bill if it were presented to him with such a provision.

Mr. President, as manager of this bill, I have to take that statement seriously, as does every Senator. The distinguished Senator from California has indicated perhaps the President might be persuaded to change his mind, and perhaps that is the case. But this President has been very clear and I think the directives with regard to policy on this legislation are very clear in the language I have just read.

I appeal to Senators that there are so many important provisions in this legislation with regard to our national security, the importance of our diplomacy, humanitarian concerns to international organizations, the dues that are paid—a whole host of issues. I think Senators are aware of that. I hope we will not jeopardize all of this progress. I hope we will continue to have honest debate on the Mexico City policy in other fora, and there are opportunities for Senators, simply with bills that are directed to this issue, as opposed to amendments added to legislation in which we have put together the State Department authorization, the foreign assistance authorization, the Millennium Challenge Account, and a number of issues which are very important to the future of our country.

I will oppose the amendment. I ask other Senators to do so for the reasons I have given.

If I may engage in colloquy with the distinguished Senator from California, is there disposition that we may be able to proceed to an agreement on time for a vote?

Mrs. BOXER. We have spoken with the Senator's staff, and we have made a suggestion. They apparently are working on finding out if it is acceptable. I will, once there is a quorum call in place, explain the details.

Mr. LUGAR. I yield the floor.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, just a few years ago I traveled to Nepal, a country with one of the highest maternal mortality rates in the world, certainly in Asia. More than 500 out of every 100,000 women in Nepal die from pregnancy-related complications compared to 7 out of every 100,000 women in the United States. Again, 500 women in Nepal die from pregnancy-related complications compared to 7 in the United States.

Nepal is not the only place where women are at such high risk. Every minute of every day at least one woman somewhere in the world dies from causes related to pregnancy in childbirth. Every minute of every day a woman dies from causes related to pregnancy. That is 600,000 women every year who die from causes related to pregnancy. I repeat for the third time, 600,000 women every year.

Our country offers hope to women around the world. Our support for international family planning programs spells the difference between life or death for women in developing countries. And family planning efforts prevent unintended pregnancies, save the lives of thousands of women and infants every year. Family planning also helps prevent the spread of sexually transmitted diseases.

Last summer, I traveled to South Africa: Kenya, Nigeria, and Botswana. The subject of AIDS and the terrible damage it has done to the African people became the focus of this trip. We did not want it to be the focus of the trip, but it became the focus of the trip. It overwhelmed everything that we talked about and saw. Africa has been overwhelmed by the AIDS epidemic. More than 20 million Africans have died from AIDS and more than 5,000 continue to die each day from this disease. It is 7 days a week. It does not matter if it is Thanksgiving, Christmas, or whatever holidays they might have. There are no vacations, no holidays. Seven days a week, every week of the year, more than 5,000 Africans die, and that number is going up, not down. They die from this disease we call AIDS.

In seven southern African countries, 20 percent or more of the adult population is infected with the HIV virus. In Botswana—and I would mention about Botswana, it is a democracy. It is a country that is based on the rule of law. It is really a fine country with great leaders. We stayed for a few days in Botswana. The infection rate is about 40 percent; that is, 4 out of every 10 people who live in Botswana are infected with the HIV virus. In other African countries, the HIV infection rates are higher among women than men.

As a result, family planning providers are the best source of HIV prevention information and services. But now, the Mexico City policy threatens our efforts to save the lives of women in Nepal, on the continent of Africa, and all over the world. President Bush reimposed the gag rule because he wants to decrease the number of abortions abroad. That is a worthy goal, but restricting funds to organizations that provide a wide range of safe and effective family planning services can lead only to more, not fewer, abortions.

Cutting funding for family planning diminishes access to the most effective means of reducing abortion. Research shows the only way to reduce the number of abortions is to improve family planning efforts that will decrease the number of unintended pregnancies. Access to contraception reduces the probability of having an abortion by more than 85 percent.

Of course, I do not support the use of a single taxpayer dollar to perform or promote abortions overseas, but that is what the law says. The law has explicitly prohibited such activities for 20 years, from 1973. Instead, I support family planning efforts that reduce both unintended pregnancies and abortions.

The Mexico City policy not only undercuts our country's commitment to women's health, it restricts foreign organizations in a way that would be unconstitutional in the United States. This policy violates a fundamental tenet of our democracy: freedom of speech. That is why my friend from California, the chief sponsor of this amendment, Senator BOXER, calls this a global gag amendment because that is exactly what it is. This policy violates a fundamental tenet of our democracy: freedom of speech.

Exporting a policy that is unconstitutional in the United States is the ultimate act of hypocrisy. Surely, this is not the message we want to send to struggling democracies that look to the United States for inspiration and guidance. My friend, the distinguished Senator from Nevada—from California, Senator BOXER—I wish she were from Nevada. She does a great job for Nevada, along with California and the rest of the country. Senator BOXER's amendment would ensure that U.S. foreign policy is consistent with American values, including free speech and medical ethics.

I support this legislation. I support this amendment and urge my colleagues to support this effort to protect and defend women around the globe.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to address the Boxer amendment being considered. I acknowledge the passion and leadership of the Senator from California. I have always respected her thoughtful arguments. We have had some issues in agreement and some issues in disagreement. This happens to be one we are in disagreement but it does not reduce my acknowledging her skill and abilities and the heart she brings to each and every discussion she puts forward.

This is a straightforward and simple issue, one that everyone can clearly grasp. It is about the use of taxpayer dollars, Federal, U.S. taxpayer dollars to fund abortions overseas; do you agree or disagree with that.

Some say, yes, we should do that; other people say, no, I don't think we should use taxpayer dollars overseas to fund issues such as this. Others say, I don't think we should use taxpayer dollars to fund abortion because of their deeply held feeling they are aborting a child and they disagree fundamentally with that. We have a clear issue before the Senate.

I note the history behind the so-called Mexico City language. On January 22, 2001, when President George Bush was sworn in and put into office as President of the United States, in one of his first acts, he reinstated the Mexico City policy. I say "reinstated"; this was a policy President Reagan put in place. It was in place during President Reagan's term in office, in place during President Bush I's first term in office, and immediately repealed when President Clinton came into office.

The policy simply states that it prohibits Federal taxpayers from funding foreign organizations that "perform or actively promote abortion as a method of family planning in other nations." That is what the Mexico City language is: "perform or actively promote abortion as a method of family planning in other nations."

So the President is saying as part of U.S. policy that we will not fund private organizations, NGOs, that perform or actively promote abortion overseas.

That is the issue. That is the point of the issue. You can color it with a lot of stories, you can color it with a lot of rhetoric, but the issue to decide in this body is, do we want to use taxpayer dollars to fund abortions or promote abortion overseas.

As I note to people, there are primarily two grounds that people disagree. The first ground is as a moral objection. A number of people just disagree with the issue of abortion. It is probably the most difficult social issue today as a society. We debate it regularly. The issue is, is the young child a person or a piece of property.

Others look at this differently. Senator BOXER and I have different views on that particular issue. I think history will clearly point out the side I represent is accurate and true and is the side I hope ultimately all Americans will agree with, that we believe in the fundamental rights of a personhood and of dignity, of each and every individual, no matter how weak or helpless they might be. It is in the great traditions of the Democratic Party to support people in a difficult spot, and it should be that support for the weakest and the most vulnerable which clearly that child in the womb represents. That is No. 1 as an issue.

The second issue, should you use taxpayer dollars, taxpayers from California, from Missouri, from Kansas, from Indiana, wherever they might be, should we be using those to support a policy that funds abortion in Nepal and Africa or that supports organizations in various places around the world that want to either perform abortions or promote the use of abortion in that country and that society? A number of people would say yes, I am willing to use taxpayer funds to go do that. Probably more people in the country, I think if you would poll people in the United States, would say no. No. 1, I think you spend too much overseas the way it is right now. No. 2, I disagree with you either paying for abortions overseas or supporting organizations that are trying to promote abortion overseas. I think that is a bad use of taxpayer dollars.

Those are the fundamental arguments that people bring forth in looking at the Mexico City policy. I think the Mexico City policy is a very commonsense policy that has been put forward by President Reagan, put forward by President Bush, George Bush No. 1, President Bush No. 2 as well. It has been in law since 1984, as an administrative act by the President. It is based in part on the belief that U.S. taxpayers should not be forced to subsidize or support organizations that perform or promote abortions overseas for family planning programs.

I have noted some of the specific arguments why that takes place. I want to take on one of the indirect arguments that a number of people raise. Some people argue incorrectly that Federal tax dollars would not have to be used for the actual abortion but could still be used to support the organization's other activities. This argument fails to properly understand the fungibility of money. Once you give money to a organization, it can use that for a broad range of causes. It can say, Look, we don't use this money for abortions or promoting abortions because we will use it in this sector, sector A of our organization. But in sector B of our organization we do fund abortions and we do promote abortions.

This money can be used to subsidize the overhead operation of the organization, it can be used to subsidize a mailing, and while this portion doesn't support abortion, there is also an additional mailing inserted that does. It can be used in the fungibility of the dollars. That is why we tried to put forward—why President Bush has tried to put forward a clear firewall on this set of funds.

It is not that the United States should not try to do good overseas, because we should and we are. I applaud this President for his efforts in global

HIV, on the Millennium Challenge Account, where we are trying to help people in other countries to get out of these debilitating, horrific situations of HIV and its spread, of trying to give them some economic opportunity. The President put those forward. I strongly support those and hope those will clear through the Congress.

But here is one: Why would we take something so controversial, so counter to so many Americans' fundamental beliefs, fundamental thoughts, and say to the American taxpayer: We are going to use your dollars to do this, and, yes, we know you disagree with it on moral grounds and, yes, we know you disagree with it on fiscal grounds, yet we are going to go ahead and do that?

If we are so concerned about the individual overseas, and we should be, why not put the money in something we all agree with that is a terrible problem like global HIV or solving issues dealing with malaria or other diseases that are horrific but that do not get the number of research dollars they should for developing cures for them because they are in countries where people do not have enough resources to be able to buy the pharmaceutical drugs that would cure them? There are so many better ways you could spend this type of money than in something so controversial and so counter to what America stands for.

I think it is important for us to vote against the Boxer amendment.

There is a final reason here. I want to hit this point. There is another one as well. The final reason here is that the President has stated clearly he will veto the bill if this language that funds overseas abortions or the promotion of abortion is included in this bill. If that is in this bill, the administration will veto this bill.

The chairman and the ranking member have worked very hard to put a bill together to do the authorizing on authorization instead of appropriations so we can get a bill through. Rather than having it vetoed, wouldn't it be wise for us to go ahead and get this through?

One of the reasons we were criticized, and I think rightfully so, in the last Congress was that we didn't get anything done. There was a major Energy bill, didn't get it done; a major Medicare bill, didn't get it done. What the chairman and ranking member are trying to do here is pass a major State Department authorization, foreign assistance. We are trying to get it done and we can get it done. We can finish this and we can get it done. Yet you are trying to insert language to kill the whole bill and the whole process. On top of the controversy for using the funds for these purposes, the controversy about the whole moral issue of abortion, you are going to cause the veto of a bill over this issue.

I do not think that is wise legislating on our part. I do not think it is the appropriate way for us to go. I think the American people would look at that as well and say: You know, this isn't a life-or-death issue on the point of getting this language.

Some would contend it is. If that is the case, let's make a malaria cure a portion. That is a life-and-death issue. But you are going to kill a bill by including such controversial language in it.

I urge my colleagues to reject this attempt to overturn President Bush's clear language, the clear policy that I think represents, really, what the American people want to see us do.

With that, I would like an opportunity—I think there are others who are going to speak on this bill—to possibly be able to rejoin the debate to answer some of the points that might be put forward.

I yield the floor.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. LUGAR. Madam President, just for the sake of explanation to Senators of what is about to transpire, I am going to move to table the amendment that has been offered by the distinguished Senator from California. Senators will have a chance to vote. I will call for the yeas and nays, so it will be a recorded vote. In the event that Senator BOXER's amendment is not tabled, then I will move that we adopt the amendment by voice vote.

Mrs. FEINSTEIN. Mr. President, I rise today to support Senator BOXER's amendment to the State Department authorization bill to eliminate the so-called global gag rule to lift the restrictions for U.S. assistance to international family planning providers included in this legislation.

There have been few issues in recent years that have been more debated. I have come to the floor on several occasions in years past to express my deep concern for the global gag rule. Year after year, we have come to the floor to try to overturn the rule.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership in the area of international family planning and reproductive health issues.

But the global gag rule places very limiting restrictions on U.S. assistance to international family planning organizations. Overseas family planning providers would be barred from using their own money to even provide information to patients about the availability of a legal abortion if these providers receive any funding or even access to contraceptives from the U.S. Government.

International family planning providers are being faced with a very difficult choice; either give up desperately needed U.S. funding or edit the information about reproductive health that providers share with the women they are trying to help. Either choice will hurt some of the poorest women in the world.

Family planning providers don't just lose funds under the global gag rule. They also lose donated contraceptives. The United States is the most important donor of contraceptives to the developing world, providing about 37 percent of all donations at a value of $45 to $55 million annually.

I was disappointed that one of President Bush's first major policy actions, on his first business day in office, January 22, 2001, was to reinstate the global gag rule.

I think it is important to point out that Senator BOXER's amendment does not change any laws about abortion. In fact, this amendment only allows for funding to organizations that provide services that are legal in their own country and also legal in the United States.

Beginning with the reinstatement of the gag policy in January 2001, several organizations working in the developing world that have lost access to much needed funding or contraceptives, including the International Planned Parenthood Federation, IPPF. IPPF is made up of more than 150 agencies working in 180 countries and is the largest provider of reproductive health services in the world.

Between 2001 and 2003, this organization has lost more than $8 million in U.S. Government funds—mostly for contraceptive supplies.

Some country-specific examples to demonstrate the impact of the global gag rue include: Ethiopia where the Family Planning Association lost $56,000 in contraceptive supplies; Zambia were the Planned Parenthood Association lost $137,092 in contraceptive supplies; Cote d'Ivoire where the Family Planning Association lost $186,000 in contraceptive supplies which eliminated contraceptive services from nearly 50 percent of their 92 distribution points; Congo where the Family Planning Association lost $17,000 in U.S. assistance and, as a result, they had to eliminate programs that served 15,739 clients; and Kenya where the Family Planning Association had received an average of $580,000 per year to fund its clinics. Three urban clinics serving 56,000 poor and underserved clients closed.

The amount of funding lost may not sound like much to you. But in the developing world, every dollar, literally, counts.

And every woman deprived of access to education or contraceptive supplies risk an unwanted pregnancy.

Access to contraceptives is not only about family planning. It is about reproductive health. And it is also about protecting people from HIV/AIDS.

Much of the developing world is struggling with HIV/AIDS. The loss of U.S. funds has reduced the capacity of many family planning providers to also address the HIV/AIDS crisis.

In Ghana, for example, 697,000 Planned Parenthood Association clients will lose access to not only family planning services but also to voluntary testing and counseling for HIV/AIDS as well as AIDS prevention education programs.

With the world population now at more than 6 billion, and estimates of this figure growing to 12 billion by 2050, we must give couples and women the resources necessary to plan the number and spacing of their children.

The vast majority of this population growth will occur in the developing world, in countries that don't have the resources necessary or the infrastructure to provide for basic health care.

Limited access to family planning services results in high rates of unintended and high-risk pregnancy and maternal deaths.

Every minute around the world, 190 women face an unplanned or unwanted pregnancy. About 110 women experience pregnancy-related complications and 1 woman dies. This can be avoided.

I would ask the women of America, as they consider their own reproductive rights, to consider the aim and intent of a policy in which the reproductive rights of American women are approached one way and those of women in the developing world another.

Perhaps worst of all about the global gag rule is that it is a cynical ploy by those who would challenge domestic reproductive rights but are too fearful of the political repercussions. So, instead, they practice the divisive politics of reproductive rights on the poor, sacrificing the lives of women and children overseas, where they think we are not paying attention or do not really care.

I truly believe that the only way to help women in the developing word better their own lives and the lives of their families is to ensure that they have access to the educational and medical resources necessary to make informed decisions.

I urge my colleagues to join me in supporting this amendment.

Ms. SNOWE. Mr. President, I rise in support of the amendment offered today by Senator BOXER to repeal the global gag rule.

We take up this debate once again during the consideration of the State Department authorization, a bill which governs our country's federally sponsored foreign aid programs. Each year, we have to fight for the adoption of this amendment which would bolster these international assistance efforts, and yet each year we find ourselves here again debating this same issue.

There is no question that U.S. population assistance is of critical importance to our international aid efforts. Population assistance is the primary deliverer of health education, health care, and prenatal care to millions of women in developing countries. But beyond the social and physiological aid that this program brings to these nations, there is a real economic benefit as well. According to USAID, studies in several countries have shown that for every dollar invested in family planning programs, governments save as much as $16 in reduced expenditures in health, education, and social services. This is not only an investment in the health of women, and their children, and their families but for whole nations and their ability to stabilize and grow stronger.

There is also no question that U.S. population assistance efforts in developing countries have been successful, as demonstrated by the fact that the average family size in countries that have received U.S. population assistance has decreased from six children to four. AID assistance has increased the use of contraceptives in developing countries from 10 percent of married couples in the 1970s to 50 to 60 percent today. This not only allows for family planning which helps ensure healthier pregnancies, resulting in healthier babies, but is critical to our efforts to fight infectious diseases like AIDS that are plaguing many Third World countries.

The discussion of contraceptives leads me to a very critical point . . . the issue before us today is not abortion, because current law already prohibits the use of any U.S. funds for abortion-related activities. This is a crucial fact that needs to be on record. Under the Helms amendment of 1973, U.S. funds cannot be used for abortion-related activities and have not been permitted for that purpose for 30 years. I support that law as an important guarantee that our international family planning programs stay apart from domestic debates on the issue of abortion.

At the hear of the issue we are debating today is the so called Mexico City policy because it was at the 1984 U.N. Population Conference in Mexico City that the Reagan administration adopted this policy. Under the Mexico City policy, the Reagan administration witheld international family planning funds from all groups that had the slightest involvement in legal abortion-related services even though they were paid for with their own private funds. This was done despite the fact that similar restrictions were not placed on funding programs run by foreign governments that related to legal abortions. Quite appropriately, this policy is also referred to as the international "gag rule" because it prevents organizations from even providing abortion counseling or referral services.

The need for the passage of this amendment is in part about leadership. The United States has traditionally been the leader in international family planning assistance. This has been the case ever since this issue rose to international prominence with the 1974 U.N. Population Conference in Bucharest. At that time, a great number of the world's developing countries perceived family planning as a Western effort to reduce the power and influence of Third World countries. However, in the years since, the need and importance of family planning has been recognized and embraced by most developing nations.

If, as a country, we believe in volunteerism in family planning—and we do—then we should maintain our leadership. Because of our leading role in international family planning, we have unrivaled influence in setting standards for family planning programs. A great number of other donors and recipient countries adopt our models in their own efforts.

According to the Center for Reproductive Law and Policy, the Mexico City policy penalizes 56 countries whose nongovernmental organizations—NGOs—receive family planning assistance funds from the United States. NGOs are prohibited not only from providing abortion-related services but also counseling and referrals regarding abortions.

That is the policy; let's consider the real effect on people. According to the Alan Guttmacher Institute, about 4 in every 10 pregnancies worldwide are unplanned, and 40 percent of unintended pregnancies end in abortion. Knowing this, the net effect of the Mexico City policy on these 56 nations is to limit or eliminate critical family planning work that has a very real impact on the quality of life. Moreover, the absence of family planning increases the instance of the one thing that the advocates of the Mexico City policy are most opposed to—abortion.

The bottom line is, family planning is about health care. Too often, women in developing nations do not have access to the contraceptive or family planning services they need because contraceptives are expensive, supplies are erratic, services are difficult or impossible to obtain, or the quality of care is poor. In a report by the Population Action Institute it was estimated that about 515,000 women die each year in pregnancy and childbirth, or almost one death every minute, and millions more women become ill or disabled. In addition, an estimated 78,000 women die every year from illegal and unsafe abortion and thousands more are injured. How many women die because the access to these services is limited?

Quite simply, the Mexico City policy is bad public policy. That is why year after year we fight for this amendment and some years we win in committee and other years we don't, yet we still fight this important fight. The Mexico City policy not only limits discussion, counseling, and referrals for abortion, but it also limits the ability of organizations, in at least 59 nations, to carry out needed family planning work.

We must remember that family planning is about—just that—planning one's family. By spacing births at least 2 years apart, family planning can prevent an average of one in four infant deaths in developing countries. Family planning provides access to needed contraceptives and gives women worldwide the ability to properly space out their pregnancies so that they can have healthier babies, which will lead to healthier children and healthier nations.

Mr. President, I urge my colleagues to support the amendment before us and ensure that international organizations are no longer forced to limit or eliminate critical family planning work that has a very real impact on the quality of life of women and families worldwide.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry: Is it appropriate to ask unanimous consent that is how we proceed; that is, a voice vote will follow if, in fact, the amendment is not tabled?

The PRESIDING OFFICER. The Senator cannot order a voice vote by unanimous consent.

Mr. BIDEN. That is what I thought. That is why I asked the question. The amendment can be agreed to; is that possible?

The PRESIDING OFFICER. By unanimous consent.

Mr. BIDEN. At the time? I can't ask that now?

The PRESIDING OFFICER. The Senator is correct. The Senator can ask that the amendment be agreed to now, but it must be by unanimous consent.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BIDEN. The Senator from Indiana is about to make a motion to table the Boxer amendment. It has been stated verbally that if that tabling motion fails, then we would move to a voice vote to accept the Boxer amendment. Is there any way in which to get a unanimous consent agreement that is how we would proceed?

The PRESIDING OFFICER. The Senator may ask that the amendment be agreed to by unanimous consent but cannot ask for a voice vote.

Mr. BIDEN. I thank the Chair. Words make a difference.

I ask unanimous consent that if, in fact, the Boxer amendment is not tabled, the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I thank the Chair and apologize for the clumsy way in which I phrased the question.

I commend Senator BOXER for her leadership on this legislation. I cosponsored this bill in the last Congress and I am proud to support it again.

The Mexico City policy, also known as the "global gag rule," is bad policy and a bad idea.

Let us be clear what this issue is not about. The issue is not about abortion—although it is often portrayed as such by the proponents of Mexico City. Rather, the provision is about free speech and democratic values.

Longstanding law—a law authored by former Senator Jesse Helms—already prohibits the use of U.S. funds to perform or promote abortions.

Let me repeat that. Current law, on the books for nearly three decades and authored by our former colleague Jesse Helms, already bans the use of U.S. taxpayer dollars to perform or promote abortions. Any assertion to the contrary is false.

The "Mexico City" policy goes much further: it demands that foreign, nongovernmental organizations which receive U.S. population assistance funds agree that they will stop using their own funds to discuss with their own governments how abortion will be regulated.

No such restrictions would be imposed on U.S.-based organizations, for a simple reason: they would be unconstitutional under the First Amendment.

Nor are such restrictions imposed on foreign governments. If they were, then U.S. assistance to countries such as Israel might be in danger, because the Israeli government uses its own funds to pay for abortions.

In my view, the Mexico City policy is anti-democratic, because it attempts to silence foreign recipients of U.S. funds.

It is the policy of the United States to advance the cause of democracy by promoting the values which we hold dear—such as freedom of speech, freedom of association, and freedom of the press.

The Mexico City policy flies in the face of these fundamental values by attempting to restrict the speech of recipients of U.S. funds.

This is a gag rule, pure and simple. It restricts speech. And for the life of me I cannot understand why anyone—Republican or Democrat—would support a provision that would violate the First Amendment if applied to U.S.-based organizations.

Of course, foreign citizens and organizations do not have constitutional rights. But just because we can legally apply this restriction does not mean that it is good policy. And I do not believe that it is.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank all Senators for their assistance in this procedure.

I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—43

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thomas
Voinovich

NAYS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Campbell
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Warner
Wyden

NOT VOTING—4

Edwards
Graham (FL)
Kerry
Miller

The motion was rejected.

Mr. BIDEN. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the amendment is now agreed to.

The amendment (No. 1141) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, we have made progress on our bill. There are three amendments that will require some debate—but that will inevitably be accepted—still lined up for this evening.

I encourage—and I am certain the distinguished ranking member would join me—all Members who want to resolve their amendments to please do so this evening. We will be here. We have a good opportunity to work through almost all of the known amendments this evening.

Having said that, the leader has told me there will be no more rollcall votes and authorized me to make that announcement once again. We will proceed on this bill as long as it is productive. We hope Senators will come to the floor, offer their amendments, and have them resolved.

Mr. BIDEN. Madam President, I share the view of my friend from Indiana. I think of the 20-some amendments out there, 99 percent of them are able to be worked out. Many of them will be accepted with a few small changes. I encourage if not the Senators, the staffs who are authorized to come to the floor and work them out.

Further, it is my understanding, regarding the distinguished Senator from New Jersey, we should proceed on an amendment he may withdraw. However, he is prepared to speak to that amendment. He wants to do that. I promised him I would try to get him up next. I am not asking unanimous consent but I am talking long enough so his staff can hear this and get him back over here. He is ready to go.

Mr. LUGAR. I will assist the Senator by indicating I suggest an order of Senator BROWNBACK offering his amendment, then Senator LAUTENBERG, and then Senator ALLEN so the Senators would have some idea of the batting order. Senator BROWNBACK, I understand, is prepared to go with an amendment on Iran that Senator BIDEN and I have studied. Then we would have Senator LAUTENBERG immediately following.

Mr. BIDEN. Mr. President, I will be happy to accede to that in light of the fact that Senator BROWNBACK is here to go and Senator LAUTENBERG is not.

Mr. REID. That was just information; it was not a unanimous consent request.

We have been on this bill for just a few hours. I know, having managed a bill or two in my day, how important it is for the two managers of this bill to get their legislation passed.

Everyone has to stop and pause a little bit. The last time this bill came up we spent 2 weeks on it. We are not going to finish this bill in 3 hours. Everyone should understand that. I know there are 20 amendments and 90 percent of them will be agreed to. There may be other amendments that the two managers are not aware of. It is important we move this long and we are certainly not trying to stall this legislation.

However, I apologize to Senator LAUTENBERG because I thought we were going to do no more tonight. We have a joint function that Senators are to attend tonight and I told Senator LAUTENBERG we would not be doing any more tonight. So that is my fault. I did not know the manager would try to do other amendments. We have a lot of amendments that people want to offer but I didn't believe tonight that was going to happen.

I told the two leaders I would work during the night to find out some indication of what we would have tomorrow but in the few minutes since I spoke with the distinguished majority leader there are people who want to offer amendments. The vast majority of those amendments are related to this bill; they are not unrelated. Senator MURRAY has indicated she wants to offer an amendment on unemployment benefits. We want to make sure she has an opportunity to do that.

I don't want to rain on the parade other than to say this bill is not going to be finished early tomorrow.

Mr. BIDEN. I want to make clear what I am saying. We already know there are 20-some amendments out there. I believe we can settle almost all of those amendments by negotiation without long discussions on the floor tonight or tomorrow or any time. I have no illusions, having been here a long time—even longer than the assistant leader—that we are going to get this thing done quickly, nor that we may not have nongermane amendments that may be meritorious and may take a long time. I understand that.

All I am saying is what we do know is this: Let's get it done because most of it is not nearly as controversial as it appears to be. That is the point I am trying to make. Not that I am making any predictions. There are two things I never predict. One is the weather and the second is what the Senate is going to do. So I am not predicting. I am saying we know what we have before us; let's get it done and we can move on tomorrow or the next day or next week or next year to do whatever comes up.

I yield the floor.

Mr. REID. Mr. President, I understand this bill is very important. The two managers have both talked to me how important they think it is, and I acknowledge it is important. We will try to help them any way we can to get this bill passed.

The good news is Senator LAUTENBERG has heard us talking and he is on his way back. That is an amendment that will be disposed of tonight. I look forward to working with the two managers tomorrow to see what we can do to help expedite this legislation.

Mr. LUGAR. I thank the distinguished Senator for mentioning Senator LAUTENBERG and for obtaining his attention so he will be back and we can proceed.

I am prepared to yield the floor, and I understand Senator BROWNBACK is prepared to offer an amendment.

AMENDMENT NO. 1145 TO AMENDMENT NO. 1136

Mr. BROWNBACK. Mr. President, I have an amendment that I call up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1145.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide support for democracy in Iran)

At the appropriate place in the amendment insert the following

SEC. . IRAN DEMOCRACY ACT.

(a) FINDINGS.—The Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran. Women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the guardians council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(B) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran,

(2) the United States supports transparent, full democracy in Iran,

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

Mr. BROWNBACK. This concerns providing support for democracy in Iran and has been previously filed and been amended.

I worked closely with Senator LUGAR, chairman of the Foreign Relations Committee, and Senator BIDEN, the ranking member. Together we have worked out language that we have all agreed to on an important issue of democracy and promotion of democracy in Iran.

This is a very important issue to the country and to the people of Iran. I am very thankful to the chairman and to the ranking member and their staffs for working together to get this language put together, language that is very strong, quite good, and makes a very positive statement.

I rise to discuss this important issue. It is our policy toward Iran. As the President rightly stated, Iran is a member of the axis of evil. The terrorist atrocities it spreads around the world are equalled by the horrific atrocities committed against its own people.

Today marks the fourth anniversary of the first major Iranian protest against a government that promised reform and utterly failed. I will show a picture to my colleagues of that protest 4 years ago, 1999, July 9—4 years ago today. The students, protesters, were out, thousands protesting the Government of Iran and saying they desired freedom.

This is a scene of that. It is being replayed again today. Protesters are out in Iran, even though the regime is doing everything they can to stop it, having quasi-police groups—really, thugs—going around and beating people with chains. They are putting people in prison. But people continue to protest.

This is a picture of a protest taking place 2 weeks ago, not just in Tehran now but protests are taking place all over the country, as the fire of democracy and liberty continues to burn aggressively among the people of Iran.

These are people who are pro-American, as well, broadly throughout Iran. They support the United States and our stand for freedom and democracy. It is important we stand with them.

The fact we continue to see protests in Iran despite very harsh treatment is showing the world that these protests are growing and will eventually lead to real change inside Iran. It is very appropriate it is today that we are offering this amendment to the State Department authorization bill which declares firmly that America supports real democracy in Iran. What is there now is not democracy.

It is a very basic message. It is extremely important that this body send a message to the Iranian people, and send it today, that we support their struggle for freedom.

This is not just an altruistic gesture of support. Supporting the forces of democracy in Iran is in the direct security interest of America. As I am sure many of you have heard, there are new reports about additional nuclear weapons facilities in Iran—these are based on military complexes and there can now be no misunderstanding of the intent behind this technology. Estimates are that Iran could have nuclear weapons as early as 2005.

Also, Iran has just confirmed that it has successfully tested a midrange missile, the Shahab-3, which is capable of hitting Israel, parts of Saudi Arabia and Iraq, where many of our troops are stationed.

This means that Iran could have nuclear weapons—and the means to deliver them to hit us and our allies.

Clearly, this is a bad situation which is growing worse by the day. So, why, in this context, would we shy away from supporting pro-democracy forces in Iran that want to bring the rule of law, respect for human rights and an end to support for terrorism to their country?

Some have said that if the U.S. supports the protestors, we will be bound to intervene militarily. These people have not paid attention to the unique situation inside Iran or the fact that Iranians don't want U.S. military intervention but, rather, strong moral and political support.

Young people make up nearly 70 percent of the country—and they are taking it back from the mullah minority. The Iranian people are a proud, strong, and independent people. They do not need, nor do they want, an outside military force to come into their land. They will handle this matter themselves. They have already begun to do so. This does not mean that the military option is off the table. America reserves the right to protect its people and innocent civilians from a nuclear threat or further Iranian-backed terrorists, but this is a defensive option.

To be honest, America hopes that the Iranian people change their regime themselves, and the hesitancy you see within America's foreign policy circles with regard to Iran comes largely because there is such hope for internal change, where there was none in Iraq or Afghanistan.

There is no division in the U.S. Government about the fact that Iran is a threat to its own people and certainly to Americans. The Iranian people and the Iranian regime alike should know that we are united and resolute in our understanding of what Iran is doing. We will not allow Iran to spread its corruption throughout the region.

As President Bush so clearly stated in his State of the Union Address this year:

> In Iran, we continue to see a government that represses its people, pursues weapons of mass destruction, and supports terror. We also see Iranian citizens risking intimidation and death as they speak out for liberty and human rights and democracy. Iranians, like all people, have a right to choose their own government and determine their own destiny—and the United States supports their aspirations to live in freedom.

That is what the President, stated in the State of the Union Address of January 28, 2003.

Recently, the President praised the Iranian people who kept up protests for over a week in the face of government sponsored thugs who beat innocent women with chains. The President called these protests "heroic" and indeed they are.

Just as it was an important rhetorical step for President Reagan to dub the Soviet Union "an Evil Empire," so too it is important for us to recognize the current regime in Iran for what it is—an illegitimate, ruling elite that stifles the growth of genuine democracy, abuses human rights and exports terrorism.

It is clear by the Iranian regime's treatment of its own people in their attempt to be heard, that Iran is no democracy.

After all, it is the State Department's own report that classifies Iran as the largest state sponsor of terrorism. Do we really believe this is the will of the entire Iranian population? If so, we are saying that all Iranians are terrorists. This is wrong, and America must make it clear that we see the difference between the Iranian regime and the Iranian people—and we are supporting the people.

You can't call a country that screens the candidates a democracy. You can't call a government that tortures and kills its people openly a democracy. You can't call a country that refuses to enforce the laws that the screened, elected officials pass a democracy. All this is currently going on under Iran's so-called reformers.

I want to show how the reformers were elected into office. I will show a chart so my colleagues can easily see how we do get to the government that is currently in place in Iran. Seven years ago President Khatami was elected by the people. But how did he even get on the ballot? I want to show that, and also make some statements about his election.

For people to be running as candidates in Iran today, they have to go through the Council of Guardians. This is six members appointed by the Supreme Leader and six by the judiciary. The Supreme Leader is appointed by the council as well and is appointed for life. Khamenei, Supreme Leader, appointed six and six by the judiciary. Then all the candidates running for President, Assembly of Experts, 86 clerics elected for 8-year terms, and the Parliament, 290 members elected for 4-year terms, all these candidates have to be vetted by this 12-member council, so you can't get on the ballot unless you clear through the 12-member council for any of these three—the Parliament, the Assembly of Experts, or the President. You can't get on the ballot unless you clear through these 12 people, 6 appointed by the Supreme Leader who is appointed by them for life, never stands for election in front of the people, and 6 appointed by the judiciary. This is not a free election.

What about Khatami's election to President? He was elected for 4 years, for a 4-year term initially. This was 7 years ago. In his initial attempt he was elected. He was voted on, overwhelmingly favored by the people as the most reformist-minded candidate that the Council of Guardians would even let on the ballot. Over 60 percent of the people say: This is our guy because he is the most reformist, open-minded of the group, even though he was not. And it turned out that he was exactly what the Council of Guardians wanted: Good face, looks a little friendlier, gives the people a way to voice their thoughts. But he did not reform. He did not bring democracy. He did not bring human rights. He did not bring rights to women within the country. And he kept the country continuing its movement toward terrorism.

Even if you take all the power of these elected officials—so-called elected officials—they don't have the power over foreign policy, over the military, or over the Treasury. That continues to be held by the Supreme Leader and the Council of Guardians. So most of the power isn't even in the people who are so-called elected.

This is not a democracy, and that is why the people continue to protest—because they do not get to pick their own leaders and they want to pick their own leaders.

I want to show you what has taken place inside Iran, as a country, and why there is so much discontent, and why people are saying: Down with the President of Iran. Down with the Council of Guardians. They are so actively willing to protest and risk their own lives, and risk being arrested and beaten.

One thing I want to point out, too, these protests that have been taking place in the last couple of weeks, several sons and daughters of parliamentarians have been arrested as protesters. They are saying: Look, this government is not reform minded and we, as children of the parliamentarians, are saying this is not reform. And they have been arrested. They see the fallacy of the system, that it isn't working.

Look at this long-term trajectory pattern that Iran is on since 1978. Since the last government was thrown out, the Shah, and the protests were taking place, in 1979, what has happened to Iran? It was taken over by the ruling Mullahs, the Ayatolla at that time. They took captives of U.S. Embassy personnel for over 400-some days. Look what has taken place. Per capita, GDP is 20 percent lower today than in 1978 in Iran. There is widespread corruption, which was a key contributor of the 1979 revolution. Youth unemployment exceeds 30 percent. There has been a huge population explosion. Fifty percent of the population is under age 20—50 percent of the population.

There are religious legitimacy problems, persistent challenges to the Supreme Leader's religious credentials, and most Grand Ayatollahs do not approve of the Supreme Leader's doctrine on religious matters.

So this is really fomenting a situation. All we are doing with this amendment, which has been agreed to, and has strong language, is saying this is an illegitimate government; that we should and we do support true democracy in Iran and the right of the people to actually choose their leadership in Iran.

I think it is one of the most important things we can do. We need to show clear moral support to the people who are risking their lives today on the streets, across the country of Iran.

I hope we can get this through, that we can express our clear support to the Iranian people. This will be a powerful statement to the people protesting today.

I hope we can agree to this yet this evening.

I thank the chairman for allowing me to bring it up on the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Kansas for his research, for his leadership on this issue, and for the amendment he has offered.

On our side, we are prepared to accept the amendment.

Let me inquire of the distinguished ranking member of the committee if he is prepared to accept it on the Democratic side.

Mr. BIDEN. Yes. We are prepared to accept the Brownback amendment.

Mr. LUGAR. Thank you very much.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1145) was agreed to.

Mr. LUGAR. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWNBACK. Mr. President, I thank the chairman and ranking member very much for allowing us to put this forward. I think it is the very strong and right thing for us to do, and it is the right time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1135

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1135.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide justice for Marine victims of terror)

At the appropriate place in the amendment, add the following:

SEC. ___. JUSTICE FOR UNITED STATES MARINES ACT.

(a) SHORT TITLE.—This section may be cited as the "Justice for United States Marines Act".

(b) AMENDMENT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

Mr. LAUTENBERG. Mr. President, I rise to offer an amendment which we are calling Justice for the United States Marines. The amendment would make sure that the families of the 241 U.S. marines who were killed by terrorists in 1983 have equal access to assistance from the Federal crime victims fund.

In 1996, I authored a law that enabled terrorism victims' families to receive assistance to file suit against foreign sponsors of terror. This enabled families to receive judgments for those countries that aided terrorists in killing their children.

My amendment makes two small changes in the current Victims of Crime Act that would allow these families the same rights as other terror victims. Right now, technicalities in the current law would deny these rights to Marine families who lost family members in the tragic barracks bombing in Beirut, Lebanon, in 1983.

My amendment is simple. First, it changes the date of eligibility in the current law to terrorist acts that occurred "on or after October 23, 1983"—the day of the vicious attack on the U.S. Marine barracks in Beirut.

Second, my amendment clarifies an ambiguity in the original law about the type of cases that are eligible for Federal funds.

On October 23, 1983, a suicide bomber affiliated with Hezbollah detonated a truck full of explosives at a U.S. Marine barracks located at the Beirut International Airport. Shortly after this took place, I was there and saw what remained of the building. It was almost totally destroyed. Two hundred and forty-one U.S. marines were killed that night, and more than 100 were wounded the same day. They were part of a contingent of 1,800 marines who had been sent to Lebanon as a part of a multinational force to help separate warring Lebanese factions.

The loss to those families of these victims was enormous. These marines were killed by terrorists as they slept in their barracks. Terrorists are cowards. The marines didn't even have a chance to fight back.

But now the families of these marines are able to fight back against the sponsors of this terrorist act through our judicial system. On May 30, 2003, the United States District Court for the District of Columbia found Iran liable for the Beirut Marine Corps barracks bombing. The court found that Iran sponsored this terrorist act by Hezbollah, and was, therefore, accountable to these families.

This trial now proceeds to the damages phase. The court wants to use over a dozen "special masters" to hear the damage claims of the participating victims' families. Each special master will hear approximately 15 cases.

The court has requested the use of the crime victims fund in order to pay for the cost of employing these special masters. Terror victims are generally permitted to make use of this fund but a technicality in the law is preventing these families from utilizing this resource.

The technicality is that the law now says the crime victims fund can be used to assist victims of terrorist acts occurring on or before December 21, 1988. The problem is that the Marine barracks was bombed on October 23, 1983—approximately 5 years earlier. We need to change the date so the U.S. Marine families can see justice done.

In finding Iran liable for this horrible terrorist act in Beirut, the judge said the following, which I want to read to the Senate. He said:

> No order from this Court will restore any of the 241 lives that were stolen on October 23, 1983. Nor is this Court able to heal the pain that has become a permanent part of the lives of their mothers and fathers, their spouses and siblings, and their sons and daughters. But the Court can take steps that will punish the men who carried out this unspeakable attack, and in so doing, try to achieve some small measure of justice for its survivors, and for the family members of the 241 Americans who never came home.

I would also like to share with my colleagues the poignant words of one victim's family member after the court's recent ruling. Captain Vincent Smith, from Camp Lejeune's 24th Marine Amphibious Unit, was one of the service members killed in the bombing.

After the court's ruling, Captain Smith's sister said:

> I think the whole family feels that the ruling gives us a sense of justice after all of these years. Finally, someone has been named a guilty party . . . It's a huge sense of justice to say that the government of Iran is guilty.

My amendment will allow the cases of these U.S. Marine families to move forward so they can hold the sponsors of this terrorist act accountable.

Since September 11, 2001, this Congress has worked hard to provide justice to the families and communities affected by terrorist acts. It is critical that we also devote attention to the losses incurred by many American families in earlier terrorist incidents.

I urge my colleagues to vote for this amendment in order to extend justice to the families of the 241 Marines killed in the Beirut bombing.

We need to teach sponsors of terror that they will be held accountable. A vote for my amendment will help further this lesson by bringing the perpetrators of this 1983 terrorist act to justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I have listened very carefully to the distinguished Senator from New Jersey. What is the desire of the Senator? Does he desire to proceed to a vote on his amendment?

Mr. LAUTENBERG. I would like to see the amendment accepted. I would like to have a vote on this amendment, unless, of course, the amendment is acceptable to both sides.

Frankly, I think it is a good amendment. It does justice in some measure to the memory of those who were killed. They were there as a peacekeeping force—1,800 of them. A quarter of the force was killed in that single incident. The crime victims fund is a fund that is there to assist—not to provide damage awards to the people but to help them discover the evidence that is necessary. The fund has a few hundred million dollars which would assist these 15 special masters by providing them per diem so they can travel and get the details from these families, as they must do in order to have a sensible trial for damages.

Mr. LUGAR. Mr. President, I appreciate that thought of the Senator. I indicate the amendment still needs to be discussed by some Members who have asked for an opportunity to speak; therefore, I am not prepared to accept it on our side at this point. So I am hopeful the Senator will allow us to lay the amendment aside temporarily for action tomorrow morning when others will be present to speak, and then we would progress in the normal order to resolution.

Mr. LAUTENBERG. I have no objection.

Mr. LUGAR. I thank the Senator.

Mr. President, I ask unanimous consent that the Lautenberg amendment be temporarily laid aside and that Senator ALLEN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 1144 TO AMENDMENT NO. 1136

Mr. ALLEN. Mr. President, I call up amendment No. 1144.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Virginia [Mr. ALLEN], for himself and Mr. ALEXANDER, and Mr. GRAHAM of South Carolina, proposes an amendment numbered 1144.

Mr. ALLEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance efforts to combat the piracy of United States copyrighted materials)

At the end of subtitle B of title II, add the following:

SEC. 214. COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) PROGRAM AUTHORIZED.—The Secretary may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) DISCHARGE THROUGH BUREAU OF ECONOMIC AFFAIRS.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) FUNDING.—Of the amount authorized to be appropriated for other educational and cultural exchange programs by section 102(a)(1)(B), $5,000,000 may be available in fiscal year 2004 for the program authorized by subsection (a).

Mr. ALLEN. Mr. President, I rise on behalf of my colleagues, Senator ALEXANDER of Tennessee and Senator GRAHAM of South Carolina, to offer amendment No. 1144, which will provide direct assistance to developing countries to combat piracy of U.S. copyrighted works, materials, and intellectual property.

Specifically, our amendment authorizes $5 million for the State Department to provide equipment and training to foreign law enforcement officials—judges and prosecutors—as well as assistance in complying with that foreign country's obligations under the appropriate international copyright and intellectual property treaties.

The United States is the world's largest creator, producer, and exporter of copyrighted materials. Unfortunately, this vital, important sector of our country's economy is at great risk due to widespread global piracy. This piracy and theft is more specifically defined as the unauthorized reproduction, distribution, and sale of U.S.-made movies, music, software, video games, and other creative works.

The widespread piracy of U.S. copyrighted works and intellectual property threatens U.S. jobs. It threatens our businesses, creativity, and our economic prosperity.

In 2001, the U.S. recording industry alone lost $4.2 billion to the piracy of compact discs worldwide. The U.S. motion picture industry lost $3 billion to videocassette piracy, and the U.S. video game entertainment industry lost $1.9 billion due to piracy in just 14 countries.

In 2000, hard-goods piracy cost the U.S. business software industry $11.8 billion.

A recent study was commissioned by the Business Software Alliance, and it concluded that the largest trade barrier facing the U.S. software industry is worldwide software piracy. An estimated 37 percent—37 percent—of all software loaded onto computers globally in 2000 was illegal—37 percent illegal.

Most importantly, this report by the Business Software Alliance found that by lowering the software piracy rates by just 10 percent around the world, the IT industry would contribute an additional $400 billion in economic growth worldwide.

This is a very serious problem that needs to be addressed here at home and internationally. Unfortunately, though, developing and economically depressed countries have significant problems enforcing intellectual property protection laws due primarily to a lack of law enforcement training and expertise.

Under the requirements of the World Trade Organization's Agreement on Trade Related Aspects of Intellectual Property Rights, all WTO countries must have a legal frame in place to effectively protect intellectual property and copyrighted works. Therefore, in order to be compliant, a nation must not only have adequate civil and criminal laws regarding copyright protection, but it also must effectively enforce those laws.

Our amendment would provide assistance and resources to adequately train and enforce intellectual property laws in developing countries. This amendment will significantly aid efforts to protect American copyright holders all around the world. Our amendment does not increase the overall authorization level in this bill but, rather, constitutes a small portion—less than 2 percent of the entire budget—for educational and cultural exchange programs.

This amendment has broad support from both the content and technology industries. For example, the Recording Industry Association of America, the Motion Picture Association of America, the EMI Music Group, and the Walt Disney Company all support this amendment. Additionally, the Business Software Alliance, Apple Computers, AutoDesk, Cisco Systems, Entrust, Hewlett-Packard, IBM, Intel, Intuit, Adobe, Network Associates, Symantec, and Microsoft all support the Allen-Alexander-Graham amendment.

Mr. President, I ask unanimous consent that letters from these groups be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Thank you, Mr. President.

Mr. BIDEN. Will the Senator yield for a unanimous consent request?

Mr. ALLEN. I yield.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be added as a cosponsor to the amendment.

Mr. ALLEN. It would be my great honor and pleasure to add Senator BIDEN of Delaware as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I thank my colleagues, in particular Senator ALEXANDER and Senator LINDSEY GRAHAM, as well as Senator BIDEN, for their hard work. I know the Senator who is presiding over the Senate right now cannot respond, but I very much appreciate Senator ALEXANDER's understanding, hard work, and support for this amendment. And I urge the rest of my colleagues to vote in favor of this important provision.

Finally, I express my gratitude to our chairman of the Foreign Relations Committee, Senator LUGAR, as well as the ranking member, Senator BIDEN, for their support, for their assistance in working through this amendment, and, hopefully, having it included as part of this important bill.

With that, Mr. President, I yield the floor.

EXHIBIT 1

RECORDING INDUSTRY ASSOCIATION
OF AMERICA,
Washington, DC, July 9, 2003.

Senator GEORGE ALLEN,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR ALLEN: The Recording Industry Association of America ("RIAA") would like to express its strong support for the Allen/Alexander amendment to the State Department Authorization bill being considered by the Senate. The amendment would authorize $10 million to the State Department for purposes of working with law enforcement officials in nations around the world to increase enforcement of intellectual property laws.

One of the greatest challenges facing the music industry, and other domestic industries that produce intellectual property, is international physical piracy. In recent years, the U.S. recording industry has lost nearly $5 billion in revenues as a result of physical piracy around the world. Although the RIAA and its sister international organization, IFPI, continue to work cooperatively with diplomatic and law enforcement entities throughout the world in an effort to address this growing problem, the Allen/Alexander amendment would significantly aid our efforts to protect American intellectual property abroad.

We appreciate the leadership of Senators Allen and Alexander and strongly support their amendment to the State Department Authorization bill.

MITCH GLAZIER,
Senior Vice President Government Relations.

THE EMI GROUP,
New York, NY, July 9, 2003.

Senator GEORGE ALLEN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of EMI—the world's third largest music company—I am writing to express our support for the Allen-Alexander Amendment to the Department of State Authorization bill currently pending in the Senate. The Allen-Alexander Amendment would authorize a State Department program to finance technical support and assistance for foreign governments that are combating intellectual property theft.

As you know, many of the industries founded on intellectual property are facing an international physical piracy crisis. In the last few years, international physical piracy has increased dramatically. Today, the pirate music market is estimated to be worth more than $4 billion a year and is having a substantial impact on our legitimate business. Many legitimate international markets that were once vibrant are being destroyed by physical, pirate product. Worldwide, about 40 percent of all music sold is pirate product. In countries like Mexico, Taiwan, and Brazil, the piracy rates exceed 60 percent. These were once countries where the record companies could build successful businesses.

International physical piracy is having a real impact on our companies. It contributed to our decision last year to publicly and painfully cut our work force by about 20 percent. As a result, hundreds of people were laid off in the United States. Moreover, we had to pare our artist rosters by one third. Other record companies have had to make similar moves and have actually withdrawn from countries where they once ran successful businesses—countries like Greece and Paraguay.

EMI, the other record companies and our trade associations are working hard to protect ourselves. The Recording Industry Association of America has investigators throughout the country—from Miami, to Chicago, to Los Angeles to New York. The International Federation of the Phonographic Industry has hundreds of investigators worldwide. In the last 18 months, due to their work, more than 60 illegal production lines with a combined capacity of nearly 300 million CDs (equal to about ⅓ of the U.S. market and larger than the entire market in France) were shut down. EMI has a high-ranking executive in charge of worldwide anti-piracy efforts. We have full-time, anti-piracy employees in every major EMI office worldwide.

But physical piracy has become the province of organized crime, and we cannot fight it without government help. Asian Triads and the American Mafia among other groups have been linked to physical piracy. Drug gangs, arms dealers and human smugglers have turned to music piracy to get quick easy money for their activities. Many of these counterfeiting rings are heavily armed. Our investigators and local law enforcement officers risk their lives when they raid pirate operations. Physical piracy involves complex, organized crime rings. They move quickly and across international boundaries.

A U.S. program to provide financial assistance to foreign governments fighting this crime will prove invaluable. It will demonstrate the U.S. government's meaningful commitment to protecting one of its vital industries, and it will provide foreign government's with the resources they need to fight this problem. Without this assistance and without U.S. leadership, the problem will continue.

EMI is the only major record company whose sole business is music. We are dedicated to making the music business work and thrive. And we have a workable model to accomplish that goal. We are aggressively distributing our product digitally and physically. We have implemented significant measures to curb rampant physical piracy, and we remain committed to intensifying those efforts in the future.

We appreciate your leadership in this important area and look forward to working with you to curtail the international physical piracy that is afflicting our industry.

Yours sincerely,

IVAN GAVIN,
Chief Operating Officer,
EMI Music, North America.

MOTION PICTURE ASSOCIATION
OF AMERICA, INC.,
Washington, DC, July 9, 2003.

DEAR SENATOR ALLEN: I write to you today to express our support for the Allen/Alexander Amendment, which we feel will prove to be a useful and effective tool in combating international piracy of copyrighted works. As you are no doubt aware, addressing the piracy of our creative works is an issue of primary importance to us.

The corrosive fallout of copyright poses an ever-growing hurdle, costing the film industry than $3 billion annually. Piracy in the international realm is of particular concern, since our industry earns approximately 40% of its revenues outside of the United States. International piracy has proven to be an enduring problem, threatening to eviscerate this vital market. All too often studios must compete in these foreign markets with illicit copies that have been illegally available for months before films arrive in foreign theaters, hit store shelves, or debut on the TV program guide.

The film industry is not the only victim vulnerable to theft—an entire segment of the economy is jeopardized. The piracy of America's intellectual property poses a grave threat to all of the U.S. Copyright Industries. These industries—movies, home video and television programming, music and sound recordings, books, video games and software—are a vital engine of economic growth for the American economy and generate more international revenues than any other single manufacturing sector, including automobiles and auto parts, aircraft, and agriculture. They are responsible for more than five percent of the nations' total GDP and are creating new jobs at three times the rate of the rest of the economy. The film industry alone has a surplus balance of trade with every country in the world.

We feel this measure will help fight international piracy and we support your efforts in addressing this problem.

Sincerely,

KEN INOUYE.

THE WALT DISNEY COMPANY,
Washington, DC.

Senator GEORGE ALLEN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ALLEN: I am writing to express The Walt Disney Company's support for the Allen/Alexander amendment designed to provide direct assistance to non-OECD countries for the purpose of combating piracy of U.S. copyrights works.

Copyright piracy costs the film industry more than $3 billion annually. You and Senator Alexander should be commended for your leadership in this effort. Staunching copyright piracy both domestically, and internationally, should be a paramount goal of our government. Piracy undercuts the creative process and saps the strength of the U.S. copyright industry, which is a leading source of job creation and exports.

Sincerely,

MITCH ROSE,
Vice President.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of the members of the Business Software Alliance, I am writing in support of the Allen-Alexander amendment to S. 925, the State Department Authorization bill.

Piracy results in significant harms to the U.S. software industry. BSA conducts an annual survey of software piracy around the world. In 2002, our study identified an estimated $13 billion in software piracy. This piracy results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen-Alexander amendment will authorize the State Department to educate nations about the world about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just beginning. Ensuring that software is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about prirac deserves full Congressional support.

Sincerely,

ROBERT HOLLEYMAN,
President and Chief, Executive Officer.

NETWORK ASSOCIATES,
July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of Network Associates, Inc., a world leader in security and availability software, I am writing in support of the Allen-Alexander amendment to S. 925, the State Department Authorization bill.

Piracy results in significant harms to the U.S. software industry. The Business Software Alliance conducts an annual survey of software piracy around the world. In 2002, their study identified an estimated $13 billion in software piracy. This piracy results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen—Alexander amendment will authorize the State Department to educate nations about the world about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just beginning. Ensuring that software is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about piracy deserves full Congressional support.

At Network Associates, we see piracy as a tool for criminals to use for their own nefarious gain. By proactively educating foreign law enforcement and judicial officials about piracy, we can begin to reduce the threats not only to our industry, but to the integrity of intellectual property itself.

Sincerely,

STEPHEN C. RICHARDS,
Chief Operating Officer & Chief Financial Officer.

INTERACTIVE DIGITAL
SOFTWARE ASSOCIATION,
Washington, DC, July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR ALLEN: The Interactive Digital Software Association (IDSA) is the U.S. trade association dedicated to serving the business and public affairs needs of companies that publish interactive games for video game consoles, personal computers, handheld devices, and the Internet. The IDSA's members collectively accounted for more than 90 percent of the entertainment software sold in the U.S. in 2002. IDSA operates an anti-piracy program aimed at combating the global piracy of our members' products.

We are writing to convey our full support for S. 925 and its provision for training resources for law enforcement officials, prosecutors and judges in non-OECD countries. Many non-OECD countries are the locales of some of the most virulent piracy environments afflicting our industry, not only from the standpoint of impeding the development of legitimate local markets for entertainment software but also frequently serving as the seedbed for the large-scale manufacture and export of thousands of infringing copies to destinations around the world.

A lack of knowledge of and appreciation for intellectual property among local law enforcement officials, prosecutors and even judges in many of these countries are frequently material factors contributing to the ineffectiveness of efforts to control and reduce the activities of local pirates. There is no question that the allocation and application of resources to address this problem would go a long way to enhancing the productivity of local law enforcement efforts targeting local pirate operations. Accordingly, IDSA would like to express its full support for the bill and its objectives.

Sincerely,

FREDERIC HIRSCH,
Senior Vice President.

ENTRUST®
July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of Entrust, Inc., I am writing in support of the Allen—Alexander amendment to S. 925, the State Department Authorization bill.

As you know, piracy results in significant harm to the U.S. software industry, which results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen-Alexander amendment will authorize the State Department to educate nations about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just beginning. Ensuring that software is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about piracy deserves full Congressional support.

Thank you for your leadership,

Sincerely,

DANIEL F. BURTON,
Vice President, Government Affairs.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I rise in support of the antipiracy amendment that the Senator from Virginia just discussed and of which I am proud to be a cosponsor.

I am delighted that Senator BIDEN from Delaware, Senator GRAHAM from South Carolina, and other Members of the Senate are either cosponsors or interested in this amendment.

The Senator from Virginia has explained, very clearly, why this is important, why it is important to authorize the State Department to establish an antipiracy program that will help foreign governments establish and protect intellectual property rights. It authorizes $5 million for the program, which is an important amount, a good start, but a relatively small amount in the overall bill.

The antipiracy program, as the Senator from Virginia explained, would help protect American intellectual property abroad by, first, providing equipment and training for foreign law enforcement of intellectual property rights; second, train judges and prosecutors; and, third, assist foreign governments in complying with obligations under appropriate international copyright and intellectual property treaties and agreements.

We all know the importance of this. We have come to take it for granted in our country. We are a country of inventors, of artists, of entrepreneurs, of creators. So much of our wealth and our uniqueness comes from that. The Senator from Virginia knows that because of the technological progress in his State, as there is in mine. We know it in Tennessee especially because of our musicians.

We know the importance of protecting physical property in America. The owner has bought it or built it, and it belongs to them. Intellectual property should be treated no differently. Whether it is a song or a computer program, a patent or a piece of art, someone has created it, and it should belong to him or to her until he or she chooses to sell it or to give it to someone else.

Nashville is the home of country music. Memphis is the home of the blues. A lot of our Tennessee music started in Bristol which spreads itself across the States of Virginia and Tennessee. We have strong feelings about this in our part of the world.

The music business is suffering because of mass piracy of intellectual property. In the past 4 years, unit shipments of recorded music have fallen by 26 percent. In terms of sales, revenues are down 14 percent, from $14.6 billion in 1999 to $12.6 billion last year. The music industry worldwide has gone from a $39 billion industry in 2000 down to $32 billion in 2002, which is a decline of 18 percent. Much of this decline is due to music piracy, most of which occurs on the Internet. Computer users illegally download more than 2.6 billion copyrighted files, mostly songs, every month. At any given moment, approximately 4 to 5 million users are on line offering an estimated 800 million files for copy.

According to a November 2002 survey by Peter D. Hart Research, by a 2-to-1 margin most consumers who say they are downloading more music report that they are purchasing less. Much of this problem is domestic. We need to acknowledge that. But some of it also comes from abroad. About 25 percent of the total files available on unauthorized Internet services are hosted outside the United States.

In my State of Tennessee, this theft of intellectual property hurts a key sector of our economy. Nashville is home to more than 29 different major and independent record labels and 52 recording studios. It has one of the Nation's largest concentrations of song writers, performers, and music publishers. An estimated 20,000 Nashvillians work in music tourism, broadcasting, and related fields. The city is home to more than 1,500 entertainment companies. Musicians unions have more than 5,500 members in Music City.

I think the Presiding Officer can understand, especially because of his leadership on this issue, why protecting their intellectual property rights means more than just helping one artist earn money off a hit record. It means protecting thousands of jobs and maintaining an industry that brings joy to millions of fans in this country and around the world.

I urge my colleagues to support the amendment which authorizes a small but important amount of money to protect intellectual property rights around the world.

I thank the Senator from Virginia for his leadership and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we commend the distinguished Senators who have offered this amendment and worked carefully through the text of it to an amendment that is acceptable to both sides. I indicate my support and we are prepared to accept the amendment. My understanding is that the distinguished Senator from Delaware, the ranking member, is prepared to accept the amendment.

Mr. BIDEN. I am prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1144) was agreed to.

Mr. ALLARD. Mr. President, I rise today to thank the Foreign Relations Committee for their hard work on the legislation before us. Specifically, I am pleased to see included in S. 925, the State Department authorization, a provision relating to the international military education training and foreign military financing for Indonesia.

The committee has seen fit, and rightly so, to deny the release of any of these funds to Indonesia without certification from our President that the Indonesian Government has taken effective measures to conduct an investigation into the August 2002 attacks on American citizens and to prosecute those responsible.

By now I know that my colleagues in the Senate are aware of the tragedy that occurred last August in West Papua, Indonesia, which resulted in the deaths of two Americans. Justice has still not been found for Rick Spier or Ted Burgeon, and I am grateful that the Foreign Relations Committee has recognized the need for Indonesia and its military apparatus to determine what has occurred. Hopefully, this provision will demonstrate to the Indonesian Government that the United States Senate will not allow this issue to fall to the wayside, and that we remain committed to finding and punishing those responsible.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBERIA

Mr. FEINGOLD. Mr. President, I rise to comment on the urgent crisis in Liberia, and on my conviction that the United States has a role to play in its resolution. I also rise to call for the kind of information and clarity that we need if we are to take effective action.

In recent days the newspapers have reminded Americans of the special relationship that exists between America and the west African Republic of Liberia, a country founded by freed slaves from the United States in 1820. But it is important to note the more recent historical links between our countries as well.

During the cold war, eager for reliable client states in Africa, the United States supported Samuel Doe when he seized control of Liberia in a 1980 coup, and kept supporting him even when he stole the 1985 elections. In fact, in the first five years of the Doe regime, the United States contributed nearly $500 million in economic and military aid—effectively bolstering the government's staying power. The Doe regime was an extraordinarily brutal one that not only disenfranchised many Liberians, it also effectively erased the boundaries between legitimate and illegitimate political action. When the cold war was over and Charles Taylor's band of rebels—some of them children—clashed with government forces and other ethnic militias in the streets, the resulting conflict was so frighteningly gruesome that for many it was almost impossible to understand.

And the United States, no longer concerned about Communist influences in Monrovia, simply evacuated American citizens and then watched the country tear itself apart from the sidelines. In the end, Taylor essentially held the country hostage to his desire for power, and war-weary Liberians elected him President in the hopes of avoiding conflict. Taylor's desire for power and wealth turned out to extend beyond his own borders, however, and he became a primary patron of the brutal Revolutionary United Front, or RUF, force in Sierra Leone, which provided his regime with riches from Sierra Leone's diamond mines in exchange for military support and protection.

On November 2, 2001 the Washington Post ran a front-page article about alleged connections between al-Qaida's financing and the illicit sale of diamonds mined by Liberian-backed rebels in Sierra Leone—rebels who, you may recall, are best known for cutting off the limbs of civilians, including children, to make a political statement. Reports have also linked illicit diamond sales to Hezbollah. Additional articles focused on notorious arms dealer Victor Bout, whose deliveries to the region may have been paid for in diamonds. Law enforcement officials have suggested that Bout has been involved in arming international terrorists and the forces that harbor them worldwide. These reports have been the subject of controversy, and the connections and relationships involved are murky at best, but the issue that they expose—the vulnerability of weak states to exploitation by international criminals—is not in doubt.

Meanwhile, Taylor's criminal enterprise has proved the rule that order, when imposed through injustice and repression, tends to crumble, and the forces currently challenging the regime for power—the LURD and MODEL—appear to be have learned their abusive tactics from their enemies. Criminality rules, chaos threatens, and the civilians of Liberia—the people with a real interest in building a stable future, the people who simply want a chance to send their children to school, are once again likely to be caught in the crossfire.

It is time for the international community to stand up and say, "no more" to this cycle of chaos in west Africa. No more deals with thugs, no standing by as observers to cycles of slaughter, no more watching the predictable fomenting of instability across borders, no more standing by as organized crime expands its reach from the very seat of government, no more opportunities for terrorists. Enough—because more of the same threatens our interests and denies our basic humanity.

The United States should take a leadership role in responding to the Liberian crisis. And that means that we need to clarify the costs and commitments entailed in a response now, so that we can take informed and responsible action.

Recently the distinguished chair and ranking member of the Armed Services Committee indicated that they believe Congress should vote on any commitment of substantial forces in the region. I believe that they are right, and that United States troops must always be deployed in a manner consistent with the War Powers Act of 1973. But I also know that watching and waiting is not an option that will serve United States interests.

In Liberia, we can and should act in concert with the international community. In 2000, the British made a courageous decision and helped to bolster peacekeeping efforts in Sierra Leone, bringing an end to a violent spectacle that had outraged the world without provoking an effective response for years.

The French deployed to Cote d'Ivoire when it fell victim to the forces of disorder, are trying to reverse the trend toward violence and chaos that recently gripped that once-stable place. African states have mobilized as well, and they continue to work feverishly to resist the spread of misery, deprivation, and violence that has spread throughout this region. For historical reasons, most in the international community looks to the United States for commitment and leadership in stabilizing Liberia, which is the country that is at the heart of this regional decline in West Africa. In fact, unlike the situation we recently faced in Iraq, virtually the entire international community is urging the United States to act: from our closest allies in Britain to the Secretary General of the United Nations. And most importantly, west Africans themselves are asking for our help. Liberians are frantically waving U.S. flags, hoping to get our attention, praying we will come to their aid. This is a not a situation that involves antagonizing allies in the fight against terrorism—instead, it calls for cooperating with the diverse actors around the world who are already committed to fighting for stability in the region.

And make no mistake, the United States is already among those actors. This is not some new issue that just emerged over the last month, and we are not at the precipice of deciding whether or not to get involved. Let us take just one example:

As of January 1 of this year, the United States had spent over $515 million on the peacekeeping mission in Sierra Leone and on Operation Focus Relief, which was devised to support that mission. Hundreds of millions more have been appropriated and requested for this purpose in 2003 and 2004. From the point of view of the United States taxpayer, we are already in quite deep.

There is no denying that Sierra Leone's long-term stability depends upon resolving the problem in Liberia. Over the July 4 recess, I sent a member of my staff to Sierra Leone, and to the region in the east that borders Liberia and which was formerly a RUF stronghold, to assess the situation. And I can tell you, from her report, that senior military experts in the region have recently underscored this point.

The question before us now is whether or not we will protect our investment and our interests by addressing the foremost underlying cause of instability in the region; and that is, the criminal enterprise currently governing Liberia, and the violent and abusive movements that have sprung up in resistance to it.

I have been to Liberia, and I have been to Cote d'Ivoire, and I have been to Sierra Leone. I have served on the Senate Foreign Relations Committee's Subcommittee on African Affairs since I came to the Senate in 1993. For over 7 years now I have served as either the chairman or ranking member of the subcommittee. In this role, and in Africa, I have met with amputees, refugees, widows and orphans. I have spoken with west African heads of state and west African civil society leaders about Liberia's influence on the region. I have no doubt in my mind that the humanitarian catastrophe and the dangerous instability in the region will not be resolved until Liberia is stabilized—and that means more than replacing one thug with another.

During my chairmanship of the subcommittee last year, we held a series of hearings focusing on the very real security threats that are posed by weak or failed states in Africa, including criminal networks like those in Somalia or west Africa which can provide a safe haven for terrorist activities. After the horror of September 11, 2001, consensus built across the political spectrum, acknowledging that the United States was shortsighted when we disengaged from Afghanistan and Pakistan once we no longer had cold war-related interests in those countries. So what happened? What happened was that America left a vacuum in its wake, and some of the forces that moved to fill that vacuum came to threaten our security in ways we could not have imagined.

The very same thing is true in sub-Saharan Africa. Manifestations of lawlessness such as piracy, illicit air transport networks, and trafficking in arms, drugs, gems and people simply beckon to those who would operate in the shadows, beyond the reach of the law.

It only takes one look at the war-ravaged state of Congo today, or the porous borders of west Africa, to see opportunities for those who would do us harm. In 1998, al-Qaida seized that opportunity, perpetrating attacks on the American embassies in Kenya and Tanzania that killed 223 people—Kenyans, Tanzanians, and Americans—and wounded thousands more. And unless we take action to make African societies less vulnerable to this kind of lawlessness rather than continuing our post-cold-war pattern of neglect, we may well reap the terrible consequences here at home.

But a word of caution and a clarification are in order here. It is difficult to verify links between west African chaos and international terrorism, in part because illicit diamonds are such effective money-laundering instruments. And I am not saying that al-Qaida is in league with Charles Taylor or the LURD or MODEL, and therefore we should go marching into Monrovia for that reason. I have not seen any information that would lead me to believe that to be true, and, frankly, I am not interested in harnessing the power and the emotion bound up in the fight against terrorism to every other policy issue for the sake of political convenience. My goal here is to protect the American people and to ensure that our international action is responsible.

And I am not saying that the United States military should stand poised to intervene throughout the continent wherever disorder reigns. Of course not. But just as Australia, backed up by the international community, responded to crisis in East Timor; just as Britain, backed up by the international community, responded to crisis in Sierra Leone; so too, sometimes, it falls to the United States to take a leadership role.

Unlike the issue of Iraq that came before us last year, I am not talking about starting a war with anyone in the face of widespread international opposition. Instead, I am talking about working with the international community to help stabilize a country that has fallen into the hands of undisciplined bands of thugs. For unilateral action in the face of massive global opposition, I set the bar very high. For action in concert with others that will be widely welcomed, I still set a high bar. It must be in our interest. And there are questions that must be answered to my satisfaction before any intervention can meet with my approval. And I remain very, very concerned about our overextension militarily around the world. I am neither a promilitary intervention Senator nor an antimilitary intervention Senator. Attaching ourselves to such labels is a mistake. I simply try to look at each situation and exercise my judgement. After years of studying this situation, my judgement tells me that the United States has a meaningful role to play here in Liberia.

And let us not forget that we are also talking about a human tragedy unfolding before our eyes. Tens of thousands are already displaced; hundreds died in fighting in Monrovia a few days ago. The quality of life of civilians in Liberia contends for the title of worst in the world. At some point, this has to matter. Common decency suggests that the international community should act to stop the downward spiral.

It is time to say: no more. After visiting the region, I called Charles Taylor a war criminal here on the Senate floor in 2001, saying publicly what many had said privately for a long time. The Special Court for Sierra Leone unsealed an indictment to this effect just last month. Like many of my colleagues, I strongly support the court. West Africa must break the cycle of violence and impunity, and all of us in the international community have a role to play in that effort. And I support President Bush, who is right to call on Charles Taylor to step down, just as the Special Court for Sierra Leone was right to indict him. But, let us be clear. Taylor should have no veto over internationally backed U.S. action. His days of dictating the destiny of the west African people are over.

U.S. action may involve sending American troops. But before making that decision, we need answers to several critical questions.

I have not seen the scenarios or projections for any kind of action or intervention that have surely been worked up by the administration. I should see them. We should all see them. And we should see them sooner rather than later. And we need answers to the questions: Will United States participation and leadership overstretch our resources? What are the costs? What commitments are we making? What is our exit strategy? And, what are our plans for the coordination of long-term stabilization efforts?

Of course the answers should inform any decision about what we should and should not do. No one should understand my remarks today as some sort of "anything goes" endorsement of any and all proposals that may emerge. But I do believe that we must do something, and that we need to confront these questions quickly. As I have noted, American inaction and indifference is not an option. We are already deeply involved. The success of any action we take cannot be guaranteed, but we know that the costs of inaction are very high and very dangerous.

I urge the administration to begin undertaking consultations urgently so that we can move forward with an informed, effective, and timely response.

PATIENTS FIRST ACT

Mr. BUNNING. Mr. President, I am disappointed the Senate did not vote to move to full consideration of S. 11, the Patients First Act of 2003, to address the national crisis our doctors, hospitals and those needing healthcare face today.

One of the top issues we all hear about from doctors in our States is how they are being squeezed financially by skyrocketing medical liability premiums. The Senate had a real opportunity to help remedy this problem by passing the Patients First Act, but unfortunately, we didn't even get a chance to fully consider and vote on this bill.

Not only is medical liability hurting doctors, but it is now starting to affect the quality and availability of care for patients. First, let me give a little background on the situation in Kentucky. I know many other States face the same situation.

In March of this year, Kentucky joined 17 other States on the American Medical Association's list of "crisis States." This means that the current liability system is affecting patient care.

Physicians across my State are facing some hard choices trying to figure out how to pay their rising premiums. Some are choosing to close their offices or retire early. Others are packing up and moving to other States with more sensible insurance regulations. Most concerning are reports of physicians no longer delivering babies because they cannot afford the liability insurance. This leaves expectant mothers in the lurch and creates huge, frightening gaps in critical medical coverage. In Kentucky, for example, Knox County hospital has stopped delivering babies which is forcing expectant mothers to travel to neighboring counties for care.

The Kentucky Medical Association conducted a survey last year on the effects of rising medical malpractice premiums. They found that 70 percent of the physicians in Kentucky saw their premiums go up. In the worst example, there was a $476,000 increase for a six-physician orthopedic office that didn't have any settlements or judgements against it.

Recently, I received a letter from Catholic Healthcare Partners, a hospital system with about 30 hospitals and 8,900 affiliated physicians across the country. In Kentucky, they own several hospitals, including Lourdes Hospital in Paducah and Marcum & Wallace Memorial Hospital in Irvine.

According to Catholic Healthcare Partners, the hospital system's liability insurance premiums increased by 50 percent in 2001 and 70 percent in 2002. In fact, in the past 3 years, their premiums have increased by almost $25 million. Unfortunately, Catholic Healthcare Partners is the rule instead of the exception.

In May, the Joint Economic Committee published a study on the impact of medical liability litigation. The report said the total premiums for medical liability insurance more than doubled from 1991 to 2001 to reach $21 billion. Hospitals and doctors simply cannot continue keeping their doors open and treating patients if their premiums continue to rise this rapidly.

For example, Appalachian Regional Healthcare is one of the largest rural health systems in the country and employs 150 physicians in its nine hospitals and other healthcare outlets. ARH provides services in both Kentucky and West Virginia, and employs most of the obstetricians and pediatricians in eastern Kentucky.

In January of this year, ARH made a decision to become completely self-insured. In 2001, the hospital system's key carrier for medical liability coverage dropped the hospital, and ARH couldn't find any other affordable coverage. For 2002, the bids for coverage the hospital received were $12 million to $13 million—which was more than the hospital system's net revenue and almost triple what they had paid the year before.

The hospital system is now building an insurance reserve in case there are any malpractice settlements against it. However, according to ARH representatives, they realize that even one single case could cripple the system and its physicians.

There is no doubt the system is broken. And for many Kentuckians, especially in our rural areas, there is no doubt skyrocketing insurance rates are making it harder for patients to get the quality care they need. The rising premiums not only take a toll on physicians and hospitals, but it means you, me, and everyone in this country is paying more for medical care. Very simply, individuals pay more for medical care because of the increases in premiums doctors face.

Although all of us are paying more, some people are making out like bandits—usually the trial attorneys. It hardly seems that you can turn on your television these days without seeing a commercial by one trial attorney or another looking for "injured" people. Some of these lawyers specialize in certain kinds of injuries while others aren't as picky and will take anyone involved in an accident. Most give a toll-free number, and many promise that "we won't get paid unless you get paid."

In a report by the Department of Health and Human Services released last year, it said the number of "mega-verdicts is increasing rapidly," particularly within specialty areas of medicine. The report goes on to say lawyers have an "interest in finding the most attractive cases" and they have "an incentive to gamble on a big 'win.'" Finally, the report says "lawyers have few incentives to take on the more difficult cases or those of less attractive patients."

Is this really the way we want our legal system to work? Are we really getting the best results with this type of legal system? The answer to both of these questions is no.

It seems like I have been voting for changes to our medical liability system since I have been in Congress, but we always seem to come up a few votes short. The Patients First Act places some commonsense controls on lawsuits against doctors. This will help bring some control over the rising medical liability premiums, and doctors in my State will be able to provide healthcare services.

For example, the bill places limits on noneconomic and punitive damages, but does not limit economic damages. The bill also limits the amount attorney's can collect from their clients depending on the size of the settlement. The bill requires lawsuits to be filed within 3 years of the injury, although this time limit is extended to children under the age of 6 who are injured.

Finally, the bill makes defendants liable for only their share of the injury that occurred and allows periodic payment of future damages. These changes could make a big difference in the availability and cost of healthcare in the United States and Kentucky. These changes could mean physicians in Kentucky thinking about leaving the state will be able to stay, and doctors thinking about leaving the profession will be able to continue practicing.

I am disappointed we did not have enough votes to proceed and fully consider the Patients First Act, however, I am hopeful we can come back and revisit this important issue soon, and give our doctors, hospitals, and especially those needing healthcare a more affordable system with better access.

IN REMEMBRANCE OF SENATOR STROM THURMOND

Mrs. DOLE. Mr. President, I rise to speak on the passing of a dear friend and a leader in this Chamber, Strom Thurmond.

Strom retired this year at the age of 100—after more than a half century of serving the people of South Carolina and our Nation as U.S. Senator, as Governor of South Carolina, and as a State legislator. Remarkably, his career in the Senate spanned the administrations of 10 presidents—from Dwight Eisenhower to George W. Bush.

His passing certainly will be felt by so many Members of this Chamber who had grown accustomed to the courtly gentleman from South Carolina. But his life leaves a lesson for us all—in compassion, civility, dedication, hard work, and respect.

Before he was elected to the Senate in 1954 as the only write-in candidate in history to win a seat in Congress, Strom Thurmond was elected county school superintendent, State senator, and circuit judge until he resigned to enlist in the Army in World War II. He landed in Normandy as part of the 82d Airborne Division assault on D-day, and the story goes, flew into France in a glider, crash-landed in an apple orchard. He went on to help liberate Paris, and he received a Purple Heart, five battle stars, and numerous other awards for his World War II service.

My husband, Bob, and I were honored to have known Strom Thurmond for so many years and to count him among our friends. He and Bob shared a great deal of common history dating from their World War II days, and his Southern gallantry always had a way of making this North Carolinian feel right at home.

I first worked with Strom Thurmond when I served as Deputy Special Assistant to the President at the White House. Even then, he was an impressive Senator. President Reagan praised his "expert handling," as chairman of the Senate Judiciary Committee, of nominees to the U.S. Supreme Court. In fact, it was Strom Thurmond's skill as chairman that helped to shepherd through the nomination of Sandra Day O'Connor as the Nation's first female on the United States Supreme Court.

I always admired Strom Thurmond for his constant dedication to the people of South Carolina and the industries of that State. Bob Dole has joked that "Someone once asked if Strom had been around since the Ten Commandments." Bob said that couldn't have been true—if Strom Thurmond had been around, the 11th Commandment would have been "Thou shall support the textile industry." That industry still needs a lot of help. In fact, when President Reagan called Strom to wish him a Happy 79th birthday back in 1981, Strom Thurmond, with his constant attention to South Carolina interests, used the opportunity to talk to the President about the textile industry.

Indeed, South Carolina is full of stories of how the senior senator from South Carolina managed to cut through red tape to make sure that his residents got the things they needed. And whenever South Carolinians called—or anyone else for that matter—Strom Thurmond could always be counted on to show up: at a Fourth of July parade, a county festival, or a State fair, armed with his trademark Strom Thurmond key chains.

And North Carolinians developed a fondness for Strom Thurmond. He often flew into Charlotte before driving to his Edgefield, SC home. And he became so familiar in the airport that many of the workers there knew him—and he knew them, often stopping to share a kind word or a funny story.

And I was so honored that just before he went home for good, he came in his wheelchair, with Nancy's help, to visit me in my basement office and welcome me to the Senate.

Bob and I sent our heartfelt condolences to Strom's family: our dear friend Nancy and the children, and daughter, Julie, who worked with me at the Red Cross. He was a loving husband, proud father, and a new grandfather. And, of course, he loved the people of South Carolina—for whom he worked tirelessly throughout his career in public service, and to whom he chose to return when his work was done in the Senate.

Today, as I remember him, his life, and his legacy, I think of the Bible in the 25th Chapter of Matthew, when the Lord said, "Well done, thou good and faithful servant. . . . Enter thou into the joy of the Lord."

May God bless him and his family.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a series of terrible crimes that occurred in Ashton, MD. During September 2001, an Arab-American homemaker was attacked and her property vandalized by a female neighbor. The neighbor spread feces across the Arab Americans' porch three times, pelted the home with dead plants, and doused the woman with liquid. The neighbor doused the Arab-American woman a second time, this time with bleach, which burned the victim's skin and discolored her clothes.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

JUDGES ACT

Mr. LEAHY. Mr President, earlier this year, the House Republicans saddled the bipartisan, non-controversial AMBER Alert bill with numerous unrelated and ill-conceived provisions, collectively known as the "Feeney amendment," that effectively overturned the basic structure of the carefully crafted sentencing guideline system. At the time, we were warned by distinguished jurists that these provisions would irrevocably harm our sentencing system and compromise justice. For example, the Nation's Chief Justice warned that the Feeney amendment, if enacted, "would do serious harm to the basic structure of the sentencing guideline system and would seriously impair the ability of courts to impose just and responsible sentences." Despite such objections, and without any serious process in the House or Senate, these provisions were pushed through conference with minor changes and enacted.

We are now beginning to witness the far-reaching impact of this folly. Not only have we compromised the sentencing system, but we have alienated and minimized the effectiveness of our Federal judges, prompting at least one to announce early retirement.

As enacted, the Feeney amendment, substantially reversed provisions allowing Federal judges to depart from sentencing guidelines when justice requires. It also created a "black list" of judges who impose sentences that the Justice Department does not like, and limited the number of Federal judges who can serve on the Sentencing Commission, thus reducing the influence of practical judicial experience on sentencing decisions.

In response, in a June 24 op-ed in the New York Times, Republican-appointed district judge and former Federal prosecutor, John S. Martin, Jr., decried these provisions as "an assault on judicial independence," "at odds with the sentencing philosophy that has been a hallmark of the American system of justice," and tragically, the impetus for his decision to retire from the bench, rather than exercise his option to continue in a lifetime position with a reduced workload. "When I took my oath of office 13 years ago I never thought I would leave the Federal bench. . . . I no longer want to be part of our unjust criminal justice system."

It is shameful that we have allowed such half-baked, poorly-crafted legislation to lead to the loss of a judge that has dedicated his career to fighting crime and preserving justice. When he was appointed by the first President Bush in 1990, Judge Martin brought with him to the bench years of knowledge and experience as a Federal prosecutor, including 3 years as a U.S. Attorney for the Southern District of New York. As a former Federal prosecutor, he is no slouch on crime. He knows very well the importance of vigorously pursuing and punishing wrongdoers. But his experience has also taught him that these goals cannot trounce the equally-critical pursuit of justice and fairness.

Unless we reverse the damaging provisions in the Feeney amendment, we will continue to compromise justice, alienate Federal judges, and threaten the stability and integrity of our judicial system. That is why I joined Senators KENNEDY, FEINGOLD, and LAUTENBERG in introducing the Judicial Use of Discretion to Guarantee Equity in Sentencing Act of 2003, or the JUDGES Act. This bill would correct the Feeney amendment's far-reaching provisions by restoring judicial discretion and allowing judges to impose just and responsible sentences. In addition, the JUDGES Act would reverse the provisions limiting the number of Federal judges who can serve on the Sentencing Commission. Finally, the JUDGES Act would follow through on the advice of Chief Justice Rehnquist to engage in a "thorough and dispassionate inquiry" on the Federal sentencing structure by directing the Sentencing Commission to conduct a comprehensive study on sentencing departures and report to Congress with 180 days.

In his New York Times op-ed, Judge Martin raised another important point: Limiting judicial discretion and involvement in sentencing practices also reduces the personal satisfaction that judges derive from knowing that they are integrally involved in promoting a more just society, and in doing so removes a powerful incentive that prompts potential judges to accept a judicial appointment, despite inadequate pay. "When I became a Federal judge, I accepted the fact that I would be paid much less than I could earn in private practice. . . . I believed I would be compensated by the satisfaction of serving the public good—the administration of justice. In recent years, however, this sense has been replaced by the distress I feel at being part of a sentencing system that is unnecessarily cruel and rigid."

We all know that judicial pay is a challenging issue. Indeed, this is why I introduced a bill, S. 787, to restore the many cost of living adjustments that Congress has failed to provide the judiciary, and have joined Chairman HATCH and many other members of the Judiciary Committee in sponsoring S. 1023 to increase the annual salaries of Federal judges and justices. I encourage my colleagues to support these efforts. But I ask them not to make the challenge of judicial pay worse by taking away the intangible compensation that is the satisfaction from serving the public good. Unfortunately, the Feeney amendment has done just that.

I again urge my colleagues to support the JUDGES Act, and I ask unanimous consent that Judge Martin's June 24 op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 24, 2003]

LET JUDGES DO THEIR JOBS

(By John S. Martin Jr.)

I have served as a federal judge for 13 years. Having reached retirement age, I now have the option of continuing to be a judge for the rest of my life, with a reduced workload, or returning to private practice. Although I find my work to be interesting and challenging, I have decided to join the growing number of federal judges who retire to join the private sector.

When I became a federal judge, I accepted the fact that I would be paid much less than I could earn in private practice; judges make less than second-year associates at many law firms, and substantially less than a senior Major League umpire. I believed I would be compensated by the satisfaction of serving the public good—the administration of justice. In recent years, however, this sense has been replaced by the distress I feel at being part of a sentencing system that is unnecessarily cruel and rigid..

For most of our history, our system of justice operated on the premise that justice in sentencing is best achieved by having a sentence imposed by a judge who, fully informed about the offense and the offender, has discretion to impose a sentence within the statutory limits. Although most judges and legal scholars recognize the need for discretion in sentencing, Congress has continually tried to limit it, initially through the adoption of mandatory-minimum sentencing laws.

Congress's distrust of judicial discretion led to the adoption in 1984 of the Sentencing Reform Act, which created the United States Sentencing Commission. The commission was created on the premise, not unreasonable, that uniformity in sentencing nationwide could be promoted if judges and other criminal law experts provided guidelines for federal judges to follow in imposing sentences. However, Congress has tried to micromanage the work of the commission and has undermined its efforts to provide judges with some discretion in sentencing or to ameliorate excessively harsh terms.

For example, when an extensive study demonstrated that there was no justification for treating crack cocaine as 100 times more dangerous than powdered cocaine, the ratio adopted by Congress in fixing mandatory minimum sentences, the commission proposed reducing the guideline ratios. However, the proposal was withdrawn when Congressional leaders made it clear that Congress would overrule it.

Congress's most recent assault on judicial independence is found in amendments that were tacked onto the Amber Alert bill, which President Bush signed into law on April 30. These amendments are an effort to intimidate judges to follow sentencing guidelines.

From the outset, the sentencing commission recognized the need to avoid too rigid an application of the guideline system and provided that judges would have the power to adjust sentences when circumstances in an individual case warranted. The recent amendments require the commission to amend the guidelines to reduce such adjustments and require that every one be reported to Congress. They also require that departures by district judges be reviewed by the appellate courts with little deference to the sentencing judge.

Congress's disdain for the judiciary is further manifested in a provision that changes the requirement that "at least three" of the seven members of the sentencing commission be federal judges to a restriction that "no more than" three judges may serve on it. Apparently Congress believes America's sentencing system will be jeopardized if more than three members of the commission have actual experience in imposing sentences.

Every sentence imposed affects a human life and, in most cases, the lives of several innocent family members who suffer as a result of a defendant's incarceration. For a judge to be deprived of the ability to consider all of the factors that go into formulating a just sentence is completely at odds with the sentencing philosophy that has been a hallmark of the American system of justice.

When I took my oath of office 13 years ago I never thought that I would leave the federal bench. While I might have stayed on despite the inadequate pay, I no longer want to be part of our unjust criminal justice system.

VETERAN'S MEMORIAL

Mrs. LINCOLN. Mr. President, I rise today on behalf of all Arkansans to recognize the veterans who have served in our Armed Forces. A beautiful memorial in Saline County, AK, has been built, and will be dedicated on July 10, to honor those who have protected and served our country. All service men and women are being honored, including my father, who served in Korea. He taught me at a very early age to have tremendous respect for those who have fought to defend our freedom. Not only will this memorial honor our veterans, it will also remind future generations of the sacrifices that were made for this great country.

I also wish to recognize those who brought this day together for our Veterans. Judge Lanny Fite, State Representative Dwight Fite, the Saline County Veteran's Board, Jack McCray, Gary Ballard, and many others have given of themselves to make this memorial possible. I am grateful for their efforts to honor the men and women who serve our Nation in uniform. This memorial is a fitting tribute of which Saline County and our entire State can be proud.

ADDITIONAL STATEMENTS

HONORING THE GENERAL MOTORS CORVETTE ASSEMBLY PLANT

● Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize the hard work of those at the Corvette assembly plant in Bowling Green, KY, on the 50th anniversary of the Corvette.

America's love for the Corvette began in 1953, when the first American sports car took over the highways. Since then, the automotive industry has never been the same. Kentucky became part of this American icon in 1981, when an old air-conditioner manufacturing plant, located in western Kentucky, was converted into an automobile assembly plant. The Bowling Green plant holds the proud honor of being the sole Corvette producer. Another state-of-the-art renovation in 1996 once again placed the Bowling Green plant on the road to excellence in preparation for production of the latest Corvettes.

Each year, milestone after milestone, and award on top of award, the Bowling Green plant consistently shines. For 2 years Corvettes produced in Kentucky have captured Motor Trend Magazine's highly respected "Car of the Year" designation. In 1992, the Bowling Green plant produced the one-millionth Corvette.

However, the secret of their success lies in the hard work and determination of the Bowling Green team. Without skillful minds and driven hands, innovative ideas and quality-built cars would never come to fruition.

It is not often we have the chance to honor such a milestone. Please join me in congratulating all those who have worked at the General Motors Bowling Green assembly plant. I am pleased they are continuing the Corvette tradition with a Kentucky touch.●

DISTRICT OF COLUMBIA'S FISCAL YEAR 2004 BUDGET REQUEST ACT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Consistent with my constitutional authority and sections 202(c) and (e) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2004 Budget Request Act.

The proposed Fiscal Year 2004 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For Fiscal Year 2004, the District estimates total revenues and expenditures of $5.6 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 9, 2003.*

MESSAGE FROM THE HOUSE

At 11:06 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1761. An act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building".

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Durate, California, as the "Francisco A. Martinez Flores Post Office".

H.R. 2631. An act to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally.

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1761. An act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Durate, California, as the "Francisco A. Martinez Flores Post Office"; to the Committee on Governmental Affairs.

H.R. 2631. An act to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3028. A communication from The Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Prisoners of War Benefit Amendments of 2003"; to the Committee on Veterans' Affairs.

EC-3029. A communication from the Secretary of State, transmitting, a draft of proposed legislation entitled "Compact of Free Association Amendments Act of 2003"; to the Committee on Energy and Natural Resources.

EC-3030. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 2002 Annual Report for the Department of the Interior's Office of Surface Mining; to the Committee on Energy and Natural Resources.

EC-3031. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (ND-046-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3032. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (TX-043-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3033. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Illinois Regulatory Program" (IL-099-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3034. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-128-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3035. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-098-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3036. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02-05; to the Committee on Appropriations.

EC-3037. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2003-27, relative to waiving prohibition on United States Military Assistance to the Rome Statute Establishing the International Criminal Court; to the Committee on Foreign Relations.

EC-3038. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a danger pay allowance to US government civilians in Saudi Arabia; to the Committee on Foreign Relations.

EC-3039. A communication from the President of the United States, transmitting, pursuant to law, an annual report on peacekeeping operations and costs of maintaining international stability; to the Committee on Foreign Relations.

EC-3040. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements, other than treaties; to the Committee on Foreign Relations.

EC-3041. A communication from the General Counsel, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report relative to the vacancy, the designation of acting officer, and nomination for the position of Director of Office of Management and Budget, received July 7, 2003; to the Committee on Governmental Affairs.

EC-3042. A communication from the General Counsel, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, the report of a vacancy and nomination confirmed for the position of Deputy Director of Management; to the Committee on Governmental Affairs.

EC-3043. A communication from the Acting Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report of the Office of Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-3044. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through February 28, 2003; to the Committee on Governmental Affairs.

EC-3045. A communication from the Chairman of the Board, Pension Benefit Guaranty Corporation, Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-3046. A communication from the Administrator, National Aeronautics and Space Administration, Office of the Administrator, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-3047. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-99, "Honoraria Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC-3048. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-100, "Lead-Based Paint Abatement and Control Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC-3049. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of D.C. Act 15-106, "Fiscal Year 2004 Budget Support Act of 2003"; to the Committee on Governmental Affairs.

EC-3050. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-101, "Dedication and Designation of Commodore, Joshua Barney Drive, N.E., Fort Lincoln Drive, N.E., and Lincoln Drive North, N.E., Act of 2003"; to the Committee on Governmental Affairs.

EC-3051. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report of the corrected version of the Postal Rate's Commission's Report to the Congress on FY 2002 International Mail Volumes, Costs, and Revenues; to the Committee on Governmental Affairs.

EC-3052. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-3053. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2000 Through 2003 as of March 31, 2003"; to the Committee on Governmental Affairs.

EC-3054. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Auditor's Review of the University of the District of Columbia's Land-Grant Endowment Fund"; to the Committee on Governmental Affairs.

EC–3055. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report containing copies of the Postal Rate Commission's Report to the Congress on FY 2002 International Mail Volumes, Costs, and Revenues; to the Committee on Governmental Affairs.

EC–3056. A communication from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Occupational Injury and Illness Recording Requirements — Deletion of MSD Column Requirements” (RIN1218-AC06) received on July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3057. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Amendment to the Interim Final Regulation” (RIN0938-AL42) received on July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3058. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled “Clarifying of Release Gratuities—Release Transportation Regulations to More Closely Conform to Statutory Provisions” (RIN1120-AB21, 68 FR 34301) received on July 7, 2003; to the Committee on the Judiciary.

EC–3059. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled “Release Gratuities, Transportation, and Clothing: Aliens” (RIN1120-AA93, 68FR34299), received on July 7, 2003; to the Committee on the Judiciary.

EC–3060. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3061. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3062. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Drug Enforcement Administration, received on July 7, 2003; to the Committee on the Judiciary.

EC–3063. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Director, Office on Violence Against Women, received on July 7, 2003; to the Committee on the Judiciary.

EC–3064. A communication from the White House Liaison, transmitting, pursuant to law, the report of the designation of acting officer, nomination, and discontinuation of service in acting role for the position of Administrator, Drug Enforcement Administration, received on July 7, 2003; to the Committee on the Judiciary.

EC–3065. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3066. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3067. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Associate Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3068. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3069. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled “Medical Devices; Designation of Special Control for Eight Surgical Suture” (Docket No. 02N-0228) received July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3070. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled “Skin Protectant Drug Products for Over-the-Counter Use; Final Monograph” (RIN0910-AA01/ Docket No. 78N-0021) received on July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3071. A communication from the Attorney-Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Aviation and International Affairs, received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3072. A communication from an Administrator, Risk Management Agency, Federal Crop Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Crop Insurance Winter Coverage Endorsement” (RIN0564-AB63) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3073. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “2002 Marketing Quotas and Price Support for Flue-Cured Tobacco” (RIN0560-AG60) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3074. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions and Salmonella Enteritidis Serotype Enteritidis; Remove Regulations” (RIN0579-AB31) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3075. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans and Approval Under Section 112(i) of the Clean Air Act; Virginia; State Operating Permit Program” (FRL#7519-2) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3076. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Stay of Authority Under 40 CFR 50.9 (b) Related to Applicability of 1-Hor Ozone Standard” (FRL#7519-3) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3077. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “State and Federal Operating Permits Programs: Amendments to Compliance Certification Requirements” (FRL#7519-5) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3078. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans for Texas; Approval of Selection 179B Demonstration of Attainment, Carbon Monoxide Motor Vehicle Emissions Budget for Conformity, and Contingency Measure for El Paso Carbon Monoxide Nonattainment Area” (FRL#7521-2) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3079. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plas; Mechklenburg County, North Carolina Update to Materials Incorporated by Reference” (FRL#7511-6) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3080. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Irradiation of Sweetpotatoes from Hawaii” (APHIS Docket No. 03-062-1) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3081. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Importation of Fruits and Vegetables” (doc. no. 02-026-4) received on June 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3082. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Bacillus thuringiensis Cry34AB1 and Cry35b1 Proteins and the Genetic Material Necessary for their Production in Corn; Temporary Exemption from the Requirement of a Tolerance” (FRL# 7310-1) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3083. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Diallyl Sulfides; Exemption from the Requirement of a Tolerance” (FRL#7303-6) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3084. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Famoxadone; Pesticide Tolerance” (FRL#7310-9) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3085. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glyphosate; Pesticide Tolerance; Technical Correction" (FRL#7316-5) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3086. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxnil; Pesticide Tolerance" (FRL#7313-7) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3087. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendment" (FRL#7308-9) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3088. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendment" (FRL#7316-9) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3089. A communication from an Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Administrative Review Requirements — Food Retailers/Wholesalers" (RIN0584-AD23) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1382. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 1383. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON:

S. 1379. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself, Mr. BAYH, Mr. ALLEN, Mr. CRAPO, Mr. HAGEL, Mr. COLEMAN, Mr. BENNETT, Mr. HATCH, Mr. ENZI, Mr. THOMAS, and Mr. FITZGERALD):

S. 1380. A bill to distribute universal service support equitably throughout rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. SMITH, Mr. BREAUX, Mr. MILLER, Mr. CHAMBLISS, Mr. PRYOR, Ms. COLLINS, Ms. LANDRIEU, Mr. SHELBY, and Mr. CRAIG):

S. 1381. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

By Mr. STEVENS:

S. 1382. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CAMPBELL:

S. 1383. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ALLARD:

S. 1384. A bill to amend title 23, United States Code, to provide State and local authorities a means by which to eliminate congestion on the Interstate System; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1385. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 239

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 239, a bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 377

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 377 , a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 602

At the request of Mr. DORGAN, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 602, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 741

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 764

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 774

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 966

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 966, a bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes.

S. 970

At the request of Mr. HOLLINGS, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 970 , a bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States.

S. 1023

At the request of Mr. HATCH, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 1023, a bill to increase the annual salaries of justices and judges of the United States.

S. 1032

At the request of Mr. SARBANES, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1032, a bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public.

S. 1046

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1153

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 1210

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1210, a bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

S. 1281

At the request of Mr. GRAHAM of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1281, a bill to amend title 38, United States Code, to presume additional diseases of former prisoners of war to be service-connected for compensation purposes, to enhance the Dose Reconstruction Program of the Department of Defense, to enhance and fund certain other epidemiological studies, and for other purposes.

S. 1289

At the request of Mr. GRAHAM of Florida, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1289, a bill to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone.

S. 1324

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1324, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for agricultural products of the United States, and for other purposes.

S. 1326

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1326, a bill to establish the position of Assistant Secretary of Commerce for Manufacturing in the Department of Commerce.

S. 1333

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1358

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1358, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosure of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 1360

At the request of Mr. GRAHAM of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1360, a bill to amend section 7105 of title 38, United States Code, to clarify the requirements for notices of disagreement for appellate review of Department of Veterans Affairs activities.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1370

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1370, a bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies.

S. 1374

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Arkansas (Mr. PRYOR), the Senator from North Carolina (Mr. EDWARDS), the Senator from North Dakota (Mr. DORGAN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1374, a bill to provide health care professionals with immediate relief from increased medical malpractice insurance costs and to deal with the root causes of the current medical malpractice insurance crisis.

S. CON. RES. 25

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 1379. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise today to introduce the American Veterans Disabled for Life Commemorative Coin Act of 2003. This bill will authorize the Secretary of the Treasury to mint a commemorative coin honoring the millions of veterans of the U.S. Armed Forces who were disabled while serving our country. Revenues from the surcharge on the coin would go to the Disabled Veterans' LIFE Memorial Foundation to help cover the costs of building the American Veterans Disabled for Life Memorial in Washington, DC.

The three-acre site for the Memorial is located on Washington Avenue at 2nd Street, SW., across from the U.S. Botanic Gardens, and in full view of the U.S. Capitol Building. Federal legislation for the Memorial, Public Law 106–348, was signed into law by President Bill Clinton on October 24, 2000. Sponsors included Senator JOHN MCCAIN, Senator Max Cleland, Congressman SAM JOHNSON, and Congressman JACK MURTHA. The National Capital Planning Commission unanimously approved the Capitol Hill location on October 10, 2001.

The mission of the Disabled Veterans' LIFE Memorial Foundation is to commemorate the selfless and continuing sacrifice of America's 2.3 million living disabled veterans, ensuring they will always be remembered; to provide all Americans with a place to express their appreciation for the men and women who came home from war bearing the scars of our great Nation's defense, and to serve as an eternal reminder of disabled veterans' honor, service, and sacrifice.

Recent events have brought about a renewed reverence and respect for the men and women who gave so much in service of our Nation. This legislation would help bring national attention to America's disabled veterans, and would serve as a fitting tribute to their sacrifice.

The Disabled Veterans LIFE Memorial Foundation was co-founded in 1996 by the Lois Pope Life Foundation and the Disabled American Veterans. Lois Pope, one of America's leading philanthropists, is the founder and President of the Lois Pope Leaders in Furthering Education Foundation. In addition to supporting veterans programs, this organization provides awards for medical research, scholarships, and summer camp programs. Formed in 1920, the Disabled American Veterans is a nonprofit organization representing America's disabled veterans, their families, and survivors.

The drive to build the Memorial, which is scheduled for completion within the next several years, is well under way, but has a long way to go. Prominent national figures including Retired Army General H. Norman Schwarzkopf, Poet Laureate Dr. Maya Angelou, and New York Giants star defensive end Michael Strahan are lending their support to this effort.

We have an obligation to assure that men and women who each day endure the cost of freedom are never forgotten. The American Veterans Disabled for Life Commemorative Coin Act of 2003 will honor these veterans and help fund the American Veterans Disabled for Life Memorial. I ask my colleagues in the Senate to join me in supporting America's disabled veterans with this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Veterans Disabled for Life Commemorative Coin Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the armed forces of the United States have answered the call and served with distinction around the world - from hitting the beaches in World War II in the Pacific and Europe, to the cold and difficult terrain in Korea, the steamy jungles of Vietnam, and the desert sands of the Middle East;

(2) all Americans should commemorate those who come home having survived the ordeal of war, and solemnly honor those who made the ultimate sacrifice in giving their lives for their country;

(3) all Americans should honor the millions of living disabled veterans who carry the scars of war every day, and who have made enormous personal sacrifices defending the principles of our democracy;

(4) in 2000, Congress authorized the construction of the American Veterans Disabled for Life Memorial;

(5) the United States should pay tribute to the Nation's living disabled veterans by minting and issuing a commemorative silver dollar coin; and

(6) the surcharge proceeds from the sale of a commemorative coin would raise valuable funding for the construction of the American Veterans Disabled for Life Memorial.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins in commemoration of disabled American veterans, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the design selected by the Disabled Veterans' LIFE Memorial Foundation for the American Veterans Disabled for Life Memorial.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2006"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Disabled Veterans' LIFE Memorial Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2006.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) SURCHARGES.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(d) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Disabled Veterans' LIFE Memorial Foundation for the purpose of establishing an endowment to support the construction of American Veterans' Disabled for Life Memorial in Washington, D.C.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Disabled Veterans' LIFE Memorial Foundation as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

By Mr. SMITH (for himself, Mr. BAYH, Mr. ALLEN, Mr. CRAPO, Mr. HAGEL, Mr. COLEMAN, Mr. BENNETT, Mr. HATCH, Mr. ENZI, Mr. THOMAS, and Mr. FITZGERALD):

S. 1380. A bill to distribute universal service support equitably throughout rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, today I rise in support of fairness for rural America and introduce the Rural Universal Service Equity Act of 2003.

Universal service is a decades old Federal program intended to keep telephone service available and affordable across America. The Federal Universal Service Program has been a tremendous success. America's telephone network is the envy of the world. However, the program faces challenges, and it is imperfect.

The Rural Universal Service Equity Act addresses an inequity in the way Universal Service support is distributed to rural customers served by larger phone companies. Under the program, only eight States receive funding. Three of those States receive more than 80 percent of the funds and one

State receives more than half of all dollars available under the program.

Yet many of the most rural States in America—the very States the program was intended to assist—receive no funding at all. North Dakota, South Dakota, Idaho, Iowa, Utah, Kansas, Oklahoma, New Mexico, Nebraska and other rural States receive no funding under this program.

My State of Oregon is an example of the unfairness of the program. Oregon has an average of 36 residents per square mile, according to U.S. Census Bureau data. Oregon has many rural and remote areas but does not receive any funding under this program for larger carriers. However, States with between 60 and 101 residents per square mile or more than twice the density of Oregon—receive 90 percent of the funding.

How could this happen? When the FCC created this program in 1999, it determined which States would be eligible for funding by comparing the average cost of providing telephone service per line in each State to a benchmark tied to the national average cost per line. If a State's average cost of service per line exceeded the benchmark, that State would be eligible for funding. If the average cost was below the national benchmark, it would not be eligible.

This method is skewed, in part, because telephone service in a metropolitan area is less expensive to provide than service in a rural area. Customers in cities are closer to one another, and the same facilities can serve more people at a lower cost.

As a consequence, if you are served by a larger carrier and you live in a State with a city—no matter how rural an area, or no matter how far from the city you live—your State probably receives no support.

This problem is exacerbated because the FCC formula also doesn't fully account for the actual cost of providing service in rural areas with natural obstacles such as mountains, lakes and rivers.

In short, the formula is flawed, and the result is unfair to millions in rural America: Three States that are not among the 15 least populated States—receive more than 80 percent of the fund.

The Rural Universal Service Equity Act of 2003 would make this program fair. The Act directs the FCC to replace the current state-wide average formula with a new formula that distributes funds to telephone company wire centers with the highest cost.

Wire centers are the telephone facilities where all of the telephone lines in a given area converge. And because funds would be directed to high-cost wire centers, as opposed to States with the highest average costs, rural residents would no longer be penalized if they lived in a State with a city hundreds of miles away.

The Act also: directs the FCC to develop rules to implement a program that is equitable among States; delegates to the FCC the determination of what an appropriate benchmark for what a high cost wire center should be; directs the FCC to not increase the size of the current program for high cost carriers; ensures a minimum level of support for States that currently receive funding under the program; and requires GAO to study and report back to Congress on the need for comprehensive universal service reform.

Finally, I am concerned that the Universal Service Program has challenges beyond the inequities of the program for larger carriers. I look forward to participating in the broader debate on how to reform the Universal Service Program and ensure its long term viability and effectiveness. This bill will help further that debate.

However, broadly reforming the Universal Service Program is complex and divisive. It may take years. And I do not believe the inequities of the program for larger carriers should be allowed to continue while Congress grapples with the broader issues. Millions of rural Americans are being disserved, and we can solve this one problem today.

I urge my colleagues to join me and support the Rural Universal Service Equity Act of 2003. I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Universal Service Equity Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) The Federal Communications Commission's high cost program for certain carriers provides no Federal support to 42 States.

(2) Federal universal service support should be calculated and targeted to small geographic regions within a State to provide greater assistance to the rural consumers most in need of support.

(3) Local telephone competition and emerging technologies are threatening the viability of Federal universal service support.

(b) Purposes.—The purposes of this Act are as follows:

(1) To begin consideration of universal service reform.

(2) To spread the benefits of the existing Federal high cost support mechanism more equitably across the nation.

SEC. 3. COMPTROLLER GENERAL REPORT ON NEED TO REFORM HIGH COST SUPPORT MECHANISM.

Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the need to reform the high cost support mechanism for rural, insular, and high cost areas. As part of the report, the Comptroller General shall provide an overview and discuss whether—

(1) existing Federal and State high cost support mechanisms ensure rate comparability between urban and rural areas;

(2) the Federal Communications Commission and the States have taken the necessary steps to remove implicit support;

(3) the existing high cost support mechanism has affected the development of local competition in urban and rural areas; and

(4) amendments to section 254 of the Communications Act of 1934 (47 U.S.C. 254) are necessary to preserve and advance universal service.

SEC. 4. ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT FOR HIGH COST AREAS.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following new subsection:

"(m) Universal Service Support for High Cost Areas.—

"(1) Calculating support.—In calculating Federal universal service support for eligible telecommunications carriers that serve rural, insular, and high cost areas, the Commission shall, subject to paragraphs (2) and (3), revise the Commission's support mechanism for high cost areas to provide support to each wire center in which the incumbent local exchange carrier's average cost per line for such wire center exceeds the national average cost per line by such amount as the Commission determines appropriate for the purpose of ensuring the equitable distribution of universal service support throughout the United States.

"(2) Hold harmless support.—In implementing this subsection, the Commission shall ensure that no State receives less Federal support calculated under paragraph (1) than the State would have received, up to 10 percent of the total support distributed, under the Commission's support mechanism for high cost areas as in effect on the date of the enactment of this subsection.

"(3) Limitation on total support to be provided.—The total amount of support for all States, as calculated under paragraphs (1) and (2), shall be equivalent to the total support calculated under the Commission's support mechanism for high cost areas as in effect on the date of the enactment of this subsection.

"(4) Construction of limitation.—The limitation in paragraph (3) shall not be construed to preclude fluctuations in support on the basis of changes in the data used to make such calculations.

"(5) Implementation.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall complete the actions (including prescribing or amending regulations) necessary to implement the requirements of this subsection.

"(6) Definition.—In this subsection, the term 'Commission's support mechanism for high cost areas' means sections 54.309 and 54.311 of the Commission's regulations (47 CFR 54.309, 54.311), and regulations referred to in such sections.".

SEC. 5. NO EFFECT ON RURAL TELEPHONE COMPANIES.

Nothing in this Act shall be construed to affect the support provided to an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) that is a rural telephone company (as defined in section 3 of such Act (47 U.S.C. 153)).

By Ms. SNOWE (for herself, Mrs. Lincoln, Mr. Smith, Mr.

BREAUX, Mr. MILLER, Mr. CHAMBLISS, Mr. PRYOR, Ms. COLLINS, Ms. LANDRIEU, Mr. SHELBY, and Mr. CRAIG):

S. 1381. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Reforestation Tax Act of 2003, and I am pleased to be joined by Senators LINCOLN, SMITH, BREAUX, MILLER, CHAMBLISS, PRYOR, COLLINS, LANDRIEU, SHELBY and CRAIG.

The U.S. forest products industry is essential to the health of the U.S. economy. It employs approximately 1.5 million people, supports an annual payroll of $40.8 billion, and ranks among the top ten manufacturing employers in 46 States. This includes the State of Maine where 89.2 percent of the land is forested. Without fair tax laws, future growth in the industry will occur overseas and more and more landowners will be forced to sell their land for some other higher economic value such as development. The loss of a health and strong forest products industry will have a long-term negative impact on both the economy and the environment.

The legislation I am introducing today partially restores the balance between corporate and private landowners in terms of capital gains tax treatment by reducing the capital gains paid on timber for individuals and corporations. The bill is also intended to encourage the reforestation of timberland, whether it has been harvested or previously cleared for other uses, such as agriculture.

Trees take a long time to grow, anywhere from 15 years to, more typically in Maine, 40 to 50 years. During these years, the grower faces huge risks from fire, pests, weather and inflation, all of which are uninsurable. This legislation helps to mitigate these risks by providing a sliding scale reduction in the amount of taxable gain based on the number of years the asset is held.

Specifically, the bill would change the way that capital gains are calculated for timber by taking the amount of the gain and subtracting three percent for each year the timber was held. The reduction would be capped at 50 percent bringing the effective capital gains tax rate to 7.5 percent for most non-corporate holdings and 17.5 percent for corporations.

Since 1944, the tax code has treated timber as a capital asset, making it eligible for the capital gains tax rate rather than the ordinary income tax rate. This recognized the long-term risk and inflationary gain in timber. Tax bill enacted in 1997 and in 2003 lowered the capital gains rate for individuals, but not for corporations. As a result, individuals face a maximum capital gains rate of 15 percent, while corporations face a maximum rate of 35 percent for the identical asset.

As this difference in rates implies, non-corporate timberland owners receive far more favorable capital gains tax treatment than corporate owners. In addition, pension funds and other tax-exempt entities are also investing in timberland, which only further highlights the disparity that companies face.

Secondly, reforestation expenses are currently taxed at a higher rate in the U.S. than in any other major competitor country. The U.S. domestic forest products industry is already struggling to survive intense competition from the Southern Hemisphere where labor and fiber costs are extremely low, and recent investments from wealthier nations who have built state of the art pulp and papermaking facilities. While there is little Congress can do to change labor and fiber costs, Congress does have the ability to level the playing field when it comes to taxation.

This legislation encourages both individuals and companies to engage in increased reforestation by allowing all growers of timber to deduct all reforestation expenses in the year such costs are incurred. Currently, only the first $10,000 of reforestation expenses is eligible for a ten percent tax credit and can be amortized over seven years.

Eligible reforestation expenses are the initial expenses to establish a new stand of trees, such as site preparation, the cost of the seedlings, the labor costs required to plant the seedlings and to care for the trees in the first few years, as well as the cost of equipment used in reforestation.

The planning of trees should be encouraged rather than discouraged by our tax system as trees provide a tremendous benefit to the environment, preventing soil erosion, cleansing streams and waterways, providing habitat for numerous species, and absorbing carbon dioxide from the atmosphere.

Tax incentives for planting on private lands will also decrease pressure to obtain timber from ecologically sensitive public lands, allowing these public lands to be protected.

Finally, the bill would notify the passive loss rules for small, closely-held landowners to allow them to deduct normal operating expenses pertaining to management of their timber lands.

I ask my colleagues for their support for private landowners and for the U.S. forest products industry that is so important to the health of the our economy.

By Mr. ALLARD:

S. 1384. A bill to amend title 23, United States Code, to provide State and local authorities a means by which to eliminate congestion on the Interstate System; to the Committee on Environment and Public Works.

Mr. ALLARD. Mr. President, as the month of August nears and the remaining summer days dwindle, many Americans are turning their attention to the highway as they plan family vacations and road trips, setting their sights on destinations that may be close to home or several States away. As they plot their travel plans, they must take into account several road-related factors, including, what route to take, which highway to use and how long it will take to get to their. Road safety, highway quality and congestion will undoubtedly be major considerations that will enter this equation.

In addition to personal mobility, roads also serve as the backbone of the national economy. Our economic success depends on a sound transportation system that efficiently carries goods to and from the marketplace. We must work diligently throughout the upcoming highway re-authorization to provide a policy framework that facilitates access to both markets for goods and places for people.

It is for these reasons, among others, that I rise today to introduce the Freeing Alternatives to Speedy Transportation Act, or for short, the FAST Act—legislation that will ease and alleviate traffic congestion, increase highway capacity, decrease pollution and improve the quality of life for millions of Americans. The legislation has already been introduced in the House of Representatives by Congressman KENNEDY of Minnesota. His bi-partisan version of the bill has gained strong support and momentum, and I thank him for his leadership on transportation matters.

It is easy to say how important our roads are to our success. But the question that has everyone stumped is how to pay for it all. We must look to creative policies that place the State in the drivers seat toward ending the transportation funding dilemma—policies that capitalize on user choice and private financing. The FAST Act provides just that—flexibility and innovation to move forward with important Interstate highway expansion projects—projects that would not be possible with out the FAST Act—to ease congestion and alleviate the strain on our roads.

The FAST Act removes the obstacles that prevent States from collecting user fees on Interstate highway expansion projects. It allows a State to create an authority that collects user fees to finance expansion lanes on Interstates, while building in several protective measures that boost consumer confidence and protection. The fees are collected only on the expansion land—the existing lanes remain open and free of charge. Fees can be used only for the construction of the FAST lane and accompanying structures—the money cannot be diverted to other accounts or projects. It allows the State to collect, as part of the fee, a maintenance reserve for that lane, and guarantees that the fee will be removed once the project is paid off. In other words, the fee pays for the project, ends, and the FAST lane then becomes available to everyone free of the fee. While I realize this bill is but one avenue in bridging our highway policy needs, the options it opens through user-choice and dedicated funding will promote sound State planning and decision making.

The FAST Act has the support of the Colorado Department of Transportation, think tanks, State governments and many others who hope to find new ways to expend highways. Tom Norton, Executive Director of the Colorado Department of Transportation, wrote in support of the FAST Act, "With nationwide transportation needs continually increasing, Federal Government, as well as the States, must seek new funding sources to keep up with this demand. This needed legislation provides States the ability to explore a new source in order to fund highway expansion." In addition to the backing the legislation has received from the Colorado Department of Transportation, both the Minnesota and Washington DOTs support the bill as well.

Earlier this week, the Joint Economic Committee released a white paper, noting "roads are deteriorating while congestion worsens every year." The paper highlights the FAST Act as a new funding mechanism for highways, noting that many economists believe that the new authorization bill should grant the states more flexibility in raising money for funding transportation projects. It concludes by stating that the FAST Act is a modest measure that can help bridge the financing chasm.

Numerous organizations and associations across the country have either endorsed the FAST Act or have strong and positive interest in the legislation. These groups include: Americans for Tax Reform, American Highway Users Alliance, Associated General Contractors of America, National Taxpayers Union, Association for Commuter Transportation, and the American Association of State and Highway Transportation Officials.

As the population of the United States continues to surge and miles traveled by automobiles increase every year, transportation planners must find new and innovative ways to expand highway congestion. With today's budget crisis, this task becomes even more formidable as States look for new ways to stretch every dollar. The FAST Act give States one more tool in their battle against congestion. It creates a new source of revenue through user choice. It give them flexibility in managing construction and maintenance, encourages public-private partnerships and speeds traffic through a series of electronic gateways instead of creating logjams at toll booths. It is one more tool in the toolbox of innovative finance options that will lead to a more efficient, safer highway system.

I ask unanimous consent that supporting documents and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
DEPARTMENT OF TRANSPORTATION,
Denver, CO, April 25, 2003.

Hon. WAYNE ALLARD,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ALLARD: We are writing in support of "Fast Act" H.R. 1767, the fast fees legislation introduced in the House earlier this month by Representatives Mark Kennedy and Adam Smith. We understand that you are considering sponsoring this legislation in the Senate and support your interest in this legislation.

This proposed bill is consistent with legislation that was enacted last year by the Colorado State Legislature. Our state law allowed us to create the Colorado Tolling Enterprise, which enables the state to collect fees for new capacity on state highways. H.R. 1767 would expand our opportunity to create new capacity on interstate highways as well. The philosophy of H.R. 1767 is consistent with our state law in creating new ways of increasing highway capacity.

With nationwide transportation needs continually increasing, federal government, as well as the states must seek new funding sources to keep up with these demands. This needed legislation provides states the ability to explore a new source in order to fund highway projects.

As you work to reauthorize TEA–21, we encourage you to support legislation that provides greater flexibility to the states as we all seek to improve our highways and meet the needs of a growing state.

Sincerely,

TOM NORTON,
Executive Director, CDOT.
MARGARET "PEGGY" CATLIN,
Executive Director, Colorado Tolling Enterprise.

JOINT ECONOMIC COMMITTEE, (CHAIRMAN ROBERT F. BENNETT—ECONOMIC POLICY RESEARCH, JULY 7, 2003)

NEW POSSIBILITIES FOR FINANCING ROADS

It is an unfortunate fact of life that our roads are deteriorating while congestion worsens every year. Fixing our roads will not be easy; billions of dollars will be needed to stave off further declines, and there is little appetite in Congress to raise federal taxes on gasoline. The table below shows that current spending proposals for highways and mass transit for the next six years far outstrip the $218 billion spent on roads and mass transit over the previous six years. The overarching question is how will the federal government fund a significant increase in surface transportation expenditures without raising gasoline taxes.

	Package size (billions $)	Gas tax increase
House Infrastructure and Transportation.	375	Yes, by indexing tax retroactively to 1993 and for subsequent years to inflation.
Congressional 2004 Budget Resolution.	280	No.
Senate Environment and Public Works.	311	?
Administration	247	No.

Source: Congressional Research Service, H. Con. Res. 95.

A NEW FUNDING MECHANISM FOR HIGHWAYS

There are other ways to fund transportation spending increases that should be explored. For instance, many economists believe a new transportation authorization bill should grant the states more flexibility in raising money for funding transportation projects. To that end, Reps. Mark Kennedy (R–MN) and Adam Smith (D–WA) have proposed the Freeing Alternatives for Speedy Transportation (FAST) Act (H.R. 1767). The bill would remove the current prohibition on tolls for federal highways, as well as ensure that states wouldn't be penalized for coming up with innovative ways to fund transportation construction. While toll lanes alone cannot make up the projected shortfall between the various spending proposals and revenues that will be generated by the gas tax, the judicious use of tolls would raise significant revenue.

EFFICIENT TOLLS CAN REDUCE CONGESTION

Ideally, the toll charge would vary based on the current congestion level on the road—the more cars on the road, the higher the price of the toll lane. As the toll increases, drivers will change their behavior; when the toll is relatively high people will use car pools, take mass transit, or postpone unnecessary trips. In high-traffic corridors the market can pay the bulk of the cost of constructing and maintaining the road.

Since roads are not continuously congested, variable tolls reduce traffic and spread it out more evenly over the course of the day. In essence, properly managed fares can reduce the level of lane expansion necessary by maximizing the efficiency of the current infrastructure. The idea of variable pricing for toll lanes is the same principle that dictates lower ticket prices for movie matinees and discounts for "early bird" dining specials at restaurants: price differentials over the course of a day can alleviate crowds.

Regardless of the degree of success, innovative congestion pricing would not come close to alleviating the need for new roads. Most large cities desperately need new and improved highways to deal with the immense increases in traffic that have occurred in recent years.

TOLLBOOTHS ARE PASSÉ

When most people think of tolls they associate it with long queues of cars waiting to pay 50¢ to cross a bridge, thereby increasing congestion on roads. In reality, leaps in tolling technology have made cumbersome tollbooths unnecessary. Today, cars can use transponders to electronically pay tolls without stopping the flow of traffic. Transponders are inexpensive and the tolling authority often provides them at no cost to drivers. Drivers can either receive a monthly bill or else pre-pay (anonymously, should they wish) for a certain number of trips.

Proposals, like the FAST Act, encourage states to take advantage of this innovative technology by allowing them to toll new lanes on the federal interstate provided that they use an electronic tolling system.

TOLLS ARE NOT THE SAME AS TAXES

Some politicians resist any legislation that might lead to an expansion of tolled lanes on the principle that tolls merely represent a new form of taxation. However, it is important to note that tolling is not just another name for a tax. When used on newly built lanes financed by toll revenues, tolls serve as a voluntary access charge for drivers who choose to use a lane that is less congested. In essence, when people use a toll lane they are buying time.

Dedicated toll lanes function much the same as FedEx and other next-day shipping companies. Someone wishing to send a package via U.S. mail can do so at an inexpensive price, but the delivery will take longer and the ultimate delivery date will be less predictable. However, someone who absolutely needs a package delivered overnight can guarantee an on-time delivery by paying extra and using FedFx.

Those who worry that states will exploit tolls to fund revenue shortfalls by gouging citizens should be heartened to know that the FAST Act specifically addresses this temptation in its legislation. The FAST Act requires that all revenues raised from tolls be dedicated only to the lanes where the tolls are collected. States are also constrained from charging unreasonably high access charges by the marketplace. Because tolls are added only on new lanes, drivers will always have a choice whether or not to pay the toll. If the toll is set at a price drivers are not willing to pay, the newly added lane will be underutilized, costing the state potential revenue and drawing the ire of its citizens.

TOLLING SUCCESS STORIES

Various permutations of congestion pricing have been in place since Singapore's Area Licensing Scheme was introduced in 1975. With electronic tolling, Singapore managed to reduce the number of single drivers and better utilized its road capacity by distributing trips more evenly throughout the day.

Domestically, there have been several value pricing projects established under the Value Pricing Pilot program. Perhaps the most successful pilot project is the High Occupancy Toll (HOT) lanes on Interstate 15 in San Diego. The program allowed two lanes, previously reserved for carpools with at least two passengers, to provide access to all drivers willing to pay a toll to enter the lane. The toll was set at a level so as to ensure that traffic in the lanes traveled near the speed limit.

The project was immensely successful and led to several dramatic improvements in road performance. The number of people carpooling increased and rates of carpooling violations decreased. Drivers believed that the toll lanes were safer and more reliable. Revenues generated were high enough that an express bus was added to I–15, providing another alternative for commuters. An overwhelming 94 percent of transit riders, 92 percent of carpoolers, and over 70 percent of all commuters felt that congestion pricing was a "fair" system given that travelers choose to pay the charge. The managed lanes on I-15 have proven so successful that the San Diego Association of Governments plans to expand its value pricing system by replacing the two HOT lanes with four new HOT lanes.

Most recently, in February 2003 London introduced a congestion-pricing scheme that charges vehicles entering the central city. Though met with intense skepticism by political opponents, the pricing experiment has proven to be even more successful than its designers had anticipated. The average driving speed in London's central city has increased 37 percent and the total number of cars entering Central London has decreased by 20 percent.

FREEDOM FOR STATES

The FAST Act and similar proposals encouraging greater utilization of toll lanes do not seek to mandate the wholesale use of tolls by states. However, states should have the option to use tolls to finance the reconstruction of new roads and should incur no penalty for doing so. In a federal system of government, states should be encouraged to pursue innovative methods for financing and providing essential services to the citizenry, and this is indeed what the FAST Act would achieve. Given the significant difference between proposed highway spending plans and projected gas tax revenues, the FAST Act is a modest measure that can help bridge the chasm.

FURTHER READING

Joint Economic Committee Hearing on Financing Our Nation's Roads—http://jec.senate.gov/hearings/hearings may06.html.

Getting Unstuck: Three Big Ideas to Get America Moving Again, by Robert D. Atkinson—http://www.ppionline.org/documents/Transportation_1202.pdf.

Privatization Watch—The Surface Transportation Issue—http://www.rppi.org/may03pw.pdf.

JEC publications released in June:

"Putting the U.S. Economy in Global Context," June 24, 2003. Compares economic growth—as measured by GDP—in the U.S. and other major economies.

"Prescription Drugs Are Only Reason Why Medicare Needs Reform," June 17, 2003. Explains why the program needs market-based reforms to become more financially viable and responsive to patients.

"Health Insurance Spending Growth—How Does Medicare Compare?" June 10, 2003. Compares cost growth rates of Medicare with various other insurers, such as the Federal. Employee Health Benefits Program (FEHBP).

"Recent Economic Developments: Looking Ahead to Stronger Growth," June 3, 2003. Gives an overview of the U.S. economy, including a review of key economic data released in May.

Other recent JEC publications include:

"Medicare Beneficiaries' Links to Drug Coverage."

"A Primer on Deflation."

"Economics of the Debt Limit."

"Dividend Tax Relief and Capped Exclusions."

"How the Top Individual Income Tax Rate Affects Small Businesses."

S. 1384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freeing Alternatives for Speedy Transportation Act" or the "FAST Act".

SEC. 2. INTERSTATE SYSTEM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 165. FAST fees

"(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST Lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridge, support, and other structures necessary for that construction) on the Interstate System.

"(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

"(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

"(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the additional lanes; and

"(3) a facility management plan that includes—

"(A) a plan for implementing the imposition of fees on the additional lanes;

"(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees (and, as necessary to supplement those revenues, revenues from other sources); and

"(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

"(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

"(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

"(2) all revenues from fees received from operation of FAST lanes shall be used only for—

"(A) debt service relating to the investment in FAST lanes;

"(B) reasonable return on investment of any private entity financing the project, as determined by the State;

"(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

"(i) is necessary to integrate existing lanes with the FAST lanes;

"(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

"(I) an existing FAST lane;

"(II) the Interstate System; or

"(III) a highway; and

"(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

"(D) the establishment by the State of a reserve account to be used only for long-term maintenance and operation of the FAST lanes;

"(3) fees may be collected only on and for the use of FAST lanes, and may not be collected on or for the use of existing lanes;

"(4) use of FAST lanes shall be voluntary;

"(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);

"(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected; and

"(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

"(B) the results of each audit shall be submitted to the Secretary.

"(d) APPORTIONMENT.—

"(1) IN GENERAL.—Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

"(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter.".

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 164 the following:

"165. FAST fees.".

(2) Section 301 of title 23, United States Code, is amended by inserting after "tunnels," the following: "and except as provided in section 165,".

SEC. 3. TOLL FEASIBILITY.

Section 106 of title 23, United States Code, is amended by adding at the end the following:

"(i) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least $50,000,000, to determine whether—

"(1) a toll facility for the project is feasible; and

"(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route).".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1136. Mr. LUGAR proposed an amendment to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1137. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1138. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1139. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1140. Mr. BINGAMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1141. Mrs. BOXER (for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, Mr. BIDEN, Mrs. CLINTON, and Mr. LAUTENBERG) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1142. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 925, supra; which was ordered to lie on the table.

SA 1143. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

SA 1144. Mr. ALLEN (for himself, Mr. ALEXANDER, Mr. GRAHAM, of South Carolina, and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1145. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1146. Mr. SMITH (for himself, Mr. BIDEN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

SA 1147. Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1148. Ms. MURKOWSKI (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 925, supra; which was ordered to lie on the table.

SA 1149. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1136. Mr. LUGAR proposed an amendment to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Act, Fiscal Year 2004".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Foreign Relations Authorizations.

(2) Division B—Foreign Assistance Authorizations.

(3) Division C—Millennium Challenge Assistance.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—FOREIGN RELATIONS AUTHORIZATIONS

Sec. 100. Short title; definitions.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 101. Administration of foreign affairs.
Sec. 102. United States educational, cultural, and public diplomacy programs.
Sec. 103. International organizations and conferences.
Sec. 104. International commissions.
Sec. 105. Migration and refugee assistance.

Subtitle B—United States International Broadcasting Activities

Sec. 111. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Interference with protective functions.
Sec. 202. Authority to issue administrative subpoenas.
Sec. 203. Enhanced Department of State authority for uniformed security officers.
Sec. 204. Reimbursement rate for airlift services provided to the Department of State.
Sec. 205. Immediate response facilities.
Sec. 206. Security capital cost sharing.
Sec. 207. Prohibition on transfer of certain visa processing fees.
Sec. 208. Reimbursement from United States Olympic Committee.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

Sec. 211. Authority to promote biotechnology.
Sec. 212. The United States Diplomacy Center.
Sec. 213. Latin America civilian government security program.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Fellowship of Hope Program.
Sec. 302. Cost-of-living allowances.
Sec. 303. Additional authority for waiver of annuity limitations on reemployed Foreign Service annuitants.
Sec. 304. Home leave.
Sec. 305. Increased limits applicable to post differentials and danger pay allowances.
Sec. 306. Suspension of Foreign Service members without pay.
Sec. 307. Claims for lost pay.
Sec. 308. Repeal of requirement for recertification process for members of the Senior Foreign Service.
Sec. 309. Deadline for issuance of regulations regarding retirement credit for Government service performed abroad.
Sec. 310. Separation of lowest ranked Foreign Service members.
Sec. 311. Disclosure requirements applicable to proposed recipients of the personal rank of ambassador or minister.
Sec. 312. Provision of living quarters and allowances to the United States Representatives to the United Nations.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Limitation on the United States share of assessments for United Nations Peacekeeping Operations after calendar year 2004.
Sec. 402. Report to Congress on implementation of the Brahimi report.
Sec. 403. Membership on United Nations councils and commissions.

TITLE V—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

Sec. 501. Designation of foreign terrorist organizations.

TITLE VI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD

Subtitle A—Public Diplomacy

Sec. 601. Plans, reports, and budget documents.

Sec. 602. Recruitment and training.
Sec. 603. Report on foreign language briefings.

Subtitle B—Strengthening United States Educational and Cultural Exchange Programs

Sec. 611. Definitions.
Sec. 612. Expansion of educational and cultural exchanges.
Sec. 613. Secondary exchange program.
Sec. 614. Authorization of appropriations.

Subtitle C—Fellowship Program

Sec. 621. Short title.
Sec. 622. Fellowship program.
Sec. 623. Fellowships.
Sec. 624. Administrative provisions.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

Sec. 701. Short title.
Sec. 702. Inadmissibility of aliens supporting international child abductors and relatives of such abductors.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Repeal of requirement for semiannual report on extradition of narcotics traffickers.
Sec. 802. Technical amendments to the United States International Broadcasting Act of 1994.
Sec. 803. Foreign language broadcasting.
Sec. 804. Fellowships for multidisciplinary training on nonproliferation issues.
Sec. 805. Requirement for report on United States policy toward Haiti.
Sec. 806. Victims of violent crime abroad.
Sec. 807. Limitation on use of funds relating to United States policy with respect to Jerusalem as the Capital of Israel.
Sec. 808. Requirement for additional report concerning efforts to promote Israel's diplomatic relations with other countries.
Sec. 809. United States policy regarding the recognition of a Palestinian State.
Sec. 810. Middle East Broadcasting Network.
Sec. 811. Sense of Congress relating to international and economic support for a successor regime in Iraq.
Sec. 812. Sense of Congress relating to Magen David Adom Society.
Sec. 813. Sense of Congress on climate change.
Sec. 814. Extension of authorization of appropriation for the United States Commission on International Religious Freedom.

TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

Sec. 901. Short title.
Sec. 902. Findings.
Sec. 903. Definitions.
Sec. 904. Strengthened independence of the Peace Corps.
Sec. 905. Reports and consultations.
Sec. 906. Increasing the number of volunteers.
Sec. 907. Special volunteer recruitment and placement for countries whose governments are seeking to foster greater understanding between their citizens and the United States.
Sec. 908. Global infectious diseases initiative.
Sec. 909. Peace Corps National Advisory Council.
Sec. 910. Readjustment allowances.
Sec. 911. Programs and projects of returned Peace Corps volunteers to promote the goals of the Peace Corps.
Sec. 912. Authorization of appropriations.

DIVISION B—FOREIGN ASSISTANCE AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Development Assistance and Related Programs Authorizations

Sec. 2101. Development assistance.
Sec. 2102. Child Survival and Health Programs Fund.
Sec. 2103. Development credit authority.
Sec. 2104. Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.
Sec. 2105. International organizations and programs.
Sec. 2106. Continued availability of certain funds withheld from international organizations.
Sec. 2107. International disaster assistance.
Sec. 2108. Transition initiatives.
Sec. 2109. Famine assistance.
Sec. 2110. Assistance for the independent states of the former Soviet Union.
Sec. 2111. Assistance for Eastern Europe and the Baltic States.
Sec. 2112. Operating expenses of the United States Agency for International Development.

Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations

Sec. 2121. Complex foreign contingencies.
Sec. 2122. International narcotics control and law enforcement.
Sec. 2123. Economic support fund.
Sec. 2124. International military education and training.
Sec. 2125. Peacekeeping operations.
Sec. 2126. Nonproliferation, anti-terrorism, demining, and related assistance.
Sec. 2127. Foreign military financing program.

Subtitle C—Independent Agencies Authorizations

Sec. 2131. Inter-American Foundation.
Sec. 2132. African Development Foundation.

Subtitle D—Multilateral Development Bank Authorizations

Sec. 2141. Contribution to the seventh replenishment of the Asian Development Fund.
Sec. 2142. Contribution to the thirteenth replenishment of the International Development Association.
Sec. 2143. Contribution to the ninth replenishment of the African Development Fund.

Subtitle E—Authorization for Iraq Relief and Reconstruction

Sec. 2151. Authorization of assistance for relief and reconstruction efforts.
Sec. 2152. Reporting and consultation.
Sec. 2153. Special assistance authority.
Sec. 2154. Inapplicability of certain restrictions.
Sec. 2155. Termination of authorities.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related Provisions

Sec. 2201. Development policy.
Sec. 2202. Assistance for nongovernmental organizations.
Sec. 2203. Authority for use of funds for unanticipated contingencies.
Sec. 2204. Authority to accept lethal excess property.
Sec. 2205. Reconstruction assistance under international disaster assistance authority.
Sec. 2206. Funding authorities for assistance for the independent states of the former Soviet Union.
Sec. 2207. Waiver of net proceeds resulting from disposal of United States defense articles provided to a foreign country on a grant basis.
Sec. 2208. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.
Sec. 2209. Additions to war reserve stockpiles for allies for fiscal year 2004.
Sec. 2210. Restrictions on economic support funds for Lebanon.
Sec. 2211. Administration of justice.
Sec. 2212. Demining programs.
Sec. 2213. Special waiver authority.
Sec. 2214. Prohibition of assistance for countries in default.
Sec. 2215. Military coups.
Sec. 2216. Designation of position for which appointee is nominated.
Sec. 2217. Exceptions to requirement for congressional notification of program changes.
Sec. 2218. Commitments for expenditures of funds.
Sec. 2219. Alternative dispute resolution.
Sec. 2220. Administrative authorities.
Sec. 2221. Assistance for law enforcement forces.
Sec. 2222. Special debt relief for the poorest.
Sec. 2223. Congo Basin Forest Partnership.
Sec. 2224. Landmine clearance programs.
Sec. 2225. Middle East Foundation.

Subtitle B—Arms Export Control Act Amendments and Related Provisions

Sec. 2231. Thresholds for advance notice to Congress of sales or upgrades of defense articles, design and construction services, and major defense equipment.
Sec. 2232. Clarification of requirement for advance notice to Congress of comprehensive export authorizations.
Sec. 2233. Exception to bilateral agreement requirements for transfers of defense items within Australia.
Sec. 2234. Authority to provide cataloging data and services to non-NATO countries.
Sec. 2235. Freedom Support Act permanent waiver authority.
Sec. 2236. Extension of Pakistan waivers.
Sec. 2237. Consolidation of reports on nonproliferation in South Asia.
Sec. 2238. Haitian Coast Guard.
Sec. 2239. Sense of Congress relating to exports of defense items to the United Kingdom.
Sec. 2240. Marketing information for commercial communications satellites.

TITLE XXIII—RADIOLOGICAL TERRORISM THREAT REDUCTION

Sec. 2301. Short title.
Sec. 2302. Findings.
Sec. 2303. Definitions.
Sec. 2304. International storage facilities for radioactive sources.

Sec. 2305. Discovery, inventory, and recovery of radioactive sources.
Sec. 2306. Radioisotope thermal generator power units in the independent states of the former Soviet Union.
Sec. 2307. Foreign first responders.
Sec. 2308. Threat assessment reports.

TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE

Sec. 2401. Short title.
Sec. 2402. Findings; purpose.
Sec. 2403. Definitions.
Sec. 2404. Priority for certain countries.
Sec. 2405. Restriction.
Sec. 2406. Fellowship program.
Sec. 2407. In-country training in laboratory techniques and syndrome surveillance.
Sec. 2408. Assistance for the purchase and maintenance of public health laboratory equipment.
Sec. 2409. Assistance for improved communication of public health information.
Sec. 2410. Assignment of public health personnel to United States missions and international organizations.
Sec. 2411. Expansion of certain United States Government laboratories abroad.
Sec. 2412. Assistance for regional health networks and expansion of foreign epidemiology training programs.
Sec. 2413. Authorization of appropriations.

TITLE XXV—REPORTING REQUIREMENTS AND OTHER MATTERS

Subtitle A—Elimination and Modification of Certain Reporting Requirements

Sec. 2501. Annual report on territorial integrity.
Sec. 2502. Annual reports on activities in Colombia.
Sec. 2503. Annual report on foreign military training.
Sec. 2504. Report on human rights in Haiti.

Subtitle B—Other Matters

Sec. 2511. Certain claims for expropriation by the Government of Nicaragua.
Sec. 2512. Amendments to the Arms Control and Disarmament Act.
Sec. 2513. Support for Sierra Leone.
Sec. 2514. Support for independent media in Ethiopia.
Sec. 2515. Support for Somalia.
Sec. 2516. Support for Central African States.
Sec. 2517. African contingency operations training and assistance program.
Sec. 2518. Condition on the provision of certain funds to Indonesia.
Sec. 2519. Assistance to combat HIV/AIDS in certain countries of the Caribbean region.
Sec. 2520. Repeal of obsolete assistance authority.
Sec. 2521. Technical corrections.

DIVISION C—MILLENNIUM CHALLENGE ASSISTANCE

Sec. 3001. Short title.
Sec. 3002. Findings and purposes.
Sec. 3003. Definitions.

TITLE XXXI—MILLENNIUM CHALLENGE ASSISTANCE

Sec. 3101. Establishment and management of the Millennium Challenge Corporation.
Sec. 3102. Authorization for Millennium Challenge assistance.
Sec. 3103. Candidate country.
Sec. 3104. Eligible country.
Sec. 3105. Eligible entity.
Sec. 3106. Millennium Challenge Contract.
Sec. 3107. Suspension of assistance to an eligible country.
Sec. 3108. Disclosure.
Sec. 3109. Millennium Challenge assistance to candidate countries.
Sec. 3110. Annual report to Congress.

TITLE XXXII—POWERS AND AUTHORITIES OF THE MILLENNIUM CHALLENGE CORPORATION

Sec. 3201. Powers of the Corporation.
Sec. 3202. Coordination with USAID.
Sec. 3203. Principal office.
Sec. 3204. Personnel authorities.
Sec. 3205. Personnel outside the United States.
Sec. 3206. Use of services of other agencies.
Sec. 3207. Administrative authorities.
Sec. 3208. Applicability of chapter 91 of title 31, United States Code.

TITLE XXXIII—THE MILLENNIUM CHALLENGE ACCOUNT AND AUTHORIZATION OF APPROPRIATIONS

Sec. 3301. Establishment of the Millennium Challenge Account.
Sec. 3302. Authorization of appropriations.

DIVISION A—FOREIGN RELATIONS AUTHORIZATIONS

SEC. 100. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This division may be cited as the "Foreign Relations Authorization Act, Fiscal Year 2004".

(b) DEFINITIONS.—In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEPARTMENT.—The term "Department" means the Department of State.

(3) SECRETARY.—Except as otherwise provided in this division, the term "Secretary" means the Secretary of State.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Diplomatic and Consular Programs", $4,171,504,000 for the fiscal year 2004.

(B) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), $646,701,000 for the fiscal year 2004 is authorized to be appropriated for worldwide security upgrades.

(2) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", $157,000,000 for the fiscal year 2004.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For "Embassy Security, Construction and Maintenance", $926,400,000 for the fiscal year 2004, in addition to the amounts authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453).

(4) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $9,000,000 for the fiscal year 2004.

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $10,000,000 for the fiscal year 2004.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $1,000,000 for the fiscal year 2004.

(7) REPATRIATION LOANS.—For "Repatriation Loans", $1,219,000 for the fiscal year 2004.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $19,773,000 for the fiscal year 2004.

(9) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $31,703,000 for the fiscal year 2004.

SEC. 102. UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For the "Fulbright Academic Exchange Programs" $127,365,000 for the fiscal year 2004.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAM.—Of the amount authorized to be appropriated by clause (i), $5,000,000 to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For other educational and cultural exchange programs authorized by law, $274,981,000 for the fiscal year 2004.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the "National Endowment for Democracy", $42,000,000 for the fiscal year 2004.

(3) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the "Center for Cultural and Technical Interchange Between East and West", $15,000,000 for the fiscal year 2004.

(4) DANTE B. FASCELL NORTH-SOUTH CENTER.—For the "Dante B. Fascell North-South Center", $2,000,000 for the fiscal year 2004.

(b) ASIA FOUNDATION.—Section 404 of The Asia Foundation Act (22 U.S.C. 4403) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $15,000,000 for the fiscal year 2004 for grants to The Asia Foundation pursuant to this title.".

SEC. 103. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There is authorized to be appropriated for "Contributions to International Organizations", $1,010,463,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—

(1) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated for "Contributions for International Peacekeeping Activities", $550,200,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to be available until September 30, 2005.

(c) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATION.—In addition to amounts authorized to be appropriated by subsection (a), there is authorized to be appropriated for the Department such sums as may be necessary for the fiscal year 2004 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

SEC. 104. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses", $31,562,000 for the fiscal year 2004; and

(B) for "Construction", $8,901,000 for the fiscal year 2004.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $1,261,000 for the fiscal year 2004.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $7,810,000 for the fiscal year 2004.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $20,043,000 for the fiscal year 2004.

SEC. 105. MIGRATION AND REFUGEE ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $760,197,000 for the fiscal year 2004.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amount authorized to be appropriated by subsection (a), $50,000,000 is authorized to be available for the fiscal year 2004 for the resettlement of refugees in Israel.

Subtitle B—United States International Broadcasting Activities

SEC. 111. AUTHORIZATIONS OF APPROPRIATIONS.

The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For "International Broadcasting Operations", $561,005,000 for the fiscal year 2004.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For "Broadcasting Capital Improvements", $11,395,000 for the fiscal year 2004.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Interference with certain protective functions

"Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"117. Interference with certain protective functions.".

SEC. 202. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended by adding at the end the following new subsection:

"(d) ADMINISTRATIVE SUBPOENAS.—

"(1) IN GENERAL.—If the Secretary determines that there is an imminent threat against a person, foreign mission, or international organization protected under the authority of subsection (a)(3), the Secretary may issue in writing, and cause to be served, a subpoena requiring—

"(A) the production of any records or other items relevant to the threat; and

"(B) testimony by the custodian of the items required to be produced concerning the production and authenticity of those items.

"(2) REQUIREMENTS.—

"(A) RETURN DATE.—A subpoena under this subsection shall describe the items required to be produced and shall specify a return date within a reasonable period of time within which the requested items may be assembled and made available. The return date specified may not be less than 24 hours after service of the subpoena.

"(B) NOTIFICATION TO ATTORNEY GENERAL.—As soon as practicable following the issuance of a subpoena under this subsection, the Secretary shall notify the Attorney General of its issuance.

"(C) OTHER REQUIREMENTS.—The following provisions of section 3486 of title 18, United States Code, shall apply to the exercise of the authority of paragraph (1):

"(i) Paragraphs (4) through (8) of subsection (a).

"(ii) Subsections (b), (c), and (d).

"(3) DELEGATION OF AUTHORITY.—The authority under this subsection may be delegated only to the Deputy Secretary of State.

"(4) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report regarding the exercise of the authority under this subsection during the previous calendar year.".

SEC. 203. ENHANCED DEPARTMENT OF STATE AUTHORITY FOR UNIFORMED SECURITY OFFICERS.

The State Department Basic Authorities Act of 1956 is amended by inserting after section 37 (22 U.S.C. 2709) the following new section:

"SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE UNITED STATES BY DESIGNATED LAW ENFORCEMENT OFFICERS.

"(a) DESIGNATION OF LAW ENFORCEMENT OFFICERS.—The Secretary of State may designate Department of State uniformed guards as law enforcement officers for duty in connection with the protection of buildings and areas within the United States for which the Department of State provides protective services, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

"(b) POWERS OF OFFICERS.—While engaged in the performance of official duties as a law enforcement officer designated under subsection (a), an officer may—

"(1) enforce Federal laws and regulations for the protection of persons and property;

"(2) carry firearms; and

"(3) make arrests without warrant for any offense against the United States committed in the officer's presence, or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such felony in connection with the buildings and areas, or persons, for which the Department of State is providing protective services.

"(c) REGULATIONS.—(1) The Secretary of State may prescribe regulations necessary for the administration of buildings and areas within the United States for which the Department of State provides protective services. The regulations may include reasonable penalties, within the limits prescribed in subsection (d), for violations of the regulations.

"(2) The Secretary shall consult with the Secretary of Homeland Security in prescribing the regulations under paragraph (1).

"(3) The regulations shall be posted and kept posted in a conspicuous place on the property.

"(d) PENALTIES.—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, or imprisoned for not more than 30 days, or both.

"(e) TRAINING OFFICERS.—The Secretary of State may also designate firearms and explosives training officers as law enforcement officers under subsection (a) for the limited purpose of safeguarding firearms, ammunition, and explosives that are located at firearms and explosives training facilities approved by the Secretary or are in transit between training facilities and Department of State weapons and munitions vaults.

"(f) ATTORNEY GENERAL APPROVAL.—The powers granted to officers designated under this section shall be exercised in accordance with guidelines approved by the Attorney General.

"(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.".

SEC. 204. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

(a) AUTHORITY.—Subsection (a) of section 2642 of title 10, United States Code, is amended by inserting "or the Department of State" after "Central Intelligence Agency".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT TO SECTION HEADING.—The heading for such section is amended to read as follows:

"§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

"2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State.".

SEC. 205. IMMEDIATE RESPONSE FACILITIES.

Section 34(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(c)) is amended to read as follows:

"(c)(1) The Secretary may waive the notification requirement of subsection (a) and of any other law if the Secretary determines that—

"(A) compliance with the requirement would pose a substantial risk to human health or welfare; or

"(B) doing so is necessary to provide for the establishment, or renovation of, a diplomatic facility in urgent circumstances, except that the notification requirement may not be waived with respect to the reprogramming of more than $10,000,000 for such facility in any one instance.

"(2) In the case of any waiver under this subsection, the Secretary shall transmit a notification of the waiver to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives as soon as is practicable, but not later than 3 days after the obligation of the funds. The notification shall include an explanation of the circumstances warranting the exercise of the waiver.".

SEC. 206. SECURITY CAPITAL COST SHARING.

(a) AUTHORIZATION.—The first section of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of State may, in accordance with this section, collect from every agency of the Federal Government that has assigned employees to any United States diplomatic facility a fee for the purpose of constructing new United States diplomatic facilities.

"(2) The Secretary is authorized to determine annually and charge each Federal agency the amount to be collected under paragraph (1) from the agency. To determine such amount, the Secretary may prescribe and use a formula that takes into account the number of employees of each agency, including contractors and locally hired personnel, who are assigned to each United States diplomatic facility and are under the authority of the chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

"(3) The head of an agency charged a fee under this section shall remit the amount of the fee to the Secretary of State through the Intra-Governmental Payment and Collection System or other appropriate means.

"(4) There shall be established on the books of the Treasury an account to be known as the 'Capital Security Cost-Share Program Fund', which shall be administered by the Secretary. There shall be deposited into the account all amounts collected by the Secretary pursuant to the authority under paragraph (1), and such funds shall remain available until expended. The Secretary shall include in the Department of State's Congressional Presentation Document each year an accounting of the sources and uses of the amounts deposited into the account.

"(5) The Secretary shall not collect a fee for an employee of an agency of the Federal Government who is assigned to a United State diplomatic facility that is located at a site for which the Secretary has granted a waiver under section 606(a)(2)(B)(i) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)(i)).

"(6) In this subsection—

"(A) the term 'agency of the Federal Government'—

"(i) includes the Interagency Cooperative Administrative Support Service; and

"(ii) does not include the Marine Security Guard; and

"(B) the term 'United States diplomatic facility' has the meaning given that term in section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

SEC. 207. PROHIBITION ON TRANSFER OF CERTAIN VISA PROCESSING FEES.

Section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by inserting before the period at the end the following: ", and shall not be transferred to any other agency".

SEC. 208. REIMBURSEMENT FROM UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Secretary shall seek, to the extent practicable, reimbursement from the United States Olympic Committee for security provided to the United States Olympic Team by Diplomatic Security Special Agents during the 2004 Summer Olympics.

(b) OFFSETTING RECEIPT.—Reimbursements provided under subsection (a) shall be deposited as an offsetting receipt to the appropriate Department account.

(c) AVAILABILITY OF FUNDS.—Funds collected under the authority in subsection (a) shall remain available for obligation until September 30, 2005.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

SEC. 211. AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Secretary is authorized to support, by grants, cooperative agreements, or contracts, outreach and public diplomacy activities regarding the benefits of agricultural biotechnology and science-based regulatory systems, and the application of agricultural biotechnology for trade and development purposes. The total amount of grants made pursuant to this authority in a fiscal year shall not exceed $500,000.

SEC. 212. THE UNITED STATES DIPLOMACY CENTER.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 58 (22 U.S.C. 2730) the following new section:

"SEC. 59. THE UNITED STATES DIPLOMACY CENTER.

"(a) ACTIVITIES.—

"(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the United States Diplomacy Center.

"(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

"(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

"(b) DISPOSITION OF UNITED STATES DIPLOMACY CENTER ARTIFACTS AND MATERIALS.—

"(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the United States Diplomacy Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

"(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

"(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

"(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

"(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

"(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.".

SEC. 213. LATIN AMERICA CIVILIAN GOVERNMENT SECURITY PROGRAM.

The Secretary is authorized to establish, through an institution of higher education in the United States that has prior experience in the field, an educational program designed to promote civilian control of government ministries in Latin America that perform national security functions by teaching and reinforcing among young professionals from countries in Latin America the analytical skills, knowledge of civil institutions, and leadership skills necessary to manage national security functions within a democratic civil society.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. FELLOWSHIP OF HOPE PROGRAM.

(a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

"SEC. 506. FELLOWSHIP OF HOPE.—(a) The Secretary is authorized to establish the Fellowship of Hope Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

"(b) The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Fellowship of Hope Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

"(c) In this section:

"(1) The term 'designated country' means a member country of—

"(A) the North Atlantic Treaty Organization; or

"(B) the European Union.

"(2) The term 'designated entity' means—

"(A) the North Atlantic Treaty Organization; or

"(B) the European Union.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such Act is amended—

(1) in section 503 (22 U.S.C. 3983)—

(A) in the section heading, by striking "AND" and inserting "FOREIGN GOVERNMENTS, OR"; and

(B) in subsection (a)(1), by inserting after "body" the following: ", or with a foreign government under section 506"; and

(2) in section 2, in the table of contents—

(A) by striking the item relating to section 503 and inserting the following:

"Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.";

and

(B) by inserting after the item relating to section 505 the following:

"Sec. 506. Fellowship of Hope Program.".

SEC. 302. COST-OF-LIVING ALLOWANCES.

Section 5924(4) of title 5, United States Code, is amended—

(1) in the first sentence of subparagraph (A)—

(A) by inserting "activities required for successful completion of a grade or course and" after "(including"; and

(B) by striking "not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available" and inserting "subject to the approval of the head of the agency involved";

(2) by striking subparagraph (B) and inserting the following:

"(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary, or post-baccalaureate educational institution, not to exceed 1 annual trip each way for each dependent, except that an allowance payment under subparagraph (A) of this paragraph may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph."; and

(3) by adding at the end the following new subparagraph:

"(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during the dependent's annual trip between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.".

SEC. 303. ADDITIONAL AUTHORITY FOR WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

"(1) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

"(2) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.".

SEC. 304. HOME LEAVE.

Chapter 9 of title I of the Foreign Service Act of 1980 is amended—

(1) in section 901(6) (22 U.S.C. 4081(6)), by striking "unbroken by home leave" both places that it appears; and

(2) in section 903(a) (22 U.S.C. 4083(a)), by striking "18 months" in the first sentence and inserting "12 months".

SEC. 305. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended by striking "25 percent" in the third sentence and inserting "35 percent".

(b) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking "25 percent" both places that it appears and inserting "35 percent".

SEC. 306. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

"(c) SUSPENSION.—(1) The Secretary may suspend a member of the Foreign Service without pay when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed and there is a connection between the conduct and the efficiency of the Foreign Service.

"(2) Any member of the Foreign Service for which a suspension is proposed shall be entitled to—

"(A) written notice stating the specific reasons for the proposed suspension;

"(B) a reasonable time to respond orally and in writing to the proposed suspension;

"(C) representation by an attorney or other representative; and

"(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

"(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

"(4) In the case of a grievance filed under paragraph (3), the review by the Foreign Service Grievance Board—

"(A) shall be limited to a determination of whether the reasonable cause requirement has been fulfilled and whether there is a connection between the conduct and the efficiency of the Foreign Service; and

"(B) may not exercise the authority provided under section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)).

"(5) In this section:

"(A) The term 'reasonable time' means—

"(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

"(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

"(B) The term 'suspend' or 'suspension' means the placing of a member of the Foreign Service, for disciplinary reasons, in a temporary status without duties.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Such section, as amended by subsection (a), is further amended by inserting "; suspension" before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 2 of such Act is amended to read as follows:

"Sec. 610. Separation for cause; suspension.".

SEC. 307. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

"(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, United States Code, as part of the settlement or compromise of administrative claims or grievances filed against the Department.".

SEC. 308. REPEAL OF REQUIREMENT FOR RECERTIFICATION PROCESS FOR MEMBERS OF THE SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is repealed.

SEC. 309. DEADLINE FOR ISSUANCE OF REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1383; 5 U.S.C. 8411 note) is amended by inserting ", not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004," after "regulations".

SEC. 310. SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.

Section 2311(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-826; 22 U.S.C. 4010 note) is amended—

(1) by striking "Not later than 90 days after the date of enactment of this Act, the" and inserting "The";

(2) by striking "5 percent" and inserting "2 percent"; and

(3) by striking "for 2 or more of the 5 years preceding the date of enactment of this Act"

and inserting "at least twice in any 5-year period".

SEC. 311. DISCLOSURE REQUIREMENTS APPLICABLE TO PROPOSED RECIPIENTS OF THE PERSONAL RANK OF AMBASSADOR OR MINISTER.

Section 302(a)(2)(B)(ii)(IV) of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(2)(B)(ii)(IV)) is amended by inserting before the period at the end the following: ", including information that is required to be disclosed on the Standard Form 278, or any successor financial disclosure report".

SEC. 312. PROVISION OF LIVING QUARTERS AND ALLOWANCES TO THE UNITED STATES REPRESENTATIVES TO THE UNITED NATIONS.

Section 9 of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1) is amended to read as follows:

"SEC. 9. (a) The Secretary of State may, under such regulations as the Secretary shall prescribe, and notwithstanding subsections (a) and (b) of section 3324 of title 31, United States Code, and section 5536 of title 5, United States Code—

"(1) make available to the Permanent Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations—

"(A) living quarters leased or rented by the United States for a period that does not exceed 10 years; and

"(B) allowances for unusual expenses incident to the operation and maintenance of such living quarters that are similar to expenses authorized to be funded by section 5913 of title 5, United States Code;

"(2) make available living quarters in New York leased or rented by the United States for a period of not more than 10 years to—

"(A) not more than 40 members of the Foreign Service assigned to the United States Mission to the United Nations or other United States representatives to the United Nations; and

"(B) not more than 2 employees who serve at the pleasure of the Permanent Representative of the United States to the United Nations; and

"(3) provide an allowance, as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses with respect to attending any such session.

"(b) The Secretary may not make available living quarters or allowances under subsection (a) to an employee who is occupying living quarters that are owned by such employee.

"(c) Living quarters and allowances provided under subsection (a) shall be considered for all purposes as authorized—

"(1) by chapter 9 of title I of the Foreign Service Act of 1980; and

"(2) by section 5913 of title 5, United States Code.

"(d) The Inspector General for the Department of State and the Broadcasting Board of Governors shall periodically review the administration of this section with a view to achieving cost savings and developing appropriate recommendations to make to the Secretary of State regarding the administration of this section.".

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS AFTER CALENDAR YEAR 2004.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following new clause:

"(v) For assessments made during a calendar year after calendar year 2004, 27.40 percent.".

SEC. 402. REPORT TO CONGRESS ON IMPLEMENTATION OF THE BRAHIMI REPORT.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report assessing the progress made to implement the recommendations set out in the Report of the Panel on United Nations Peace Operations, transmitted from the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council on August 21, 2000 ("Report").

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an assessment of the United Nations progress toward implementing the recommendations set out in the Report;

(2) a description of the progress made toward strengthening the capability of the United Nations to deploy a civilian police force and rule of law teams on an emergency basis at the request of the United Nations Security Council; and

(3) a description of the policies, programs, and strategies of the United States Government that support the implementation of the recommendations set out in the Report, especially in the areas of civilian police and rule of law.

SEC. 403. MEMBERSHIP ON UNITED NATIONS COUNCILS AND COMMISSIONS.

(a) IN GENERAL.—Section 408 of the Department of State Authorization Act, Fiscal Year 2003 (division A of Public Law 107-228; 116 Stat. 1391; 22 U.S.C. 287 note) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking paragraph (3) and inserting the following:

"(3) to prevent membership on the United Nations Commission on Human Rights or the United Nations Security Council by—

"(A) any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country; or

"(B) any member nation the government of which, as determined by the Secretary—

"(i) is a sponsor of terrorism; or

"(ii) is the subject of United Nations sanctions; and"; and

(3) by adding at the end the following new paragraph:

"(4) to advocate that the government of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of United Nations sanctions is not elected to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.".

(b) CONFORMING AMENDMENT.—The heading of section 408 is amended to read as follows:

"SEC. 408. MEMBERSHIP ON UNITED NATIONS COMMISSIONS AND COUNCILS AND THE INTERNATIONAL NARCOTICS CONTROL BOARD.".

TITLE V—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "Subject to paragraphs (5) and (6), a" and inserting "A"; and

(B) by striking "for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)" and inserting "until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)";

(2) by striking subparagraph (B) and inserting the following:

"(B) REVIEW OF DESIGNATION UPON PETITION.—

"(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

"(ii) PETITION PERIOD.—For purposes of clause (i)—

"(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

"(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

"(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

"(iv) DETERMINATION.—

"(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

"(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

"(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

"(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6)."; and

(3) by adding at the end the following:

"(C) OTHER REVIEW OF DESIGNATION.—

"(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

"(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

"(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.".

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) AMENDMENTS TO A DESIGNATION.—

"(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

"(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

"(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

"(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking "subsection (b)" and inserting "subsection (c)";

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking "or a redesignation made under paragraph (4)(B)" and inserting "at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)"; and

(ii) in clause (i), by striking "or redesignation";

(C) in paragraph (7), by striking ", or the revocation of a redesignation under paragraph (6),"; and

(D) in paragraph (8)—

(i) by striking ", or if a redesignation under this subsection has become effective under paragraph (4)(B),"; and

(ii) by striking "or redesignation"; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking "of the designation in the Federal Register," and all that follows through "review of the designation" and inserting "in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review";

(B) in paragraph (2), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation";

(C) in paragraph (3), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation"; and

(D) in paragraph (4), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation" each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term "designation", as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

TITLE VI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD

Subtitle A—Public Diplomacy

SEC. 601. PLANS, REPORTS, AND BUDGET DOCUMENTS.

Section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462) is amended to read as follows:

"SEC. 502. PLANS, REPORTS, AND BUDGET DOCUMENTS.

"(a) INTERNATIONAL INFORMATION STRATEGY.—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

"(b) NATIONAL SECURITY STRATEGY.—In preparation of the report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

"(c) PLANS REGARDING DEPARTMENT ACTIVITIES.—

"(1) STRATEGIC PLAN.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

"(2) ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

"(3) BUREAU AND MISSION PERFORMANCE PLAN.—The Secretary shall ensure that each Bureau Performance Plan and each Mission Performance Plan, under regulations of the Department, includes an extensive public diplomacy component.".

SEC. 602. RECRUITMENT AND TRAINING.

(a) IN GENERAL.—Chapter 7 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4021 et seq.) is amended by adding at the end the following new section:

"SEC. 709. PUBLIC DIPLOMACY TRAINING.

"The Secretary shall ensure that public diplomacy is an important component of training at all levels of the Foreign Service.".

(b) JUNIOR OFFICER TRAINING.—Section 703(b) of the Foreign Service Act of 1980 (22 U.S.C. 4023(b)) is amended in the first sentence by inserting "public diplomacy," before "consular".

(c) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting at the end of items relating to chapter 7 the following new item:

"Sec. 709. Public Diplomacy Training.".

SEC. 603. REPORT ON FOREIGN LANGUAGE BRIEFINGS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees containing an evaluation of the feasibility of conducting regular, televised briefings by personnel of the Department of State about United States foreign policy in major foreign languages, including Arabic, Farsi, Chinese, French, and Spanish.

Subtitle B—Strengthening United States Educational and Cultural Exchange Programs

SEC. 611. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE COUNTRY.—The term "eligible country" means a country or entity in Africa, the Middle East, South Asia, or Southeast Asia that—

(A) has a significant Muslim population; and

(B) is designated by the Secretary as an eligible country.

(2) SECONDARY SCHOOL.—The term "secondary school" means a school that serves students in any of grades 9 through 12 or equivalent grades in a foreign education system, as determined by the Secretary, in consultation with the Secretary of Education.

(3) UNITED STATES ENTITY.—The term "United States entity" means an entity that is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(4) UNITED STATES SPONSORING ORGANIZATION.—The term "United States sponsoring organization" means a nongovernmental organization based in the United States and controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by section 612.

SEC. 612. EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.

(a) STATEMENT OF POLICY.—The purpose of this section is to provide for the expansion of international educational and cultural exchange programs with eligible countries.

(b) SPECIFIC PROGRAMS.—In carrying out the purpose of this section, the Secretary is authorized to conduct or initiate the following programs in eligible countries:

(1) FULBRIGHT EXCHANGE PROGRAM.—The Secretary is authorized to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program. The Secretary shall take all appropriate steps to increase support for binational Fulbright commissions in eligible countries in order to enhance academic and scholarly exchanges with those countries.

(2) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary is authorized to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from eligible countries.

(3) Sister institutions programs.—The Secretary is authorized to encourage the establishment of "sister institution" programs between United States and foreign institutions (including cities and municipalities) in eligible countries, in order to enhance mutual understanding at the community level.

(4) Library training exchanges.—The Secretary is authorized to develop a demonstration program to assist governments in eligible countries to establish or upgrade their public library systems to improve literacy. The program may include training in the library sciences.

(5) International visitors program.—The Secretary is authorized to expand the number of participants in the International Visitors Program from eligible countries.

(6) Youth ambassadors.—The Secretary is authorized to establish a program for visits by middle and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks. Participating students shall reflect the economic and geographic diversity of their countries. Activities shall include cultural and educational activities designed to familiarize participating students with American society and values.

(7) Educational reform.—The Secretary is authorized to enhance programs that seek to improve the quality of primary and secondary school systems in eligible countries and promote civic education, to foster understanding of the United States, and through teachers exchanges, teacher training, textbook modernization, and other efforts.

(8) Promotion of religious freedom.—The Secretary is authorized to establish a program to promote dialogue and exchange among leaders and scholars of all faiths from the United States and eligible countries.

(9) Bridging the digital divide.—The Secretary is authorized to establish a program to help foster access to information technology among underserved populations and civil society groups in eligible countries.

(10) Sports diplomacy.—The Secretary is authorized to expand efforts to promote United States public diplomacy interests in eligible countries and elsewhere through sports diplomacy. Initiatives under this program may include—

(A) sending individuals from the United States to train foreign athletes or teams;

(B) sending individuals from the United States to assist countries in establishing or improving their sports, health, or physical education programs;

(C) providing assistance to athletic governing bodies in the United States to support efforts of such organizations to foster cooperation with counterpart organizations abroad; and

(D) utilizing United States professional athletes and other well-known United States sports personalities in support of public diplomacy goals and activities.

(11) College scholarships.—

(A) In general.—The Secretary is authorized to establish a program to offer scholarships to permit an individual to attend an eligible college or university if such individual—

(i) has graduated from secondary school; and

(ii) is a citizen or resident of an eligible country.

(B) Eligible college or university defined.—In this paragraph the term "eligible college or university" means a college or university that—

(i) is primarily located in an eligible country;

(ii) is organized under laws of the United States, a State, or the District of Columbia;

(iii) is accredited by an accrediting agency recognized by the Secretary of Education; and

(iv) is not controlled by the government of an eligible country.

SEC. 613. SECONDARY EXCHANGE PROGRAM.

(a) In General.—The Secretary is authorized to establish an international exchange visitor program, modeled on the Future Leaders Exchange Program, under which eligible secondary school students from eligible countries would—

(1) attend public secondary school in the United States;

(2) live with an American host family; and

(3) participate in activities designed to promote a greater understanding of American and Islamic values and culture.

(b) Eligibility Criteria for Students.—A student is eligible to participate in the program authorized under subsection (a) if the student—

(1) is from an eligible country;

(2) is at least 15 years of age but not more than 18 years of age at the time of enrollment in the program;

(3) is enrolled in a secondary school in an eligible country;

(4) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(5) demonstrates maturity, good character, and scholastic aptitude, and has the proficiency in the English language necessary to participate in the program;

(6) has not previously participated in an exchange program in the United States sponsored by the United States Government; and

(7) is not inadmissible under the Immigration and Nationality Act or any other law related to immigration and nationality.

(c) Program Requirements.—The program authorized by subsection (a) shall satisfy the following requirements:

(1) Compliance with "J" visa requirements.—Participants in the program shall satisfy all requirements applicable to the admission of nonimmigrant aliens described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)). The program shall be considered a designated exchange visitor program for purposes of the application of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(2) Broad participation.—Whenever appropriate, special provisions shall be made to ensure the broadest possible participation in the program, particularly among females and less advantaged citizens of eligible countries.

(3) Regular reporting to the Secretary.—Each United States sponsoring organization shall report regularly to the Secretary information about the progress made by the organization in implementation of the program.

SEC. 614. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 102(a)(1), there is authorized to be made available to the Department $30,000,000 for the fiscal year 2004 to carry out programs authorized by this subtitle.

Subtitle C—Fellowship Program

SEC. 621. SHORT TITLE.

This subtitle may be cited as the "Edward R. Murrow Fellowship Act".

SEC. 622. FELLOWSHIP PROGRAM.

(a) Establishment.—There is established a fellowship program pursuant to which the Broadcasting Board of Governors shall provide fellowships to foreign national journalists while they serve, for a period of 6 months, in positions at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia.

(b) Designation of Fellowships.—Fellowships under this subtitle shall be known as "Edward R. Murrow Fellowships".

(c) Purpose of the Fellowships.—Fellowships under this subtitle shall be provided in order to allow each recipient (in this subtitle referred to as a "Fellow") to serve on a short-term basis at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia in order to obtain direct exposure to the operations of professional journalists.

SEC. 623. FELLOWSHIPS.

(a) Limitation.—Not more than 20 fellowships may be provided under this subtitle each fiscal year.

(b) Remuneration.—The Board shall determine, taking into consideration the position in which each Fellow will serve and the Fellow's experience and expertise, the amount of remuneration the Fellow will receive for service under this subtitle.

(c) Housing and Transportation.—The Broadcasting Board of Governors shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including housing for family members if appropriate; and

(2) pay the costs and expenses incurred by each Fellow for travel between the journalist's country of nationality or last habitual residence and the offices of the Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the country in which the Fellow serves, including (where appropriate) for travel of family members.

SEC. 624. ADMINISTRATIVE PROVISIONS.

(a) Determinations.—The Broadcasting Board of Governors shall determine which of the individuals selected by the Board will serve at Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the position in which each will serve.

(b) Authorities.—Fellows may be employed—

(1) under a temporary appointment in the Civil Service;

(2) under a limited appointment in the Foreign Service; or

(3) by contract under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(c) Funding.—Funds available to the Broadcasting Board of Governors shall be used for the expenses incurred in carrying out this subtitle.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

SEC. 701. SHORT TITLE.

This title may be cited as the "International Parental Child Abduction Prevention Act of 2003".

SEC. 702. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) In General.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended by striking subclause (III) and inserting the following:

"(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, at the Secretary of State's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age.".

(b) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN THE CONSULAR LOOKOUT AND SUPPORT SYSTEM.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.—The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).

"(v) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

"(vi) ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN CONSULAR LOOKOUT AND SUPPORT SYSTEM.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

"(vii) DEFINITIONS.—In this subparagraph:

"(I) CHILD.—The term 'child' means a person under 21 years of age regardless of marital status.

"(II) SIBLING.—The term 'sibling' includes step-siblings and half-siblings.".

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and each February 1 thereafter for 4 years, the Secretary shall submit to the Committee on International Relations and the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate, an annual report that describes the operation of section 212(a)(10)(C) of the Immigration and Nationality Act, as amended by this section, during the prior calendar year to which the report pertains.

(2) CONTENT.—Each annual report submitted in accordance with paragraph (1) shall specify, to the extent that corresponding data is reasonably available, the following:

(A) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(B) The cumulative total number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) since the beginning of the first reporting period.

(C) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which the name of an alien was placed in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(D) The cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary of State to appear in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) at the end of the reporting period.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. REPEAL OF REQUIREMENT FOR SEMIANNUAL REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

Section 3203 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 575) is repealed.

SEC. 802. TECHNICAL AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

Section 304(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(c)) is amended—

(1) in the first sentence, by striking "Director's" and inserting "Secretary's"; and

(2) in the last sentence, by striking "Director" and inserting "Secretary".

SEC. 803. FOREIGN LANGUAGE BROADCASTING.

(a) IN GENERAL.—During the 1-year period following the date of enactment of this Act, the Broadcasting Board of Governors may not eliminate foreign language broadcasting in any of the following languages: Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Slovene, Slovak, Romanian, Croatian, Armenian, and Ukrainian.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall report to the appropriate congressional committees on the state of democratic governance and freedom of the press in the following countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, Slovakia, Romania, Croatia, Armenia, and Ukraine.

(c) SENSE OF CONGRESS.—It is the sense of Congress that providing surrogate broadcasting in countries that have a stable, democratic government and a vibrant, independent press with legal protections should not be a priority of United States international broadcasting efforts.

SEC. 804. FELLOWSHIPS FOR MULTIDISCIPLINARY TRAINING ON NONPROLIFERATION ISSUES.

(a) FELLOWSHIPS AUTHORIZED.—In carrying out international exchange programs, the Secretary shall design and implement a program to encourage eligible students to study at an accredited United States institution of higher education in an appropriate graduate program.

(b) ELIGIBLE STUDENT DEFINED.—In this section, the term "eligible student" means a citizen of a foreign country who—

(1) has completed undergraduate education; and

(2) is qualified (as determined by the Secretary).

(c) APPROPRIATE GRADUATE PROGRAM DEFINED.—In this section, the term "appropriate graduate program" means a graduate level program that provides for the multidisciplinary study of issues relating to weapons nonproliferation and includes training in—

(1) diplomacy;

(2) arms control;

(3) multilateral export controls; or

(4) threat reduction assistance.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 1102, $2,000,000 may be available to carry out this section.

SEC. 805. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) Haiti is plagued by chronic political instability, economic and political crises, and significant social challenges.

(2) The United States has a political and economic interest and a humanitarian and moral responsibility in assisting the Government and people of Haiti in resolving the country's problems and challenges.

(3) The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti's political and economic crises.

(b) REQUIREMENT FOR REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that describes United States policy toward Haiti. The report shall include the following:

(1) A description of the activities carried out by the United States Government to resolve Haiti's political crisis and to promote the holding of free and fair elections in Haiti at the earliest possible date.

(2) A description of the activities that the United States Government anticipates initiating to resolve the political crisis and promote free and fair elections in Haiti.

(3) An assessment of whether Resolution 822 issued by the Permanent Council of the Organization of American States on September 4, 2002, is still an appropriate framework for a multilateral approach to resolving the political and economic crises in Haiti, and of the likelihood that the Organization of American States will develop a new framework to replace Resolution 822.

(4) A description of the status of efforts to release the approximately $146,000,000 in loan funds that have been approved by the Inter-American Development Bank to Haiti for the purposes of rehabilitating rural roads, reorganizing the health sector, improving potable water supply and sanitation, and providing basic education, a description of any obstacles that are delaying the release of the loan funds, and recommendations for overcoming such obstacles, including whether any of the following would facilitate the release of such funds:

(A) Establishing an International Monetary Fund staff monitoring program in Haiti.

(B) Obtaining bridge loans or other sources of funding to pay the cost of any arrears owed by the Government of Haiti to the Inter-American Development Bank.

(C) Providing technical assistance to the Government of Haiti to permit the Government to meet international financial transparency requirements.

SEC. 806. VICTIMS OF VIOLENT CRIME ABROAD.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the

Secretary shall submit a report to the appropriate congressional committees on services overseas for United States citizens or nationals of the United States who are victims of violent crime abroad. The report shall include—

(1) a proposal for providing increased services to victims of violent crime, including information on—

(A) any organizational changes necessary to provide such an increase; and

(B) the personnel and budgetary resources necessary to provide such an increase; and

(2) proposals for funding and administering financial compensation for United States citizens or nationals of the United States who are victims of violent crime outside the United States similar to victims compensation programs under the terms of the Crime Victims Fund (42 U.S.C. 10601).

(b) ESTABLISHMENT OF A DATABASE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a database to maintain statistics on incidents of violent crime against United States citizens or nationals of the United States abroad that are reported to United States missions.

(c) DEFINITIONS.—In this section—

(1) the term "violent crime" means murder, non-negligent manslaughter, forcible rape, robbery, or aggravated assault; and

(2) the term "national of the United States" has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

SEC. 807. LIMITATION ON USE OF FUNDS RELATING TO UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this division may be expended for the operation of any United States consulate or diplomatic facility in Jerusalem that is not under the supervision of the United States Ambassador to Israel.

(b) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this division may be available for the publication of any official document of the United States that lists countries, including Israel, and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 808. REQUIREMENT FOR ADDITIONAL REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

Section 215(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1366) is amended by inserting "and again not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004," after "Act," in the matter preceding paragraph (1).

SEC. 809. UNITED STATES POLICY REGARDING THE RECOGNITION OF A PALESTINIAN STATE.

Congress reaffirms the policy of the United States as articulated in President George W. Bush's speech of June 24, 2002, regarding the criteria for recognizing a Palestinian state. Congress reiterates the President's statement that the United States will not recognize a Palestinian state until the Palestinians elect new leadership that—

(1) is not compromised by terrorism;

(2) demonstrates, over time, a firm and tangible commitment to peaceful co-existence with the State of Israel and an end to anti-Israel incitement; and

(3) takes appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including dismantling terrorist infrastructures, confiscating unlawful weaponry, and establishing a new security entity that cooperates fully with appropriate Israeli security organizations.

SEC. 810. MIDDLE EAST BROADCASTING NETWORK.

(a) AUTHORITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following new section:

"SEC. 310. MIDDLE EAST BROADCASTING NETWORK.

"(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to a Middle East Broadcasting Network for the purpose of carrying out radio and television broadcasting to the Middle East region.

"(b) FUNCTION.—The Middle East Broadcasting Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

"(c) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

"(1) The Board may not make any grant to the nonprofit corporation, Middle East Broadcasting Network, unless its certificate of incorporation provides that—

"(A) the Board of Directors of the Middle East Broadcasting Network shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

"(B) such Board of Directors shall make all major policy determinations governing the operation of the Middle East Broadcasting Network, and shall appoint and fix the compensation of such managerial officers and employees of the Middle East Broadcasting Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(2) Any grant agreement under this section shall require that any contract entered into by the Middle East Broadcasting Network shall specify that obligations are assumed by the Middle East Broadcasting Network and not the United States Government.

"(3) Any grant agreement shall require that any lease agreement entered into by the Middle East Broadcasting Network shall be, to the maximum extent possible, assignable to the United States Government.

"(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

"(5) Duplication of language services and technical operations between the Middle East Broadcasting Network (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

"(d) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to make the Middle East Broadcasting Network a Federal agency or instrumentality, nor shall the officers or employees of the Middle East Broadcasting Network be deemed to be officers or employees of the United States Government.

"(e) AUDIT AUTHORITY.—

"(1) IN GENERAL.—Such financial transactions of the Middle East Broadcasting Network as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Middle East Broadcasting Network are normally kept.

"(2) ACCESS TO RECORDS.—Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Middle East Broadcasting Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Middle East Broadcasting Network shall remain in the custody of the Middle East Broadcasting Network.

"(3) INSPECTOR GENERAL.—Notwithstanding any other provisions of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act with respect to the Middle East Broadcasting Network.".

(b) CONFORMING AMENDMENTS.—

(1) AUTHORITIES OF BOARD.—Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204), is amended—

(A) in paragraph (5) of subsection (a), by striking "and 309" and inserting ", 309, and 310";

(B) in paragraph (6) of subsection (a), by striking "and 309" and inserting ", 309, and 310"; and

(C) in subsection (c), by striking "and 309" and by inserting ", 309, and 310".

(2) INTERNATIONAL BROADCASTING BUREAU.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206), is amended—

(A) in subsection (a), by striking "and 309" and inserting ", 309, and 310"; and

(B) in subsection (c), by inserting ", and Middle East Broadcasting Network," after "Asia".

(3) IMMUNITY FOR LIABILITY.—Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)), is amended—

(A) by striking "and" after "Incorporated", and by inserting a comma; and

(B) by adding ", and Middle East Broadcasting Network" after "Asia".

(4) CREDITABLE SERVICE.—Section 8332(b)(11) of title 5, United States Code, is amended by adding "Middle East Broadcasting Network," after "the Asia Foundation;".

SEC. 811. SENSE OF CONGRESS RELATING TO INTERNATIONAL AND ECONOMIC SUPPORT FOR A SUCCESSOR REGIME IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) A peaceful and prosperous Iraq will benefit the entire international community.

(2) Winning the peace in Iraq will require the support of the international community, including the assistance of the United Nations and the specialized agencies of the United Nations.

(3) While Iraq's long-term economic prospects are good, the short-term economic situation will be difficult.

(4) Iraq has an estimated $61,000,000,000 in foreign debt, approximately $200,000,000,000 in pending reparations claims through the United National Compensation Commission, and an unknown amount of potential liability for terrorism-related claims brought in United States courts.

(5) The revenue from the export of oil from Iraq is projected to be less than $15,000,000,000 each year for the years 2004, 2005, and 2006.

(b) SENSE OF CONGRESS ON A SUCCESSOR REGIME IN IRAQ.—It is the sense of Congress that—

(1) the President should be commended for seeking the support of the international community to build a stable and secure Iraq;

(2) the President's position that the oil resources of Iraq, and the revenues derived therefrom, are the sovereign possessions of the people of Iraq should be supported; and

(3) the President should pursue measures, in cooperation with other nations, to protect an interim or successor regime in Iraq, to the maximum extent possible, from the negative economic implications of indebtedness incurred by the regime of Saddam Hussein, and to assist in developing a resolution of all outstanding claims against Iraq.

SEC. 812. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.

It is the sense of Congress that, in light of the findings of fact set out in section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1414) and the fact that the Federation of Red Cross and Red Crescent Societies has not granted full membership to the Magen David Adom Society, the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

SEC. 813. SENSE OF CONGRESS ON CLIMATE CHANGE.

(a) FINDINGS.—Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities" and that the average temperature on Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years". The National Academy of Sciences also noted that "because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments upward or downward".

(4) The IPCC has stated that in the last 40 years the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) In October 2000, a United States Government report found that global climate change may harm the United States by altering crop yields, accelerating sea-level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change (UNFCCC), the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner".

(7) The UNFCCC stated in part that the Parties to the Convention are to implement policies "with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases" under the principle that "policies and measures . . . should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change".

(8) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases, and developing nations' emissions will significantly increase in the future.

(9) The UNFCCC further stated that "developed country Parties should take the lead in combating climate change and the adverse effects thereof", as these nations are the largest historic and current emitters of greenhouse gases. The UNFCCC also stated that "steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas".

(10) Senate Resolution 98 of the One Hundred Fifth Congress, which expressed that developing nations must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help reduce the risks of climate change and its impacts. Future international efforts in this regard should focus on recognizing the equitable responsibilities for addressing climate change by all nations, including commitments by the largest developing country emitters in a future, binding climate change treaty.

(11) While the United States has elected not to become a party to the Kyoto Protocol at this time, it is the position of the United States that it will not interfere with the plans of any nation that chooses to ratify and implement the Kyoto Protocol to the UNFCCC.

(12) American businesses need to know how governments worldwide will address the risks of climate change.

(13) The United States benefits from investments in the research, development, and deployment of a range of clean energy and efficiency technologies that can reduce the risks of climate change and its impacts and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should demonstrate international leadership and responsibility in reducing the health, environmental, and economic risks posed by climate change by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, tradable credits for emissions reductions and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions;

(3) participating in international negotiations, including putting forth a proposal to the Conference of the Parties, with the objective of securing United States participation in a future binding climate change Treaty in a manner that is consistent with the environmental objectives of the UNFCCC, that protects the economic interests of the United States, and that recognizes the shared international responsibility for addressing climate change, including developing country participation; and

(4) establishing a bipartisan Senate observer group designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to monitor any international negotiations on climate change, to ensure that the advice and consent function of the Senate is exercised in a manner so as to facilitate timely consideration of any new treaty submitted to the Senate.

SEC. 814. EXTENSION OF AUTHORIZATION OF APPROPRIATION FOR THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking "2003" and inserting "2004".

TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

SEC. 901. SHORT TITLE.

This title may be cited as the "Peace Corps Charter for the 21st Century Act".

SEC. 902. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of United States volunteers abroad.

(2) The Peace Corps has sought to fulfill three goals, as follows:

(A) To help people in developing nations meet basic needs.

(B) To promote understanding of America's values and ideals abroad.

(C) To promote an understanding of other peoples by Americans.

(3) The three goals, which are codified in the Peace Corps Act, have guided the Peace Corps and its volunteers over the years, and worked in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) Since its establishment, approximately 165,000 Peace Corps volunteers have served in 135 countries.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote

peace, friendship, and international understanding.

(7) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(8) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(9) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the talent pool of returned Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps must not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) In order to ensure that proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers and other individuals, with diverse backgrounds and expertise, can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps in discharging the Director's duties and responsibilities.

SEC. 903. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "Director" means the Director of the Peace Corps.

(2) PEACE CORPS VOLUNTEER.—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

(3) RETURNED PEACE CORPS VOLUNTEER.—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 904. STRENGTHENED INDEPENDENCE OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: "As the Peace Corps is an independent agency, all recruiting of volunteers shall be undertaken primarily by the Peace Corps.".

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after "*Provided*, That" the following: "such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent: *Provided further*, That".

SEC. 905. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—The Peace Corps Act is amended by striking the heading for section 11 (22 U.S.C. 2510) and all that follows through the end of such section and inserting the following:

"SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

"(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain—

"(1) a description of efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

"(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

"(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

"(2) a description of—

"(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to Congress;

"(B) the rationale for undertaking such new initiatives;

"(C) an estimate of the cost of such initiatives; and

"(D) any impact such initiatives may have on the safety of volunteers; and

"(3) a description of standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

"(A) by colocating volunteers with international or local nongovernmental organizations; or

"(B) with the placement of multiple volunteers in one location.

"(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps should consult with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, but in any event as soon as is practicable thereafter.".

(b) ONE-TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report containing—

(1) a description of the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) a comparison of such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommendations for any additional student loan forgiveness programs that could attract more applicants from more low- and middle-income applicants facing high student loan obligations.

SEC. 906. INCREASING THE NUMBER OF VOLUNTEERS.

(a) REQUIREMENT.—The Director shall develop a plan to increase the number of Peace Corps volunteers to a number that is not less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002.

(b) REPORT ON INCREASING THE NUMBER OF VOLUNTEERS.—

(1) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing in detail the Director's plan for increasing the number of Peace Corps volunteers as described in subsection (a), including a five-year budget plan for funding such increase in the number of volunteers.

(2) SUBSEQUENT REPORTS.—Not later than January 31 of each year in which the number of Peace Corps volunteers is less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002, the Director shall submit to the appropriate congressional committees an update on the report described in paragraph (1).

SEC. 907. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BETWEEN THEIR CITIZENS AND THE UNITED STATES.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing the initiatives that the Peace Corps intends to pursue with eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 908. GLOBAL INFECTIOUS DISEASES INITIATIVE.

The Director, in cooperation with international public health experts such as experts of the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

SEC. 909. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511) is amended—

(1) in subsection (b)(2) by striking subparagraph (D) and inserting the following:

"(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.";

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "fifteen" and inserting "seven"; and

(ii) by striking the second sentence and inserting the following: "Four of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than four shall be members of the same political party.";

(B) by striking subparagraph (D) and inserting the following:

"(D) The members of the Council shall be appointed for 2-year terms.";

(C) by striking subparagraphs (B) and (H); and

(D) by redesignating subparagraphs (C), (D), (E), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively;

(3) by striking subsection (g) and inserting the following:

"(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.";

(4) by striking subsection (h) and inserting the following:

"(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council."; and

(5) by striking subsection (i) and inserting the following:

"(i) REPORT.—Not later than July 30 of each year, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).".

SEC. 910. READJUSTMENT ALLOWANCES.

(a) INCREASED RATES.—The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking "$125" and inserting "$275"; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking "$125" and inserting "$275".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 911. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the third purpose of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)), relating to promoting an understanding of other peoples on the part of the American people.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—The Chief Executive Officer of the Corporation for National and Community Service (hereafter in the section referred to as the "Corporation") shall award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop programs and projects to carry out the purpose described in subsection (a).

(2) PROGRAMS AND PROJECTS.—The programs and projects that may receive grant funds under this section include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY.—To be eligible for a grant under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The nonprofit corporation shall meet all management requirements that the Corporation determines appropriate and prescribes as conditions for eligibility for the grant.

(c) GRANT REQUIREMENTS.—A grant under this section shall be made pursuant to a grant agreement between the Corporation and the nonprofit corporation that—

(1) requires grant funds be used only to support programs and projects to carry out the purpose described in subsection (a) through the funding of proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) requires the nonprofit corporation to give preferential consideration to proposals submitted by returned Peace Corps volunteers that request less than $100,000 to carry out a program or project;

(3) requires that not more than 20 percent of the grant funds made available to the nonprofit corporation be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) prohibits the nonprofit corporation from receiving grant funds for more than 2 years unless, beginning in the third year, the nonprofit corporation makes available, to carry out the programs or projects that receive grant funds during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) requires the nonprofit corporation to manage, monitor, and report to the Corporation on the progress of each program or project for which the nonprofit corporation provides funding from a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make any member of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Corporation shall—

(1) consider the need to minimize overhead costs and maximize resources available to fund programs and projects; and

(2) seek to ensure that programs and projects receiving grant funds are carried out across a broad geographical distribution.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—In addition to any other funds made available to the Corporation under any other provision of law, there is authorized to be appropriated to the Corporation to carry out this section, $10,000,000.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 912. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking "2002, and" and inserting "2002,"; and

(2) by inserting before the period at the end the following: ", $359,000,000 for fiscal year 2004, $401,000,000 for fiscal year 2005, $443,000,000 for fiscal year 2006, and $485,000,000 for fiscal year 2007".

DIVISION B—FOREIGN ASSISTANCE AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Assistance Authorization Act, Fiscal Year 2004".

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Development Assistance and Related Programs Authorizations

SEC. 2101. DEVELOPMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for "Development Assistance", $1,360,000,000 for fiscal year 2004 to carry out sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2293).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(c) REPEAL OF OBSOLETE AUTHORIZATIONS.—

(1) AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.—Section 103(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)) is amended—

(A) by striking "(a)(1)" and inserting "(a)";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating subparagraphs (A), (B), and (C), as paragraphs (1), (2), and (3), respectively.

(2) EDUCATION AND HUMAN RESOURCES DEVELOPMENT.—Section 105(a) of such Act (22 U.S.C. 2151c(a)) is amended by striking the second sentence.

(3) ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.—Section 106 of such Act (22 U.S.C. 2151d) is amended by striking subsections (e) and (f).

(d) TECHNICAL AMENDMENT OF DEVELOPMENT FUND FOR AFRICA.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended by striking "AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEVELOPMENT FUND FOR AFRICA.—" and inserting "AVAILABILITY OF FUNDS.—".

SEC. 2102. CHILD SURVIVAL AND HEALTH PROGRAMS FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for "Child Survival and Health Programs Fund", $1,495,000,000 for fiscal year 2004 to carry out sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293). Amounts authorized to be appropriated under this section are in addition to amounts available under other provisions of law to combat the human immunodeficiency virus (HIV) or the acquired immune deficiency syndrome (AIDS).

(b) FAMILY PLANNING PROGRAMS.—Of the amount authorized to be appropriated under subsection (a), $346,000,000 may be used for assistance under sections 104(b) and 496(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(b) and 2293(i)(3)).

(c) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(d) REPEAL OF OBSOLETE AUTHORIZATIONS AND TECHNICAL AMENDMENTS.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraphs (B) and (C); and

(B) by striking "(2)(A)" and inserting "(2)"; and

(2) in paragraph (3), by striking the last sentence.

SEC. 2103. DEVELOPMENT CREDIT AUTHORITY.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108 (22 U.S.C. 2151f) the following:

"SEC. 108A. DEVELOPMENT CREDIT AUTHORITY.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Developing countries often have large reserves of privately held capital that are not being adequately mobilized and invested due to weak financial institutions and other market imperfections in such countries.

"(2) Partial loan guarantees, particularly when used as an integral part of a development strategy, are useful to leverage local private capital for development while reforming and strengthening developing country financial markets.

"(3) Requiring risk-sharing guarantees and limiting guarantee assistance to private lenders encourages such lenders to provide appropriate oversight and management of development projects funded with loans made by such lenders and, thereby, maximize the benefit which such projects will achieve.

"(b) POLICY.—It is the policy of the United States to make partial loan guarantees available to private lenders to fund development projects in developing countries that encourage such lenders to provide appropriate oversight and management of such development projects.

"(c) AUTHORITY.—To carry out the policy set forth in subsection (b), the President is authorized to provide assistance in the form of loans and partial loan guarantees to private lenders in developing countries to achieve the economic development purposes of the provisions of this part.

"(d) PRIORITY FOR ASSISTANCE.—The President, in providing assistance under this section, shall give priority to providing partial loan guarantees made pursuant to the authority in subsection (c) that are used in transactions in which the financial risk of loss to the United States Government under such guarantee does not exceed the financial risk of loss of the private lender that receives such guarantee.

"(e) TERMS AND CONDITIONS.—Assistance provided under this section shall be provided on such terms and conditions as the President determines appropriate.

"(f) OBLIGATIONS OF THE UNITED STATES.—A partial loan guarantee made under subsection (c) shall constitute an obligation, in accordance with the terms of such guarantee, of the United States of America and the full faith and credit of the United States of America is pledged for the full payment and performance of such obligation.

"(g) PROCUREMENT PROVISIONS.—Assistance may be provided under this section notwithstanding section 604(a).

"(h) DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT.—There is established on the books of the Treasury an account known as the Development Credit Authority Program Account. There shall be deposited into the account all amounts made available for providing assistance under this section, other than amounts made available for administrative expenses to carry out this section. Amounts in the Account shall be available to provide assistance under this section.

"(i) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Of the amounts authorized to be available for the purposes of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) and the Support for Eastern European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), not more than $21,000,000 for fiscal year 2004 may be made available to carry out this section.

"(2) TRANSFER OF FUNDS.—Amounts made available under paragraph (1) may be transferred to the Development Credit Authority Program Account established by subsection (h) of such section.

"(3) SUBSIDY COST.—Amounts made available under paragraphs (1) and (2) shall be available for subsidy cost as defined in section 502(5) of the Federal Reform Credit Act of 1990 (2 U.S.C. 661a(5)) of activities under this section.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated for administrative expenses to carry out this section $8,000,000 for fiscal year 2004.

"(2) TRANSFER OF FUNDS.—The amounts appropriated for administrative expenses under paragraph (1) may be transferred to and merged with amounts made available under section 667(a).

"(k) AVAILABILITY.—Amounts appropriated or made available under this section are authorized to remain available until expended.".

SEC. 2104. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS AND FOREIGN CENTRAL BANKS OF DEVELOPING OR TRANSITIONAL COUNTRIES.

Section 129(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(j)(1)) is amended by striking "$5,000,000 for fiscal year 1999" and inserting "$14,000,000 for fiscal year 2004".

SEC. 2105. INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended to read as follows:

"SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the President $314,500,000 for fiscal year 2004 for grants to carry out the purposes of this chapter. Amounts appropriated pursuant to the authorization of appropriations in this section are in addition to amounts otherwise available for such purposes.".

SEC. 2106. CONTINUED AVAILABILITY OF CERTAIN FUNDS WITHHELD FROM INTERNATIONAL ORGANIZATIONS.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following new subsection:

"(e) Funds available in any fiscal year to carry out the provisions of this chapter that are returned or not made available for organizations and programs because of the application of this section shall remain available for obligation until September 30 of the fiscal year after the fiscal year for which such funds are appropriated.".

SEC. 2107. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking "$25,000,000 for fiscal year 1986 and $25,000,000 for fiscal year 1987" and inserting "$235,500,000 for fiscal year 2004".

SEC. 2108. TRANSITION INITIATIVES.

Section 494 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292c) is amended to read as follows:

"SEC. 494. TRANSITION AND DEVELOPMENT ASSISTANCE.

"(a) TRANSITION AND DEVELOPMENT ASSISTANCE.—The President is authorized to furnish assistance to support the transition to democracy and to long-term development in accordance with the general authority contained in section 491, including assistance to—

"(1) develop, strengthen, or preserve democratic institutions and processes;

"(2) revitalize basic infrastructure; and

"(3) foster the peaceful resolution of conflict.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President $55,000,000 for fiscal year 2004 to carry out this section.

"(c) AVAILABILITY.—Amounts appropriated under this section for the purpose specified in subsection (b)—

"(1) are authorized to remain available until expended; and

"(2) are in addition to amounts otherwise available for such purpose.".

SEC. 2109. FAMINE ASSISTANCE.

(a) AUTHORITY.—Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.), as amended by section 520, is amended by adding at the end the following new section:

"SEC. 495. FAMINE ASSISTANCE.

"(a) AUTHORIZATION.—The President is authorized to provide assistance for famine prevention and relief, including for famine prevention and for mitigation of the effects of famine.

"(b) AUTHORITIES.—Assistance authorized by subsection (a) shall be provided in accordance with the general authority contained in section 491.

"(c) NOTIFICATION.—The President shall transmit advance notification of any assistance to be provided under subsection (a) to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representative in accordance with section 634A (22 U.S.C. 2394–1).

"(d) FAMINE FUND.—There is established on the books of the Treasury an account to be known as the Famine Fund. There shall be deposited into the account all amounts made available for providing assistance under subsection (a). Amounts in the Fund shall be available to provide assistance under such subsection.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal year 2004 to carry out this section.

"(f) AVAILABILITY.—Amounts appropriated under this section—

"(1) are authorized to remain available until expended; and

"(2) are in addition to amounts otherwise available for such purpose.".

SEC. 2110. ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for "Assistance for the Independent States of the Former Soviet Union", $646,000,000 for fiscal year 2004 to carry out chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

SEC. 2111. ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for "Assistance for Eastern Europe and the Baltic States" $475,000,000 for fiscal year 2004 to carry out the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended;

(2) are in addition to amounts otherwise available for such purposes;

(3) may be made available notwithstanding any other provision of law; and

(4) shall be considered to be economic assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for purposes of making applicable the administrative authorities contained in that Act for the use of economic assistance.

SEC. 2112. OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) $750,400,000 for the fiscal year 2004 for necessary operating expenses of the United States Agency for International Development, of which $146,300,000 is authorized to be appropriated for overseas construction and related costs and for enhancement of information technology and related investments; and"; and

(B) in paragraph (2) of such subsection, by striking "agency" and inserting "Agency";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) There are authorized to be appropriated to the President, in addition to funds available under subsection (a) or any other provision of law for such purposes—

"(1) $35,000,000 for fiscal year 2004 for necessary operating expenses of the Office of Inspector General of the United States Agency for International Development; and

"(2) such amounts as may be necessary for increases in pay, retirement, and other employee benefits authorized by law for the employees of such Office, and for other nondiscretionary costs of such Office.".

(b) CONFORMING AMENDMENT.—The heading of section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended by striking "EXPENSES.—" and inserting "EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—".

Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations

SEC. 2121. COMPLEX FOREIGN CONTINGENCIES.

Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is amended by adding at the end the following new section:

"SEC. 452. COMPLEX FOREIGN CRISES CONTINGENCY FUND.

"(a) ESTABLISHMENT OF FUND.—There is hereby established on the books of the Treasury a fund to be known as the Complex Foreign Crises Contingency Fund (in this section referred to as the 'Fund') for the purpose described in subsection (b).

"(b) PURPOSE.—The purpose of the Fund is to provide the President with increased flexibility to respond to complex foreign crises, including the ability—

"(1) to provide support for peace and humanitarian intervention operations; and

"(2) to prevent or respond to foreign territorial disputes, armed ethnic or civil conflicts that pose threats to regional or international peace, and acts of ethnic cleansing, mass killings, and genocide.

"(c) ELEMENTS.—The Fund shall consist of amounts authorized to be appropriated to the Fund under subsection (g).

"(d) AUTHORITY TO FURNISH ASSISTANCE.—(1) Notwithstanding any other provision of law, whenever the President determines it to be important to the national interests of the United States, the President is authorized to furnish assistance using amounts in the Fund for the purpose of responding to a complex foreign crisis.

"(2) The authority to furnish assistance under paragraph (1) for the purpose specified in that paragraph is in addition to any other authority under law to furnish assistance for that purpose.

"(e) LIMITATION ON USE OF FUNDS.—No amounts in the Fund shall be available to respond to natural disasters.

"(f) NOTICE OF EXERCISE OF AUTHORITY.—The President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives at least 5 days before each exercise of the authority in this section in accordance with procedures applicable to reprogramming notifications pursuant to section 634A.

"(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the President for fiscal year 2004 such sums as may be necessary to carry out this section.

"(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be deposited in the Fund.

"(3) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.".

SEC. 2122. INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.—Paragraph (1) of section 482(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)) is amended by striking "$147,783,000" and all that follows and inserting "$985,000,000 for fiscal year 2004, of which $700,000,000 is authorized to be appropriated for the Andean Counterdrug Initiative.".

(b) AVAILABILITY OF FUNDS FOR COLOMBIA.—That section is further amended by adding at the end the following new paragraphs:

"(3) Notwithstanding any other provision of law, amounts authorized to be appropriated to carry out the purposes of section 481 for fiscal year 2004, and amounts appropriated for fiscal years before fiscal year 2004 for purposes of such section that remain available for obligation, may be used to furnish assistance to the Government of Colombia—

"(A) to support a unified campaign against narcotics trafficking and terrorist activities; and

"(B) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

"(4) Assistance furnished to the Government of Colombia under this section—

"(A) shall be subject to the limitations on the assignment of United States personnel in Colombia under subsections (b) through (d) of section 3204 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 576);

"(B) shall be subject to the condition that no United States Armed Forces personnel and no employees of United States contractors participate in any combat operation in connection with such assistance; and

"(C) shall be subject to the condition that the Government of Colombia is fulfilling its commitment to the United States with respect to its human rights practices, including the specific conditions set forth in subparagraphs (A) through (E) of section 564(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108–7; 117 Stat. 205).".

SEC. 2123. ECONOMIC SUPPORT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

"(a) There is authorized to be appropriated to the President to carry out the purposes of this chapter $2,535,000,000 for fiscal year 2004.".

(b) AUTHORIZATION OF ASSISTANCE FOR ISRAEL.—Section 513(b)(1) of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004".

(c) AUTHORIZATION OF ASSISTANCE FOR EGYPT.—Section 514(b)(1) of the Security Assistance Act of 2000 (Public Law 106–280), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004".

SEC. 2124. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking "There are authorized" and all that follows through "fiscal year 1987" and inserting "There is authorized to be appropriated to the President to carry out the purposes of this chapter $91,700,000 for the fiscal year 2004".

SEC. 2125. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended by striking "There are authorized" and all that follows through "fiscal year 1987" and inserting "There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $101,900,000 for the fiscal year 2004".

SEC. 2126. NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $485,200,000 for Nonproliferation, Anti-Terrorism, Demining, and Related Programs for the purpose of carrying out nonproliferation, anti-terrorism, demining, and related programs and activities under—

(1) chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.);

(2) chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.);

(3) section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), as amended by section 2212 of this Act, to the extent such assistance is used for activities identified in the last sentence of that section, including not to exceed $675,000 for administrative expenses related to such activities, which amount shall be in addition to funds otherwise made available for such purposes;

(4) section 504 of the FREEDOM Support Act (22 U.S.C. 5854) and programs under the Nonproliferation and Disarmament Fund to promote bilateral and multilateral activities relating to nonproliferation and disarmament, notwithstanding any other provision of law, including, when in the national security interests of the United States, with respect to international organizations and countries other than the independent states of the former Soviet Union;

(5) section 23 of the Arms Export Control Act (22 U.S.C. 2763), for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law;

(6) section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221);

(7) the Radiological Terrorism Threat Reduction Act of 2003 under title XII of this Act; and

(8) the Global Pathogen Surveillance Act of 2003 under title XIII of this Act.

(b) AVAILABILITY.—Amounts appropriated under this section for the purpose specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for that purpose.

SEC. 2127. FOREIGN MILITARY FINANCING PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $4,414,000,000 for fiscal year 2004.

(b) ASSISTANCE FOR ISRAEL.—Section 513 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended—

(1) in subsection (c)(1), by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004";

(2) in subsection (c)(3), by striking "Funds authorized" and all that follows through "later." and inserting "Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) for fiscal year 2004 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or October 31, 2004, whichever is later."; and

(3) in subsection (c)(4)—

(A) by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004"; and

(B) by striking "$535,000,000 for fiscal year 2002 and not less than $550,000,000 for fiscal year 2003" and inserting "$550,000,000 for fiscal year 2003 and not less than $565,000,000 for fiscal year 2004".

(c) ASSISTANCE FOR EGYPT.—Section 514 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 857), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (116 Stat. 1430), is further amended—

(1) in subsection (c) by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004"; and

(2) in subsection (e), by striking "Funds estimated" and all that follows through "of the respective fiscal year, whichever is later" and inserting the following: "Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2004 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or by October 31, 2003, whichever is later".

Subtitle C—Independent Agencies Authorizations

SEC. 2131. INTER-AMERICAN FOUNDATION.

Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended by striking "There are authorized to be appropriated $28,000,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993" and inserting "There is authorized to be appropriated $15,185,000 for fiscal year 2004".

SEC. 2132. AFRICAN DEVELOPMENT FOUNDATION.

The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h–8) is amended by striking "$3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987" and inserting "$17,689,000 for fiscal year 2004".

Subtitle D—Multilateral Development Bank Authorizations

SEC. 2141. CONTRIBUTION TO THE SEVENTH REPLENISHMENT OF THE ASIAN DEVELOPMENT FUND.

The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"SEC. 31. SEVENTH REPLENISHMENT.

"(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor of the Bank is authorized to contribute, on behalf of the United States, $412,000,000 to the seventh replenishment of the Asian Development Fund, a special fund of the Bank, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, $412,000,000 for payment by the Secretary of the Treasury.".

SEC. 2142. CONTRIBUTION TO THE THIRTEENTH REPLENISHMENT OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION.

The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 22. THIRTEENTH REPLENISHMENT.

"(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor is authorized to contribute, on behalf of the United States, $2,850,000,000 to the thirteenth replenishment of the Association, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, $2,850,000,000 for payment by the Secretary of the Treasury.

"(c) TRANSPARENCY.—

"(1) POLICY.—It is the policy of the United States that each multilateral development institution that has a United States Executive Director should—

"(A) not later than 60 days after the date on which the minutes of a meeting of the Board of Directors are approved, post the minutes on the website of the multilateral development institution, with any material deemed too sensitive for public dissemination redacted;

"(B) for a period of at least 10 years beginning on the date of a meeting of a Board of Directors, keep and preserve a written transcript or electronic recording of such meeting;

"(C) not later than the later of 15 days prior to the date on which a Board of Directors will consider for endorsement or approval any public sector loan document, country assistance strategy, sector strategy, or sector policy prepared by a multilateral development institution or the date such documents are distributed to the Board, make such documents available to the public, with any material deemed too sensitive for public dissemination redacted;

"(D) make available on the website of the multilateral development institution an annual report that contains statistical summaries and case studies of the fraud and corruption cases pursued by the investigations unit of the multilateral development institution; and

"(E) require that any health, education, or poverty-focused loan, credit, grant, document, policy or strategy prepared by the multilateral development institution include specific outcome and output indicators to measure results, and that the results be published periodically during the performance of the project or program and at its completion.

"(2) IMPLEMENTATION.—The Secretary of the Treasury should instruct each United States Executive Director at a multilateral development institution—

"(A) to inform the multilateral development institution of the policy set out in subparagraphs (A) through (E) of paragraph (1); and

"(B) to work to implement the policy at the multilateral development institution not later than the scheduled conclusion of the thirteenth replenishment of the International Development Association on June 30, 2005.

"(3) BRIEFING.—The Secretary of the Treasury should brief, or send a representative of the Department of the Treasury to brief, the appropriate congressional committees, at the request of such committees, on the actions taken by each United States Executive Director at a multilateral development institution or by personnel of such institutions to implement the policy set out in subparagraphs (A) through (E) of paragraph (1).

"(4) PUBLIC DISSEMINATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury should make available on the website of the Department of the Treasury—

"(A) not later than 60 days after the date of a meeting of a Board of Directors, any written statement presented by a United States Executive Director at such meeting related to a project for which—

"(i) a claim has been made to the multilateral development institution's inspection mechanism; or

"(ii) Board of Directors decisions on inspection mechanism cases are being taken; and

"(B) a record of all votes or abstentions made by a United States Executive Director on matters before a Board of Directors, on a monthly basis.

"(d) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

"(2) BOARD OF DIRECTORS.—The term 'Board of Directors' means the Board of Directors of a multilateral development institution.

"(3) MULTILATERAL DEVELOPMENT INSTITUTION.—The term 'multilateral development institution' has the meaning given such term in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)).".

SEC. 2143. CONTRIBUTION TO THE NINTH REPLENISHMENT OF THE AFRICAN DEVELOPMENT FUND.

The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

"SEC. 217. NINTH REPLENISHMENT.

"(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor of the Fund is authorized to contribute, on behalf of the United States, $354,000,000 to the ninth replenishment of the Fund, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated, without fiscal year limitation, $354,000,000 for payment by the Secretary of the Treasury.".

Subtitle E—Authorization for Iraq Relief and Reconstruction

SEC. 2151. AUTHORIZATION OF ASSISTANCE FOR RELIEF AND RECONSTRUCTION EFFORTS.

(a) AUTHORIZATION.—The President is authorized to make available from the Iraq Relief and Reconstruction Fund established under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), $2,475,000,000 for fiscal year 2003 for the purposes of providing humanitarian assistance in and around Iraq and carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq.

(b) AUTHORIZED USES OF ASSISTANCE.—Assistance made available under subsection (a) may include funds for costs related to—

(1) infrastructure related to water and sanitation services;

(2) food and food distribution;

(3) the support of relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations;

(4) electricity;

(5) health care;

(6) telecommunications;

(7) the development and implementation of economic and financial policy;

(8) education;

(9) transportation;

(10) reforms to strengthen the rule of law and introduce and reinforce the principles and institutions of good governance;

(11) humanitarian demining; and

(12) agriculture.

(c) REIMBURSEMENT.—Funds made available under subsection (a) may be used to reimburse accounts administered by the Secretary of State, the Secretary of the Treasury, or the Administrator of the United States Agency for International Development for any amounts expended from each such account to provide humanitarian assistance in and around Iraq or for carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq prior to the date of the enactment of this Act if such amounts have not been reimbursed with funds from any other source.

(d) POLICY.—It is the policy of the United States to work toward the full and active participation of women in the reconstruction of Iraq by promoting the involvement of women in—

(1) all levels of the government in Iraq and its decision-making institutions;

(2) the planning and distribution of assistance, including food aid; and

(3) job promotion and training programs.

SEC. 2152. REPORTING AND CONSULTATION.

Any report required to be submitted to, and any consultation required to be engaged in with, the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11) with respect to funds appropriated to carry out section 2151 shall also be submitted to and engaged in with, respectively, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2153. SPECIAL ASSISTANCE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), assistance and other financing under this or any other Act may be provided to Iraq notwithstanding any other provision of law.

(b) NOTIFICATION OF PROGRAM CHANGES.—Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to the assistance and other financing described in subsection (a), except that the notification required by subsection (a) of such section with respect to an obligation of funds shall be transmitted not later than 5 days in advance of the obligation.

SEC. 2154. INAPPLICABILITY OF CERTAIN RESTRICTIONS.

(a) IRAQ SANCTIONS ACT.—

(1) AUTHORITY TO SUSPEND.—The President may suspend the application of any provision of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note).

(2) EXCEPTION.—Nothing in this section shall otherwise affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note), except that such Act shall not apply to humanitarian assistance and supplies.

(b) INAPPLICABILITY OF TERRORIST STATE RESTRICTIONS.—The President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and any other provisions of law that apply to countries that have provided support for terrorism.

(c) EXPORT OF NONLETHAL MILITARY EQUIPMENT.—

(1) AUTHORITY.—Notwithstanding any other provision of law except section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), the President may authorize the export to Iraq of any nonlethal military equipment designated on the United States Munitions List and controlled under the International Trafficking in Arms Regulations established pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778), if, not later than 5 days prior to such export, the President determines and notifies the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States.

(2) NONAPPLICABILITY OF LIMITATION.—The determination and notification requirement under paragraph (1) shall not apply to military equipment designated by the Secretary of State for use by a reconstituted or interim Iraqi military or police force.

(d) INTERNATIONAL ORGANIZATION ACTIVITIES WITH RESPECT TO IRAQ.—

(1) INTERNATIONAL ORGANIZATIONS AND PROGRAMS.—Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) shall not apply with respect to international organization programs for Iraq.

(2) INTERNATIONAL FINANCIAL INSTITUTIONS.—Provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds from an international financial institution, including for financial or technical assistance, shall not apply in the case of Iraq.

(e) NOTIFICATION OF EXERCISE OF AUTHORITIES.—

(1) NOTIFICATION.—Except as provided in subsection (c)(2), the President shall, not later than 5 days prior to exercising any of the authorities under or referred to in this section, submit a notification of such exercise of authority to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) REPORTING REQUIREMENT.—Not later than June 15, 2003, and every 90 days thereafter, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives a report containing a summary of all licenses approved for the export to Iraq of any item on the Commerce Control List contained in supplement 1 to part 774 of title 15, Code of Federal Regulations, under the Export Administration Regulations, including the identification of the end users of such items.

SEC. 2155. TERMINATION OF AUTHORITIES.

The authorities contained in section 2153 and in subsections (a), (b), and (c) of section 2154 shall expire on the date that is 2 years after the date of the enactment of this Act.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related Provisions

SEC. 2201. DEVELOPMENT POLICY.

Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1(b)) is amended—

(1) in paragraph (5), by—

(A) striking "development; and" and inserting "development;"; and

(B) inserting before the period at the end the following: "; democracy and the rule of law; and economic growth and the building of trade capacity"; and

(2) by adding at the end the following new paragraph:

"(18) The United States development assistance program should take maximum advantage of the increased participation of United States private foundations, business enterprises, and private citizens in funding international development activities. The program should utilize the development experience and expertise of its personnel, its access to host-country officials, and its overseas presence to facilitate public-private alliances and to leverage private sector resources toward the achievement of development assistance objectives.".

SEC. 2202. ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS.

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

"(e)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

"(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I (22 U.S.C. 2293 et seq.) and chapter 4 of part II (22 U.S.C. 2346 et seq.); or

"(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

"(2) The President shall submit to Congress, in accordance with section 634A (22 U.S.C. 2394-1), advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

"(3) Assistance may not be furnished through nongovernmental organizations to the central government of a country under the authority of this subsection, but assistance may be furnished to local, district, or subnational government entities under such authority.".

SEC. 2203. AUTHORITY FOR USE OF FUNDS FOR UNANTICIPATED CONTINGENCIES.

Section 451(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended—

(1) by inserting "or the Arms Export Control Act (22 U.S.C. 2751 et seq.)" after "chapter 1 of this part)"; and

(2) by striking "$25,000,000" and inserting "$50,000,000".

SEC. 2204. AUTHORITY TO ACCEPT LETHAL EXCESS PROPERTY.

Section 482(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(g)) is amended—

(1) by striking "(g) EXCESS PROPERTY.—For" and inserting the following:

"(g) EXCESS PROPERTY.—

"(1) AUTHORITY.—For";

(2) by striking "nonlethal" and inserting "(including lethal or nonlethal property)"; and

(3) by adding at the end the following new paragraph:

"(2) NOTIFICATION.—Before obligating any funds to obtain lethal excess property under paragraph (1), the Secretary shall submit a notification of such action to Congress in accordance with the procedures set forth in section 634A.".

SEC. 2205. RECONSTRUCTION ASSISTANCE UNDER INTERNATIONAL DISASTER ASSISTANCE AUTHORITY.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking "assistance for the relief and rehabilitation of" and inserting "relief, rehabilitation, and reconstruction assistance for";

(2) in subsection (b), by striking "relief and rehabilitation" and inserting "relief, rehabilitation, and reconstruction"; and

(3) in subsection (c), by striking "relief and rehabilitation" and inserting "relief, rehabilitation, and reconstruction assistance".

SEC. 2206. FUNDING AUTHORITIES FOR ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) is amended—

(1) in section 498B(j)(1) (22 U.S.C. 2295b(j)(1))—

(A) by striking "authorized to be appropriated for fiscal year 1993 by" and inserting "made available to carry out"; and

(B) by striking "appropriated for fiscal year 1993"; and

(2) in section 498C(b)(1) (22 U.S.C. 2295c(b)(1)), by striking "under subsection (a)" and inserting "to carry out this chapter".

SEC. 2207. WAIVER OF NET PROCEEDS RESULTING FROM DISPOSAL OF UNITED STATES DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

Section 505(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(f)) is amended by striking "In the case of items which were delivered prior to 1985, the" in the second sentence and inserting "The".

SEC. 2208. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) TRANSFERS FOR CONCESSIONS.—

(1) AUTHORITY.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2231h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) VALUE OF CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFERS.—Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than 5 years after the date of the enactment of this Act.

SEC. 2209. ADDITIONS TO WAR RESERVE STOCKPILES FOR ALLIES FOR FISCAL YEAR 2004.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking "for fiscal year 2003" and inserting "for each of fiscal years 2003 and 2004"; and

(2) in subparagraph (B), by striking "for fiscal year 2003" and inserting "for a fiscal year".

SEC. 2210. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228, 116 Stat. 1432; 22 U.S.C. 2346 note) is amended by adding at the end the following subsection:

"(c) EXCEPTION.—Subsection (a) does not apply to assistance made available to address the needs of southern Lebanon.".

SEC. 2211. ADMINISTRATION OF JUSTICE.

Section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c) is amended—

(1) in subsection (a), by striking "in countries in Latin America and the Caribbean";

(2) in subsection (b)(3)—

(A) in subparagraph (C), by striking "and";

(B) in subparagraph (D), by inserting "and"; and

(C) by adding at the end the following new subparagraph:

"(E) programs to enhance the protection of participants in judicial cases;";

(3) by striking subsection (c);

(4) in subsection (e), by striking the second and third sentences; and

(5) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2212. DEMINING PROGRAMS.

(a) CLARIFICATION OF AUTHORITY.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended—

(1) in the second sentence, by striking "Such assistance may include reimbursements" and inserting "Such assistance may include the following:

"(1) Reimbursements"; and

(2) by adding at the end the following:

"(2) Demining activities, clearance of unexploded ordnance, destruction of small arms, and related activities, notwithstanding any other provision of law.".

(b) DISPOSAL OF DEMINING EQUIPMENT.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes, may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President determines appropriate.

(c) LANDMINE AWARENESS PROGRAM FOR THE CHILDREN OF AFGHANISTAN AND OTHER CHILDREN AT RISK IN AREAS OF CONFLICT.—

(1) FINDINGS.—Congress makes the following findings:

(A) Most landmines in Afghanistan were laid between 1980 and 1992.

(B) Additional landmines were laid between 1992 and 1996, during the conflict between the Taliban and the Northern Alliance.

(C) United States bombings against the Taliban in 2001 and 2002 further increased the unexploded ordnance and cluster bombs throughout Afghanistan.

(D) The clearance of landmines is a slow and expensive process.

(E) Certain types of landmines and other unexploded ordnance are small, brightly colored, and attractive to children.

(F) More than 150 Afghans, many of them children, are injured every month by these weapons.

(G) In 2003, reconstituted Taliban forces have sought out and attacked workers clearing landmines, in an attempt to discredit the Government of President Karzai and the United States military presence.

(H) In May 2003, after a string of Taliban attacks in which mine removal workers were killed or seriously injured, the United Nations suspended all mine-clearing operations in much of southern Afghanistan.

(I) Effective landmine awareness programs targeted to children could save lives in Afghanistan and in other areas of conflict where unexploded ordnance are a danger to the safety of children.

(2) AUTHORIZATION.—The President is authorized to furnish assistance to fund innovative programs designed to educate children in Afghanistan and other affected areas about the dangers of landmines and other unexploded ordnances, especially those proposed by organizations with extensive background in children's educational programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise authorized to be appropriated for demining and related activities under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), there are authorized to be appropriated for fiscal year 2004 such sums as may be necessary to carry out the purposes of this subsection.

SEC. 2213. SPECIAL WAIVER AUTHORITY.

(a) REVISION OF AUTHORITY.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended in subsection (a) by—

(1) striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) The President may authorize any assistance, sale, or other action under this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), or any other law that authorizes the furnishing of foreign assistance or the appropriation of funds for foreign assistance, without regard to any of the provisions described in subsection (b) if the President determines, and notifies the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives in writing—

"(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or sales or other actions under the Arms Export Control Act (22 U.S.C. 2751 et seq.), that to do so is vital to the national security interests of the United States; and

"(B) with respect to other assistance or actions, that to do so is important to the security interests of the United States."; and

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) INCREASED LIMITATION ON SINGLE COUNTRY ALLOCATION.—Subsection (a)(3)(C) of such section, as redesignated, is amended by striking "$50,000,000" and inserting "$75,000,000".

(c) REPEAL OF PROVISIONS RELATING TO GERMANY AND A CERTIFICATION REQUIREMENT.—Section 614 of such Act is further amended by striking subsections (b) and (c).

(d) INAPPLICABLE OR WAIVABLE LAWS.—Such section, as amended by subsection (c), is further amended by adding at the end the following:

"(b) INAPPLICABLE OR WAIVABLE LAWS.—The provisions referred to in paragraphs (1) and (2) of subsection (a) are those set forth in any of the following:

"(1) Any provision of this Act.

"(2) Any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(3) Any provision of law that authorizes the furnishing of foreign assistance or appropriates funds for foreign assistance.

"(4) Any other provision of law that restricts assistance, sales or leases, or other action under a provision of law referred to in paragraph (1), (2), or (3).

"(5) Any provision of law that relates to receipts and credits accruing to the United States.".

SEC. 2214. PROHIBITION OF ASSISTANCE FOR COUNTRIES IN DEFAULT.

(a) CLARIFICATION OF PROHIBITED RECIPIENTS.—Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking "any country" and inserting "the government of any country"; and

(2) by striking "such country" each place it appears and inserting "such government".

(b) PERIOD OF PROHIBITION.—Such section 620(q) is further amended by striking "six calendar months" and inserting "one year".

SEC. 2215. MILITARY COUPS.

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by inserting after subsection (l) the following new subsection (m):

"(m)(1) No assistance may be furnished under this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the government of a country if the duly elected head of government for such country is deposed by decree or military coup. The prohibition in the preceding sentence shall cease to apply to a country if the President determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that after the termination of assistance a democratically elected government for such country has taken office.

"(2) Paragraph (1) does not apply to assistance to promote democratic elections or public participation in democratic processes.

"(3) The President may waive the application of paragraph (1), and any comparable provision of law, to a country upon determining that it is important to the national security interest of the United States to do so.".

SEC. 2216. DESIGNATION OF POSITION FOR WHICH APPOINTEE IS NOMINATED.

Section 624 of the Foreign Assistance Act of 1961 (22 U.S.C. 2584) is amended by inserting after subsection (c) the following new subsection (d):

"(d) NOMINATION OF OFFICERS.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position authorized under subsection (a), the President shall designate the particular position in the agency for which the individual is nominated.".

SEC. 2217. EXCEPTIONS TO REQUIREMENT FOR CONGRESSIONAL NOTIFICATION OF PROGRAM CHANGES.

Section 634A(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(b)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) of funds if the advance notification would pose a substantial risk to human health or welfare, but such notification shall be provided to the committees of Congress named in subsection (a) not later than 3 days after the action is taken; or

"(4) of funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the provision of major defense equipment (other than conventional ammunition), aircraft, ships, missiles, or combat vehicles in quantities not in excess of 20 percent of the quantities previously justified under section 25 of such Act (22 U.S.C. 2765).".

SEC. 2218. COMMITMENTS FOR EXPENDITURES OF FUNDS.

Section 635(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(h)) is amended by striking "available" and all that follows through "may," and inserting "made available under this Act may,".

SEC. 2219. ALTERNATIVE DISPUTE RESOLUTION.

Section 635(i) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(i)) is amended to read as follows:

"(i) Notwithstanding any other provision of law, claims arising as a result of operations under this Act may be settled (including by use of alternative dispute resolution procedures) or arbitrated with the consent of the parties. Payment made pursuant to any such settlement or arbitration shall be final and conclusive.".

SEC. 2220. ADMINISTRATIVE AUTHORITIES.

Section 636 of the Foreign Assistance Act of 1961 (22 U.S.C. 2396) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by—

(i) striking "abroad"; and

(ii) striking "Civil Service Commission" and inserting "Office of Personnel Management";

(B) by striking paragraph (5) and inserting the following:

"(5) purchase and hire of passenger motor vehicles;"; and

(C) in paragraph (10), by striking "for not to exceed ten years";

(2) in subsection (c), by striking "not to exceed $6,000,000 of the"; and

(3) in subsection (d), by striking "Not to exceed $2,500,000 of funds" and inserting "Funds".

SEC. 2221. ASSISTANCE FOR LAW ENFORCEMENT FORCES.

Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking "and the provision of professional" and all that follows through "democracy" and inserting "including any regional, district, municipal, or other subnational entity emerging from instability";

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(8) with respect to assistance to combat corruption in furtherance of the objectives for which programs are authorized to be established under section 133 of this Act (22 U.S.C. 2152c);

"(9) with respect to the provision of professional public safety training, including training in internationally recognized standards of human rights, the rule of law, and the promotion of civilian police roles that support democracy; and

"(10) with respect to assistance to combat trafficking in persons."; and

(2) by striking subsection (d) and inserting the following:

"(d) Subsection (a) does not apply to assistance for law enforcement forces for which the Secretary, on a case-by-case basis, determines that it is important to the national interest of the United States to furnish such assistance and submits to the committees of the Congress referred to in subsection (a) of section 634A of this Act (22 U.S.C. 2394–1) an advance notification of the obligation of funds for such assistance in accordance with such section 634A.''.

SEC. 2222. SPECIAL DEBT RELIEF FOR THE POOREST.

The Foreign Assistance Act of 1961 is amended by adding at the end the following:

''PART VI—SPECIAL DEBT RELIEF FOR THE POOREST

''SEC. 901. SPECIAL DEBT RELIEF FOR THE POOREST.

''(a) AUTHORITY.—Subject to subsections (b) and (c), the President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of any of the following transactions:

''(1) Concessional loans extended under part I of this Act, or chapter 4 of part II of this Act, or antecedent foreign economic assistance laws.

''(2) Guarantees issued under sections 221 and 222 of this Act.

''(3) Credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(4) Any obligation, or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to—

''(A) section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

''(B) section 201(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(b)); or

''(C) section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

''(b) GENERAL LIMITATIONS.—

''(1) EXCLUSIVE CONDITIONS.—The authority provided in subsection (a) may be exercised—

''(A) only to implement multilateral official debt relief and referendum agreements, commonly referred to as 'Paris Club Agreed Minutes';

''(B) only in such amounts or to such extent as is provided in advance in appropriations Acts; and

''(C) only with respect to countries with heavy debt burdens that—

''(i) are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as 'IDA-only' countries; and

''(ii) are not determined ineligible under subsection (c).

''(2) ADVANCE NOTIFICATION OF CONGRESS.—The authority provided by subsection (a) shall be subject to the requirements of section 634A of this Act (22 U.S.C. 2394–1).

''(c) ELIGIBILITY LIMITATIONS.—The authority provided by subsection (a) may be exercised only with respect to a country the government of which, as determined by the President—

''(1) does not make an excessive level of military expenditures;

''(2) has not repeatedly provided support for acts of international terrorism;

''(3) is not failing to cooperate on international narcotics control matters;

''(4) does not engage, through its military or security forces or by other means, in a consistent pattern of gross violations of internationally recognized human rights; and

''(5) is not ineligible for assistance under section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370a).

''(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) may not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided in subsection (a) may be exercised notwithstanding section 620(r) of this Act (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975 (22 U.S.C. 2220a note).''.

SEC. 2223. CONGO BASIN FOREST PARTNERSHIP.

(a) FINDINGS.—Congress makes the following findings:

(1) Deforestation and environmental degradation in the Congo Basin in central Africa pose a major threat to the wellbeing and livelihood of the African people and to the world at large.

(2) It is in the national interest of the United States to assist the countries of the Congo Basin to reduce the rate of forest degradation and loss of biodiversity.

(3) The Congo Basin Forest Partnership, an initiative involving the Central Africa Regional Program for the Environment of the United States Agency for International Development, and also the Department of State, the United States Fish and Wildlife Service, the National Park Service, the National Forest Service, and National Aeronautics and Space Administration, was established to address in a variety of ways the environmental conditions in the Congo Basin.

(4) In partnership with nongovernmental environmental groups, the Congo Basin Forest Partnership will foster improved conservation and management of natural resources through programs at the local, national, and regional levels to help reverse the environmental degradation of the Congo Basin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congo Basin Forest Partnership program represents a significant effort at addressing the complex environmental and development challenges in the Congo Basin; and

(2) the President should make available for fiscal year 2004 at least the total level of assistance that the President requested for such fiscal year for all agencies participating in the Congo Basin Forest Partnership program for fiscal year 2004.

SEC. 2224. LANDMINE CLEARANCE PROGRAMS.

The Secretary of State is authorized to support cooperative arrangements commonly known as public-private partnerships for landmine clearance programs by grant or cooperative agreement.

SEC. 2225. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives before designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision

of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2005, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle B—Arms Export Control Act Amendments and Related Provisions

SEC. 2231. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) LETTERS OF OFFER TO SELL.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "Subject to paragraph (6), in" and inserting "In";

(B) by striking "$50,000,000" and inserting "$100,000,000";

(C) by striking "services for $200,000,000" and inserting "services for $350,000,000";

(D) by striking "$14,000,000" and inserting "$50,000,000"; and

(E) by inserting "and in other cases if the President determines it is appropriate," before "before such letter";

(2) in the first sentence of paragraph (5)(C)—

(A) by striking "Subject to paragraph (6), if" and inserting "If";

(B) by striking "$14,000,000" and inserting "$50,000,000";

(C) by striking "$50,000,000" and inserting "$100,000,000";

(D) by striking "or $200,000,000" and inserting "or $350,000,000"; and

(E) by inserting "and in other cases if the President determines it is appropriate," before "then the President"; and

(3) by striking paragraph (6).

(b) EXPORT LICENSES.—Subsection (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "Subject to paragraph (5), in" and inserting "In";

(B) by striking "$14,000,000" and inserting "$50,000,000";

(C) by striking "$50,000,000" and inserting "$100,000,000"; and

(D) by inserting "and in other cases if the President determines it is appropriate," before "before issuing such";

(2) in the last sentence of paragraph (2), by striking "(A) and (B)" and inserting "(A), (B), and (C)"; and

(3) by striking paragraph (5).

(c) PRESIDENTIAL CONSENT.—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking "Subject to paragraph (5), the" and inserting "The";

(B) by striking "$14,000,000" and inserting "$50,000,000"; and

(C) by striking "$50,000,000" and inserting "$100,000,000"; and

(2) by striking paragraph (5).

SEC. 2232. CLARIFICATION OF REQUIREMENT FOR ADVANCE NOTICE TO CONGRESS OF COMPREHENSIVE EXPORT AUTHORIZATIONS.

Subsection (d) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)";

(B) by striking "this subsection" and inserting "this subparagraph"; and

(C) by adding at the end the following new subparagraph:

"(B) Notwithstanding section 27(g), in the case of a comprehensive authorization described in section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation) for the proposed export of defense articles or defense services in an amount that exceeds a limitation set forth in subsection (c)(1), before the comprehensive authorization is approved or the addition of a foreign government or other foreign partner to the comprehensive authorization is approved, the President shall submit a certification with respect to the comprehensive authorization in a manner similar to the certification required under subsection (c)(1) of this section and containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subparagraph."; and

(2) in paragraph (4), by striking "Approval for an agreement subject to paragraph (1) may not be given under section 38" and inserting "Approval for an agreement subject to paragraph (1)(A), or for a comprehensive authorization subject to paragraph (1)(B), may not be given under section 38 or section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation), as the case may be,".

SEC. 2233. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS WITHIN AUSTRALIA.

(a) EXCEPTION ON TRANSFERS WITHIN AUSTRALIA.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778(j)) is amended by adding at the end the following new paragraph:

"(5) EXCEPTION FROM BILATERAL AGREEMENT REQUIREMENTS.—The requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such an agreement between the United States Government and the Government of Australia with respect to transfers within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of such subsection (22 U.S.C. 2778(j)(2)) is amended in the material preceding subparagraph (A) by striking "A bilateral agreement" and inserting "Except as provided in paragraph 5, a bilateral agreement".

SEC. 2234. AUTHORITY TO PROVIDE CATALOGING DATA AND SERVICES TO NON-NATO COUNTRIES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking "to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government" and inserting "to the North Atlantic Treaty Organization, to any member government of that Organization, or to the government of any other country if that Organization, member government, or other government".

SEC. 2235. FREEDOM SUPPORT ACT PERMANENT WAIVER AUTHORITY.

(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year, funds may be obligated and expended during that fiscal year under sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853 and 5854) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of section 502 of such Act (22 U.S.C. 5852).

(b) CERTIFICATION AND REPORT.—

(1) IN GENERAL.—The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restriction under such section 502 and the requirements in that section during the fiscal year covered by such certification is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) FORM OF REPORT.—A report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 2236. EXTENSION OF PAKISTAN WAIVERS.

The Act entitled "An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes", approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(1) in section 1(a)—

(A) by striking "2002" in the heading and inserting "2004"; and

(B) by striking "2002" in paragraph (1) and inserting "2004";

(2) in paragraph (2) of section 3, by striking "Foreign Operations, Export Financing, and

Related Programs Appropriations Acts, 2002, as is" and inserting "annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are"; and

(3) in section 6, by striking "October 1, 2003" and inserting "October 1, 2004".

SEC. 2237. CONSOLIDATION OF REPORTS ON NONPROLIFERATION IN SOUTH ASIA.

Section 1601(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 is amended to read as follows:

"(c) Report.—The report required to be submitted to Congress not later than April 1, 2004 pursuant to section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) shall include a description of the efforts of the United States Government to achieve the objectives described in subsections (a) and (b), the progress made toward achieving such objectives, and the likelihood that such objectives will be achieved by September 30, 2004.".

SEC. 2238. HAITIAN COAST GUARD.

The Government of Haiti shall be eligible to purchase defense articles and services for the Haitian Coast Guard under the Arms Export Control Act (22 U.S.C. 2751 et seq.), subject to the prior notification requirements under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 2239. SENSE OF CONGRESS RELATING TO EXPORTS OF DEFENSE ITEMS TO THE UNITED KINGDOM.

(a) Findings.—Congress makes the following findings:

(1) The continued cooperation between the United States and the United Kingdom is critical to the national security and economic stability of the United States and the world.

(2) The United Kingdom has demonstrated a commitment to implementing and maintaining an effective export control system that prohibits countries designated as supporting international terrorism and other rogue states from securing items and technology that threaten the national security of the United States.

(3) The United States and the United Kingdom have been strategic partners with respect to the efforts of the United Nations Security Council Counter-Terrorism Committee to eradicate terrorism and the financing of terrorist activities.

(4) The war in Iraq demonstrated the close cooperation that exists between the United States and the United Kingdom with respect to military and defense operations.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the United States Government and the Government of the United Kingdom should finalize a bilateral agreement with respect to an exemption for certain qualified United States-origin defense items from the licensing requirements under the International Traffic in Arms Regulations (ITAR); and

(2) following the completion of the bilateral agreement, the United States should approve an exception, as appropriate, relating to the bilateral agreement with the United Kingdom from the requirements described in section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)).

SEC. 2240. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) In General.—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) and Australia, Japan, and New Zealand.

(b) Marketing Information.—In this section, the term "marketing information" means data that a seller must provide to a potential customer (including a foreign end-user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair, and includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) Exception.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

TITLE XXIII—RADIOLOGICAL TERRORISM THREAT REDUCTION

SEC. 2301. SHORT TITLE.

This title may be cited as the "Radiological Terrorism Threat Reduction Act of 2003".

SEC. 2302. FINDINGS.

Congress makes the following findings:

(1) It is feasible for terrorists to obtain and disseminate radioactive material by using a radiological dispersion device (RDD) or by emplacing discrete radioactive sources in major public places.

(2) An attack by terrorists using radiological material could cause catastrophic economic and social damage, although it might kill few, if any, Americans.

(3) The first line of defense against radiological terrorism is preventing the acquisition of radioactive material by terrorists.

SEC. 2303. DEFINITIONS.

In this title:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) Byproduct material.—The term "byproduct material" has the meaning given the term in section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

(3) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(4) Independent states of the former Soviet Union.—The term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(5) Radioactive material.—The term "radioactive material" means—

(A) source material and special nuclear material, but does not include natural or depleted uranium;

(B) nuclear byproduct material;

(C) material made radioactive by bombardment in an accelerator; and

(D) all refined isotopes of radium.

(6) Radioactive source.—The term "radioactive source" means radioactive material that is permanently sealed in a capsule or closely bonded and includes any radioactive material released if the source is leaking or stolen, but does not include any material within the nuclear fuel cycle of a research or power reactor.

(7) Radioisotope thermal generator.—The term "radioisotope thermal generator" means an electrical generator which derives its power from the heat produced by the decay of a radioactive source by the emission of alpha, beta, or gamma radiation. The term does not include nuclear reactors deriving their energy from the fission or fusion of atomic nuclei.

(8) Secretary.—The term "Secretary" means the Secretary of State.

(9) Source material.—The term "source material" has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(10) Special nuclear material.—The term "special nuclear material" has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

SEC. 2304. INTERNATIONAL STORAGE FACILITIES FOR RADIOACTIVE SOURCES.

(a) Agreements on Temporary Secure Storage.—The Secretary is authorized to propose that the IAEA conclude agreements with up to 8 countries under which agreement each country would provide temporary secure storage for orphaned, unused, surplus, or other radioactive sources (other than special nuclear material, nuclear fuel, or spent nuclear fuel). Such agreements shall be consistent with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and shall address the need for storage of such radioactive sources in countries or regions of the world where convenient access to secure storage of such radioactive sources does not exist.

(b) Voluntary Contributions to IAEA Authorized.—

(1) In general.—The Secretary is authorized to make voluntary contributions to the IAEA for use by the Department of Nuclear Safety of the IAEA to fund the United States share of the costs of activities associated with or under agreements under subsection (a).

(2) United States share in fiscal year 2004.—The United States share of the costs of activities under agreements under subsection (a) in fiscal year 2004 may be 100 percent of the costs of such activities in that fiscal year.

(c) Technical Assistance.—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out activities under agreements under subsection (a) in a manner that meets the standards of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

(d) Applicability of Environmental Laws.—

(1) Inapplicability of NEPA to facilities outside United States.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply with respect to any temporary secure storage facility constructed outside the United States under an agreement under subsection (a).

(2) Applicability of foreign environmental laws.—The construction and operation of a facility described in paragraph (1) shall be governed by any applicable environmental laws of the country in which the facility is constructed.

(e) Authorization of Appropriations.—

(1) In general.—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $4,000,000 to carry out this section.

(2) Availability.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2305. DISCOVERY, INVENTORY, AND RECOVERY OF RADIOACTIVE SOURCES.

(a) AUTHORITY.—The Secretary is authorized to provide assistance, including through voluntary contributions to the IAEA under subsection (b), to support a program of the Division of Radiation and Waste Safety of the Department of Nuclear Safety of the IAEA to promote the discovery, inventory, and recovery of radioactive sources in member nations of the IAEA.

(b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.—The Secretary is authorized to make voluntary contributions to the IAEA to fund the United States share of the program described in subsection (a).

(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out the program described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $4,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2306. RADIOISOTOPE THERMAL GENERATOR POWER UNITS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) SUBSTITUTION WITH OTHER POWER UNITS.—

(1) IN GENERAL.—The Secretary is authorized to assist the Government of the Russian Federation to substitute solar (or other nonnuclear) power sources for radioisotope thermal power units operated by the Russian Federation and other independent states of the former Soviet Union in applications such as lighthouses in the Arctic, remote weather stations, and for providing electricity in remote locations.

(2) TECHNOLOGY REQUIREMENT.—Any power unit utilized as a substitute power unit under paragraph (1) shall, to the maximum extent practicable, be based upon tested technologies that have operated for at least one full year in the environment where the substitute power unit will be used.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy to ensure that substitute power sources provided under this section are for facilities from which the radioisotope thermal generator power units have been or are being removed.

(c) ACTIVITIES OUTSIDE FORMER SOVIET UNION.—The Secretary may use not more than 20 percent of the funds available under this section in any fiscal year to replace dangerous radioisotope thermal power facilities that are similar to the facilities described in subsection (a) in countries other than the independent states of the former Soviet Union.

(d) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $5,000,000 to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts available under paragraph (1) are authorized to remain available until expended.

SEC. 2307. FOREIGN FIRST RESPONDERS.

(a) IN GENERAL.—The Secretary is authorized to assist foreign countries, or to propose that the IAEA assist foreign countries, in the development of appropriate national response plans and the training of first responders to—

(1) detect, identify, and characterize radioactive material;

(2) understand the hazards posed by radioactive contamination;

(3) understand the risks encountered at various dose rates;

(4) enter contaminated areas safely and speedily; and

(5) evacuate persons within a contaminated area.

(b) CONSIDERATIONS.—In carrying out activities under subsection (a), the Secretary shall take into account the findings of the threat assessment report required by section 2308 and the location of any storage facilities for radioactive sources under section 2304.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2308. THREAT ASSESSMENT REPORTS.

(a) REPORTS REQUIRED.—The Secretary shall, at the times specified in subsection (c), submit to the appropriate congressional committees a report—

(1) detailing the preparations made at United States diplomatic missions abroad to detect and mitigate a radiological attack on United States missions and other United States facilities under the control of the Secretary;

(2) setting forth a rank-ordered list of the Secretary's priorities for improving radiological security and consequence management at United States missions; and

(3) providing a rank-ordered list of the missions where such improvement is most important.

(b) BUDGET REQUEST.—Each report under subsection (a) shall also include a proposed budget to carry out the improvements described in subsection (a)(2) under such report.

(c) TIMING.—

(1) FIRST REPORT.—The first report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—Subsequent reports under subsection (a) shall be submitted with the budget justification materials submitted by the Secretary to Congress in support of the budget of the President for the fiscal year (as submitted under section 1105(a) of title 31, United States Code) for each fiscal year commencing with fiscal year 2006.

(d) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE

SEC. 2401. SHORT TITLE.

This title may be cited as the "Global Pathogen Surveillance Act of 2003".

SEC. 2402. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Bioterrorism poses a grave national security threat to the United States. The insidious nature of the threat, the likely delayed recognition in the event of an attack, and the underpreparedness of the domestic public health infrastructure may produce catastrophic consequences following a biological weapons attack upon the United States.

(2) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in another country can quickly spread to the United States. Given the realities of international travel, trade, and migration patterns, a dangerous pathogen released anywhere in the world can spread to United States territory in a matter of days, before any effective quarantine or isolation measures can be implemented.

(3) To effectively combat bioterrorism and ensure that the United States is fully prepared to prevent, diagnose, and contain a biological weapons attack, measures to strengthen the domestic public health infrastructure and improve domestic surveillance and monitoring, while absolutely essential, are not sufficient.

(4) The United States should enhance cooperation with the World Health Organization, regional health organizations, and individual countries, including data sharing with appropriate United States departments and agencies, to help detect and quickly contain infectious disease outbreaks or bioterrorism agents before they can spread.

(5) The World Health Organization (WHO) has done an impressive job in monitoring infectious disease outbreaks around the world, including the recent emergence of the Severe Acute Respiratory Syndrome (SARS) epidemic, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response network.

(6) The capabilities of the World Health Organization are inherently limited by the quality of the data and information it receives from member countries, the narrow range of diseases (plague, cholera, and yellow fever) upon which its disease surveillance and monitoring is based, and the consensus process it uses to add new diseases to the list. Developing countries in particular often cannot devote the necessary resources to build and maintain public health infrastructures.

(7) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting based on symptoms and signs (known as "syndrome surveillance"), affording the earliest possible opportunity to conduct an effective response;

(D) a narrowing of the existing technology gap in syndrome surveillance capabilities and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national and regional health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(8) An effective international capability to monitor and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter terrorist use of biological weapons, as early detection will help mitigate the intended effects of such malevolent uses.

(b) PURPOSE.—The purposes of this title are as follows:

(1) To enhance the capability and cooperation of the international community, including the World Health Organization and individual countries, through enhanced pathogen surveillance and appropriate data sharing, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(2) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based and other electronic syndrome surveillance systems, in addition to traditional epidemiology methods, so that they may better detect, diagnose, and contain infectious disease outbreaks, especially those due to pathogens most likely to be used in a biological weapons attack.

(3) To provide assistance to developing countries to purchase appropriate public health laboratory equipment necessary for infectious disease surveillance and diagnosis.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology, including, as appropriate, relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of United States Government public health professionals to international health organizations, regional health networks, and United States diplomatic missions where appropriate.

(6) To establish "lab-to-lab" cooperative relationships between United States public health laboratories and established foreign counterparts.

(7) To expand the training and outreach activities of overseas United States laboratories, including Centers for Disease Control and Prevention and Department of Defense entities, to enhance the disease surveillance capabilities of developing countries.

(8) To provide appropriate technical assistance to existing regional health networks and, where appropriate, seed money for new regional networks.

SEC. 2403. DEFINITIONS.

In this title:

(1) BIOLOGICAL WEAPONS CONVENTION.—The term "Biological Weapons Convention" means the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London, and Moscow April 10, 1972.

(2) ELIGIBLE DEVELOPING COUNTRY.—The term "eligible developing country" means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this title; and

(C) is a state party to the Biological Weapons Convention.

(3) ELIGIBLE NATIONAL.—The term "eligible national" means any citizen or national of an eligible developing country who is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(4) INTERNATIONAL HEALTH ORGANIZATION.—The term "international health organization" includes the World Health Organization and the Pan American Health Organization.

(5) LABORATORY.—The term "laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(6) SECRETARY.—Unless otherwise provided, the term "Secretary" means the Secretary of State.

(7) SELECT AGENT.—The term "select agent" has the meaning given such term for purposes of section 72.6 of title 42, Code of Federal Regulations.

(8) SYNDROME SURVEILLANCE.—The term "syndrome surveillance" means the recording of symptoms (patient complaints) and signs (derived from physical examination) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 2404. PRIORITY FOR CERTAIN COUNTRIES.

Priority in the provision of United States assistance for eligible developing countries under all the provisions of this title shall be given to those countries that permit personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases on their territories, provide early notification of disease outbreaks, and provide pathogen surveillance data to appropriate United States departments and agencies in addition to international health organizations.

SEC. 2405. RESTRICTION.

Notwithstanding any other provision of this title, no foreign nationals participating in programs authorized under this title shall have access, during the course of such participation, to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

SEC. 2406. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program (in this section referred to as the "program") under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology to be carried out at the Centers for Disease Control and Prevention (or equivalent State facility), or other Federal facility (excluding the Department of Defense or United States National Laboratories), for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a "fellow") may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—In awarding a fellowship under the program, the Secretary, in consultation with the Secretary of Health and Human Services, shall require the recipient to enter into an agreement under which, in exchange for such assistance, the recipient—

(A) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the recipient's education or training);

(B) will, upon completion of such education or training, return to the recipient's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least four years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) agrees that, if the recipient is unable to meet the requirements described in subparagraph (A) or (B), the recipient will reimburse the United States for the value of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Secretary but not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) and (1)(C) if the Secretary determines that it is in the national interest of the United States to do so.

(d) IMPLEMENTATION.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with any eligible developing country under which the country agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the country upon completion of his studies; and

(3) to certify to the Secretary when a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, with an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of United States citizens under the provisions of this section if the Secretary determines that it is in the national interest of the United States to do so. Upon completion of such education or training, a United States recipient shall complete at least 5 years of employment in a public health position in an eligible developing country or an international health organization.

SEC. 2407. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND SYNDROME SURVEILLANCE.

(a) IN GENERAL.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, support short training courses in-country (not in the United States) for laboratory technicians and other public health personnel from eligible developing countries in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks. Training under this section may be conducted in overseas facilities of the Centers for Disease Control and Prevention or in Overseas Medical Research Units of the Department of Defense, as appropriate. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

(b) Training in Syndrome Surveillance.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, establish and support short training courses in-country (not in the United States) for public health personnel from eligible developing countries in techniques of syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) and other Internet-based tools. Training under this subsection may be conducted via the Internet or in appropriate facilities as determined by the Secretary. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

SEC. 2408. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT.

(a) Authorization.—The President is authorized, on such terms and conditions as the President may determine, to furnish assistance to eligible developing countries to purchase and maintain public health laboratory equipment described in subsection (b).

(b) Equipment Covered.—Equipment described in this subsection is equipment that is—

(1) appropriate, where possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used as a biological weapon;

(3) compatible with general standards set forth, as appropriate, by the World Health Organization and the Centers for Disease Control and Prevention, to ensure interoperability with regional and international public health networks; and

(4) not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) Rule of Construction.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) Limitation.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) Host Country's Commitments.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, maintain, support, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 2409. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) Assistance for Purchase of Communication Equipment and Information Technology.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries for the purchase and maintenance of communications equipment and information technology described in subsection (b), and supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) Covered Equipment.—Equipment (and information technology) described in this subsection is equipment that—

(1) is suitable for use under the particular conditions of the area of intended use;

(2) meets appropriate World Health Organization standards to ensure interoperability with like equipment of other countries and international health organizations; and

(3) is not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) Rule of Construction.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) Limitation.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) Assistance for Standardization of Reporting.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(f) Host Country's Commitments.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, support, maintain, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 2410. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.

(a) In General.—Upon the request of a United States chief of diplomatic mission or an international health organization, and with the concurrence of the Secretary of State, the head of a Federal agency may assign to the respective United States mission or organization any officer or employee of the agency occupying a public health position within the agency for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) Reimbursement.—The costs incurred by a Federal agency by reason of the detail of personnel under subsection (a) may be reimbursed to that agency out of the applicable appropriations account of the Department of State if the Secretary determines that the relevant agency may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 2411. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) In General.—Subject to the availability of appropriations, the Centers for Disease Control and Prevention and the Department of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers or the Department, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of those laboratories, especially with respect to the implementation of on-site training of foreign nationals and regional outreach efforts involving neighboring countries.

(b) Cooperation and Coordination Between Laboratories.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) Relation to Core Missions and Security.—The expansion of the operations of overseas laboratories of the Centers or the Department under this section shall not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 2412. ASSISTANCE FOR REGIONAL HEALTH NETWORKS AND EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.

(a) Authority.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities of the World Health Organization and existing regional health networks; and

(2) developing new regional health networks.

(b) Expansion of Foreign Epidemiology Training Programs.—The Secretary of Health and Human Services is authorized to establish new country or regional Foreign Epidemiology Training Programs in eligible developing countries.

SEC. 2413. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—

(1) In General.—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining and Related Programs, there is authorized to be appropriated $35,000,000 for the fiscal year 2004 to carry out this title.

(2) Allocation of Funds.—Of the amounts made available under paragraph (1)—

(A) $25,000,000 for the fiscal year 2004 is authorized to be available to carry out sections 2406, 2407, 2408, and 2409;

(B) $500,000 for the fiscal year 2004 is authorized to be available to carry out section 2410;

(C) $2,500,000 for the fiscal year 2004 is authorized to be available to carry out section 2411; and

(D) $7,000,000 for the fiscal year 2004 is authorized to be available to carry out section 2412.

(b) Availability of Funds.—The amount appropriated pursuant to subsection (a) is authorized to remain available until expended.

(c) Reporting Requirement.—Not later than 90 days after the date of enactment of this title, the Secretary shall submit a report, in conjunction with the Secretary of Health and Human Services and the Secretary of Defense, containing—

(1) a description of the implementation of programs under this title; and

(2) an estimate of the level of funding required to carry out those programs at a sufficient level.

TITLE XXV—REPORTING REQUIREMENTS AND OTHER MATTERS

Subtitle A—Elimination and Modification of Certain Reporting Requirements

SEC. 2501. ANNUAL REPORT ON TERRITORIAL INTEGRITY.

Section 560 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (titles I through V of Public Law 103–87; 107 Stat. 966) is amended by striking subsection (g).

SEC. 2502. ANNUAL REPORTS ON ACTIVITIES IN COLOMBIA.

Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1415; 22 U.S.C. 2291 note) is amended by adding at the end the following:

"(c) REPORT CONSOLIDATION.—The Secretary may satisfy the annual reporting requirements of this section by incorporating the required information with the annual report submitted pursuant to section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)).".

SEC. 2503. ANNUAL REPORT ON FOREIGN MILITARY TRAINING.

Subsection (a)(1) of section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended by striking "January 31" and inserting "March 1".

SEC. 2504. REPORT ON HUMAN RIGHTS IN HAITI.

Section 616(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–114), is amended—

(1) in paragraph (2), by striking "not later than 3 months after the date of enactment of this Act" and inserting "as part of the annual report submitted under paragraph (4) of this subsection"; and

(2) in paragraph (3), by inserting ", as part of the annual report submitted under paragraph (4) of this subsection," after "the appropriate congressional committees".

Subtitle B—Other Matters

SEC. 2511. CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.

Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 475; 22 U.S.C. 2370a) is amended by adding at the end the following new subsection:

"(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.—

"(1) MATTERS NOT TO BE CONSIDERED.—Any action described in subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, may not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).

"(2) ACTIONS PRESENTED.—An action shall be deemed presented for purposes of paragraph (1) if, not later than 120 days after the date prescribed under paragraph (3), a written description of the action is—

"(A) submitted to the Secretary of State by a United States person; and

"(B) received by the Department of State at—

"(i) the headquarters of the Department of State in Washington, District of Columbia; or

"(ii) the Embassy of the United States of America to Nicaragua.

"(3) TIME FOR PRESENTATION.—The Secretary of State shall prescribe the date on which the presentation deadline is based for the purposes of paragraph (2) and shall publish a notice of such date in the Federal Register. The prescribed date may be any date selected by the Secretary in the Secretary's sole discretion, except that such date may not be the date on which this subsection takes effect or any date before such effective date.".

SEC. 2512. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

(a) VERIFICATION OF COMPLIANCE.—Section 306(a) of the Arms Control and Disarmament Act (22 U.S.C. 2577(a)) is amended by inserting "or other formal commitment" after "agreement" each place it appears in paragraphs (1) and (2).

(b) ANNUAL REPORTS TO CONGRESS.—

(1) REQUIREMENT FOR REPORTS.—Section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a) is amended to read as follows:

"SEC. 403. (a) REPORT ON OBJECTIVES AND NEGOTIATIONS.—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State in consultation with the Secretary of Defense, the Secretary of Energy, the Director of Central Intelligence, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

"(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year; and

"(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year.

"(b) REPORT ON COMPLIANCE.—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament compliance. Such report shall include—

"(1) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

"(2) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, and shall include, in the case of each agreement or commitment about which compliance questions exist—

"(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

"(B) an assessment of damage, if any, to the United States security and other interests;

"(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; and

"(D) for states that are not parties to such agreements or commitments, a description of activities of concern carried out by such states and efforts underway to bring such states into adherence with such agreements or commitments;

"(3) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)) by non-nuclear-weapon states (as defined in section 830(5) of that Act (22 U.S.C. 6305(5)) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act (22 U.S.C. 6305(8)), including—

"(A) a net assessment of the aggregate military significance of all such violations;

"(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

"(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments; and

"(4) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements and other formal commitments with the United States.

"(c) CHEMICAL WEAPONS CONVENTION COMPLIANCE REPORT REQUIREMENT SATISFIED.—The report submitted pursuant to subsection (b) shall include the information necessary to satisfy Condition 10(C) of the resolution of advice and consent to the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21), approved by the Senate on April 24, 1997.

"(d) CLASSIFICATION OF REPORT.—The reports required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The report portions described in paragraphs (2) and (3) of subsection (b) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.

"(e) Reporting Consecutive Noncompliance.—If the President in consecutive reports submitted to the Congress under subsection (b) reports that any nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

"(f) Additional Requirement.—Each report required by subsection (b) shall include a discussion of each significant issue described in subsection (b)(4) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"ANNUAL REPORTS TO CONGRESS".

SEC. 2513. SUPPORT FOR SIERRA LEONE.

(a) Findings.—Congress makes the following findings:

(1) As of January 1, 2003, the United States had provided a total of $516,000,000 to the United Nations Mission in Sierra Leone and to Operation Focus Relief for the purpose of bringing peace and stability to Sierra Leone.

(2) In fiscal year 2003, Congress appropriated $144,850,000 to support the United Nations Mission in Sierra Leone, and the President has requested $84,000,000 for fiscal year 2004 to support such Mission.

(b) Sense of Congress.—It is the sense of Congress that the considerable United States investment in stability in Sierra Leone should be secured through appropriate support for activities aimed at enhancing Sierra Leone's long-term prospect for peaceful development.

(c) Report.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees on the feasibility of establishing a United States mission in Sierra Leone.

(2) Appropriate congressional committees defined.—In this subsection, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) Availability of Funds.—Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.), up to $15,000,000 may be made available in fiscal year 2004 to support in Sierra Leone programs—

(1) to increase access to primary and secondary education in rural areas;

(2) designed to alleviate poverty; and

(3) to eliminate government corruption.

SEC. 2514. SUPPORT FOR INDEPENDENT MEDIA IN ETHIOPIA.

Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), such sums as are necessary may be made available in fiscal year 2004 to support independent media in Ethiopia, including providing support to—

(1) strengthen the capacity of journalists; and

(2) increase access to printing facilities by individuals who work in the print media.

SEC. 2515. SUPPORT FOR SOMALIA.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the United States should work—

(A) to support efforts to strengthen state capacity in Somalia;

(B) to curtail opportunities for terrorists and other international criminals in Somalia;

(C) to engage sectors of Somali society that are working to improve the conditions of the Somali people; and

(D) to provide alternatives to extremist influences in Somalia by vigorously pursuing small-scale human development initiatives; and

(2) supporting stability in Somalia is in the national interest of the United States.

(b) Report.—

(1) Requirement.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the strategy for engaging with pockets of competence within the borders of Somalia to both strengthen local capacity and to establish incentives for other communities to seek stability.

(2) Content.—The report shall—

(A) outline a multi-year strategy for increasing—

(i) access to primary and secondary education and basic health care services, including projected staffing and resource needs in light of Somalia's current capacity;

(ii) support for the efforts underway to establish clear systems for effective regulation and monitoring of Somali remittance companies; and

(iii) support initiatives to rehabilitate Somalia's livestock export sector; and

(B) evaluate the feasibility of using the Ambassador's Fund for Cultural Preservation to support Somalia's cultural heritage, including the oral traditions of the Somali people.

SEC. 2516. SUPPORT FOR CENTRAL AFRICAN STATES.

(a) Findings.—Congress makes the following findings:

(1) In recent years, the Central African States of Burundi, the Democratic Republic of the Congo, Rwanda, and Uganda have all been involved in overlapping conflicts that have destabilized the region and contributed to the deaths of millions of civilians.

(2) The Department of State's 2002 Country Report on Human Rights Practices in Burundi states that, "impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability."

(3) The Department of State's 2002 Country Report on Human Rights Practices in the Democratic Republic of the Congo states that, "the judiciary continued to be underfunded, inefficient, and corrupt. It largely was ineffective as a deterrent to human rights abuses or as a corrective force."

(4) The Department of State's 2002 Country Report on Human Rights Practices in Rwanda states that "there were credible reports that Rwandan Defense Force units operating in the [Democratic Republic of the Congo] committed deliberate unlawful killings and other serious abuses, and impunity remained a problem," and that "the Government continued to conduct genocide trials at a slow pace."

(5) The Department of State's 2002 Country Report on Human Rights Practices in Uganda states that "security forces used excessive force, at times resulting in death, and committed or failed to prevent extrajudicial killings of suspected rebels and civilians. The Government enacted measures to improve the discipline and training of security forces and punished some security force officials who were guilty of abuses; however, abuses by the security forces remained a problem."

(6) Ongoing human rights abuses in the Democratic Republic of the Congo, including ethnically-based conflict in Ituri province, threaten the integrity and viability of the Congolese peace process.

(b) Statement of Policy.—It is the policy of the United States Government to support—

(1) efforts aimed at accounting for the grave human rights abuses and crimes against humanity that have taken place throughout the central African region since 1993;

(2) programs to encourage reconciliation in communities affected by such crimes; and

(3) efforts aimed at preventing such crimes in the future.

(c) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the actions taken by the United States Government to implement the policy set out in subsection (b).

(d) Authorization.—Of the amounts made available under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), up to $12,000,000 may be made available for fiscal year 2004 to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and to improve local capacity to prevent and respond to such violence.

(e) Appropriate Congressional Committees Defined.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2517. AFRICAN CONTINGENCY OPERATIONS TRAINING AND ASSISTANCE PROGRAM.

(a) Availability of Funds.—Of the amounts made available under chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C 2348 et seq.), $15,000,000 may be made available in fiscal year 2004 to support the African Contingency Operations Training and Assistance program (in this section referred to as "ACOTA") to enhance the capacity of African militaries to participate in peace support operations.

(b) Eligibility for Participation.—

(1) Criteria.—Countries receiving ACOTA support shall be selected on the basis of—

(A) the country's willingness to participate in peace support operations;

(B) the country's military capability;

(C) the country's democratic governance;

(D) the nature of the relations between the civil and military authorities within the country;

(E) the human rights record of the country, with particular attention paid to the record of the military; and

(F) the relations between the country and its neighboring states.

(2) Eligibility review.—The eligibility status of participating countries shall be reviewed at least annually.

(c) SENSE OF CONGRESS ON LOCAL CONSULTATIONS.—It is the sense of Congress that the Department of State should—

(1) provide information about the nature and purpose of ACOTA training to nationals of a country participating in ACOTA, including parliamentarians and nongovernmental humanitarian and human rights organizations; and

(2) to the extent possible, provide such information prior to the beginning of ACOTA training activities in such country.

(d) SENSE OF CONGRESS ON MONITORING.—It is the sense of Congress that—

(1) the Department of State and other relevant departments and agencies should monitor the performance and conduct of military units that receive ACOTA training or support; and

(2) the Department of State should provide to the appropriate congressional committees an annual report on the information gained through such monitoring.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2518. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.

(a) CONDITION ON ASSISTANCE.—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter, may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2519. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after "Zambia," the following: "Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,".

SEC. 2520. REPEAL OF OBSOLETE ASSISTANCE AUTHORITY.

Sections 495 through 495K of the Foreign Assistance Act of 1961 (22 U.S.C. 2292f through 2292q) are repealed.

SEC. 2521. TECHNICAL CORRECTIONS.

(a) ERROR IN ENROLLMENT.—Effective as of November 21, 1990, as if included therein, section 10(a)(1) of Public Law 101–623 (104 Stat. 3356), relating to an amendment of section 610(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2360(a)), is amended by striking " 'part I' " and inserting " 'part I)' ".

(b) REDESIGNATION OF DUPLICATIVELY NUMBERED SECTION.—Section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104–164 (110 Stat. 1436; 22 U.S.C. 2378a), is redesignated as section 620J.

(c) CORRECTION OF SHORT TITLE.—Effective as of September 30, 1961, as if included therein, section 111 of Public Law 87–329 (75 Stat. 719; 22 U.S.C. 2151 note) is amended by striking " 'The Foreign" and inserting "the 'Foreign".

DIVISION C—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 3001. SHORT TITLE.

This division may be cited as the "Millennium Challenge Act of 2003".

SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that "America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries." The President also called for a "new compact for global development, defined by new accountability for both rich and poor nations" and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) PURPOSES.—The purposes of this division are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 3102; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 3003. DEFINITIONS.

In this division:

(1) BOARD.—The term "Board" means the Millennium Challenge Board established by section 3101(c).

(2) CANDIDATE COUNTRY.—The term "candidate country" means a country that meets the criteria set out in section 3103.

(3) CEO.—The term "CEO" means the chief executive officer of the Corporation established by section 3101(b).

(4) CORPORATION.—The term "Corporation" means the Millennium Challenge Corporation established by section 3101(a).

(5) ELIGIBLE COUNTRY.—The term "eligible country" means a candidate country that is determined, under section 3104, as being eligible to receive assistance under this division.

(6) MILLENNIUM CHALLENGE ACCOUNT.—The term "Millennium Challenge Account" means the account established under section 3301.

TITLE XXXI—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 3101. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT OF THE CORPORATION.—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in title XXXII.

(b) CEO OF THE CORPORATION.—

(1) IN GENERAL.—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) RELATIONSHIP TO THE SECRETARY OF STATE.—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) DUTIES.—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this division is coordinated with other United States economic assistance programs.

(5) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, Millennium Challenge Corporation.".

(c) MILLENNIUM CHALLENGE BOARD.—

(1) ESTABLISHMENT OF THE BOARD.—There is established a Millennium Challenge Board.

(2) COMPOSITION.—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) FUNCTIONS OF THE BOARD.—The Board shall perform the functions specified to be carried out by the Board in this division.

SEC. 3102. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.

(a) AUTHORITY.—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this division set out in section 3002(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this division may be provided notwithstanding any other provision of law.

(b) EXCEPTION.—Assistance under this division may not be used for military assistance or training.

(c) Form of Assistance.—Assistance under this division may be provided in the form of grants to eligible entities.

(d) Coordination.—The provision of assistance under this division shall be coordinated with other United States foreign assistance programs.

(e) Applications.—An eligible entity seeking assistance under this division to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 3103. CANDIDATE COUNTRY.

(a) In General.—A country is a candidate country for the purposes of this division—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than $5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than $5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) Limitation on Assistance to Certain Candidate Countries.—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 3104. ELIGIBLE COUNTRY.

(a) Determination by the Board.—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) Assessing Eligibility.—

(1) In general.—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. Such indicators shall be used in selecting eligible countries.

(2) Annual publication of indicators.—

(A) Initial publication.—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) Final publication.—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) Consideration of public comment.—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 3105. ELIGIBLE ENTITY.

(a) Assistance.—Any eligible entity may receive assistance under this division to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) Determinations of Eligibility.—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) Eligible Entities.—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 3106. MILLENNIUM CHALLENGE CONTRACT.

(a) In General.—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 3002(b).

(b) Content.—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this division; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) Requirement for Consultation.—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) Requirement for Approval by the Board.—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 3107. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 3108. DISCLOSURE.

(a) Requirement for Disclosure.—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this division—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this division has been effective in helping the eligible country to achieve such objectives.

(b) Dissemination.—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 3109. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.

(a) Authority.—Notwithstanding any other provision of this division and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) Conditions.—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 3104 because of—

(1) the unreliability of data used to assess its eligibility under section 3104; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 3104.

(c) LIMITATION.—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 3110. ANNUAL REPORT TO CONGRESS.

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this division during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this division with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this division with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this division.

TITLE XXXII—POWERS AND AUTHORITIES OF THE MILLENNIUM CHALLENGE CORPORATION

SEC. 3201. POWERS OF THE CORPORATION.

(a) POWERS.—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this division;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this division.

(b) CONTRACTING AUTHORITY.—The functions and powers authorized by this division may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 3202. COORDINATION WITH USAID.

(a) REQUIREMENT FOR COORDINATION.—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) USAID PROGRAMS.—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 3104.

SEC. 3203. PRINCIPAL OFFICE.

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 3204. PERSONNEL AUTHORITIES.

(a) REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) RELATIONSHIP TO OTHER LAWS.—

(1) INAPPLICABILITY OF CERTAIN LAWS.—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) APPLICATION OF CERTAIN LAWS.—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) RELATIONSHIP TO RETIREMENT BENEFITS LAWS.—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) APPOINTMENT AND TERMINATION.—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) COMPENSATION.—

(1) AUTHORITY TO FIX COMPENSATION.—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) LIMITATIONS ON COMPENSATION.—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TERM OF EMPLOYMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) EXCEPTED POSITIONS.—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) WAIVER.—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this division.

(f) AUTHORITY FOR TEMPORARY EMPLOYEES.—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a nonreimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) REINSTATEMENT.—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 3205. PERSONNEL OUTSIDE THE UNITED STATES.

(a) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) Responsibility of Chief of Mission.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 3206. USE OF SERVICES OF OTHER AGENCIES.

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this division.

SEC. 3207. ADMINISTRATIVE AUTHORITIES.

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this division.

SEC. 3208. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.

The Corporation shall be subject to chapter 91 of title 31, United States Code.

TITLE XXXIII—THE MILLENNIUM CHALLENGE ACCOUNT AND AUTHORIZATION OF APPROPRIATIONS

SEC. 3301. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this division shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out the provisions of this division $1,000,000,000 for fiscal year 2004, $2,300,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) Availability.—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) Allocation of Funds.—

(1) In general.—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this division or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) Notification.—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SA 1137. Mr. SANTORIUM submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. Lugar to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

SA 1138. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. Lugar to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal year 2004 through 2007, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. ___. TREATMENT OF NATIONALS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

SA 1139. Mr. LUGAR (for himself and Mr. Biden) proposed an amendment to amendment SA 1136 proposed by Mr. Lugar to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 204.

In section 207, strike "agency" and insert "agency, except that funds may be transferred by the Secretary for the procurement of goods and services from other departments or agencies pursuant to section 1535 of title 31, United States Code".

In section 402(a), strike "90 days" and insert "120 days".

In section 501(a), strike paragraph (3) and insert the following:

(3) by adding at the end the following:

"(C) Other review of designation.—

"(i) In general.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6). Such review shall be completed not later than 180 days after the end of such 4-year period

"(ii) Procedures.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

"(iii) Publication of results of review.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.".

Strike section 601, and insert the following:

SEC. 601. PLANS, REPORTS, AND BUDGET DOCUMENTS.

(a) Requirements Under the United States Information and Educational Exchange Act of 1948.—

(1) Requirements.—Section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462) is amended to read as follows:

"Sec. 502. (a) International Information Strategy.—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

"(b) National Security Strategy.—In the preparation of the annual report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

"(c) Plans Regarding Department Activities.—

"(1) Strategic plan.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

"(2) Annual performance plan.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

"(3) Bureau and mission performance plan.—The Secretary shall ensure that each regional bureau's performance plan, and other bureau performance plans as appropriate, and each mission performance plan, under regulations of the Department, includes a public diplomacy component.".

(2) Conforming amendment.—The heading for such section is amended to read as follows:

"PLANS, REPORTS, AND BUDGET DOCUMENTS".

(b) Deadline for Reporting International Information Strategy.—Not later than 180 days after the date of the enactment of this Act, the President shall report to the appropriate congressional committees the international information strategy described in subsection (a) of section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462), as amended by subsection (a).

In section 602, strike the heading and insert the following:

SEC. 602. TRAINING.

In section 612(b)(1), strike "binational Fulbright commissions" and insert "such program".

In section 612(b)(10), strike subparagraphs (A) and (B) and insert the following:

(A) bilateral exchanges to train athletes or teams;

(B) bilateral exchanges to assist countries in establishing or improving their sports, health, or physical education programs;

In section 613(b), strike paragraph (2) and insert the following:

(2) is at least 15 years of age but not more than 18 years and 6 months of age at the time of enrollment in the program;

In section 622, strike subsection (a) and insert the following:

(a) ESTABLISHMENT.—There is established a fellowship program under to which the Broadcasting Board of Governors may provide fellowships to foreign national journalists while they serve, for a period not to exceed 6 months, in positions at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia.

In section 623, strike subsection (b) and insert the following:

(b) REMUNERATION.—The Board shall determine the amount of remuneration a Fellow will receive for service under this subtitle. In making the determination, the Board shall take into consideration the position in which the Fellow will serve, the Fellow's experience and expertise, and other sources of funds available to the Fellow.

SA 1140. Mr. BINGAMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division B, insert the following:

SEC.   . ALLOWANCE OF DEDUCTION FOR QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations), as amended by this Act, is amended by inserting after section 179C the following new section:

"SEC. 179D. DEDUCTION FOR QUALIFIED ENERGY MANAGEMENT DEVICES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is a supplier of electric energy or a provider of electric energy services, there shall be allowed as a deduction an amount equal to the cost of each qualified energy management device placed in service during the taxable year.

"(b) MAXIMUM DEDUCTION.—The deduction allowed by this section with respect to each qualified energy management device shall not exceed $30.

"(c) QUALIFIED ENERGY MANAGEMENT DEVICE.—The term 'qualified energy management device' means any meter or metering device which is used by the taxpayer—

"(1) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

"(2) to provide such data on at least a monthly basis to both consumers and the taxpayer.

"(d) PROPERTY USED OUTSIDE THE UNITED STATES NOT QUALIFIED.—No deduction shall be allowed under subsection (a) with respect to property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(e) BASIS REDUCTION.—

"(1) IN GENERAL.—For purposes of this subtitle, if a deduction is allowed under this section with respect to a qualified energy management device, the basis of such property shall be reduced by the amount of the deduction so allowed.

"(2) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property that is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

"(f) TERMINATION.—This section shall not apply to any qualified energy management device placed in service after December 31, 2007.".

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1), as amended by this Act, is amended by striking "or" at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting ", or", and by inserting after subparagraph (J) the following new subparagraph:

"(K) expenditures for which a deduction is allowed under section 179D.".

(2) Section 312(k)(3)(B), as amended by this Act, is amended by striking "or 179C" each place it appears in the heading and text and inserting "179C, or 179D".

(3) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ", and", and by adding at the end the following new paragraph:

"(35) to the extent provided in section 179D(e)(1).".

(4) Section 1245(a), as amended by this Act, is amended by inserting "179D," after "179C," both places it appears in paragraphs (2)(C) and (3)(C).

(5) The table of contents for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 179C the following new item:

"Sec. 179D. Deduction for qualified energy management devices.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified energy management devices placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SA 1141. Mrs. BOXER (for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, Mr. BIDEN, Mrs. CLINTON, and Mr. LAUTENBERG) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following new section:

SEC. 815. GLOBAL DEMOCRACY PROMOTION.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the "right of the people peaceably to assemble, and to petition the government for a redress of grievances" is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

(b) ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.—Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

SA 1142. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 17 through 19 and insert the following:

(5) Protection of Foreign Missions and Officials.—For "Protection of Foreign Missions and Officials", $21,000,000 for the fiscal year 2004, and $55,900,000 to be available for expenses related to protection of foreign missions and officials incurred prior to October 1, 2003.

SA 1143. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. REAUTHORIZATION OF RELIEF FOR TORTURE VICTIMS.

(a) Authorization of Appropriations for Foreign Treatment Centers for Victims of Torture.—

(1) Authorization of appropriations.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) Authorization of appropriations.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there is authorized to be appropriated to the President to carry out section 130 of such Act $11,000,000 for fiscal year 2004.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect October 1, 2003.

(b) Authorization of Appropriations for the United States Contribution to the United Nations Voluntary Fund for Victims of Torture.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there is authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $6,000,000 for fiscal year 2004.

(c) Authorization of Appropriations for Domestic Treatment Centers for Victims of Torture.—

(1) Authorization of appropriations.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) Authorization of appropriations.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 2004, there is authorized to be appropriated to carry out subsection (a) $20,000,000 for fiscal year 2004.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect October 1, 2003.

SA 1144. Mr. ALLEN (for himself, Mr. ALEXANDER, Mr. GRAHAM of South Carolina, and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) Program Authorized.—The Secretary may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provisionof training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) Discharge Through Bureau of Economic Affairs.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) Consultation with World Intellectual Property Organization.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) Funding.—Of the amount authorized to be appropriated for other educational and cultural exchange programs by section 102(a)(1)(B), $5,000,000 may be available in fiscal year 2004 for the program authorized by subsection (a).

SA 1145. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place in the amendment insert the following:

SEC. . IRAN DEMOCRACY ACT.

(a) Findings.—The Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally, in Iran. Women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) Policy.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran,

(2) the United States supports transparent, full democracy in Iran,

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

SA 1146. Mr. SMITH (for himself, Mr. BIDEN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII add the following:

SEC. 815. ELIGIBILITY OF CERTAIN COUNTRIES FOR UNITED STATES MILITARY ASSISTANCE.

(a) Findings.—Congress makes the following findings:

(1) On May 8, 2003, the Senate voted 96 to 0 to approve the resolution of advice and consent to the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (T.Doc. 108–4).

(2) It is in the interest of the United States, the North Atlantic Treaty Organization (NATO), and the 7 countries that concluded the Protocols that these countries be treated in the same manner as the 18 allies of the United States that are member countries of NATO as of the date of the enactment of this Act.

(b) Amendment of American Servicemembers' Protection Act of 2002.—Section 2007(d)(1) of the American Servicemembers' Protection Act of 2002 (title II of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107–206; 116 Stat. 905)) is amended by inserting "or a country that has concluded a protocol with NATO for the accession of the country to NATO" before the semicolon.

SA 1147. Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. ENHANCING REFUGEE RESETTLEMENT TO ENSURE NATIONAL SECURITY AND MAINTAIN THE UNITED STATES COMMITMENT TO REFUGEES.

(a) Findings.—Congress finds the following:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State's migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States' strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last 5 years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States have rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States. In order to ensure that the refugee admissions program remains available in a timely way to deserving and qualified refugee applicants, all personnel involved in screening such applicants should closely coordinate their work in order to ensure both the timely and complete screening of such applicants.

(5) Private voluntary agencies have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) In order to meet the ceiling set by the Administration, which has been 70,000 refugees in recent years, a broader cross-section of the world's 15,000,000 refugees could be considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) PURPOSE.—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) SENSE OF CONGRESS CONCERNING ANNUAL ADMISSION OF REFUGEES.—It is the sense of Congress that—

(1) efforts of the Department of State to admit 70,000 refugees, as allocated through presidential determinations, for fiscal year 2003 are strongly supported and recommended; and

(2) the Administration should seek to admit at least 90,000 refugees in fiscal year 2004 and at least 100,000 in fiscal year 2005.

(d) REFUGEE SECURITY COORDINATOR.—

(1) ESTABLISHMENT.—In order to further enhance overseas security screening of the United States Refugee Resettlement Program, there shall be within the Bureau of Population, Refugees, and Migration, a Refugee Security Coordinator who shall report to the Assistant Secretary of State for Population, Refugees, and Migration.

(2) RESPONSIBILITIES.—The Refugee Security Coordinator referred to in paragraph (1) shall be responsible for—

(A) ensuring that applicants for admission to the United States undergo a security review to ensure that the admission of such applicants would not pose a security risk to the United States;

(B) ensuring that, to the greatest extent practicable, such security reviews are completed within 45 days of the submission of the information necessary to conduct such a review;

(C) providing appropriate officials in the Department of Justice and the Department of Homeland Security pertinent information for conducting security reviews for applicants; and

(D) making recommendations on procedural and personnel changes and levels of appropriations that the Refugee Security Coordinator considers appropriate for the various agencies of government involved in conducting security reviews for refugee applicants in order to ensure that such reviews are complete and accurate, protect the security of the United States, and are completed in a timely manner.

(3) AUTHORITY.—In carrying out the responsibilities set forth in paragraph (2), the Refugee Security Coordinator shall have full authority to work with the various agencies of government to ensure that security reviews are conducted in a complete and timely manner, including authority to inquire about, and require action on, any particular application.

(e) USE OF NONGOVERNMENTAL ORGANIZATIONS IN REFERRAL OF REFUGEES.—

(1) PRIVATE VOLUNTARY ORGANIZATION REFERRALS.—The Secretary of State shall develop and utilize partnerships with private voluntary agencies that permit such agencies to assist in the identification and referral of refugees, through the creation of networks of field-based nongovernmental organizations with immediate and direct knowledge of refugees in need of a durable solution.

(2) USE OF VOLUNTARY AGENCIES IN OVERSEAS REFUGEE PROCESSING.—In processing refugees for admission to the United States, the Department of State shall utilize private voluntary agencies with ties to domestic constituencies.

(3) REFUGEE RESPONSE TEAMS.—

(A) ESTABLISHMENT.—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States Government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security as refugees, the Secretary of State shall establish and utilize the services of Refugee Response Teams (in this section referred to as "RRTs"). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary's designee, and work with the Refugee Security Coordinator.

(B) COMPOSITION.—RRTs shall be comprised of representatives of private voluntary organizations that have experience in refugee law, policy, and programs.

(C) RESPONSIBILITIES OF THE RRTS.—RRTs shall be responsible for—

(i) monitoring refugee situations, with a view toward identifying those refugees whose best durable solution is third country resettlement;

(ii) preparing profiles and documentation for resettlement consideration by the United States Government;

(iii) augmenting or establishing an overseas operation, especially in response to urgent developments requiring quick responses or more staff resources than are available in the existing processing entities;

(iv) assisting with training and technical assistance to existing international organizations and other processing entities; and

(v) such other responsibilities as may be determined by the Secretary of State.

(D) RESPONSIBILITIES OF THE SECRETARY.—The Secretary of State shall establish appropriate training seminars for RRT personnel and make use of RRTs in situations where existing mechanisms are unable to identify and process refugees in a timely manner.

(f) PERFORMANCE STANDARDS.—In consultation with private voluntary organizations, the Secretary of State shall establish performance standards to ensure accountability and effectiveness in the tasks carried out in subsection (e).

(g) CONSIDERATION OF VARIOUS GROUPS.—To ensure that there is adequate planning across fiscal years and that both the Department of State's planning and processing operations result in adequate numbers of travel-ready refugees to fulfill the admissions goals set forth in the determinations on refugee admissions required by sections 207(a) and 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(a) and (b)), the Secretary of State shall work to ensure that—

(1) those refugees in special need, including long-stayers in first countries of asylum, unaccompanied refugee minors, urban refugees, and refugees in women-headed households be given special attention for resettlement processing;

(2) attempts are made to expand processing of those refugees of all nationalities who have close family ties to citizens and residents in the United States, including spouses, unmarried children, or parents of persons lawfully admitted to the United States, regardless of their country of nationality, country of habitual residence, or first country of asylum, as well as grandparents, grandchildren, married sons or daughters, or siblings of United States citizens or other persons lawfully admitted to the United States;

(3) attempts are made to expand the number of refugees considered who are of special concern to the United States;

(4) individuals otherwise eligible for access to the United States refugee admissions program seeking admission to the United States as refugees are not excluded from being interviewed because of such individual's country of nationality, country of habitual residence, or first country of asylum; and

(5) expanded access is provided to broader categories of refugees seeking admission to the United States, thus reducing instances of relationship-based misrepresentation by persons who art bona fide refugees but who resort to such misrepresentation merely as a way to be interviewed for refugee status.

(h) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to Congress that includes information concerning the following:

(1) Efforts of the Refugee Security Coordinator in assuming the responsibilities set forth in subsection (d) that includes—

(A) a description of the process involved in conducting security reviews for refugee applicants;

(B) a listing of the various agencies of the Federal Government that are involved in conducting security reviews for refugee applicants;

(C) a listing for each agency described in accordance with subparagraph (B) of the number of personnel involved in conducting security reviews for refugee applicants;

(D) a listing for each agency described in accordance with subparagraph (B) of the amount of funding in the previous fiscal year for conducting security reviews for refugee applicants;

(E) the average amount of time that it takes to conduct security reviews for refugee applicants; and

(F) a plan on how the Refugee Security Coordinator will fulfill the responsibilities set forth in paragraphs (1), (2), and (3) of subsection (d).

(2) Efforts of the Secretary to utilize private voluntary organizations in refugee identification, utilize private voluntary agencies in processing refugees, and an explanation of

the rationale for not using such organizations and agencies in situations where the Secretary of State has made such a determination.

(3) Efforts of the Secretary of State implement performance standards and measures are described in subsection (f) and the success of private voluntary organizations in meeting such standards.

(4) Efforts of the Secretary of State to expand consideration of various groups for refugee processing as described in subsection (g).

(5) Efforts to ensure that there is planning across fiscal years so as to fulfill the refugee admissions goals set forth by the President in the President's annual presidential determinations on refugee admissions, including efforts to reach at least 70,000 admissions in fiscal year 2003, 90,000 in fiscal year 2004, and 100,000 in fiscal year 2005 as recommended by Congress.

SA 1148. Ms. MURKOWSKI (for herself, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF CONGRESS ON THE ESTABLISHMENT OF AN OIL RESERVE FUND FOR IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Coalition forces have liberated the Iraqi people from the tyranny of Saddam Hussein and his regime.

(2) The vast mineral resources, including oil, of Iraq could enrich the present and future generations of Iraqis.

(3) Iraq has one of the largest known petroleum reserves in the world, and those reserves could be used to foster economic development and democratization in Iraq.

(4) Very little of the potential of the oil sector in Iraq has actually been harnessed.

(5) Under Saddam Hussein's regime, the proceeds from those resources were used to build palaces, enrich the members of the Republican Guard, oppress the Iraqi people, and stifle their desires for a democratic government.

(6) As many of the nations of the Persian Gulf demonstrate, possession of large petroleum reserves alone does not ensure economic development or democratization.

(7) The development of a vibrant democracy requires a strong middle class, a free press, and free and fair elections.

(8) The future Government of Iraq will face a variety of reconstruction challenges ranging from restoring infrastructure to providing basic human services like education and healthcare.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Energy should develop a proposal for the establishment of an oil reserve fund for Iraq and submit the proposal to appropriate representatives of the Iraqi people, the Director of the Office of Reconstruction and Humanitarian Assistance, and the President's Envoy to Iraq;

(2) the proposal should take proper account of the need of Iraq for funding of reconstruction, meeting its international financial obligations, and providing essential human services such as education and health care;

(3) the fund should be called the Iraqi Freedom Fund and should be based on models such as the Alaska Permanent Fund, as well as other appropriate models;

(4) the fund should be managed on a for-profit basis to produce additional revenues;

(5) a portion of the annual earnings of the fund should be distributed to the Iraqi people as direct payments, or through programs designed to promote the establishment of a permanent middle class, with the remainder of the fund to be capitalized to allow the fund to grow for future generations; and

(6) the goal of the fund should be to encourage maximum participation by the people of Iraq in the operation of their government, to promote the proper use of the natural resources of Iraq, and to ensure that the Iraqi people benefit from the development of the natural resources of Iraq.

SA 1149. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 17 and 18, insert the following new section:

SEC. 815. EXTENSION OF NONDISCRIMINATORY TRADE TREATMENT TO SERBIA AND MONTENEGRO.

Notwithstanding Public Law 102–420 (19 U.S.C. 2434 note), the President may proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 9, 2003, at 9:30 a.m., in open/closed session to receive testimony on “Lessions Learned” during operation enduring freedom in Afghanistan and Operation Iraqi Freedom, and to receive testimony on ongoing operations in the United States Central Command Region.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 9, 2003, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Indian Gaming Regulatory Act.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Judicial and Executive Nominations” on Wednesday, July 9, 2003, at 3 p.m., in the Dirksen Senate Office Building room 226.

Panel I: [Senators]

Panel II: James O. Browning to be United States District Judge for the District of New Mexico; Kathleen Cardone to be United States District Judge for the Western District of Texas; James I. Cohn to be United States District Judge for the Southern District of Florida; Frank Montalvo to be United States District Judge for the Western District of Texas; Xavier Rodriguez to be United States District Judge for the Western District of Texas

Panel III: Rene Alexander Acosta to be Assistant Attorney General, Civil Rights Division, United States Department of Justice.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 9, 2003, at 9:30 a.m., to conduct a hearing on Senate Resolution 173, proposing changes in Rule XVI of the Standing Rules of the Senate as they relate to unauthorized appropriations.

The Presiding Officer. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 628 of the Dirksen Senate Office Building, Wednesday, July 9, 2003, from 9:30 a.m. to 1 p.m.

The Presiding Officer. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LUGAR. I ask unanimous consent the following persons and fellows detailed to the Foreign Relations Committee be granted the privilege of the floor during the consideration of S. 925: Paul Foldi, Michael Mattler, Jason Hamm, and Peter Gadzinski.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Nicolaas Corneliss, a fellow on my staff, be granted privileges of the floor for the duration of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent that Perry Cammack, a Javits fellow working on the staff of the Foreign Relations Committee, be granted the privilege of the floor during consideration of S. 925.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Matt Linstroth and Jason Wolf during consideration of the Child Tax Credit legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 10, 2003

Mr. LUGAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, July 10. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 925, the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LUGAR. Mr. President, for the information of all Senators, tomorrow the Senate will resume debate on S. 925, the State Department authorization bill. During today's session, we were able to dispose of a number of amendments to that measure. We will continue working through amendments tomorrow. I encourage any Member who has an amendment to the bill to contact us so we can organize an orderly schedule for the consideration of amendments.

Rollcall votes will occur throughout the day tomorrow, and Senators will be notified when the first vote is scheduled. As announced by the majority leader, it is our hope to finish action on this bill during Thursday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LUGAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Thursday, July 10, 2003, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 9, 2003:

THE JUDICIARY

MARY ELLEN COSTER WILLIAMS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

SUSAN G. BRADEN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

CHARLES F. LETTOW, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

HOUSE OF REPRESENTATIVES—*Wednesday, July 9, 2003*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our defense in every battle and our source of peace, be with the Members of the House of Representatives this day and guide the security of this Nation.

The conquest of Jericho and the sin of Achan taught Joshua and the people of his day that You, Lord, would be with them in every engagement with an enemy as long as they followed all Your commands and held back nothing for themselves in their service to do Your holy will. Disobedience and self-reliance lead only to defeat.

Help us in our day to lead the war against terrorism; but let us never be deceived ourselves. Attuned to Your Word and the Spirit in the story of Joshua, may we, as individual citizens or in any corporate way, never excuse ourselves from honesty and integrity by acting out of stealth or deception, even for a moment.

By Your power and grace may we always choose to do what is right, seeking consultation and sensing our communion with You, now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PITTS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PITTS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. EHLERS) come forward and lead the House in the Pledge of Allegiance.

Mr. EHLERS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPPORT THE TEACHER RECRUITMENT AND RETENTION ACT

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, it is a pleasure to rise and speak about a bill we will be discussing today, H.R. 438, the Teacher Recruitment and Retention Act of 2003. This bill recognizes a major problem we are having in our K-12 educational system, that is, the shortage of qualified teachers in special education, math, and science.

This bill addresses that by offering incentives to teachers to enter these fields and also to remain in these fields, primarily incentives through loan forgiveness of their student loans which they take out in order to obtain the proper training.

To show my colleagues how serious this situation is, note that in science, in American junior and high schools, 57 percent of the teachers do not have either a major or a minor in the subject that they are teaching. In high school physics, it is even worse: a significant percentage of teachers have not even taken one course in college physics.

Those teachers who are highly qualified in science are tempted to leave teaching because they can double their salary in industry, and so this bill is a good effort to maintain our teaching staff and retain them in the positions where we desperately need them. I urge its passage.

FALSE AND MISLEADING STATEMENTS ABOUT IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, much media attention has been directed toward the President's State of the Union Address on January 28, 2003, wherein he alleged an Iraqi nuclear threat which the Vice President's office knew was false almost a year earlier. More attention needs to be paid to false and misleading statements which preceded the vote on the Iraqi resolution in this House.

Two days before the vote on October 8, 2002, speaking in Cincinnati, the President spoke of his determination to attack Iraq: "Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun, that could come in the form of a mushroom cloud."

This chilling apocalyptic statement was not based on clear evidence of peril but was, in fact, based on falsehoods hidden from public view by the office of the Vice President. Did the Vice President's office knowingly conceal information its own representative obtained that Iraq was, in fact, not attempting to purchase nuclear materials from Niger? Was the White House in possession of the same information prior to the President giving his shocking declaration in Cincinnati?

There is no question that the President's statements, which we now know were false and misleading, influenced the debate in this House and the decision to go to war. It is imperative we have open public hearings to wash this stain from our national reputation.

URGING PRESIDENT TO PROVIDE FLOOD ASSISTANCE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, last night the Wabash River crested at 25 feet in northeastern Indiana, but thanks to the extraordinary leadership of Mayor Ted Ellis and Sheriff Barry Story, Bluffton, Indiana, was spared a catastrophe. Their leadership and cooperation with Governor Frank O'Bannon and literally thousands of volunteers in Wells and Adams counties managed to stem the tide.

Special commendation to Irving Material, Incorporated, and also to the 2nd of the 152nd Mech out of Muncie, Indiana, under the leadership of General Bushkirk and Colonel Shato who led the troops, nearly 200 in number, in loading sandbags and stacking sandbags and saving the community of Bluffton, Indiana.

As more rain approaches, I urge the President to speed disaster relief to the counties in Indiana that the Governor has requested. I encourage the volunteers for their determination to move forward as the rain approaches, and I urge prayers by all of our citizens to remember the Psalmist wrote that God is our refuge and our strength. Though the Earth be removed, though its waters roar and be troubled, we will not fear.

FOURTH ANNIVERSARY OF IRANIAN STUDENT PROTESTS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, a few days ago, on the 4th of July, we celebrated our freedom. Today is the anniversary of the Iranian students' uprising a few years ago; 100,000 courageous, young Iranian men and women went to the streets of Teheran demanding their freedom, and their movement spread all over the country.

The mullahs in Teheran have suppressed them and still do; but hopefully, before too long, we will be able to see in Iran what we have seen in central and Eastern Europe and in the former Soviet Union, people living in free and open and democratic societies, rejecting the totalitarian police state of the mullahs, a regime which is determined to develop nuclear weapons and a regime which is the center of global support for terrorism.

SAYED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, recently I heard an amazing story. For 22 years, Jawad Amer Sayed was a dead man. Instead of fleeing into exile as a member of the Iraqi opposition group, he decided to stay; and for 22 years, he hid inside a false wall he built between two rooms in his home.

On April 10, the day after Saddam Hussein fell from power, Sayed emerged from his hideaway, to the amazement of relatives and friends. Only his mother, younger brother and two sisters knew what had happened to him. Everyone else thought he was dead.

Saddam Hussein murdered millions. Not only did he kill those opposed to him; he tortured them and their families, and his brutality forced millions into exile from fear. Sayed's story is a testament to that fear. Rather than torture and death, Sayed chose solitary confinement.

There are millions of Iraqis like Sayed who have come out of hiding into the light of day. Now they can talk about freedom. Now they can protest. Now they can worship freely. Now they can express opinions about their government, and now they can choose something other than death or confinement. They can choose liberty.

RISING UNEMPLOYMENT RATE

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I wonder if the President bothers to take a look outside his helicopter window on his way from Crawford, Texas, to the White House to see the millions of people pounding the pavement looking for jobs.

Once again, the national unemployment rate has risen. It is now 6.4 percent, up from 6.1 percent in May; and the unemployment rate for Hispanics, it is even higher, up to 8.4 percent.

Moreover, millions of students across the country this month are graduating from college, with over $20,000 in debt from student loans, wondering if they are going to get a job to begin to pay off those loans.

With the economy in a state of flux at home, what does the President say? He says "bring 'em on" to those who are attacking troops in Iraq. If the President wants to bring something on, how about a fiscal plan that creates jobs, that does not plunge us further into debt and that allows us to care for seniors in their golden years?

It is unfortunate that he cannot be as confident and cavalier about the future of our economy as he is being about the lives of our troops.

MEDICAL LIABILITY CRISIS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, my home State of Illinois has been especially hard hit by the steep rise in medical malpractice insurance rates. In the greater Chicago area, premiums have increased between 24 and 34 percent over the past year. As a result, physicians cannot afford to keep treating patients and are forced to either limit what patients they can treat or close down their practice.

When doctors cannot afford to keep their practices open, patients suffer; and because doctors in high-risk specialties like OB/GYN are hit the hardest, women patients suffer the most.

The same thing is happening all over the country, with one exception. California already has in place a State law very similar to legislation the House passed earlier this year, and it is working.

I urge my colleagues in the other body to pass medical malpractice reform legislation and make sure patients' access to health care does not suffer.

MALPRACTICE BILL IS A CRITICAL ISSUE FOR PHYSICIANS

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, this week the Senate will take up their malpractice bill. This is a critical issue for physicians; and it should provide real relief, not just be a political tool.

Like the one the House passed, all the Republican bill in the other body would do is cap the punitive and noneconomic damages and limit attorneys' fees. While some level of caps may need to be a part of effective legislation, this measure is just an attack on lawyers who they see as supporters of Democrats.

□ 1015

The cap is not fully researched and is likely to hurt poorer and younger patients. Caps alone do not lower malpractice premiums as shown in a recent study of seven States that passed cap legislation where premiums continue to rise.

The American people are tired of political responses to important issues. The better Democrat approach is comprehensive, would bring insurance companies under the antitrust laws, and possibly cap premiums while a task force studies the best way to move ahead. Republicans would apply a simple political Band-Aid to this major wound from which the medical community is hemorrhaging and in the process free insurance and managed care companies from any accountability for decisions they make on our care by including them in a cap that is meaningless with their huge profits. That is the whole purpose of the bill, protecting corporate friends. It is not good medicine. This Congress should spit it out.

HONORING THE COMMITMENT AND DEDICATION OF AMERICA'S TEACHERS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today in support of legislation that honors the commitment and dedication of our Nation's teachers.

Today under Republican leadership the House is scheduled to take up two important education reauthorization bills that highlight our support for America's teachers. The Ready to Teach Act of 2003 and the Teacher Recruitment and Retention Act are two important bills that will help ensure that there is a quality teacher in every classroom, and that they are rewarded for their service.

As a former school board member and parent of three public school graduates, I have seen firsthand how hard our teachers work. It is only fair, then, that we create an environment that encourages and rewards their dedication.

Mr. Speaker, our children are blessed to have some wonderful teachers who are committed to their growth; however, we must ensure that these great people have incentives to continue to teach our children. These two bills are a step in the right direction, and I look forward to casting a vote of support for our teachers today.

THE TEACHER RECRUITMENT AND RETENTION ACT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I want to express how fortunate I feel today. We have the opportunity to assist an extremely important profession that is often overlooked: teachers. I have seen firsthand the difficulties and challenges these dedicated professionals face since my wife Roxanne is a teacher in Lexington District 2.

Today thanks to the leadership of the gentleman from Ohio (Chairman BOEHNER) of the Committee on Education and the Workforce, the House will vote to increase loan forgiveness to a group of teachers that are desperately needed in our country's rural and urban areas. Math, science and special ed teachers who commit to teach 5 years in a low-income school will receive up to $17,500 in loan forgiveness through H.R. 438, the Teacher Recruitment and Retention Act.

I agree with President Bush that we must ensure all students receive a quality education. I urge my colleagues to support passage of the Teacher Recruitment and Retention Act.

In conclusion, God bless our troops.

REPUBLICANS GETTING THINGS DONE FOR AMERICA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, when the Republicans took over the White House, the Senate and the House, the critics in this town came out of the woodwork, which does not take much to rile them up, but they said they are never going to get anything done. The first year in office Mr. Bush passed No Child Left Behind, a great bipartisan education reform package; this year taken on a world leadership role to liberate Iraq from the oppression of Saddam Hussein and make it possible to inspect for weapons of mass destruction; and now we are leading Iraq towards democracy. We have also passed economic relief in the form of tax relief for small businesses, for families and for farmers, something that will turn the economy around. And then earlier last month we passed Medicare reform with a prescription drug benefit.

We have other things that we are going to do for medicine. We are going to take on malpractice reform. It has already passed in the House. The other body is debating on it very soon. We are passing in the House health savings accounts so that people could set up a medical savings-type account approach to healthcare. We are taking on lots of new initiatives, and so the critics, they are always going to be here in Washington, DC., but if we look at the scorecard, it has been a very solid record.

Republicans in the House, Republicans in the Senate, Republicans at the White House are getting things done for the American people. We welcome the Democrats to join us. We do not want this to be a partisan show. We want bipartisan ideas because what this is about is not a better Republican Party, but a better America, and we need both parties and all people to participate.

PROVIDING FOR CONSIDERATION OF H.R. 2211, READY TO TEACH ACT Of 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 310 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 310

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965 The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, yesterday, the Committee on Rules met and granted a structured rule for H.R. 2211, Ready to Teach Act of 2003. This is a very fair rule. We made five out of the eight amendments offered in order, and four of them are Democrat amendments. The Ready to Teach Act seeks to meet the call of the No Child Left Behind Act to place a highly qualified teacher in every classroom. It makes improvements to the Higher Education Act that will increase the quality of our Nation's teacher preparation programs.

I would like to commend the gentleman from Georgia (Mr. GINGREY) for his work on the Ready to Teach Act. I would also like to thank the gentleman from New York (Mr. BOEHLERT); the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce; and the gentleman from California (Mr. GEORGE MILLER), ranking member, for their continuing efforts to improve all aspects of our country's higher education system.

As we work to place highly qualified teachers in education classrooms across the Nation, I am particularly pleased that this legislation allows for innovative programs that provide alternative options to the traditional teacher training programs. The key to producing highly qualified teachers is not the path by which they travel, but the destination they reach. Teachers trained through innovative options, or certified through alternative means, will still be held to the same standards of accountability and quality, but will not be constrained by artificial requirements that could place barriers between highly qualified individuals and the classrooms where they are desperately needed. In my community we run into this every day because of people who are qualified and have had years of experience in an area, but yet cannot get into the classroom.

Teaching is an honorable profession, and we need to attract and keep good, qualified teachers. This needs to be an attractive job so more people will enter the profession as well. H.R. 2211 continues the current law structure and authorizes three types of teacher training grants that each play a unique yet critical role in the education of tomorrow's teachers. Forty-five percent of the funds would be directed toward State grants, which must be used to reform teacher preparation requirements and ensure that current and future teachers are highly qualified. Forty-five percent of the funds would be directed toward partnership grants, which allow effective partners to join together, combining their strengths and resources to train highly qualified teachers to achieve success where it matters most, in the classroom. Ten percent of the funds would be directed toward teacher recruitment grants, which will help bring these high-quality individuals into the teaching programs and ultimately put more highly qualified teachers into the classroom.

H.R. 2211 also directs the Secretary of Education to give priority to applicants that will place an emphasis on recruiting minorities into the teaching profession.

The Ready to Teach Act of 2003 will improve the quality and accountability of our Nation's teacher preparation programs. I ask my colleagues to support this rule and the underlying legislation so that we can ensure that our children are receiving a world-class education.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I consume.

I thank the gentlewoman from North Carolina (Mrs. MYRICK), my friend, for yielding me the customary 30 minutes.

Mr. Speaker, this rule provides for the consideration of H.R. 2211, the Ready to Teach Act of 2003. It is a relatively noncontroversial bill that reauthorizes programs under Title II of the Higher Education Act. The Committee on Education and the Workforce, Democrats and Republicans, worked together to produce a good bipartisan bill, but their hard work, Mr. Speaker, is being cheapened by the Republican leadership in the process by which we are considering this bill today.

The Ready to Teach Act seeks to ensure that teacher training programs produce well-trained and well-prepared teachers who can fully address the educational needs of our children as mandated by the No Child Left Behind Act. It is supported by Members on both sides of the aisle, and I have no doubt that it will be approved later today.

□ 1030

But for some reason, Mr. Speaker, we are considering this bill under a restrictive rule.

Last night, eight amendments were offered in the Committee on Rules. Of those, seven amendments were offered by Democrats and one was offered by a Republican. If asked, the distinguished chairman of the Committee on Rules and his fellow committee Republicans will say that this is fair, that the Committee on Rules made in order four of the seven Democratic amendments and we should all be grateful and happy with their generosity.

But, Mr. Speaker, that is not the point; and the Members of this body know it. Critical amendments were not made in order, amendments that people feel very strongly about. With only a handful of amendments offered in the committee, for the life of me, I cannot figure out why the Republican leadership wants to shut down debate on this bipartisan bill, unless, of course, they are continuing their practice of disallowing amendments that might actually win, unless they are afraid they will not like the outcome if the House is allowed to work its will.

This is wrong, and I want all of my colleagues to know that, that with this rule, the Republican leadership has tainted the good work introduced by the Committee on Education and the Workforce.

Do not get me wrong: it is not the bill I have strong problems with, but rather it is the process. I commend the committee chairman, the gentleman from Ohio (Mr. BOEHNER); the ranking member, the gentleman from California (Mr. GEORGE MILLER); the subcommittee chairman, the gentleman from California (Mr. MCKEON); and the subcommittee ranking member, the gentleman from Michigan (Mr. KILDEE), along with the gentleman from Georgia (Mr. GINGREY), for their bipartisan cooperation on this bill.

Although this is a good bill, I would like to voice a couple of concerns. The reauthorization of the Higher Education Act of 1965 that this House approved in 1998 authorized the Teacher Quality Enhancement Grants for States and Partnerships at $300 million annually. H.R. 2211 will authorize these critical grant programs at $300 million for fiscal year 2004 and for such sums as necessary through FY 2008.

However, when compared to the fiscal year 2004 Labor, Health and Human Services and Education Appropriations Act, I find that the teacher quality enhancement grants are basically flat-funded at $90 million. That is $210 million less than what the Ready to Teach Act requires for the preparation of quality teachers.

Mr. Speaker, this is the same old song and dance. Once again, we are authorizing an education bill for critical education programs; and after we vote, we will all put out our press releases telling our constituents that we are strong supporters of education, and we will go home and say that education is our number one priority. But the reality, however, is that this Congress starves those programs in the appropriations process, starves them of the funds they need in order to successfully prepare our children for the future.

The numbers do not lie. For fiscal year 2004, the Republican leadership will provide less than one-third of what this bill would authorize for these programs. Do you know what that is, Mr. Speaker? It is deliberately deceptive. It is hypocritical. It is cynical. It is forcing unfunded mandates on our States and our teachers and our local school districts at a time when they are struggling with terrible budget problems. It is a lousy way to run education policy.

It is exactly what this House has done on the No Child Left Behind Act and the Individuals With Disabilities Education Act. You all remember the No Child Left Behind Act, Mr. Speaker. It was passed by the Congress and signed by the President with great fanfare and hundreds of press conferences and press releases. The President and the Republican leadership claimed that this bill proved that they cared deeply about our children and were dedicated to ensuring that every child in America got a quality education.

Well, Mr. Speaker, it was all smoke and mirrors, a big public relations scam. If you do not believe me, just look at the bill we are going to take up tomorrow. The No Child Left Behind Act is underfunded by $8 billion in the Labor-HHS-Education bill, $8 billion. The majority of the programs to strengthen or improve teacher preparation, teacher quality, teacher professional development and teacher training in the FY 2004 Labor-HHS-Education appropriations bill received funding levels well under the requirements set by the No Child Left Behind Act. Some are even level-funded or face reduced funding.

For example, in the FY 2004 appropriations bill, the funding for the Teacher Quality State Grants is $244 million short of the funding level required 2 years ago under the No Child Left Behind Act, but each of our States and each of our school districts is still mandated to ensure that every single teacher of every academic subject be highly qualified by 2005, with or without the money to carry out that mandate.

This, Mr. Speaker, is the Congress that makes sure that these States do not have the money. The Republican leadership would rather make sure the lives of millionaires are made even more comfortable than making sure there is a qualified teacher in every classroom and every school in this country.

So, here we are, authorizing another education bill, knowing, Mr. Speaker, that the Republican leadership has absolutely no intention of actually providing the funding that is promised. Our families and our schools deserve a heck of a lot better than a long list of broken promises. The money is there if we want it to be there. It is simply a matter of choice, a matter of priorities. I hope that as the appropriations process continues that this Congress begins to keep its word.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me time.

Mr. Speaker, I rise in support of this bill and the rule that brings it to the floor today. I especially support the provisions allowing the use of funds for alternative routes to state certification or traditional preparation for teachers. We need to give, Mr. Speaker, local school boards more freedom and flexibility in this area.

This would help solve what we sometimes hear as the "teacher shortage" in this country, but that is a government-created teacher shortage by every respect of the word. Right now, if a person with great education and experience in a field wanted to teach, he or she could not do so without a degree in education, except under very limited circumstances.

For example, a person with a Ph.D. in chemistry and 25 years of experience as a chemist could not teach high school chemistry in most public schools. The local school board would have to hire a young person with no experience and many fewer chemistry courses instead of the much-better-educated person who wanted to teach as a career change or to perform some community service.

Some small private colleges have had financial problems in recent years, but professors with long experience have not been able to move to the public schools. A person who taught English for 30 years in a small college and then decided he wanted to teach in a public school, even though he had long experience teaching, would not be able to move because he perhaps had a Ph.D. in English or some other field instead of a degree in education.

We should allow local school boards and school systems to consider an education degree as a plus when other factors are fairly equal. But school boards should also be allowed to hire people with advanced degrees and long experience and/or great success in a field as teachers at full pay, perhaps for some brief probationary period.

One respected member of the judiciary told me a couple of years ago he would like to retire early and teach school, but he would have to go through a year-long unpaid internship, which, with his age, education and experience, he simply did not need to do.

I remember reading in The Washington Post a year or two ago that one of the real experts in this field, Frederick W. Hess, a University of Virginia professor, called for a radical overhaul of teacher certification. He said if a person has a degree or degrees, can pass a difficult test in the subject and has no criminal records, local school principals are intelligent enough to hire good teachers.

Very highly qualified applicants, Mr. Speaker, should not be rejected just because they never took an education course. Our local principals and our local school boards have enough intelligence and sense to hire good teachers, and we should not put restrictions or hindrances in their way.

We need to get the best-qualified people we possibly can teaching the children of this Nation, and the best way we can do that is to give these local principals and local school boards more freedom and flexibility in who they are able to hire.

Mr. Speaker, I commend all of the people involved with this legislation and especially for putting in the part that allows these funds to be used for alternative routes to certification for traditional routes of preparation for teachers.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER) the chairman of the Committee on Education and the Workforce, who has done an excellent job with this bill.

Mr. BOEHNER. Mr. Speaker, let me thank my good friend from North Carolina for yielding me time.

I rise today in support of the rule for H.R. 2211, the Ready to Teach Act. I believe this is a fair rule that allows for the thorough consideration of a measure that I believe will make a real difference in the lives of teachers and students alike.

I first would like to applaud the efforts of my colleague from Georgia (Mr. GINGREY), a new member on our committee, who has been a real leader in the effort to strengthen the programs that are training the teachers of tomorrow. His leadership on this bill is providing us with an opportunity to help teachers become highly qualified and ready to teach when they enter the classroom.

H.R. 2211, the Ready to Teach Act, seeks to meet the call of the bipartisan No Child Left Behind Act to place a highly qualified teacher in every classroom by the 2005–2006 school year. Congress has embraced that goal, realizing the critical role that highly qualified teachers play in the successful education of our Nation's children.

That is why under No Child Left Behind we have provided significant new resources to help teachers become highly qualified. In fact, in the first year of No Child Left Behind alone, we increased grants for teacher-quality funding by 35 percent. And the funding increases keep oncoming. We have provided the resources, and the bill before us today will build upon that commitment by providing real reforms.

There is a good reason why we are moving forward with this bill and why it has received broad bipartisan support. The fact is teacher training programs are suffering from a serious lack of accountability that is posing a real threat as we seek to place highly qualified teachers in classrooms across the Nation.

The No Child Left Behind Act is about supporting the Nation's schoolteachers, and to do that we need to ensure that the programs preparing them for the classroom are fulfilling their obligation to give them the skills to meet the highly qualified standards in No Child Left Behind. That is what this bill will do; it will ensure that teacher training programs are meeting the obligation that they have to teachers to ensure that they are ready to teach.

The Ready to Teach Act will strengthen teacher-training programs, making improvements to ensure that the teachers of tomorrow are highly qualified and prepared to meet the needs of American students. The bill is designed to align teacher-training programs with the high standards of accountability and results provided for in No Child Left Behind.

The No Child Left Behind Act focuses on three key objectives, accountability, flexibility and effectiveness, to improve the quality of these programs.

The first objective, accountability, is essential if we are to gauge the effectiveness of the programs training our teachers. While current higher-education law contains some annual reporting requirements, these reporting measures have proven ineffective in measuring the true quality of teacher-preparation programs. In fact, the current requirements have often been manipulated, leaving data skewed and often irrelevant.

The Ready to Teach Act includes accountability provisions that will strengthen these reporting requirements and hold teacher preparation programs accountable for providing accurate, useful information about the effectiveness of their programs.

I am particularly pleased that the bill before us recognizes that flexibility should exist in methods used for training highly qualified teachers, and, for that reason, would allow funds to be used for innovative methods in teacher-preparation programs such as charter colleges of education, which can provide an alternative gateway for teachers to become highly qualified.

The bill takes the important step of recognizing that individuals seeking to enter the teaching profession often have varied backgrounds; and by creating flexible approaches that step outside the box, these individuals can become highly qualified teachers through training programs as unique as their own individual experiences.

H.R. 2211 ensures that program effectiveness can accurately be measured and places a strong focus on the effectiveness of teacher preparation and a renewed emphasis on the skills needed to meet the highly qualified standard found in No Child Left Behind.

□ 1045

The use of advanced technology in the classroom, rigorous academic content standards, scientifically-based research, and challenging student academic standards are all principles that this bill will follow.

I would like to thank my colleagues on both sides of the aisle. The gentleman from California (Mr. GEORGE MILLER), the ranking member; the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness; and the gentleman from Michigan (Mr. KILDEE), the ranking member of the subcommittee, are all to be commended for their bipartisan effort in moving this legislation forward. They have put together a bipartisan bill that makes common-sense changes to Title II of the Higher Education Act to help improve our Nation's teachers.

With that, I urge my colleagues to support the rule and to support the underlying bill today.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just close by again reiterating my support for the underlying bill, but also expressing my great concern that what we are doing here is authorizing a program with no intention of funding the program. I find that somewhat deceptive. I personally believe that this Congress and this leadership needs to put its money where its press releases are, and rather than leave no millionaire behind, I think we should keep our promise and leave no child behind. We are not doing that when we authorize educational programs and then we do not follow up with the appropriations.

I am going to urge my colleagues to vote "no" on this rule because while I support the underlying bill, I think this process stinks. I mean, once again, Members who have serious amendments, who have legitimate issues that they want to debate on this floor are being shut out. The gentleman from Pennsylvania (Mr. FATTAH) had an amendment that would direct the States to reduce the gap between higher-income districts and lower-income districts by increasing the number of highly qualified teachers. He was shut out. The gentleman from California (Mr. BACA) had an amendment that allows for a bonus award to teachers who achieve technology certification according to the Computer and Technology Industry Association and the Information Technology Association. He was shut out. The gentlewoman from Texas (Ms. JACKSON-LEE) had an amendment that would require the Secretary to collect all repayments and redirect the funds to low-income and historically low-achieving school districts. She was shut out.

Now, if my colleagues on the other side of the aisle think these are amendments that are not worth their support, then they can make that argument on the House Floor, and they can vote "no." But some of us think that these amendments are good, and that we should have the opportunity to not only debate them, but vote up or down on them. So these Members were shut out of the process, and this has become, unfortunately, a trend in this Congress.

So I would urge my colleagues to vote "no" on the rule.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, as I said before, I feel that this is a very fair rule, and I would urge my colleagues to vote for the rule and for the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 438, TEACHER RECRUITMENT AND RETENTION ACT OF 2003

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 309 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 309

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution before us is a fair, modified rule providing for the consideration of H.R. 438, the Teacher Recruitment and Retention Act of 2003.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule also provides that all points of order against consideration of the bill are waived.

The rule provides that an amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as read and as an original bill for the purpose of amendment. It also provides that all points of order against the amendment in the nature of a substitute are waived.

This rule allows for the consideration of an amendment printed in the Committee on Rules report, if offered by the gentleman from California (Mr. GEORGE MILLER) or his designee, to be considered as read and debatable for 10 minutes, equally divided between a proponent and an opponent of the amendment, which shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Finally, the rule waives all points of order against this amendment, and it also provides for one motion to recommit, either with or without instructions.

Mr. Speaker, I am proud to report that today, by taking up and passing H.R. 438, the Teacher Recruitment and Retention Act of 2003, this Congress will address an urgent crisis facing our Nation's schools and their students. Today a shortage of highly qualified teachers in mathematics, science, and special education leaves schools all across our country unable to provide students with the educational opportunities that they deserve. The shortage of highly qualified teachers in these subjects is a very real problem and one that disproportionately affects children from urban and rural areas. A few simple figures do a good job of demonstrating the full and overwhelming scope of this problem.

According to the National Center for Education Statistics, between 1999 and 2000, 67 percent of public middle and high schools had teacher vacancies in special education. Seventy percent had vacancies in mathematics. Sixty-one percent had vacancies in biology and life sciences. Fifty-one percent had vacancies in physical science. Two-thirds of our Nation's public elementary schools reported vacancies in special education.

Additionally, according to the Committee for Economic Development, almost a third of high school mathematics classes are taught by teachers who did not minor or major in mathematics. In biology, that level rises to 45 percent, and tops out at 60 percent for teachers of life sciences.

Mr. Speaker, the successful education of our children is inextricably tied to the quality of the teachers instructing them. Students cannot possibly be expected to fill the jobs of tomorrow if they are not getting the instruction that they need during their formative academic years today.

The answer to solving this dilemma which represents one of our Nation's greatest educational needs can be boiled down to something that is simple, and that is local schools facing teacher shortages need the flexibility to recruit and to retain the skilled teachers that their students deserve. By forgiving the student loan debts of math, science, and special education teachers at high-risk schools, we can help these schools to attract and retain the talent that they desperately need. By paying off the debts, this will allow the school districts the flexibility to go after those teachers that they need most.

Mr. Speaker, as my colleagues know, 5 years ago, Congress passed the Higher Education Amendments of 1998 and created a student loan forgiveness program for qualified teachers in return for their commitment to working in a low-income school for 5 years. This program has allowed teachers taking advantage of this opportunity to have up to $5,000 of their outstanding loan obligation forgiven after their fifth completed year of service.

The Teacher Recruitment and Retention Act would expand the current teacher loan forgiveness available under the Higher Education Act to address our Nation's critical teacher shortages in math, science, and special education. To be eligible, teachers in these three disciplines must serve in a Title I school with 40 percent of its students at or below poverty level. The bill also increases the total loan forgiveness to a maximum of $17,500 for these enhanced-need subjects, while accelerating the speed of these benefits to allow them to accrue after the second year. This would allow teachers committed to serving our highest-risk schools to receive the benefits when they need them most: right in the beginning of their careers when most teachers face their most substantial financial obstacles.

In order to maintain the integrity of the program, the legislation requires teachers who fail to meet their end of their commitment to repay their loans and debts in full. It also ensures the quality of the teachers receiving this benefit by requiring that teachers applying for the increased loan forgiveness amount must meet the "highly qualified" definition before receiving any loan forgiveness.

Mr. Speaker, I would like to thank the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER); and the sponsor of this legislation, the gentleman from South Carolina (Mr. WILSON) for their hard work in bringing this bill through the legislative process and onto the floor today. Both they and their colleagues on the Committee on Education and the Workforce have brought an outstanding product before the House that answers President Bush's challenge to recruit and to retain highly qualified teachers in disadvantaged schools, while addressing the critical shortage of math, science, and special education teachers now facing elementary and secondary schools. Making sure that these teachers can afford to work in our highest-risk schools is the first step in ensuring a quality education for our children.

I would also like to thank our President, President Bush, for bringing the critical problem facing our most at-risk students and schools to the attention of this Congress. I thank the gentleman from Ohio (Mr. BOEHNER) for rising to this challenge in addressing this problem.

I support this rule and the underlying legislation on behalf of today's students, and I urge each of my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, and I yield myself 4 minutes.

Mr. Speaker, I want to commend the distinguished chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for bringing this bipartisan bill to the floor of the House for consideration.

Mr. Speaker, H.R. 438, the Teacher Recruitment and Retention Act, increases the total amount of student loans that can be forgiven for elementary and secondary schoolteachers of math, science, and special education in Title I schools. Specifically, the measure increases the amount of student loans that can be forgiven for these teachers from the current level of $5,000 to a maximum possible total of $17,500.

□ 1100

The bill also limits eligibility to those who teach in a Title I school in which more than 40 percent of the student population comes from families with incomes below the poverty line.

Mr. Speaker, H.R. 438 is a good first step, but I believe it should be expanded to provide increased loan forgiveness to all teachers in high-poverty schools, not just math, science and special education teachers. It should also include Head Start teachers and teachers in extremely rural school districts. Maybe if the majority had thought of these funds as a tax break rather than student loan forgiveness, they could have found the funding. Unfortunately, a teacher of American history and civics, a teacher of social studies teaching in a significantly disadvantaged Title I school, a teacher will receive no benefit from this bill.

Still, this is a good first step. This is a good bill, and I urge my colleagues to support it. But once again, Mr. Speaker, I must voice my concerns in opposition to the process. The Committee on Rules met last night and considered 11 amendments. Of these amendments, only one was made in order. One of these amendments offered by my colleagues, the gentleman from Massachusetts (Mr. TIERNEY) and the gentlewoman from Connecticut (Ms. DELAURO), would have made all Head Start teachers eligible for the increased loan forgiveness level of $17,500. And three amendments by the gentleman from California (Mr. BECERRA) would have made school librarians in Title I schools eligible for the loan forgiveness program as well.

These are important issues and concerns, and they deserve to be heard, but the Republican leadership does not believe that Head Start teachers and librarians deserve to be included in this important legislation. I guess my hope was that if they wanted to vote against it, if they do not believe that Head Start teachers and librarians deserve this help, then have the courage to come to the floor and speak out against these amendments and vote no. But everybody in this House should have had the opportunity to debate these amendments and others and be able to cast their vote up or down.

Once again, Mr. Speaker, the Republican leadership is stifling the debate in this House and denying the elected Members on both sides of the aisle the opportunity to freely offer amendments. I still cannot figure out the rationale and the reasoning behind disallowing these amendments and so many others. Maybe my colleague from Texas can explain this when he has his time as to why these particular amendments were disallowed.

Mr. Speaker, this is a bipartisan bill reported out of the Committee on Education and the Workforce by a voice vote. Why then do we need a restrictive rule? Why cannot the House decide whether to expand this benefit to other teachers? Why cannot we have a vote in the House on these important issues?

This institution deserves better. The elected Members of this body deserve better, and the American people deserve better.

Mr. Speaker, I would urge my colleagues to vote no on this restrictive rule, again, another restrictive rule. This is a trend that we are seeing in this House of Representatives, an unfortunate trend. I will urge a no vote on this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 108th Congress, one of the brightest and best chairmen who serves this great Congress is a young man from Ohio. And as chairman of the Committee on Education and the Workforce, he has sought to make sure that the issues that are before his committee and this Nation are addressed; they are addressed as a result of hands-on looking at the problems in our schools through a lot of intensive work all across this country, not just urban and not just rural schools, not just inner-city schools, not just certain types of academia looked at, but rather all of public education, and the work that the chairman, the gentleman from Ohio (Mr. BOEHNER), has put into this bill and other bills that are very apparent before this Congress, including IDEA, which is related to special education, are very apparent to the energy of this chairman.

Mr. Speaker, at this time I would like to welcome the fabulous chairman of this committee for such time as he may consume.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for his warm words, especially that word "young" that he mentioned. And I appreciate the work that we have done together, especially when it comes to the needs of special needs children in our schools and the teachers who teach them.

Mr. Speaker, I rise today in strong support of the rule for H.R. 438, the Teacher Recruitment and Retention Act. The rule is necessary to allow the House to pass this bill in a timely manner and get the necessary support for our teachers.

I would first like to commend my colleague, the gentleman from South Carolina (Mr. WILSON), for his leadership on this important bill that embodies the President's efforts to help needy schools retain and recruit highly qualified teachers.

H.R. 438 will provide teachers of subjects facing critical shortages with an important financial incentive to commit to teaching in high-needs schools for at least 5 years. The importance of highly qualified teachers cannot be overstated. That is why in January of 2002 President Bush signed into law the bipartisan No Child Left Behind Act, which calls for a highly qualified teacher in every classroom by the 2005–2006 school year. We are standing behind that goal, providing significant financial resources to help teachers become highly qualified.

The fact is in the first year of No Child Left Behind, as I stated earlier, Congress provided a 35 percent increase in teacher quality grants, and the funding increases are continuing, and so it is this Congress's commitment to meeting the needs of our Nation's schoolteachers. That is why this bill is before us today and why it is so important. We are building upon the financial commitment made in No Child Left Behind to provide our teachers with yet another tool that will help them make a difference in their classrooms all across our country.

The Teacher Recruitment and Retention Act increases the total amount of loan forgiveness for teachers now provided for in the Higher Education Act to a maximum of $17,500 for elementary and secondary teachers in math, science or special education who commit to teaching in a needy school for 5 years. Now, we know that there is critical need for these teachers, and we should concentrate on helping fill that need, and there is no debate on the critical shortages facing schools across the country in these specific subject areas. We need to do all we can to encourage highly qualified professionals to enter the teaching field and for those now in the field to stay.

Teaching can be a difficult, but always rewarding career. Teaching in high-needs schools often brings additional challenges. Despite the challenges, we also know how vital these teachers are to the future of these poor children.

H.R. 438 provides for the right incentive for motivated, talented and qualified students to not only enter the teaching field, but to also provide them with a long-term commitment to these high-needs schools in which they are teaching and, more importantly, to the students that they are teaching.

The rule also provides for an amendment offered by my good friend and colleague, the gentleman from California (Mr. GEORGE MILLER), and myself, which we will support. The amendment will assist in improving the very foundation of a child's education by supporting highly qualified, State-certified reading specialists, and while staying within the budget parameters set forth in this bill. The other important part of the amendment is that it does not reduce the number of schools in which a teacher may teach and be eligible for loan forgiveness. And I support this amendment, and I want to urge my colleagues to do so as well.

What I would ask my colleagues not to do is this: We are all going to do what we can to support our teachers, particularly teachers in subjects facing the greatest shortages. The bill before us today gives us an opportunity to do that. But I have friends on both sides of the aisle who want to extend this limited loan forgiveness to many other categories of teachers. However, to do so while remaining within the constraints of the funds that we have available, they propose to dramatically diminish the number of schools eligible for participation by increasing the required poverty level of the eligible schools. So in other words, what would happen is we would cover more teachers, but we would cover much, much fewer numbers of high-poverty schools. The poverty levels in these proposals were increased in some cases to 45, 50 and even 65 percent, and by doing this, the number of eligible schools does, in fact, dramatically decline.

We have addressed these proposals both during the subcommittee and during the full committee consideration of this bill. And I said in the committee and I will say now, we are here to make difficult decisions, and this is one of them. All teachers are very important, but we cannot at this time address the needs of every teacher. We have critical and documented shortages in the subject matters addressed by this bill, and those must be the priorities.

We have heard these numbers before. Let me refer to this chart here: 67 percent vacancies in special education, 70 percent vacancies in math, 61 percent vacancies in biology and life sciences, 51 percent vacancies in physical science teachers; and according to the Center for the Study of Teaching Policy, almost 57 percent of public school teachers are teaching physical science without a major or minor in the fields in which they are teaching.

This bill addresses the dramatic needs for highly qualified teachers facing our Nation's schools today, a need that should not be lost in trying to be helpful to a broader array of teachers. We should be reminded that this loan forgiveness that we have before us today, increasing it to $17,500, is for math, science and special education teachers. This does not change the current program that for all teachers, new teachers going to Title I schools, they already receive a $5,000 loan forgiveness if they committed to the 5 years in a Title I school. But for math, science and special education where we have the real need, we are trying to move the loan forgiveness to $17,500 to attract much more highly qualified teachers to these schools and to get a commitment that they be there for 5 years.

Mr. Speaker, I would urge my colleagues to support the rule today and to support the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the distinguished chairman of the Committee on Education and the Workforce, who I know worked very hard on this bill, and we are all going to support this bill when we vote on it later today, but he cautioned Members not to expand the number of teachers who would be eligible for this loan forgiveness. He need not worry because the Committee on Rules last night dictated a process that shuts everybody out. There were 11 amendments offered last night in the Committee on Rules. Only one was made in order. Ten were shut out.

We do not have the opportunity to extend these benefits to Head Start teachers or Early Head Start teachers. We do not have the opportunity to be able to help librarians or more rural teachers. We have been shut out. There is not the opportunity. So the gentleman need not worry that this bill will be expanded because the Committee on Rules last night made sure that democracy will not have a chance to work its will on the House floor today.

I would simply again say that if my colleagues on the other side of the aisle do not want to help Head Start teachers or Early Head Start teachers, then they should have the guts to come to the floor and vote no on such an amendment. It is a little bit frustrating to some of us that they never have a problem when it comes to providing a tax break for a millionaire, they always have the money for that, but when it comes to helping teachers in low-income neighborhoods, somehow we do not have the money. We cannot find the money. And just to make sure that we do not find the money, you bring a bill like this to the floor under a very restrictive rule which does not allow the Members of this Congress to work its will.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. TIERNEY), who had a great amendment last night, along with the gentlewoman from Connecticut (Ms. DELAURO), but was shut out of the process.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me time.

I want to join him in thanking the chairman for the work on this bill, as well as the ranking member, and it is a bill that will be supported for those good things that are in it. But as the gentleman from Massachusetts (Mr. MCGOVERN) mentioned, there are other good things that could have and should have been in this bill that unfortunately have been set aside because of the self-inflicted situation where the majority in this House has chosen to take money and throw it out the door to people who are already wealthy and decide not to invest in the children of this country.

If we want to talk about future productivity, if we want to talk about a way of improving our education system in this country, then we would try to make sure that our early childhood programs and Head Start in particular would have every opportunity for success. Instead, the Committee on Education and the Workforce get a budget that is so small that they have to then work within those constraints and come back and tell us, gee, we do not have enough money to do all the right things that we need to do. So we can look at math teachers and science teachers and special education teachers, all of which have a serious need for loan forgiveness, but we cannot go to those other areas that also evidence a strong need for loan forgiveness so we can attract in good people and keep good people in those fields and improve our education system. And we cannot do that because the Republicans, the majority in this House, decided to take that money that could be made in that investment, and instead of, because of ideology, give it to people who already have a significant amount of money in their lives.

I think that is short-sighted. We should be encouraging people to enter and stay in these fields where it is going to make a difference. There has been a national review of some 36 studies dealing with early childhood programs, and what they found is that children who participate in these early childhood programs are less likely to be held back in school, less likely to be placed in special education, more likely to succeed in school, more likely to graduate, more likely to behave well, and better able to adjust to the educational process as they go through it in school.

□ 1115

For all of those reasons, we need to make sure that we concentrate on getting them the best teachers because those are the children that will benefit tremendously from having that right kind of guidance.

The median debt right now for somebody with a bachelor's degree from a public institution, not a private institution, but a public institution, is $15,375. That is more than double what it was 10 years ago.

We deserve to have those qualified teachers. In fact, right now we require that all teachers have a child development credential and half have to have an associate's degree, and we have met that by the end of 2002; but this bill rightfully raises the bar to say that by 2008 at least half have to have a bachelor's degree. Where are the people going to get the money to do that?

We have well-deserving people who have that $15,000-plus debt as they come out. They are making half of what a kindergarten teacher makes if they get a job in early childhood education, and the fear here is that they are going to be attracted into other areas, not because they do not want to teach and not because they will not make sacrifices, but because they have that burden that is so substantial that they have to go seek employment somewhere else where they can then afford to pay back that loan.

This is a disturbing feature on this. We have a bill that is a significantly good bill that comes up short because of this ideology, because we are so focused on the Republican side on tax cuts for the already wealthy. We could have had tax cuts. We could have distributed them fairly amongst a lot of people, and we could have taken some of the money that was in that phenomenal surplus that we had at the beginning of this administration's term of $5.6 trillion over 10 years. We could have taken some small part of that to invest in America, to invest in our children; and, yes, we would have invested in science teachers and mathematics teachers and special education teachers, but I suggest to my colleagues we also would have invested in reading teachers and children teachers for 3- and 4-year-olds in early education.

That is critical, Mr. Speaker, and I think that we have fallen short as a Congress here by putting those self-inflicted constraints on the House, and I think we have to start looking at that. The American people should know that this is an area where the Republicans do not want to vote on this issue because they know in their hearts this is something we should be doing.

So rather than be forced to take a tough vote because I doubt that this amendment, if it had been allowed to come for a vote, would have failed, I think clearly it would have passed. I think far and wide the majority of people, the Members of this House, know that we have to attract early childhood teachers, that loan forgiveness expansion has to be a part of that.

Rather than face the embarrassment of having the majority of this House, including their own Republican Members, tell them that they are at fault when we have that self-inflicted limitation, they chose to use the rules process to once again say that we are going to have a very restricted rule, that all of these amendments that Members should have an opportunity to raise their voices on will not even get the chance to be heard and debated and deliberated upon and voted upon.

That is the great disgrace of this 108th Congress, is manipulation through the Committee on Rules and the shutting down of debate so that the American people's voices cannot be heard so that their concerns cannot be reached and so that this country does not have the opportunity to have their Members who represent them stand up and say we want to invest in America, we want to invest in our children, we want to set the right ideological tone, and that is, inclusiveness for everyone; and the Committee on Rules has failed us here, and this rule has failed us.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The debate last night in the Committee on Rules did allow testimony from the gentleman and others who were with him, and they made a lot of good points. They made a lot of good points about how important Head Start is, not only to students as they come through the process and to parents, but to our educational quality; and there was a great debate on that, an opportunity for feedback, and it simply was not included in this package.

What is included in this package is the gentleman from South Carolina (Mr. WILSON), who I believe is the main author of this bill, I think, accepted the challenge from our President, as I think many Members of Congress have, to go back to our local schools, to go to our school districts and to go listen to teachers, to listen to parents, listen to students, to listen to administrators, to listen to people who serve on the local boards of education and to hear from them about the state of education and things that we need.

I am just pleased that one of those good ideas, even though the gentleman from Massachusetts had also a good idea, but that we were able to bring one of these good ideas, gather a consensus about it, make it bipartisan, get through the process, go to the Committee on Rules, sustain the things that we believe about this bill that are fabulous, fabulous for schools, to go attract and help relieve the debt from these teachers who are in math, who are in science, who are in special education, because those are the hardest teachers to get.

I believe we are doing the right thing. I believe that what this entire opportunity is about today is to say that paying attention to students and teachers, school administrators, our whole process is what our President has asked us to do. I think we are bringing back bits and pieces of those things that we have learned that will make a real difference, make a real difference in the lives of not only each of the teachers and our school systems, but for the parents and students who are part of that.

I support what we are doing. This is a great rule. This is a great opportunity for us to pay attention to people who pay attention to our students and people who pay attention to us in our educational setting, and I am proud of what we are doing.

Mr. Speaker, I would notify the gentleman from Massachusetts that I do not have any further speakers at this time, and I will let him determine what he would like to do, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

My good friend, the gentleman from Texas, said that last night in the Committee on Rules Democratic Members were allowed to come before the Committee on Rules and testify, as if to suggest that that is some great privilege. Every Member of this House has the right to be able to go before the Committee on Rules and make their case on behalf of amendments.

He then proceeded to say, in reference to the gentleman from Massachusetts' (Mr. TIERNEY) amendment, that it raised some good points and good ideas and was a worthy amendment, but then said that we just decided not to make it in order. I guess my question to the gentleman from Texas is, If it was such a good idea, what was the harm? What was the problem with making it in order so that the full House could decide whether or not to extend these benefits to Head Start teachers and early Head Start teachers?

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding to me.

The bottom line is we are trying to aim this money, these loan forgiveness opportunities, at the teachers who we need most.

Mr. MCGOVERN. Mr. Speaker, reclaiming my time, I would also remind the gentleman that even though he said it was a good idea, he did vote against this in committee, as did all the Republican Members; and again, the frustrating thing for those of us on this side who want to help our teachers, who want to make sure that we live up to our promise to leave no child behind is to make sure that we provide the resources, that we just do not get up and talk about how important our children are; that we actually provide the resources; that we make sure that we have teachers in Head Start and early Head Start.

Again, for the life of me, if my colleagues do not want to vote for this, then they do not have to vote for it, but there are a lot of us who think this is important enough that we should have a debate on the House floor and we should be able to vote up or down on it. I think it is really a disgrace, but not only this issue but on all number of issues that we get constantly shut out of the process.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. BECERRA), who had three very thoughtful amendments that were shut out. None of his amendments were made in order.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time, and I appreciate the dialogue that has occurred between the two gentlemen from the Committee on Rules.

I want to begin by thanking the gentleman from Ohio (Mr. BOEHNER), the chairman, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for the work that they have done in putting before this House this legislation which all of us understand and know that we need for our schools in America. Too many of our schools today do not have teachers with credentials teaching our kids. Too many of our schools just cannot find the teachers they need.

So this is a good first step. I think everyone will agree with that. I believe this will receive a resounding vote when it is before us for final passage. I just believe that many of us are very disappointed that the bill we will be voting on today is so limited. It is so curtailed, when there is much need out there, and there is so much opportunity for us to try to really help our kids throughout our schools.

My kids are in public school right now, and we are very fortunate that it is a good public school; but I have got to tell my colleagues that there are a whole bunch of kids in my district that cannot say quite the same thing. It is not that people are not trying hard. It is just that they do not have the resources.

In my State of California, and I suspect in many of my colleagues' States right now, we are hearing about our public schools having to either close down certain classrooms, having to curtail their activities, reduce the size of the school year, any number of things, including sending teachers layoff notices at a time when we have to try to provide them with a good education.

This is a good bill, but it could have been even a better bill had we allowed a few amendments to go forward, and I understand that there are certain constraints, and I appreciate that the Committee on Rules considered my particular amendment.

My amendment was very simple. It said we have got a good first start in this legislation to try to help recruit more teachers in our math and science programs, but let us not stop there. Let us not leave any children behind. Why shortchange our schools, especially today when they are suffering through very difficult financing and budget problems?

My amendment simply says, let us include librarians in our schools and in our public libraries because if the shortages are bad as the chairman from the Committee on Education and the

Workforce pointed out just a second ago, if they are bad in the areas of math and if they are bad in the areas of sciences, they are even worse when it comes to our school libraries and our public libraries.

How many of us know of libraries, not just our school libraries but our public libraries, that are closed on certain days in the week because they just do not have the funding to stay open? The difficulty that they face is that they are not finding the librarians that they need to staff these libraries. One in every three libraries in this country is staffed by one librarian, one librarian.

Today, we face a shortage of librarians that will be so difficult to surmount into the future if we do not act now. Within 5 years, fully one in every four of our librarians will retire. In the next 12 years after that, more than 50, close to 60 percent of all the librarians will have retired, and we are not doing anything to backfill, to bring in the librarians we need to fill those gaps.

Mr. Speaker, this legislation is good. It could have been better had we included a number of amendments at a time when we so desperately need to help our schools. I believe that is why First Lady Laura Bush has taken such a prominent role in promoting our libraries because she understands what is going on. I wish that this Congress and this House would do the same thing.

Mr. Speaker, that is why today I will introduce legislation to try to do exactly what my amendment would have done, and that is, to permit librarians to partake of the loan forgiveness program that is currently allowed to certain teachers and to make sure that we are promoting school librarians in our various public libraries and in our school libraries. It is the right thing to do.

If we take a look at the cost of this legislation we have before us, it is about $340 million over 10 years, about $60 million for this current year. If we will all remember that we just passed legislation in this House no more than a month or so ago that cut taxes, principally for the wealthiest Americans in this country, to the tune of $500 billion over the next 10 years, $340 million, less than one-half of 1 percent or 5 percent of what we spent on that tax bill could have funded this entire bill, and the cost of adding librarians is probably somewhere between $2 million to maybe, if every individual and college decided to take advantage of this program, maybe about $10 million for the year. That seems a very clear choice to me.

We have opportunities, but we all have to make choices on this floor. While this amendment will not have an opportunity to be heard today or incorporated in the legislation today, I hope in the future, working with both sides of the aisle, we are able to get good amendments through that will help all of our country's school children and make it clear that our libraries, both in our schools and in the public setting, are important to us.

I hope we move forward. We can, and I will vote for this legislation; but I have to vote against this particular rule.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, let me just say I thank the gentleman for yielding me a few minutes.

I am concerned about the process that has brought this rule to the floor and the previous rule. I had offered an amendment that would have had the effect of gathering more data on what is a national crisis, one that the President of the United States himself in the State of the Union 2 years ago addressed when he said that he wanted to work towards a country in which every child had a qualified teacher in their classroom.

We have seen study after study across this land in which African American, Latino, poor white youngsters in Appalachia and other communities are being put in a circumstance where every day they are in classrooms in which they are being taught by teachers who did not major or minor in the subjects that they are teaching.

□ 1130

In fact, as a young, poor student in an inner city or in a poor rural area in Ohio, in Pennsylvania, you could go through your entire middle and high school years and never have a qualified math teacher or science teacher in your classroom.

My amendment would have sought to gather more data to add to the already fairly convincing set of statistics on this matter. For some reason, without explanation, the Committee on Rules of this House has decided that that amendment should not be made in order; that this body should not even have an opportunity to vote to pursue one of President Bush's number one priorities, and a priority that should be, I think, first and foremost in all of our efforts if we want to improve education, because we cannot possibly expect a child to learn from someone who is teaching them a subject that they do not know.

It is implausible to think that we would continue this dilemma across our country; that we would close our eyes to it, not want to have that information. And why this Committee on Rules would deny an opportunity for this amendment to be debated is without explanation. I think that it does a disservice to the House, to our democratic process. Moreover, and much more importantly, it does a disservice to future generations. We need that information so that as policymakers we can help shape education reform in a way that really is meaningful and makes sense.

I am going to work, notwithstanding what the Committee on Rules has decided, to have this amendment considered in some other format, in some other way, so that at the end of the day, as a United States Congress, the most important lawmaking body in the country, we can begin to address this issue to make sure that there are, in fact, qualified teachers. Why would we have a child take a standardized test in every State in the Union and not have any concern about the standards that their teachers who have been instructing them have had to meet; or whether or not they have had a decent textbook, a reasonable opportunity to learn?

I think this is not a partisan issue. There is no reason this amendment should have been ruled out of order. And I hope that the Committee on Rules in the future would give respect to the ideals that this is a democratic process and that all views should be heard, and then let the body work its will.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Again, we have no problem with the underlying bill, but we do have a problem with this process. Let me review for my colleagues what amendments were offered last night in the Committee on Rules.

We heard about the Tierney-DeLauro amendment. This amendment would extend the $17,500 loan forgiveness in the bill to Head Start teachers, Early Head Start teachers, and prekindergarten teachers in programs that serve children of which at least 60 percent of whom are eligible to participate in a Head Start or Early Start program. Only new borrowers as of fiscal year 2003 would be eligible for this loan forgiveness.

Mr. Speaker, let me just remind my colleagues that our Nation's Head Start and prekindergarten classrooms are desperately in need of highly qualified teachers. During the 2001–2002 program year, nearly 8,000 teachers, or 15 percent of all teachers, left the Head Start programs. Over half of those who left did so due to low salaries or desired to change job fields. These statistics highlight the inability of Head Start programs to retain their teachers, especially their most experienced and qualified. This is hugely important. This is hugely important. And that amendment was shut out last night in the Committee on Rules, so Members will not have an opportunity to vote up or down on it here on the floor.

We heard from the gentleman from California (Mr. BECERRA), who had one amendment that would provide loan forgiveness for Perkins loans to highly qualified librarians working in eligible schools. He had another amendment that would provide loan forgiveness for Stafford and Perkins loans to highly qualified librarians working in eligible schools. And he had a third amendment that would provide loan forgiveness for Stafford loans to highly qualified librarians working in eligible schools.

Again, one of the things that the gentleman from California (Mr. BECERRA) pointed out is that we are having a problem in this country and in our school libraries in retaining librarians. It is a huge issue. And yet despite all of the sympathy that members of the majority party in the Committee on Rules expressed toward some of these amendments, they voted to make not in order all three of those amendments. All three Becerra amendments were shut out, made not in order.

The gentleman from Washington (Mr. INSLEE) had an amendment that would ensure that any loan or portion of a loan discharged under the bill would not count as gross income for that individual's income tax purposes. That was shut out. He had another amendment that would establish a new program for teacher loan forgiveness under the guaranteed loan program and direct loan program. That was shut out. The gentleman from Washington (Mr. INSLEE) also had an amendment that would extend eligibility for an increased amount of loan forgiveness to all teachers in Title I schools and those schools that had high levels of low-income families. He was shut out on that as well.

The gentleman from Wisconsin (Mr. KIND) had an amendment that would increase the level of loan forgiveness for teachers in rural schools to $17,500. The offset would be for new borrowers beginning October 2003. That was not made in order.

The gentlewoman from Texas (Ms. JACKSON-LEE) had an amendment that would add to the list of qualification criteria for FFEL loan forgiveness teachers who have attended historically black colleges and universities, and those serving large portions of Hispanic, Native American, Asian Pacific Americans, or other underrepresented populations to pursue continuous teaching careers. She was shut out.

The gentleman from New Jersey (Mr. PAYNE) had an amendment that would expand teacher eligibility for $17,500 of loan forgiveness for all Title I teachers and increase the poverty percentage of a school to 65 percent at which a teacher who was receiving loan forgiveness must teach.

Mr. Speaker, all these amendments are only for Title I schools and schools with high levels of poverty. They are all very, very important amendments, and they all deserved to be discussed here on the House floor. If my colleagues on the majority side do not want to expand this bill, then they could vote "no" on all these amendments. They could come to the floor and cast their vote "no." But the Members of this House, both Republicans and Democrats, should have had an opportunity to be able to debate these amendments up or down.

Now, my colleague from Texas may say, well, some of these amendments may have needed waivers. Well, it is amazing that they can say that with a straight face, given the fact that routinely in the Committee on Rules we provide waivers all the time for Republican initiatives. It is just a matter of practice. We do it all the time. So that is not an excuse why these important amendments could not be brought to the floor and debated up or down.

Again, Mr. Speaker, we do not have any problem with the underlying bill. We have a problem with this process, and we are sick and tired of being repeatedly shut out of this process. And it is not just Democrats, there are Republicans who come before the committee with good ideas who are shut out. Now, I do not know who makes all these decisions, but we certainly have the time to be able to debate all these things fully, Democratic and Republican amendments. We have the time on the floor to do it. But for whatever reason, the Committee on Rules consistently shuts out debate, and I think it is a disservice to Members of both parties in this Chamber.

Mr. Speaker, this is supposed to be the people's House. Every Member counts in this House. We all represent the same number of constituents. We all have the right to be able to come to this floor and be able to voice the concerns of our constituents, and yet we are denied that right repeatedly. I think it is not only a disservice to the Members of this House, it is a disservice to our constituents, and I think it prevents legislation like the one we are talking about right now from becoming even better.

So I would urge my colleagues to vote "no" on this restrictive rule.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I do understand the frustrations that the gentleman is talking about, Mr. Speaker. I also understand that the Committee on Rules has a job to do. Its job is to follow the rules of this House. The bottom line is that the gentleman from Los Angeles, who did have three very well-thought-through amendments that he chose to bring before the Committee on Rules were not germane. They were not germane because, despite what the gentleman from Massachusetts has claimed about it being for teachers, the amendments are very clearly written to say a librarian working full time in a public library. A librarian working full time in a public library, number five. Amendment number six in a public library. That is not germane to this bill where we are talking about teachers. That is not a part of what we are talking about, so it was not germane.

Lastly, the gentleman from Massachusetts (Mr. TIERNEY) took time to come before the Committee on Rules. We appreciate that. The bottom line is that there was a vote already, through regular order in the committee of jurisdiction, and the gentleman did not win in the committee of jurisdiction.

And so the process in this House is being followed, the process where people have an opportunity to bring forth amendments, bring forth ideas that they have. For us to challenge ourselves on this education opportunity that is in front of us is important, and that process is something that we followed today.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts to engage me.

Mr. MCGOVERN. Mr. Speaker, I would simply say to the gentleman that the Committee on Rules waives the rules all the time for amendments, and they have waived the rules for amendments that are in this bill already. So that is what we do. So to hide behind that somehow this does not fit into this bill I think flies in the face of what we do all the time.

The issue is whether or not we think this is a priority. And if it is a priority, and it should be, then we make it fit. And that is what we do all the time. That is what my colleagues do for all Republican amendments that they want to make in order. We are just asking that you do the same; that you treat us the same way that you treat your Members. That is all we are asking.

We have the power to do this. To say this does not fit in this bill because it requires a waiver of any kind I do not think passes muster. I just would say to the gentleman that the Committee on Rules had the power to make these amendments in order, and the Committee on Rules chose not to, and I think that is unfortunate.

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, I thank the gentleman.

The gentleman, when he spoke earlier, talked about how the Committee on Rules did not make Republican Members' amendments in order, and now he is coming and asking us to treat them the same way. The bottom line is it is a fair process for Republican or Democrat. It is a fair process for people who go through the regular order, who have an opportunity to present germane amendments. It is very fair.

The gentleman from California (Mr. DREIER), the great chairman of the Committee on Rules, spends an extensive amount of time attempting to work with Members to make sure their amendments are germane, to make sure their amendments are well understood, to make sure their amendments have time to come forth before the committee.

Mr. Speaker, I would at this time close by saying that we believe this rule that is before this great body today deserves not only the attention of the American public, but also a vote today.

Mr. Speaker, I would like to thank in particular two professional members of the Committee on Rules, Adam Jarvis and Eileen Harley, for their fabulous work on this, and Committee on Rules associate Josh Saltzman from my staff, for their great work on bringing this wonderful bill forward.

Mrs. DAVIS of California. Mr. Speaker, I oppose this rule for the simple reason that I believe in the process of representative government. The public quite rightly believes that, as their representatives, we take part in the process of legislation by offering meaningful amendments to the bills before us and that all of the representatives of this body will have an opportunity to consider and vote those amendments up or down. This is simply not the case.

As a member of the Education and the Workforce Committee, I had the opportunity to speak and vote in support of extending the loan forgiveness provisions contained in this bill to Head Start Teachers. While that amendment failed in the committee on partisan lines, I believe it is such an important companion provision that all of the members of this Congress should have had the opportunity to vote on this issue.

In the Head Start reauthorization bill, which may be on the floor next week, the committee has included a requirement that 50 percent of Head Start teachers have a Bachelor's Degree and all of them to have an Associates Degree or equivalent certificate. Many of these teachers will need additional coursework. Historically, many Head Start personnel have been recruited from the parent body, who are, by definition, low income. Because pay for personnel in Head Start is so low, it is imperative that we support this mandate financially.

A loan forgiveness provision for Head Start personnel would match that for other critically needed teachers. It is the right place to begin.

I regret that not all of my colleagues will have the opportunity to consider this proposal because the amendment to do so was not ruled in order.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 309 will be followed by a 5-minute vote on adopting House Resolution 310.

The vote was taken by electronic device, and there were—yeas 230, nays 192, not voting 12, as follows:

[Roll No. 337]

YEAS—230

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cox
Cramer
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Owens
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1205

Messrs. GEORGE MILLER of California, LANGEVIN, HINOJOSA, MATSUI, PRICE of North Carolina, SPRATT, and HONDA changed their vote from "yea" to "nay."

Mr. POMEROY changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2211, READY TO TEACH ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the resolution, House Resolution 310, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 252, nays 170, not voting 12, as follows:

[Roll No. 338]

YEAS—252

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Honda
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—170

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Hall
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cramer
Dreier
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Owens
Pascrell

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes to vote.

□ 1211

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 310 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2211.

□ 1212

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

□ 1215

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2211, the Ready to Teach Act of 2003, which was reported by the Committee on Education and the Workforce on June 10 by a bipartisan voice vote, complements the No Child Left Behind Act and will help improve the quality and accountability of our Nation's teacher preparation programs.

No Child Left Behind set a lofty, but achievable, goal of placing a highly qualified teacher in every public school classroom by the 2005–2006 school year. We can all agree that a highly qualified teacher plays a pivotal role in the successful education of our Nation's children, and those children deserve nothing less. Congress has kept our word to increase funding to help ensure teachers can become highly qualified. In fact, we increased funding for teacher quality grants by 35 percent in the first year of No Child Left Behind alone, and the increases are continuing. We are providing the resources, and this bill will build on that effort by supporting our teachers with real reforms.

There is a serious problem when the programs charged with training the teachers of tomorrow are not meeting that goal, and that is exactly what we are facing today. Everyone here will agree that highly qualified teachers prepared to meet the challenges of the classroom and fulfill the needs of our students are essential if we are going to succeed with education reform in America. Yet the Nation's teacher-training programs suffer from serious lack of accountability, and this time it is the teachers who are being left behind.

The bill before us today takes important steps to ensure that teacher-training programs are in fact giving perspective teachers the skills and knowledge they need to meet the highly qualified standard in No Child Left Behind. Let us be clear on this point: this bill is about supporting our teachers. We are expecting a lot from them, and they deserve to have access to high quality training programs that ensure that when they step into the classroom they are truly ready to teach.

This legislation makes several improvements to title II of the Higher Education Act to ensure that teacher-training programs are providing perspective teachers with the skills they need to be highly qualified and ready to teach when they enter the classroom. This bill is about helping teachers, pure and simple, giving them the tools and training they need to meet the needs of our Nation's students.

H.R. 2211 authorizes competitively awarded grants under the Higher Education Act to increase the quality of our teaching force by improving the preparation of perspective teachers and enhancing teacher professional development activities. We want to hold teacher-preparation programs accountable for preparing highly qualified teachers and recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

The Ready to Teach Act ensures that program effectiveness can accurately be measured and places a renewed emphasis on the skills needed to meet the "highly qualified" standard found in No Child Left Behind, such as the use of advanced technology in the classroom, vigorous academic content knowledge, scientifically based research and challenging State student academic standards.

Under this legislation, funds can also be used to recruit individuals, and specifically minorities, into the teaching profession. The committee adopted a bipartisan amendment offered by the gentleman from Georgia (Mr. BURNS), the gentleman from New York (Mr. OWENS), and the gentleman from Texas (Mr. HINOJOSA) to authorize grants for the creation of Centers of Excellence at high quality, minority-serving institutions.

In general, those Centers of Excellence will help increase teacher recruitment and make institutional improvements to teacher-preparation programs at minority-serving institutions. Grants under this program will be competitively awarded to high quality teacher preparation programs at eligible institutions, which include historically black colleges and universities, Hispanic-serving institutions, tribally controlled colleges or universities, Alaska native-serving institutions, or native Hawaiian-serving institutions.

Mr. Chairman, as we work to place highly qualified teachers in classrooms across the Nation, I am particularly pleased that the Ready to Teach Act allows for innovative programs that provide alternative options to traditional teacher-training programs. Proposals outlined in this bill, such as charter colleges of education, provide a much-needed alternative route to training highly qualified and effective teachers.

H.R. 2211 authorizes States to use funds to set up charter colleges of education that function in a manner similar to elementary and secondary charter schools, except that they would prepare highly qualified teachers in a higher-education setting. Charter colleges of education would exchange flexibility in meeting State requirements for institutional commitments to produce results-based outcomes for teacher-education graduates, measured based on increased student academic achievement.

This bill takes the important step of recognizing that individuals seeking to enter the teaching profession often have varied backgrounds; and by creating a more flexible approach that steps outside the box, these individuals can become highly qualified teachers through training programs as unique as their own individual experiences.

H.R. 2211 will also hold teacher-preparation programs accountable for preparing highly qualified teachers. While current higher-education law contains annual reporting requirements, these reporting measures have often proven ineffective in measuring the true quality of teacher-preparation programs. In fact, the current requirements have often been manipulated, leaving data skewed and often irrelevant. The Ready to Teach Act includes accountability provisions that will strengthen the reporting measures and hold teacher-preparation programs accountable for providing accurate and useful information.

I would like to thank a new member of our committee, the gentleman from Georgia (Mr. GINGREY), the author of this bill, for his work on the Ready to Teach Act. I would also like to commend my colleague, the gentleman from California (Mr. GEORGE MILLER), the ranking member; the gentleman from California (Chairman McKeon) of the subcommittee; and his ranking member, the gentleman from Michigan (Mr. KILDEE), for their bipartisan effort on this bill. They have put together a bipartisan bill that makes commonsense changes to title II of the Higher Education Act to help improve the quality of our Nation's teachers.

Mr. Chairman, I urge my colleagues to support the underlying bill.

The CHAIRMAN. Does the gentleman from Michigan (Mr. KILDEE) ask unanimous consent to control the time of the gentleman from California (Mr. GEORGE MILLER)?

Mr. KILDEE. Yes, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2211, the Ready to Teach Act of 2003, with the hope that certain amendments that were made in order will be adopted.

I want to thank the gentleman from Georgia (Mr. GINGREY), the author of this bill, and the gentleman from California (Mr. MCKEON), the chairman of the subcommittee. He and I have worked together for a number of years now on higher-education matters. It was a very enjoyable task in this. I would also like to thank the chairman of the full committee, the gentleman from Ohio (Chairman BOEHNER), for his work in the committee.

Mr. Chairman, this legislation reauthorizes title II's teacher-quality programs and makes much-needed improvements to its accountability system. Teacher quality is a critical element to ensure our children succeed academically. This bill makes great strides to improve teacher-preparation programs that create our supply of highly qualified teachers.

Chief of these improvements is a bipartisan amendment accepted at the subcommittee markup creating the Minority Centers of Excellence program. This new program will allow high-quality Historically Black Colleges, Hispanic-serving institutions and Tribal colleges to improve teacher preparation and to work with disadvantaged school districts. This program will tap the vast knowledge and skill housed in these institutions to improve teacher preparation, especially for minority teachers.

In addition, the bill's provisions to expand teacher retention and preparation of early childhood teachers are very critical improvements. With added resources for retention, school districts will be more able to keep highly qualified teachers in their districts. With new resources to ensure that we have early childhood teachers, our Nation's youngest children will receive the head start they really need to succeed.

While this legislation represents a good first step, we are missing an opportunity to address some of the most pressing issues facing education. Whether it is the No Child Left Behind Act, IDEA or Pell Grants, the Bush administration and Republican leadership have failed to meet their education funding commitments.

President Bush and the House and Senate appropriations committees have proposed funding, for example, title I at $12.35 billion. That is over $6 billion short of the $18.5 billion which the President signed into law for this year when he signed No Child Left Behind.

The Republican budget resolution promised $2.2 billion in new IDEA funding. The House and Senate appropriations committees have proposed less than half that amount.

In addition, the Pell Grants have been frozen by the House and Senate appropriation committees, despite increasing college costs.

While I really want to reiterate that I will support this legislation, the administration and the Republican Congress are missing an opportunity to meet our education funding commitments.

Basically, and Members have heard me say this before, this is an authorization bill; and it is a good authorization bill. We worked hard on it. But I have always said an authorization bill is like a get-well card, Mr. Chairman. If I have a friend who is ill, I will send my friend a get-well card, which expresses my attitude, how I value my friend, and that is very important. But what my friend really needs is a Blue Cross card to pay the bills.

I think we have to work closer together to make sure there is not such a wide disparity between the levels that are in the authorization bills, the get-well card, and what is in the appropriations bill, the Blue Cross card.

But having said that, I want to say that the authorizing committee did work well together; and the gentleman from Ohio (Mr. BOEHNER), the chairman, was very, very fair to us, and we adopted Democratic amendments in that committee. I think the authorizers have done a good job.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me again congratulate my friend from Michigan. This is a bipartisan bill that has been worked on with Members on both sides of the aisle to try to address the serious needs that we have in our teacher preparation programs as outlined in title II of the Higher Education Act. But as a side note, I need to respond to my colleague from Michigan when it comes to the issue of funding the Federal Government's role in education.

We can look at this as a glass half empty, or we can look at it as a glass half full. Federal education spending over the last 3 fiscal years has gone from $28 billion for elementary and secondary programs to $35.7 billion for these same programs, including almost $400 million to pay for the development and implementation of the testing requirements under No Child Left Behind.

We can look at title I. It has been increased almost 200 percent over the last 6 years. We can look at the last 6 years of special education funding having risen 300 percent.

So when Members come to the floor of the House and suggest that we are not meeting our commitments, I have no choice but to stand up and say, let us be honest. We are doing our share. Could we do more? Of course, we could do more.

But as I told my colleagues one day, I was elected to come to Congress and make decisions; I was not elected to be Santa Claus, and today is not Christmas. As we get through the appropriations process, we are going to continue to work at the appropriate funding levels for these education programs. But, today, we have a bipartisan bill that will help improve the quality of our Nation's teachers and those who seek to be teachers, and we have to continue to work together to meet this important goal.

Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY), the author of this bill, who spent an awful lot of time as a school board member, a State legislator, and now as a Member of Congress, developing teacher-training programs to help meet the needs of our Nation's teachers.

□ 1230

Mr. GINGREY. Mr. Chairman, I thank the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), for yielding me this time. I would like to thank the chairman of the subcommittee, the gentleman from California (Mr. MCKEON), as well as the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE). We have worked very closely, very good together, as the gentleman from Michigan (Mr. KILDEE) pointed out, in a very bipartisan fashion. And, as the chairman just mentioned, it is not all about funding; it is certainly also about accountability. That is what we are trying to do in the reauthorization of the Title II part of the Higher Education Act: We want to bring additional accountability so that we make sure that no child is left behind by assuring that a qualified teacher is, indeed, in every classroom.

H.R. 2211, the Ready to Teach Act of 2003, is a bill that I introduced to help ensure that teacher training programs are producing well-prepared teachers to meet the needs of American students. H.R. 2211 updates the teacher provisions of the Higher Education Act. Specifically, this legislation amends Part A, Teacher Quality Enhancement Grants for States and Partnerships, and also Part B, Preparing Tomorrow's Teachers to Use Technology of Title II of the Higher Education Act. In addition, H.R. 2211 authorizes teacher preparation Centers of Excellence for minority-serving institutions.

The purposes of the Ready to Teach Act are to increase student academic achievement, elevate the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities; hold teacher preparation programs accountable for preparing highly qualified teachers; and to recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

As in current law, H.R. 2211 authorizes three types of competitive grant programs: State grants, partnership grants, and teacher recruitment grants.

State grant funds must be used to reform teacher preparation requirements, coordinate with activities under Title II of No Child Left Behind Act, and ensure that current and future teachers are highly qualified. Programs administered through State grants will focus on effective teacher preparation, placing a renewed emphasis on the skills needed to meet the "highly qualified" standard.

The partnership grants allow effective partners to join together, combining their strengths and resources to train highly qualified teachers and achieve success in the classroom. The eligible partnerships must include four partners: a high-quality teacher preparation program at an institution of higher education; a college of arts and sciences, presumably at that same institution; a high-need, local educational agency; and a public or private educational organization. It can include additional partners, but it must include those four. These partnerships will require the faculty of the teacher preparation programs to serve with a highly qualified teacher in the classroom, allowing effective in-class experience to ensure that teachers are truly prepared to teach. Among other things, partnership activities will help to ensure that teachers are able to use advanced technology effectively in the classroom, address the needs of students with different learning styles, including students with disabilities, and receive training in methods of improving student behavior in the classroom.

As America holds teacher preparation programs accountable for preparing teachers who will ensure that no child is left behind, the need to recruit individuals into the teaching profession will only expand. Teacher recruitment grants will help bring high-quality individuals into teacher programs and ultimately put more highly qualified teachers into the classrooms. H.R. 2211 recognizes the need to ensure that high-need, local educational agencies are able to effectively recruit highly qualified teachers, and will help answer that need by increasing the number of teachers being trained.

H.R. 2211 also includes a new program which is based on provisions submitted to the committee by the United Negro College Fund and the Hispanic Education Coalition to authorize teacher preparation Centers of Excellence at minority-serving institutions. In general, the purpose of this program and this amendment brought to us by my colleague and good friend, the gentleman from Georgia (Mr. BURNS), are to increase teacher recruitment and to make institutional improvements to teacher preparation programs at minority-serving institutions.

While current higher education law contains annual reporting and accountability requirements for institutions of higher education, these measures, as the chairman indicated, have proven ineffective in determining the true quality of teacher preparation programs. H.R. 2211 in this reauthorization adds accountability provisions to the Higher Education Act that will strengthen these current law provisions and hold teacher preparation programs accountable for providing accurate and useful information about the quality of their programs.

Mr. Chairman, in summary, H.R. 2211 is specifically designed to align teacher preparation programs with the high standards of accountability and results provided for in the No Child Left Behind Act. This Ready to Teach Act will help to ensure that program effectiveness can accurately be measured and places a strong focus on the quality of teacher preparation and a renewed emphasis on the skills needed to meet the "highly qualified" standard found in the No Child Left Behind Act.

In conclusion, I want to thank my colleagues on both sides of the aisle for their assistance in moving this bill through the process. It is a bipartisan product, Mr. Chairman, of which we can all be proud. I urge each and every one of my colleagues to support H.R. 2211, the Ready to Teach Act of 2003.

Mr. KILDEE. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I am pleased to rise in support of H.R. 2211, the Ready to Teach Act, and to highlight the new provisions for recruiting and training teachers that it contains.

Our Nation faces the unprecedented challenge of recruiting and retaining an additional 2.5 million teachers over the next 10 years. This is necessary to keep pace with anticipated retirements and a growing student population. It is also a critical aspect of education reform. The No Child Left Behind Act requires that every teacher be "highly qualified" by the 2005–06 school year. In fact, there is hardly an aspect of educational reform that does not depend on a well-trained and highly motivated teaching force.

That is why I introduced the Teaching Fellows Act, H.R. 1805, modeled on a program established in 1986 by the North Carolina General Assembly that has brought some 4,000 young people into our State's teaching force and that offers, I believe, a model for national emulation. I am grateful to the gentleman from North Carolina (Mr. BALLENGER), a cosponsor of H.R. 1805, and to the gentleman from California (Chairman MCKEON), and to the ranking member, the gentleman from Michigan (Mr. KILDEE) and to many other subcommittee and full committee members for their cooperation in writing major elements of the Teaching Fellows Act into the bill that is before us today.

Much as we envisioned in the Teaching Fellows Act, H.R. 2211, as amended in committee, would establish State scholarship programs for prospective teachers and give them the preparation and support they need to make a long-term commitment to the field. Scholarships could be offered to high school students embarking on a 4-year program or to students farther along in college when they might be better prepared to make a career choice.

The bill also contains a second recruitment initiative: Through partnerships between community colleges and 4-year schools, H.R. 2211 would offer fellowships to 2-year students, particularly those in training as teaching assistants, to go on for their bachelor's degree and full teaching certification. This community college component of the program is especially promising for rural and small town areas. Too often our beginning teachers are lured away by schools in the big cities and the affluent suburbs, leaving rural and inner-city schools behind. But community colleges typically contain people more deeply rooted in these underserved areas, and enabling them to complete a 4-year degree would be a promising strategy for identifying and training a cadre of "home-grown" teachers.

The program we envision would not merely throw money at individual students, but would seek, through rich, extracurricular programs, to promote *espirit de corps* and collaborative learning, to strengthen professional identity, and to provide a support system as students first enter the classroom as teachers. Students would participate in various community and school-based internships and experiences that go well beyond normal teacher preparation. In North Carolina, these enrichment programs have featured orientations to school systems, communities, and educational issues, as well as experiences like Outward Bound and international travel.

In exchange, scholarship recipients would be required to teach in a public school for a minimum of 1 year plus a period of time equivalent to the length of their scholarships. In this the program would resemble the National Health Service Corps, which helps finance students' medical and dental education in exchange for service in underserved areas, and early National Service proposals, which envisioned young people being given scholarships as compensation for community service. The ideas of reciprocal obligation and community service would thus be enlisted in the service of teaching, which is surely one of the best ways one can imagine of giving back to the community and to the next generation.

Finally, the legislation assumes that the route to success is not through regimented, top-down administration, but through a decentralized structure that engages and empowers local leaders and participants. States would be given the option of running their programs through nonprofit organizations separate from their department of education, an arrangement that has fostered innovation and flexibility in North Carolina.

Mr. Chairman, H.R. 2211 does not include all of the elements of the Teaching Fellows Act, and it leaves future funding levels indeterminate. It will require us to work with the Department of Education to get an energetic program up and running, and to push in this body for adequate annual appropriations. But I am enthused at the opportunity this bill affords to initiate and expand State scholarship programs for prospective teachers. I want to commend and thank those colleagues on both sides of the aisle who have contributed to this effort.

Mr. MCKEON. Mr. Chairman, I ask unanimous consent to control the time of the gentleman from Ohio (Mr. BOEHNER).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman for yielding, and I want to thank the gentleman from Ohio (Chairman BOEHNER) and my colleague, the gentleman from Georgia (Mr. GINGREY), a new member of the committee who has shown great leadership in bringing forth this bill. I want to thank him for his work on this important piece of legislation.

I rise in strong support of H.R. 2211, the Ready to Teach Act of 2003, a bipartisan bill that seeks to meet the call of the No Child Left Behind Act to place a highly qualified teacher in every classroom. It makes improvements to Title II of the Higher Education Act to help ensure teacher training programs are producing well-prepared teachers to meet the needs of America's students.

There is widespread awareness that the subject matter, knowledge, and teaching skills of teachers play a central role in the success of elementary and secondary education reform. More than half of the 2.2 million teachers that America's schools will need to hire over the next 10 years will be first-time teachers, and they will need to be well prepared for the challenges of today's classrooms. For these reasons, the Nation's attention has increasingly focused on the role that institutions of higher education and States play in ensuring that new teachers have the content knowledge and teaching skills they need to ensure that all students are held to higher standards.

Accordingly, building on current law, the Ready to Teach Act authorizes three types of teacher training grants, and each play a unique, yet crucial, role in the education of tomorrow's teachers. State grant funds must be used to reform teacher preparation requirements and ensure that current and future teachers are highly qualified. Partnership grants allow effective partners to join together, combining strengths and resources to train highly qualified teachers and achieve success where it matters most: in the classroom. Teacher recruitment grants help bring high-quality individuals into teacher programs, and ultimately put more highly qualified teachers into classrooms.

H.R. 2211 includes a new program to authorize grants for the creation of teacher preparation programs at minority-serving institutions around the country. These institutions provide equal opportunity and strong academic programs for minority and disadvantaged students to help achieve greater financial stability for the institutions that serve these students.

In general, the Ready to Teach Act focuses on three key objectives, accountability, flexibility, and effectiveness, to improve the quality of teacher preparation.

While current higher education law contains some annual reporting requirements, these reporting measures have proven ineffective in measuring the true quality of teacher preparation programs. In fact, the current requirements have often been manipulated, leaving data skewed and often irrelevant. H.R. 2211 includes accountability provisions that will strengthen reporting requirements and hold teacher preparation programs accountable for providing accurate and useful information.

This legislation recognizes that flexibility should exist in methods used for training highly qualified teachers and, for that reason, would allow funds to be used for innovative methods in teacher preparation programs such as chartered colleges of education, which can provide an adequate gateway for teachers to become highly qualified. Pioneering programs such as charter colleges of education would also implement systems to gauge a true measure of teacher effectiveness: the academic achievement of students.

In addition to increasing accountability measures, the Ready to Teach Act increases the effectiveness and quality in teacher training by including provisions to focus training on the skills and knowledge needed to prepare highly qualified teachers.

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The bill places a renewed emphasis on a broad range of skills required for effective teaching, such as the use of advanced technology in the classroom, rigorous academic content knowledge, scientifically based research and challenging State student academic content standards.

Teacher-preparation programs have a great deal of responsibility contributing to the preparation of our Nation's teachers, and this bill will make sure they are meeting their responsibilities. Once again, I want to commend the gentleman from Georgia (Mr. GINGREY) for introducing the Ready to Teach Act, and I appreciate the bipartisan efforts of the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) on this bill.

I believe the Ready to Teach Act will help to ensure that the best and brightest teachers are teaching our children. I urge our colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I want to begin by commending the committee leadership on both sides of the aisle for their efforts on this bipartisan bill, the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER); the ranking member, the gentleman from California (Mr. GEORGE MILLER); the subcommittee leadership, the gentleman from California (Mr. MCKEON); and the gentleman from Michigan (Mr. KILDEE); and the gentleman from Georgia (Mr. GINGREY) for all his work on this piece of legislation.

It is critical that we improve teacher training in this country to make sure that the children in our classrooms get the best possible results. I want to thank the committee for adopting an amendment that I submitted along with the gentlewoman from California (Ms. WOOLSEY) to make it clear that these teacher-training funds could be used to train the teachers who train our youngest children because we all understand the importance of early, early education.

I must say, however, I am very concerned about the growing gap between what we say we want to do as an authorizing committee and what we are willing to pay for as a Congress. We can talk all day long about the good things we are going to do; but at the end of the day, if we are not going to pay for them, all we have is talk. And I think this gap, this credibility gap, cannot be made more clear between what we are going to do here today and what we will do tomorrow when we take up the education appropriations bill.

Today we will pass an authorizing bill, Ready to Teach, calling for a $300 million authorization to do the things we are talking about on this floor. Tomorrow we will have a Republican appropriations bill that has less than one-third of that money, $300 million authorized, $90 million appropriated. Today we are talking about how important it is to teach teachers, but tomorrow we will take up an education appropriations bill that underfunds No Child Left Behind by $8 billion. It is great to have trained teachers; but if we do not provide the schools with the money to hire them, our kids will not get the benefit of those teachers, and that is $8 billion short.

Today we are talking about training special education teachers so they can provide a good education to the children in this country who have disabilities. But tomorrow we will take up an education appropriations bill that provides less than 50 percent of what this committee, the Committee on Education and the Workforce, said we should be providing.

Now, the chairman said we can look at that as a cup half full or half empty. The fact of the matter is we promised a full cup; and we, as a Congress, are not delivering. I think the chairman of the committee is absolutely right, we came here to make decisions to establish priorities. Let us do it. The reason we are falling short tomorrow in the appropriations bill and not meeting the commitments that we are making today in this authorizing bill is because the priority of the majority party here was to provide huge tax cuts that disproportionately benefit the very wealthiest Americans. Let us get our priorities straight and truly pass not only an authorizing bill but an appropriations bill that leaves no child behind.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Nebraska (Mr. OSBORNE), a member of the committee and a good friend of mine.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman and also the gentleman from Ohio (Chairman BOEHNER), the gentleman from Georgia (Mr. GINGREY), and the gentleman from Michigan (Mr. KILDEE) for their work on this bill.

I would like to remind the gentleman who just spoke that frequently what is authorized and what is appropriated is not the same. I certainly share many of his sentiments, but I do believe that H.R. 2211 is an important bill because I spent 5 years teaching in a teachers college, 3 years when I was a young man in my twenties, and 2 years more recently at an unspecified age. And I was often struck by the disconnect between the theory of teaching presented in the teachers college and the practical aspects of teaching in the classroom. As a result, because of this disconnect, we find a lot of young teachers going into the classroom unprepared and they leave early, and this is very expensive to the whole system.

So H.R. 2211 requires teachers colleges to work together with school districts so education theory and actual classroom teaching experience are aligned. I think this is critical because so often what happens is the teachers college kind of drifts off into a never-never-land of theory and they are really not rooted in actual experience. So I think this is a critical change. And I think this will encourage higher retention rates.

In addition, as has been pointed out previously, H.R. 2211 ensures that teacher preparation is thorough and that teachers have sufficient knowledge and skills to truly meet the highly qualified standards set forth in No Child Left Behind. Again, my experience has been that too often teachers have not adequately been assessed in terms of their knowledge, their skill; and mediocrity has often been the norm, and that is tragic in a profession as important as this. So H.R. 2211 raises the bar for teacher preparation. I think it is a good bill, and I urge its support; and I thank those who have worked so hard to bring it to fruition.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, as a member of the Committee on Education and the Workforce, I too want to commend the leadership of the committee for putting together this bipartisan piece of legislation.

This is an important piece of the overall higher-education bill that we have to reauthorize during the rest of this session. It recognizes the importance of teacher quality in the classroom. It recognizes the fact that because of attrition and the aging population, retirement, we will have to replace 2.2 million teachers over the next decade. It also recognizes that the quality of a teacher is the second most important determinant of how well students perform in the classroom, right behind the active involvement of loving and caring parents in their own child's education. But it also recognizes the new mandates that are being placed on schools and school districts throughout the entire country under No Child Left Behind that mandates that every classroom have a qualified, certified teacher by 2005 and 2006 under the No Child Left Behind legislation. And in part, this bill is meant to address these growing challenges as a Nation.

But like my friend from Maryland indicated, there is a growing gap between the rhetoric for support for education in this country and what is actually being appropriated and the resources and funds that are going to achieve the success that we are demanding of our school districts.

I am particularly pleased that under this legislation it is reauthorizing the Preparing Tomorrow's Teachers to Use Technology program. This is a program that has been highly successful in preparing prospective teachers to use technology to help students reach their highest potential. Unfortunately, in the education appropriations bill that will start later today and tomorrow, the Republican majority has zeroed out funding for that technology program, even though we have this powerful new learning tool and yet there exists a gap between the integration of that technology in classroom curriculum. We need more resources and more training for teachers on how to use this technology rather than zeroing it out.

I am also disappointed that under the labor-HHS and education appropriations bill that we are $8 billion short in fully funding the No Child Left Behind legislation. We are setting up these school districts for failure unless we provide them the tools and resources they need to meet the new Federal mandates that are passed under this legislation. The President ran as an education President. He got passed the No Child Left Behind, which establishes these new Federal mandates. And I think it is outrageous that he is not funding this now, as the promise was just a short year and a half ago that he would.

Let me say in conclusion that I am very proud and I think every Member in this House is very proud of the military force that we have protecting our country. We have a lot of well-motivated, well-trained individuals that comprise our Armed Forces; but it does not just happen by accident. We invest a lot of money in our military to make sure they have the proper training and the proper equipment so they can be an effective military force around the globe as they carry out our orders as policymakers. But we have another national security threat that I am afraid is going neglected, and that is the investment in the future of our Nation, in our children, and in these education programs which will also make our country strong. We need to do a better job of backing up the rhetoric around here with the resources. This bill is a start if the funding follows, and I would encourage bipartisan support for it.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), a senior member of the Committee on Education and the Workforce.

Mr. BALLENGER. Mr. Chairman, I thank the chairman for yielding me time. First, I would like to begin by thanking the chairman and the ranking member for working with me and my colleague from North Carolina (Mr. PRICE) to include aspects of the gentleman's Teaching Fellows Act in today's bill.

The Ready to Teach Act authorizes competitive grants to encourage development of teacher-training programs and to create highly qualified teachers. I believe that one of the most important additions that we made to this legislation is that it allows a partnership grant to be used to coordinate with community colleges to strengthen teacher-training programs.

It is estimated that North Carolina will need 80,000 new teachers over the next decade. To address this problem in my area, Appalachian State Teachers' College, it used to be, it is now Appalachian State University, which is a branch of the university and recognized as one of the best teaching colleges in the United States, Caldwell Community College and the local public schools initiated a proposal to leverage technology and integrate their resources to develop a model teacher-training program. Area residents who typically would not have had access to the teacher prep program would have the opportunity to become highly qualified teachers through the use of distance technology. It is this kind of innovative thinking that the Ready to Teach Act aims to encourage, and I strongly encourage my colleagues to support this bipartisan legislation.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentleman for yielding me time.

"Unfunded mandate" is a term and a phrase that we often hear in education. Time and time again we attempt to solve problems by demanding change while refusing to provide funds necessary for schools to make that desirable change. Loan forgiveness attracts college graduates into the field of education and encourages current teachers to continue their education. However, this does not fully address the problems of teacher quality and higher education affordability; especially we need to help title I schools.

However, the labor-HHS-education appropriations bill falls $334 million short of the promised $1 billion in title I funds under the No Child Left Behind Act.

Mr. Chairman, over one-fifth of our secondary school students have taken at least one class from a teacher who neither majored nor minored in that subject in college. Today our schools lack many greatly needed and highly qualified teachers; therefore, we must improve teacher training and education. H.R. 2211 attempts to promote teacher training and development by making up for some of the funding shortfalls in education. In the labor-HHS-education appropriations bill, we were promised $3.2 billion for States to improve teacher quality; and yet, like the promise to fund title I schools, the appropriations bill falls $244 million short. As a result, 54,000 fewer teachers will receive federally supported professional development.

H.R. 2211 attempts to make up for some of the unfunded mandates under the No Child Left Behind Act. Indeed, there are some encouraging aspects to this bill which I am in great support of. However, it still lacks greater funding, which is needed for true improvement in education that will maximize the potential of teachers and the potential of students so that, indeed, no child is left behind.

Mr. Chairman, I support this legislation, but I sure hope that before it is over we will have the money that is needed to fund the thoughts and ideas.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS), a former college professor.

Mr. BURNS. Mr. Chairman, I thank the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), and the author, my good friend, the gentleman from Georgia (Mr. GINGREY), for their leadership in bringing this bill to the floor today.

Paine College and Savanna State University are two Historically Black Colleges and Universities in the 12th district of Georgia. Both of these institutions do a wonderful job of preparing young professionals for lives in the working world. With these two institutions and the many minority-serving institutions across this country, it is imperative that we increase opportunities for Americans of all educational, ethnic, and geographic backgrounds to become highly qualified teachers.

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I was proud to sponsor an amendment that will allow grants to be competitively awarded to highly qualified teacher-training programs for eligible institutions. These institutions can include Historically Black Colleges and Universities, Hispanic-serving institutions, Tribally controlled colleges and universities, Alaska Native-serving institutions and Native Hawaiian-serving institutions.

I would like to especially thank my good colleague, the gentleman from New York (Mr. OWENS), and the gentleman from Texas (Mr. HINOJOSA) for their cosponsorship of this amendment in committee and then ultimately its successful adoption and strong bipartisan support we have received. I would also like to thank the United Negro College Fund and the Hispanic Education Coalition for the help they provided and the inspiration for this amendment that strengthened this bill.

The purposes of this provision are to increase our teacher recruitment at minority-serving institutions and to make institutional improvements to teacher-preparation programs at minority-serving institutions. Specifically, we are looking for funds here that will allow these universities and colleges to be awarded grants to produce highly qualified minority teachers. We need more strong, high-quality teachers from all backgrounds, both current and future.

I urge my colleagues to support the Ready to Teach Act. H.R. 2211 will result in more highly qualified teachers, and this will increase the academic achievement of America's students.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me the time, and I commend him and the chairman and the other senior members of this subcommittee for this bipartisan legislation, which will not only help recruit and retain highly qualified teachers but also provide professional development. I certainly hope, as others have said, that the majority and the appropriators will see fit to fund this program fully, unlike the labor and education bill which, as it now stands, underfunds the No Child Left Behind by $8 billion.

I am pleased that the committee has accepted two of my amendments in this bill. The first amendment would ensure that teacher-recruitment programs could assist people who want to make the transition into teaching from a career outside of the field of education.

The second amendment will allow school districts to form partnerships with universities and businesses. This will allow opportunities for teachers to get clinical experience and training in areas related to science, mathematics and technology, including opportunities in laboratories and businesses. I think teachers with real-world experience are more able to show applications of science to the student, which is a more inspiring way to teach.

Investing in improved math and science education in this country is directly linked to the strength of our national security. I believe if we, as a Nation, fail to make a new national commitment to science and math education, we are facilitating the gradual erosion of America's physical and economic security, and do not just take my word for it.

The United States Commission on National Security in the 21st Century headed by former Senators Gary Hart and Warren Rudman said, "The inadequacies of our systems of research and education pose a greater threat to the U.S. national security over the next quarter century than any potential conventional war that we might imagine. If we do not invest heavily and wisely in rebuilding these two core strengths, America will be incapable of maintaining its global position long into the 21st century."

Mr. Chairman, I thank the chairman for working with me on these amendments, and I ask my colleagues to support this bill.

The CHAIRMAN pro tempore (Mr. QUINN). The Chair would inform the gentleman from Michigan (Mr. KILDEE) that he has 10 minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 4 minutes remaining.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Select Education.

Mr. HOEKSTRA. Mr. Chairman, I thank my chairman for yielding me the time and congratulate him and the gentleman from California (Mr. GEORGE MILLER) on the success in passing an education agenda beginning more than a year ago and passing the President's agenda for No Child Left Behind, at least beginning that process, and now filling in the many different pieces that are necessary to make sure that every one of our children has the opportunity to leave school well qualified and well prepared to go for higher education for a professional career.

The part of the bill that I think is most interesting here was what my colleague from Georgia just talked about. This authorizes grants for the creation of centers of excellence at highly qualified, minority-serving institutions, such as Historically Black Colleges and Universities and Hispanic-serving institutions.

Over the last number of years, this Congress has taken an increasing interest in making sure that Historically Black Colleges and Hispanic-serving institutions get the resources they need so that they can more effectively serve those populations that have a tremendous amount of potential and that they have done such a good job at. We are reaching out to Historically Black Colleges and Universities and to Hispanic-serving institutions specifically in this bill to provide the resources, additional resources and grants, for them to build more effective teaching programs because we recognize that if we are going to address the vision that we have in mind of making sure that we leave no child left behind, that we have to develop more effective training-teacher programs specifically to reach into inner city schools; and that is what we are looking at here.

We have talked with Historically Black Colleges and Universities to try to partner with them to develop programs to reach into the inner city, to use their unique resources. This fulfills the promise. This, along with the next bill, really gets us moving in the right direction.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague from Michigan for yielding me the time, and also the chairman of the committee.

Both the Ready to Teach Act and the Teacher Recruitment and Retention Act try to improve teacher training and quality and retention. I congratulate the Committee on Education and the Workforce on these two bills, but both these bills fall short in one important area. They fail to correct the problem of the government pension offset, or what is called the GPO. The Committee on Education and the Workforce cannot address this major reason people are leaving the teaching profession because they do not have the jurisdiction.

In my home State of Texas, teachers are leaving the profession in droves because of the unfair GPO. This provision reduces spousal benefits by two-thirds and, in some cases, eliminates benefits altogether.

The GPO is a problem for many public servants, but especially bad for women. Eighty percent of the Texas school teachers and retirees are women. Sixty percent of that group are married. Almost all of them are eligible for Medicare through their husbands, and none of them are eligible for their spousal Social Security benefit because of the government pension offset.

After a lifetime of being underpaid as teachers, they depend on their Social Security widow's benefit to make up for it in their retirement; but the GPO, the government pension offset, takes away that widow's benefit.

The only way some teachers can escape this unfair mentality is by working their last day in a job covered by Social Security and their retirement system. This last-day exemption is the only way teachers can get a fair retirement benefit; but this House is trying to take that away, and we debated this issue a few months back when the House voted narrowly on H.R. 743, the so-called Social Security Protection Act.

That language would eliminate the last-day exemption and cause many of my Texas teachers to lose their widow's benefits. Teachers in Texas are retiring by the busload so that they can get their benefits before the Senate acts to take them away.

This is a serious problem in Texas and other States that do not have Social Security as part of their teacher retirement system, and it is causing a serious retention problem. Debating these bills today is good, but we really need to look at why teachers are leaving the profession instead of getting into it.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend from Michigan for yielding me the time.

Students in this era take laptops and hand-held computers to class, but they are very often being taught by teachers who started teaching when cable television was an innovation or even when color television was an innovation.

This is a very promising bill that the gentleman from Georgia (Mr. GINGREY) has written, that the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MCKEON), and the others have brought to the floor. I am happy to support it and commend all those responsible for it.

My concern is that the promise of this bill may well turn out to be another unfulfilled promise when it comes to helping teachers catch up to the new realities of the world in which they are teaching. School districts across this country already understand that reality. When they look at the requirements under the No Child Left Behind Act, they understand that by the 2005–2006 school year, every classroom must have a highly qualified teacher in that classroom. The gap between getting to that point and where we are now is a very expensive one; and if we look at the education funding bill that the House will be considering tomorrow, there is an $8 billion difference between what is needed by school districts around our country and what is provided by the majority in its bill to meet that need.

It does not make sense to raise standards and raise expectations and then fail to provide the funding and the money and the resources to meet those expectations. It is obvious that many of the teachers that are presently teaching around our country today are going to need sabbaticals, are going to need extra education, are going to need extra training in order to meet the new standards of being a highly qualified teacher.

I support raising those standards, but I do not support falsely raising expectations about what we are going to do for public education and then failing to meet those expectations. How are we in this predicament?

The budget forecast a few years ago said that this year for every $100 we are going to spend to run our government, we would have $125 worth of revenue coming in. Did not happen. Certainly the terrorist attack of 9/11 had a role in this. The recession has had a major role in this, but the two huge tax cuts enacted by the majority have also had a role in this. So, today, instead of having $125 of revenue for every $100 that we need to spend, we have about $80 of revenue for every $100 that we need to spend.

What gets cut? Environmental protection, health care, education. This is one more example of a choice the majority has made between the long-term fiscal health of the country by improving education and the short-term political gratification of enacting tax cuts.

This is the right bill. It makes a great promise, but the majority will fail to fulfill that promise because it continues to worship at the altar of irresponsible fiscal practices.

I urge support of the bill.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, H.R. 2211 is a good bill. As its name suggests, the Ready to Teach Act works to ensure that our children, our future, are taught by well-prepared and qualified teachers. It also supports our schools so that they are able to recruit and retain the teachers who give so much of themselves for the children of others.

We will pass this bill today; and in doing so, we all agree that the country needs the Federal Government to spend $300 million on teacher preparation and retention; but in fact, we will not spend that much on teacher preparation and retention. The President has asked that we spend only $90 million or 30 percent of what we today all agree is necessary. Why?

Yesterday we passed the defense spending bill that spends $8.9 billion on a missile system which does not work; and today we will pass an education bill that, if fully funded, would work, but we will not fully fund it.

There is money for education. We could reallocate the $8.9 billion for missile defense and put it into education. We would have money to hire and train thousands more qualified teachers. We would have money to buy 9 million more computers for our children and schools. We would have money to fully fund and expand the Head Start program, IDEA, and the No Child Left Behind Act.

Instead, we are spending too much, $8.9 billion, for a missile program that will not work, and we are underfunding the education account.

Mr. Chairman, as we walk in each day to vote, we walk under the canopy of the House, and there is a pediment that is supported by the pillars, and the pediment is called the "Apotheosis of Democracy," and in the middle of it right at the apex there is a woman whose arm is outextended, and her arm is protecting a child who is sitting blissfully atop a pile of books. That sculpture, which is right at the center of our experience as we come in to vote every day, is entitled "Peace Protecting Genius."

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And the child genius is protected not with nuclear arms, but with the arms of eternal love and sitting atop a pile of books which represents knowledge.

We have to realize that our protection in this country and our security depends on education, and that it is peace which protects genius, and that it is peace which will lead us on a path towards sparing the tremendous amount of monies that are to be wasted by the Pentagon, and freeing it up so that we can put that money back into education to truly protect the future of this Nation and to enable the children of this Nation to be able to have lives that are rich, that are endowed with great education, and that lead to a world of peace.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

This is a bipartisan bill, and we do our best especially in the field of education when we work in a bipartisan way, and we did that in committee. There was not only civility in committee, but a great deal of enjoyment in writing this bill. This is a good start for the authorization of the remaining titles of the Higher Education Act.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me thank the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. GEORGE MILLER), and Members on both sides of the aisle for their work. I especially want to thank the gentleman from Georgia (Mr. GINGREY), a new member of our committee and new Member of Congress, for his authorship of the underlying bill.

We all know that one of the real keys to ensuring every child in America gets a chance at a good education is to ensure that every child has a highly qualified teacher in their classroom. There has been much effort around the country at improving the quality of teacher preparation programs. What we try to do in the bill we have before us today is to strengthen those programs and to bring greater accountability for those programs that need a little more oversight than they are getting today.

The goal here is to take young people and others outside of the profession and put them through rigorous programs that will benefit them and their students when they are in the classroom. There are just too many programs today around the country that are doing not as well as they could in terms of preparing teachers for tomorrow.

There has been a lot of discussion here about funding, because later on today the House is expected to take up the Labor-HHS appropriation bill, which includes the funding for education. As I said earlier, 2 to 3 years ago we were spending $28 billion a year on elementary and secondary education programs. Today we are spending $35.7 billion per year. Most of the money to fund primary and secondary education comes from State governments, local governments, and property taxes. The Federal Government's role is focused on helping needier students have a better chance at the same kind of education than our children received.

We are doing our share. Could we be doing more? Absolutely, we could be doing more. But we are here, as I said before, to make decisions, and I do think that we are meeting our commitments under No Child Left Behind. I do again suggest to all of our Members that this is a good underlying bipartisan bill, so let us support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, and other distinguished members, I rise today in order to speak about House Resolution 2211, a bill that shall reauthorize Title II of the Higher Education Act of 1965.

For our country to progress, we as representatives of the people, must adhere to the provisions of the Higher Education Act, especially in regards to the activities addressed in Title II of that document. Activities such as the disbursement of teacher quality enhancement grants for our States and grants preparing the teachers of tomorrow with the newest technology of today benefit society as a whole.

Besides maintaining the grant-given ability so crucial to the future of the United States, House Resolution 2211 would also create a new grant program for higher educational institutions that have historically served minority populations. Schools that largely cater to Native-American, African-American, and Hispanic-American student bodies will receive the funding needed to compete with our Nation's premiere universities by developing teachers that will improve the high academic standards of the United States.

In fact, I attempted to submit an amendment that would require the Secretary of Education to collect all grant repayments and redirect the funds to low-income and historically low-achieving school districts. I offered this amendment for the purpose of balancing the benefits conferred to low-income and needy schools when exceptional students who complete teacher education programs opt to repay the amount of the scholarship awarded to assist them in completing education programs.

Additionally, teacher preparation programs will flourish under House Resolution 2211. Current law neglects to provide funding for the enhancement of institutionally based teacher preparation programs; this bill allows State and partnership grantees to use funds to strengthen and improve teacher preparation programs and will reauthorize institutions to strengthen technology instruction for teacher candidates.

We believe that the future of our youth is the future of our country; an investment in our children is an investment for America. Teachers are responsible for the development of the United States through their impact in our classrooms. It is greatly appreciated when teachers begin the process of intellectual development for our children, but there is an even greater appreciation when teachers continue working with those children throughout the years. Teachers are quite often the role models of the children who eventually go on to serve the United States through avenues of public service. House Resolution 2211 requires teachers who are part of the grant program to stay a minimum of two years, thus having a longer and more influential role in our country's future.

How will we know and how will we be able to gauge the improvement of our children, so that "not child is truly left behind?" House Resolution 2211 addresses such a topic. Under the bill, a State will require the grantees to report information regarding the extent to which substantial progress is made with the allocated funds and will also track the number of highly qualified teachers produced due to the grant program. With a statistical system able to verify the definite success, all Americans will see just how important this bill is for us.

House Resolution 2211, if passed, will last until fiscal year 2008. I am certain that the United States will see an improvement in the quality of our teachers, but more importantly, an increase in the quality of our Nation's future, the children, during that time.

This bill is a key component in a series of bills to reauthorize the Higher Education Act as we seek to meet the call of the No Child Left Behind Act, an act striving to place a highly-qualified teacher in every classroom in the United States.

Mr. Chairman and members, the United States is a great country. To continue on a path that America has been on for over two hundred years, the passage of House Resolution 2211 must be passed. When no child is left behind, as a country we can say that Congress has done its part in the development of each individual child. This is what the parents of America are asking for, and I believe we should comply with their demands.

I strongly urge my colleagues to support House Resolution 2211.

Mr. EMANUEL. Mr. Chairman, I rise in support of the Ready to Teach Act. This bill takes important steps toward one of the most important goals for our Nation—filling our schools with committed, talented teachers.

The shortage of qualified teachers in our country has reached critical levels, and it has a direct impact on the quality of education, especially in underserved areas. In urban districts, close to 50 percent of newcomers leave the profession during their first five years of teaching. This bill recognizes the importance of not only filling our schools with teachers, but providing these teachers with the resources and training that allow them to be successful and to make their students successful as well.

I want to call your attention to a school in my district, The Chicago Academy, as an example of the type of positive change that can be brought about by quality teacher preparation programs. The Chicago Academy is a joint program of Chicago Public Schools and a nonprofit organization. Academy for Urban School Leadership, which is taking groundbreaking steps to address the teacher shortage in underserved Chicago schools. The President of the Carnegie Corporation called this institution "a model for our Nation."

The Chicago Academy creates a "farm team" of teachers for Chicago's underserved public schools, through a teacher residency program which involves an entire year of in classroom training, instead of the typical twelve-week student teacher segment of graduate programs in education. Each classroom of 24 students is shared by one experienced mentor teacher and two resident teachers, providing an unmatched student-teacher ratio for public schools.

In-classroom training is coupled with graduate work with faculty from National-Louis University. Residents are provided with a stipend for their participation in the program, and receive a Masters of Arts in Teaching at the completion of the year. In return, they commit to five years of service in underperforming Chicago schools.

In the Academy's first year of operation, 82 percent of students performed at or above national norms in reading—better than any other school in the neighborhood This school is proof of the way that a quality school changes a community. Families are moving out of the suburbs and into Chicago in order to send their children to the Academy. And this effect can extend to the underserved schools that will be supplied with these committed teachers.

The first class of 30 resident teachers graduated last month. Next year, a second Academy will open, and the current school will expand to include the eighth grade. As these new teachers transition into underserved Chicago schools, the number of students served by this program increases exponentially.

The values embodied by the Chicago Academy are those reflected in this important legislation. I commend Mr. GINGREY, Chairman BOEHNER, and Ranking Member MILLER for their bipartisan work to bring this reauthorization to the floor.

Mr. CASTLE. Mr. Chairman, I rise in support of H.R. 2211, the Ready to Teach Act, which will strengthen teacher training programs to ensure teachers are highly-qualified and ready to teach when they enter the classroom.

Eighteen months ago the President signed the No Child Left Behind Act into law and ever since, States and school districts across the country have been answering the call. The Ready to Teach Act follows the momentum of No Child Left Behind and meets its requirement to place a highly qualified teacher in every classroom—a requirement of great import, as the value of a qualified teacher on a student's ability to learn has been proven, over and over again. H.R. 2211 achieves this by making improvements to the Higher Education Act to help ensure teacher training programs are producing highly qualified teachers to meet the needs of America's students.

All States and nearly all teacher education programs in the country are affected by general accountability provisions in this legislation. Schools receiving Federal funds must report annually on the quality of teacher preparation, including information on the pass rates of their graduates on initial certification assessments. Higher educational institutions enrolling federally-aided students in their teacher preparation programs must report annually, detailing, among other things, the certification pass rates of graduates.

Unfortunately, this data has proven ineffective in measuring the true quality of teacher preparation programs. Current requirements have often been manipulated, leaving data skewed and often irrelevant. For example, if a student fails to pass the State certification exam, upon completion of the institution's program, the school will award them a degree in another field rather than in education. A school will only award students an education degree if that student has passed the state exam. That way, the school will always have a 100 percent pass rate. H.R. 2211 sets forth more useful information. This includes requiring a school to report on all students who have completed 50 percent of the program and requiring an average score of students rather than the pass rates.

As in current law, H.R. 2211 will continue to award State, partnership and teacher recruitment grants. In doing so, H.R. 2211 has evolved with the teaching profession and places updated requirements on these grants.

State grants will be used to increase the advancement technology in the classroom and increase the focus on rigorous academic content knowledge and scientifically based research. States will be given flexibility in identifying innovative methods for teacher preparation programs, such as charter colleges of education to provide an alternative gateway for teachers to become highly qualified.

Partnership grants allow effective partners to join together, combining strengths and resources to train highly qualified teachers and achieve success in the classroom. Among other things, partnership activities will help to ensure that teachers are able to address the needs of students with different learning styles, and receive training in methods of improving student behavior in the classroom.

Finally, teacher recruitment grants will help bring high quality individuals into teacher programs, and ultimately put more highly qualified teachers into classrooms. The Ready to Teach Act places a priority on applicants that will emphasize measures to recruit minorities into the teaching profession, providing a teaching workforce that is both highly qualified and diverse.

We are fortunate in the State of Delaware to have the University of Delaware's Elementary Teacher Education program. In many ways the University of Delaware has already begun to address the need to have a highly qualified teacher in our classrooms. They have been innovative and forward thinking always recognizing the importance of providing their students with a strong academic base as well as a practical experience.

In their freshman year at the University of Delaware, students participate in field experiences in the school setting. Freshmen have the opportunity to observe, tutor, and offer general assistance in the classroom. As sophomores and juniors, the experiences include planning, implementing, and assessing limited instructional units with small groups or an entire class. As seniors, students become engaged in an extended student teaching experience.

Technology is integrated throughout the curriculum and all students will graduate with the skills necessary to utilize technology in their instructional planning. The Elementary Teacher Education program's goal is to prepare teachers who are reflective practitioners serving a diverse community of learners as scholars, problem solvers and partners.

I am committed to ensuring No Child Left Behind is a success for America's children. The Committee and this Congress have been working since passage to ensure other laws in the education arena are aligned with No Child Left Behind. We have accomplished this with IDEA, Head Start and hopefully today with the Ready to Teach Act. I encourage my colleagues to support H.R. 2211.

Mr. HINOJOSA. Mr. Chairman, I believe that H.R. 221 is a step in the right direction. It builds on the improvements made to teacher preparation programs in the 1998 amendments to the Higher Education Act and provides a much needed focus on preparing a diverse teacher corps so that America's teachers reflect the students in America's classrooms.

To improve student achievement, schools of education must graduate teacher candidates that are prepared to teach our Nation's increasingly diverse K–12 student population. About 42 percent of all public schools in the United States have no minority teachers even though minority students make up more than a third of enrollment in U.S. public schools.

Minority teachers make up just 13.5 percent of all teachers. By the early 21st century, the percentage of minority teachers is expected to shrink to an all-time low or 5 percent. While 41 percent of American students will be minorities. Furthermore, some 2.4 million teachers will be needed in the next 11 years because of teacher attrition and retirement as well as increased student enrollment.

Improving minority teacher recruitment will help our Nation meet the challenge of addressing this severe nationwide teacher shortage.

Minority-serving institutions are uniquely equipped to help us address these shortages.

The Centers of Excellence established in this legislation could provide much needed assistance so that these institutions can increase the number of highly qualified teachers they produce. However, this can only happen if the resources are made available.

Unfortunately the majority and the Administration have elected to allocate our resources elsewhere—mainly to tax breaks for the elite—the wealthiest individuals in our nation. It is my sincere hope that we will provide the funding for all of these programs that we say are critical to the education of our children.

I urge my colleagues to support this legislation and to make a stand for the necessary investment in education.

The CHAIRMAN pro tempore (Mr. QUINN). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Teach Act of 2003".

SEC. 2. TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

“PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

“SEC. 201. PURPOSES; DEFINITIONS.

“(a) PURPOSES.—The purposes of this part are to—

“(1) improve student academic achievement;

“(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

“(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

“(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

“(b) DEFINITIONS.—In this part:

“(1) ARTS AND SCIENCES.—The term ‘arts and sciences’ means—

“(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

“(B) when referring to a specific academic subject matter area, the disciplines or content. areas in which academic majors are offered by the arts and science organizational unit.

“(2) EXEMPLARY TEACHER.—The term ‘exemplary teacher’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(3) HIGHLY QUALIFIED.—The term ‘highly qualified’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency—

“(A)(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

“(II) for which not less than 25 percent of the children served by the agency are from families with incomes below the poverty line;

“(ii) that is among those serving the highest number or percentage of children from families with incomes below the poverty line in the State, but this clause applies only in a State that has no local educational agency meeting the requirements of clause (i); or

“(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 7, as determined by the Secretary; and

“(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

“(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

“(5) POVERTY LINE.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(6) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(7) SCIENTIFICALLY BASED READING RESEARCH.—The term ‘scientifically based reading research’ has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

“(8) SCIENTIFICALLY BASED RESEARCH.—The term ‘scientifically based research’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(9) TEACHING SKILLS.—The term ‘teaching skills’ means skills that—

“(A) are based on scientifically based research;

“(B) enable teachers to effectively convey and explain subject matter content;

“(C) lead to increased student academic achievement; and

“(D) use strategies that—

“(i) are specific to subject matter;

“(ii) include ongoing assessment of student learning;

“(iii) focus on identification and tailoring of academic instruction to students's specific learning needs; and

“(iv) focus on classroom management.

“SEC. 202. STATE GRANTS.

“(a) IN GENERAL.—From amounts made available under section 210(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

“(b) ELIGIBLE STATE.—

“(1) DEFINITION.—In this part, the term ‘eligible State’ means—

“(A) the Governor of a State; or

“(B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency.

“(2) CONSULTATION.—The Governor or the individual, entity, or agency designated under paragraph (1) shall consult with the Governor, State board of education, State educational agency, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

“(1) meets the requirement of this section;

“(2) demonstrates that the State is in full compliance with sections 207 and 208;

“(3) includes a description of how the eligible State intends to use funds provided under this section;

“(4) includes measurable objectives for the use of the funds provided under the grant;

“(5) demonstrates the State has submitted and is actively implementing a plan that meets the requirements of sections 1111(h)(1)(C)(viii) and 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(viii) and 6319); and

“(6) contains such other information and assurances as the Secretary may require.

“(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

“(1) REFORMS.—Ensuring that all teacher preparation programs in the State are preparing teachers who are highly qualified, and are able to use advanced technology effectively in the classroom, including use of instructional techniques to improve student academic achievement, by assisting such programs—

“(A) to retrain faculty; and

“(B) to design (or redesign) teacher preparation programs so they—

“(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

“(ii) promote strong teaching skills.

“(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification (including recertification) or licensing requirements to ensure that—

“(A) teachers have the subject matter knowledge and teaching skills in the academic subjects that the teachers teach necessary to help students meet challenging State student academic achievement standards; and

“(B) such requirements are aligned with challenging State academic content standards.

“(3) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

“(A) innovative approaches that reduce unnecessary barriers to State certification while producing highly qualified teachers;

“(B) programs that provide support to teachers during their initial years in the profession; and

“(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

“(4) INNOVATIVE PROGRAMS.—Planning and implementing innovative and experimental programs to enhance the ability of institutions of higher education to prepare highly qualified teachers, such as charter colleges of education or university and local educational agency partnership schools, that—

“(A) permit flexibility in meeting State requirements as long as graduates, during their initial years in the profession, increase student academic achievement;

“(B) provide long-term data gathered from teachers' performance over multiple years in the classroom on the ability to increase student academic achievement;

“(C) ensure high-quality preparation of teachers from underrepresented groups; and

“(D) create performance measures that can be used to document the effectiveness of innovative methods for preparing highly qualified teachers.

“(5) MERIT PAY.—Developing, or assisting local educational agencies in developing—

“(A) merit-based performance systems that reward teachers who increase student academic achievement; and

“(B) strategies that provide differential and bonus pay in high-need local educational agencies to retain—

“(i) principals;

“(ii) highly qualified teachers who teach in high-need academic subjects, such as reading, mathematics, and science;

“(iii) highly qualified teachers who teach in schools identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b));

“(iv) special education teachers;

“(v) teachers specializing in teaching limited English proficient children; and

“(vi) highly qualified teachers in urban and rural schools or districts.

“(6) TEACHER ADVANCEMENT.—Developing, or assisting local educational agencies in developing, teacher advancement and retention initiatives that promote professional growth and *emphasize multiple career paths (such as paths to becoming a highly qualified mentor teacher or exemplary teacher) and pay differentiation.*

"(7) TEACHER REMOVAL.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to remove expeditiously incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

"(8) TECHNICAL ASSISTANCE.—Providing technical assistance to low-performing teacher preparation programs within institutions of higher education identified under section 208(a).

"(9) TEACHER EFFECTIVENESS.—Developing—

"(A) systems to measure the effectiveness of teacher preparation programs and professional development programs; and

"(B) strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach as a result of such programs.

"(10) TEACHER RECRUITMENT AND RETENTION.—Undertaking activities that—

"(A) develop and implement effective mechanisms to ensure that local educational agencies and schools are able effectively to recruit and retain highly qualified teachers; or

"(B) are described in section 204(d).

"(11) PRESCHOOL TEACHERS.—Developing strategies—

"(A) to improve the qualifications of preschool teachers, which may include State certification for such teachers; and

"(B) to improve and expand preschool teacher preparation programs.

"(e) EVALUATION.—

"(1) EVALUATION SYSTEM.—An eligible State that receives a grant under this section shall develop and utilize a system to evaluate annually the effectiveness of teacher preparation programs and professional development activities within the State in producing gains in—

"(A) the teacher's annual contribution to improving student academic achievement, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)); and

"(B) teacher mastery of the academic subjects they teach, as measured by pre- and post-participation tests of teacher knowledge, as appropriate.

"(2) USE OF EVALUATION SYSTEM.—Such evaluation system shall be used by the State to evaluate—

"(A) activities carried out using funds provided under this section; and

"(B) the quality of its teacher education programs.

"(3) PUBLIC REPORTING.—The State shall make the information described in paragraph (1) widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

"SEC. 203. PARTNERSHIP GRANTS.

"(a) GRANTS.—From amounts made available under section 210(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

"(b) DEFINITIONS.—

"(1) ELIGIBLE PARTNERSHIPS.—In this part, the term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a partner institution;

"(ii) a school of arts and sciences;

"(iii) a high-need local educational agency; and

"(iv) a public or private educational organization; and

"(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a public charter school, a public or private elementary school or secondary school, a public or private educational organization, a business, a science-, mathematics-, or technology-oriented entity, a faith-based or community organization, a prekindergarten program, a teacher organization, an education service agency, a consortia of local educational agencies, or a nonprofit telecommunications entity.

"(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means an institution of higher education, the teacher training program of which demonstrates that—

"(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

"(i) demonstrating that the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

"(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

"(I) using criteria consistent with the requirements for the State report card under section 207(a); and

"(II) using the State report card on teacher preparation required under section 207(a); or

"(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

"(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

"(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

"(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

"(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student academic achievement;

"(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

"(3) contain a description of—

"(A) how the partnership will meet the purposes of this part;

"(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e);

"(C) the partnership's evaluation plan pursuant to section 206(b);

"(D) how faculty of the teacher preparation program at the partner institution will serve, over the term of the grant, with highly qualified teachers in the classrooms of the high-need local educational agency included in the partnership; and

"(E) how the partnership will ensure that teachers in private elementary and secondary schools located in the geographic areas served by an eligible partnership under this section will participate equitably in accordance with section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881).

"(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) REFORMS.—Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs so they—

"(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice and in-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support for teachers, including preparation time and release time, for such interaction.

"(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

"(4) TEACHER PREPARATION.—Developing, or assisting local educational agencies in developing, professional development activities that—

"(A) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, limited English proficient students, and students with special learning needs; and

"(B) provide training in methods of—

"(i) improving student behavior in the classroom; and

"(ii) identifying early and appropriate interventions to help students described in subparagraph (A) learn.

"(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

"(1) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

"(A) innovative approaches that reduce unnecessary barriers to teacher preparation while producing highly qualified teachers;

"(B) programs that provide support during a teacher's initial years in the profession; and

“(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

“(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

“(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing professional development programs for principals and superintendents that enable them to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards.

“(4) TEACHER RECRUITMENT.—Activities—

“(A) to encourage students to become highly qualified teachers, such as extracurricular enrichment activities; and

“(B) activities described in section 204(d).

“(5) CLINICAL EXPERIENCE IN SCIENCE, MATHEMATICS, AND TECHNOLOGY.—Creating opportunities for clinical experience and training, by participation in the business, research, and work environments with professionals, in areas relating to science, mathematics, and technology for teachers and prospective teachers, including opportunities for use of laboratory equipment, in order for the teacher to return to the classroom for at least 2 years and provide instruction that will raise student academic achievement.

“(6) COORDINATION WITH COMMUNITY COLLEGES.—Coordinating with community colleges to implement teacher preparation programs, including through distance learning, for the purposes of allowing prospective teachers—

“(A) to attain a bachelor's degree and State certification or licensure; and

“(B) to become highly qualified teachers.

“(f) SPECIAL RULE.—At least 50 percent of the funds made available to an eligible partnership under this section shall be used directly to benefit the high-need local educational agency included in the partnership. Any entity described in subsection (b)(1)(A) may be the fiscal agent under this section.

“(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than one Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

“SEC. 204. TEACHER RECRUITMENT GRANTS.

“(a) PROGRAM AUTHORIZED.—From amounts made available under section 210(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

“(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term ‘eligible applicant’ means—

“(1) an eligible State described in section 202(b); or

“(2) an eligible partnership described in section 203(b).

“(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

“(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

“(2) a description of the activities the eligible applicant will carry out with the grant, including the extent to which the applicant will use funds to recruit minority students to become highly qualified teachers; and

“(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

“(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

“(1)(A) to award scholarships to help students, such as individuals who have been accepted for their first year, or who are enrolled in their first or second year, of a program of undergraduate education at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

“(B) to provide support services, if needed to enable scholarship recipients—

“(i) to complete postsecondary education programs; or

“(ii) to transition from a career outside of the field of education into a teaching career; and

“(C) for followup services provided to former scholarship recipients during the recipients first 3 years of teaching; or

“(2) to develop and implement effective mechanisms to ensure that high-need local educational agencies and schools are able effectively to recruit highly qualified teachers.

“(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds to develop and implement effective mechanisms to recruit into the teaching profession employees from—

“(1) high-demand industries, including technology industries; and

“(2) the fields of science, mathematics, and engineering.

“(f) SERVICE REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this section who complete teacher education programs—

“(A) subsequently teach in a high-need local educational agency for a period of time equivalent to—

“(i) one year; increased by

“(ii) the period for which the recipient received scholarship assistance; or

“(B) repay the amount of the scholarship.

“(2) USE OF REPAYMENTS.—The Secretary shall use any such repayments to carry out additional activities under this section.

“(g) PRIORITY.—The Secretary shall give priority under this section to eligible applicants who provide an assurance that they will recruit a high percentage of minority students to become highly qualified teachers.

“SEC. 205. ADMINISTRATIVE PROVISIONS.

“(a) DURATION; ONE-TIME AWARDS; PAYMENTS.—

“(1) DURATION.—

“(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

“(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

“(2) ONE-TIME AWARD.—An eligible partnership may receive a grant under each of sections 203 and 204, as amended by the Ready to Teach Act of 2003, only once.

“(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

“(b) PEER REVIEW.—

“(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

“(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

“(A) with respect to grants under section 202, give priority to eligible States serving States that—

“(i) have initiatives to reform State teacher certification requirements that are based on rigorous academic content, scientifically based research, including scientifically based reading research, and challenging State student academic content standards;

“(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

“(iii) involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas; and

“(B) with respect to grants under section 203—

“(i) give priority to applications from broad-based eligible partnerships that involve businesses and community organizations; and

“(ii) take into consideration—

“(I) providing an equitable geographic distribution of the grants throughout the United States; and

“(II) the potential of the proposed activities for creating improvement and positive change.

“(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

“(c) MATCHING REQUIREMENTS.—

“(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

“(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

“(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

“SEC. 206. ACCOUNTABILITY AND EVALUATION.

“(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

“(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

“(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students as defined by the eligible State.

"(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

"(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative programs.

"(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

"(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

"(B) promotes strong teaching skills.

"(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

"(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership receiving a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increased student achievement for all students as measured by the partnership;

"(2) increased teacher retention in the first 3 years of a teacher's career;

"(3) increased success in the pass rate for initial State certification or licensure of teachers;

"(4) increased percentage of highly qualified teachers; and

"(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

"(c) REVOCATION OF GRANT.—

"(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

"(2) REVOCATION.—

"(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

"(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

"(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

"(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

"(4) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

"(5) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, disaggregated and ranked, by the teacher preparation program in that State from which the teacher candidate received the candidate's most recent degree, which shall be made available widely and publicly.

"(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

"(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of teacher candidate skills and academic content knowledge and evidence of gains in student academic achievement.

"(8) For each teacher preparation program in the State, the number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

"(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (8) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available annually.

"(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

"(A) a comparison of States' efforts to improve teaching quality; and

"(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

"(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information:

"(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed at least 50 percent of the requirements for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

"(ii) A comparison of the institution or program's pass rate for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average pass rate for institutions and programs in the State.

"(iii) A comparison of the institution or program's average raw score for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average raw scores for institutions and programs in the State.

"(iv) In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

"(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as

low-performing by the State under section 208(a).

"(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

"(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

"(e) DATA QUALITY.—Either—

"(1) the Governor of the State; or

"(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

"SEC. 208. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a).

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

"(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

"SEC. 209. GENERAL PROVISIONS.

"(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

"(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

"(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

"(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

"(c) LIMITATIONS.—

"(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

"(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) 45 percent shall be available for each fiscal year to award grants under section 202;

"(2) 45 percent shall be available for each fiscal year to award grants under section 203; and

"(3) 10 percent shall be available for each fiscal year to award grants under section 204.".

SEC. 3. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

(a) ELIGIBILITY.—Section 222(a)(3)(D) of the Higher Education Act of 1965 (20 U.S.C. 1042(a)(3)(D)) is amended by inserting "nonprofit telecommunications entity," after "community-based organization,".

(b) PERMISSIBLE USES OF FUNDS.—Section 223(b)(1)(E) of the Higher Education Act of 1965 (20 U.S.C. 1043(b)(1)(E)) is amended to read as follows:

"(E) To use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 224 of the Higher Education Act of 1965 (20 U.S.C. 1044) is amended by striking "each of fiscal years 2002 and 2003." and inserting "fiscal year 2004 and each of the 4 succeeding fiscal years.".

SEC. 4. CENTERS OF EXCELLENCE.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are—

"(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

"(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

"(b) DEFINITIONS.—As used in this part:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

"(i) a part B institution (as defined in section 322);

"(ii) a Hispanic-serving institution (as defined in section 502);

"(iii) a Tribal College or University (as defined in section 316);

"(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

"(v) a Native Hawaiian-serving institution (as defined in section 317(b));

"(B) a consortium of institutions described in subparagraph (A); or

"(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

"(2) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

"(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs that—

"(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

"(A) teacher mentoring from exemplary teachers or principals; or

"(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(5) Disseminating information on effective practices for teacher preparation and successful teacher certification test preparation strategies.

"(6) Activities authorized under sections 202, 203, and 204.

"(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

"(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 5. TRANSITION.

The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

The CHAIRMAN pro tempore. No amendment to the committee amendment is in order except those printed in House Report 108–190. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–190.

AMENDMENT NO. 1 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, pursuant to the rule, I offer amendment No. 1.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GINGREY:

Page 6, line 25, strike "(1)" and insert "(1)(B)".

Page 7, beginning on line 11, strike "shall, at the time of the initial grant application, submit" and insert "shall submit".

Page 8, line 15, after "qualified," insert "are able to understand scientifically based research and its applicability,".

Page 9, line 10, after "teach" insert "that are".

Page 10, line 7, strike "and experimental".

Page 18, line 4, strike "fairly distributed" and insert "used".

Page 18, line 9, strike "and".

Page 18, line 25, strike "teachers" and insert "teachers, principals, and superintendents".

Page 19, line 5, strike the period at the end and insert "; and".

Page 19, after line 5, insert the following:

"(4) contain a certification from the high-need local educational agency included in the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f).

Page 19, line 17, after "qualified," insert "are able to understand scientifically based research and its applicability,".

Page 24, after line 2, insert the following:

"(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

Page 28, beginning on line 19, strike "serving States".

Page 29, line 3, strike "include" and insert "have".

Page 29, line 8, strike "involve the development of" and insert "have".

Page 32, line 22, strike "receiving" and insert "applying for".

Page 33, beginning on line 3, insert "," after "students".

Page 36, strike lines 10 through 20 and insert the following:

"(5) For students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

Page 48, line 19, strike "qualified" and insert "qualified, are able to understand scientifically based research,".

Page 49, line 21, after "teacher" insert "or principal".

Page 50, line 7, strike "test" and insert "and licensure assessment".

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I yield myself such time as I may consume.

The manager's amendment to H.R. 2211, the Ready to Teach Act of 2003, makes refinements to the bill as reported by the Committee on Education and the Workforce on June 10, 2003. This has been a bipartisan bill every step of the way, and I believe it will enjoy broad support among my colleagues in the House. I will not take a great deal of time to describe the amendment in detail since it was drafted in consultation with our Democratic Member, and it contains mostly technical and clarifying changes as recommended by the Department of Education.

However, Mr. Chairman, I would like to take a moment to point out a few of the changes of this proposed amendment. As currently drafted, H.R. 2211 authorizes grants to design or redesign teacher preparation programs that are based on rigorous academic content, scientifically based research, and challenging State student academic content standards. This amendment adds language to ensure that teachers in these programs are able to understand the scientifically based research and how to apply that in their classrooms.

Under H.R. 2211, each partnership that applies for a grant must include at least a high-quality teacher preparation program at an institution of higher education; second, a school of arts and sciences; third, a high-need local education agency; and, finally, a public or private educational organization. In addition, this legislation requires that at least 50 percent of partnership grant funds be used to "directly benefit" partner local education agencies. This provision in the amendment is designed to ensure that each partner local education agency has the ability to influence grant activities, and guarantees that partnership activities focus on the needs of teachers and students in the classroom.

My amendment adds a provision to the bill to require that partnership grant applications contain a certification from the partner local educational agencies stating that they will "directly benefit" from the proposed grant activities. This amendment ensures that the partnership grant funds are used only to supplement, not to supplant, other Federal, State, and local funds that would otherwise be used for teacher preparation activities.

Finally, Mr. Chairman, my amendment ensures that teacher preparation program average raw score data that is reported to the State is also included in the State report card on quality of teacher preparation.

This amendment makes commonsense, noncontroversial changes to the legislation, and I ask for my colleagues' support. Support it because it improves the quality of the programs authorized under Title II of the Higher Education Act.

Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Chairman, I do not intend to oppose this amendment. This amendment makes, indeed, important technical and clarifying changes to the bill, and I urge its support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GINGREY. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. GINGREY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 108–190.

AMENDMENT NO. 2 OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, as the designee of the gentlewoman from California (Ms. MILLENDER-MCDONALD), I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KILDEE:

Page 18, strike line 23.

Page 19, line 5, strike the period at the end and insert a semicolon.

Page 19, after line 5, insert the following:

"(F) how the partnership will design and implement a clinical program component that includes close supervision of student teachers by faculty of the teacher preparation program at the partner institution and mentor teachers;

"(G) how the partnership will design and implement an induction program to support all new teachers through the first 3 years of teaching that includes mentors who are trained and compensated by the partnership for their work with new teachers; and

"(H) how the partnership will collect, analyze, and use data on the retention of all teachers in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its teacher support system.

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

This amendment would expand the bill to allow clinical and mentoring programs as part of the teacher preparation. I believe this amendment is a good addition to the bill, and I would urge its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have worked with the minority on this amendment, we support it, and I ask that the membership also support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–190.

AMENDMENT NO. 3 OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HONDA:

Page 23, insert after line 15 the following:

"(7) TEACHER MENTORING.—Establishing or implementing a teacher mentoring program that—

"(A) includes minimum qualifications for mentors;

"(B) provides training and stipends for mentors;

"(C) provides mentoring programs for teachers in their first 3 years of teaching;

"(D) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day;

"(E) establishes an evaluation and accountability plan for activities conducted under this paragraph that includes rigorous objectives to measure the impact of such activities; and

"(F) provides for a report to the Secretary on an annual basis regarding the partnership's progress in meeting the objectives described in subparagraph (E).

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by thanking the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their leadership in crafting this legislation and the support for this noncontroversial bipartisan amendment.

I would also like to give a special thanks to the gentleman from Michigan (Mr. EHLERS) for working with us on this amendment.

This amendment, based on legislation I introduced earlier this year, the Teacher Mentoring Act, would permit the use of grant funds to be used for teacher mentoring programs and is supported by the American Federation of Teachers.

As a former teacher and principal, I can attest to the critical role teacher mentoring programs play in preparing and retaining teachers for the many challenges they will face. Teacher retention rates remain a critical problem for our Nation's schools.

According to the National Commission on Teaching and America's Future, nearly a quarter of new teachers quit by the end of their second year, and almost half leave within 5 years. This revolving-door phenomenon is particularly problematic in high-poverty schools, where the turnover rate is almost one-third higher than the national average. Teachers who leave the profession often point to support programs for beginning teachers as a key to increasing retention rates.

One critical source of support can be found through teacher mentoring programs that will pair new teachers with experienced educators serving as mentors. A large majority of school districts today have enacted teacher mentoring programs that have proven successful in retaining teachers. In fact, teachers without mentoring programs have been shown to leave the profession at a rate almost 70 percent higher than those with mentoring programs.

My amendment, Mr. Chairman, will help provide the necessary resources for these essential programs, and I urge all Members to support this bipartisan amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent at this time to claim the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

This amendment, Mr. Chairman, was drafted in consultation with the Committee on Education and the Workforce, and we support it. It does include minimum qualifications for mentors, provides training and stipends for mentors, provides mentoring programs for teachers in their first 3 years of teaching, and provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day.

I served for 9 years on a school board before I came here, and we had a mentoring program there which was very beneficial. I think this is a strong amendment to the bill, improves the bill, and I would ask the support of our colleagues for this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The amendment was agreed to.

□ 1330

The CHAIRMAN pro tempore (Mr. QUINN). It is now in order to consider amendment No. 4 printed in House Report 108–190.

AMENDMENT NO. 4 OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, as the designee of the gentleman from California (Mr. BACA), I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KILDEE:

Page 23, after line 15, insert the following:

"(7) COMPUTER SOFTWARE FOR MULTILINGUAL EDUCATION.—Training teachers to use computer software for multilingual education to address the needs of limited English proficient students.

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will expand the bill to allow teachers to retrain using computer software for bilingual education. I believe this amendment is a good addition to the bill and urge its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was also written with the committee, has the support of the committee, and I believe will be very beneficial to those multilingual children who need this special help; and I urge support for the amendment.

Mr. BACA. Mr. Chairman, I rise to support the amendment that will help address a growing problem in our Nation today. My amendment asks for more funding for teachers so that they can be trained to address the needs of students who are of limited English, or speak English as a second language.

In our school systems, the faces that fill our classrooms are diverse. No longer are our students simply Anglo, English-speaking, American born children. Rather, they are children from many different races and cultural backgrounds, speaking many different languages. But sadly, our teachers are not given the proper tools or training they need to address this growing diversity.

Our teachers are left to their own devices to try to communicate with a classroom of children who do not speak the same language as the instructor. Because we do not give teachers the resources to teach students with limited English skills, many students are being left behind all across this nation. Students with limited English skills are more likely to drop out of school.

We need to build their self-esteem and confidence; otherwise they are more likely to get involved with drugs and alcohol. They are more likely to commit crimes. We need trained teachers who are able to reach out to students with limited English skills and stop them from dropping out of school. Every child deserves an education! Every child deserves to be taught! Every child deserves the access to opportunity!

Education opens the door for opportunity, but for many children with limited English, the doors will always remain shut if they do not learn to read, speak, and write in English!

The need for qualified teachers who can teach students with limited English skills exists not only in states with large immigrant populations like California, Florida, and Texas, but it exists all across the United States! That is why funding to train teachers properly is so crucial!

Georgia, North Carolina, Indiana, Oregon, New Hampshire, and Missouri all reported an increase of over 40 percent in students with limited English! This is not merely a problem in California; it is a problem all over this country! And we cannot ignore it any longer!

Hispanics represent over 14 percent of the total population. It isn't fair to the teachers and it isn't fair to the students if we don't train them! That is why, even here in the Capital, many Congressional members are taking Spanish classes to learn the language and the ability to communicate to their new diverse constituents. School districts are suffering due to a lack of teachers properly trained in teaching English as a Second Language!

In North Carolina there are only 900 qualified teachers for 53,000 students with limited English! In Wisconsin, schools districts that may have had only 8 students with limited English now have as many as 65 today. In Idaho, almost 18,000 limited English students are enrolled in their public school system but research indicates that nearly 40 percent will drop out by the 10th grade!

The fact is that immigrants exist, they are increasingly settling in rural communities not accustomed to immigrants, and are sending their kids to schools that do not know how to educate these children. Our country is a nation of new faces who need and deserve an education.

Mr. Chairman, I urge my colleagues to support this amendment and help the countless school districts throughout our nation who need our help.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in House Report 108-190.

AMENDMENT NO. 5 OFFERED BY MR. MEEKS OF NEW YORK

Mr. MEEKS of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MEEKS of New York:

Page 26, strike lines 8 through 17 and insert the following:

"(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds—

"(1) to develop and implement effective mechanisms to recruit into the teaching profession employees from—

"(A) high-demand industries, including technology industries; and

"(B) the fields of science, mathematics, and engineering; and

"(2) to conduct outreach and coordinate with inner city and rural secondary schools to encourage students to pursue teaching as a career.

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I come before this body to offer an amendment to today's Ready to Teach Act. As we here in Congress continue to discuss year in and year out the education of our children, this Nation's future, I am pleased to offer an amendment that I feel will have a large impact not only on the diversity of schools today but also on the future academic achievement of our students.

My amendment proposes to encourage partnerships between educational entities and inner city and rural secondary schools. This partnership will be funded by allowable uses of funds, which will fund outreach and coordinate efforts that encourage inner city and rural youth to pursue teaching as a career.

The need for such collaboration is evident to both educational researchers and anyone who simply walks into nearly any public school in the Nation. Research shows that our educational system must increase its efforts to encourage a higher proportion of students of color and males into the postsecondary pipeline. Too often, students leak out of the college pipeline between their 9th and 12th grade years because they do not consider themselves college material.

My amendment helps prevent that from occurring. By forming partnerships between educational entities and secondary schools, an opportunity is created to identify those secondary students who find teaching attractive and encourage them to remain focused on their studies.

Not only does my amendment encourage teaching as a career, but it also encourages diversity. Obviously, a teacher's effectiveness depends, first and foremost, on his or her skills and high expectations; yet we also know that students benefit in important ways by having some teachers who look differently or some who look like them, who share similar cultural experiences, who come from similar neighborhoods, and who serve as role models demonstrating that education and achievement are things to be respected. It is important to expose children to a diverse teaching staff and to diverse role models within each of our schools. Where we have a rural or inner city school with teachers unlike the students, we are giving students a stunted educational experience.

Mr. Chairman, as schools are redoubling their commitment to raising standards and closing achievement gaps, we need to seize every opportunity to boost the achievement of inner city and rural students.

This amendment provides us with an opportunity not only to change the demographics of the teacher workforce, but also to encourage students to continue their pursuit of an education and to reveal to them the nature of the work of teaching.

Mr. Chairman, I would like to thank the chairman and ranking member of the Committee on Education and the Workforce for their cooperation in allowing me to offer this amendment, and I request the support of all my colleagues as we seek to provide more educational opportunities to all our children.

Mr. Chairman, I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment, although I do not oppose the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was also drafted in consultation with the Committee on Education and the Workforce. We feel it makes the bill stronger. We strongly support it, and I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GINGREY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 printed in House Report 108–190 offered by the gentleman from Georgia (Mr. GINGREY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 4, not voting 14, as follows:

[Roll No. 339]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—4

Flake
Frank (MA)
Paul
Sabo

NOT VOTING—14

Cramer
Cunningham
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-
McDonald
Moran (VA)
Owens
Oxley
Scott (GA)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1358

Mr. SABO changed his vote from "aye" to "no."

Mrs. CUBIN changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. CUNNINGHAM. Mr. Chairman, on rollcall No. 339, the Gingrey amendment to H.R. 2211, I am not recorded. Had I been present, I would have voted "aye."

(Mr. ABERCROMBIE asked and was given permission to speak out of order for 1 minute.)

CASTING OF VOTES

Mr. ABERCROMBIE. Mr. Chairman, I know it is the intention of the Chairman and leadership to expedite the casting of votes. I have risen on the floor in the past speaking on behalf of those, particularly in the Longworth Building, to request that we make some attempt either by way of signage, blinking lights sufficient to be able to attract attention. I am not sure of the precise manner, but it is virtually impossible during these months when we are being visited with the number of people that are in the buildings, particularly in Longworth, to make use of those elevators to get here in a timely fashion.

No Member wants to try to tell members of the public to get off elevators or not to come in. They make inquiries and so on, as they should. It is simply unfair to them. We have got to figure out a way to make at least one elevator eligible for exclusive use by the Members during the time in which a vote is taking place.

☐ 1400

Simply to ring the bells and then expect people to know what that means, let alone to be able to follow up on it during the 15- or 16- or 17-minute period, is impossible.

I guarantee you, you are going to have people, as has happened recently and almost happened again today, that are going to miss votes and be upset about it, unless we are able to figure out some way to figure out the logistics associated with that.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I think if you look at the historical context in which Members were allowed to vote, if you go back to the earliest House building, the Cannon Building, you will find that they went to the extreme position of having two sets of buttons, one with which the elevators operate exclusively when Members are to vote.

Clearly, in today's kind of relationship with people who visit, we do not want to impose our desire to move around the Capitol at our pleasure. But during the vote period, it seems to me that either we have people on the elevators, or we use modern technology to allow us to utilize those elevators.

Historically, they had people on them and separate buttons. You are just asking for a fair shot to get to the floor to cast your vote. I do not think that is unreasonable at all.

Mr. ABERCROMBIE. Mr. Chairman, reclaiming my time, I thank the gentleman, most especially because I like to be supportive of him as much as possible.

Mr. NEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Alaska controls the time, or Hawaii.

Mr. ABERCROMBIE. It is a common mistake, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Hawaii, who looks like he is from Alaska.

Mr. ABERCROMBIE. Mr. Chairman, both the gentleman from Alaska and myself are shy and retiring types, and so it is often the case that we are mistaken for one another.

Mr. NEY. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman, who has been working very hard to resolve this issue and for whom I have great respect as a result.

Mr. NEY. Mr. Chairman, I want to point out just a couple of things. One, we have worked on this situation before. People are touchy politically I know about having someone on the elevators. In fact, there was a vote on this floor a few years ago where somebody thought it would save their election by trying to throw these people off. The bottom line is you need people on there to help. We have had some shortages. Let us not have a vote to do that kind of thing again.

The second thing is that the gentleman from Connecticut (Mr. LARSON) and I have been looking at this, and also the elevator repair, because people were stuck on elevators. We never again want that mixture of Members on the elevators.

Finally, let me just say that there is an appropriation in 2004. If we can get that moved up a little bit, we can get that sped up. The gentlemen are both correct.

In closing, I promise the gentleman, I will bring the plan personally to him and visit him in Anchorage.

The CHAIRMAN pro tempore. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. QUINN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965, pursuant to House Resolution 310, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 404, noes 17, not voting 13, as follows:

[Roll No. 340]

AYES—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha

Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—17

Bartlett (MD)
Bishop (UT)
Flake
Franks (AZ)
Gilchrest
Gutknecht
Hefley
Jones (NC)
King (IA)
Kingston
Manzullo
Otter
Paul
Rohrabacher
Tancredo
Taylor (NC)
Toomey

NOT VOTING—13

Cramer
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Moran (VA)
Owens
Pickering
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Two minutes remain to vote.

□ 1424

Mr. ROHRABACHER changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, on rollcall Nos. 339 and 340, I was unavoidably absent. Had I been present, I would have voted "aye".

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2211.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2211, READY TO TEACH ACT OF 2003

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2211, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TEACHER RECRUITMENT AND RETENTION ACT OF 2003

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 309, I call up the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 309, the bill is considered read for amendment.

The text of H.R. 438 is as follows:

H.R. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Recruitment and Retention Act of 2003".

SEC. 2. ADDITIONAL QUALIFIED LOAN AMOUNTS.

(a) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

"(A) a secondary school teacher—

"(i) who meets the requirements of subsection (b); and

"(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science; and

"(B) an elementary or secondary school teacher—

"(i) who meets the requirements of subsection (b), other than paragraphs (1)(B) and (C);

"(ii) whose qualifying employment for purposes of such subsection is teaching special education; and

"(iii) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.".

(b) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

"(A) a secondary school teacher—

"(i) who meets the requirements of subsection (b)(1); and

"(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science; and

"(B) an elementary or secondary school teacher—

"(i) who meets the requirements of subsection (b)(1), other than subparagraphs (A)(ii) and (iii);

"(ii) whose qualifying employment for purposes of such subsection is teaching special education; and

"(iii) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.".

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Recruitment and Retention Act of 2003".

SEC. 2. INCREASED QUALIFIED LOAN AMOUNTS.

(a) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following new paragraph:

"(3) INCREASED AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

"(A) SERVICE QUALIFYING FOR INCREASED AMOUNTS.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

"(i) a secondary school teacher—

"(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph; and

"(II) whose qualifying employment for purposes of such subsection has been teaching mathematics or science on a full-time basis; and

"(ii) an elementary or secondary school teacher—

"(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

"(II) whose qualifying employment for purposes of such subsection has been as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Act); and

"(III) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.

"(B) ACCELERATED PAYMENT.—Notwithstanding the requirements of subsection (b)(1) and paragraph (1) of this subsection that 5 consecutive complete years of service have been completed prior to the receipt of loan forgiveness, in the case of service described in subparagraph (A) of this paragraph, the Secretary shall repay a portion of a borrower's loan obligation outstanding at the commencement of the qualifying service under this subsection, not to exceed a total of $17,500, in the following increments:

"(i) up to $1,750, or 10 percent of such outstanding loan obligation, whichever is less, at the completion of the second year of such service;

"(ii) up to $2,625, or 15 percent of such outstanding loan obligation, whichever is less, at the completion of the third year of such service;

"(iii) up to $4,375, or 25 percent of such outstanding loan obligation, whichever is less, at the completion of the fourth year of such service; and

"(iv) up to $8,750, or 50 percent of such outstanding loan obligation, whichever is less, at the completion of the fifth year of such service.

"(C) PROMISE TO COMPLETE SERVICE REQUIRED FOR ACCELERATED PAYMENT.—Any borrower who receives accelerated payment under this paragraph shall enter into an agreement to continue in the qualifying service for not less than 5 consecutive complete school years, or, upon a failure to complete such 5 years, to repay the United States, in accordance with regulations prescribed by the Secretary, the amount of the loans repaid by the Secretary under this paragraph, together with interest thereon and, to the extent required in such regulations, the reasonable costs of collection. Such regulations may provide for waiver by the Secretary of such repayment obligations upon proof of economic hardship as specified in such regulations.

"(D) HIGHER POVERTY ENROLLMENT REQUIRED.—In order to qualify for an increased repayment amount under this paragraph, section 465(a)(2)(A) shall, for purposes of subsection (b)(1)(A) of this section, be applied by substituting '40 percent of the total enrollment' for '30 percent of the total enrollment'.".

(b) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following new paragraph:

"(3) INCREASED AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

"(A) SERVICE QUALIFYING FOR INCREASED AMOUNTS.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

"(i) a secondary school teacher—

"(I) who meets the requirements of subsection (b)(1), subject to subparagraph (D) of this paragraph; and

"(II) whose qualifying employment for purposes of such subsection has been teaching mathematics or science on a full-time basis; and

"(ii) an elementray or secondary school teacher—

"(I) who meets the requirements of subsection (b)(1), subject to subparagraph (D) of this paragraph; and

"(II) whose qualifying employment for purposes of such subsection has been as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Act); and

"(III) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.

"(B) ACCELERATED PAYMENT.—Notwithstanding the requirements of subsection (b)(1)(A) and paragraph (1) of this subsection that 5 consecutive complete years of service have been completed prior to the receipt of loan forgiveness, in the case of service described in subparagraph (A) of this paragraph, the Secretary shall repay a portion of a borrower's loan obligation outstanding at the commencement of the qualifying service under this subsection, not to exceed a total of $17,500, in the following increments:

"(i) up to $1,750, or 10 percent of such outstanding loan obligation, whichever is less, at the completion of the second year of such service;

"(ii) up to $2,625, or 15 percent of such outstanding loan obligation, whichever is less, at the completion of the third year of such service;

"(iii) up to $4,375, or 25 percent of such outstanding loan obligation, whichever is less, at the completion of the fourth year of such service; and

"(iv) up to $8,750, or 50 percent of such outstanding loan obligation, whichever is less, at the completion of the fifth year of such service.

"(C) PROMISE TO COMPLETE SERVICE REQUIRED FOR ACCELERATED PAYMENT.—Any borrower who receives accelerated payment under this paragraph shall enter into an agreement to continue in the qualifying service for not less than 5 consecutive complete school years, or, upon a failure to complete such 5 years, to repay the United States, in accordance with regulations prescribed by the Secretary, the amount of the loans repaid by the Secretary under this paragraph, together with interest thereon and, to the extent required in such regulations, the reasonable costs of collection. Such regulations may provide for waiver by the Secretary of such repayment obligations upon proof of economic hardship as specified in such regulations.

"(D) HIGHER POVERTY ENROLLMENT REQUIRED.—In order to qualify for an increased repayment amount under this paragraph, section 465(a)(2)(A) shall, for purposes of subsection (b)(1)(A)(i) of this section, be applied by substituting '40 percent of the total enrollment' for '30 percent of the total enrollment'.".

SEC. 3. IMPLEMENTING HIGHLY QUALIFIED TEACHER REQUIREMENTS.

(a) AMENDMENTS.—

(1) FFEL LOANS.—Section 428J(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(b)(1)) is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following:

"(B) if employed as an elementary or secondary school teacher, is highly qualified as defined in section 9101(23) of the Elementary Secondary Education Act of 1965; and".

(2) DIRECT LOANS.—Section 460(b)(1)(A) of such Act (20 U.S.C. 1087j(b)(1)(A)) is amended—

(A) by inserting "and" after the semicolon at the end of clause (i); and

(B) by striking clauses (ii) and (iii) and inserting the following:

"(ii) if employed as an elementary or secondary school teacher, is highly qualified as defined in section 9101(23) of the Elementary Secondary Education Act of 1965; and".

(b) TRANSITION RULE.—

(1) RULE.—The amendments made by subsection (a) of this section to sections 428J(b)(1) and 460(b)(1)(A) of the Higher Education Act of 1965 shall not be applied to disqualify any individual who, before the date of enactment of this Act, commenced service that met and continues to meet the requirements of such sections as in effect before such date of enactment.

(2) RULE NOT APPLICABLE TO INCREASED QUALIFIED LOAN AMOUNTS.—Paragraph (1) of this subsection shall not apply for purposes of obtaining increased qualified loan amounts under sections 428J(b)(3) and 460(b)(3) of the Higher Education Act of 1965 as added by section 2 of this Act.

SEC. 4. INFORMATION ON BENEFITS TO RURAL SCHOOL DISTRICTS.

The Secretary shall—

(1) notify local educational agencies eligible to participate in the Small Rural Achievement Program authorized under subpart 1 of part B of title VI of the Elementary and Secondary Education Act of 1965 of the benefits available under the amendments made by this Act; and

(2) encourage such agencies to notify their teachers of such benefits.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the further amendment printed in House report 108–189 if offered by the gentleman from California (Mr. GEORGE MILLER), or his designee, which shall be considered read, shall not be subject to a demand for a division of the question, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. KILDEE) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 438.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 438, the Teacher Recruitment and Retention Act of 2003. I congratulate my friend and colleague, the gentleman from Columbia, South Carolina (Mr. WILSON), for introducing this bipartisan legislation and shepherding it through the committee process.

H.R. 438 is simple in its purpose and structure, but monumental in its potential to improve the lives of our Nation's students. The bill before us provides for increased loan forgiveness for highly qualified math, science, and special education teachers teaching in high-need schools. These teachers must agree to teach for 5 consecutive years in schools that many of our disadvantaged students attend.

In January of 2002, President Bush signed into law the No Child Left Behind Act, the bipartisan kindergarten through 12th grade education reform package that, for the first time, demands accountability and results in exchange for the billions of Federal dollars invested in the education of our Nation's students. In No Child Left Behind, we call for a highly qualified teacher in every public school by the 2005–2006 school year. We have been providing resources to meet that goal and, in fact, a 35 percent increase in funding for teacher quality grants in the first year of No Child Left Behind, and the funding increases continue to come.

Now, with the bill before us today, we are building on that unequivocal financial commitment by increasing the loan forgiveness for teachers we need the most: in our high-needs schools. It is just one more way that this Congress is showing unwavering support for the Nation's schoolteachers.

Mr. Speaker, I think we can all agree that there are few more important issues in this country than education of our Nation's children. More importantly, we want our children to be taught by caring, committed, and educated professionals. This bill will enable high-need elementary and secondary schools to attract highly qualified teachers and get the best and brightest into our classrooms.

H.R. 438 will provide up to $17,500 in loan forgiveness for math, science, and special education teachers. These particular subject areas are facing extreme shortages, and our children are the ones who are suffering because of it. We must address this crisis in our classrooms. We recognize that teachers often face the greatest financial hardships in their early years of their career, and, for that reason, these teachers will begin to receive this assistance after the second year of teaching service is completed, which will continue annually through the completion of the required 5 years. This is yet one more way we are trying to assist teachers by reducing the financial burdens and in providing a more effective incentive for these much-needed teachers to remain in our poorer schools.

Mr. Speaker, a lack of highly qualified math, science, and special education teachers leaves our schools with large vacancies and shortchanges our children, and the success of our Nation depends on being able to compete in a global economy, and by providing a quality education to all of our children is where this must begin.

□ 1430

The National Science Foundation Director, Rita Colwell, said, "The lack of competitiveness of U.S. K–12 students has much larger ramifications than simply providing enough mathematicians and scientists for laboratories." And I will continue, "In these technological times, general scientific and mathematical literacy is crucial to the entire workforce and has implications for our economy into the future."

We must continue our efforts to recruit and retain the best and brightest into the field, and, more importantly, in high-need subject areas. H.R. 438 provides the right incentive for students to enter teaching and for those who are currently teaching to stay.

I am particularly pleased that my colleagues on both sides of the aisle have worked closely with us to craft an amendment that recognizes a fundamental role that reading plays in a child's education. As the President has said, reading is the new civil right, and for that reason I am happy to support the amendment offered by our ranking member, the gentleman from California (Mr. GEORGE MILLER) that will include highly qualified State-certified reading specialists among those eligible for the increase in loan forgiveness. By recognizing that reading is the foundation of all other learning, this amendment will strengthen our efforts to improve results for students.

In addition, I strongly support this amendment because, despite the increased costs, it remains within our budget parameters without reducing the number of schools eligible that are eligible to receive this incentive. This is the key. It expands this vital resource without reducing opportunities for schools, which I think is the biggest downfall to other amendments that could have been offered to this bill today.

I want to urge my colleagues to support H.R. 438. A vote for this bill is a vote to support our Nation's students and our teachers, and H.R. 438 tells each and every one of them that their education, their future and the future of our country are vitally important, and that this Congress stands behind them.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 438. This legislation does provide much needed loan forgiveness for math, science and special education teachers in high need schools. It is critical that we provide school districts with the resources they need to recruit and retain the best teachers for our children, especially in these vital subject areas. In addition, legislation that we are debating today was improved over the introduced version through the adoption of an amendment by our colleague, the gentleman from New Jersey (Mr. HOLT). This amendment provides for incremental loan forgiveness over the 5-year period of service as a teacher, rather than at the end of such service. This critical improvement will make loan forgiveness an attractive means to recruit and retain high-quality teachers in our most disadvantaged schools.

While H.R. 438 is a good start, we should be doing more. The scope of this bill is limited to math, science and special education teachers. These are critical areas in which we do have shortages of highly qualified teachers. However, we should also be extending loan forgiveness to other vital teaching areas such as Head Start teachers and all teachers who teach in our schools with extreme poverty. The gentleman from Massachusetts (Mr. TIERNEY) filed an amendment with the Committee on Rules to expand loan forgiveness to Head Start teachers. During the latest year I have data for, nearly 8,000 teachers left Head Start programs. Over half the teachers who left Head Start programs did so due to low salaries. Clearly, the need for loan forgiveness in Head Start is evident. However, the Committee on Rules blocked consideration of this amendment.

The gentleman from New Jersey (Mr. PAYNE) also filed an amendment with the Committee on Rules to expand loan forgiveness to all teachers in extremely poor schools. Title I schools, especially the most disadvantaged of these schools, have enormous problems recruiting and retaining teachers of all subjects. These schools are the least likely to have certified teachers or teachers who know the subject matter that they are teaching. These schools are also the most likely to have high teacher turnover rates. Unfortunately, the Committee on Rules blocked consideration of this amendment as well.

The unwillingness to even debate these amendments here on the floor comes at the same time we are tragically underfunding our Federal education programs. Whether it is the No Child Left Behind Act, IDEA or Pell grant, the administration has failed to meet their education funding commitments.

President Bush and the House and the Senate Committee on Appropriations proposed funding Title I at $12.35 billion. That is $6 billion short of the $18.5 billion promised in No Child Left Behind.

Repetition is the mother of study, so let me state again what I stated in the earlier bill, let me use this analogy again: An authorization bill, and this is a good authorization bill, is like that get well card which I will send to my friend who may be ill, and it does express my sentiments, and it expresses the value I have for my friend. But what my friend really needs is the Blue Cross card, and that is the appropriations bill. There is a real lag between authorization and appropriations. Just in Title I alone we are 30 percent below the bill that the President signed in Ohio, No Child Left Behind, and I think that we have to address that. We cannot address that here in the authorization bill. We did a good job in the authorization bill, a job that I think we enjoyed doing. But I think we as a Congress have to make sure that our appropriations come closer, if not match entirely, the authorization level.

The Republican budget resolution promised $2.2 billion for new IDEA funding. The House and Senate Committee on Appropriations have proposed less than half that amount. In addition, Pell grants have been frozen by the House and Senate Committee on Appropriations despite increasing college costs.

While I again want to reiterate that I will support this legislation, the administration and the Republican Congress are missing an opportunity to meet our education funding commitments.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the support of the ranking member of the subcommittee on the bill we have before us today, but once again we get into this other issue, and that is education funding.

Now, we all know about 90 percent of the funds for primary and secondary education, K–12, come from State and local sources. Federal Government's role has been to go in and help high-poverty schools and students who come from high-poverty neighborhoods. And if you look at the funding levels from fiscal year 2001, we spent $28 billion in K–12 funding. If you are look at fiscal year 2003, some 2 years later, you will see that we are spending $35.7 billion. Now, that is a great example of letting the perfect become the enemy of the good.

I think most Members on both sides of the aisle believe that we have done more than anyone could ever have expected the Federal Government to do in terms of increasing our funding for K–12 education programs so that we can meet our commitment to leave no child behind. We are doing our share. Unfortunately, the States are having great difficulty with their budgets, and some are having to cut education programs that they would rather not. But we cannot make up for the shortfalls and the problems that the States are having. We are doing our share. I am sure they will find a way to do theirs.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the subcommittee chairman, the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I want to commend my colleague, the gentleman from South Carolina (Mr. WILSON), a valuable member of subcommittee, for his work and leadership on bringing this important piece of legislation to the floor.

I rise in strong support of H.R. 438, the Teacher Recruitment and Retention Act of 2003, which provides increased student loan forgiveness to those elementary and secondary public and private school teachers who teach math, science and special education in high-needs schools.

The bill is simple and straightforward. Under H.R. 438, teachers may receive up to $17,500 in loan forgiveness if they agree to teach for 5 consecutive years in Title I schools with a poverty rate that exceeds 40 percent. This legislation simply expands upon what is in current law for all teachers in an effort to meet the dramatic shortage of teachers in these critical areas.

There is no question that we face a critical shortage of qualified math, science and special education teachers across the country. The National Center for Education Statistics reported that in the 1999/2000 school year, 67 percent of public elementary and middle schools had vacancies in special education; 70 percent had vacancies in mathematics; 61 percent had vacancies in biology, and 51 percent had vacancies in the physical sciences.

Further, in a report called The Urban Teacher Challenge, virtually all of the Nation's largest urban school districts responding to a national survey reported to an immediate need for teachers in these high-need subjects; 95 percent reported an immediate need for math teachers; 98 percent report the need for science teachers; and 98 percent reported an immediate need for special education teachers.

With this kind of shortage, we must act quickly to do what we can to help fill this void. The Committee on Economic Development said in its recent report entitled Learning for the Future, Changing the Culture of Math and Science Education to Ensure a Competitive Workforce, "Improving the math and science skills of our young people is an important step toward innovative-led economic growth in the coming decades. While producing a more scientifically proficient citizenry, widespread math and science achievement will also widen the pipeline of scientists and engineers who drive innovation."

Mr. Speaker, the Teacher Recruitment and Retention Act takes a big step in moving toward filling the gap in these vital areas. It is clear that we believe that all teachers are vital to our children and to the future of this country. That is why we have maintained the current law which allows for all teachers who teach in high-need schools to receive up to $5,000 in loan forgiveness after 5 years of service. With limited Federal resources, we need to make difficult choices and set priorities. There is no question there is a critical need for math, science and special education teachers. There is no question that our children deserve the best education we can provide, and there is no question that this legislation will assist in meeting this goal.

Mr. Speaker, I urge my colleagues to vote yes on H.R. 438 and stand firm in a commitment to our Nation's children and teachers.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for yielding me time. I thank the chairman of the committee and the ranking member of the committee for a good bill.

H.R. 438 is a good bill as far as it goes, but it does not go far enough. One thing it does not do is provide loan forgiveness for Head Start teachers, and this is a big mistake. As the ranking member of the Subcommittee on Education Reform, which is the committee working on the Head Start reauthorization, our committee has heard witness after witness, and both Republican and Democrat agree on the importance of having teachers with 4-year degrees in the Head Start programs. In fact, one of the provisions in the Head Start reauthorization bill that has strong bipartisan support is a goal to have 50 percent of Head Start teachers with a BA degree by the year 2008.

□ 1445

This is another of the Republicans' classic case of not putting their money where their mouth is. We can talk all we want about a good goal and how much this goal will help our kids, but if the teachers cannot get their BA degrees and at the same time afford to teach in Head Start, then what does that goal mean?

Salaries for Head Start teachers are much lower than the salaries for other similar teaching positions. Currently, the average salary for teaching in a public school prekindergarten program is close to double the average salary of a Head Start teacher with the exact same education. I think that anyone who becomes a preschool teacher is a pretty selfless, devoted person, but let us get real. Very few people, no matter how devoted they are, can afford to choose a job that pays half of what another job pays for almost the exact same work.

If we would offer Head Start teachers help with paying their Federal student loans, that could make up for some of the salary difference. Student loan forgiveness would allow more teachers with 4-year degrees to teach in a Head Start program, and current Head Start teachers at the same time could go on and get their BA degrees while continuing to work at Head Start.

I worry that 5 years from now, unless we invest in these teachers, when we are again reviewing Head Start, Members are going to say, see, it does not do any good to try to get teachers with BA degrees into Head Start and use that as a mark against a Head Start program.

Democrats offered amendments to include Head Start teachers in H.R. 438

every step along the way when we were considering the Head Start bill; but regretfully, the majority defeated these inclusions on a party line vote over and over again. Including Head Start teachers in H.R. 438 would make it a much better bill.

Mr. Speaker, including Head Start teachers in the bill would help millions of low-income children get the head start that they need in life.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Another wonderful example of let us let the perfect become the enemy of the good. The President in his proposal, and Senator GRAHAM when he was a former House Member, made it clear that the focus here was to look at high-poverty schools and look at the basics, math, science and special education.

In committee, and I am sure on the floor today, we are going to hear calls for, well, this is a good bill but: but we need loan forgiveness for Head Start teachers; we need loan forgiveness for librarians; we need loan forgiveness for reading teachers, and the list went on and on and on. If we were to have done all of those, one, we would have not the budget to do it or, secondly, so few schools would qualify that maybe one out of 10 schools under this bill would actually get some help.

Our job is to make decisions, and what we are trying to do here is to focus in on the highest needs in our poorest schools.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. WILSON), our good friend and a member of the committee and the author of this bill.

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to sponsor this important bill that is a product of the President's leadership and dedication to educate all of our country's children. I would like to thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MCKEON), working with the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. GEORGE MILLER), for their leadership and guidance on this issue.

H.R. 438, the Teacher Recruitment and Retention Act, is a straightforward bill which increases the amount of loan forgiveness for secondary math and science teachers and K through 12 special education teachers to a maximum of $17,500 from the $5,000 currently provided in the Higher Education Act for all teachers in qualified schools.

The purpose of this bill is to ensure our future workforce is scientifically literate and competent, skills that the Committee for Economic Development and the American Society of Mechanical Engineers have identified as keys to our country's ability to compete in the global marketplace. Unfortunately, our high school students consistently test toward the bottom in math and science compared to the rest of the world.

Teachers working in the schools that face the greatest difficulty in recruiting math, science and special ed teachers will be eligible for the increased amount of loan forgiveness. Teachers will begin to receive loan forgiveness after their second year of teaching, with annual payments thereafter. To further assist children in low-income schools, eligible teachers must be highly qualified as required by the No Child Left Behind Act.

I look forward to the day when a cohort of math, science and special ed teachers begins teaching in our neediest schools inspired by the incentives of this bill. Those teachers will clearly know they are part of a national program designed to ensure all American children are equipped with the life skills necessary to contribute and succeed in a technologically driven world economy.

This bill is a first step to help students teach. It would be great if no teacher had student loans; but those who do have debt, we need to make sure every student loan borrower has a real opportunity to consolidate their loans. Later, during the reauthorization of a different part of the Higher Education Act, we will need to make sure we repeal the single holder rule. It will be part of my commitment to teachers everywhere that they can have the benefit of competition from the more than 1,000 lenders in the program when they consolidate their loans and thus allow them to further reduce their debt burden by taking advantage of historically low, fixed-interest rates.

My goal with this bill is to ensure our Nation remains a competitive force in the world. I hope a secondary effect will be to send a strong signal that America honors and respects those who accept the calling to teach.

I want to thank the professionals of the Committee on Education and the Workforce for its hard work to make this bill professional and possible, especially Kathleen Smith, Rick Stombres, Holli Traud, Alison Ream, Jo Marie St. Martin, Kris Ann Pearce and Sally Loverjoy, along with Rachel Post of the gentleman from Michigan's (Mr. EHLERS) office and Laurin Groover, Dino Teppara and Trane McCloud of my office.

I urge my colleagues to support H.R. 438, the Teacher Recruitment and Retention Act.

Mr. KILDEE. Mr. Speaker, I, first of all, would like to commend the gentleman from South Carolina (Mr. WILSON), from Columbia, the principal author of this bill for his fine work on the bill; and I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from Michigan for yielding me the time.

I also would like to congratulate the gentleman from South Carolina (Mr. WILSON) on his outstanding work on this bill. I thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Michigan (Mr. KILDEE) for their great work in bringing this forward.

We are very much in favor of saying to teachers who teach math and science and special education in schools that are plagued with difficult challenges that they should get increased loan forgiveness. That is a great idea, and we are happy to support it.

We believe that that loan forgiveness should be extended further. Democrats offered amendments that would have extended that loan forgiveness to Head Start and other preschool teachers. It would have extended it to teachers in rural schools and some other areas.

The chairman of the full committee was on the floor a few minutes ago and said that we are here to make decisions and that the perfect should not be the enemy of the good. Implicit in his remarks, of course, are that there are trade-offs for decisions that we make. Let me explore the trade-off that I think the majority's unwisely making by excluding our amendments from this bill.

If we were to adopt the Democratic amendments that would provide this same loan forgiveness for teachers who teach in our preschool programs, who teach in our rural schools and in other areas that we raise as amendments, we could make the choice of reducing the tax cut that the majority passed in this House last month. If we were to do so, how much of a reduction in tax cut would we have to make? The answer is to fund additional loan forgiveness for Head Start teachers, for rural teachers, for these other teachers it makes reference to, for every $100 of the tax cut the majority passed, we would have to take away 30 cents. So for every $100 worth of tax cuts people would get, they would still get $99.70 of reduced taxes if we extended this benefit to those who teach our 3- and 4-year-olds prereading and premath, if those who go to rural districts worked especially hard to recruit teachers.

We commend the majority for bringing forth this bill, and we support it; but we must say, the benefits of extended loan forgiveness should not stop with this bill. What should stop is the raid on the Federal Treasury, as I said, the worshipping at the altar of fiscal irresponsibility. We support the bill, but we know that we could do more.

Mr. MCKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS), my good friend, one of the few scientists we have serving in the House.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me the time.

I am very pleased to rise in support of this bill. It is something which is very badly needed, and the reason it is needed is very simple. The good jobs of the future are going to require a basic understanding of math and science. I will address specifically the math and science portion of the bill, although I recognize full well that special education also is in great need of teachers. This bill will address these issues through the loan forgiveness program.

Let me give some of the facts on why it is important that we improve our K-12 education in math and science. First of all, we have had a decline in undergraduate enrollments and graduation rates for the past 17 years in engineering. Currently, our graduation rates in all the physical sciences, which includes engineering, computer science, space science, physics and chemistry, are well below what they were 10 years ago. The only field that has higher enrollments is the life sciences.

If my colleagues ask why we are graduating fewer people, it is because the sciences are not being taught properly in the K-12 system, and the reason is that many teachers, good hearted as they are and try as they may, have not had the proper training and they cannot do the job. So it is very important that we reward and attract better-trained teachers to these positions and also give them the tools to work with.

The teacher shortage in math and science is real. According to the latest figures, 70 percent of our schools have vacancies in mathematics teachers; 61 percent have vacancies in biology or life sciences; and 51 percent have vacancies in physical science.

Even when teachers are available, a high percentage are not adequately prepared to teach the math and science courses. At the current time, for junior and high schools combined, 57 percent of those who teach the physical sciences do not have either an undergraduate major or a minor in the subject they are teaching. So how can they be expected to inspire students to a career in science and engineering?

Inadequately trained teachers leads to students who are unprepared. According to the "Third International Math and Science Study," 12th grade U.S. students' test scores rank at or near the bottom of all developed countries in math, science and physics achievement.

Teachers want to do the job right. They want to teach well. They want to be in the schools; but if they have not been properly trained and if they are feeling the lure of higher pay in industry for the skills that they do have, it puts the schools in an impossible situation. This is not true, incidentally, of all schools. This bill only addresses the problem in title I schools, but that is extremely important because these are the students who really need an opportunity in life; and if we want to give them a real opportunity in life, we have to train them properly, and that means training in the jobs of the future, training in math and science.

In conclusion, this is a good bill. I support it. I hope it passes. Above all, I hope it has the effect we anticipate.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I just want to take a moment to thank the gentleman from Michigan and his colleague, the gentleman from New Jersey (Mr. HOLT), before all of our colleagues, because these two scientists, who happen to both sit on our committee, have been relentless in their efforts to get Congress to fund math and science education; and whether it be in the bill that we have before us for title I schools or in broader programs that affect teachers in other schools, these two gentlemen have really, relentless does not even begin to describe their tenacity in ensuring that Congress steps up to what is needed to help math and science education in all of our schools. I just want to say thanks.

□ 1500

Mr. EHLERS. Mr. Speaker, reclaiming my time, if I had known the gentleman was going to be so complimentary, I could have yielded more time.

I want to also finally compliment the sponsor of the bill, the gentleman from South Carolina (Mr. WILSON), who has done yeoman work in preparing a good bill, one that will really meet the needs of the children and provide jobs for them in the future.

Mr. Speaker, I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), and let me just say that it is interesting, as a Latin teacher, to stand here with a physicist on each side of me, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend and colleague from Michigan for yielding me this time, and I am pleased to follow my other friend, the gentleman from Michigan (Mr. EHLERS). I want thank the chairman for his kind words, and the gentleman from Michigan (Mr. EHLERS) and I, I am sure, will continue to persist in seeing that science and math education are well represented in our legislative activities.

Over the next 10 years, as you have heard, Mr. Speaker, we will have to hire nationally more than 2.2 million teachers just to stay even, to make up for the number of people leaving the teaching force, even without making efforts to bring down the class sizes. The problem is especially acute in special education, where there is a chronic annual shortage of tens of thousands of teachers nationwide.

This bill will create incentives to help ensure that we have enough teachers, especially in the areas of math, science, and special education. Loan forgiveness is one of the most effective incentives available to us. In the subcommittee I offered an amendment to provide loan forgiveness incrementally over 5 years of teaching service, as opposed to the original bill that provided loan forgiveness only after a full 5 years. I am pleased that the committee included this incremental loan forgiveness in the final version of the bill. I think it will help with teacher recruitment and retention.

Many teachers, especially in the math and sciences field, leave in the first few years. By spreading this incentive, this loan forgiveness, over 5 years, I think it will provide an incentive for teachers to stay instead of leaving the profession or moving to school districts that can afford to pay more. And while I would have liked the bill to cover teachers working in more districts and teaching in other subjects beyond math and science and special education, I still support this legislation.

Now, I must say to the chairman, who said that to cover other districts or other subjects or to help with Head Start teachers, the money just was not available, please, I never want to hear that argument again this year. We have just been told by the majority over the last 2 years that there are several trillion dollars that they found, that are more than we know what to do with, and they have to be given back. It has to go back in the form of tax cuts. Well, that is several trillion dollars, with a T, that we are talking about.

Now, perhaps the majority thinks that the people who receive these tax cuts will pay to recruit teachers and will pay for their professional development, will pay for Head Start competitive salaries, will pay for special education, because, as the majority says, it is their money, they know how to use it better. And if I sound a little sarcastic, it is because I get very impatient with this argument. Trust me, we will not see these tax cuts end up in the hands of the Head Start teachers, we will not see these tax cuts coming back to provide for the training and professional development of teachers or for the recruitment of teachers.

This bill will, however, help, and, Mr. Speaker, I do support it.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), my good friend, the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate all those who were involved with this, particularly the gentleman from South Carolina (Mr. WILSON), the gentleman from California (Mr. MCKEON), the chairman, the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Michigan (Mr. KILDEE).

Things have changed in education, and they have changed a lot because of what we have done right here, and a lot of people, frankly, do not like it. The No Child Left Behind is a tough piece of legislation. For those who do not believe it, just go talk to your school superintendents and hear some of the complaints they have about it. It is tough because we have standards and assessments, we are doing testing, we are making demands, and if you do not make the mark, then you will be penalized for that. And indeed, it has taken a lot of steps to educate kids better than we ever have before, and that is very commendable.

One thing that has been missing in all of this has been identified in this legislation which we have before us is the fact that we need to have teachers, particularly in specialized areas, who will fill the niches of being able to teach in those areas and who are themselves prepared in those particular areas. This loan forgiveness in this excellent piece of legislation which we have before us which is going to give us, we hope, more science teachers, more math teachers, and more special education teachers and, perhaps, more reading specialists is of extraordinary importance to make sure that we are meeting the concerns and problems we have with educating all of our young people. And for that reason, I think we should all support it in every way we can.

It adds to all that we have done in recent years in education. It is going to bring the best and the brightest to teaching. But by giving them loan forgiveness over a period of 5 years, first of all, they will be there for 5 years; and, secondly, it is my judgment that when they have taught for 5 years, they will look around and say, this is a good profession, and they will want to continue to teach after that.

This does cost money, and quite frankly, we on this side should be very proud of the increases which we have had in education that we have pushed for in the last 6 or 7 years. A lot of mention has been made that we are not doing enough about the funding of education. We have done a lot about the funding of education, increases of 16 percent a year for the last 6 or 7 years in the Congress of the United States.

The time has come to educate better. This legislation helps with that. Let us all support it.

Mr. KILDEE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have spent 27 years in the Congress and 27 years on the Committee on Education and the Workforce, formerly called the Committee on Education and Labor. And in those 27 years, I always felt and discovered that we do our best work especially in the area of education, sometimes we have some differences in areas of labor, but in areas of education we do our best work when we work together in a bipartisan way.

I think the last few months have demonstrated that we are able to bring to the floor a bipartisan bill. It was an exercise of civility and, as I mentioned earlier, actually enjoyable writing this bill. I think, again, we can demonstrate that bipartisanship does work, and it has worked here again today.

Mr. Speaker, I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I am happy to yield 1½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I rise today to address the Chamber about the critical need to attract qualified teachers to the education profession.

Over the next decade, a large percentage of teachers will retire, depriving our schools and our children of the knowledge and leadership gained through years of experience. This problem affects both urban and rural schools, but especially high-needs schools with large numbers of children below the poverty level.

Teachers are saddled with the responsibility of educating our children in their classroom studies, teaching morals and values, and making them productive members of society. Our teachers are instrumental in influencing our children's development, and yet there is little acknowledgment or reward for this responsibility they carry.

As the husband of a kindergarten teacher and the father of three, I understand that a teacher who remains in the classroom and has a passion for teaching is a great benefit to our children. We need to find ways to attract young professionals to teaching careers by offering incentives to keep them in the teaching profession and develop them into talented educators. H.R. 438 encourages those going into the teaching profession to stay in a career they are passionate about while affording them the financial ability to do so.

Teachers are the foundation of our children's education and development, and, therefore, it is necessary to invest in the well-being of their careers. Mr. Speaker, I urge passage of H.R. 438.

Mr. MCKEON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. KILDEE) also. I have enjoyed working together with him. I want to thank the gentleman from South Carolina (Mr. WILSON) for the great work he has done as a new member of the committee for bringing this bill to the floor. And I want to thank the gentleman from California (Mr. GEORGE MILLER) and the chairman, the gentleman from Ohio (Mr. BOEHNER).

This is just the start of what we are doing on reauthorizing the Higher Education Act. These are the two teacher bills that we are doing today. We will also be doing three more bills, hopefully get them wrapped up this fall, and then, when the other body does their work, we will be able to early next spring, hopefully, complete the higher education reauthorization.

With that, I would like to thank all those who have participated and ask that our colleagues all join us in support of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 438, which aims to bring highly qualified teachers to low-income areas. I rise in support of the bill but I am disappointed that this may become yet another unfunded mandate by the other party. It is my hope that my colleagues on the other side of the aisle will not simply vote in favor of this bill now only to deprive the underlying programs of the financial support they need.

I support this bill, because the classrooms in our country are in great jeopardy and we must act to rescue them. All of our children deserve a good education that prepares them for the future as productive members of their society and of the global economic community. A proper education is needed in order to mold our children into future leaders. There is a lack of highly qualified teachers in math, science, and special education, which is leaving our children unprepared in going onto higher education and the workforce. This shortage of qualified teachers is mainly in rural and urban areas where many of the families are low-income. Many of these teachers are unqualified to teach these subjects and the new teachers that come to these schools, do lack expertise in science, math, and special education.

According to the National Center for Education Statistics in 1999–2000, 67 percent of public middle school and high schools had vacancies in special education, 70 percent had vacancies in mathematics, and 61 percent had vacancies in biology. This means that the vast majority of our public schools need teachers to teach these vital courses. The Committee for Economic Development also reported that almost a third of high school math classes are taught by teachers who did not major or minor in mathematics, and 45 percent of biology classes are taught by instructors who did not major or minor in biology. These statistics show that these courses are not taught by the teachers with the most experience and can help our children reach their full potential.

Given these overwhelming statistics, I would like to extend my support to the "Teacher Recruitment and Retention Act". This program will give qualified teachers loan forgiveness when thy commit to teaching in a low-income school for five years. A qualified teacher can receive loan forgiveness of up to $5,000 of the outstanding loan obligation after the fifth complete school year of teaching. Teachers must also meet the "highly qualified" criteria before receiving any loan forgiveness.

If we do not bring highly qualified teachers to these schools, we do a great disservice to our nation and children. We hurt our Nation by not adequately preparing our future leaders and our children by not giving them the best public education possible, which they truly deserve. Our economy is becoming very competitive and higher education is necessary to become successful in our society. It is our responsibility to fully educate our children in math, science, and special educations so they can help reach their full potential academically.

In addition, I offered an amendment in the Rules Committee yesterday, which unfortunately, was thwarted by the import of the Rule as debated this morning that also kept other very viable and important amendment proposals from consideration. The amendment proposed to add to the list of qualification criteria of FFEL loan forgiveness teachers who have attended Historically Black Colleges and Universities and those serving large portions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations to pursue continuous teaching careers. I offered this amendment for the purpose of creating an incentive for former students of Historically Black Colleges and Universities and those serving large portions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations to pursue continuous teaching careers. The increase in teachers from these backgrounds increase the diversity and cultural background of the pool of recruited and/or retained high quality teachers of applied subjects.

Therefore I stand in strong support of H.R. 438 and hope that my Congressional colleagues will also offer support for this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Teacher Recruitment and Retention Act and the principles behind it. I am pleased to see the House working to align the Higher Education Act with the goals of the No Child Left Behind Act, and I hope to see continued efforts to this end. By increasing the amount of student loans that may be forgiven for teachers in mathematics, science and special education that agree to teach in Title I schools for at least 5 years, we send a strong message of support to those teachers who accept the challenges of teaching in some of our most disadvantaged schools—schools that do not have the resouces to attract and reward high quality teachers.

Supporting these teachers in every possible way is critical to the vision of No Child Left Behind. While H.R. 438 provides some relief to math, science and special education teachers in Title I school districts, more should and must be done. Ensuring that every child, regardless of his or her income or background, has highly qualified teachers—whether they are in elementary or secondary schools, head start or other pre-kindergarten programs—is essential to ensuring their achievement. I applaud the message and the meaning behind the Teacher Recruitment and Retention Act and I hope we will continue to show support for teachers that take on the challenge of service in underprivileged areas as we take up appropriations, Head Start reauthorization and other related legislation. I urge all my colleagues to support H.R. 438.

Mr. ISRAEL. Mr. Speaker, I rise in support of the Teacher Recruitment and Retention Act (H.R. 438), which will help improve the education of children attending public schools in high poverty areas.

Research has demonstrated that highly qualified teachers and high retention rates improve the performance of our schools. This will require additional incentives for our nation's college students to enter the teaching profession.

The Teacher Recruitment and Retention Act will increase the amount of student loans that can be forgiven from $5,000 to $17,000 for "highly qualified" math, science or special education teachers serving in schools with special needs.

For the past two years, Congress has been working to ensure that no child is left behind. We must also ensure that we do not leave minority teachers behind.

Currently minority students account for 33 percent of American public school enrollment. But minorities only account for 13 percent of America's public school teachers. It is estimated that more than 40 percent of the nation's public schools have no minority teachers at all.

This gap between the percentage of minority students and teachers will not close on its own. In fact, it will grow wider every day.

By the year 2025, minority students will account for half of American public school enrollment. But one bleak estimate has minority teachers representing just 5 percent of the future teaching force.

If attracting and retaining high quality teachers is necessary for our children to have a high quality education, and we continue to value equal opportunity and diversity in our public workplace, then more must be done to correct this disparity.

That is why I have worked to secure funding for innovative programs on Long Island.

In 2002, I secured $800,000 for a new Institute for Minority Teacher Training, based at St. Johns University, to attract a new cadre of minority math and science teachers.

Last year, I secured $400,000 in funding for Dowling College to continue the development of an innovative program to attract minority students from economically disadvantaged neighborhoods, help the students obtain an undergraduate degree, and return them to the same neighborhoods to teach in underserved public schools.

I am hopeful that this legislation will work in concert with my efforts on Long Island to ensure that our teachers become as diverse as the student body they mentor.

We cannot make the mistake of leaving minority teachers behind.

I urge my colleagues to join me in this effort by creating similar programs in their districts and by expanding incentives for people to teach in previously neglected schools.

Mr. OWENS. Mr. Speaker, I rise in support of H.R. 438, the "Teacher Recruitment and Retention Act of 2003." The bill increases from $5,000 to $17,500 the maximum amount in which student loans can be forgiven for math, science and special education teachers in Title I schools. While the bill is clearly a step in the right direction, the Republican majority has failed once again to fully fund key education programs. Prior to the enactment of the "No Child Left Behind Act" (NCLB) President Bush and the Republican leadership promised to provide funding to place a "highly qualified" teacher in every classroom. Tomorrow the House will vote on the Labor-HHS-Education Appropriations bill which freezes funding for the Teacher Quality State Grant programs for FY04.

Several weeks ago the Republican leadership forced through a monstrous tax cut with the promise that vital domestic programs would not be cut. However, the bill which was reported out of the Appropriations Committee freezes funding for Teacher Quality State Grants at $2.9 billion in FY04, the bill falls far short of the $3.175 billion promised in the "No Child Left Behind Act" funding schedule. Overall, the Republican leadership is more than $8 billion below the amount authorized for the "No Child Left Behind Act" for FY04. The $24.3 billion authorized for FY04 is consistent with the Republican leadership's attack on domestic programs. The 1.6 percent increase over FY03 continues a downward trend for key education programs. Instead of rewarding "corporate fat cats" the Republican party should rescind the tax cut and support increased funding for key education programs.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 438, a bill to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education. The Higher Education Act of 1965 currently provides that teachers at schools designated as "low-income" may cancel up to $5,000 of his/her student loans. H.R. 438 would increase this amount to $17,500 for mathematics, science, and special education teachers.

American Samoa currently has 37 schools designated as "low-income" and I have encouraged our teachers to take advantage of the opportunity to have portions of their student loans forgiven. A good education is crucial to our children's development as individuals and as members of this community, and we need to begin with providing our children with quality teachers who are well educated and committed to teaching.

H.R. 438 will allow us to continue to recruit and attract qualified teachers committed to educating our children. I only hope that in the future we will be able to extend this increased amount to all teachers. I urge my colleagues to support H.R. 438.

Mr. THOMAS. Mr. Speaker, I rise today in support of the Teacher Recruitment and Retention Act, which would provide math, science, and special education teachers with up to $17,500 in Federal student loan forgiveness if they teach for 5 consecutive years in a Title I school.

Classrooms in poor areas are facing a crisis. A lack of qualified teachers in math, science, and special education is leaving schools without options and students without the educational opportunities they deserve. The shortage affects children both in urban and rural schools, and while the demand for teachers remains very high, the number of them entering classrooms remains low, particularly in depressed areas. There is an obvious need to provide incentives for educators to teach these subjects in lower-income neighborhoods.

If signed into law, the legislation before us will benefit children in nearly every part of my congressional district. The Bakersfield City School District, for example, has 41 eligible schools, the fifth-most of any district in California. Sixteen of the eighteen schools in the Lancaster Unified School District are eligible. The bill will also benefit schools in Atascadero, Mojave, California City, Taft, San Luis Obispo, and Ridgecrest, CA.

Our President said that, "when it comes to educating our children, failure is not an option." As such, the goal of the Federal Government with regard to education should be to help bring good teachers to schools that desperately need them, and that is why I am a cosponsor of and look forward to voting for this legislation.

Mr. STARK. Mr. Speaker, each one of us has had a special teacher that touched our lives as children—a teacher who managed to capture our minds and create in us a hunger for more information.

Mr. Speaker, I rise here today in support of H.R. 438, the Teacher Recruitment and Retention Act of 2003, which will create incentives for our nation's best and brightest teachers to educate students in our poorest and most disadvantaged school districts.

It will also ensure that our children with special needs are taught by educators who are trained to work with their unique disabilities, so that they can succeed along with their peers in the classroom.

This legislation more than triples the maximum amount of Federal student loan forgiveness available for math, science and special education teachers who commit to teaching math, science, and special education in a low-income community school for 5 years.

This dramatic increase in loan forgiveness—from $5,000 in current law to $17,500—will provide schools with an effective tool to recruit and retain high quality teachers in areas of critical need.

Student loan forgiveness for high-need teachers, such as math, science, and special education, provides an effective incentive and can be a critical link in increasing the supply of these essential educators.

At a time when our States are facing a growing fiscal crisis with fewer resources available in their own budgets for recruiting teachers, this legislation will provide an additional recruitment tool for schools serving low-income students in inner cities and rural areas.

It is my hope that this legislation will also attract intelligent young men and women, including those from minority communities, to enter the teaching profession and to specialize in math, science, or special education.

Helping our States and local communities recruit excellent teachers can have dramatic results. Students in these schools are generally those that would benefit most from having a highly qualified teacher, and these schools often face the most difficulty in attracting quality educators.

Studies show that teachers with advanced degrees are less prevalent in high-poverty schools. Other studies also demonstrate that a knowledgeable and qualified teacher is a critical determinant in closing the achievement gap for students.

H.R. 438, the Teacher Recruitment and Retention Act provides a meaningful incentive to attract teachers in key subjects to Title I schools in our nation's inner cities and rural areas, where they are desperately needed.

The two bills that the House has considered today make critical reforms to help States and school districts ensure that every child has the chance to learn from a highly qualified school teacher.

H.R. 438, the Teacher Recruitment and Retention Act and H.R. 2211, the Ready to Teach Act demonstrate the commitment of the House to offer new tools to schools and communities by strengthening teacher training programs and creating significant new incentives for math, science, and special education teachers to educate students in disadvantaged school districts.

Mrs. CHRISTENSEN. Mr. Speaker, as a mother of a teacher, and the granddaughter of one of my disrict's most noteworthy educators, I rise today in support of H.R. 438, the Teacher Recruitment and Retention Act.

Our teachers lay the foundation for our future, and must be adequately compensated in whatever field they teach.

However, math, science, and special education are subjects in which many rural and urban school districts, including my own, are facing shortages. In fact the entire Nation faces such shortages.

According to the Center for the Study of Teaching and Policy, 31 percent of math teachers, 33 percent of life sciences teachers, and 57 percent of physical science teachers currently teaching grades 7–12 do not have a major or minor in the field they are teaching.

The U.S. demand for scientists and engineers is expected to increase at more than double the rate for all other occupations during the next decade. The need for a scientifically literate population is essential to boost our economy and strengthen our national security. Technology and the innovation it creates drive productivity and economic growth.

If the U.S. is to retain its competitive edge and maintain its leadership role in the world, we must do a better job teaching our children science and mathematics, as well as providing every child who has special needs the opportunity to develop and learn to his or her fullest potential.

To do this effectively a concerted effort must be made to recruit, train, reinvigorate, and retain teachers in these fields.

H.R. 438 provides an important step in meeting these challenges by expanding loan forgiveness provisions in the Higher Education Act to $17,500 for math, science, and special education teachers teaching in Title I schools.

I introduced similar legislation last Congress. H.R. 789 which would expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, territories, and Indian reservations.

H.R. 438 does a part of that, and I am pleased to support it. I also look forward to joining Mr. THOMPSON on his Rural Teacher Recruitment and Retention Act and taking even further steps to better compensate teachers and to ensuring that all of our children are prepared to meet the challenges of this century.

Mr. HINOJOSA. Mr. Speaker, I am pleased that we are making teacher preparation the first order of business for the reauthorization of the Higher Education Act. Teachers are the common thread running through all of our education efforts.

Quality teaching is essential if we are to fulfill our promise to leave no child behind. Head Start, IDEA, bilingual education, adult education, and higher education, all depend on high quality instruction by well-prepared teachers.

I support loan forgiveness of up to $17,500 for math, science, and special education teachers. However, I believe the scope of this bill is too narrow.

It does not address other equally pressing priorities, such as early childhood education or the growing need for teachers for an expanding population of limited English proficient children.

During committee consideration, my colleagues and I attempted to expand the loan forgiveness programs, but we lost every amendment on a party-line vote.

We were told by the other side that increasing loan forgiveness for bilingual teachers and Head Start teachers was a worthwhile Federal investment, but they said because we have limited resources, we have to make choices.

I'm all for making choices; that's what we're here to do. Making choices means setting priorities. The Hispanic community, and the low-income community are asking us: When are our children going to be considered a priority?

Through the No Child Left Behind Act, we require that schools across the country close the achievement gap between limited English proficient children and their peers. This is absolutely the right thing to do. Unfortunately, there are not enough teachers to do the job.

According to the National Center for Education Statistics, there are approximately 4.5 million limited English proficient children in our schools, and the number is growing. Sadly, only 12.5 percent of the teachers who have these LEP students in their classrooms have had 8 or more hours of preparation in the last 3 years on how to teach students who are limited English proficient.

It is unfortunate that the majority has insisted on a budget and a series of tax cuts that have drained the treasury and knocked Hispanic and LEP children from the priority list.

My hope is that we will put resources behind all the good intentions of this legislation.

Mr. KIND. Mr. Speaker, as a member of the Education and Workforce Committee, I supported H.R. 438, the Teacher Recruitment and Retention Act of 2003 and I am pleased to have the opportunity to support it on the House Floor today.

The 1998 Reauthorization of the Higher Education Act established a loan forgiveness program for teachers in title I schools. Borrowers with no outstanding loan balance as of 1998 could receive up to $5,000 in loan forgiveness after teaching for 5 years in a title I school with at least 30 percent poverty.

This legislation would increase the amount of loan forgiveness for math, science and special education teachers from $5,000 to $17,500. It is critical that we ensure all classrooms have highly qualified teachers, especially in schools with high populations of students disadvantaged by poverty. This bill, however, could be significantly improved by expanding loan forgiveness to teachers of all disciplines in high poverty schools, to Head Start teachers, and to teachers in rural schools.

Rural schools across America are struggling as they attempt to provide a strong and sound educational experience for their students. Their remoteness, limited resources and small faculties present numerous challenges for school administrators and school boards. In addition, rural teachers in Wisconsin earn 11 percent less than teachers in urban school districts. School loan forgiveness for teachers in rural schools would allow new teachers to view careers in small rural school districts as positive professional options.

During committee consideration of H.R. 438, and again during Rules Committee yesterday evening, I offered an amendment that would have helped small rural school districts increase their competitiveness for recruitment of teachers. This amendment would have expanded the eligibility of the loan forgiveness provision to teachers in rural schools. Moreover, because this amendment did not increase the cost of the bill, I am disappointed that it was prevented from being considered on the House Floor.

Ensuring that all of our children have highly qualified teachers is critical to ensuring their achievement. In the 1999–2000 school year, over a fifth of secondary students took at least one class from a teacher who neither majored nor minored in that subject in college; over a third received instruction in at least one class from a teacher who was not certified in the subject nor had academic training in that subject.

Mr. Speaker, H.R. 438 will help put qualified math, science, and special education teachers in the classroom and although I am concerned that H.R. 438 does not go far enough in assisting our local schools and teachers, it is a step forward. Therefore, I urge my colleagues to support this bill and I hope we can continue to work to ensure that all our students have highly qualified teachers.

Mr. McKEON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEORGE MILLER of California:

Page 2, line 24, strike "and"; on page 3, line 24, strike the period and insert "; and" and after such line insert the following:

"(iii) an elementary or secondary school teacher who primarily teaches reading and—

"(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

"(II) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

"(III) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

"(aa) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

"(bb) as having such credential.

Page 6, line 18, strike "and"; on page 7, line 17, strike the period and insert "; and" and after such line insert the following:

"(iii) an elementary or secondary school teacher who primarily teaches reading and—

"(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

"(II) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

"(III) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

"(aa) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

"(bb) as having such credential.

The SPEAKER pro tempore. Pursuant to House Resolution 309, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this amendment, along with the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER). This is to provide loan forgiveness for those teachers who specialize in teaching reading.

Just last week we saw the scores on the National Assessment of Education Progress that were released by the Department of Education, and the scores obviously show that we have a long way to go. While the scores of fourth-graders were up slightly, the scores of eighth-graders were stagnant, and the scores for high school students were actually down. This is not acceptable, but I think it does demonstrate that in some areas we are making progress.

I think we also understand that one of the basic tenets of the Leave No Child Behind was that good, qualified teachers in areas of specialties were an absolute cornerstone to the success of this legislation. All of the data suggests to us that where a child is exposed in succeeding years to well-qualified teachers, those children do much better than the children who receive teachers who may or may not be qualified to teach the subject matters.

This legislation to provide loan forgiveness goes a long way in helping us to provide the incentives not only to attract individuals to teaching, but also to make sure that we have a chance to retain those teachers for a period of 5 years. As many Members have said, after 5 years, if the school districts are doing the other things they should be doing in terms of supporting these teachers and providing other efforts at retention, and providing professional development, making sure that teachers are not isolated throughout the school year, that they have a chance to talk with their peers and learn the skills of teaching and learn what they are doing right and what they are doing wrong, then those individuals will tend to stay.

It is not just about money, but, clearly, these teachers also have to make a rational decision about their futures and their careers. This effort to give loan forgiveness to teachers who specialize in math and science and reading, to provide over $17,000 of loan forgiveness over 5 years, I believe, can be very helpful to the retention of those teachers and to the attraction of those individuals to the teaching profession.

I believe this amendment is consistent with the idea that we are trying to do these in the areas of high need, where extra specialization is necessary, and to make sure that we start to develop a corps of individuals who are properly qualified to teaching.

Obviously, reading, whether you are going to be studying math or science or social studies, or whatever else you are going to be doing throughout your educational career, the ability to read is going to determine how successful you navigate your education as an elementary school student, as a high school student, and later, perhaps, as a college student. The ability to read is also identified by employers as a concern as to whether or not employees are flexible enough to learn additional skills as they move through a career and as jobs change so that they are able to adapt.

So this investment in these reading specialists, I think, goes a long way toward improving this legislation, and I believe will be very helpful to school districts who are trying to focus on the requirements and the incentives in the Leave No Child Behind on trying to improve reading at the earliest grade levels. One of the objectives of everybody on the committee is to improve the ability of young people to read so that they can learn to read, and then, as Secretary Reilly used to say, read to learn. We want to accomplish that.

It is also clearly the goal of the President in this bill with the sections that he pushed very hard for on reading and reading readiness in this legislation. And so I would urge my colleagues to support this amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to take the time in opposition, even though I am not opposed to the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me congratulate my good friend, the gentleman from California (Mr. GEORGE MILLER), the ranking member of our committee, on our ability to put this amendment together and bring it to the floor. As we were looking at the loan forgiveness bill and the budget we were given to work with it, we realized in committee that we had a little more room, and so the gentleman from California (Mr. GEORGE MILLER) and I had a discussion about these reading specialists.

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They do provide a very important service in many of our poorer schools in terms of helping students to read, helping to train those others who teach reading, and I do think it is an important addition to the bill.

As the President said the other day and has said on a number of occasions, reading is the new civil right, a quote given to him by a lady on the campaign trail at one time. We all know if you cannot read, trying to learn any subject, trying to function in our society is not going to happen.

When we look at the test scores that the gentleman from California (Mr. GEORGE MILLER) referred to several minutes ago, they are basically flat. We have a real serious problem in many of our schools because kids are not being taught to read. Now this is somewhat incomprehensible to many of us; but we are engaged with our kids, or in the case of the gentleman from California (Mr. GEORGE MILLER), his grandchildren. We are working with our kids, exposing them to books and exposing them to reading. Unfortunately, many kids in America are not being exposed. Their parents have two jobs, or a single parent having to work. The extra focus that we put into No Child Left Behind on increasing the amount of funds available to target kindergarten through third graders is critical if we are serious about leaving no child behind. I congratulate the gentleman from California (Mr. GEORGE MILLER) on his amendment, and urge my colleagues to adopt it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON), a former chairman of the school board of the State of Georgia.

Mr. ISAKSON. Mr. Speaker, I commend the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. KILDEE), and the gentleman from California (Mr. GEORGE MILLER) for their hard work on this legislation.

I came to the floor, though, because of some comments I heard in other speeches. I think there is unanimity that this is a great bill. There are some people who talk of its inadequacies and how it could do more, and there have been some who say we are not doing enough because we have given tax breaks to rich people and we have not prioritized education, and I have to address that briefly.

Public education in America is paid for in my State and in most States, about 67 percent of the property tax bill that is paid in my State goes to education. About two-thirds of every dime that taxpayers pay goes to public education. Our State's budget for public education is $6 billion. The Federal Government in IDEA and title I puts about 7 percent in, and all those monies come from these taxpayers.

The fact that we gave a tax break to create jobs, growth and opportunity in this country inures itself to the benefit of education as much or more than what we are doing in this legislation because those taxpayers are school teachers. The tax break for a family of two or four making $44,000 a year, which ends up being $11,000 a year, can go to help pay that student loan off rather than send it to the government.

The corporation that takes benefits for expenses or takes benefits for advanced depreciation that is a partner in education is also somebody that is employing someone else who can buy a home and pay taxes to finance the schools. So I understand the argument, but to me it hurts that we take a bill that is quality and that is good and that everybody here would like to make a little better, and all of a sudden blame the very people who are funding education, who are paying for our teachers, who make it possible for us to have a nationwide public education system, end up being criticized that we cannot broaden the scope of the benefit we are offering in the forgiveness of the first $17,500 of those who go into 40 percent title I schools and teach math or science or special education.

Mr. Speaker, I wanted to come to the floor to say the American taxpayer is the reason we have quality public schools. America's school teachers are taxpayers, and the fact that our tax policy is for them to keep more of their money is just as much of an incentive to help them in the job that they perform to pay the taxes they pay as the forgiveness of a loan might have been. I enjoy working with every member of our committee, and I am proud to join with the other Members here today to see that we focus on our title I schools, we focus on quality teachers, and we focus on leaving no child behind.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for managing both of these bills on the floor today and for his contributions to this legislation. I want to thank the gentleman from California (Mr. MCKEON), the gentleman from Ohio (Mr. BOEHNER), the gentleman from South Carolina (Mr. WILSON), and the gentleman from Georgia (Mr. ISAKSON) for all their cooperation on this legislation. I think these bills are consistent with what we have been saying about the importance of teachers in the classroom. I think they finally put some resources in place to help those individuals who want to become teachers and who want to remain teachers, and I would urge passage of this amendment.

Finally, I would say when we see a young child who can read and master these strokes, it is a wonderful feeling. I was very happy when I saw that my granddaughter was actually excited because Harry Potter was almost 800 pages. She was worried that it might be only 300 to 400 pages, but she was excited that the latest book was almost 800 pages so she could rip through it and read it. To see that kind of excitement on a child's face who is comfortable with reading is something that we hope for all of our Nation's children. Hopefully, this amendment will provide a little bit of help to do that.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 309, the previous question is ordered on the bill and on the amendment by the gentleman from California (Mr. GEORGE MILLER).

The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 311 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 311

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the bill and against its consideration are waived. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 311 is a closed rule providing for the consideration of H.R. 2657, the Legislative Branch Appropriations Act of 2004. H. Res. 311 provides 1 hour of debate in the House on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against the bill and against its consideration, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I want to begin by first noting the first-class work of the Legislative Branch Appropriations Subcommittee in bringing this legislation forward to the House floor. It was particularly refreshing to see the chairman of the subcommittee, the gentleman from Georgia (Mr. KINGSTON), and the ranking minority member, the gentleman from Virginia (Mr. MORAN), testifying in support of their work product before the House yesterday.

It is a fiscally responsible bill that will ultimately encourage greater productivity and meaningful savings, and the gentleman from Georgia (Mr. KINGSTON) is to be commended for his management oversight that will certainly ensure that organizational changes are administered better within the legislative branch's agencies.

Mr. Speaker, this is not the largest appropriations bill and it is not the most important. However, this appropriations bill is important because it sets the tone for what the House leadership and the Republican House are working towards in terms of fiscal responsibility, effective organization, and result-focused management across the Federal Government.

In brief, this appropriations bill provides $2.7 billion in funding for fiscal year 2004, including funding for the House, the Capitol Police, the Congressional Budget Office, the Architect of the Capitol, the Library of Congress, the Government Printing Office, and the General Accounting Office. It is important to note, however, that this $2.7 billion figure is 1.2 percent less in total dollars than in the current fiscal year. This decrease represents a reduction in funding of almost $34 million compared to the current fiscal year.

While Congress at times has demonstrated difficulty in restraining itself from spending money, it strikes me as a significant event that this bill before us today cuts the congressional budget for fiscal year 2004. It is an indication that there is a continued commitment to make the government work more efficiently and that that commitment begins with ourselves in the legislative branch.

Mr. Speaker, this rule ensures the orderly consideration of the legislative branch funding legislation. I urge Members to support the rule so we may begin to debate this important legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

Mr. Speaker, each week in the Committee on Rules, I see my colleagues using procedure to kill substance and stifle debate. And again last night, the Committee on Rules passed a closed rule on the Legislative Branch Appropriations Act. This closed rule prohibits all amendments.

I am again concerned to see that our obligation to debate and deliberate is sacrificed in the name of efficiency. The legislative calendar for the month of July is very full. We have much work to do, but this does not diminish or negate our obligations as Members of this body.

The Committee on Rules rejected an amendment to transfer funds from the general administration account in order to carry out the Technology Assessments Act. The closed rule prevents offering that same amendment from the floor. We lose the opportunity to consider the amendment and to discuss the Office of Technology Assessment for the Congress and the office's mission to consider the impacts of technology.

The closed rule also bars an amendment that would apply the Buy American Act to procurement of manufactured goods by the House. Who could disagree that we should buy American-made products for our offices, especially when unemployment is at 6.4 percent, the highest it has been in 9 years, and the economy continues to limp along?

Should we have an opportunity to discuss whether or not the desks in our offices, paid for by the American taxpayers, should be made in America? Sure we should.

Other issues in this bill merit discussion. The funding level for the Capitol Police is lower than in the 2003 fiscal year, and the funding is almost $80 million less than the Capitol Police requested. The closed rule provides only 1 hour of debate but will not allow this to be discussed. With the continual terrorist threats to the U.S., we should at least discuss the funding needs of the Capitol Police. We ask them to put their lives at risk every day to protect our staff, our visitors, and us; yet we refuse to take the time to discuss their funding levels.

H.R. 2657 provides the Architect of the Capitol no additional funds for the Visitors Center. Today's Washington Post published an article on the delays and cost overruns on this project, which we are all concerned about. The Committee on Appropriations expressed serious concerns about the management of the project; and, indeed, there are certainly questions to be asked.

We still have to ask questions about the expatriate corporations benefiting from this massive construction project. All of these serious concerns warrant further deliberation on the funding levels for the Architect of the Capitol; but, unfortunately, the Committee on Rules continues to trample on the rights of the minority. This venerable institution warrants a fair, open, and deliberative process in considering legislation; and I regret this is another opportunity lost.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

□ 1530

Mr. OBEY. Mr. Speaker, I originally had intended to vote for this resolution and this bill, but then about an hour ago my staff brought it to my attention something which they discovered about this bill. Buried in the bill, in fact, not in the bill at all, but in the budget for the House Administrative Office, is a $750,000 item that would begin to provide expanded dental care for Members of Congress and their staff July 4 of next year. No Member on this side of the aisle, to my knowledge, knew anything about it, and no member of our staff knew anything about it. I am only the senior Democrat on the Committee on Appropriations, and yet I did not know that that provision was at all tied into this bill.

So we called the majority staff and asked about it, and they told us that they did not know anything about it. I believe the person that my staff talked to on the majority side, but I do not know what that means in terms of who put that provision in the bill. I assume the tooth fairy. But somebody did. And until that provision is removed or until we have an assurance that it is going to be removed, and I understand that the majority is going to remove it, nobody on this side of the aisle intends to vote for this rule or the accompanying bill.

I happen not to have any objection to the idea that we provide dental coverage for every American in this country, but it was only 1 week ago when this Congress chiseled on Medicare benefits and chiseled on prescription drug benefits for retired seniors in this country, and for us to then find out that somebody has the bright idea that while we are chiseling on benefits for everybody else in this society, we are going to have an expanded medical benefit for Members of Congress is more than I am going to swallow.

And I want to say something else. I am tired of people in Congress who want to provide benefits for themselves who will not provide those same benefits for the people we represent. I will never forget the experience I had last year when I went to a town named Antigo to open a small dental clinic for low-income people, and there I met a young woman whose husband had been sick for months. I think he had MS, but I am not sure. And she told me that there had been about 67 dentists in that four-county area. Only half of them would take Medicaid patients because of the low reimbursement rates. She told she went to every single one of those dentists trying to get some help to have the braces taken off of the teeth of her oldest child; could not find a single dentist to do it. So she finally held the kid down while the father took the braces off with a pair of pliers.

I have had a bellyful of Washington politicians who want to deny people like that the needed healthcare, and yet will countenance this kind of end run in this bill today. I do not know who knew about this, but, by God, somebody knew about it, and I do not believe it was anybody on our committee on either side of the aisle. But it is a disservice for whoever tried this. It is a disservice not just to the taxpayer, but to every single Member of this House on both sides of the aisle because those Members, after they voted for this bill, they would have found out that they had voted blindly for a bill which allowed this to happen, and the public would have been justifiably angry, and the Members would not have been to blame.

So I am glad that this is going to be taken out, but I am mad as hell that this ever happened. And I know the gentleman from Florida had nothing to do with it, and I know his staff had nothing to do with it, but I wish to God whoever did would 'fess up.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I share the gentleman's concern about this, and we are going to fix it. It should not have happened. No Member knew about this, and I am not sure yet who was responsible for it, but we will find the person who was responsible, and they will be dealt with appropriately. That is not right. The Members should not have something snuck up on them that they were not aware of. So I share the gentleman's concern. We are going to fix it very quickly here, and we will do our very best to find out just exactly how this happened and why.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments and his assurance. I know he is an honorable man, and I know that he would not have sneaked anything like this through. I want to know who did this, but I do not want it passed off to some low-ranking staffer in this place. Somebody got an order from somebody to do it, and every last Member of this House has a right to know who gave that order.

I thank the gentlewoman for yielding me this time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I could not be more in agreement with the gentleman from Wisconsin (Mr. OBEY). We do have an amendment here we are going to ask unanimous consent to be added to the bill that would put limitation and delete that language so that no expansion of that service be available.

Let me just add this. This is not the first time I have seen this happen. Some years ago I was involved in the settlement of some final appropriations bills, and language was put into the bill to dramatically change the Native American health system, and it was found and stripped out, and it found its way back into the bill. When that happens at any level, the person who is responsible for it ought to be fired at that moment. I hope we can do that in this case.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I was prepared to say as I did at the Committee on Rules that we do not really have a problem with this rule or this bill. It, in fact, is the first appropriations bill, at least that I am told, that is less than the previous year. That is because we are suspending some of the funding on the Capitol Visitors Center to make sure we have a full handle on all the additional expenditures, and we are not going forward quite as fast as the Capitol Police chief would like, but it does not imply necessarily any criticism in either respect. So this should have not been a problem. This should have been a rule that we could have probably voiced.

Not now. What we have is a serious affront to the institution. This was found by our appropriations staff person going through the bill. The majority staff was not even told about it. The Chair of the subcommittee was not even told about it. And it is just the kind of thing that makes the entire institution look bad.

We just had a bill yesterday that was not a bad bill. We wanted to make sure that current Federal employees were treated the same as Federal retirees, but it is a very sensitive issue given the fact that we just passed a prescription drug program under Medicare that many of us feel is very inadequate. So when it is compared to the benefits that Federal employees get and the members of the legislative branch get, it looks even worse. But the proposal we have here to provide dental and vision benefits just for the legislative branch, the executive branch does not have them, is the kind of feather-bedding, of taking care of ourselves, of self-serving legislation that comes back to haunt us on both sides of the aisle. And I agree with the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Georgia (Mr. LINDER), that this is serious stuff, and that we have got to find out where it happened and make sure it does not happen again.

Ms. SLAUGHTER. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LINDER

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the pending resolution be amended by the form I have placed at the desk.

The SPEAKER pro tempore (Mr. OSE). The Clerk will report the amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LINDER:

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes. The bill shall be considered as read for amendment. The amendment specified in section 2 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment refereed to in the first section of this resolution is as follows:

Page 6, after line 22, insert the following:

SEC. 102. None of the funds in this Act may be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Georgia?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I would like to yield to the gentleman from Georgia (Mr. LINDER) to explain the impact of this amendment.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the impact of this amendment would just delete any possibility that any increases or expansions of dental care or vision care will be expanded.

Mr. OBEY. Mr. Speaker, further reserving the right to object, I thank the gentleman for that explanation.

Mr. Speaker, I want to make it clear I do not oppose any member of this society being able to have dental coverage or vision coverage under their insurance program. I would be very happy if my employees had it. I think all employees ought to have that coverage. I think all Americans ought to have that coverage. So I do not want this language to be misinterpreted as meaning that we are opposed to the idea.

I think what we are all opposed to is the idea that this bill would slip this into law without having an open public debate about it so that it can be honestly dealt with and above-board in open-door sunlight fashion.

And I would like to yield to the gentleman again to comment on this. I would like him to explain to the House exactly what the process will be so that every Member can be confident that they know what they are doing when they vote on both the rule and the bill.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, as we have just learned in the last hour or so, and the chairman has just learned it here, someone somewhere slipped language into the leg branch bill that expands dental and vision health insurance benefits for Members and employees of the House. And I agree with the gentleman from Wisconsin. A fair and open discussion of expansion of these benefits for everyone is a legitimate course for this House to take and vote up or down, but to hide it in a bill and slide it in is simply inappropriate.

This language is eliminating language on the leg branch bill, and it says that none of the funds in this act may be used to provide that expansion of dental or vision benefits. It puts a limitation on those benefits where they are correct right now in the current form.

Mr. OBEY. Mr. Speaker, further reserving the right to object, I would simply like to make one correction. My understanding is that it is not actually the language in the bill which provides this. My understanding is that the key language was contained in the budget of the Chief Administrative Officer, which is financed by this bill. So we actually have to go to that document in order to discover the offending language.

Mr. LINDER. Mr. Speaker, I believe the gentleman is correct, and if he would not mind yielding to the chairman of the subcommittee, he has something to say on it, too.

Mr. OBEY. Further reserving the right to object, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and I want to say he is correct. There is no specific language that just says funding in it. And I also want to say that as the chairman of the committee, it certainly would fall on me to know about this language. I have to confess I did not know about it, but I will certainly take responsibility and support the agreement to remove it.

□ 1545

I will also agree with the gentleman from Wisconsin that it may be a topic that at some point we should discuss. But, in the meantime, we should do it in open forum and not through the back door in this manner. This was put in as one of the administrative agency's budgets, but we do certainly agree to take it out.

Mr. LINDER. If the gentleman would yield further, I think we know where to start now.

Mr. OBEY. Mr. Speaker, continuing my reservation, I thank the gentleman.

I just want to clear up one procedural question. I think Members need to know which action will adopt the language which strikes this from the bill. Will it be the adoption of the rule, or the passage of an amendment after the bill is under consideration?

Mr. LINDER. If the gentleman will yield further, it will be the adoption of the rule will strike the language.

Mr. OBEY. If Members want to assure this provision is not in the bill, and if they want to be on record voting against any possibility that this will happen under this bill, they will vote for the rule.

Mr. LINDER. That is correct. The adoption of the rule will put in place limiting language that will prevent any expansion of those benefits.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OSE). Without objection, the amendment is adopted.

There was no objection.

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

LIMITING GENERAL DEBATE ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that any general debate in the Committee of the Whole on H.R. 2660 be limited to 3 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, could the gentleman provide us with the text of the motion? I think we know what he wants to do, but we do not have a copy. I would like to make certain that there is no inadvertent confusion.

Mr. YOUNG of Florida. If the gentleman would yield, the purpose of the unanimous consent, since the rule is basically silent on the amount of time, is to guarantee, pursuant to our agreement, 3 hours in general debate, to be divided 1½ hours on your side and 1½ hours on our side. This is the unanimous consent request that would be required to accommodate that agreement.

Mr. OBEY. Mr. Speaker, continuing my reservation, I presume that that will also allow us to reach a second agreement.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, this does not address the other agreement on any time limit. We would have to propound that as well. This just guarantees that we would have 3 hours of general debate.

Mr. OBEY. Mr. Speaker, I understand what the gentleman is doing.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived except section 217(b). Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 312 is an open rule which provides for 1 hour of general debate, equally divided between the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), on H.R. 2660, the fiscal year 2004 Labor, Health and Human Services, and Education, and Related agencies appropriations bill.

The rule waives all points of order against consideration of the bill and against provisions in the bill, except as specified in this resolution. After general debate, any Member wishing to offer an amendment may do so, as long as it complies with the regular rules of the House.

The bill shall be read for amendment by paragraph, and the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

Mr. Speaker, we have before us today the Labor, Health and Human Services appropriations act for fiscal year 2004, a funding package that makes good on our promises to America's children, workers and families. Before I summarize the main components of this package, a larger context must be established so that Members of both sides of the aisle fully understand what we are debating here and what is at issue today.

When Members of Congress met in subcommittee and in committee to write this appropriations package, planning the most effective and efficient way to fund many of these domestic programs for education, for health care, for labor, they did not pick random funding levels. Setting funding levels was not decided by a game of darts or "eenie, meenie, minie, moe."

A war in Iraq, a slowly recovering economy, and limited government revenues placed very clear and very real limitations on the resources, and the need to be fiscally responsible with the taxpayers' dollars was great. Despite these challenges, the gentleman from Florida (Chairman YOUNG) and the gentleman from Ohio (Chairman REGULA) and their colleagues created a funding plan that reflects our priorities, meets our goals, and places the greatest funding in the areas we need it most.

So when they drafted a plan to fund teacher quality grants, they thought of the millions of students who learn something new each day when they are taught by well-qualified teachers; and when they created a package to give assistance and training to dislocated workers, they thought of the many unemployed men and women who diligently search for a new job, but always seem to meet a dead end; and when they thought to craft a plan to help critical agencies such as the Centers for Disease Control and the National Institutes of Health, they thought of America's communities, which need increasing assistance in fighting the growing threats of terrorism, especially those of bioterrorism. As a result, we have seen dramatic increases in both agencies, even after NIH's funding has doubled over the past 5 years.

When they considered the significance of programs, such as the Low Income Home Energy Assistance Program, they thought of all the families who are forced to forego other needs in order to afford heat for their homes during cold winter months; and when they created a plan to provide comprehensive nutrition programs for women, infants and children, they thought of the thousands of soon-to-be and new mothers who wanted to provide the best possible care for their children and themselves by eating right and living healthy lives.

Mr. Speaker, I mention these things at the risk of sounding repetitive, because the debate over this appropriations plan is likely to turn quite heated. These Members of Congress that I have mentioned, the ones who have worked so hard under the constraints of very finite resources, may not be rewarded here today. Instead, they may very well be maligned by many of our colleagues from the other side of the aisle who will suggest that this plan is cruel and that those that have created it are uncaring.

So when these opponents begin to suggest that the amount of money is indicative of the size of a person's heart, I would ask them to ponder a quote by one of our former presidents, Ronald Reagan, who said, "The size of the Federal budget is not an appropriate barometer of social conscience or charitable concern." And that is so true.

Do we have limited resources to spend? Yes. Can we still meet America's needs with those limited resources? Absolutely. And is more money always the best answer or the only answer? Absolutely not.

For example, in 1994, when my colleagues from the other side of the aisle controlled Congress, the Labor-HHS appropriations plan increased education spending by a mere 2 percent, and even then there were no additional education reforms. The message of their plan was more spending equals better education; more dollars equals better education.

Now, fast forward to 2002 when the Republican-controlled Congress increased funding by 18 percent: 2 percent when they had it, 18 percent when we have it. And we also implemented the landmark No Child Left Behind plan to allow local school districts more flexibility in exchange for greater accountability and for student achievement.

Our message: more efficient and effective spending equals a better education.

Mr. Speaker, funding America's priorities can be both generous and responsible, and this appropriations package is proof positive of that fact. It provides significant increases for vital programs and services while maintaining wise stewardship over taxpayers' dollars.

One issue that I have championed for many years, greater funding for children's medical hospitals, received significant increases in this bill, and I want to thank both the chairman and the ranking member for recognizing the need for continued support for those working to improve children's health and end critical and deadly diseases.

But all Americans are touched in one way or another by this legislation. The gentleman from Ohio (Chairman REGULA) has provided tremendous leadership, working tirelessly to assure that Congress spends generously, but wisely. As a result of that fact, as the gentleman from Ohio (Chairman REGULA) says, we should call this legislation the Hope Act, because it provides hope for nearly every single person in America it touches.

□ 1600

Hope for new medical cures, hope for stronger schools, hope for a new job. Whether you are an at-risk youth who will be able to attend an after-school program, or whether you are a senior who will benefit from increased efficiency and improved service in receiving your Social Security benefits, or whether you are a child who will receive better care from the extra assistance for children's hospitals and the teaching that goes on in them, the message that this appropriations plan sends out is very clear. Our priorities are the same, and our commitment is unwavering: quality education, adequate quality health care, safe work environments, and secure jobs. These are our goals, and they are reflected in this funding package.

I urge all of my colleagues to pass the rule and approve the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Priorities, Mr. Speaker. Again and again the majority has used legislation and procedural tactics to force its priorities through the body. The majority passed another massive tax cut for the wealthiest people that provided no relief for low-income families with children and allowed practically no debate on the bill. They passed a hollow plan to write a blank check to the pharmaceutical companies and called it a prescription drug plan, again allowing little debate.

Last night the Committee on Rules demonstrated that tax cuts for the wealthiest Americans are more important than education, the goals of the No Child Left Behind Act, public health, the needs of older Americans, and help for those who are suffering due to the impotent economy. H.R. 2660 falls far short of the funding levels needed to sustain important programs that should be our priorities.

The bill increases education funding, but the increase falls $700 million short of the funding increase promised in the budget resolution for the 2004 fiscal year. These funding levels do leave children behind. H.R. 2660 provides an increase in Title I spending, but it is approximately $300 million less than the $1 billion promised in the budget. Because the programs designed to leave no child behind are again underfunded, school districts will lose money, and our children will lose educational opportunities.

My district in New York will lose more than $700,000. The Niagara Falls City School District will lose over $100,000, and Buffalo City schools will face a loss of almost $900,000.

Only $1 billion of the $2.2 billion budgeted for special education is appropriated. Pell grants allow 307,234 students to attend New York colleges and universities, yet the funding for Pell grants is frozen at current levels. And the current levels of funding cover less than 40 percent of the cost of a college education at a 4-year public university.

The legislation also funds public health programs, which are truly some of the most important services that the Federal Government provides. However, H.R. 2660 provides few additional resources for health services and public health. Quality health care is out of the reach of far too many Americans. Recent press accounts have highlighted severe problems with the oversight of the State Medicaid programs, and States face financial crises. Over 3 million people in New York depend on Medicaid, and, across the Nation, 4 million children rely on State Children's Health Insurance Programs, SCHIP, for health care. In New York, over a half a million children rely on SCHIP. There are no increases in funding for childhood immunization grants or for the program that provides the scholarships for nursing students, despite the serious shortage of nurses in this country.

Despite these tax cuts which were made, actually what we are doing is shifting the burden to the middle class, and then, obviously, the programs that we care about are being cut, and while we are doing that, issuing these tax cuts that were supposed to do such wonderful things, the economy slowly staggers along. And the result of the stagnant economy is that 6.4 percent of all Americans are unemployed. That is the highest number in almost a decade. We have the largest deficit we have ever had in our history, and more than 9 million Americans who want to work and support their families cannot find work.

Are we going to help these millions of Americans until they are able to find jobs? No. We either freeze the funding levels for programs to help low-income Americans at the same level as last year, or it reduces funding levels. And because of inflation, the bill would leave the victims of poor economic policy with fewer resources.

Natural gas prices are rising and will likely be 50 percent higher by this winter, but the funding for the Low-Income Home Energy Assistance Program was slashed by 10 percent. This bill will literally leave 635,000 New York households that rely on LIHEAP in the cold. And believe me, last year it was cold.

Before the July 4 recess, the older Americans were given a hollow promise of insurance coverage for the astronomically high cost of prescription drugs. Now, H.R. 2660 comes back again to take a swipe at elderly Americans. Almost 200 million older, home-bound Americans rely on Meals-on-Wheels. The allocated funding levels for the Meals-on-Wheels program would force serious cuts in the services, resulting in 4.6 million fewer meals delivered. Our priorities are not providing fewer meals to home-bound elderly Americans.

Last night the Committee on Rules passed an open rule for the consideration of the Labor, Health and Human Services, and Education appropriations for the 2004 fiscal year. Also last night the committee rejected an amendment to add $5.5 billion to this appropriations bill. The additional funds could be added by reducing the tax cuts from $88,000 a year to $60,000 for those making more than $1 million. Because the majority refused to grant a waiver in the open rule, the amendment is out of order. The $5.5 billion in additional funds from the big tax cut would go to education, to public health, to services for low-income and elderly Americans, and more. Meals-on-Wheels would keep rolling. Education funds would go to the children and make sure that truly no child is left behind, and would provide the health care immunization shots for children, and it would keep houses warm during the icy winter.

Every day we as elected representatives make choices. The appropriations process requires us to make difficult choices sometimes. But the Federal Government, we know, has a finite amount of money, and we must choose wisely how to allocate the resources. The appropriations process for the 2004 fiscal year is incredibly more difficult because Federal funds have been severely depleted. The billions of dollars in tax cuts given to the wealthiest Americans have depleted it. This House has chosen to fund millionaires rather than fund programs for elderly Americans, the 9 million people unemployed, and children's minds and bodies. That is the wrong choice.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to my very distinguished colleague from the grand State of California (Mr. DREIER), the chairman of our Committee on Rules.

Mr. DREIER. Mr. Speaker, let me begin by complimenting my colleague, the gentlewoman from Ohio (Ms. PRYCE), who chairs our Republican Conference, on her superb statement. I think she really hit the nail on the head when she quoted Ronald Reagan, making it clear that the commitment in one's heart to priorities is not based on the size of the Federal budget.

It is interesting that as I listened to my friend, the gentlewoman from Rochester, New York, go through the litany of concerns that she has with this bill, and we are regularly hearing from the other side of the aisle that we are spending too much, we are concerned about the deficit, and they try to paint it as if Republicans only are the ones who are responsible for spending. I know that there are many who believe that this tax cut; because one of her closing lines here, I was struck with that, that we somehow are appropriating dollars, and that is how I inferred it, because she said we are spending dollars on millionaires and cutting off those who are in great need.

Nothing could be further from the truth. What we have done, Mr. Speaker, and I know that my friend, the ranking minority member of the Committee on Appropriations, is focused on this tax cut, we put into place a jobs and growth plan, which, frankly, is already beginning to work. We know that the best way to ensure that we have the resources necessary to deal with these issues is for us to make sure that we get the economy growing.

The challenge that we face fiscally here is that we have seen a slowdown that began the last two quarters of the year 2000, and we are emerging from that. Virtually every economist has acknowledged that the economic recession that took place in the early part of 2001 was, in fact, the shallowest economic recession since the Great Depression. Why? In large part due to the fact that we put into place an economic growth plan, and it is one which I think we should stick by.

Now, let us talk about the bill and this legislation itself. I know that my friend, the gentlewoman from Ohio (Ms. PRYCE), has very appropriately pointed to the hard work and success of the chairman of the full Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) as well as the chairman of the subcommittee, the gentleman from Ohio (Mr. REGULA). We obviously are living with very, very challenging fiscal constraints that have been imposed on us by the budget which passed this House, and the gentleman from Ohio (Mr. REGULA) was one who, as has been said by the gentleman from Florida (Mr. YOUNG), willingly stepped forward as a subcommittee chairman and chose to, without complaint, live within the strictures imposed by the 302(b) allocations that, in fact, do have limitations on the amount that can be spent. But it is important to note that his pursuit of vigorous reforms and dealing with priorities will, in fact, allow those very important needs to be met.

Now, the gentleman from Ohio (Mr. REGULA) likes to refer to this as the Love Thy Neighbor bill, because with 280 million Americans, virtually everyone is touched by some aspect of this bill, whether it has to do with health issues, education issues, we can go right down the line. We all as Americans are touched by this. So it is for that reason, as we look at a wide range of these very important, serious, challenging societal needs, that he has come forward with a fiscally responsible measure that will allow us to address those.

I would like to take just a moment, Mr. Speaker, to talk about one of those needs. He very generously allowed my colleague, the gentleman from Texas (Mr. SESSIONS), and me to join with the very capable writer and commentator George Will in testifying before his subcommittee about the need for us to ensure that the National Institutes of Health has the resources necessary to deal with the challenge of Down Syndrome. I have friends, included among them George Will and the gentleman from Texas (Mr. SESSIONS), and my former staff director of the House Committee on Rules, Vince Randazzo, who have in their family children who are faced with the challenge of Down Syndrome. And I believe that the recognition that the gentleman from Ohio (Mr. REGULA) has made in reporting out this measure will go a long way towards dealing with that challenge for future generations.

Mr. Speaker, we can go all the way down the line in looking at all of the diseases that exist; we can look at all of these different issues. And we know that there are some who have talked about the idea that we may not be providing the same kind of increase for the National Institutes of Health that have been provided in the past. Since 1994 we have doubled the level of spending for expenditures for the National Institutes of Health, and the gentleman from Ohio (Chairman REGULA) has very appropriately said that with large Federal bureaucracies, it takes a while to absorb many of these resources that are provided. So while my friend from Rochester talked about the fact that we should be increasing funds for this and this and this and this, all of these issues, which are obviously priorities and are a concern to all of us, we have to recognize that within the structure that is there today, we have got to allow these resources that have been increased dramatically over the past several years, as I said, since we won the majority, doubled at the National Institutes of Health, we have to allow it to be absorbed. That is why I think when I talked about reforms earlier, that is the kind of thing that the gentleman from Ohio (Mr. REGULA) is pursuing in his measure.

So, Mr. Speaker, as the gentlewoman from Ohio (Ms. PRYCE) said, we are going to hear a lot of rhetoric as the debate begins on this measure. There are going to be a lot of people who will try to paint those of us who are supporting the very important work of this committee as being less than concerned about those who are in need. Nothing could be further from the truth. We are doing it responsibly, we are doing it within the fiscal constraints that have been set forward, and we are doing it with a great deal of compassion.

So I urge my colleagues to support this rule and to support the very important measure that the gentleman from Ohio (Mr. REGULA) has worked so hard on.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 minute.

I am afraid my good friend, the chairman of the Committee on Rules, did not pay very much attention to what I was saying. I do not recall at any point saying that we would like to add more money. What we were talking about were the extraordinary cuts that have been taken to programs that people have learned to really rely on. It has always been the basic tenet of this government that we want to make sure that everybody has the opportunity to rise equally, have an opportunity to have good education, have the opportunity to enjoy good health.

What we have done in this measure, and I continue to say that the reason the resources are not there are because of the tax cuts, is that we are taking away the rights of many children to go to Head Start, to get a good education that we want them to have; we are taking away their SCHIP program, which provides health insurance for them, and what is very disturbing, too, is that the elderly have already taken hits.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

□ 1615

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would say, I know as I see the chairman of the subcommittee here, this view that somehow Draconian cuts are going to take place that jeopardize the opportunity for people to be in the Head Start program dealing with SCHIP and a wide range of things I believe is a real stretch. Let us look at this bill, which I believe is going to pass and be successful, and I believe it is a measure that will, in fact, meet those very important needs that are out there.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

The gentleman from California (Mr. DREIER) better hope for that because otherwise America will be pretty disappointed to find that they have been left behind, not just the children but the elderly, the middle class, all the rest of them, and certainly the unemployed.

Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, we have heard a lot of rewriting of history in the last hour or so. I want to make one thing clear, if House Republicans had their way and if we had passed the bills which originally passed the House under Republican leadership the last 5 years, instead of increasing education funding by $19 billion over that 6-year period, we would have decreased it by $15 billion. That is the bottom line summary of the facts.

Now, let me get to the problem with this rule. Over the last 2 years, Congress has provided more than $2 trillion in tax cuts; a huge percentage of those tax cuts have been targeted to the top 1 percent of earners in this country. The majority party has pretended that there are no consequences and no cost to those tax cuts. Well, there are. First of all, every single dollar is paid for with borrowed money. That means that for the fiscal year in which this bill is going to be effective, we will pay $26 billion more in interest. That makes no sense. For less than half of that, you could fix every appropriations bill that we are going to pass.

Consequence number two of the trillions of dollars in tax cuts is that there is no money left on the table except table scraps to deal with the problems of Medicare, to deal with the problems of prescription drugs, and to deal with other needed investments.

Of the 13 appropriations bills that will come before the House this year, this is the bill that contains most of the funds for those needed investments. And I think we need to take a look at what is happening to this bill because this is the bill that demonstrates where the chickens come home to roost because of the cost of the outlandish tax packages that this House has passed.

Now, in order to get moderate Republican votes for the original budget resolution, the Republican majority in this House promised that they would provide significant funding for title I and special education in order to get the votes of those moderates. So they promised that they would raise that funding to a very high level. The problem is that for title I we have a bill today which is almost $400 million below that funding level. And for special education we have a bill which is $1.2 trillion, below the amount promised in the Republicans' own budget resolution. So it is apparent that what happened is that they could not afford both to pay for their tax cuts and keep their promises on education, so they are breaking their promises on education.

Secondly, the President said when we passed No Child Left Behind, "no more money until we reform the programs." So we reform the programs. I voted for those reforms. And guess what? The check is not in the mail. The money now is not coming. This bill is going to be $8 billion for education below the amount that was promised for the funding scheduled for No Child Left Behind. In addition, this bill contains a number of other problems. It brings the 5-year progress that we have had in doubling NIH to a halt.

You ask the people who are going to contract cancer, Parkinson's, Lou Gehrig's disease, MS, you ask them this year whether they think an $88,000 tax cut for a millionaire is more important than continuing our efforts to double again NIH medical research. I know the answer you will get because they are in my office every day begging for help.

In addition to that problem, if you take a look at some of the other problems, this committee cuts LIHEAP, the low-income heating assistance program, by $200 million below the President's budget and below last year. It cuts 3 million congregate meals for senior citizens under the Old Americans Act. It adds 200,000 people to the backlog that the Social Security Agency will experience in trying to meet disability claims, for instance. And it comes up $400 million dollars short, well, I have already said $400 million short, in basic title I programs.

The problem with this House and the problem with this rule is that if this rule is adopted, nobody in the House can fix the problems in the bill that I have just described because the rule locks us in to past decisions on tax cuts, and it says, "Sorry, boys and girls, you cannot do a blessed thing about it except fiddle around the edges."

So, Mr. Speaker, I am going to ask people to vote "no" on the previous question. If it goes down, I will offer two amendments, one would close the gap between No Child Left Behind and other education funding. It would raise $5 billion in additional funding for education for needed funds for health care, and I would offer a second amendment which would provide $2.9 billion in increases by increasing every State's share that they receive from the Federal Government under Medicaid so that we can guarantee that not a single poor child will be tossed off the Medicaid or SCHIP rolls in any State of the Union.

The budget process has been managed in a way that is trying to hide the impact of those tax cuts on education, on health care, on workers. This amendment reestablishes those linkages for all to see. In a democracy, you should not hide from your choices. You should make them quite clear. What a vote for this rule will do is to lock in the decision that we have made to have our kids pay for tax cuts for millionaires. That is a lousy choice. Anybody who makes it ought to be ashamed of themselves.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from the State of Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank the gentleman from Ohio (Mr. REGULA) and the gentleman from Florida (Chairman YOUNG) who have worked and labored over this bill for quite some time. I want to thank them for their dedication to a number of key principles in this bill; but I first must take some exception because it seems no matter what we are talking about on this floor, it is always not enough. There is never enough provided for the bills that they would like to pass on to the taxpayers.

We keep hearing about deficits, and I know they know a lot about deficits on the other side because for 40 years they rolled the deficits up to a $5.7 trillion mortgage on America's future. We talk about giving some tax relief to American taxpayers, but we have a disconnect because we talk in this Capitol like it is our money rather than theirs.

Now, the first case of anthrax and the first death of anthrax happened in my county, in Palm Beach County, JFK Medical Center. So I know firsthand the efforts our local public health officials and the CDC and others had in grappling with this emerging concern and epidemic, at least at that time, a concern that panicked many Americans. And thanks to the gentleman from Ohio (Mr. REGULA) and this committee, they have added substantially to the budgets for the Centers for Disease Control, for Community Health Centers, for the National Institutes of Health. In almost every one category we look at, significant and substantial increases in every category. Monies for special education grants, more money for title I. Prioritizing Reading First fully funds the program at the requested level of $1.15 billion. Improving teacher quality. It is not about how many teachers we have. It is the quality of those teaching. My father was a teacher and principal in the public school systems, so I know a little bit of what I speak. And when I see the improvements to help teachers grapple with the ever-changing dynamics, we are particularly proud of the fact that this bill does, in fact, have increased funding. Yes, an increase of 4 percent from fiscal year 2003.

Now, I guess if the other side had their choice, it would be 20 percent; and we would pass the bill on to those same taxpayers that they are seeming so critically concerned about when it comes to deficit spending. If you are in college and you have a Pell grant, we are maintaining that level at the highest maximum grant in the program's history. Infectious diseases, enhances CDC resources for preventing and controlling emerging infectious diseases.

Threats such as SARS, West Nile Virus and monkey pox; 24 million of new, additional dollars in that category alone. Homeland security, bio-defense program supported at $1.625 billion dollars in NIH. Ryan White increase of $24 million for a total funding of $2 billion.

How can anyone say this bill does not meet the test of time? Faith-based and community initiatives increasing the compassion capital fund at $50 million, and mentoring children of prisoners at $25 million. Abstinence education, which is important.

So as we scan the bill and as people listen to our voices, I hope they will not be dissuaded by some of the harsh rhetoric. Yes, we are having some tax relief for taxpayers. We are, in fact, having a chance to give those very hardworking Americans a chance to make their ends meets, to pay their bills, to be able to spend on their families. I do not think that there is anything wrong with a firefighter and a teacher who work side by side, husband and wife, who are raising kids, to have a little bit of tax relief. In fact, I do not hear anybody from the other side of the aisle offering to rebate their tax funds to the Treasury. I think it is fair to help balance the budget. I think it is fair to help fund programs that are important to America. I think it is important to give tax relief to American families.

I think we can do it all. This is not about single choices. This is about balancing our priorities and our needs. This bill, the full committee bill on Labor-HHS and Education does that dramatically, does it efficiently, does it effectively, and provides for the kind of programs that I think Americans have long come to expect of their Federal Government.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me time. I would ask my friend from Florida to read the administration's position on the bill where they say, and I unfortunately do not have the time to read, insufficient funding. We fear that we cannot fully carry out the administration's request. We believe that Pell grants are underfunded. We believe that five or six or seven or eight programs are underfunded.

That is the administration, that is not us, asking that more money be spent.

Mr. Speaker, today the Republican Party might as well admit when the television cameras are on and the press and American people are watching, it says one thing, but then as soon as the photo opportunities are over, it says another. This Labor-HHS-Education appropriations bill is an unmitigated betrayal of the bipartisan commitment to education in the No Child Left Behind Act. This bill falls $8 billion short of the funding authorized in that act signed by President Bush, congratulated by President Bush, and promised by President Bush to America and to the States, an increase that after inflation is tantamount to a funding freeze.

Just 2 months ago in the conference report on the Republican budget, this Republican majority promised a $3 billion increase for the Department of Education. That is not what we said we ought to spend. That is what you said you ought to spend. Today, it has underfunded that commitment by $700 million on the promise they made 90 days ago, the smallest percentage increase in 8 years. Just 2 months ago, this Republican majority promised to increase IDEA funding by $2.2 billion. Today it would provide less than half of that promise made less than 3 months ago.

□ 1630

This Republican majority promised to increase title I by $1 billion. Today, it would provide $334 million less than promised.

This bill abandons the commitments to the No Child Left Behind Act. It cuts low-income heating assistance, slashes unemployment programs, and breaks our commitment to face the nursing shortage.

The majority's refusal to allow the gentleman from Wisconsin (Mr. OBEY) to offer two amendments tells us precisely where its priorities lie. It lies with America's millionaires, not the millions of children that will be left behind by the failure on this bill.

They would give a tax cut, the Obey amendment, hear me now, the Obey amendment would give a tax cut for people making more than $1 million a year of $44,000. That is more than over half of what Americans make in a year. That is what the Obey amendment would do, give them a $44,000 tax cut instead of $88,000.

Let us put our priorities where our hearts are said to be. Vote against this rule. Vote against this bill.

Ms. PRYCE of Ohio. Mr. Speaker, we reserve our time on this side for the time being.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to this rule and in opposition to the Labor-HHS-Education appropriations bill.

This bill shortchanges the American people in so many ways it is difficult to keep track of them all: the No Child Left Behind Act, $8 billion short; the Individuals With Disabilities Act, $1.2 billion short. It cuts LIHEAP funding below $200 million this year. It freezes the Maternal and Child Health Block Grant and the Childhood Immunization Program. It cuts health professions funding, money used to train doctors and nurses, by $30 million.

When our States are being forced to cut their education budgets, this bill freezes the maximum Pell grant and all other forms of Federal student financial aid.

What are we doing here, Mr. Speaker? I will tell my colleagues what this bill is going to do to Massachusetts. The children of Massachusetts will lose over $130 million in title I grants for what was promised in the No Child Left Behind Act. Children with disabilities in Massachusetts will lose over $29 million in IDEA grants below what was promised. Massachusetts will lose $6.3 million in teacher quality grants. UMass Memorial Healthcare will lose millions of dollars that the hospital uses to train doctors who serve in low-income areas, and the children of military personnel based in Massachusetts will lose $4.8 million in Impact Aid.

But the majority seems to have little concern for the children of Massachusetts or their hardworking parents or for the children and families of our country, and children around the world are not treated much better. This bill will cut the International Labor Affairs funding from $147 million to $12 million. The only purpose of that office is to help end the abuse of child labor around the world.

It is too bad that the children in my district and the children across the country and the children around the world do not make millions of dollars in dividend income. If they did, the Republicans would find the money to take care of them.

Mr. Speaker, this appropriations bill is a scandal, and our children deserve much more than a list of broken promises. I urge my colleagues to vote "no" on the previous question, to give the gentleman from Wisconsin (Mr. OBEY) the opportunity to fix this mess. If that fails, I urge a "no" vote on the rule and a "no" vote on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am always glad to be present at the annual exhibit of inconsistency on the Republican side. When we talk about this bill, first of all, they denounce us for claiming that additional funding is important in showing we support programs. They then go on to brag about how much additional funding they have provided for the programs.

I must say I sometimes do agree that simply throwing money at problems is not necessarily a good idea. I just wish I was not one of the only few Members who thought that yesterday when we did $400 billion in about 3 minutes for the Defense Department, not all of which is exquisitely well spent.

Here, as I said, they brag about how much they spend and then try to denigrate spending as a measure. Dollars are not some totem. They are a measure of resources, and the dollars we make available are the resources we are making available.

As was pointed out previously, it is the Bush administration that is disappointed in many aspects of this bill, and I am quoting them directly. I am reading the statement of administration policy. There is six disappointeds, eight underfundeds and a lot of other negative words, but here is the one that I think most impressive to those advertisers of compassion on the other side.

The committee reduced the administration's request for the Social Security Administration by $168 million. Without these resources, SSA may not be able to reverse the steady increase in the backlog of disability claims.

Understand what the Bush administration has said. Vote for this bill and we will almost certainly increase the backlog of our disabled fellow citizens who cannot get money on which to live. Yeah, I think more money would be a good thing here. I agree with the administration. Let us understand what is at stake here.

The chairman of the Committee on Rules said he congratulated the chairman of the appropriations subcommittee, who I must say many of us admire and do not want to get him in trouble by expressing how much we sympathize with the dilemma that he is in; but revealingly, the chairman of the Committee on Rules said he credited the chairman of the appropriations subcommittee for agreeing to abide by these constraints. Good for him, he agreed to abide by these constraints.

Let us technically point out, and I love the gentleman, I know what pressure he is under, but he voted for these constraints he is abiding by. They talked about the Federal budget as if it had descended from the sky, the House budget resolution; and somehow these wonderful people in the House who would really love to help not build up the backlog on disability found themselves constrained by this thing called the budget. Apparently it came in a horror movie, stepped off the screen and it constrained them. They voted for it. They imposed this restriction on themselves, and that is the game we are playing.

We have the Republican majority first say in the specifics that they are for a lot of programs. Then to pay for the tax cut, what happens is this, they go to these constituencies and tell them how much they support these programs. They then give into ideological pressure and vote for very large tax cuts while we are fighting two wars.

Now, the notion that we can finance two wars with three tax cuts has not previously been known in human history; but having done that, they are now unable to fund the programs that they told people they loved. So what do they do? They pass a tax cut. Then they pass a rule which does not allow them to consider the tax cut when they vote to underfund the programs. This is a perfect example of tying their own hands.

It is what I have called before the reverse Houdini. Unlike Houdini, who was tied in knots and had as his act getting out of the knots, my Republican colleagues, particularly those compassionate ones, tie themselves in knots and then their public act is to say, boy, would I love to help you if I was not tied up in these knots. Well, it is the tax cut that keeps you from funding Social Security so that you do not get the build-up in disability that the President talks about. It is the tax cut that you voted for.

What we are asking for is let us do priorities. Let us not have the tax cut done months ago, a budget done months ago, and now act as if those things which you voted for and you gave us are somehow acts of God that bind us. Let us reopen this and let us deal as rational human beings. Let us put on the one side Social Security disability and the other important programs, Downs Syndrome, et cetera; and let us put on this side the tax cut for the rich, and let us make rational decisions about which is more important.

Ms. PRYCE of Ohio. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from Ohio (Ms. PRYCE) has 12½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 6½ minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the funding level in the Labor-HHS-Education appropriations bill is woefully insufficient. It fails to meet the needs of school, and our children will end up paying the price. While the majority has talked again and again about reforming and improving education, they have not provided the funds to do so.

This bill underfunds Impact Aid for school districts that are serving our military families in this country by $583 million that are required by the No Child Left Behind Act. It is irresponsible to take credit for passing the No Child Left Behind Act, but then refuse to provide the money to fund the programs, especially to the level that Congress and the President committed to just 2 years ago.

There are thousands of men and women from my district at Travis Air Force Base who deserve to have better schools for their children while they are fighting in Operation Iraqi Freedom. They deserve a top-notch education for their kids.

I urge my colleagues to oppose the rule for the Labor-HHS-Education appropriations bill and demand that we fully fund Impact Aid.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am proud of the gentleman from Ohio (Mr. REGULA) and what we have done. These are considerable tough times, and it is not due to a tax break "for the rich" that the left on every bill states, but you can never spend enough money; but I think we have done a pretty good job.

If we take a look at, for example, IDEA was mentioned. I was a subcommittee chairman, and we authorized IDEA when we were in the minority. The maximum was 6 percent funding that the Democrats ever put forth for IDEA, 6 percent. We are up to over 18 percent since we have taken the majority.

Title I, we have increased the funding for title I; and Mr. Speaker, I sorely resent comments from the left that state that the only thing we want to do is help the rich.

I am dedicated on education and medical research; and I work very, very hard in that direction. What I am upset at, the money that we raise for California not only in formula but for the additional funds that we are sending California for title I, Governor Gray Davis is taking the additional money that we sent to California and putting it in county mental health. He has taken away the money.

When they talk about tax rates for the rich, in 1993, when they had the majority, they taxed the middle class when they said they would not, and they said well, only Democrats voted for that, no Republicans. Why did Republicans not vote for that tax increase? They cut military COLAs, which they demagogue every day on this floor. They cut veterans COLAs, which they demagogue. They increased the tax on Social Security, and they took every dime out of the Social Security trust fund, and they taxed the middle class the highest tax ever, which also hurt the military. There is no occasion they want tax relief. They always want a tax increase for additional spending and big government programs.

New York cost $200 billion just to rebuild. That does not include $83 billion just in lost revenue; and then we look at the airline industry, we look at the hotel industry, we look at the stock market and what has happened. Yes, there is depreciation of funds along with the war on terrorism. Maybe we can take the money back from New York and fund all these programs. I do not want to do that because they needed that money, but for that other side and the left to come out and say that Republicans only care about the rich, it hurts because they know it is not true, but it is political gamesmanship before an election.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I just want to correct something the gentleman just said.

The fact is, going all the way back to 1978, there has never been a year when the Democratically controlled Congress provided a federal contribution for IDEA less than 7½ percent. In fact, in 1979 it was 12½ percent; in 1983, 9½ percent.

The fact is everybody understands, this is the same Republican majority that tried to eliminate the Department of Education, that tried to shut the government down in order to force deep cuts in education. They had to be dragged kicking and screaming into supporting education increases in 5 out of the last 6 years, and now they are taking credit for the funding increases which the Democrats forced on them mostly during the Clinton years.

I do not mind them rewriting history, but I certainly hope they do not expect us to believe it.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the maximum amount that the Democrats, when we were in the minority, ever funded IDEA was 6 percent. Regardless of the percentage that they increased it, the total amount was 6 percent. We are up to 18 percent. Do not try and rewrite history.

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Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership in managing the rule on this very difficult bill.

Mr. Speaker, I rise in strong opposition to the previous question and to making the Obey amendment in order. I thank the gentleman from Wisconsin (Mr. OBEY) for his great leadership for America's children and families and for his giving us an opportunity today to reverse a decision that the Republican leadership has made that is detrimental to those children and those families.

I do this with great regret, Mr. Speaker, because I have the deepest admiration, and he knows it, for the chairman of the subcommittee, the gentleman from Ohio (Mr. REGULA). I had the privilege of serving under his leadership on the committee and watched him in action for a number of years. I know that his priorities are in the right place. Unfortunately, the priorities of this bill are not in the right place. And how could they be when the Republicans in the weeks leading up to now have bled, have starved the budget of the resources to meet the needs of America's children.

The previous speaker said, oh, you never have enough money. This is not about endless money. This is about money promised by President Bush in the Leave No Child Behind bill. Instead, the legislation that will come before us under this rule, if this rule passes, would leave millions of children behind because of the $8 billion shortfall in the President's own Leave No Child Behind bill.

We see here a continuation of the pattern of the credibility gap, of the rhetoric, versus the harsh realities of the budget, and those realities are made all the more harsh because of the tax cut. The gentleman from Wisconsin gives us an opportunity this afternoon to correct the situation, somewhat.

The Obey amendment would simply say that if you make $1 million a year, your tax cut will be $44,000 a year instead of $88,000 a year. That is an additional tax cut. With that money, we can put around $5 billion into the Labor-HHS bill and help to redress some of the shortfalls contained herein, and also help with children's health in addition to the education provisions.

Earlier today, the Democratic staff of the Committee on Appropriations in our office put forth a report, which I hope that everyone will take advantage of, which is entitled GOP Funding Bill Shortchanges America's Children by Underfunding Key Education Priorities. Instead of giving $88,000 and instead giving $44,000 to those making $1 million a year, we can instead fund the following programs. And let me just talk about how the GOP shortchanges children, and then we can talk about redressing it.

The Republican Labor-HHS bill cuts education for America's children by a total of $9.2 billion below the levels authorized by the President's No Child Left Behind Act and the IDEA Reauthorization Act, with the key highlights as follows: IDEA, funding for children with special needs. Parents, children, school districts, teachers, anyone concerned about education throughout the country are crying out for the Federal Government to keep its promises to children with special needs. As a result of this bill, America's children with disabilities will lose $1.2 billion in IDEA grants below the level promised in the Republican IDEA Reauthorization Act. In their own bill. The rhetoric, the reality, the harsh credibility gap.

Shortchanging after-school learning opportunities. As a result of the GOP bill, America's children will lose $750 million in after-school program funding below the level called for in the No Child Left Behind bill, the President's own No Child Left Behind bill.

Failing to fund highly qualified teachers in every classroom. Under the bill, America's teachers will lose $350 million in teacher quality grants below the level called for in the President's No Child Left Behind bill. It goes on and on and on.

Sadly, as my colleague, the gentlewoman from California (Ms. TAUSCHER), mentioned, as a result of this bill, America's children will lose $583 million in Impact Aid grants below the level authorized. And this is for children of military personnel, another blow to military personnel and their children. As you know, they do not make enough and are unworthy of the expanded tax credit, but that is another bill, another day. Part of the pattern, however.

The list goes on and on about how the GOP funding bill shortchanges children in America, and we have it broken down State by State for those who are interested in this information. So I thank the gentleman from Wisconsin for giving us an opportunity to correct some of that. But this is tragic.

Education does more for our economy, educating American people, early childhood, K through 12, higher education, postgrad, lifetime learning for our workers does more for our economy than any tax cut, tax credit, tax gimmick, tax break that you can name. It returns more money to the Treasury than anything you can name. It is more dynamic, to use the Republican word in budgeting, than any initiative you can name. It is also not only good for our economy, it is fundamental to our democracy to have an informed population, an educated population. It is good for our international competitiveness as well. But most of all, it is important to the self-fulfillment of our children.

And so we have a series of broken promises that the Obey amendment would correct. This is a defining vote for the Republican Party. If they vote for this bill, then all the statements that they make claiming to support education are simply unreal. Republicans cannot proclaim their commitment to our Nation's schools and then withhold their support for funding to the level that the President has in his own bills. They cannot tell our children and parents, we care about schools, and then watch our decaying classrooms fill with greater numbers of unprepared children.

Kids are so smart. You cannot tell children that education is important to their self-fulfillment and to their lives and to their livelihood later in life, you cannot tell them it is important that they should place a value on it if we do not place a value on it. Children get a mixed message when they hear us say it is important, but not important enough for us to give you the smaller classes, indeed the smaller schools that all the scientific evidence says is good for you; that we do not give you the schools that are wired for the future; the after-school programs, the qualified teachers, the funding for disadvantaged children and the funding for children with disabilities. If it is important, then it should be important in our spending priorities as well as in our investments.

Just 3 months ago the Republican budget resolution promised $1 billion for Title I, but the bill on the floor today falls $334 million short of this promise, denying quality instruction to 140,000 disadvantaged schoolchildren. The Republican budget resolution also promised a $2 billion increase for special education, but this appropriation bill, as I mentioned earlier, provides $1 billion, a 55 percent discrepancy between what they promised and what they propose to deliver. The Obey amendment provides the full amount promised in the budget resolution for both Title I and special education.

This is a great bill, usually. This is a great opportunity. In our service on that committee, anyone who ever served there always called this the people's bill. It dealt with Labor, Health and Human Services, and Education. It is lamb-eat-lamb. There is no place to go get money in the bill to correct some of the mistakes in it, because everything in the bill is good. And under these circumstances, everything is being starved, so you have to put additional funding in the bill.

The gentleman from Wisconsin has given us a way to do that. Without his correction, we are stuck. We are stuck with a bad bill that is underfunded, leading to underinvestment in our children's education.

And in terms of other aspects of the bill, in terms of health, patients and advocates for cancer, diabetes, Alzheimer's and AIDS have all been clear: We must strongly support increased research at the National Institutes of Health. The fruits of medical research are truly miraculous. Despite this proven record of success and the opportunity to fund vital research, the Republican bill provides the smallest increase for NIH in more than 15 years. The only amendment provides substantially more funding to advance the science that is helping us find cures.

Mr. Speaker, in conclusion, I want to say that the Obey amendment helps Republicans keep their own promises and takes advantage of important opportunities to help the American people. The Republican leadership should be thanking the gentleman from Wisconsin. They should be thanking him. Instead, they will not even allow a vote on his proposal. What are they afraid of? Are they afraid that they are going to have to shrink one of their big tax cuts in order to invest in America's children? Probably.

I urge my colleagues to vote "no" on the previous question and vote to support the Obey amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 additional minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, it is almost laughable. The gentlewoman from California talks about Republicans cutting education. Well, we have increased education higher than they ever did.

Mr. Speaker, they cannot stand it. The Republicans have taken over the issue of education and prescription drugs, and they just cannot stand it. It is killing them.

The gentlewoman talks about the poor military. In 1993, the gentlewoman from California voted to cut military COLAs when they were on food stamps. She voted to cut veterans' COLAs. She voted to increase the tax on Social Security and take the money out of the Social Security Trust Fund. The gentlewoman from California's highest rating on defense is 36 percent. Her average is 16 percent. Sixteen percent.

I would say to the gentlewoman from California, if she is so interested in helping the military, two-thirds of a military bill is pay and allowances.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI) for a response.

Ms. PELOSI. Mr. Speaker, I said the other night in the debate on Medicare that on this floor of the House people can misrepresent the facts, and that is okay; but if you call them on it, you can be questioned on questioning the veracity of your colleague.

Well, I seriously not only question the veracity of my colleague, I challenge him, because I have voted for every defense bill practically since I have been here. And the gentleman from Pennsylvania (Mr. MURTHA), my colleague, can testify to that, as can all of the chairmen of the Committee on Appropriations Subcommittee on Defense. So either the gentleman knows not of what he speaks, or he seriously is misrepresenting the facts.

Ms. PRYCE of Ohio. Mr. Speaker, I am most pleased to yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), my distinguished colleague, the dean of the Ohio delegation, and the chairman of the Subcommittee on Labor, Health and Human Services, who has done such great work to bring this bill to the floor of the House.

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Mr. REGULA. Mr. Speaker, I want to say to the gentlewoman from California (Ms. PELOSI) that she made two statements I agree with. She said this is a good bill, perhaps not as much as they would like, but it is good given the constraints we have; and, secondly, education is a high priority. We agree it is a high priority, so much so in the last 8 years we have doubled the money that went to education, and we have tripled the money for the special needs children. Members need to keep that in mind.

Also, keep in mind we are not debating a tax bill. That is behind us. That was a Committee on Ways and Means issue. We are debating a bill within the budget constraints given to us, an allocation which is about $138 billion. We have tried, and I want to say that the minority members as well as the majority members had input in trying to allocate the priorities and the resources in the best possible way.

Now, we have heard about the letter from the administration, and I understand that because the administration has priorities that are somewhat different than the Members of this House. But if I read the Constitution correctly, the House of Representatives has the responsibility for setting policy, not executing it, but setting it. So if there is some difference, it is because we reflect 435 Members' priorities and 280 million people. This literally is the people's House. As such, in this bill we have tried to reflect the things that are important to the people of this Nation given the constraints.

I want to say for the gentleman from Florida (Mr. YOUNG), the gentleman worked diligently to get some additional funding so we could meet the needs of the people of this Nation. I think we should not lose sight of that. This is a good bill. I hope all Members between now and tomorrow will familiarize themselves with what is in this bill. A "no" vote will be a vote for $1 billion less for special needs children. A "no" vote will be a vote against $680 million give or take for education. A "no" vote will be a reduction in impact aid, and on and on. It will be a reduction in an amount for NIH.

Let me point out that it was this Republican majority that doubled the NIH budget over a period of 5 years. They have the highest number of projects, research projects, ever in history, something like 34,000 grants that have been made to do research on the medical health of this Nation. Let us remember that a lot of good things were done. This bill does have hope, and it has compassion; and that is our responsibility, to give the people of America hope that there will be better things ahead, and it does, and that we have compassion.

I do not want to debate totally the bill tonight, we will have plenty of time for that tomorrow, but I just point out that our colleagues both on the majority and the minority side will familiarize themselves with what this bill does. We tried to be fair and I think the minority members of the subcommittee will agree that every opportunity was made to have witnesses and hear testimony from all aspects of America. If Members could sit in the hearing room and see the row of wheelchairs and needs of kids, we have tried to address that. We probably had more hearings than any other subcommittee because we are trying to represent the problems that challenge 280 million Americans, whether it is health care, whether it is people who have lost their job and want an opportunity to get some new skills, or whether it is the education needs of our young people. I think we have reflected that. It is the people's bill.

Mr. Speaker, I would point out again that we have doubled education in the last 8 years. We have tripled the money that goes to special needs. We have increased the commitment to math and science. We have heard a lot about that, that we need more math and science teachers; and we have addressed that in the bill. We have addressed the fact that we need more highly skilled teachers in the classroom. We all can see that classroom teachers can make a world of difference. We have recognized that in the bill that is before Members.

I would point out that in terms of NIH, we have recognized their needs. Actually, a lot of construction is taking place out there, so we have focused resources, given a 6 percent increase in program funding, which is an important element to ensure that the requests that come to NIH for research can be met. That is why we have the greatest number of research projects going on right now in the history of NIH. That is a tribute to the Republican leadership in doubling the budget of NIH.

The Centers for Disease Control, we put substantial increases there because that agency has a special responsibility in terms of homeland security; and they are addressing it, and they recognize that infectious diseases are a real threat to this Nation. A former Senator said at a breakfast I was at that the greatest threat is bioterrorism, and we have tried to recognize that by giving CDC a substantial increase in funding. CDC is the watchdog in the sense that they are always looking out to keep these things away from America's shores and to give help to others.

One of the things that we are trying to do with this bill is to streamline the health care delivery system. We have said let us make it seamless, every way from CDC to the local State health agencies to the local agencies so if there is a problem in a community, there is an immediate response all the way to CDC. Again, we are putting a protection in place for the health of American citizens.

As far as job training, in this bill we increase the amount that goes to the Department of Labor to help the communities across the Nation have job training programs so they will be able to help those that are displaced because of imports, because of a shifting consumer market in products, again a recognition of the needs of people. This really is a people's bill. This really is a fair balance. I do not think that it is partisan. I think in constructing this we took the $138 billion that were available and said what can we do in the fairest possible way to meet the needs of education, health research and to meet the needs of those who need job retraining. I hope Members in the minority will look at what is in this bill and realize how valuable it is to the American people, and they will think twice before they vote against all of these programs that are very important to the people of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY) for a unanimous consent request.

(Mr. OBEY asked and was given permission to revise and extend his remarks, and to insert tabular material.)

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a rather strange procedure going on here. We are going to be called in to vote on the previous question on one rule and on the rule for legislative branch. I do not know in what order, but I want to give a little talk about this.

First, I want to urge Members to vote "no" on the previous question on the HHS bill. If that previous question is defeated, I will offer an amendment to the rule that will make in order the Obey substitute to restore funding for the numerous programs which have been shortchanged in this bill. It will also make in order the Obey amendment to restore cuts to States for their child health care programs under Medicaid and SCHIP. Both of these amendments were submitted to the Committee on Rules last night and rejected by the majority.

H.R. 2660 provides funding for some of our most vital services, services that touch the lives of every American family, from education to preschoolers, from low-income families to college tuition assistance, to Meals on Wheels for the elderly and medical research; and as critical as they are, we have drastically underfunded them in this bill. The Obey substitute will help restore some of the desperately needed funds.

The second Obey amendment will help financially strapped States provide child health care to the uninsured children. The cost of both of the amendments will be offset by reducing the 2004 tax cuts for those with incomes in excess of $1 million, cutting their tax break from $88,000 to $44,000. We believe the millionaires can spare a few dollars to help restore the funding.

Whether or not Members are Republicans or Democrats, they should be concerned about the lack of an adequate funding for the critical programs and services in this bill. Virtually every American is affected by this bill, whether it is health care, education, medical research for the elderly, LIHEAP, so on. The Obey amendments would help fix the terrible funding deficiencies in the bill and help States provide health care to children who are not covered by health insurance. Again, they would do so with no additional cost to the deficit.

I urge Members on both sides of the aisle to vote "no" on the previous question. A "no" vote will not stop the House from taking up the Labor-HHS-Education appropriations bill, but a "yes" vote will prevent the House from considering the important amendments. Please vote "no" on the previous question.

Mr. Speaker, I need to explain that we have another vote coming up on another appropriations bill. That is the rule for the Legislative Branch Appropriations Act, which we hope will come first. We are not certain. We are urging a "yes" vote on that rule so that Members can go on record of voting to self-execute out the language that was put into the bill by unknown persons or persons unknown which would expand dental and vision coverage for Members and employees of the House. Again, we urge a "yes" vote on that to go on record to self-execute that, and a "no" vote on the previous question, which we believe will be called first.

I ask unanimous consent that the text of the amendments be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, this really is the Hope Act. This bill will provide the needed funding to supply people with new skills and new opportunities, hope for a better job. It will lay the groundwork for new medical cures, hope for the gift of life, and it will provide for stronger schools and a better education, hope for a brighter future. The message is clear and our commitment is unwavering. Quality education and health care, safe work environments and secure jobs, these are our goals and are reflected in this funding package. I urge my colleagues to support this open rule and adopt this important legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 312—RULE ON H.R. 2660

FISCAL YEAR 2004 LABOR/HHS/EDUCATION APPROPRIATIONS

At the end of the resolution, add the following:

Sec. 2. Notwithstanding any other provision of this resolution, the amendments printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee. The amendments are not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

Sec. 3. The amendments referred to in section 2 are as follows:

Amendment in the Nature of a Substitute to H.R.—, as Reported (Labor, HHS, and Education Appropriations, 2004) Offered by Mr. Obey of Wisconsin

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,614,039,000 plus reimbursements, of which $1,582,858,000 is available for obligation for the period July 1, 2004 through June 30, 2005, except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2003 until expended; of which $1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005; and of which $30,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided,* That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act, $305,993,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further,* That, notwithstanding any other provision of law or related regulation, $60,000,000 shall be for carrying out section 167 such Act, including $56,000,000 for formula grants and $3,600,000 for migrant and seasonal housing, including permanent housing, and $400,000 for other discretionary purposes: *Provided further,* That funds appropriated under this heading in Public Law 108–7 for migrant and seasonal farmworkers housing shall be made available only under the terms and conditions in effect June 30, 2002, and shall include funding for permanent housing: *Provided further,* That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further,* That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further,* That notwithstanding any other provision of law, funds awarded under a grant issued by the Department of Labor pursuant to section 173 of such Act on June 30, 2001, to the San Diego Workforce Partnership may be used to provide services to spouses of military personnel.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2004 through June 30, 2005, and of which $100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002 (Public Law 107–210)), $1,338,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $142,520,000, together with not to exceed $3,472,861,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which $142,520,000, together with not to exceed $768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2004 is projected by the Department of Labor to exceed 3,227,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2005, $467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $115,824,000, including $2,393,000 to administer welfare-to-work grants, together with not to exceed $56,503,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

Employee Benefits Security Administration

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $128,605,000.

Pension Benefit Guaranty Corporation

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2004, for such Corporation: *Provided,* That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of $228,772,000: *Provided further,* That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $395,697,000, together with $2,056,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2004: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of the automated data processing systems and telecommunications systems, $11,618,000; (2) for automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $14,496,000; (3) for periodic roll management and medical review, $13,210,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the "Act"), $300,000,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Act for the first quarter of fiscal year 2005, $88,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $55,074,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2004 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2004 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,004,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $23,401,000 for transfer to Departmental Management, "Salaries and Expenses"; $338,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $462,356,000, including not to exceed $91,747,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2004, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2004 to September 30, 2005, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $276,826,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2004 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $442,547,000, together with not to exceed $75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2004 through September 30, 2004, for Occupational Employment Statistics, and $5,400,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,333,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2005, and $48,565,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $387,801,000; together with not to exceed $317,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $193,443,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2004, of which $2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $26,550,000, of which $7,550,000 shall be available for obligation for the period July 1, 2004 through June 30, 2005.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $57,000,000, together with not to exceed $5,899,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $18,000,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

This title may be cited as the "Department of Labor Appropriations Act, 2004".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V, and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,639,413,000, of which $39,740,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $248,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $45,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $273,350,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $785,759,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $117,831,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: *Provided further*, That $65,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,389,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,472,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

Centers for Disease Control and Prevention

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,803,927,000, of which $206,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $293,763,000 for international HIV/AIDS shall remain available until September 30, 2005, including not less than $150,000,000, to remain available until expended, for the "International Mother and Child HIV Prevention Initiative", and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, $13,226,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $17,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 20 States: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

National Institutes of Health

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,816,568,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,930,136,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $389,780,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,701,959,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,527,588,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,340,707,000: *Provided*, That $100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,937,179,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,264,806,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $664,061,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $644,229,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,042,110,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $509,879,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $388,465,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $136,959,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $436,364,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,008,676,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,406,489,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $487,698,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $291,866,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,176,402,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $123,154,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $118,944,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $194,781,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $66,563,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $323,390,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2004, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $453,743,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $216,300,000, to remain available until expended.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,375,400,000: *Provided*, That in addition to amounts provided herein, $16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

Agency for Healthcare Research and Quality

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $303,695,000.

Centers for Medicare and Medicaid Services

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $130,892,197,000, to remain available until expended.

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2005, $58,416,275,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $95,084,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,698,025,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $65,000,000, to remain available until September 30, 2005, is for contract costs for the CMS Systems Revitalization Plan: *Provided further*, That $56,991,000, to remain available until September 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That not less than $129,000,000 shall be for processing Medicare appeals: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2004, no commitments for direct loans or loan guarantees shall be made.

Administration for Children and Families

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $3,292,970,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2005, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $2,250,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), and for carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $461,853,000, of which up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000 (Public Law 106–

386, div. A): *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2006.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,200,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,864,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $15,000,000, of which $13,000,000 shall be for payments to States to promote disabled voter access, and of which $2,000,000 shall be for payments to States for disabled voters protection and advocacy systems.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,742,968,000, of which $43,000,000, to remain available until September 30, 2005, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which $6,815,570,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which $735,860,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That not less than $7,250,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $88,043,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $26,413,000 is for the transitional living program: *Provided further*, That $35,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $100,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,068,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2005, $1,767,700,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

Administration on Aging

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,449,495,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $2,842,000 shall remain available until September 30, 2006, for the White House Conference on Aging.

Office of the Secretary

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $343,284,000, together with $5,813,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2004(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $49,675,000 is for minority AIDS prevention and treatment activities; $18,400,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects; and $5,000,000 is to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,497,000: *Provided*, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,936,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,483,000: *Provided*, That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided further*, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $1,896,846,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,286,156,000; Office of the Secretary, $64,820,000; and Health Resources and Services Administration; $545,870,000; *Provided further*, That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, $100,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2004 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2004 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2003, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2004.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) In addition to the authority provided in section 214, in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

SEC. 216. The Division of Federal Occupational Health may utilize, personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by $98,000,000.

(b) MEDICARE CLAIMS PROCESSING FEE.—

(1) IN GENERAL.—Notwithstanding section 1842(c)(4) of the Social Security Act, each claim submitted by an individual or entity furnishing items or services for which payment may be made under part A or part B of title XVIII of such Act is subject to a processing fee of $2.50 if the claim—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must be returned by the medicare claims processing contractor involved to the individual or entity for completion or correction.

(2) DEDUCTION AND TRANSFER.—The Secretary of Health and Human Services shall deduct any fees assessed pursuant to paragraph (1) against an individual or entity from amounts otherwise payable from a trust fund under such title to such individual or entity, and shall transfer the amount so deducted from such trust fund to the Program Management account of the Centers for Medicare & Medicaid Services.

(3) AVAILABILITY.—Fees collected under this subsection shall remain available until expended. Such fees shall be available for obligation in a fiscal year only in the amount specified in the appropriation Act for such fiscal year.

(4) WAIVER AUTHORITY.—The Secretary of Health and Human Services may provide for waiver of fees for claims described in paragraph (2) in cases of such compelling circumstances as the Secretary may determine.

(5) EXCLUSION OF FEES IN ALLOWABLE COSTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under the Social Security Act.

(6) EFFECTIVE DATE.—This subsection shall apply to claims referred to in paragraph (1) submitted on or after a date, specified by the Secretary of Health and Human Services, that is not later than 3 months after the date of the enactment of this Act.

SEC. 218. The amount appropriated in this Act for "Centers for Disease Control and Prevention—Disease Control, Research, and Training" is hereby reduced by $49,982,000, to be derived from the amounts made available for administrative and related information technology expenses: *Provided*, That the Director of the Centers for Disease Control and Prevention shall determine the allocation of the reduction among Agency activities, and shall submit to the Committees on Appropriations a report specifying the proposed allocation.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2004".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,841,311,000, of which $7,277,510,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which $7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That $7,607,282,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2003, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That $1,920,239,000 shall be available for targeted grants under section 1125: *Provided further*, That $1,791,759,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA: *Provided further*, That from the $9,500,000 available to carry out part E of title I, up to $1,000,000 shall be available to the Secretary of Education to provide technical assistance to State and local educational agencies concerning part A of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,403,324,000, of which $1,192,000,000 shall be for basic support payments under section 8003(b), $66,668,000 shall be for payments for children with disabilities under section 8003(d), $54,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, $72,000,000 shall be for Federal property payments under section 8002, and $17,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subpart 6 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $6,141,812,000, of which $4,490,947,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which $1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That $390,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 of the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $121,573,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G and section 1504 of title I, parts A, C, and D of title II, and parts B, C, and D of title V of the Elementary and Secondary Education Act of 1965, $807,959,000: *Provided*, That $74,513,000, to become available on July 1, 2004 and remain available through September 30, 2005, for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2003: *Provided further*, That up to $1,500,000 of the funds provided under the Advanced Credentialling program may be reserved by the Secretary to conduct an evaluation of the program.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out civic and physical education activities, safe and drug-free schools and communities programs, and partnerships in character education programs, authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $820,068,000, of which $138,949,000 shall become available on July 1, 2004 and remain available through September 30, 2005, and of which $330,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005 for the academic year 2004–2005: *Provided*, That $468,949,000 shall be available for subpart 1 of part A of title IV and $155,180,000 shall be available for subpart 2 of part A of title IV, of which $4,968,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That of the amount made available for subpart 3 of part C of title II of the ESEA, up to $12,000,000 may be used to carry out section 2345 of the ESEA and $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the Elementary and Secondary Education Act of 1965, $750,000,000, of which $626,258,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $12,249,790,000, of which $6,890,762,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which $5,072,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That $1,490,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2003, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,999,165,000: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $16,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $53,867,000, of which $367,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $100,600,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education and Family Literacy Act, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $2,094,475,000, of which $1,294,725,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which $791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: *Provided*, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,438,000 shall be for national leadership activities under section 243 and $6,517,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $175,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2004, and remain available through September 30, 2005, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,911,432,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,200.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, section 117 of the Carl D. Perkins Vocational and Technical Education Act, and the Mutual Educational and Cultural Exchange Act of 1961, $1,985,991,000, of which $2,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: *Provided*, That $9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005–2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $994,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $242,770,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $774,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $500,599,000: *Provided*, That of the amount appropriated, $185,000,000 shall be available for obligation through September 30, 2005.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $434,494,000, of which $13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,275,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section

212 of the Department of Education Organization Act, $48,137,000.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,010,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Education Appropriations Act, 2004".

TITLE IV—RELATED AGENCIES

Armed Forces Retirement Home

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $65,279,000, of which $1,983,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

Corporation for National and Community Service

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $352,836,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2006, $330,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2004 by Public Law 107–116, up to $80,000,000 is available for grants associated with the transition of public broadcasting to digital broadcasting, including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and up to $20,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after allocations made herein.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,385,000, including $1,500,000, to remain available through September 30, 2005, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,774,000.

Institute of Museum and Library Services

For carrying out the Museum and Library Services Act of 1996, $238,126,000, to remain available until expended.

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $9,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $243,073,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,421,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,115,000.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $119,000,000, which shall include amounts becoming available in fiscal year 2004 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $119,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2005, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $101,300,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,600,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $21,658,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,221,300,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2005, $12,590,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $8,410,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2004 not needed for fiscal year 2004 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $120,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2004 exceed $120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $25,000,000, together with not to exceed $65,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $17,200,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. (a) Of the total amount appropriated for "Education for the Disadvantaged" in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Pub. L. 108-7, div. G)—

(1) the portion becoming available on July 1, 2003, is hereby increased by $2,244,000,000; and

(2) the portion becoming available on October 1, 2003, is hereby reduced by $2,244,000,000.

(b) The rescission made by section 601 of the Miscellaneous Appropriations Act, 2003 (Pub. L. 108-7, div. N) shall not apply to the amounts of the increase and reduction specified in this section.

SEC. 516. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 517. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 518. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 32 percent.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004".

AMENDMENT TO H.R. —, AS REPORTED OFFERED BY MR. OBEY OF WISCONSIN

(Amendment to FY 2004 Labor-HHS-Education Appropriations Act)

Add at the end, before the short title, the following new title:

TITLE VI—MEDICAID ADJUSTMENT FOR STATE MAINTAINING COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

SEC. 601. (a) Notwithstanding any other provision of law, but subject to subsection (b), the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of a State shall be increased by 1 percentage point for each quarter in fiscal year 2004 if the standards and methodologies of the State for determining eligibility for individuals under age 21 during that quarter both under title XIX of such Act and under the State's child health insurance plan under title XXI of such Act are no more restrictive than those in effect in the State on July 1, 2001.

(b) The increase in the Federal medical assistance percentage shall not apply—

(1) with respect to disproportionate share hospital payments described in section 1923 of the Social Security Act;

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 312 will be followed by 5-minute votes on:

adopting House Resolution 312, if ordered;

adopting House Resolution 311, as amended;

passing H.R. 438; and

approving the Journal.

The vote was taken by electronic device, and there were—yeas 223, nays 200, not voting 11, as follows:

[Roll No. 341]

YEAS—223

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane

Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Ballenger
Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1739

Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, and Mr. WEINER changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

(Mr. OBEY asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks.)

IMPACT OF UPCOMING VOTE ON RULE ON LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. OBEY. Mr. Speaker, I take this time to speak out of order so that the gentleman from Florida and I might be allowed to explain a procedural matter before the House.

Mr. Speaker, it is important that Members who were not on the floor for an earlier discussion not be mousetrapped on the coming vote. I think it is important for them to understand the following, and I want to ask the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. NEY) whether this is correct.

It is my understanding that a vote for the rule on the legislative branch appropriations bill will enable Members to express their desire that the previous provision which was discussed on the floor in the earlier vote, which would have had the effect of expanding dental care for Members of Congress and our staffs, will be eliminated from that bill. So if Members want to be on record opposed to that proposition, they will need to vote "yes" on the rule.

I would ask the gentleman from Florida if that understanding is correct.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman is exactly correct. We made a correction that was necessary; and as the gentleman from Georgia (Mr. LINDER) when he presented the rule acknowledged, we agree with that. A vote for the rule not only passes the rule, but it also eliminates the matter that we were concerned about.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman was on the floor when this happened and knows that we tried to explain at the time that the amendment to the rule was effectively a striking amendment that said that, if the rule passes as amended, in no way will any expansion of vision or dental benefits occur.

The gentleman made it very clear he would not mind debating that on the floor of the House and having an open discussion of it and maybe passing an expansion of vision and dental benefits, but to pass this rule as amended would allow us not to sneak it in. So to pass this rule as amended is a striking amendment to prohibit any expansion of benefits without a vote by the House.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for that explanation.

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, the gentleman is correct. As has been described by the two previous speakers, I want to frame very quickly one side of this that I think we need to discuss.

Someone asked who put this in, that they ought to be fired. I did it. Now, anyone that can fire me, there are some 600,000 people in the 18th congressional district, so I want to make that clear. This has transcended about a year and a half period of time.

☐ 1745

I want to frame the argument here, and that is that it extends to the full staff, Democrat and Republican or Independent or Natural Law Party or whatever they are, of the entire House.

Now, when I say that, I would argue to anybody in this country that the staff of this House on either side of the aisle are not second-class citizens of this country, and they have the right to dental and eye vision as any other person, and I hope we can take care of the entire country that way. But to single out the staff of the U.S. House, as we have for a period of years, I do not think is fair. I hope down the line we can discuss this.

Now, as far as someone not knowing what went where, this was not done at midnight, I discussed this, I brought it forth. So there are some misunderstandings, and I accept that, but I hope that we can also, in the calmness of debate on this down the road, realize that our people have every right to some type of benefit, and they have children, and they have families. And again, I hope we can help the entire country also, but let us not penalize the U.S. House.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. I would simply point out that as was pointed out on both sides of the aisle, the issue was not whether our staff should have those benefits or that we should have those benefits; I want every American to have those benefits. The issue is whether or not that provision should be slipped into this bill without the knowledge of the Committee on Appropriations on either side of the aisle, without any single Member of this House, except the Member who just spoke, knowing about it, evidently. We simply did not want Members to wake up after they have voted for this bill to find out that they were going to be subjected to a 30-second TV spot because something had been slipped into the bill. Not a single reference was made in the budget justifications to this item.

So the point that the gentleman from Georgia (Mr. LINDER) and I were making is not that this benefit should not be provided. It should not be provided without Members of Congress knowing what it is they are voting on, and it should not be provided without open, public debate.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Virginia, the ranking member of the subcommittee of jurisdiction.

Mr. MORAN of Virginia. Mr. Speaker, I thank the ranking member of the Committee on Appropriations. As the gentleman said, I am the ranking member on the Subcommittee on Legislative branch appropriations, and the gentleman from Georgia (Mr. KINGSTON) is the Chair of the Subcommittee on Legislative branch appropriations.

One of the most objectionable things about this, and I know the gentleman from Ohio (Mr. NEY) recognizes this at this point, is that we had a full set of hearings; Mr. Eagan testified, as did all of the officers of the House. At no point was it ever mentioned that this provision was going to be added. So neither the gentleman from Georgia (Mr. KINGSTON) nor I were aware that this was part of the bill.

I grant my colleagues, it is not a whole lot of money, but it could have a whole lot of political impact if we get hit with a 30-second ad, and any of us on either side of the aisle are liable for this, that here we just passed a prescription drug benefit, and there are a lot of people complaining about limited coverage under Medicare, and then, within the same week, we take care of ourselves by expanding benefits for dental and vision. That is the problem.

Again, we have no question but that the gentleman's intentions were not only honorable, but we appreciate the fact that the gentleman was looking out for all of the Members of the House, the staff, and their families, et cetera.

But in the course of the discussion, the debate that occurred earlier today, we wanted to emphasize, we are not opposed to expanding and adding this coverage; it is just that we do not want to do it just for ourselves, particularly at this point in time. It just does not seem to be the principled way to go about it. And we would love to have that; at least on this side of the aisle we would love to have that coverage, but for everybody, not just for us.

Mr. OBEY. Mr. Speaker, I appreciate the indulgence of the House at this late hour. I yield once more to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I appreciate the gentleman yielding.

I just want to make this clear: It was in a document. I appreciate what the gentleman is saying about we will work on this, but this was in a document that I requested, in the CAO's document. So maybe it was not mentioned. It was not intentional, but it was in a document that was presented. The CAO's budget was in writing, and I need to make that clear.

I thank the gentleman for yielding.

Mr. OBEY. Mr. Speaker, reclaiming my time, the point is simply that it is up to Members how they want to vote, but if Members want to be on record opposed to that expansion under these provisions, they would vote "aye" for the rule.

* * *

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Without objection, the remaining votes in this series still will be conducted as 5-minute votes.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the de novo vote on agreeing to the resolution, House Resolution 311, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 13, not voting 10, as follows:

[Roll No. 342]

AYES—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee

Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—13

Clay
Engel
Eshoo
Holt
Jones (OH)
Kennedy (RI)
LaTourette
Miller, George
Mollohan
Murtha
Rahall
Towns
Wynn

NOT VOTING—10

Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1759

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1800

TEACHER RECRUITMENT AND RETENTION ACT OF 2003

The SPEAKER pro tempore (Mr. SWEENEY). The pending business is the question of passing the bill, H.R. 438, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 7, not voting 10, as follows:

[Roll No. 343]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Duncan
Flake
Franks (AZ)
Hefley
Hostettler
King (IA)
Paul

NOT VOTING—10

Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1807

Mr. GRAVES changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 54, answered "present" 1, not voting 17, as follows:

[Roll No. 344]

AYES—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—54

Baird
Baldwin
Berry
Brady (PA)
Capuano
Carson (OK)
Costello
Crane
DeFazio
DeGette
Delahunt
English
Fattah
Filner
Gillmor
Green (TX)
Gutknecht
Hefley
Hill
Hinchey
Israel
Jones (OH)
Kennedy (MN)
Kucinich
Lewis (GA)
LoBiondo
Matheson
Matsui
McDermott
McGovern
Miller, George
Oberstar
Olver
Pastor
Peterson (MN)
Ramstad
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Shadegg
Slaughter
Stenholm
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—17

Cramer
Duncan
Edwards
Fossella
Gephardt
Gibbons
Gingrey
Goss
Harman
Harris
Janklow
Millender-McDonald
Moore
Ose
Owens
Rogers (MI)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1815

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ 1815

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Ms. PRYCE of Ohio. Mr. Speaker, the Committee on Rules may meet the week of July 14 to grant a rule which could limit the amendment process for floor consideration of H.R. 1950, the Foreign Relations Authorization Act for fiscal years 2004 and 2005.

The Committee on International Relations ordered the bill reported on May 8 and filed its report in the House on May 16. The Committee on Armed Services ordered the bill reported on June 26 and filed its report in the House on June 30. The Committee on Energy and Commerce ordered the bill reported today.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by noon, Monday, July 14.

Members should draft their amendments to the combined text of the bill as reported by the Committee on International Relations, the Committee on Armed Services, and the Committee on Energy and Commerce, which will be available for their review on the Web site of the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2657, and that I may include tabular and other extraneous material.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 311, I call up the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2657 is as follows:

H.R. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

HOUSE OF REPRESENTATIVES

Salaries and Expenses

For salaries and expenses of the House of Representatives, $1,014,464,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $17,094,000, including: Office of the Speaker, $2,048,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,965,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,390,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,684,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,259,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $460,000; Republican Steering Committee, $862,000; Republican Conference, $1,448,000; Democratic Steering and Policy Committee, $1,542,000; Democratic Caucus, $768,000; nine minority employees, $1,380,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $354,000; and Cloakroom Personnel—minority, $354,000.

Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $514,454,000.

Committee Employees

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $106,058,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2004.

Committee on Appropriations

For salaries and expenses of the Committee on Appropriations, $24,926,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2004.

Salaries, Officers and Employees

For compensation and expenses of officers and employees, as authorized by law, $158,324,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $18,632,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $5,471,000; for salaries and expenses of the Office of the Chief Administrative Officer, $113,141,000, of which $9,400,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,847,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $5,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $926,000; for the Office of the Chaplain, $153,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,560,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,263,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,233,000; for salaries and expenses of the Corrections Calendar Office, $948,000; and for other authorized employees, $150,000.

Allowances and Expenses

For allowances and expenses as authorized by House resolution or law, $193,608,000, including: supplies, materials, administrative costs and Federal tort claims, $3,975,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $188,533,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

Child Care Center

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

Administrative Provision

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2004. Any amount remaining after all payments are made under such allowances for fiscal year 2004 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. None of the funds in this Act may be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives.

JOINT ITEMS

For Joint Committees, as follows:

Joint Economic Committee

For salaries and expenses of the Joint Economic Committee, $3,805,000, to be disbursed by the Secretary of the Senate.

Joint Committee on Taxation

For salaries and expenses of the Joint Committee on Taxation, $8,112,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,566,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,236,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

Capitol Guide Service and Special Services Office

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,511,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Eighth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

Salaries

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $189,913,000, to be disbursed by the Chief of the Capitol Police or his designee.

General Expenses

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $21,917,000, of which $1,745,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2004 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

Administrative Provision

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2004 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

OFFICE OF COMPLIANCE

Salaries and Expenses

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,255,000, of which $304,700 shall remain available until September 30, 2005: *Provided*, That the Executive Director of the Office of Compliance may have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $33,820,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

General Administration

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $84,513,000, of which $11,660,000 shall remain available until September 30, 2008.

Capitol Building

For all necessary expenses for the maintenance, care and operation of the Capitol, $23,307,000, of which $7,863,000 shall remain available until September 30, 2008.

Capitol Grounds

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,886,000, of which $585,000 shall remain available until September 30, 2008.

House Office Buildings

For all necessary expenses for the maintenance, care and operation of the House office buildings, $54,564,000, of which $19,498,000 shall remain available until September 30, 2008.

Capitol Power Plant

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $81,543,000, of which $36,652,000 shall remain available until September 30, 2008: *Provided*, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2004.

Library Buildings and Grounds

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $34,750,000, of which $16,877,000 shall remain available until September 30, 2008.

Capitol Police Buildings and Grounds

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $3,308,000, of which $2,075,000 shall remain available until September 30, 2008.

Botanic Garden

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,062,000, of which $25,000 shall remain available until September 30, 2008: *Provided*, That this appropriation shall not be available for any activities of the National Garden.

Administrative Provision

SEC. 1101. (a) Except as provided in subsection (b), none of the funds provided by this Act or any other Act may be used by the Architect of the Capitol after the expiration of the 180-day period which begins on the date of the enactment of this Act to employ any individual as a temporary employee within a category of temporary employment which does not provide employees with the same eligibility for life insurance, health insurance, retirement, and other benefits which is provided to temporary employees who are hired for a period exceeding 1 year in length.

(b) Subsection (a) shall not apply with respect to any of the following individuals:

(1) An individual who is employed under the Architect of the Capitol Summer Employment Program.

(2) An individual who is hired for a total of 120 days or less during any 5-year period (excluding any days in which the individual is employed under the Architect of the Capitol Summer Employment Program).

(3) An individual employed by the Architect of the Capitol as a temporary employee as of the date of the enactment of this Act who exercises in writing, not later than 180 days after such date, an option offered by the Architect to remain under the pay system (including benefits) provided for the individual as of such date.

(4) An individual who becomes employed by the Architect of the Capitol after the date of the enactment of this Act who exercises in writing, prior to the individual's employment, an option offered by the Architect to receive pay and benefits under an alternative system which does not provide the benefits described in subsection (a), except that under such an option the Architect shall be required to provide the individual with the benefits described in subsection (a) as soon as the individual's period of service as a temporary employee exceeds 1 year in length.

(c) Nothing in this section may be construed to require the Architect of the Capitol to provide duplicative benefits for any employee.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $366,520,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2004, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2004 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $11,236,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $905,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $1,380,000 shall remain available until September 30, 2008 for the acquisition and partial support for implementation of a Central Financial Management System: *Provided further*, That of the total amount appropriated, $11,060,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: *Provided further*, That of the total amount appropriated, $2,762,000 shall remain available until September 30, 2008, for the development and maintenance of the Alternate Computer Facility.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $47,290,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2004 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $6,343,000 shall be derived from collections during fiscal year 2004 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,664,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $93,590,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $51,706,000, of which $14,812,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1201. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. (a) For fiscal year 2004, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $105,589,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) During fiscal year 2004, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading "LIBRARY OF CONGRESS—SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $91,111,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $34,456,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2002 and 2003 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $5,000,000 for working capital. The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $7,500 may be expended on the certification of the Public

Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,189 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further*, That activities financed through the revolving fund may provide information in any format.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $458,533,000: *Provided*, That not more than $4,806,200 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2004: *Provided further*, That not more than $1,200,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2004: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

ADMINISTRATIVE PROVISION

SEC. 1301. (a) At any time during fiscal year 2004 or any succeeding fiscal year, the Comptroller General may accept payment from the Securities and Exchange Commission for the performance of any audit of the financial statements of the Commission which is conducted by the Comptroller General.

(b) Any payment accepted under the authority of subsection (a) shall be credited to the account established for salaries and expenses of the General Accounting Office, and shall be available for obligation and expenditure upon receipt.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $13,000,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2004 unless expressly so provided in this Act.

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act to pay awards and settlements as authorized under such subsection.

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. During fiscal year 2004 and any succeeding fiscal year, any entity in the legislative branch which is a member of the Federal Accounting Standards Advisory Board may use funds made available to the entity for the fiscal year to finance an appropriate share of the costs of the Board for the year.

This Act may be cited as the "Legislative Branch Appropriations Act, 2004".

The SPEAKER pro tempore. Pursuant to House Resolution 311, the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

I wanted to say that the legislative branch bill is somewhat the inside baseball bill, the operating budget for the U.S. Capitol. It includes not just the legislative branch per se but the Capitol Hill Police, the Library of Congress and the Government Printing Office, the General Accounting Office and many other important government agencies which we all depend on.

The gentleman from Virginia (Mr. MORAN), the ranking member, and I have worked very closely on our bill this year, and its total spending is $2.7 billion, which is a decrease of about $34 million below last year, or about 1.2 percent. It is 10 percent below the actual request. Every agency has had to take reductions, and we have had to say no to many of our friends to get to this number, but we think that we have been fair across the board.

For example, this bill does not require any reductions in the current force, and it fully funds the traditional COLA of the leg branch employees at a level of 3.7 percent.

The other thing the bill does, along with keeping a very tight line on the fiscal side of it, is that it does not provide any new authorizations. So we are not changing anything in this bill. It is what we refer to as a clean appropriations bill.

One issue that has come up is the U.S. Capitol Police, and they do a great job; and we all here in Congress depend on them, not just every day but really every hour, to keep the U.S. Capitol safe. This is a unique building in that it is a historical building. It is a tourist site in itself; and then, in addition to that, Members of Congress are conducting business in it. So we have lots of people, a mom, dad, the three-and-a-half kids who come up from Peoria, as the gentleman from Illinois (Mr. LaHood) would always remind us; as well as the 435 Members of Congress and 100 Members of the Senate conducting business here and hearing from all kinds of constituency groups. Yet throughout all of it, the Capitol Hill Police keeps it safe so that the tourists, the business people and those in government and all the employees can enjoy a safe working environment.

Since September 11, we have funded 512 new positions for the Capitol Police. That is a 37 percent increase in a year and a half. The salary account has grown from $113 million in fiscal year 2002 to a requested level of $218 million in fiscal year 2004, so a 93 percent increase in a 2-year period of time for the salary account.

General expenses for the police have climbed from $6.7 million in 2001 to a requested level of $72 million in fiscal year 2004, a 975 percent increase. All this has already been done. This is all in the name of security, and we absolutely have supported it.

In addition, there has been another $167 million that has been appropriated in supplemental funds. This committee, on a bipartisan basis, can take pride that the Capitol Hill Police Department has moved into the 21st century with a 20 percent increase in salaries over the last 2 years and a lot of other changes that are beneficial to the police officers in terms of recruitment, hiring and retention. But the budget request for fiscal year 2004 includes an increase of 25 percent for the salary account and an increase in general expenses of 158 percent.

Increases cannot be sustained at the allocation that we have been given. So at this time we are not going to increase more staffing, as we want them to absorb the growth that we have already given them.

Another issue that we spent a lot of time on in committee is the Capitol Visitors Center. The Capitol Visitors Center is something that started out at one level, and is now at a completely different level in terms of spending. The scope of the job changed because we have put in some additional office spaces and because of some security concerns. Yet at the same time we, on this committee, are very concerned that the spending has gotten out of hand.

We have not put in a $48 million estimation for additional expenses. We understand the other body has done so; but at this time, the House bill has not and we intend to have a lot of discussions about that before we move forward on it. At present, there are still 37 items, according to a recent GAO study, which are unknown in terms of additional expenses. So our committee is trying to get a good grip on the Capitol Visitors Center—but we are very, very concerned about some of the expenses.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. There has been a pretty good level of bipartisan cooperation on this bill, and it is reflected in the vote that we are going to have. I doubt that there will be many, if any, voting against this bill, even though I am told by the Committee on Rules last night, this is the first time that an appropriations bill or an appropriations subcommittee has reported a bill that was funded at a lower level than the previous year. Is the gentleman aware of that?

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I am not aware of it, but I certainly am proud of it.

Mr. MORAN of Virginia. We do not expect that to happen with every bill.

We had a fairly tight allocation, discretionary caps were pretty tight; but I think that it serves the Nation well. We are $290 million below the President's request and $34 million below last year's funding level; but given the limitations of the allocation, I think that the chairman and the members of the committee on both sides of the aisle have been prudent and fair.

Sufficient funds have been provided to cover all mandatory expenditures, and the budget assumes the full 3.7 percent COLA increase for salaries. I support the chairman's decision to withhold making any new appropriation for the Capitol Visitors Center and slow down the pace of the Architect's other construction projects because a recent GAO review took issue with the Capitol Visitors Center projected cost estimates.

That GAO review found that the total cost of the project could potentially climb to as high as $395 million, read $400 million, when it started out at about $300 million. I think that it behooves the Congress to take a very close look. We are going to have another hearing on it, and we do not intend to scrimp on the funding of it. Since it is going to be done, we want it done right, but we want to make sure we have a full handle on all of the cost increases.

So we are going to withhold any new funds and reevaluate how we should proceed. We need to gain better control over potential cost overruns and engage in those substantive discussions, particularly with the House and Senate leadership.

I also want to touch on another topic, as the gentleman from Georgia (Mr. Kingston) did, and clarify to the Members of the House that this bill supports and respects the men and women in law enforcement who serve on the Capitol Police force. They have toiled under stressful and difficult circumstances, particularly since September 11, 2001; but since that date, the Capitol Police have seen their manpower grow by 37 percent. So until a strategic plan, which the subcommittee directed the police to undertake last year, is completed and shared with the members of the subcommittee and open to review by outside experts, this bill postpones action on this portion of the police chief's request. That is the responsible way to deal with the request in my view, and I agree with the chairman again.

Should the Capitol Police's full workforce increase be merited, the funds will be there. In the meantime, full funding for overtime pay for the police, the COLA increase, the longevity differential, the special training, the specialty pay and all the other recruitment and retention incentives are all preserved and fully funded in this bill.

The employees in the agencies who work for us are indispensable, if we want this legislative body to continue to perform and to perform well.

Mr. Speaker, the bill before us today is a sound bill. It is tight, but it is responsive to addressing the needs and the obligations of the entire legislative branch. That is why I support it and encourage my colleagues on this side of the aisle to vote for it as well. I trust that it will be unanimously approved, and with that, we only have I think three more speakers.

Mr. Speaker, I reserve the balance of my time.

Mr. KINGSTON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LaHood).

Mr. LaHOOD. Mr. Speaker, I do not know if this is the most boring bill in the House; but it is certainly one of the most boring, there is no doubt about it. Maybe that is why it is going to get almost a unanimous vote, but I really came to the well of the House today to say thank you to so many people who work in this institution who we all take for granted.

We show up here every day. We have these folks taking down all of our words, and we can pick up the Congressional Record and read it. We have all of these folks that are behind me who show up every day and do all the work and we take all the credit.

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And there are many, many thousands of people like that in this House who do a great job for the Members and do a great job for the public, and that is what this bill is all about. It is taking care of the 10 major offices and funding the 10 major offices that make all of us look good as Members of Congress: The staff in the Architect's office; and when we need legal advice, there are people here who give us legal advice; when we need medical attention, there are people who can give us medical attention, and the list goes on and on.

As a former staffer, I want to say thank you to all of the staff who work hard in this institution to make the 435 Members and the 100 Members in the other body look good. They do not get the appreciation, they do not get the thanks that is so well deserved. And they do work hard, and they make this place tick. They make it operate. When we are gone, they are still here. And when we are gone, they really continue to keep the Capitol open.

I know that it is fashionable to take our hats off to the Capitol Hill Police, and I certainly want to do that. They work really hard, and they provide the protection. But there are lots of other people, hundreds of other people in this Capitol who do such great work for so many of us and for the public who come here. We owe them a big debt of gratitude for what they do, and that is what this bill is about, to say to them we want to continue to fund the work that you do to give you a little bit of an increase and to say thank you for what you do.

I also want to make mention of two other items. One is the Capitol Visitors Center. I know that we are going to have some additional hearings on that. I know we are going to have some additional meetings on it. I know that there is a big hole in front of the Capitol, and a lot of people wonder what it is all about. It is the responsibility of this subcommittee to take charge of that and to really have responsibility for it.

I know it has been sort of a leadership-driven project, but it is up to the Congress to come up with the money to fund this, and we do have the responsibility for it. I think we take that responsibility seriously, and we want to make sure it is done correctly and done right, and that it turns out to be a state-of-the-art visitors center, but done in a way that comports with the fiscal concerns that I think many of us have about what it will cost when it is complete.

The other issue I want to raise is one that is near and dear to my heart, and I am someone who has been pushing for this. Again, as a former staffer, I think it is important, and that is the idea that in this bill there is language and there is money to continue to study what it would take to put a footprint for a staff gym. Again, many of the people who work in this building and work long hours do not have access to the kind of facility that would allow them to get the kind of exercise that is necessary to stay healthy.

As an interim step, we were able to develop an agreement with Gold's Gym where any staffer can go to any Gold's Gym in the metropolitan area and have access to those facilities at a very, very reasonable cost. And I want to thank the staff who have made those arrangements possible. But in the end, my goal is to make sure that right here on the Capitol campus there is a facility for our staff so that they have a facility available so they can stay healthy and stay in good shape, just as the Members have available to them a very nice state-of-the-art facility for themselves both on the House and the Senate side. I really want to make sure that goal is achieved. We are making progress on it, and I think we will continue to make progress as we move ahead.

I know a lot has been said about the Capitol Hill Police, and I certainly support them. I want to say a word about the Chief of the Capitol Hill Police because he is from Illinois. I think Terry Gainer is doing a great job. I think we are fortunate to have such an outstanding law enforcement person in charge of the Capitol Hill Police. I have known Terry since he was the director of the State police in Illinois, where he did a great job. He then came to the city of Washington and worked with the chief of police and did a great job there, and now he is right here in our midst, and I think doing a good job, and I want to compliment him. And even though he was not allowed everything he wanted in this bill, I think people want to continue to work with Chief Gainer and continue his efforts to make sure that our facilities are secure.

So I compliment the chairman and the staff and the ranking member, the gentleman from Virginia (Mr. MORAN), for the work in our subcommittee, and I think we have done good work, and I encourage all Members to support the bill.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 1 minute, before I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), because up front I want to acknowledge the committee staff, since the gentleman from Illinois (Mr. LAHOOD) has referenced them. We have some terrific staff people on this appropriation subcommittee: Liz Dawson, who does a wonderful job; Chuck Turner; Kelly Wade; Jack O'Neill on the personal staff of the gentleman from Georgia (Mr. KINGSTON); and, of course, our appropriation staff, Dave Pomerantz, Tom Forhan, and my own staff person Tim Aiken.

I want to say right up front that they have done a great job on this bill. Even though it might not be the most exciting bill, it has as fine a staff as you would want to find on the Hill.

Mr. Speaker, I yield 7 minutes to the distinguished whip of the Democratic Caucus, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my good friend, the gentleman from Virginia (Mr. MORAN), for yielding me this time, and I want to thank the gentleman from Georgia (Mr. KINGSTON) for his leadership on this bill.

This is an institutional bill. This is a bill which is designed to allow the legislative body to carry out its constitutional functions of overseeing a mammoth executive department and to make sure that, in fact, we have checks and balances. So although it may not be exciting, it is critical, as all of us, I think, on this floor know, to the exercise of our constitutional responsibility. So I clearly rise in strong support of this legislation.

Obviously, any measure that trims spending from a previous fiscal year does so by proposing reductions in some programs. I would like to comment on a few provisions that are particularly important. One arm of Congress for which H.R. 2657 proposes a 1.3 percent reduction is the United States Capitol Police. We have all talked about that. Many of my colleagues know that on the Committee on House Administration and on the Subcommittee on Legislative for a number of years, I have been a strong supporter, as most people in this body have, of the Capitol Police. It symbolizes, it seems to me, the safety of democracy in many ways. Of course, as all of us know, tragically, a few years ago, we lost two members of the Capitol Police force, Officers Gibson and Chestnut, protecting democracy and this House, these visitors that come to their Capitol, and, yes, the Members and staff who work here.

Mr. Speaker, I have looked at this budget very carefully, and I am confident that the proposed $212 million that have been appropriated for the time being are sufficient. I know the committee wanted to ensure that that was the case, and I thank them for their careful study and review, and the gentleman from Virginia (Mr. MORAN) has said the same thing.

Since 1997, and particularly since the tragedy of 9/11 and the tragedy that occurred to us in this Capitol, Congress has substantially increased the size and budget of the Capitol Police. I believe that was warranted. In 1997, we appropriated $75.39 million, almost .4 million. In 2003, we appropriated $240 million, a very substantial increase, appropriate given the security concerns.

Make no mistake about it, these large increases were essential to make up for deficiencies that we saw and that we were confronted with when we discovered tragically in 1998 the Capitol Police needed more resources to secure all access points and protect not just the lives of the people who work here, but also, as I said, the visitors.

The events of 9/11 were another wake-up call that no American landmark is off limits to terrorists, including the Capitol complex. Most of us believe that that plane that those brave passengers brought down in the fields of

Pennsylvania was, in fact, being directed at this Capitol dome, one of the great symbols of freedom in the world.

Let me speak about Chief Gainer. Chief Gainer does not come from Maryland, but he is still a very good fellow, as the gentleman from Illinois (Mr. LAHOOD) said. I want to thank he and his able staff. These increases have been invested in a wide range of essential programs by Chief Gainer and his people; an expanded force, better equipment, protective infrastructure, and improved training. But as the report accompanying H.R. 2657 points out, there is concern over the continuation of such large growth for the Capitol Police without a comprehensive strategic plan.

I think that report is correct. Fortunately, a strategic plan is being developed. Once completed, it will help the Capitol Police deploy their resources in the most efficient manner possible with the greatest protection possible.

A second area that is getting a reduction is the Architect of the Capitol. As many know, the Committee on Appropriations has been concerned about the level and quality of the project management and acquisition planning in the Architect of the Capitol's organization, particularly with regards to the construction of the Capitol Visitors Center. I am a strong supporter, as I think all of us are, of this facility, but the committee is correct in being concerned about the construction schedule and the construction cost. Later this month an oversight hearing on the CVC will be held. I am confident this hearing will help us make more informed spending and policy decisions with regard to the visitors center.

One matter that should concern every Member of this body, in addition to the visitors center, is the fair treatment of workers, including temporary workers, employed by the legislative branch. I want to thank Liz Dawson and the staff of the committee both on the majority side and on the minority side for continuing to focus on this. Section 133 of the Legislative Appropriations Act of 2002, which became law on November 12, 2001, prohibits the Architect of the Capitol from employing temporary workers for long periods without providing eligibility for employee benefits.

Mr. Speaker, this is not happening. Much to my dismay, the Architect has not implemented section 133 more than 2 years after it was the law of the land, despite the clearest of congressional intentions and the fact that the General Accounting Office has determined that section 133 provides the Architect with the authority to treat temporary workers fairly. This is unacceptable behavior.

During markup 2 weeks ago, I offered an amendment which was adopted by voice vote which restates section 133. My expectation with this amendment is simple: That Mr. Hantman will finally appreciate that Congress meant what it said 2 years ago when it instructed his office to fairly treat temporary workers.

One provision of today's measure that does distress me, and I follow up with what the gentleman from Illinois (Mr. LAHOOD) said, I agree with him 100 percent, we need to thank our staffs, incredibly talented, skilled, critical people to the accomplishment of our objectives and our responsibility. But in this bill, unfortunately, the raise we have given them is less than the raise that we give to all other executive employees.

I am very hopeful that before we complete consideration of this bill, in the final analysis our employees will be given the 4.1 percent increase that I hope that all the executive department will be given and that we have already given to the military. Our staff is incredible. We ought to say thank you. But in addition to that, we ought to ensure that they are treated at least as well as we expect our executive department employees to be treated as it relates to the COLA.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I say to my friend from Maryland that I believe it is the intent of this committee to conform with whatever the other Federal employees end up getting in terms of COLAs.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman.

The SPEAKER pro tempore (Mr. HEFLEY). Time of the gentleman from Maryland (Mr. HOYER) has expired.

Mr. KINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate that.

I say to the gentleman from Georgia that I know what he says to be the case. I meant no criticism, but the gentleman from Illinois (Mr. LAHOOD) had observed, and I wanted to make sure our employees knew, that we are going to treat them as well as we are hopefully also going to treat the executive employees, and so I appreciate the chairman's comment on that.

I do also, with the time the gentleman from Georgia yielded to me, want to again congratulate him and the committee on the mass transit benefit program that he has included in this bill.

With that, Mr. Speaker, let me say that I appreciate the work of the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN). They have brought a good bill to the floor that all our Members can support and that will serve this institution and the American people.

□ 1845

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in strong support of this legislation, and I especially want to thank the gentleman from Georgia (Mr. KINGSTON), the gentleman from Virginia (Mr. MORAN), and the gentleman from Illinois (Mr. LAHOOD) for what has been included as a key project in this legislation.

We are beginning the work of a staff gym in the Congress. I served in the Pentagon, and there we have the Pentagon Officers Athletic Club. It is not a very nice facility, but it keeps the men and women during their headquarters tour in shape before returning to the field or sea. Such facilities are not available to congressional staff. Most large employers with over 5,000 employees in my district have on-site gyms. We employ over 10,000 people in the Congress and have no such facility.

As a former staff member, I think it is time we build a staff gym. We have spent taxpayer dollars for promotion programs on fitness or to fight obesity; we should do that here in Congress. This bill sets aside $100,000 to design a 4,000-square foot facility with male and female showers, lockers and a weight room. It will be ready for the staff in 8 months. We also are looking to expanding shower facilities for runners in Longworth and Cannon. We will have a more complete and permanent facility by July 2004.

This means that men and women who work here in the people's House will be fitter, will handle stress better, and will serve the long hours under low-pay conditions for longer working for our constituents.

Mr. Speaker, I want to reiterate my thanks to the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) and the gentleman from Illinois (Mr. LAHOOD), but especially to Liz Dawson and Reed Bundy of our staffs who made this new facility a reality.

Mr. MORAN of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SCHIFF) for a colloquy.

Mr. SCHIFF. Mr. Speaker, I intended to offer an amendment to the Legislative Branch Appropriations Act that would allow Members to use their representational allowances to promote, sponsor and conduct congressional science competitions among high school students in their district. The very popular Congressional Arts Competition, which allows Members to sanction art competitions within their districts, has been successfully conducted for over 20 years. This competition helps to encourage young people to pursue their artistic education and ambitions and promotes the idea that art should be an integral part of our lives; yet no such congressional competition exists to reward the achievements of young scientists, as I learned last year when I had hoped to conduct such a competition in my district which is, I am proud to say, the home of Cal Tech and JPL and some of the finest scientists on the Earth. House rules prohibit any Member from conducting any competitions except for the Congressional Arts Competition.

Science is integral to our society and to our American spirit of ingenuity and innovation. Science fuels our technological entrepreneurship and has been the basis for remarkable technological advances in the span of only a few decades, including space exploration, biotechnology and medical advances to seek cures to human disease and afflictions, and tremendous gains in computing power, telecommunications, and information management.

As Members of Congress, we must do our part to advance scientific knowledge and scientific explanation as core values of our society. One important way we can engender a sense of excitement about scientific inquiries is to reward the achievements of young scientists by allowing Members to conduct congressional scientific competitions in each of our 435 districts. I look forward to working with my colleagues on this important issue at the earliest possible opportunity.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding and say I believe this is a very interesting proposal. I think it is a promising idea and something there is probably a lot of good bipartisan support for.

I have sponsored the Congressional Arts Awards Program in my former district for 10 years and have always been amazed by the talent that is out there amongst 15-, 16-, and 17-year-olds, and so I would like to see the brilliance that is there from the 15-, 16-, and 17-year-olds as well.

I remember when I had a science project. We wanted to study if there were more protozoa in a stream where water was moving or a pond where it sat still; and we could not conclude anything, but it was very interesting. My sister studied phototropism and geotropism, and I still remember her project as well.

I am always amazed when I go to State science fairs to see the brilliance of these kids and what they are doing. I think this has a lot of potential. It is really an issue that the Committee on House Administration needs to look at, and so I would like to join the gentleman in seeking their guidance and possible action from that committee because we probably would not need to do an appropriations. I am not sure, but we do need to talk to the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) and seek their guidance on it.

I believe that Members could use their existing Members representational allowances so we probably would not appropriate more money, but we will see about that. I want to assure the gentleman that I think we can find a way that Members can sponsor such a high school science competition awards program in their district.

Mr. SCHIFF. Mr. Speaker, reclaiming my time, I agree with the gentleman from Georgia (Mr. KINGSTON). The intention is not to seek any additional appropriations, but rather to allow Members to use their existing allowances to host, if they choose, science competitions in their districts.

I think we have seen the dramatic success of the arts competition in stimulating interest in the arts. This would be a way of heightening the awareness of the importance of science in our lives and getting young people engaged. We need more scientists in this country, and this is a good way to tap into that young talent.

I can tell my colleague had a greater head start than I did. I think my science project when I was in school consisted of how to drop an egg from a light tower in a contraption that would not allow the egg to break, which is a little less sophisticated than counting the number of protozoa in a pond. Nonetheless, there are great opportunities for us to reach into our districts, tap into that talent and cultivate the future scientists that will lead this Nation forward. I look forward to working with the gentleman.

Mr. KINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 8 minutes to the gentleman from New Jersey (Mr. HOLT) for a colloquy.

Mr. HOLT. Mr. Speaker, I rise to enter into a colloquy with the gentleman from Georgia (Mr. KINGSTON), the gentleman from Virginia (Mr. MORAN), and the gentleman from New York (Mr. HOUGHTON).

Mr. Speaker, yesterday I submitted an amendment to the Legislative Branch Appropriations Act bill to provide $7 million to revive the Office of Technology Assessment as authorized by the Technology Assessment Act of 1972. During its 23 years of existence, OTA provided Congress with highly respected, impartial analysis of complex scientific and technological issues and their impacts on current legislation. When OTA's funding was eliminated in 1995, Congress lost a valuable and unique resource.

Although my amendment was not ruled in order, I would like to use this opportunity to discuss with the chairman the need for more scientific advice in Congress.

Mr. Speaker, science and technology have pervaded almost every aspect of our society. Most, if not all, of the bills that come to the floor of the House include technological components. Technology has played and will continue to play an important role in many of the issues such as economic development, homeland security, and environmental stewardship, which this body has dedicated so much time and money to address.

Mr. Speaker, if the OTA were still in existence, it is likely we would have received I think in a timely way reports that address the importance of research in early childhood development as it relates to Head Start or technology needed to ensure intraoperability of first responder communication devices in high-rise buildings, scientific evidence regarding the safety of genetically engineered food, or a comprehensive assessment of the technology available to ensure the safety of our airlines and shipping ports.

Would my colleagues, the ranking member on this committee and the chairman and the gentleman from New York (Mr. HOUGHTON), agree that many issues such as these that we deal with on a daily basis are highly technical and that we could use more help in evaluating the merits of such legislation dealing with such matters?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I appreciate the efforts of my colleague from New Jersey and agree that the Congress could use more scientific expertise. I regret that this amendment was not made in order. I had urged the Committee on Rules to make it in order.

I do have some concerns about how the Architect would absorb a $7 million cut, but I think Congress would benefit from a restored capability to conduct more technology assessments. Unfortunately, I do not think that the support is there within this body to recreate the original Congressional Office of Technology Assessment.

As my colleague knows, I have worked with the gentleman from Georgia (Mr. KINGSTON) to establish a core competency within the General Accounting Office through a pilot program to conduct technology assessments. The pilot program's first report using biometrices for border security was both timely and helpful as Congress used some of the report's findings in crafting legislation to create the Department of Homeland Security.

Technology assessments can help us craft better policies and laws. There is report language accompanying this bill which directs the GAO to conduct three more technology assessment studies in fiscal year 2004. I would like to work with my colleague to explore ways that we can increase this capability for technology assessment in the

Congress and establish a more stable foundation and a more certain future.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I would agree with the gentleman from New Jersey (Mr. HOLT) and the gentleman from Virginia (Mr. MORAN) and understand the need for scientific advice to Members of Congress on complex issues, and I support reports that assist Congress with its work.

For this reason, the committee has funded since fiscal year 2002 technology assessments to be completed by the General Accounting Office; and once again, the report accompanying this bill requires the GAO to allocate funding for three studies related to issues facing Congress. With a staff of over 3,200 employees, GAO is in a position to contract for scientific assessments, and an independent expert determined in fiscal year 2002 that the GAO approach and results were sound.

Mr. HOLT. Mr. Speaker, I thank the chairman and the ranking member for their efforts in directing the GAO to conduct three pilot technology assessments, and I am sure they would agree with me that three reports is not nearly sufficient to meet the needs of Congress.

I would suggest that we need a capacity to conduct upwards of 40 reports a year. Now, whether housed in the GAO or in a re-funded OTA, we need to provide the support to ensure a sustained capacity in-house to conduct a significant number of studies and maintain a professional staff to accomplish this objective. Currently, we are not providing the GAO with sufficient funds to achieve this objective.

Mr. HOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from New York.

Mr. HOUGHTON. Mr. Speaker, I would like to underscore the point made by my colleagues, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN), that Congress as a whole currently lacks the scientific base to assess the technologies that are crucial for our national security, economic prosperity and personal and environmental health of this Nation.

I would also like to underscore that scientific expertise is unique in that it can be provided in an inherently nonpartisan way; and I can attest to that personally, having been on the OTA board. The OTA board was governed by a bipartisan technology assessment board. There were six House members, six Senate members, both parties equally represented, and the OTA had a reputation for producing reports that were often cited by both sides of a debate; and they were very, very helpful.

In essence, we need to start, I think, in getting serious about rebuilding the capacity in the legislative branch to provide this nonpartisan technical expertise to Congress in a timely manner.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from New Jersey. I believe it would be beneficial for our subcommittee to get advice from a bipartisan group on exactly these scientific issues. It would be useful to receive recommendations on what would be the most efficient, timely, and useful way to make sure that the core capability that has now been created can be placed on a more stable foundation and have a more certain future for a support agency such as the OTA to provide scientific advice to Congress.

□ 1900

Mr. HOLT. Mr. Speaker, reclaiming my time, I would like to thank the three gentleman for agreeing to enter into this discussion on the importance of providing balanced bipartisan technology assessment, an approach to begin the process that will allow this Congress and our successors to utilize more of the empirical, fact-based, scientific and technical expertise needed to shape a sound public policy.

Mr. KINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

I wanted to emphasize on behalf of the gentleman from Virginia (Mr. MORAN) and me the great work that our staff has done. Liz Dawson and Tom Forhan have done a great job on this bill. Chuck Turner, Kelly Wade, Jack O'Neill, Tim Aiken have all worked very diligently with us, and the gentleman from Virginia (Mr. MORAN) and I and all the committee members appreciate everything they have done.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2657)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - LEGISLATIVE BRANCH					
HOUSE OF REPRESENTATIVES					
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,979	2,048	2,048	+69	---
Office of the Majority Floor Leader	1,899	1,965	1,965	+66	---
Office of the Minority Floor Leader	2,309	2,390	2,390	+81	---
Office of the Majority Whip	1,624	1,684	1,684	+60	---
Office of the Minority Whip	1,214	1,259	1,259	+45	---
Speaker's Office for Legislative Floor Activities	446	460	460	+14	---
Republican Steering Committee	834	862	862	+28	---
Republican Conference	1,397	1,448	1,448	+51	---
Democratic Steering and Policy Committee	1,490	1,542	1,542	+52	---
Democratic Caucus	741	768	768	+27	---
Nine minority employees	1,337	1,380	1,380	+43	---
Training and Program Development:					
Majority	290	290	290	---	---
Minority	290	290	290	---	---
Cloakroom Personnel:					
Majority	340	354	354	+14	---
Minority	340	354	354	+14	---
Subtotal, House Leadership Offices	16,530	17,094	17,094	+564	---
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	476,536	523,454	514,454	+37,918	-9,000
Committee Employees					
Standing Committees, Special and Select	114,421	107,558	106,058	-8,363	-1,500
Committee on Appropriations (including studies and investigations)	24,200	24,926	24,926	+726	---
Subtotal, Committee employees	138,621	132,484	130,984	-7,637	-1,500
Salaries, Officers and Employees					
Office of the Clerk	20,032	19,387	18,632	-1,400	-755
Office of the Sergeant at Arms	5,097	6,471	5,471	+374	-1,000
Office of the Chief Administrative Officer	105,363	123,053	113,141	+7,778	-9,912
Office of the Inspector General	3,947	4,147	3,847	-100	-300
Office for Emergency Planning, Preparedness and Operations	6,000	6,000	5,000	-1,000	-1,000
Office of General Counsel	894	926	926	+32	---
Office of the Chaplain	149	153	153	+4	---
Office of the Parliamentarian	1,464	1,560	1,560	+96	---
Office of the Parliamentarian	(1,279)	(1,363)	(1,363)	(+84)	---
Compilation of precedents of the House of Representatives	(185)	(197)	(197)	(+12)	---
Office of the Law Revision Counsel of the House	2,168	2,263	2,263	+95	---
Office of the Legislative Counsel of the House	5,852	6,233	6,233	+381	---
Corrections Calendar Office	915	948	948	+33	---
Other authorized employees	146	150	150	+4	---
Technical Assistants, Office of the Attending Physician	(146)	(150)	(150)	(+4)	---
Subtotal, Salaries, officers and employees	152,027	171,291	158,324	+6,297	-12,967

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2657)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	3,384	3,975	3,975	+591	---
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	---	---
Government contributions	172,673	190,240	188,533	+15,860	-1,707
Miscellaneous items	690	690	690	---	---
Subtotal, Allowances and expenses	177,157	195,315	193,608	+16,451	-1,707
Total, Salaries and expenses	960,871	1,039,638	1,014,464	+53,593	-25,174
Total, House of Representatives	960,871	1,039,638	1,014,464	+53,593	-25,174
JOINT ITEMS					
Joint Economic Committee	3,658	3,988	3,805	+147	-183
Joint Committee on Taxation	7,593	8,112	8,112	+519	---
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	2,981	2,236	2,236	-745	---
Capitol Guide Service and Special Services Office	3,035	3,511	3,511	+476	---
Statements of Appropriations	30	30	30	---	---
Total, Joint items	17,297	17,877	17,694	+397	-183
CAPITOL POLICE					
Salaries	174,533	218,268	189,913	+15,380	-28,355
General expenses	27,917	72,242	21,917	-6,000	-50,325
Wartime supplemental	37,758	---	---	-37,758	---
Total, Capitol Police	240,208	290,510	211,830	-28,378	-78,680
OFFICE OF COMPLIANCE					
Salaries and expenses	2,157	2,518	2,255	+98	-263
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	31,892	33,993	33,820	+1,928	-173
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
General administration	58,957	158,570	84,513	+25,556	-74,057
Capitol building	32,985	52,368	23,307	-9,678	-29,061
Capitol grounds	8,302	6,986	6,886	-1,416	-100
House office buildings	60,564	66,779	54,564	-6,000	-12,215
Capitol Power Plant	128,671	106,557	85,943	-42,728	-20,614
Offsetting collections	-4,371	-4,400	-4,400	-29	---
Net subtotal, Capitol Power Plant	124,300	102,157	81,543	-42,757	-20,614
Library buildings and grounds	37,277	47,108	34,750	-2,527	-12,358
Capitol police buildings and grounds	63,885	2,970	3,308	-60,577	+338
Botanic garden	6,063	10,919	6,062	-1	-4,857
Total, Architect of the Capitol	392,333	447,857	294,933	-97,400	-152,924

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2657)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
LIBRARY OF CONGRESS					
Salaries and expenses	361,644	380,386	366,520	+4,876	-13,866
Authority to spend receipts	-6,850	-6,850	-6,850	---	---
Subtotal, Salaries and expenses	354,794	373,536	359,670	+4,876	-13,866
Copyright Office, salaries and expenses	38,971	48,290	47,290	+8,319	-1,000
Authority to spend receipts	-29,472	-29,664	-29,664	-192	---
Subtotal, Copyright Office	9,499	18,626	17,626	+8,127	-1,000
Congressional Research Service, salaries and expenses	88,250	96,267	93,590	+5,340	-2,677
Books for the blind and physically handicapped, Salaries and expenses	50,632	51,706	51,706	+1,074	---
Total, Library of Congress	503,175	540,135	522,592	+19,417	-17,543
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	89,557	91,111	91,111	+1,554	---
Office of Superintendent of Documents					
Salaries and expenses	29,468	34,456	34,456	+4,988	---
Government Printing Office Revolving Fund	---	10,000	5,000	+5,000	-5,000
Total, Government Printing Office	119,025	135,567	130,567	+11,542	-5,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	456,031	472,627	464,539	+8,508	-8,088
Offsetting collections	-2,980	-6,006	-6,006	-3,026	---
Total, General Accounting Office	453,051	466,621	458,533	+5,482	-8,088
OPEN WORLD LEADERSHIP CENTER					
Payment to the Open World Leadership Center Trust Fund	---	14,815	13,000	+13,000	-1,815
CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT					
Payment to Russian Leadership development Trust Funds	12,915	---	---	-12,915	---
TITLE II - GENERAL PROVISIONS					
John Stennis Center	298	---	---	-298	---
Congressional Award Act	248	---	---	-248	---
Grand total	2,733,470	2,989,531	2,699,688	-33,782	-289,843

Mr. NUSSLE. Mr. Speaker, I rise today in support of H.R. 2657, the Legislative Branch Appropriations Act for Fiscal Year 2004. This is the fourth bill we are considering pursuant to the 302(b) allocations adopted by the Appropriations Committee on June 17th. I am happy to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted as its fiscal blueprint on April 10th. Conforming with a long practice—under which each chamber of Congress determines its own needs, appropriations for the other Body are not included in the bill as reported to the House.

H.R. 2657 provides $2.669 billion in new budget authority, which is within the 302(b) allocation to the House Appropriations Subcommittee on Legislative. Outlays of $2.875 billion are also within the subcommittee's allocation. The bill contains no emergency-designated new budget authority, nor does it include rescissions of previously-enacted appropriations.

Accordingly, the bill as reported, complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority.

I commend Chairmen KINGSTON and YOUNG for bringing another appropriations bill to the floor that is consistent with the Budget Resolution.

Mr. OBERSTAR. Mr. Speaker, H.R. 2657 appropriates nearly $295 million to the Architect of the Capitol for fiscal year 2004. The Committee on Transportation and Infrastructure, on which I serve as Ranking Democratic Member, is the authorizing committee with jurisdiction over the Architect's activities relating to the Capitol, the House and Senate Office Buildings, and the Capitol Grounds.

Let me state at the outset that I have great respect for the Architect, Mr. Alan Hantman. In the wake of the September 11 terrorist attacks and the release of anthrax in some of the House and Senate Office Buildings, Mr. Hantman's office did a tremendous job in ensuring the safety and security of the Congress, those working in the Capitol buildings, and the visiting public. He has rightly made the security of everyone who works in and visits the Capitol his number one priority. In addition, Mr. Hantman has initiated a program to maintain and renovate the Capitol building and has promoted the construction of the Capitol Visitor's Center—a place where the American people can come and learn more about the inner workings of their government. The U.S. Capitol, and all that it represents, is the citadel of democracy, and the Architect has done a fine job of caring for it.

However, the knowledge of these accomplishments only serves to heighten my great disappointment in the Architect over the manner in which his office has proceeded with unauthorized construction activities, specifically and most recently the demolition of the Tip O'Neill House Office Building. The Architect of the Capitol never sought a specific Committee authorization for the demolition of the O'Neill Building. Moreover, in December 2002, then-Economic Development and Public Buildings Subcommittee Ranking Member JERRY COSTELLO and I wrote to the Architect to express our concern that the Architect's office was not authorized to demolish the O'Neill Building and to request a description of the demolition project and specific cost estimates for the project. The Architect has never answered our letter.

Whether it is regarding the demolition of the Tip O'Neill House Office Building, cost overruns of the Capitol Visitor's Center, or the construction and maintenance of the Capitol buildings, the Architect has a responsibility to be responsive to all Members of this Body, including Democratic Members of the Transportation and Infrastructure Committee.

I understand that earlier this year, the Architect wrote to Transportation and Infrastructure Committee Chairman DON YOUNG and stated that with regard to the O'Neill Building site, the Architect of the Capitol will make no further changes to the site "without the authorization and approval from the appropriate governing authorities." I take that to mean that he will seek the Transportation and Infrastructure Committee's approval before undertaking any new construction on the site, and I continue to expect a full response to the inquiry that Ranking Member COSTELLO and I made last December. Moreover, I will urge the Subcommittee on Economic Development and Public Buildings of the Transportation Committee to conduct an oversight hearing on the Architect's construction program.

Mr. KINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). All time for debate has expired.

Pursuant to House Resolution 311, the bill is considered read for amendment. The amendment printed in section 2 of that resolution is adopted, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 26, not voting 14, as follows:

[Roll No. 345]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)

Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—26

Becerra
Berry
Brown (OH)
Doggett
Flake
Goode
Graves
Green (TX)
Green (WI)
Hulshof
Jones (NC)
Kennedy (MN)
Kind
Kleczka
Lofgren
Lucas (KY)
Matheson
Paul
Petri
Ramstad
Royce
Ryan (WI)
Sensenbrenner
Shimkus
Stearns
Tanner

NOT VOTING—14

Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Murtha
Owens
Pickering
Portman
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HEFLEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1921

Mr. BROWN of Ohio and Mr. FLAKE changed their vote from "yea" to "nay."

Mr. JACKSON of Illinois changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote Nos. 337, 338, 339, 340, 341, 342, 343, 344 and 345. If present I would have voted "nay" on rollcall vote Nos. 337, 338 and 341 and "yea" on rollcall vote Nos. 339, 340, 342, 343, 344 and 345.

REPORT ON H.R. 2673, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 2004

Mr. BONILLA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108-193) on the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DISTRICT OF COLUMBIA FISCAL YEAR 2004 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-99)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Consistent with my constitutional authority and sections 202(c) and (e) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2004 Budget Request Act.

The proposed Fiscal Year 2004 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For Fiscal Year 2004, the District estimates total revenues and expenditures of $5.6 billion.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 9, 2003.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TIME TO FACE THE FACTS ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, last fall I stood out in front of the Cannon Building and said I believed that we might indeed be misled by our leaders in the stampede to go to war against Iraq. When I was in Iraq a few weeks later, I was interviewed by "ABC This Week" and asked if I stood by that statement. I said I did. I got death threats for saying that.

Well, folks, it is time to face the facts. The American people were misled and Members of Congress were misled. But who misled us? Apparently we were misled by the White House speechwriters. I do not know.

I do not question that the motive was to do what they sincerely believed would be the best thing for our country. I do not question that they believed and still believe going to war against Iraq was the right thing to do.

But for those who would not have supported this war save for the official dossiers and intelligence and information they relied on, my friends, you were misled.

Those who believed that whatever the President said would have been carefully confirmed and who never doubted that what the President said in the State of the Union Address would have been gone over with a fine-tooth comb, my friends, you were misled.

So far, 212 young Americans have died in Iraq. Someone will die tonight and tomorrow and the day after. And now what? Now the administration does not even claim that weapons of mass destruction will be found. Instead, we are told that evidence of a program that would have eventually created weapons will be found.

This afternoon, today, according to Reuters, Mr. Rumsfeld, the Secretary of War, told the Senate Armed Services Committee that there was nothing new going on in Iraq. He said there was "no dramatic new evidence," just old evidence seen in a new light.

Is that the impression you had? I ask, because that is not what I heard. I heard urgency. I heard new revelation after new revelation. I heard that we were in imminent danger.

The fact that nothing that we expected, nothing like storehouses of terrifying weapons has been found, certainly backs up Mr. Rumsfeld's contention.

What we found are mass graves in Iraq, body upon body, people killed for no reason by the government of Saddam Hussein. So this is where the administration is turning to justify its actions in Iraq.

The United States has never, never invaded a foreign country simply to get rid of an evil dictator. That is not what our young people signed up to give their lives for. That is not what our taxpayers have given their money for. That is not what America does. At least until now.

Well, our troops in Iraq, these fine young people went into the service to protect America, not to bring democracy to someone else's country, not to stop human rights abuses or get rid of dictators, because if that was the basis of our military policy, there are a lot of governments out there that we would be ready to overthrow.

☐ 1930

Not to get rid of a bad guy because we are tired of messing around with containment. They enlisted to protect our country. What did our country need protection from? From biological and chemical weapons that could be launched within 45 minutes? Apparently not. From a nuclear arms program that was not just an aspiration of a madman, but was so far along that it was importing uranium from Niger? Apparently not. The President denied that today. From gallons of nerve gas and rooms full of test tubes and trailers full of equipment so sophisticated that biological and chemical weapons could be pumped out on Saddam's command? Apparently not that, either.

We had a policy with regard to Iraq. It was a frustrating policy, but it was working. It is the same policy President Reagan used on the Soviet Union: containment. We had an embargo in place that the rest of the world supported. We had U.N. inspectors in place that the rest of the world supported. They did not have as long to look for weapons as our people have now had, but they were looking, and while they were in Iraq, Saddam was not going to be able to fulfill any of his evil dreams.

Containment worked from the end of the Gulf War until the day we invaded. If you believe that the United States should go to war to get rid of dictators who would most likely want to have weapons of mass destruction if they were not watched closely, I will give you a list. If you believe the United States should go to war to get rid of dictators who have people tortured, I will give you another list. If you believe that the United States should go to war bringing democracy to someone else's country is a mission worth the lives of our young soldiers, I will give you a list.

But if you share the belief of John Quincy Adams, the sixth President of the United States, that our country is blessed, in part, because "she does not go abroad in search of monsters to destroy," I say to my colleagues, we were all misled, and it is time for us to have a bipartisan committee, select committee, to look at this issue and find out who was it that misled us?

I read in the paper today that Mr. Blair gave us some bad information, and our President took it, swallowed it hook, line and sinker, and now says, I did not know; it was Blair that gave me this bad information. Mr. Blair answered questions for 2½ hours before the Parliament of the United Kingdom. We ought to have that kind of thing going on here.

COMPETITIVE TENSION WILL LOWER DRUG PRICES FOR AMERICANS

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about the high price that Americans pay for prescription drugs relative to the rest of the world. I have with me a chart, and some of my colleagues have seen this chart, and I apologize, it is a little hard to read for the Members who are watching in their offices on C-SPAN, but what it really shows us are 10 of the most commonly prescribed drugs that I and my staff purchased when we were in Germany about 2 months ago at the Munich Airport Pharmacy, and then a comparison of what those drugs sell for here in the United States.

Let me just read for my colleagues what some of those prices are. Cipro, a drug that we learned a lot about when we had anthrax here in the Capitol complex, is a very effective antibiotic, made by a company called Bayer. They also make aspirin and a lot of other drugs. The price in Germany for 10 tablets, 250 milligrams: $35.12. That same Cipro here in the United States: $55.05.

A drug that my father takes, Coumadin, is a blood thinner. Some of my colleagues say, well, we cannot open up markets because people might get rat poisoning. Mr. Speaker, Coumadin is rat poisoning. It was developed at the University of Wisconsin veterinary schools, and it sells under the generic name of Warfarin. But Coumadin in the United States, and my father takes it, the price for 100 tablets, 5 milligrams in the United States: $89.95. In Germany you can buy that same Coumadin for $21.

Glucophage is a very commonly prescribed drug for people who have borderline diabetes. In the United States the price is $29.95 for 30 tablets. In Germany we bought that drug for $5.

Another drug that we paid for, the taxpayers, you paid for this drug, Tamoxifen, a very amazing anti-breast-cancer drug, we paid about, I think the number was over $500 million through the NIH to develop and take the drug through phase 2 trials. We pay in the United States $360. They buy that drug in Germany for 60 bucks. Now, we paid for the development, and now, apparently, we are paying for the marketing, the advertising and, ultimately, for the profit on that drug.

The bottom line is these 10 drugs bought in Munich, Germany, the total price in dollars: $373.30. Those same drugs bought here in the United States: $1,039.65.

My colleagues do not have to take my word for it. Today, like Diogenes, I finally found an honest person inside the administration who will talk honestly about what we pay for drugs. She is an IG, an inspector general, in the Department of Health and Human Services. Her name is Dara Corrigan. She testified before the Committee on the Budget today. She said that Medicare last year spent about $8.2 billion on drugs, drugs that are administered in hospitals. She said, according to her research, that the Medicare people paid $1.9 billion more than they would have had to pay for the same drugs had they bought them through the VA.

Now, I asked her, had they or anybody done any comparisons between how much Medicare is currently paying or will pay as we move down the road towards a prescription drug benefit under Medicare; how much would they pay if they could have bought those drugs from pharmacies right off the rack in Germany or Switzerland or some other industrialized country?

The bottom line is this, I say to my colleagues: We need to do something about this, because it is not so much shame on the pharmaceutical industry, although it is hard for me to defend this. I am a Republican; I believe that profit is a good word. But profiteering is a bad word, and somehow we have to come to grips and create a market environment so that we have competitive prices, because Americans deserve world-class drugs, but they deserve to be able to buy those drugs at world-market prices.

So my answer may not be the best answer, but at least it is an answer: to bring an element of competition, competitive tension, into the prices that we pay relative to the rest of the world.

I believe that Americans should pay their fair share of the cost of research, and I am proud of the fact that we do pay our fair share. In fact, I think we ought to be able to subsidize, we ought to be willing to subsidize the people in sub-Saharan Africa, but I do not think we ought to have to subsidize the starving Swiss.

This is not just about economics, it is not just about the prices we pay. There is a moral undertone to this. I think, I say to my colleagues, it is time for us to take a very clear stand. The rumor is we may actually get a vote on this in the next week or 10 days. When we do, we are going to be asked, will we stand with the large pharmaceutical companies, or will we stand with our consumers? I hope we will give the right answer.

U.S. CAN NO LONGER AFFORD TO IGNORE AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, for the next week, Africa will be on page 1 news due to the President's trip to the continent. Then, once again, news on Africa will most likely recede to the back pages of our major newspapers and disappear for good. However, what many Americans do not realize is the increasing importance of Africa to the world and the United States.

Americans now import more than one-quarter of their oil from the African continent. In the coming years, due to new major oil discoveries in the Gulf of Guinea off the west coast of Africa, the percentage of African oil Americans consume will most likely rise. It will rise because there are quantities of untapped oil reserves on the continent, and it will rise because the United States realizes that oil from the Middle East can easily fall prey to the vagaries of wars and politics.

Africa is so important to us, in part, because it is a continent rich in natural resources. Copper, diamonds, gold, and wood are all in abundance throughout the continent. The Congo River itself has enough potential hydroelectric power to supply the electrical needs of the whole continent. And the continent still has abundant rainforests which have been described as the lungs of the world.

We as Congresspeople can no longer afford to ignore Africa or view it solely through the lens of disaster and peril. Yes, we cannot deny that there are serious health problems in Africa with HIV/AIDS and malaria leading the list. There is crushing poverty throughout the continent. Africans living on less than $1 a day now number over 315 million, according to a recent World Bank survey. Serious conflicts in the Congo, where not thousands, but millions have perished, and West Africa still plagues the continent and puts a serious drag on the development of human resources and capital.

We cannot afford to ignore Africa, because people are beginning to realize that failed states and crushing poverty are fertile breeding grounds for terrorists and criminal groups. We cannot afford to ignore Africa, because the world is smaller and more interconnected. From the war on terrorism to the supply of crucial resources, from the campaign against threatening diseases to the opportunities for economic trade and investment, Africa is a key global player. We cannot afford to ignore Africa, because we now ignore it, and if we continue to do it, it is at our own peril.

Africa really matters in many ways. Not all of the news coming out of Africa is gloomy. Trade and investments with Africa are growing. U.S. exports totaled over $5.8 billion last year, while U.S. imports were $18 billion. Nigeria alone is the fifth largest supplier of oil to the U.S. Despite appearances, Africa is more peaceful today than in the 1980s and the 1990s. Democracy is also taking root in many parts of Africa.

But Africa needs increased resources to deal with the multitude of problems. U.S. assistance to Africa has been stagnant for many years, and real development assistance to the continent is less than $500 million. Although total U.S. assistance to Africa may total about $2 billion, a large chunk of this is for humanitarian and health-related programs. Many programs, including the areas of agriculture, democracy, conflict resolution, trade, and investment have suffered from significant cutbacks. In short, Africa needs increased assistance if it truly is to be brought into the mainstream world economy.

The Congressional Black Caucus has been a staunch advocate and played a pivotal role in strengthening the cultural, political, and economic ties between Africa and the United States.

I am therefore concerned, but not surprised, that President Bush did not seek out the guidance and assistance of the CBC before making his sojourn to Africa. This is not surprising because, as our chairman recently noted, "the President has declined all of our offers to meet with him since our last discussion of January 31, 2001."

In closing, I want to make a few remarks on the President's proposal to send in U.S. peacekeepers to Liberia. First, I recognize the longstanding historical ties between the U.S. and Liberia. I do not believe it will be as difficult to win the hearts and minds of Liberians who are predisposed to look upon the U.S. with favor. I generally support the concept of a peacekeeping mission to Liberia. However, I believe that a U.S.-led peacekeeping mission should be placed under the auspices of the United Nations. The United States by itself cannot be the policeman of the world, and our forces are already spread thin by our other significant commitments around the world. Any U.S. action in Liberia will have greater credibility if they have the seal of approval of an international body.

We must also think through very carefully our commitment to place U.S. forces in Liberia. We must have a mission that is clearly defined, and we must have an exit plan that is articulated and understood by the American public. I also believe that any plan to introduce U.S. forces in Liberia should be subjected to serious congressional oversight and approval.

The devil is in the details. The administration must first clearly articulate its methods and goals before any U.S. troops are put on the ground.

TRIBUTE TO RICHARD BRANDITZ IGLEHART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR. Mr. Speaker, I rise here on the floor of the United States House of Representatives in the Capital of this country to pay tribute to one of California's most beloved public servants: Alameda County Superior Court Judge Richard B. Iglehart, who passed away in Istanbul on July 2 while attending a State Department-sponsored conference. He was just 60 years old. He was a friend, a brother, a colleague, and he leaves behind so many wonderful people. He is survived by his beloved wife Judith Iglehart; his son, Matthew Iglehart; his stepsons, Christopher and Scott; his sister Barbara; his brother-in-law Hans; Alan Iglehart, a brother; six nephews and nieces, aunts and cousins, and his former wife, Dee Iglehart.

I met Dick in Santa Clara Law School. Before that, he had gone to Piedmont High School and UC Berkeley where he was a Beta and played rugby. He served in the Army in Germany as an officer in the 3rd Armored Cavalry. After graduating, he went to Santa Clara Law School where I met him.

☐ 1945

He ended up being a career prosecutor who became the chief assistant district attorney in Alameda and also in San Francisco Counties. He became the chief assistant for the criminal division in the California attorney general's office under Attorney General John van de Camp. Dick also served as the counsel to the Assembly Public Safety Committee. He was a California district attorneys association lobbyist and was an Assembly Fellow.

He worked unceasingly to rid California and the Nation of assault weapons. He was instrumental in helping pass legislation lowering the penalties on marijuana possession. He changed the laws, making it easier for child sexual assault victims to testify in court. He was an expert on sentencing procedures, the California three strikes laws, Proposition 36, and serial killers, and an early champion for using DNA as a testing in criminal trials.

He taught at Hastings, and he also gave courses for continuing education of the bar. He lectured at the FBI Academy, Berkley Center for Study of Law and Society, and he often spoke at the local high schools.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE), who is in the district that Dick is from so she can also pay tribute. While she is coming to the microphone, I will say that while we are here on the floor there is a memorial service in her district at Piedmont at the Piedmont Community Church.

Ms. LEE. I want to thank the gentleman for yielding and just say tonight that I join with the gentleman from California (Mr. FARR) and all of our colleagues in remembering and celebrating the life of a great human being, a giant, a constituent, my friend, Richard Iglehart.

While serving as a member of the Assembly Public Safety Committee in the California legislature, I had the real privilege of working very closely with Dick when he was chief counsel to the committee. And I came to rely on his thoughtfulness, his fairness and his wisdom. When working with Dick, I was always deeply impressed with his ability to do simple things simple and he always did what he said he would do.

Dick's passionate and unshakable belief in our system of justice provided the foundation for everything that he accomplished in his legal career. His vast knowledge of the law and our government earned him the respect of defenders and prosecutors, liberals and conservatives, Democrats and Republicans. Dick met people where they were and brought them along. He took the time to help them see things from a different perspective or to shed light on a complicated subject. He was a true mentor, and it was my great and very good fortune to have been really one of his students. I will miss his kind words of encouragement and support.

One could not know Dick without knowing of his love and his devotion to his wife, Judy, and his family. He was a good friend to so many of us. Words cannot express my sympathy and sorrow at his untimely death. Let us honor and celebrate Dick's legacy by rededicating ourselves to the ideals and the values that he championed. My thoughts and prayers are with the Iglehart family this evening as the memorial service is taking place at this very moment.

He will always hold a special place in my heart and in the heart of many.

Mr. FARR. Mr. Speaker, I thank the gentlewoman very much. We would like to say to the family, we love you, Dick. We will see you around and give a hug to our friends in heaven, and we will keep the torch burning.

Christine Pelosi said Dick taught us to put a human face on the criminal justice system for terrified and traumatized victims and witnesses, while understanding that today's defendants could well be yesterday's or tomorrow's victims. Dick had the legal acumen, rock-solid integrity, and sense of humor that helped us address those sad realities, and to manage the pressure to succeed as prosecutors and grow as legal professionals. But Dick was more than just a boss "he was a great big bear of a man who always stuck up for us young prosecutors, particularly the women, when judges of opponents tried to rough us up. Having his confidence in us made us all the more able to successfully prosecute the tough cases."

Attorney Michael Weiss said: "He asked me if I had ever thought about being a prosecutor. I told him that I had briefly entertained the idea. He told me that he had spent nearly his entire career in law as a prosecutor and that he couldn't remember a day when he didn't look forward to going to work." "My days working for Dick were some of my best. And to this day, his words continued to inspire me: to find a quality in my work that makes it something I look forward to, everyday."

HONORING BOB STUMP

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Speaker, I take this time this evening to rise and say a few words about our late colleague, the beloved chairman of the House Committee on Armed Services and before that the chairman of the Committee on Veterans' Affairs. A few words might be the operative thing to say here this evening about Bob Stump because Bob Stump did not talk very often on the floor. In fact, in these 5 minutes I think I will say more words than I ever remember Bob Stump saying other than on a bill which he presented to the floor to the Congress of the United States.

He may have been a man of few words, but he was not a man of little action; and he was not a man of little commitment. Many others have spoken either here on the floor or at the ceremony where his portrait was unveiled or his funeral service just a few days ago in Phoenix about many aspects of his life.

I would like to talk for a moment about a couple of the personal things that I remember about Bob Stump. I knew him before he came to the Congress and long before I came to the Congress when he was the president of the Arizona State Senate. I did not serve with him in the Senate. I came to the Senate at the time that he left there to come to the United States Congress. But he served in that Senate with Sandra Day O'Connor who later became a Justice of the United States Supreme Court. They were on opposite sides. He was president of the Senate. She was the minority leader in the Arizona State Senate at that time. But they always had a great deal of respect for each other, and I think it was this respect that characterizes the way that everybody felt about Bob Stump through the years.

He came to the Congress in 1976 and served here for 26 years. I think in the entire time that Bob Stump served in the Congress he had one press conference, and that was the press conference where he announced that he was switching from a Democrat to a Republican. When Bob moved from a seat on that side of the aisle to a seat on this side of the aisle, he really did not change at all. He was the same person that he had always been, a fiscal conservative, a hard-nosed individual who believed strongly in national defense and somebody who cared passionately about veterans. He, himself, was a veteran and he knew the sacrifices that veterans had made and he knew the commitment that this country had made to providing for health care for our veterans. And Bob Stump continued in his service here in the House of Representatives doing it with little fanfare.

Bob Stump came to the office every morning at about 5 a.m., and he would open all the mail. He had his desk in his office like most of us had, but he also had a desk in the back room, and it was there that he spent most of the time, opening the mail, working with his staff.

He did not have a lot of staff people, about half of the number most of us had. And yet he took care of his constituents. He always listened to them, always met with them, always found time to be available for them. And on weekends he faithfully went home to the district, and he faithfully went to his farm and worked the cotton crop on the farm. He looked after his constituents. They always felt that they could be in touch with Bob Stump. He never lost touch with his constituents.

He was an unassuming person who asked for very little recognition or glory. He called everything exactly as he saw it. He never minced any words. When you asked Bob Stump about something, you knew exactly where he stood. But I think it is his commitment to veterans and a commitment to a strong national defense reflected in the work he did on the Committee on Veterans' Affairs and later as chairman of the Committee on Armed Services that he will always be remembered for.

He may not get his name etched in stone and, indeed, future generations of veterans and those who served in the armed services may never know his name, but they will be indebted to him. They will be indebted to him for the health care system we have for veterans and the quality of health care we provide in the veterans hospitals all over this country. So there will be many who will never have known his name, but they will be in great debt to him as those of us in the House of Representatives are in debt to him for his unfailingly hard work, his unassuming stance, his willingness to call it like it was, and his dedication and his commitment to this institution.

We will miss Bob Stump, but we are grateful for the time that we had with him, and we are grateful for his service to his country and to the veterans of this Nation.

LET THE TRUTH BE KNOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I always have risen to the floor at this time to try to speak on the unfinished business of this House. Just for a quick moment I am going to speak at length about the first issue at another time, but I do want to join with my colleagues that are raising the concern about whether or not evidence substantiated representations that were made by the President of the United States on the determination or the actuality of weapons of mass destruction. I hope to be able to debate that question at a later time and to reiterate my call for an independent commission and as well a special prosecutor.

I leave just a singular sentence, and that is that the truth should be known and the truth should be known not only by this body and the other body, but the truth should be known by the American people.

Mr. Speaker, today I rise, however, to recount for my colleagues the final results of the resolution of inquiry before the House Committee on the Judiciary today. And after a vigorous debate, I am sad to say that the House Committee on the Judiciary reported unfavorably this resolution of inquiry.

It is a simple inquiry and it is broader than what you may have heard over the weeks and days on the Texas incident regarding the redistricting plan that has gone haywire, 55 Democrats, legislators, civilians, who decided that the legislative process was so broken that they had to leave for Ardmore and the belief by this body and Members of this body that it was a Federal offense and abuse of power by the use of Federal resources, this resolution simply asked that the Attorney General be directed within 14 days to be able to present all of the facts so that, again, the truth could be known.

I am disappointed that even after a vigorous debate, even after narrowing the resolutions, even after the gentleman from Michigan (Mr. CONYERS) offered an amendment to suggest that issues dealing with congressional staff, issues dealing with any other staff that could be utilized, a fair amendment, even after encountering a debate with our colleagues on the other side of the aisle that we would be willing to compromise so that the truth would be known why we had leadership of this House calling the FBI to go after individuals who were only expressing their viewpoint in objection to a runaway legislative process in the State of Texas.

That resolution was voted down, but we will not be stopped because it is important that the Committee on the Judiciary and this House not be known as the cover-up House of 2003. This body, dominated by Republicans, refused to pull back on the Articles of Impeachment on the President of the United States, William Jefferson Clinton, though many of us spoke against it. And their view was, the truth must be known.

Now, when there has been an enormous suggestion and allegations of abuse of power, the use of the FBI, when we have newspaper reports and testimony or statements made by legislators who heard from the FBI, who heard from Homeland Security, we still cannot seem to get, if you will, the truth that should be told.

So frankly, Mr. Speaker, I am hoping that there may be a reconsideration and we are going to offer another resolution of inquiry to be able to ensure the actual truth be told to the people of this House.

Mr. Speaker, I yield to the distinguished gentleman from Michigan with respect to this issue because his amendment was a very advanced amendment, cooperative and collaborative amendment in the committee; and I would be happy to yield to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. Speaker, the judiciary considered a resolution of inquiry into a matter involving the Texas legislature when many of the members removed themselves in an attempt to prevent a redistricting scheme that would have been obviously very detrimental to African American and Hispanic Americans.

ORDER OF BUSINESS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take the time allocated to me now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMITTEE OF INQUIRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, this event is not the basis for which the Committee of Inquiry was created because even though there was so much harm and possible violation of the voter rights of Americans in Texas, that was not what the Committee of Inquiry was gathered to do.

□ 2000

The committee of inquiry introduced by the gentleman from Texas (Mr. GREEN) was merely to inquire as to whether or not Federal funds, resources, or personnel had been used in trying to locate the missing members of the Texas legislature during June 11 through June 19, and that was all.

It was claimed by the distinguished majority leader of the House, himself from Texas, that this was a Federal matter, and that there was a justification because redistricting was involved that the Congress had every right to inquire. Whether he is correct or not is not central to the question of whether we should determine whether Homeland Security resources, whether Federal U.S. marshals, whether members of the FBI, whether personnel in the Department of Justice in Washington were used in trying to identify the whereabouts of members of the State legislature. That is all we wanted to do.

In an incredible debate, which fortunately has been reported to the American people and is preserved for all posterity, in a totally party vote, every Republican voted that they did not want to inquire, they did not want to know, they did not want to find out if Federal resources were used. They did not have any interest in knowing if there were any Federal statutes that were broken, whether there were any possible violations of the law.

This is the Committee on the Judiciary of the United States whose responsibility it is to protect the Constitution and its amendments and preserve democracy for the people of the United States of America, a rather striking position, but one that is not over because we did not prevail in the great Committee on the Judiciary in the House of Representatives.

This is a matter, as the gentlewoman from Texas (Ms. JACKSON-LEE) has admonished us, is not going away. We are not packing up our tents and forgetting about this. We have got to show to people that the Department of Justice is accountable, that the FBI is accountable, that the United States marshals are accountable and that indeed the Members of Congress have a responsibility to know if Homeland Security has now been turned into a partisan operation for any purpose that anybody in charge happens to think it is.

This is very important because with this kind of attitude there is going to be a great difficulty for the American people to have any confidence in Homeland Security whatsoever.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. If the gentleman will remember a COINTELPRO was utilized against Dr. Martin Luther King, Jr. It was a different time. This is a simple inquiry as to whether or not we find ourselves with a modern day COINTELPRO of 2003, whether Federal resources were used to track civilians who had not violated any law, and as my understanding, Dr. King and civil rights activists, it was determined that the COINTELPRO was excessive, that he was not a terrorist, he was not a threat. If anything, he was healing this land. He was bringing us together.

So I would say that it is appropriate for the FBI, of which we have oversight, to themselves want to be known to the United States of America as the institution that it is, with high regard for integrity and high regard for its commission.

PROVIDING AID FOR AFRICA

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, it is always a good thing when the President visits a neglected continent, and so I am very glad that President Bush finally got to Africa; but we must recognize and understand the history of the United States policy and the United States involvement with Africa in order to use this moment to develop a positive, forward-moving agenda that is mutually beneficial.

First of all, the United States has significantly in the past contributed to the underdevelopment of Africa and has been benefited from the geopolitical manipulation of Africa and its leaders, and that is a fact. In the past, the United States has endorsed and funded the regimes of dictators. It has secured and disbursed loans that have left Africa Nations to this day struggling with debt; and it has created a cycle of dependence that has left Africa importing resources, aid, and military support from others. That is a fact.

This cycle of dependency, however, can be broken if the United States would work with Africans instead of against them. Peace, however, is a prerequisite for development. There can be no nation-building without peace. Strengthening Africa's peacekeeping capacity is the only solution to limiting outbreaks of civil conflict and preventing them from spreading to other parts of the region.

In turn, our investment in peace would not only protect our foreign aid investment but would also strengthen and secure an environment for African democracy.

Today, Africans are getting poorer and hungrier and conflict and HIV and AIDS really threaten the survival of entire nations that the breakdown of African communities is causing and the breakdown of state and regional governance. This breakdown really has created an opportunity for opportunistic individuals, companies and nations, including the United States, to exploit the absence of state authority and governing institutions and the natural resources vital to the economic and development and growth of a nation.

According to World Bank reports, poverty in Africa remains rampant. During the 1990s, the numbers of poor people on the continent living on less than $1 per day, $1 mind you per day, rose from 241 million to 315 million in 1999. The World Bank now estimates that by 2015 this number will be approximately 404 million. Why are the numbers of poor and impoverished Africans going up? We have to ask the question of our own government, is the United States really committed to ending global poverty and promoting democracy?

I am pleased again, as I said earlier, that President Bush is visiting the African continent, but I just wonder why he is not visiting a hunger-stricken country like Ethiopia or Zambia.

Development assistance continues to be underfunded in our budget. Budgets of international programs, especially for Africa, have been moved into budgets for rebuilding Iraq. I believe that the United States should rebuild countries that it bombs, but it should not rob Peter to pay Paul. For this one country, the United States will invest over half a billion dollars for a little over 24 million people in Iraq, while the entire foreign assistance budget for 54 African countries, with over 858 million Africans, will be a measly $2 billion. That is an embarrassment and a real dismal dismissal of our history, heritage, and international significance for Africans and African Americans worldwide.

As I said earlier, I believe that the United States should help rebuild countries that we bomb and destroy, but we should find new money to do this. Otherwise, rebuilding a nation such as Iraq comes at a price.

The Bush administration has proposed decreases in several critical accounts in the 2004 Africa budget which will negatively impact Africa's long-term economic and political development efforts. So it appears that rebuilding Iraq, of course, is much more vital to the international community than the lowered nutritional status of Africans and the higher incidence of preventable illnesses like HIV and AIDS.

I urge our appropriators here to minimally step up to the plate and fully fund the $3 billion in HIV and AIDS money that we authorize tomorrow while the President is in Africa so that he can at least deliver on his promise to attack the HIV/AIDS pandemic in a real way.

RESTORING CIRCULARITY TO MEXICAN MIGRATION PATTERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I rise today to discuss the untenable situation facing our country as a result of our current immigration policies. I certainly do not believe that our Nation's borders should be left wide open. Especially today, in light of terrorist threats, we must keep track of who is entering and leaving the country. We can try to tighten up our border enforcements even more than we already have; but as long as the U.S. offers aliens more opportunity for work, people will risk their lives to cross the border.

From 1986 to 1998, the number of tax dollars that Congress appropriated for the INS increased eightfold and for the Border Patrol sixfold. The number of Border Patrol agents assigned to the southwest border doubled to 8,500.

The end result of this huge increase in enforcement efforts? More than 7 million illegal aliens reside within U.S. borders. How can we honestly tell the taxpayers that this strategy has been a success?

The increase in border enforcement has made it less likely that undocumented workers who have successfully entered the country will return home. Crossing the border is risky, so illegal workers are increasingly reluctant to repeat the trip more often than necessary once they are here. Also, smugglers are expensive. So workers must remain in the U.S. longer to pay for the high cost of crossing the border.

Before the Immigration Reform and Control Act, or the IRCA, became law in 1986, the average trip of illegal immigrants entering the U.S. lasted 3 years. After IRCA, the average trip length has risen to 8.9 years. It seems that increased border enforcement has been effective at keeping illegal immigrants in the United States.

The enormous rise in trip length has had a devastating effect on the cost of public service, particularly in my home State of Arizona. The longer illegal immigrants stay in the U.S., the more it costs local governments to provide services like health care, education, and criminal costs.

Another disturbing trend is the loss of life experienced by those who are attempting to enter the U.S. According to the Border Patrol, 146 aliens died in my home State of Arizona in 2002 while attempting to enter the country from Mexico. Nearly every day the desert claims another life of an illegal immigrant attempting to cross the border, most likely those seeking work or a chance for making a better life for themselves and their families.

Is the answer to this problem to abandon any hope of enforcing our borders and swinging the door wide open to anyone who wishes to enter the country? Of course not. We can enforce our borders in a smarter way and greatly reduce the flow of illegal migration across them.

Rather than denying the reality of labor migration, we should instead work to regularize it and manage it within a legal framework so as to promote economic development abroad, minimize costs and disruptions for the United States and maximize benefits for all affected. Congress can and should consider an initiative that would alleviate many of the burdens that Arizona and the rest of the country suffer due to the problem of illegal immigration.

A temporary foreign worker program would direct the flow of workers into legal channels and promises to aid the government in getting a handle on who is here and who is crossing the border.

I support a program that would allow these workers legal entry into the U.S. so that they can perform the jobs that U.S. employers are offering. This legal framework would allow the U.S. to collect taxes and would provide the workers a safe and legal way to return to their homes and families.

I would submit that such a system would be far preferable than the status quo that we have today.

PRESCRIPTION DRUGS AND MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come tonight to talk about prescription drugs and Medicare. The bill the House passed just 2 weeks ago is simply the first step toward the Republicans goal to privatize Medicare.

□ 2015

They want to do this for a few reasons, but their most important reason for doing this is that, I think, they firmly believe, or I would even say blindly believe, that the private sector and the free market solution is always better than a government one.

The free market is an incredible tool, and it has advanced many areas of human endeavor, but for it to work, it must have one important component, and that is the bottom line, or profit. Without that critical component, the free market system is useless.

Medicare was created in 1965 precisely to address the failure of the markets. It was not profitable to treat our seniors with a free market health insurance solution. The market solution to insuring the elderly was simply not to insure them, because, after all, they get sick too often, and insurance companies would have to pay. If you want to make money in the medical insurance game, you insure young, healthy people, not old people.

Luckily for America's seniors, the Democrats controlled Congress, and we set up Medicare. We valued our elders. And even though the markets wanted to leave them behind, we did not. We protected them, and we treated them with the compassion and the dignity they deserved in their old age.

So why do the Republicans want to privatize Medicare so badly? Do they not remember what happened before Medicare, when we left the health of our aging parents and grandparents to the free markets? Are they so swept up in their blind faith in the market that they believe somehow it will just take care of things, even though we already have tried that and we know that it does not work?

Taking care of the elderly is not profitable, nor should it be. Profit is not always the most important thing. These are the people who reared us. They are the people who took care of us when we got sick. They are the people that taught us right from wrong. The Republican proposal is a slap in the face to our parents and to our grandparents.

Every provision of the Republican bill is designed to be a handout to insurance and prescription drug companies, not to give our seniors a better health care plan. The prescription drug plan laid out is available only through private insurance companies and HMOs. There is no provision, no provision to hold down the prices drug companies can charge. It does not ensure that all seniors will be eligible for this coverage, which has been a hallmark of the Medicare program.

And if that was not bad enough, their proposal would increase seniors' costs for doctors' visits by raising the Part B premium and indexing it to inflation. This provision is included for only one reason, one reason, and that is to move people out of traditional Medicare and to force seniors into managed care plans, into HMOs.

Now, I tried to offer a substitute amendment to this bill that would have provided a real prescription drug benefit for Medicare beneficiaries, but it was ruled out of order by the Committee on Rules, out of order because they did not like it, at 4:00 in the morning, in the dark of night, only hours before we voted on the bill.

My amendment would have provided one simple type of coverage, catastrophic coverage against excessively high drug costs for seniors. There were no premiums. There were no copays. There was no coverage gap. The crux of the plan defined the out-of-pocket spending limit to 6 percent of the adjusted gross income of the beneficiary, with any additional costs being picked up by Medicare.

My plan provided annual spending targets, which would be guaranteed not to exceed the $400 billion level that President Bush had set. It also called upon the Secretary to encourage the use of prescription drugs and contractual arrangements with pharmacy benefit managers to help control prescription drug costs.

This idea of bringing down the cost of a drug is in sharp contrast to the outrageous, noninterference clause found in the bill that passed this body 2 weeks ago, designed to ensure that drug companies can charge whatever excess price they want for the drugs they choose.

It is clear to me and to my Democratic colleagues, and it will become clear to America's seniors and their families, where the Republicans' loyalties lie. The story has been the same since the start of the 108th Congress. From homeland security to education, from veterans' benefits to the child tax credit, and now, finally, to health and to the well-being of our parents and grandparents, the Republican message is clear: If you are not a powerful corporation, if you do not give money to Republicans, they do not care about you.

THE MIDDLE EAST

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, I rise tonight to address the situation in the Middle East. Our government has embarked on a journey promoting the so-called roadmap to peace, and I sincerely hope that the road we are taking is straight and wide and safe, but I am deeply worried.

I support the concept of the roadmap, and I support the idea of a two-state solution to the Israeli-Palestinian conflict, but I do not believe the timing is right. Neither the Bush administration nor the Israeli Government, under pressure from the Bush administration, has required enough of the Palestinians for us to continue successfully on the road at this time.

Simply put, we need the Palestinians to crack down on terror, and they have not done it. In today's Washington Post it was reported that the administration has reversed years of American policy and decided to provide $20 million directly to the Palestinian Authority. The amount of money is not huge, but the symbolism is.

The theory behind the policy change has some merit, as it hopefully would strengthen the hand of Prime Minister Abbas. But I believe we must demand and see a much greater commitment toward peace and the end of terrorism from the Palestinians before we reward them with money or support that could, in fact, be used against the Israeli people.

In my opinion, before we seriously pursue the roadmap and before we send $20 million to the Palestinian Authority, the Palestinian Authority should take concrete action to arrest terrorist leaders, to confiscate terrorist weapons, to dismantle terrorist organizations, to change the cultural bias that allows anti-Semitism to be taught in the schools and broadcast on radio and TV, and to stop honoring suicide terrorists with public posters and street names.

Until the Palestinian Authority cracks down on terror, the Palestinian cause should not be rewarded with a Palestinian state. We can make progress in the Middle East, we must make progress in the Middle East, but with this progress we must demand effective action from the Palestinians to stop terror. This will protect the innocent as we move down that road to a just and lasting peace in the Middle East.

HEAD START

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, tonight I want to discuss one of the best programs in America, a program that is 38 years old and has served the children of America extremely well. This program has been commended, lauded and talked about by Presidents Clinton and Bush, Sr., and even President Ronald Reagan commended the Head Start program.

This program has never served all of the children who need this program. As a matter of fact, we only serve about 60 percent, I believe, of the children who need the Head Start program. We find this diverse program in various communities around the country. We find it in the inner cities, in suburban areas, and even in rural communities. And for those communities who are fortunate enough to have the Head Start program, we hear nothing but praises from the parents, from the people who work in the program, from community leaders and elected officials.

Head Start was instituted under the War on Poverty some 38 years ago because the educators and researchers discovered that to the degree that we are able to provide young children with a Head Start experience, they will be better prepared for kindergarten and for education. When they started this program, preschool was only available to the upper middle class, for the most part. Certainly poor people could not afford to give their children a preschool experience, nor could working parents really afford to do that.

So little children who did not have access to preschool programs did not have the opportunity to take trips to the zoo. As a matter of fact, they did not have opportunities to take trips to farms. They did not have opportunities to take a ride on a train. They found that most of the children, particularly in poor communities, had never been 20 miles away from home. So Head Start came into being under the War on Poverty, and what a wonderful program it has been.

This program was developed a little bit differently than regular education. It was decided that Head Start would address the whole child and the family and the community. In Head Start, children get a physical examination. In Head Start, children get nutrition. They get breakfast, and they are served lunch. In Head Start, not only do children have physical examinations, receive proper nutrition, but one of the most important components of Head Start is the parental involvement component of Head Start.

I know about this program, because 38 years ago I had the great opportunity to work with the Head Start program. I started with Head Start at its inception, and I started as an assistant teacher in the classroom, working with the children. But I soon learned that I really wanted to work with the parents, and I eventually became the Supervisor of Parent Involvement and Volunteer Services.

I had the opportunity to welcome parents to the Head Start site. I had the opportunity to get parents involved with the inspection of the program, in helping determine the budget of the program, in helping to give input to the teachers.

Parents soon learned that they really did have a lot to give. Many parents who thought, because they were not educated, that they could not be of assistance to their children, but they soon learned that they could determine their children's educational destiny.

What a wonderful experience it was, seeing parents getting more involved with their children, and children becoming alive. We found children with learning disabilities, learning disabilities that never would have been detected had they not come to Head Start. We found that there were children who did not see well, whose parents would never have had the money for eye examinations and who received corrections. We discovered that there were children with emotional and mental difficulties, and, for the first time, they had access to psychological and psychiatric help if it was needed.

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Now we are at a point in time where this administration wants to change Head Start. Some of our Members are saying if it is not broke, do not fix it. That is absolutely true. Why do we have this administration now wanting to take our precious Head Start program and block grant it to the States?

They are simply saying we want to get the Federal Government out of the business of running Head Start programs. What they are saying is we want to dump it into the laps of the States. Please do not send it to California. We have a $38 billion deficit. If this administration block grants Head Start to California with no mandates, I will tell Members what will happen to Head Start. They are going to siphon off the money to help pay the bills.

As we look around the country, we are finding that many of our States are in great difficulty. This administration is not only talking about block granting Head Start, but also section 8 housing programs, everything they can get their hands on, divesting itself of the running of programs that are so vital to this country. I do not want this administration to make the mistake of dismantling this program.

Mr. Speaker, all I can say in closing is we have to fight to keep Head Start. We have to make sure that this program is available to the children, not cut back, not block granted, but expanded so more children will have the opportunity for this wonderful experience.

DEPARTMENT OF JUSTICE COVER-UP

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentleman from Texas (Mr. FROST) is recognized for 5 minutes.

Mr. FROST. Mr. Speaker, I want to take a few moments to discuss what happened in the House Committee on the Judiciary. The Committee on the Judiciary on a straight party-line vote rejected the resolution of inquiry presented by the gentleman from Texas (Mr. GREEN) asking that the Congress investigate the Department of Justice activities in Texas regarding the Texas legislators who broke a quorum several months ago.

Why is this so important? Because to restore the integrity of the Justice Department, Congress must investigate the Department's involvement in helping Texas Republicans in a strictly partisan political matter. Congress must unveil the facts and clear the air quickly because if the redistricting scheme of the gentleman from Texas (Mr. DELAY) somehow succeeds, these same Texas Republicans will be asking the same Justice Department to certify that its new plan does not disenfranchise African Americans and Hispanics in my State of Texas.

Earlier this year, as I mentioned, Texas Republican leaders abused Federal law enforcement for political purposes in a manner Americans had not seen since Richard Nixon and Watergate 30 years ago. In May when Texas State legislators blocked the gentleman from Texas's (Mr. DELAY) unprecedented redistricting scheme with a legal parliamentary maneuver, breaking a quorum which Republicans have done in the U.S. Senate and which Abe Lincoln did in the Illinois legislature in the last century, they violated no State or Federal laws.

In their response, Texas Republican leaders treated Federal law enforcement as their own personal political police force. The gentleman from Texas (Mr. DELAY) acted as if the Department of Justice was an arm of the Republican Party. The majority leader in the U.S. House of Representatives, which is charged with overseeing the Justice Department, publicly urged the FBI and the U.S. marshals to arrest these legislators in Oklahoma and drag them back to Texas. The gentleman from Texas (Mr. DELAY) privately contacted the Department of Justice, a fact that he denied at first.

Mr. Speaker, an FBI agent in Corpus Christi, Texas, tried to track down the Texas Democratic legislators and indicated they were conducting surveillance. The Justice Department is stonewalling, and so Congress must investigate and do so immediately.

Mr. Speaker, what happened in the Committee on the Judiciary today on a party-line vote was wrong and should not stand.

TRIBUTE TO SERGEANT FIRST CLASS GLADIMIR PHILLIPE

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, I rise to ask my colleagues here in the House of Representatives to join me in honoring a true American hero, Sergeant First Class Gladimir Phillipe, who made the ultimate sacrifice for our country when he lost his life in Iraq two weeks ago.

At a funeral service over the Fourth of July weekend at St. Joseph the Carpenter Church in Roselle, New Jersey, hundreds of friends, family, and members of his community came to pay their last respects to this outstanding young man who strived to achieve the American dream.

The son of Haitian immigrants and one of nine children, Sergeant Phillipe wanted to move forward in life and to make a meaningful contribution to his country. His family is hardworking and close-knit; his father is a machine worker for a manufacturing company in New Jersey. Sergeant Phillipe joined the Army in 1988, a few years after graduating from Elizabeth High School. He served admirably in both Bosnia and the Persian Gulf. He also distinguished himself by serving as an interpreter during President Clinton's trip to Haiti in 1998.

As we remember the inspirational life of this fine young man, let us offer our thanks for his service to our country. Let us also extend our deepest sympathy to his family—his father, Renisse; his stepmother, brothers and sisters, and his son, Cassidy.

DEBATING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I wanted to say tonight rather than the usual monologue by one Member, and of course it depends on who the Member is as far as the interest level; and usually if it is your own monologue, you find it very interesting, but the rest of Congress and the American people may not agree, and so the gentleman from Texas (Mr. STENHOLM) of the infamous Blue Dog Caucus has suggested that we have a debate about the budget and spending and other matters of great importance before this House.

With that in mind, I want to yield to the gentleman from Texas and his team, and then our team will speak. Our team looks like the gentleman from Texas (Mr. BURGESS) and me, and hopefully other Members will be running down here as they see it is our turn at bat.

Mr. STENHOLM. Mr. Speaker, we thank the gentleman for yielding, and we look forward to having a discussion on the issue of our Federal debt, national debt, deficits, what is causing them. We look forward to this discussion tonight, and it will be informal and hopefully it will be productive; and to those watching, hopefully it will be interesting.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. HILL) to introduce our team.

Mr. HILL. Mr. Speaker, we have assembled a team of Blue Dogs. First of all, we want to thank the gentleman from Georgia (Mr. KINGSTON) for agreeing to debate us. We think that it is good for the American people and good for this institution. Honest disagreements and spirited debates are sometimes put aside just for the sake of political bickering, and we hope tonight we can carry on a dialogue that will be fruitful for the American people.

We would like to begin our opening remarks, and I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. KINGSTON) for participating in this.

We bring this issue to the Nation's attention because I think there is no greater threat to our country's future than our Nation's worsening financial situation.

On March 17, 1994, about 9 years ago, then Member of the House, the gentleman from Illinois (Mr. HASTERT), said, "I will not stand by and watch Congress recklessly squander the future of our children and grandchildren. In light of Congress' exhibited inability to control spending and vote for fiscal responsibility, it is imperative that we have a balanced budget amendment to compel Congress to end its siege on our financial future." That quote comes from the CONGRESSIONAL RECORD of March 17, 1994.

It might be interesting to note that in the 1,650 days that the gentleman from Illinois (Mr. HASTERT) has been Speaker of the House, not only has the deficit gone up, but Members of this body, conservatives like the Conservative Action Team over on the Republican side, the Blue Dogs over on this side, have not been given a single opportunity to vote on a balanced budget amendment to the Constitution.

What we have had is a number of opportunities to reduce revenues to our Nation, any number of opportunities to increase spending. All told, the Bush budget that passed on May 9, 2 years ago, caused the largest decrease in Federal revenues in 50 years and the largest increase in spending in 20. I would hope that the American people would pay particular attention to that because we are always told it is those liberals, those guys from Massachusetts who are increasing spending.

I would remind the American public, since 1994 those liberals do not run the House. Guys like the gentleman from Illinois (Mr. HASTERT) do. I also remind the American public, and I am sorry this is so small and I hope the cameraman would work with me on this, but the fact of the matter is, and I hope the gentleman from Georgia (Mr. KINGSTON) is forthright in addressing this, since May 9, 2001, the Federal deficit has increased by $1,260,853,144,608. Most of my colleagues probably over the course of their life have written a thousand-dollar check for rent, a house note. If you wrote that check a thousand times more, you spent a million. If you wrote a thousand million-dollar checks, you spent a billion; and if you wrote a thousand billion-dollar checks, you have gotten up to the trillion.

You have increased the Federal debt more in 25 months than in the first 200 years of our country, and yet do you ever hear them say we are proud of running up that big deficit and squandering that much more interest on the national debt? That is why we are here tonight because I know that is not what you told your constituents when you sought this office.

As a matter of fact, the gentleman from Georgia (Mr. KINGSTON) on May 9, 2001, the day this budget became law said, "We are going to first put our priorities on top, Social Security, Medicare, education. Then we are going to take care of the normal functions of government, our obligations for roads and bridges and for all departments, national parks, fish and wildlife. Then what we are going to do is pay down the public debt. This, Mr. Speaker, is the first budget that we have been able to pass I believe that actually does pay down the public debt to a zero level which I think is extremely important. Then we get the leftover amount."

The gentleman did not pay down the debt. It was increased by a trillion dollars. In the course of that time, we now owe the Social Security trust fund $1.4 trillion. There is not a penny in it. This is no lockbox or account number. Ask your Congressman the account number for Social Security. There is nothing but IOUs.

We owe the Medicare trust fund, and this is direct line on people's taxes, $284 billion. There is no lockbox. There is no account. There is nothing but IOUs.

We owe the military retiree system $176 billion; and even more interesting, we owe the Federal employees who contributed to their own retirement fund $600 billion.

Now the President this week is talking about weakening the safeguards in the retirement system in the private sector. Well, heck, maybe he ought to do what Congress did and just steal it all, because there is not a penny in that account.

It gets even more frightening when we think about who we owe that money to. The gentleman from Georgia (Mr. KINGSTON), let us talk about your place in history. Just during those 2 years under the budget of President Bush, which you and your colleagues have passed, I voted against them, we have increased the national debt over $1 trillion. You have increased the debt by $544 billion in the past 12 months. In just over 2 years, you have borrowed $371 billion from Social Security to cover your deficit spending. You have borrowed $167 billion from Medicare, people's payroll taxes, military retirement, Federal employees retirement, that should have been paid into accounts that should have been saved for them. Instead, they have been used to pay for your deficits.

In 2 years you have borrowed $259 billion from foreign investors to pay for your deficits. That includes $50 billion from Communist China. We owe them. And it includes $82 billion to Japan. We now owe $1.25 trillion to foreign nations and their investors, including $119 billion total to the Communist Chinese thanks to your budget deficits. Our children have to pay back China, Japan, foreign creditors; and then they have to pay back Social Security, Medicare, and their retirement funds. They have to repay these debts, and until they repay them, they are going to continue to squander $1 billion a day on interest.

Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON) used to be for a balanced budget amendment. What happened? We have one that has been languishing for 1,650 days. We have a discharge petition sitting at the desk that I have begged you and your colleagues to sign so we can have an up-or-down vote on it so the American people can know who is really for a balanced budget.

□ 2045

Because you know what? Because now the gentleman is going to tell me we are at war. Doggone it, we had the Revolutionary War, then the War of 1812, then the Mexican-American War, the Civil War, the Spanish-American War, World War I, World War II, Korea, and Vietnam, and in all that time they borrowed less than $1 trillion. In 25 months you guys have borrowed $1 trillion.

So do not tell me it these unique challenges to our times. Americans have always had challenges, but previous Americans always rose to those challenges. Previous Americans like us who were lucky enough to be home when somebody else is fighting a war were at least willing to pay for those wars. That has changed under this administration. This administration says we are going to ask the 21- and 25-year-olds to go fight this war right now, and, by the way, when they get home, we are going to stick them and their kids with the bill.

Tell me that is right. Tell me that is why you really ran for Congress was to bankrupt the country. And under your budget, under your budget the debt will increase to $13 trillion, and interest payments will once again be the largest expenditure of our Nation, spending more money on interest on the national debt than even on national defense. Tell me that is why you came here. Tell me that is what it is all about is to stick your kids and your grandkids with bills you are not willing to pay.

I have asked before how many of the Members would buy a car and tell the dealer they don't care what it costs because their kids are going to pay for it? How many of the Members would buy a house in Savannah or in Florida or any of the States that they come from and say I do not care what it costs, I do not care what the interest payments are, I do not care what the note is because my grandkids are going to pay for it? That is precisely how you are running this Nation. If you will not do that to your kids individually, then collectively let us not do that, and that is why we are asking you tonight to sign the discharge petition for the balanced budget amendment and let us start getting this country back on the path that you promised them you would and I promised them I would. The problem is I cannot do it without your help.

Mr. KINGSTON. Mr. Speaker, let me respond on a few points that the previous speaker made. And I wanted to say that, as the gentleman knows, the passage of laws is not always perfect, and it is not always neat, particularly when we are in the majority and have to make some decisions and keep the train moving.

My preference on the budget, incidentally, was the one introduced by the gentleman from Pennsylvania (Mr. TOOMEY), H. Con. Res. 95, which actually balanced the budget in 4 years and reduced spending far more than the Republican budget that passed and far more than the Blue Dog budget that passed. And I would point out to my colleague that if we are bringing up past votes, there was not one Democrat who voted for that budget, which was the model in fiscal restraint. So rather than stand here and just point fingers, I want to talk about some of the realities that we are faced with.

I note the gentleman from Florida (Mr. BOYD) is here from the Committee on Appropriations. I think there are six things that help get spending out of control in the House that hurts all of us. One of it is that we do not go to zero-based budgeting. Every year appropriations starts out where they left off last year. This has been the case for many years in the Congress no matter which party is in charge, and I would love to see us go back to zero base when these agencies come in to justify their budgets and ask do they really need it? One of the examples is the western forest fires. When they have a forest fire disaster, and we fund firefighting at a certain level, the next year if we reduce that because we have handled the fire, we get called for cutting forestry money. And the gentleman from Florida (Mr. BOYD) and I have to battle that all the time.

The other thing that I want to mention, the second issue that helps drive up the cost is the matter of mandatory spending, and I would think that is a little bit ironic because we are the U.S. Congress, and things do not have to be mandatory when someone is the one setting the rules. But mandatory is basically the automatic spending, and here is the budget breakdown for the year 1980, and the part in green is the mandatory spending, the Medicaid, Social Security and so forth. And the discretionary, the red part, which is almost 50 percent of the pie, that is the amount that we actually can vote on and squeeze and twist and do different things, whereas this is all kind of on automatic pilot.

As the years have gone by, and that was again 20 years ago, this is fiscal year 2002, and the mandatory portion has gotten bigger and bigger. The discretionary portion, which is the part we can control far greater, it has gotten smaller. And what that means is the part where there is honest debate we control a lot better. The part where everybody is afraid to touch Social Security, except for the gentleman from Texas (Mr. STENHOLM). I want to commend him on the work that he and the gentleman from Arizona (Mr. KOLBE) have done over the years.

Veterans spending, Medicare spending and so forth, these are all issues that we tend to shy away from in terms of honest debate, but look at these charts just to show the impact of these. Here is the veterans spending since 1995. And I am not making a judgment on if the spending is worthwhile or not. I am just saying this is the reality of that big portion of the chart. Veterans.

Here is Medicaid. That is the healthcare for the poor, straight up during the period since 1995.

Here is Medicare, the healthcare for the seniors. It has gone straight up.

And I would say one of our big problems is if we are really going to get a serious handle on spending, we have got to quit using veterans and senior citizens and the poor as our partisan wedge shield that is going to scare the other party into not touching it, because if we are really serious about this stuff, we have got to get into that.

I have three other points that I wanted to make, but I wanted to introduce the gentleman from Minnesota (Mr. KENNEDY).

Does the gentleman want to react to the previous speaker, because I kind of have a track here myself.

Mr. KENNEDY of Minnesota. Mr. Speaker, I certainly would. But if the gentleman would like to continue, I would be happy to jump in later.

My concern is we are hearing a lot about the debt, and we care about the debt, but what is the goal? Is the goal to get it in balance no matter how it is, and how we get there really does not make any difference, whether it is raising taxes, as there is included in the Blue Dog budget; or is it controlling spending? And I think the real challenge we need to do is that there is a difference in terms of how we achieve that, and I believe that the way that we need to get to the balanced budget is we need to kick-start this economy, get it moving north, generate tax revenue as well as we need to control that spending, and that is where we need to have some more talking. The gentleman from Georgia (Mr. KINGSTON) is right on how do we control spending mandatory and discretionary. So I would be happy to talk about that more.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, when we talk about spending, this is the record on spending, and we have to remind my friends on the other side of the aisle since 1994, they have been in charge. It is not Democrats that have been in charge, but you have been in charge. And, therefore, if we are talking about spending, spending is going up. And the Blue Dogs agreed with President Bush and with you in the budget on total spending this year in the budget. We are not asking one dime more to be spent than what the gentleman is talking about spending. This is the record of spending, and it is going up.

Mr. KINGSTON. Mr. Speaker, actually I am glad the gentleman mentioned this, because we are the majority party, we take responsibility for governing. There is no question about that. We get the credit if it is good. We get the blame if it is bad. But let us also admit that often the forces that cause more spending and cause us to get away from the budget, which has always driven me up the wall where we passed a budget in March, but we actually passed the final spending bills in the fall of the year, and by then March is ancient history. No one is really worrying about the budget. They just want to go home and cut a deal, and often it is the other body or the White House that causes large increases.

On the topic that the gentleman is talking about, the Republican spending, let me say what the Democrat record is in claiming that nearly every single appropriation bill that we have is not enough money, and I have a copy of some of the amendments that I will get into that the gentleman from Wisconsin (Mr. OBEY) offers every single time on appropriation bills, and the gentleman knows how this business is. The gentleman wants to say we are the majority to help with the Democrats, but it is not just a matter of numbers. The gentleman has split philosophies in his party. The gentleman has some extremely liberal folks; we have some extremely conservative people. And every time they pick up a group here, they lose some votes here. So as they are trying to pass a bill, they get a net 3, but they swap around 9 or 10 votes, and that is one of the things that drives up spending that I want to talk about that.

Mr. BOYD. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. Mr. Speaker, I am kind of losing track of the time here, but just to keep it going, I want to yield to the gentleman from Florida, but I also want to be sure that we are not going to shortchange me at the end of the evening.

Mr. BOYD. Mr. Speaker, I thank the gentleman from Georgia for yielding. I assume that the gentleman and Mr. HILL will keep track of the time, along with the Speaker.

I know that the gentleman from Georgia (Mr. KINGSTON), my appropriator friend, has spoken about mandatory spending, which I think the American people know which is required spending by Congress unless there is a law change, and the gentleman very eloquently addressed that. Of course, that law could be changed by the majority party in the House and the Senate, which are Republicans, but they have chosen not to change that to bring in check some of this mandatory spending.

But let us talk about the discretionary spending side, because there have been some accusations made certainly by the gentleman from Minnesota (Mr. KENNEDY) about the discretionary spending and how the real answer to solving this problem is to hold down discretionary spending. I do not think I could agree more, but I want to lay the facts on line.

Here are the facts in this chart. This chart starts in 1993 over on the left side with the blue bar graphs and ends up on the right side with the red bar graphs in 2003, a 10- or 11-year period. In 1993, we had a Democrat-controlled White House, Democrat-controlled Senate and House, and we see that discretionary spending, and these are raw numbers, raw numbers, went down 8.4 percent, 10.4, 11.2, .5. This is the year that we achieved the balanced budget agreement, working together. The Republicans had taken control of the House and the Senate in 1995. So then with achieving a balanced budget agreement, discretionary spending began to go up; still a Democrat administration, but a Republican-controlled House and Senate.

Here is what happened in 2001 when the new administration came in. Look at these numbers. These are the facts, Mr. Speaker. These are the raw numbers. Discretionary spending grew at a rate of 1.6 percent, I think, during this 8-, 9-year period. During this last 3-year period, I think that growth rate is in the neighborhood of 8 to 9 percent.

So I would say to the gentleman from Minnesota (Mr. KENNEDY) that the old argument about the key is holding down spending, we agree with him. The problem is that since the Republicans have control of the White House, the House and the Senate, that the discretionary spending has began to skyrocket. So I think we ought to make sure that the public understands what the real numbers are here.

Mr. KENNEDY of Minnesota. Mr. Speaker, I would add that a big part of the difference which would make that chart look radically different is we have not felt that defense spending is discretionary spending, and all of that and more of the decreases were done on the back of reducing our preparedness to respond to emergencies. If we took defense spending, left it out of that chart, we would see, I am sure, during the Democrat-controlled periods, a fairly significant increase in the discretionary period spending. A big part of the spending that we have had to do in the last several years in response to tragedies that this country has suffered has been to rebuild our military capabilities, prepare our homeland for defense against terrorist attacks.

So I think if we smoothed out that, we would see a story that is very consistent with what I put forth, that we need to control spending. We need to do it in a way that we are not doing it on the backs of the security of the American public.

□ 2100

Mr. MARIO DIAZ-BALART of Florida. If I may, I think one of the things you cannot do is have it both ways. You cannot come to the floor of the House one day and accuse the Republicans of not spending enough, which was exactly what happened here during the Medicare bill debate, which is exactly what happened during the budget debate; and then later say we are spending too much. Which one is it? Do you believe that we are spending too little, or do you believe we are spending too much?

I happen to believe that, if anything, we are spending too much. But I think what you cannot do is have it both ways. That is what I kept hearing, since I have been here, anyway.

Mr. BOYD. If we could, the gentleman from Tennessee (Mr. TANNER), would you like to jump in on that point?

Mr. TANNER. The gentleman from Georgia (Mr. KINGSTON) referred awhile ago to mandatory spending. There is no more mandatory spending than interest on the national debt. What we are doing as Americans, not Democrats or Republicans, but as Americans who represent the American people here, all 435 of us, with the charts that the gentleman from Mississippi (Mr. TAYLOR) showed, we are building in a tax increase on the American people that is structural, because we are borrowing so much money today.

You are spending money. You are just not spending it today; you are spending it tomorrow. And you are spending it in the form of interest, additional interest, on the debt, because that is mandatory spending. The interest has to be paid. And when you talk about mandatory spending, you are building in more mandatory spending and have in the last 25 months than any of the Democratic numbers there would indicate.

So I just want to say, mandatory spending is a problem; but interest is certainly a part of that.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman would yield, again, what I am saying, though, is you cannot have it both ways. Because what I have heard, and I know I am relatively new here, what I have heard consistently in the Committee on the Budget, is Republicans are not spending enough. Every single proposal, by the way, including the Blue Dog proposal, spends more. Yet my dear friend, the gentleman from Florida (Mr. BOYD), whom I respect immensely and whom I have a friendship with, now says that we are spending too much. Which one is it? Which one is it?

Mr. STENHOLM. We want to keep it based on the facts tonight, and the Blue Dog budget did not spend one dime more than the Republican budget.

Mr. BOYD. If I might respond to my friend from Florida (Mr. MARIO DIAZ-BALART), and, by the way, he and I served in the Florida legislative body for 15 years and he is my friend, I would say we are not here asking to have it both ways. We are here to set the record straight and show what the numbers are.

We are here so when someone gets up and says, oh, it was those liberals over there that had the high spending numbers, we are here to show you that is not the case. In fact, quite the opposite was the case. The discretionary spending levels increased by an average of 1.6 percent for 8 years in the previous administration, and in this administration they have increased by 8-plus percent on an average basis.

I want to make one more point on the need to pay down the debt. I want to quote. It says: "We also feel that we need to pay down the debt. We have a debt of $5.4 trillion, which costs the American families on average for a family of four about $2,000 a year. That is $2,000 for college tuition, for house payments, for a nice vacation, for a car, for whatever the need of the family is. Now it just goes to pay interest on the debt. It does not even pay down the principal."

That was a statement by the gentleman from Georgia (Mr. KINGSTON) on March 3, 1999. Do you know what? I agree with the gentleman from Georgia (Mr. KINGSTON) in that statement. That is the basis of the Blue Dog philosophy and theory, is that we ought to balance the budget and pay down the debt.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman will yield for a second, it is nice to say those things; but on the floor we had votes on the budget, and the votes on the budget were a partisan vote. I may be wrong, but I think the Blue Dogs voted against the Republican budget, and the argument there was that we were not spending enough money.

If you look at the Blue Dog budget, here is the Blue Dog budget. In 2006 to 2011, it raises taxes by $124 billion. By the way, it would not make the tax cuts permanent. There is the vote.

So it is very nice. We can say anything and it kind of gets diffused in the air, but the facts are the facts. I am glad you said that, sir. Let us talk about the facts. The votes were there. We had two budgets: a much larger budget, the Democratic budget, and a smaller, tighter, more responsible budget, and you all did not vote for that. Those are the facts.

Mr. TURNER of Texas. If the gentleman will yield, first of all, as we said on this side, the Blue Dog budget did put us back on a course toward a balanced budget and would have balanced much quicker than the budget that the Republican majority adopted. And when you look at spending, I think what we have to acknowledge in terms of the Federal fiscal condition, the tax cuts and spending both increased the national debt.

If you look at the results since January of 2001, when President Bush came into office, 58 percent of the deterioration in the national debt, the increase in the national debt is attributable to tax cuts; 28 percent is attributable to increase in defense spending; and 22 percent attributable to the war against terror and Iraq. That is from the Congressional Budget Office. So what we believe is that it is dangerous for this country to continue down the road of increasing the national debt.

I want to read to you from an article by one of your own in the "New Yorker," June 8 of this year, an article written by Peter Peterson. Mr. Peterson is the chairman and cofounder of the Blackstone Group, the chairman of the Federal Reserve Bank in New York, a former Secretary of Commerce under President Nixon; and here is what he had to say about your borrow-and-spend policies:

He said, "Since 2001, the fiscal strategizing of the Republican Party has ascended to a new level of fiscal irresponsibility. For the first time ever, a Republican leadership in complete control of our national government is advocating a huge and virtually endless policy of debt creation. The numbers are simply breathtaking. When President Bush entered office, the 10-year budget balance was officially projected to be a surplus of $5.6 trillion, a vast boon to future generations that Republican leaders firmly promised would be committed to their benefit by, for example, pre-financing the future costs of Social Security. Those promises were quickly forgotten."

He goes on to say: "In just 2 years, there has been a $10 trillion swing in the deficit outlook. We are now looking at almost a $5 trillion projected debt. Coming into power," he says, "the Republican leaders faced a choice between tax cuts and providing genuine financing for the future of Social Security. What a landmark reform that would have been. They chose tax cuts. After September 11, they faced a choice between tax cuts and getting serious about the extensive measures needed to protect this Nation against terrorist attacks. They chose tax cuts. After war broke out in the Middle East, they faced a choice between tax cuts and galvanizing a Nation behind a policy of future-oriented burden sharing. Again and again, they chose tax cuts. The recent $10 trillion deficit swing is the largest in American history other than during years of total war."

This is one of your own. This is a Republican speaking here, speaking the truth.

Mr. SMITH of Michigan. If the gentleman would yield, I would strongly suggest that this kind of debate is excellent, and I compliment the Blue Dogs and certainly the gentleman from Georgia (Mr. KINGSTON). But may I suggest that maybe we are going about the debate the wrong way. Instead of trying to blame each other, let us start looking at how we might work together.

We all know that there is tremendous pressure coming from lobbyists and user groups that want more spending for their particular interests. Lobbyists in this Nation's Capital are very effective. We realize it takes a lot of money to get reelected now. I have got a chart here, but, still, we are all to blame. We all have our special interests.

The Blue Dogs said, let us increase entitlement spending and borrow $400 billion for adding prescription drugs to Medicare. That is because there is a demand out there, and there are enough people that think that it is going to be to their advantage on getting reelected or that it is a good thing to do. But the fact is, that even that kind of a program, which seems to have some merit, tremendously puts a burden on future generations.

So how do we deal with prescription drugs, which is very popular, especially with seniors? How do we deal with some of the Republican proposals for increased spending to try to come together?

There are enough Republicans and enough Democrats that, instead of arguing across the aisle, if somehow we could decide on some of the issues we agree on. The increase in the total debt held by government continues to go up, regardless of the administration.

When there is a Democrat President, we heard a lot of claims that the reason that we had balance in that couple of years was because of the leadership of the White House, and now we are hearing claims that the increased debt and spending is because of the same kind of spending leadership that we might have in this White House.

How do we come up with the kind of policy that is willing to deal with a $9 trillion unfunded liability for Social Security, an estimated $7 trillion unfunded liability if we add prescription drugs to Medicare, and the willingness to continue to spend more money?

I agree with the Blue Dogs, and the Blue Dogs have done a great service, I think, during some of the minority years that Republicans were in the minority, of adding some votes to some of the spending projects that would put some limitations on it.

So it is, of course, my frustration that we do not deal with some of the unfunded liabilities. The unfunded liabilities are just as important to the burden that we are putting on future generations as any increase in discretionary spending or in what we consider the debt subject to the debt limitation.

In fact, we should be holding this discussion based on the total obligation of our kids and our grandkids, and that includes not only the debt and the tremendous interest that we are paying on the debt; I think somebody mentioned $1 billion a day on the debt. But that is at the lowest interest rates we have seen in many years. If interest rates go back to normal, then we are going to be looking at half a trillion dollars a year in interest rates, if not more.

The solution I have might be that we just start working together, instead of blaming each other, to maybe come up with some of the resolves that we should all be working together on.

Mr. KINGSTON. The gentleman from Texas wants to speak a little bit about the issue you mentioned about the lobbying groups in town who are out fighting for their little chunk of the pie, because I think his approach to fiscal restraint in the form of tax reform makes some sense. I wanted to make sure the gentleman from Texas (Mr. BURGESS) has an opportunity to speak.

Mr. BURGESS. I thank the gentleman for yielding. Actually, the gentleman from Georgia (Mr. KINGSTON) brought it up so eloquently right at the start of his discussion, about zero-based budgeting. Of course, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. TURNER) know this, because in our home State of Texas, the State legislature this session faced a $9 billion deficit. They passed a budget with no tax increase by using a zero-based budgeting system.

To tell you the truth, gentlemen, my hat is off to the legislature and the Governor, both sides of the aisle, for getting that down in our home State of Texas. As we see the situation in California deteriorate, perhaps we will be able to attract some of those businesses that are looking for a more favorable tax climate in which to relocate.

The gentleman from Florida (Mr. MARIO DIAZ-BALART) said it so well, you cannot continue to say, day in and day out, and we heard it tonight here on the floor of this House, you are not spending enough on veterans, you are not spending enough on Head Start, you need to take that $400 billion for Medicare and just pay for the catastrophic coverage.

Gentlemen, you cannot have it both ways. You had an opportunity to join with the Republicans at the time the budget was passed and vote for H.Con. Resolution 95. I wish you had. I wish we could have partnered on that. But it was not to be. That was a budget that provided some real cuts, that we could have been proud of.

I am sorry the gentleman from Mississippi (Mr. TAYLOR) left, because, yes, that is why I came to Congress. But it was not to be. We had a compromise on the Republican side, and, at the end of the day, we got a budget passed.

I am a proponent for some significant tax reform in this country. I think we can tinker around the edges all we want. But until we get some type of tax reform that gives us a single rate that gives us fairness across the board, I honestly do not see that we are going to be able to get back to any type of fiscal sanity in this country.

□ 2115

I think the President is on the right path. I think he is using the incremental changes to bring us to essentially a flat tax, which I support.

I think when we look at what was happening with the economy from March of 2000, this economy was in a slide. We had Chairman Greenspan cutting interest rates hand over fist, as fast as he could, and he could not stop the slide. The slide was arrested. The deficit was much more shallow than it otherwise would have been because of the courage of George Bush and my Republican colleagues all. Because I was not here then, I cannot take credit for it. But, Mr. Speaker, the tax cuts that were passed in 2001 I think did an excellent job of stopping that slide into deficit.

Well, I will not go into all of the points that I was going to try to make tonight, but I think some excellent ones have been made on this side. I am certainly willing to work with anyone. I do not think a discharge petition solves one single problem, and I, in fact, resent the fact that it was brought up here tonight. That was not the purpose that I came to this floor, to be beaten about the head with the issue of discharge petition. We know what that is.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, we heard about some things where we could work together. I agree with the gentleman. My Democrat colleagues cannot have it both ways. You cannot have it both ways. You cannot on one side of your mouth say that we are not spending enough and, on the other side of your mouth, when there are no votes on the table, say that we are spending too much, which we keep hearing from our colleagues on the Democrat side.

My colleagues will recall a couple of things that the gentleman may agree with me on. The chairman of the Committee on the Budget wanted to do a 1 percent cut in waste, fraud, and abuse.

Mr. BURGESS. That is correct.

Mr. MARIO DIAZ-BALART of Florida. Does the gentleman recall if he got any Democratic support for that?

Mr. BURGESS. To the best of my knowledge, I do not recall any.

Mr. MARIO DIAZ-BALART of Florida. Again, we have to talk about the facts. Let us talk about the facts.

When our dear friends on the Democratic side just said a little while ago, kind of equating tax cuts with government spending, the thing that it really boils down to is what the differences are. There is a huge difference between more government spending and tax cuts. More government spending are Washington bureaucrats spending the taxpayers' money. Tax cuts is allowing taxpayers of this country, hard-working men and women of our country, and small businesses, to keep more of their money. So we have a huge philosophical difference when my colleagues equate tax cuts with more government.

Mr. TURNER. Mr. Speaker, my point was that we can increase the national debt by either spending or by greater tax cuts, and we are in a position right now where we are projecting a $5 trillion deficit over the decade. Ten years from now the national debt will be twice as what it is under the Republican budget. Today it stands at a little over $6 trillion. In 10 years it is going to be $12 trillion. We will be paying interest in excess of the largest category of Federal spending, and that is defense, in 10 years.

So do not say that the differences are we are against tax cuts, or we are for spending and we are against tax cuts. We would love to cut taxes just like you do, but we believe you have to be intellectually honest about it. Just as Mr. Peterson said in this article in the New Yorker, and I will quote, "For some supply side Republicans, the pursuit of lower taxes has evolved into a religion; indeed, a tax cut theology that simply disregards any objective evidence that violates the tenets of the faith." He says, "The star of the government at the source strategy is not only hypocritical, it is likely to fail with great injury to the young."

So what we are doing is passing on a debt. We are passing on a debt to a future generation by the blind pursuit of an irresponsible fiscal policy, and the Republicans are in charge, and the Republican Party is doing it.

Mr. KINGSTON. Mr. Speaker, could you tell us how much time we have left?

The SPEAKER pro tempore (Mr. GERLACH). Fifteen minutes remaining.

Mr. KINGSTON. Total?

The SPEAKER pro tempore. Yes, total.

Mr. KINGSTON. Seven-and-a-half per side.

Why do we not go into debt a little bit and borrow some from the next group? Just a joke, guys. We need to figure out our strategy for our 7 minutes to close.

Mr. BOYD. Mr. Speaker, I think the comments of the gentleman from Michigan (Mr. SMITH) comments were great, and I think there are some things that we can agree upon. The problem is, of course, that just us agreeing upon them does not make them happen. The majority party in the House and the Senate has to help make that happen. We cannot do it just because we agree upon it.

I will tell my colleagues that the basis of those agreements, I say to the gentleman from Michigan, I think are twofold. One is the chart I had up earlier. Or here is the statement here by the gentleman from Georgia (Mr. KINGSTON). It says, I think we should preserve Social Security, we should protect it. We should put 100 percent of the surplus back where it belongs into Social Security. This was during the days of the lockbox vote, which the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Michigan (Mr. SMITH) and others know a whole lot about. Probably the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentleman from Texas (Mr. BURGESS) know less because they were not here in the days when we were talking about the lockbox.

All of these guys, all of us guys voted for the lockbox, as you did. We would agree.

The other statement was one that we should pay down the debt. That is what Mr. KINGSTON said on March 3. We agree.

Now, the only thing we would ask is, you said those things, then let us figure out how to do them. And my Republican colleagues are in control, not us. Zero-based budgeting, a great idea, I say to the gentleman from Texas (Mr. BURGESS). We cannot do that. Your party has to do it, as long as it is in the majority control of the House of Representatives.

Mr. BURGESS. Mr. Speaker, if the gentleman will yield, again, we had an opportunity, you had an opportunity to partner with us on H. Con. Res. 95 and would not do it. Not a single Democratic vote, as the gentleman from Georgia (Mr. KINGSTON) so accurately pointed out, not a single Democratic vote on that budget, which would have led us to a balanced budget within 4 years' time.

Mr. BOYD. Mr. Speaker, I recall that in 1997 when the White House was controlled by a Democrat, and the Republicans were in control of the House and Senate, we sat down in a very thoughtful way, in a compromise way, everybody, and said, how do we do this? And we did it with spending caps, and we lived up to that.

So I yield.

Mr. KINGSTON. Mr. Speaker, what I wanted to do with whatever time is left on our side was give 2 minutes to the gentleman from Minnesota (Mr. KENNEDY), 2 minutes to the gentleman from Michigan (Mr. SMITH), and 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART); as I understand it, the gentleman from Texas (Mr. BURGESS) does not want any more time. And since you all have about equal time, I know you have some folks that want to speak.

Mr. Speaker, would it be possible for you to tell us at 2-minute intervals? Could you just maybe tap your gavel every 2 minutes?

The SPEAKER pro tempore. The gentleman regulates the time that has been yielded under a special-order speech.

Mr. KINGSTON. The gentleman who controls the time has no watch because I went skiing with it this weekend. Does anybody have a watch over there? All right. I have a very expensive watch here. Okay.

Mr. TANNER. Mr. Speaker, you all go for 2 minutes, and then we will go for 2 minutes.

Mr. KINGSTON. Mr. Speaker, people who are watching this are saying, no wonder they cannot get their money straight.

I yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, again, I agree that we should look at positive ways to agree. I would like to yield 10 seconds to anybody there who will answer: Would you all agree to that 1 percent cut that we tried to do? Would you vote for it?

Mr. TANNER. Yes, I think you will find agreement over here. But I will tell my colleagues something. I think that has been pointed out here on both sides of the aisle.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I do not have a lot of time, but you did not vote for it, you did not support it.

Mr. TANNER. Mr. Speaker, you did not support the Blue Dog budget either that would have resulted in $21 billion less in interest over a period of time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if I could reclaim the time, I did not support the Blue Dog budget because it increased taxes, and those are the facts. I did not support the Blue Dog budget because it raised taxes on hard-working American people to fund more bureaucracy and more bureaucrats, while ours cut taxes. I did not support the Blue Dog budget because it did not make the tax cuts permanent. You better believe I did not support it.

I am asking a specific question which I cannot get a specific answer to because we keep hearing two different sides of the solution. None of the Democrats supported the 1 percent cut on waste, fraud, and abuse. Those are the facts. That is the reality. This is the party that has got a balanced budget, that cuts taxes on the working people, that does not raise taxes, and, unfortunately, the Blue Dog budget did.

Now, when you strip that budget down, it is not a Blue Dog budget, it is just a dog budget, it is a sad dog budget because it increases taxes on the American people to fund more bureaucracy. I think, again, if you want to work together, support, for example, that 1 percent tax cut on fraud and abuse that none of you, none of you did in committee. Those are the facts.

Mr. TANNER. Mr. Speaker, the Blue Dog budget did not increase taxes. What the Blue Dog budget did was it put some of the tax cuts that were supposed to go into effect into the future off the table.

I have heard the Republicans over and over again say we need to go to a zero-based budget, and if you have a spending increase that is not as much as you want, that that is some kind of cut, that that is what the Democrats say. Well, you cannot say that a tax cut that is not yet in effect, if it does not go in effect, is a tax increase. You cannot have it both ways on that one.

But let me just point out, I agree with the gentleman from Michigan (Mr. SMITH). Let me say what I think anybody, any reasonable, sane person listening to this would have to conclude, and that is this country is on an unsustainable financial glidepath. The Republican budget that you are so proud of borrows in the next 10 years, in your budget cycle that you passed without our votes, that is true, because it borrowed another $6 trillion; the interest difference that we will pay as Americans, the mandatory spending that we have, because your budget passed and not the Blue Dog budget, amounts to $421 billion over the next year.

I will give my colleagues 2 examples that just happened in the last 2 weeks. You added $80 billion in borrowed money on the child care matter. Mr. Speaker, $80 billion at 4 percent interest is $3.2 billion a year in interest. By just that one bill, you spent $32 billion that night over the next 10 years.

Then you had the medical savings account. You borrowed $174 billion for that bill. Just that bill alone is increased mandatory spending in interest over the next 10 years of $68 billion.

You are spending money, you are just not spending it tonight. You are spending it over the next 10 years. Those two bills alone are $100 billion in additional spending, mandatory spending on interest.

Now, you can talk about spending all you want, but spending is spending, whether it is on interest, which is the most wasteful spending of all, because no one gets anything. And, as the gentleman from Mississippi (Mr. TAYLOR) pointed out earlier, we are borrowing money from foreign nations who may or may not agree with us, and when they call those notes, we have a real problem.

So I am going to quit. Let us agree to do this again. We all know we have a major problem. And unless we can agree that we are on an unsustainable financial path, I do not know where we go.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I am not sure I have a whole 2 minutes, but the Blue Dogs are probably not average for your conference, for your caucus. You are probably more conservative than the average of the total Democrats in the House. Probably this group is about average for the conservative ideas of the Republicans.

But we have 20 Republicans that are very concerned about some issues that maybe increase spending in particular areas. So if we are going to end up accomplishing anything, we have to maybe work together. If the rest of your conference thought the Blue Dog budget was going to pass, my guess is they would not have voted for it. So maybe we need to sneak up on this side and sometimes give you enough votes to pass that Blue Dog budget if we can agree on, ahead of time, with this side of the aisle on what is the reasonable budget.

But we do not like taxes because taxes sort of depress economic expansion. But on the other side of that story, we have to have enough intestinal fortitude, we have to have enough guts, to say that if we are going to spend the money today, we should pay for it.

What we have to do also is live up to coming up with legislation that is going to deal with Social Security, to keep Social Security solvent. Most of my colleagues have not signed any Social Security bill. The gentleman from Texas (Mr. STENHOLM) has gone and walked the tight wire on Social Security, as I and some others have, and that is what we are going to have to do. My guess is this next campaign is going to say, let us try to get together and work with Social Security. We should do it ahead of time.

But in conclusion, I agree. Let us do this again, and let us try to limit the blame from each side and try to work together for some conclusions of how we might work together to accomplish our goals and what my Democrat colleagues suggest are their goals.

□ 2130

Mr. STENHOLM. Let me just try to end it on the same positive note, and I appreciate the gentleman from Michigan's (Mr. SMITH) contribution to this tonight and the major points they made. We are not here to blame. That is not the point. We were here to point out we have got a problem. Now, you can explain it away all you want to about the various, and we can have our political stump speeches which we heard from the gentleman from Florida (Mr. MARIO DIAZ-BALART) a moment ago on that line. And that is great, but that does not change the fact that where we started with the gentleman from Mississippi (Mr. TAYLOR) is we are going to owe $13 trillion at the end of the 10-year period following the budget that you passed. Yes, we did not support it. I do not support it tonight.

When you talk about spending our budget, the Blue Dog budget spent $400 billion less than the budget that you passed that you are so proud of, $400 billion on interest. Yes, we did not cut taxes as much as you did because we said, let us not cut them until we see whether there is money to cut them with. And that was before the war. After the war we said, we ought to be fiscally responsible and not borrow additional money. It will be the first time since 1812 that the United States Congress did not raise taxes in order to pay for a war. First time. But we are saying we ought to be conservative. And it is not conservative to move ahead as the direction you are moving.

Now, there are some things we can agree on. I do not know why we eliminate the pay-go provisions. I do not know why we said that if you bring a tax cut or a spending increase, you do not have to come in with offsetting revenue or expenditure. I do not know why you dropped that, because we agree with that. You can put together a pretty good majority of people to do that. These are things that I would like to see us discuss next week when we do this again.

But let us end it on the same note that the gentleman from Michigan (Mr. SMITH) put out. We are not here to blame, but by the same token we are here to set the record straight. And there were some statements made here about the Blue Dog statements that are not factual. If you are going to come to the floor and speak about what we do or do not do, then keep it on the facts. Then we will take our share of the blame.

Mr. KENNEDY of Minnesota. I would just say we are for reducing the debt. We did pay down $453 billion of debt from 1998 to 2001. We are for having that deficit come down. How did it get there? Eighty percent of the change from where we were when we had surplus and where we find ourselves with the projections now is driven by the economy. So are we just going to assume that we do not have an ability to get that economy rolling forward, again? We could, we believed, by spurring the economy through tax relief.

We spend a lot of time talking about the government's budget today, and we have not talked about the families' budget and the aggregate of the families' budget in terms of national economy. And when you look at Reagan tax relief after he passed that tax relief, we had a 60 percent increase in tax revenue. If we get the economy picking up like we are hoping to with 25 percent increase in the stock market in the recent past, that can get that deficit paid off sooner rather than later.

As a person who spent a lot of time balancing budgets, a person who was on the finance side of business for 20 years, as a retailer, when we face a tough economy, what did we do? Did we raise prices?

Yes, this may be the first time since 1812 or whatever, but the last time anybody tried to raise taxes during a depression was Calvin Coolidge, and I do not think we necessarily want to follow that example.

We need to, as a retailer would, say how can we lower the costs in the economy? That is what we have done. We need to say, how can we cut back on spending? And we need to join together to take a good, hard look. Yes, the gentleman from Texas (Mr. STENHOLM) says you reduce spending on interest by $400 billion, but you are spending on other categories, all but 110 billion of that.

I think those are the healthy discussions we need to say we need to not just have the tax relief the economy needs to spur, but we need to take a good hard look, working together to get control of this spending, to get our budgets back in line, not just for our governments, but for the burden on the American family and the burden on the economy. And I look forward to continuing this discussion and debate.

Mr. TURNER of Texas. I think what this all really comes down to is whether you believe that it is important for the future of this country to try to have a balanced budget. Every State in the Union has it, every city council, every school board, and every family certainly tries to. And if you incur debt, you figure out how to pay it back within a reasonable period of time. Your budget does not do that. In fact, the chart to my right shows the Republican budget in action. It shows it in fiscal year 2004 we will be paying in the red $338 billion in interest.

The SPEAKER pro tempore (Mr. GERLACH). The gentleman's time has expired.

Mr. TURNER of Texas. Mr. Speaker, I request unanimous consent for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TURNER of Texas. But as the charts shows, under your budget in 2013, the interest on debt we will be paying, the most wasteful government spending, is $656 billion in 2013. That is more than we will be spending under our budget on all of national defense, which is shown in the blue, which is $529 billion in fiscal year 2013.

So the reality is that those of us on the Blue Dog side tonight believe that deficits do matter, and that it is wrong to pass on this kind of debt burden and this kind of interest payment to the next generations. And as the gentleman from Michigan (Mr. SMITH) said, it is important for us to work together. But to work together we have got to have an agreement that there are two ways that this debt continues to rise, and that is by spending or by continual pursuit of tax cuts that we cannot pay for. And I am one who believes it is wrong to ask those young men and women to go over there and fight for us in Iraq and tell them when they come home and get in their good years of earnings that they are going to have to pay the costs of that war because we charged it.

So I really think that we have got a philosophical difference here with your side of the aisle saying that I have never seen a tax cut that I do not like, and we will cut taxes no matter how much we can afford to cut them.

We Blue Dogs love tax cuts, and we want every tax cut we can afford. And back when we had a projected $5 trillion surplus, I voted with you for that tax cut. But it is different now. We are projecting a $5 trillion deficit over the decade.

So I say to you that deficits do matter. They are morally wrong because it is charging the cost of government to our children, and it, according to the economists, will result in higher interest rates in the years ahead. And for the average family who is trying to borrow money to buy a home, borrow money to buy a car, borrow money to send their kids to college, just a 1 percent increase in interest over the next decade can literally means thousands of dollars in costs to that family. So we just ask you to work with us and try our best to end up reducing our debt.

I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I want to respond real quickly on the tax cuts thing because, as you know, one of big problems we have is controlling spending on a bipartisan basis, and there is a lot of pressure, no matter what it is, there is not enough for education, not enough for seniors, not enough for the poor, not enough for the farmers. You name the group, this town is geared up in that direction.

One great advantage of tax reductions, it is not just a matter of stimulating the economy, we do believe in economic growth and jobs. I think the more money that the people have, and it is not a matter of us affording the tax cuts, it is a matter of can the working folks pay for all the government we are giving them. The more you look at what tax cuts do for the economy, the more jobs that are created.

This is just the Standard and Poor's increase since we passed the latest round of tax reductions. Here is the Dow Jones increase. All these mean more jobs out there, more people paying into the system, and revenues will go up. But the best part is the money does not come to Washington, so we do not spend it.

I think that is something that we will continue to debate about, and I want to say this has made some progress tonight.

I did not know that we had abandoned the pay-go system that the gentleman from Texas (Mr. STENHOLM) had mentioned. I want to work with you on that.

The balanced budget amendment, it would be an awkward position for me to sign the discharge petition, but philosophically I do support it. I want to help you get that bill to the floor, and I want to pledge that.

I am glad we are all mutually interested in zero-based budgeting. Let us move in that direction.

Another issue, if we could get away from just the terminology "mandatory spending" and say, hey, that is automatic, we are too lazy to debate it year in and year out, nothing is mandatory for the U.S. Congress. That might be something that we can work together on.

The gentleman extended this debate invitation originally. Let me right here extend one to you, and let us schedule for next week or whenever we can do it.

With that, I yield back and thank the gentlemen for all participating.

Mr. TURNER of Texas. We thank the gentleman from Georgia (Mr. KINGSTON).

BLUE DOG ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I will be happy to yield some of my time to anyone, but just a summary, and I appreciate the return gesture from the gentleman from Georgia (Mr. KINGSTON) regarding doing this again.

I wish we could do it every week, find a time to talk about not just perhaps this issue, but some of the other issues in which we have found ourselves in some very, very strict partisan differences.

Just a few clarifying comments. The first one is when I hear mandatory spending being out of control, since when? Since when can 218 Members of the House of Representatives not control any spending that we wish to control?

I commend the gentleman from Michigan (Mr. SMITH). He is one of the few Members on either side of the aisle that has been willing to talk about Social Security and making some of the hard choices that have to go into eventually saving Social Security for my grandchildren. And I look forward to working with him on that endeavor. I wish we had had that on the floor last year. I wish we had it on the floor this year. I hope we have it on the floor next year. I get disturbed when we say we cannot do that again until after the 2004 elections. That bothers me because 2011 is getting awfully close to where we need to be.

Now, when my friends on the other side of the aisle come in and say that the Blue Dog budget raised taxes, that is not speaking the truth. Now, I want to be very careful on this. I like to quote Will Rogers when I hear some of these quotes. "It is not people's ignorance that bothers me so much. It is them knowing so much that ain't so—that is the problem."

And there were some statements that were made tonight that were just not true, and to stand here on the floor as we do in debate after debate and say the Blue Dogs raised taxes, we did not. We cut taxes. And to say that Blue Dogs spent more, we did not. We adopted the exact same spending levels that the gentleman from Iowa (Mr. NUSSLE) had in H.R. 95. And to say that we spent more, we spent less because we spent $400 billion less on interest because we did not borrow that additional money to give it back to the people. Since when can we give back something we do not have?

Discretionary spending this year will hit the lowest level since I have been in the Congress. In fact, it will be the lowest level of discretionary spending since 1958. Now, that is a pretty good record if you want to control spending. But our point was that you cannot have it both ways. We have heard it that we want to have it both ways. I would say you want to have it both ways because you want to ignore the debt going up, but you want to talk about controlling spending. Well, if you are going to talk about that, then do it. But you do not have the votes to do it or you would have done it.

The enforcement is something that I know the gentleman from Iowa (Mr. NUSSLE) is not for. I know the gentleman from Texas (Mr. BARTON) is for it. And pay-go worked when we had it. When you came to the floor and you talked about increasing spending, you had to find someplace to find the money.

Well, the bottom line is this: We are in a direction of a train wreck; the perfect storm, as some have described it. How long can America keep buying $500 billion from the rest of the world, more than the rest of the world is buying from us, without the law of economics taking over? How long can we borrow $400 or $500 billion a year, which under the budget that we are now under that we did not vote for, that we object to, how long can we borrow $300 billion without something happening to the economy of this country?

Now, everything is on track for November of 2004, but there is a lot of folks worrying about 2005. And I think we have a consensus here tonight from most of those that participated on both sides that we would like to work together to change the direction.

□ 2145

The old rule of Confucius, of Garfield, or whoever it was that I like to give credit to, when you find yourself in a hole, the first rule is to quit digging; and it is very disturbing when week after week we continue to dig the deficit hole deeper, yes with tax cuts, yes with tax cuts, from money we do not have, and if you believe that that is any different in creating the deficit, then you are a supply-sider and you are a true supply-sider; but when we start talking to solve this problem, we have reached out the hand many times, but it has never been taken in the last 8 years, unless we happen to agree with a narrow band of thought that says supply side economics is the way to go and that the theory, the theory is if we just reduce the revenue we will starve government.

Spending on defense is spending. Spending on agriculture is spending. Spending on anything is spending, and total spending is going up more than our revenue.

A MEDICARE PRESCRIPTION DRUG PLAN IS NEEDED

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I do not expect to use all the time unless I am joined by some of my Democratic colleagues, but the purpose of my being here this evening is to talk about the need for a Medicare prescription drug plan; and as my colleagues know, just before the break, before the July 4 break, we did here in the House pass a Republican Medicare prescription drug proposal and another bill was passed in the other body that was sponsored by the Republican leadership, and I just wanted to say as emphatically as I could this evening that I believe very strongly that neither of these proposals, which would now go to conference, that neither of these proposals accomplish the goal of providing America's seniors with a prescription drug benefit that is worth having.

I say that because I think it has to be understood that the effort to provide a prescription drug benefit is basically an effort to, in my opinion, or at least it has been sold as such by the President and the Republican leadership, as an effort to try to get almost all seniors involved on a voluntary basis in a prescription drug program that they would see as meaningful, that covers most of their drug expenses, and if we look at the bills that were passed by the Republican leadership in both Houses of Congress, they do not do that.

Essentially what happens is that seniors have to pay out more in terms of premiums than they would get for the most part. If we have a voluntary program that most seniors do not sign up for, which is I believe strongly what would happen if either of these proposals became law, then we would not end up with the universality that is necessary for an insurance program like Medicare where, in the case of the existing Medicare program that pays for your hospital bills and your doctor bills, 99 percent of seniors sign up. If 10 or 15 percent of the seniors sign up for the proposal that has been passed in either House, effectively the program would be a failure because most seniors would not join. You would not have an insurance pool that actually went across the board and covered all seniors, and I am very fearful that that is what would result from either the bill that was passed here in the House, proposed by the Republican leadership, or the bill that was proposed by the Republican leadership in the other body.

I see that I have been joined by one of my colleagues, and I just wanted to say before we get into a little dialogue hopefully among the Democrats that the Democrats proposed in the House a substitute bill which most Democrats supported and a few Republicans, I believe, that basically would be along the lines of the existing Medicare program and would be the opposite in the sense that I believe 99 percent of seniors would sign up for the program because it is generous enough to provide prescription drug coverage that most seniors would want to take advantage of.

Essentially what we did in our Democratic alternative to the Republican bill was to model the program on the existing Medicare program. Under the existing Medicare program part A, seniors' hospital bills are paid for. Under the existing Medicare program part B, seniors' doctors' bills are paid for, and if I could use that as a model because that is essentially what the Democrats used as a model.

Under part B, right now you pay a certain amount which I think is maybe $45 a month premium. You have a $100 deductible so when if you go in January and your doctor bill is a little over $100, that first $100 is not paid for. That is the deductible, but after that, 80 percent of your costs are paid for by the Federal Government, and you have a copayment of 20 percent for your doctor bills.

It makes sense to go that route because most seniors, 99 percent, realize that part B is worth having. So they pay the $45 a month, and they get 80 percent of their costs after the $100 deductible paid for by the Federal Government, and it is a good bargain. You are paying so much a month, but you are getting a lot back in terms of value.

So we as Democrats said, well, let us do the same thing. This has been a very successful program, part B; 99 percent of the seniors sign up for it. This has been a very successful program when it comes to paying the hospital bills or your doctor bills. Let us follow the same example with regard to prescription drugs, and our Democratic alternative, or substitute, said that seniors would pay $25 a month premium. They would have a $100 deductible, just like part B; and 80 percent of the cost of their prescription drugs would be paid for. There would be a 20 percent copay, up to $2,000. Once a senior expends $2,000 out of pocket for the copay, then 100 percent of the costs are paid for by the Federal Government.

I do not understand why this is so difficult to comprehend and why the Republican leadership or the President cannot simply go along with this. It is modeled after a very successful Medicare program. Seniors will quickly understand that it is a good benefit. They will sign up for it. I guarantee 99 percent of the seniors, if not close to 100 percent, would sign up for this type of a program and take advantage of it.

Instead, the Republicans say now we cannot do that for various reasons. We can get into that if my colleagues like; but they say, oh, no, no, we cannot do that. They come up with a very complicated, confusing, in my opinion, way of trying to administer a prescription drug benefit that relies on private plans that for the most part says that you have to join an HMO or some kind of managed care program to get any kind of drug benefit, which means that you lose your choice of doctors and possibly your choice of hospitals. They do not provide, as I said before, any kind of meaningful benefit even with the privatization and the fact that you are forced into an HMO.

I just wanted to give an example of why I think that these two, both the House version and the Senate Republican version, are unworkable and just briefly.

This is the Senate bill which some people feel is better, but I do not really think is. It is maybe slightly better than the House bill, but not anything that anybody would sign up for.

Under the Senate bill, a beneficiary would pay $420 a year in premiums, would have a $475 deductible, and after the deductible is met, a beneficiary in Medicare would share the costs. In other words, 50 percent of your drug bills would be paid for by the Federal Government, 50 percent you pay out of pocket, up to $4,500 in total drug expenses, and then there is what we call a doughnut hole. If your drug bills are from $4,500 to $5,800, you pay 100 percent of the costs, and then after that, over $5,800 you pay 10 percent.

Now, when I say seniors will not want this, keep in mind what you are talking about here. You are talking about a premium that you have to pay per month. You have not a $100 deductible, but a $275 deductible; but then only 50 percent of your costs are paid for by the Federal Government. You have to pay the other 50 percent and there is this doughnut hole at some point where the Federal Government does not pay anything. Why in the world would you sign up for it?

I talked to my seniors during the July 4 break. I met a lot of them. I asked a lot of them the question, would you sign up for that. Most of them said no. The only way you would sign up is if your drug bills were so expensive and you had enough money to not only pay the premium but also to pay the 50 percent copay; and most seniors, unless they are in certain financial circumstances and they have a huge drug bill expense, they would not do it.

The House bill is even worse. Under the House bill, there is $420 in premium, $250 deductible; and after the deductible is met, the beneficiary in Medicare would share drug costs 80/20, like I said with the Democratic bill, 80 percent paid for by the Federal Government, but only up to $2,000 in total drug expenses. After that, from $2,000 to $4,000 or to $4,900, the senior pays 100 percent of the costs. Again, why in the world would you sign up for such a thing?

Essentially, if you look at the situation in the House version, the majority of seniors fall into the doughnut hole, and most seniors under the House or the Senate bill would end up paying more out of pocket than they would benefit from the Federal Government.

So what we have been saying, Democrats, is the Republicans are essentially involved in a sham here. The President says, oh, okay, we are going to provide prescription drug benefits. The House Republicans and the Senate Republicans say we are going to do it, but the benefit is not worth what you pay out. You have to join private plans for the most part, which means an HMO, and you lose your doctor. You might even lose your choice of hospital. Why in the world would you sign up for it?

If you do not adopt the type of program like the Democratic substitute, which is modeled after the existing Medicare program, the bottom line is you do not have a program that has any meaning to seniors, and I am just afraid we have this huge hoax that is being played upon us by the Republican leadership and the President. If something actually comes out of the conference and is signed into law, people are not going to know they are getting something that is meaningless. They will not even find out till 2006 what it really means because it does not go into effect for another 3 years; and in the meantime, I guess the President and the Republicans can go around and say we have done something for prescription drugs, but they really would not have done anything at all.

I see my colleagues are here; and I would like to yield, first of all, to the gentleman from Washington who is a physician and member of the Committee on Ways and Means and has been a leader on this issue, and I have to say to my friend that I know he has been active for universal health care, and we do not have a majority in this House to pass a universal health care, but I support it because I really believe that ultimately we have to have a health care program that does not just deal with drugs but deals with all health care and that everyone can take advantage of. So I admire his work, and I would like to yield to the gentleman.

Mr. McDERMOTT. Mr. Speaker, I want to commend the gentleman for having this, staying up here at 10 o'clock at night, talking about this issue because I think the people need to understand the idea of universal health care is that everybody puts into the pot, and then when they get sick, they take out of the pot. Nobody, when they pay for their health insurance, stands around saying, gee, I hope I get sick so I can take something out of the pot. That is not the way people think.

We have given universal health care to senior citizens. We have said anybody over 65 in this country is eligible for Medicare, and we put them all in together; and they put all their money in together collectively, and we put together a Medicare program that has worked very well since 1964. It has not required people's children to pay for anything. They have been able to have their own dignity. They had their own card. They paid for their own health care during all that period.

I sat on the Medicare commission. I was one of the 16 people sitting on that commission for a year back in the mid-1990s, and there is a determined effort by the Republicans to privatize Medicare.

What does privatize mean? It means to separate all the American people from one another and make them deal individually with this particular problem in their life, their health care.

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They would be given a voucher, and they could privately go out to a private insurance company and find somebody who would give them a benefit.

Now, if we were to take my mother and myself, my mother is 93 and I am 65, if we were to take those two people and say, send them out with the same amount of money, we know that they are going to get different benefits. Well, they have tried this. They have offered the Medicare through an HMO, and people went and joined, and then the HMO closed, and they lost all the benefits. And people have been jerked around over the last 4 or 5 years by this whole process, but they are determined. And this bill is the real final effort to do that.

It is kind of like when I was a little kid. My mother wanted me to take cod liver oil. There were some vitamins in it, and she wanted me to have those. But cod liver oil tastes terrible, so she would always mix it with orange juice. That is exactly what they are doing here. They want people to take the cod liver oil of privatizing health care, and they are filling the glass with orange juice, which is the drug benefit.

So that is the first thing people have to understand. The drug benefit is not intended to give them a drug benefit, it is to get them to drink the cod liver oil, the privatization of Medicare.

Now, how did they design this? Why do I say they do not intend to give a drug benefit? Very simple. They said, well, let us put up $400 billion. Now, that sounds like a lot of money to people. I mean, it sounds like a lot to me. But if we are going to fix the problem right, to do the deal right, it is going to take way more than that, probably twice that amount. But they just said, well, we will put $400 million in, and we will kind of mix it around so people will not see what we are really doing.

Worst of all, as my colleague pointed out, this does not go into effect until 2006. They can put advertisements on television in the next campaign in 2004, or in 2006 they can put advertisements out and say, we gave you a drug benefit, because it will not go into effect until 2006. Now, most Americans look at politicians and they say, I do not know if I can trust them or not, and I want to see what actually happens. Well, when you put something out there so far, the people will never know that what they see advertised in the 2004 campaign, with all these millions of dollars of ads from the drug companies and from the Members of Congress who voted for this, that, in fact, it was never intended to work.

Now, I will tell you why I know that. I was walking through the tunnel between the Capitol and one of the office buildings today, and one of the Republican Members said to me, do you think this bill is ever going to come out of the conference committee? Do you think the Senate and the House will ever solve it and bring a bill back to the floor? I said, no. He said, I do not think so either, and we hope it does not. This was a Republican talking. We hope it does not. I said, you do? He said, well, it is not a good plan. It does not solve the problem.

So they know it does not solve the problem, but they want to say, I voted for a pharmaceutical benefit, and my opponent opposed it. Or my opponent does not think it is good, but I wanted to give pharmaceuticals to senior citizens. They have no interest in the reality of this bill.

Now, I think there is a couple of things that are really sort of buried in this bill that people have to understand. They said we do not want the Secretary of Health and Human Services to negotiate for all the 40 million old people in this country. We want each little insurance company to negotiate with the drug companies as best they can. Every other country in the world that has an industrialized country like us, France, Germany, Canada, anybody, the government negotiates for everybody. My colleagues know that that works better.

If I were to go into a store and say, I want to buy 100 loaves of bread, I will get a better price. It is going to be less per loaf than it would if I were to buy one loaf at a time. But the Republicans set this up so that Tommy Thompson, the Secretary of Health and Human Services, cannot go and negotiate for them. They made it impossible to save money, or save big money.

We know what happens in the Veterans' Administration, we get a 50 percent discount because they negotiate a price for every veteran. All 5 million of them get the benefit of a negotiated price for 5 million people. But when it comes to seniors, we say, no, no, you are on your own, Grandma. You can go 1 at a time or 2 at a time or 10 at a time, or whatever, but you cannot have the benefit of this. I think that alone should make people sort of wonder about this.

The second thing they do is that they say, well, you can go into a Medicare HMO, some kind of health maintenance organization, and get your benefits, if they will take you; or you can stay in regular Medicare with your doctor that you have known for the last 30 years and knows everything that has ever happened to you, so that when you go in the doctor does not have to say, well, let us start with when you were 6 years old; when did you have the mumps; when did you have the measles?

You know, when you get to be 65, or like my mom, 93, who remembers what year it was that you had the measles? You want a doctor that knows you and that you have dealt with for 30 or 40 years, so that they say, well, Mrs. McDermott, how is X, or whatever the problem is that they have been following. Seniors do not want to have to start over again with a new physician.

But they say if you stay in Medicare, you are going to have to pay more for the drugs. Now, the problem with that is that drives up the premium. Right now the premium for seniors is something under $60. HCFA, the Health Care Financing Administration, that administration says that the premiums next year, if this bill goes into effect, would go up to $90 a month for nothing. It would just go up $90. Why? Because the sick people would stay in Medicare, the old standard Medicare, and the healthy ones would go get into these HMOs where they could get a better deal. So sick people who want to stay with their doctor are going to be stuck paying more money than people who are younger and healthier and are acceptable into some kind of an HMO.

I believe, and what the gentleman is saying, is that it should be a Medicare benefit that everybody gets in the whole United States. It does not make any difference whether you live in Ohio or New Jersey or Washington or Atlanta, Georgia, or wherever, you ought to get the same benefit. It should not be dependent on whether you can find an HMO that negotiates better or anything else.

For instance, maybe a parent would like to move from Tennessee, where they had a pretty good deal, to Montana where their kids are living. They want to move to Montana because they want to be near the grandkids. That is what my parents did. My parents left Oklahoma in 1972 to live with us in Washington State when my dad retired and there were grandkids. My mother said, hey, we are going out to be near the grandkids. Well, why should there be any difference in the benefit between Oklahoma and Washington State?

This bill will guarantee that there is a difference. It may be better, it may be worse. My parents would not have anything to say. Anybody who moves under this new system will have no idea what they are going to.

And then there is this question of a donut hole. Frankly, the bill mystifies me in that it seems to imply that the Republicans think that old people are not paying attention; that somehow we are going to whistle this past them, and they will not see what this is about. My colleague explained it. First of all, the Democratic plan is the only one that says what the premium will be, $25 a month, and there is a $100 deductible. They spell it out in the law. The Republicans do not give us that. They say there will be a premium, and there will be a deductible, but people are buying a pig in a poke right off the bat. Then you pay for that, and, at a certain point, you do not get any benefits. You are still getting your monthly bill for your premiums. You have to keep paying those premiums. Meanwhile every bit of drugs you pay for you have to pay all out of your pocket.

Now, I tried to explain this at a couple of retirement homes in Seattle, and people just say, that does not make any sense. What are they trying to do? What is this about? The minute you explain to people what this really does, it falls apart flat. And yet they are coming in here, pressing this bill and talking about all the things they have done. But people should remember that it is not passed until it goes into effect. And there, I think, is going to be a very big fight between the Senate and the House on this issue because the Senate does not want to privatize health care. They are resisting the idea of putting the orange juice with the cod liver oil. They said, no cod liver oil. This is orange juice.

They are doing a drug benefit over there, and in some ways that makes it a little better. It is not as generous maybe as ours is, but neither one of them works very well. The only bill that really works is the one the House Democrats put out which gives people a fixed payment and a fixed deductible and a fixed amount that they have to pay 'til whenever.

And nobody wants this benefit. This idea that you are going to get an insurance company running in to offer an insurance policy to all the seniors, just ask yourself, and you do not have to be a rocket scientist to know why this will not work, who buys an insurance policy? You do not buy an insurance policy unless you have a car, right? You do not buy fire insurance if you do not own a home. Why would you buy this, paying month after month for a drug benefit, if you did not need any drugs? As soon as you need them, boy, you want to run in right away and get it. But why would seniors, if they had something else or they were tight with money, they would say, why should I buy it?

So the only people who are going to buy are people who have big drug bills. Maybe they have cancer and their cancer treatments are very expensive, or maybe they have had a kidney transplant and they have drugs that are very expensive. There are a whole raft of conditions which require people to spend an awful lot on pharmaceuticals. Those are the people who are going to buy it. So an insurance company is sitting there saying to themselves, no way.

The way insurance companies work is you sell a premium to everybody, and then you hope nobody gets sick so you can give all the money that is left to your stockholders. That is how they work. It is no mystery, and it is not wrong. It is the way they operate. Well, why would you want to take in a bunch of sick people who want drugs and give them a drug benefit?

Well, the government, these guys recognize that. They realize the insurance industry will not do it. So what they said was, I know what, we will let them offer the plan, and then we will take 99 percent of the risk. The Congress will take it. And if there is any profit to be made, the insurance company can take it out the door.

This is absolutely a fraud for the government to use all of its money and not try and control it, not look for the fraud and the waste and the abuse; turn it over to the insurance company, who has no risk. None. There is no explanation for why they would come up with a plan like this except that they hope it does not pass.

And I hope it does not pass. I would like a real bill to pass, because God knows people are really having trouble, and there are so many things we could do that would not be hard to do.

I see my colleague has brought some things here about the Canadian plan, and I will just say one or two more things and then turn it over to her.

The Canadian Government did not go through any big plan or anything, they just passed a law that said that the price you pay in Canada is going to be the average of the G–7 countries. Now, the G–7 countries are the seven most vibrant economies in the world, Japan, Germany, France, Great Britain, the United States, and so forth. So whatever the price is in Germany, they write that down, write down the price in France, add them all together and divide by seven, and that is the price in Canada. They never pay above the median. They always pay in the middle.

Now, that is why people leave my State on buses on a weekly basis to go up to Canada. Anybody who lives near the Canadian border knows about this. Or they have pharmacies up there, and they mail in up there, and they have it all worked out so they can get them filled and have them sent back. What the pharmaceutical companies are doing now, just to show you how much they hate that, they have cut off the amount of drugs going to these pharmacies in British Columbia, which is north of Washington State.

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Mr. Speaker, they say to them you could not possibly sell this many drugs in British Columbia, so we are only going to give you 40 percent of your order so they cannot ship the other 60 percent down to the United States. They are cutting off their supply. It is incredible the lengths to which the pharmaceutical industry will go.

In closing, in case Members would like to shed a tear for pharmaceutical companies, the Fortune 500, which is the 500 biggest companies in the United States, 10 of those companies are pharmaceutical companies. Those 10 companies last year had a profit of $38 billion. That was 50 percent of all 500 companies. Ten companies produced 50 percent of the profit of the whole of the Fortune 500.

Now, I believe in research, and I believe in all of the things that pharmaceutical companies do, and I am not against pharmaceutical companies; but I think enough is enough. I think my colleague who has some Canadian prices here will make a very interesting case on this point.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR), who has been a leader on this issue.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for organizing this Special Order tonight, and certainly the people of New Jersey have sent the right Member here to fight this great fight. It is a privilege to stand here also with the gentleman from Washington (Mr. MCDERMOTT), who is such a critical member of our Committee on Ways and Means and knows more about this probably than any other Member of the House, and has fought so hard to maintain the Medicare program that our Democratic forebears created, and we proudly stand on their shoulders. To stand here with both you gentlemen tonight is truly an honor.

I wanted to mention, as the gentleman from Washington (Mr. MCDERMOTT) said, the pharmaceutical companies around this Nation are making unbelievable profits off the pocketbooks of our senior citizens and their families, and to also mention that the reason we have such a terrible bill before us in the House and why we were denied the opportunity to offer a Democratic alternative, we were not even given a chance to debate our alternative, is because these very same pharmaceutical companies helped elect the people who have created this bill for the Congress.

And an organization like PhRMA gave 95 percent of its political contributions last year to one political party, the party that prevailed by one vote here in this House 2 weeks ago in getting this very flawed bill before us. Now, the Republican Party has produced a bill that is really a trick on the senior citizens of this country. It is a trick because of the language they use in the title that does not bear out real substance on the inside. Let me give a couple examples just to refine what my colleagues have talked about tonight.

I think the gentleman from New Jersey (Mr. PALLONE) talked about the Democratic bill, which we were not allowed to offer, had a maximum premium per month for our seniors of $25. The Republican bill that passed starts out at $35 a month, but it does not have a cap so we really do not know what that monthly premium is going to be.

The Democratic plan is a defined benefit plan. You know exactly what it costs, and you know exactly what you get from it. The Republican plan is what we call a defined contribution plan. You only get so much, and then you do not know how much more you are going to have to pay. It is very unpredictable.

In the Democratic plan, which we were not allowed to offer, and imagine, a measure that affects over 40 million Americans and we were not even allowed to offer our alternative. I say to the majority, what are they afraid of? The deductible under the Democratic plan is $100 for seniors. Under the Republican plan, it is $250. Under the Democratic plan after you have paid your $2,000, if you reach that level which we call a catastrophic level, then you do not pay anything after that. We pick up the costs, the people of the United States through the premiums. Under the Republican plan, they make seniors pay an additional $1,500 beyond the $2,000 cap that we have in our bill, which means that it is going to cost seniors much more money under that plan.

So you pay a higher monthly cost, and we are not really sure how high that will go under the Republican plan. You pay a higher deductible. You have to pay costs over $2,000, up to $3,500, and the reference that the gentleman from Washington (Mr. MCDERMOTT) made to the fact that the Democratic bill provided for negotiated pricing for different drugs, the Republican plan prohibits us from negotiating the best price like we do already for the Department of Veterans Affairs and for the Department of Defense.

This is just a chart of some of the drugs that people buy. Norvasc, seniors in my district are very familiar with Norvasc which is used for high blood pressure. The general price at a drugstore is $182.99. The Canadian price is $152.82. Through our negotiated pricing through the Department of Veterans Affairs, we have gotten a price of $102.11. We wanted to get the same kind of negotiated pricing in the bill that was debated 2 weeks ago. We were not allowed to even offer the amendment.

I went up to the Committee on Rules, which met after midnight so nobody in America could really see what was going on, and we had to wait until 4:30 in the morning only to be denied the opportunity to offer this best-price amendment. We were trying to get not just Canadian prices, but even better prices on many of these drugs based on negotiated pricing. Our amendment was not even allowed to be offered.

So the Republican plan is really a tricky plan, and you have to read the fine print. The differences are very striking.

Let us say you live in a part of the country that has no plans. Let us say these private insurers who do not seem to be flocking to provide regular coverage under Medicare, if a plan does not exist in your part of the country, under the Democratic plan there is a fall-back government prescription drug plan that you can opt for. It requires that in the bill so no part of America would remain uncovered. The Republican bill does not provide that kind of fall-back where two private drug plans might fail to emerge, and we know they probably will fail to emerge.

I was home over the weekend talking to seniors, and one woman said, I belong to an existing HMO in this community for prescription drugs, but right now my coverage stops at $600. I cannot get anything beyond that. If my drugs cost more than $600, I have to pay that. So the current plans that exist are very, very inadequate.

I wanted to just take a moment to give, again, very specific information about the difference between the Democratic bill that we were not allowed to offer and the Republican bill which passed here by one vote in the middle of the night as they twisted arms, and we could see it happening right down that aisle.

If a senior's yearly drug costs are $1,500 for prescription drugs, their out-of-pocket expenses under the Democratic plan would be $680. Their out-of-pocket costs under the Republican plan would be $920, which means that seniors whose drug costs are up to $1,500 a year would pay $240 more a year under the Republican plan.

If a senior's yearly drug costs are $3,000 a year, their out-of-pocket expenses under the Democratic plan would be $980, but their out-of-pocket costs under the Republican plan would be $2,020. So the Republican plan costs seniors $1,040 more if their drug expenses go up to $3,000. What if their drugs cost $4,500 a year? Under the Democratic plan, their out-of-pocket costs would be $1,280; but under the Republican plan, their out-of-pocket costs would be $3,520. So the Republican plan costs seniors $4,500 more if their drug costs go up to $4,500 a year. So the sicker they get, the more it costs them under the Republican plan.

I must say, I have a lot of seniors in my district and they do not earn more than $8,000 under Social Security. The Republican plan is an unaffordable plan. What if you are so sick that your drug costs are over $12,000? Under the Democratic plan, your out-of-pocket costs would be $2,300. Under the Republican plan, your costs would be $3,920. So the Republican plan would cost seniors in that case $1,620 more a year.

So under the Democratic bill, as I have explained here, we tried to provide for negotiated pricing to match the Canadian prices and even better them in some instances. We were not allowed the opportunity to offer our amendment, and that is a major cost-saving amendment because it would use the power of group buying which every housewife in America knows about. Anybody who does shopping knows if you buy 12 cans of something, it is less expensive per unit than if you buy one. We are trying to do the same for 40 million people across this country. Imagine the savings involved, and the premium costs are less and guaranteed under the Democratic plan. Under the Republican plan, they start at $35 and raise it. The deductible is more affordable under the Democratic plan; under the Republican plan, it is more expensive.

If I can just perhaps summarize why the Republican plan might be so bad and why it really is a trick on our seniors, it is because fundamentally the Republican Party has never supported Social Security and Medicare. Back when Social Security was first created by this Congress long before I was born, and we go back to the Committee on Ways and Means votes, there were no Republican votes to create Social Security back in the 1930s when you go into the record of what happened back in that Committee on Ways and Means room.

When it got to the floor, enough people were embarrassed that they voted for it. Some did, not all. But back in committee where the real decisions are made, there was not a single Republican vote in the committee for Social Security.

On Medicare, when President Johnson fought for the creation of Medicare, and I was a young girl then, Senator Bob Dole said in 1995, "I was there fighting the fight, voting against Medicare in 1965 because we knew it would not work."

Well, for several generations of senior citizens, indeed, it has worked. It has helped keep American families from going to the poor house and going bankrupt; and it has given American seniors a level of security they never knew before in American history. To me, Social Security and Medicare are the aorta of the Democratic Party of which I am proud to be a member.

I look at some of the other quotes that have come from contemporary Republicans. One of the Members from the other body in charge of Republican policy said back in May as this debate got underway, "Congress should gradually end the traditional Medicare program as an option for new beneficiaries in the future, leaving them to choose from a variety of private plans. I believe the standard benefit, the traditional Medicare program has to be phased out." This was in The New York Times, May 21, 2003.

In this body, the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), according to MSNBC stated, "To those who would say that our bill would end Medicare as we know it, our answer is we certainly hope so. Old-fashioned Medicare isn't very good." He said that June 25, 2003.

I would just like to say to the gentleman from California and to the gentleman from the other body, for our family and for 114,000 Ohioans in my district and for over 1.5 million Ohioans around our Buckeye State, we believe Medicare should be here to stay. We are here to strengthen it, not to weaken it; and we do not want to trick our seniors. We want to provide them with a guaranteed, affordable benefit that is voluntary if they wish to participate in something that is available to all.

It is a great pleasure to be here this evening to put on the record the truth and the actual costs of both plans and to say to the gentleman from New Jersey (Mr. PALLONE) thank you so very much for allowing me to join you this evening and to say I was somewhat offended this week when we came back here and our colleagues yesterday passed a measure in this House to give Members of Congress better prescription drug coverage than we are willing to give every single senior citizen that is out there.

□ 2230

Members of Congress make over $150,000 a year. Some do not accept all of that. A lot of people donate some of that to charitable causes. But what is interesting is that the Republican majority in this House snuck through a bill here yesterday that would actually ask senior citizens to pay 100 percent of their drug costs, between $2,000 and $3,500 a year, but yet they did not apply that same measure to themselves the other night. They are going to take that cost away from themselves. It is really a tragedy. Why should Members of Congress exempt themselves from the same regimen that they are asking of senior citizens across this country who do not earn anything like $150,000 a year? It is simply wrong.

I thank the gentleman from New Jersey (Mr. PALLONE) for allowing me to participate with him this evening and for his continuing leadership on this really critical, I call it aorta, issue for our country and our party.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman from Ohio. I know the hour is late, but I just would like to comment on a few facts that she mentioned because I think they are so important and also relate to what our colleague from Washington said a little earlier.

First of all, yesterday when the Republicans, I guess it was the Republicans who represent a lot of Federal workers, the gentleman from Virginia and a couple of others that represent these districts where there are a lot of Federal workers, and I suspect what happened is that they went home during the break and probably got a lot of complaints from the Federal workers in their district that they did not want to leave the Federal program that they had as retirees, which has a very generous prescription drug benefit, and be transferred into this Medicare program that the Republicans are now offering in the House and the Senate. So the first thing they did, as the gentlewoman said, when they came back on Tuesday was to bring up this bill that said that there was no way that any Federal employee, including Members of Congress, of course, would be forced into this new Medicare program; that they would be allowed to keep their generous benefits that they have now.

I cannot argue with that. I certainly do not want any Federal employee, because I have some as well, to lose the benefits that they have under the Federal employee plan in order to join what the gentlewoman and I both know is this lousy Medicare program that the Republicans are putting forth, but it is such hypocrisy. Not only in voting for that are Members of Congress protecting themselves, but the Republicans are essentially admitting if they have a significant number of Federal workers that the proposal they put forward for Medicare prescription drugs is a lousy plan, and they want to make sure that the Federal workers do not have to join it.

I can understand that. I mean, I agree. But why do they not admit as Republicans that the reason they are proposing this bill is because the plan they proposed for all the other seniors stinks essentially? We tried to get them to admit that, and of course they would not. They just, oh, no. That is a good program. We are proposing a good program for all the other seniors, but the Federal workers should not have to join it just in case maybe it is not a good program. But I agree with the gentlewoman, the hypocrisy of that was just unbelievable.

And I mentioned one statistic yesterday that I thought was interesting. It said the most popular plan among Federal workers is the Blue Cross/Blue Shield standard option. And the Congressional Research Service estimates that drug benefits under that plan are worth about 50 percent more than the proposed Republican Medicare drug benefits. So there we go. Why would anybody want to give up their drug plan under Blue Cross/Blue Shield and have it worth 50 percent less?

Ms. KAPTUR. Mr. Speaker, would the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, for many of the plans that exist around the country today, one of the real threats of the Republican plan is that employers who are offering drug plans today would choose to close those down and try to put their retired employees in this flawed plan that the Republicans have proposed. So it is actually a disincentive for private employers to continue offering the kind of coverage that they have traditionally. And there are many, many retirees who receive prescription drug coverage through their employer, but this plan really provides a way for them to cash out those better plans into a lesser plan, and we have already seen with the Federal employees that they were very worried about that. So Members of Congress very craftily made sure that they were covered, but they left seniors in America behind. They took care of a few thousand people, including themselves, but then they left 40 million Americans behind in the bill that has come out of this House.

Very interesting. That is not really what we are elected to do. We are supposed to be here to represent the 280 million Americans who sent us here, not to feather-bed here first and take care of our own first and ignore everybody else that is out there. But that is literally what happened here this week.

And for the Federal employees we should have a plan for all seniors that are as good as what they get, not the reverse.

Mr. PALLONE. Mr. Speaker, if I could comment on two things that the gentlewoman mentioned. Yesterday when we had the debate on the bill that would protect Members of Congress and Federal employees, the gentleman from Ohio (Mr. STRICKLAND), one of the gentlewoman's colleagues, got up and pointed out that when the Senate passed their drug prescription drug bill before the break, they actually put in an amendment at the initiative, I think, of some Members that said that in no circumstances could Members of Congress get a more generous benefit than the rest of the seniors. And there was a quote in an article that the gentleman from Ohio (Mr. STRICKLAND) brought on the floor where one of the Republican Members was saying that he did not have to worry, that he voted for that amendment because had he a guarantee that that amendment would never survive the conference, and that whatever bill came out of conference that we would finally vote on and go to the President, if there is such a bill, would not have that provision in it. So it was just amazing.

The other thing the gentlewoman said, too, is that during the break, and I brought it with me, but I am not going to look for it now, there was an article on the front page of The New York Times that said that with regard to the major employers, the major companies that have negotiated through unions or whatever or maybe just on their own, have given generous prescription drug benefits to their retirees are actually now lobbying Congress in this conference committee when it starts to make sure that those provisions are still in there, because that is exactly what they want to do. A lot of the major corporations want to be able to drop the benefits for their retirees because they say it costs them too much and push them into the Republican Medicare prescription drug plan, which will not provide them with any real benefit. So they are actually lobbying now in the next few weeks to make sure that that provision is preserved so that they can drop the benefits and say, we do not need to provide our retirees with benefits because they are going to be under this new Republican Medicare prescription drug program.

Two other things that the gentlewoman mentioned that I thought were so important. She talked about how in the Republican bill that passed here in the House they have this noninterference clause which the gentlewoman was trying to get an amendment to take out, and of course it was denied by the Republicans on the Committee on Rules; that the language specifically says that the Secretary of Health and Human Services, the Medicare Administrator, cannot negotiate price reductions, which, as the gentlewoman points out, would save so much.

The reason that I think that is so significant, first of all, there is no question that if we were able to do that, we would probably have 30 or 40 percent reduction in prices from what we have now. I mean, everything I have ever seen shows that. So we say, why are the Republicans not doing this? The gentlewoman kind of hinted at it when she said they are doing the bidding of the drug companies, and the drug companies give them all this money, and so naturally they do not want to put it in.

What the Republicans keep saying is that the reason why they are providing a bill that does not have as generous the benefits as what our Democratic substitute had was because they have to fit within this $400 billion budget. If they come up with this money, they say, we have to fit this bill into this $400 billion over a 10-year budget, this pot of money that we have; so we cannot do what the Democrats want because that would cost a lot more, maybe twice as much, to provide a meaningful benefit. But as the gentlewoman pointed out, if we were actually able to get rid of that noninterference clause and have the Secretary negotiate price reductions like they do with the Veterans Administration or with the Department of Defense and the military, we would bring the cost down so much that, in my opinion, the Democratic bill would not even cost any more because we would be saving the money by negotiating the price. But the reason they will not do that is because they are in the pockets of the drug companies, and the drug companies are never going to go for anything like that.

The other thing I wanted to say, too, is that we operate, and it is a little bureaucratic, under this scoring system that is done by the Congressional Budget Office that if they have a bill, they send it to CBO, the Congressional Budget Office, and they tell them how much it is going to cost. So the Democratic bill is like $800 billion, and the

Republican bill is like $400 billion. Again, I think if we did what the gentlewoman wanted, which is to have the negotiated price reductions, we would probably bring the Democratic bill down to close of what the cost of the Republican bill is.

But beyond that I wanted to put out, because I think this is so important, and the gentleman from Washington (Mr. MCDERMOTT) has mentioned in the past, is that having people have access to prescription drugs is a preventative measure, and if they can take the prescription drugs and do not have to go to the hospital or the nursing home or have a serious operation, ultimately the Federal Government and the Medicare program are saved so much money that it is incredible. But the bureaucrats and the CBO, and I do not mean to attack them because I like them, but they do not allow us to take that into consideration.

So not only could we bring the costs down through negotiated price reductions, but I think personally that if we were able to get all these people to have access to prescription drugs who did not, the Federal Government would save billions in not having to have operations, not having people institutionalized, hospitals, nursing homes. All that is paid for by the Federal Government.

Ms. KAPTUR. Mr. Speaker, would the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, the gentleman raised such good points on that, and I would just show another drug that some seniors buy is Prozac, which is used for depression. The U.S. retail price on that is about $302.97. It is a very expensive drug. In our country today with the Veterans Department and the DOD, Department of Defense, negotiating, we can get that down to $186.98. And so we can look at the drug saving.

Here is another one, Prilosec, which is used for heartburn, which sells at about $134.99. With negotiation by the Department of Veterans Affairs and the Department of Defense, we have gotten that down to $63.32. Some of these prices are half. So when we look at what we are paying in the private sector, let us say, where they do not have negotiated pricing, if we apply that to what would be spent under the Medicare Part D that the Democrats have proposed, we would save literally billions and billions of dollars.

And I wanted to say to the gentleman that I intend to place in the record tonight the names of these pharmaceutical companies and how much money they contributed to political campaigns back in 2002 so that people who are listening can take it right from the CONGRESSIONAL RECORD tonight. The source is the Center for Responsive Politics. And we will also place in the RECORD which political parties they gave money to. And one can go down the list, and, without question, the vast majority of money from the pharmaceutical giants that the gentleman from Washington (Mr. MCDERMOTT) talked about this evening who make 50 percent of the profits of the Fortune 500, that is incredible. Was it Will Rogers who said we are getting the Government they are paying for? And they have paid for plenty here, and they are weighing in heavily. Frankly, I have seen some of our colleagues defeated around the country because of the ads, the hundreds of thousands of dollars of ads that they put on the air. And that is why we cannot get a really good prescription drug bill out of this Congress because they got what they paid for, and they protected themselves from negotiated pricing in this bill.

Who would imagine that a bill on prescription drugs would prohibit the Government of the United States from trying to get the best price through group buying?

Mr. PALLONE. Mr. Speaker, the amazing thing about it, too, is that if we listen to what the Republican leadership says and what the President says, the reason they say they want to privatize Medicare and privatize access to prescription drugs is because they want to create competition, and I throw back to them and say why in the world if they believe in competition would they want to deny the Secretary the ability to negotiate for all these seniors lower prices? Is that not a form of competition? Is that not my saying, look, I have got the ability here to influence the price because I am going to go out and I am going to say if they give it to me for less price, I am going to buy it from them, or if they give it to me for an even lesser price, I am going to buy it from them? And I have got all these seniors, and whoever wants to give me the best price, that is whom I am going to buy it from. Is that not competition?

It seems to me that their ideology on this one is almost like Socialist or something because they are saying, we do not want competition, we do not want the Secretary to be able to go out and get these companies to compete.

□ 2245

I do not understand it. It is driven by, as you say, the fact they are getting all these campaign contributions from the drug companies. It is not really an ideological argument anymore, because they are denying competition.

Ms. KAPTUR. Right. If you look at the rest of the world, a country like Canada negotiates price. Even parts of our government, the Department of Veterans Affairs gets a much better price than other seniors pay simply because they do group buying and do negotiated pricing with these companies. With the kinds of billions and billions of dollars of profit they have, there is a little cushion there for our senior citizens.

I just want to thank the gentleman very much for standing up for the Democratic bill that should have been allowed to be offered here on this floor and was not. It is a sad day for our seniors.

2002 PHARMACEUTICAL CONTRIBUTIONS, BY PARTY

Pharmaceutical Research and Manufacturers of America: $3,180,552; Democrats 5%; Republicans 95%.

Pfizer Inc.: $1,804,522; Democrats 20%; Republicans 80%.

Bristol-Myers Squibb: $1,590,813; Democrats 16%; Republicans 83%.

Eli Lilly & Co.: $1,581,531; Democrats 25%; Republicans 75%.

Pharmacia Corp.: $1,480,241; Democrats 22%; Republicans 78%.

GlaxoSmithKline: $1,301,438; Democrats 22%; Republicans 78%.

Wyeth: $1,188,919; Democrats 17%; Republicans 83%.

Johnson & Johnson: $1,075,371; Democrats 39%; Republicans 61%.

Schering-Plough Corp.: $1,057,978; Democrats 21%; Republicans 79%.

Aventis: $954,349; Democrats 22%; Republicans 78%.

Mr. PALLONE. I know we get so enthusiastic about this, that we forget about the time.

IMMIGRATION PROBLEMS

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for one-half of the remaining time until midnight, or, by the Chair's calculation, 37½ minutes.

Mr. TANCREDO. Mr. Speaker, I appreciate the opportunity to address the House this evening on an issue of concern I think to me and to many people in this country.

The best way to introduce the topic I think is to discuss what happened here on this floor not too long ago when, on June 24, I offered an amendment to the Homeland Security appropriations bill that would have prohibited any appropriated funds from going to any city that has an official policy of prohibiting its police officers from cooperating with immigration law enforcement. Such policies are in clear violation of existing Federal law, yet that amendment was defeated.

It was really one of the most bizarre episodes I think that I have been involved with since I have been in the Congress, when you propose a measure that simply says that the States and cities in this country should actually abide by the law, and, that if they do not, there would be some penalty attached to the violation of that law. That is really all it said. And yet the amendment failed.

Now, let me back up and explain a little more about this whole thing and how it occurred, because it tells us something about where we are, I think, as a Nation, certainly where we are as a Congress, in our attempts to try and bring some sanity to the issue of immigration and immigration reform. We are a long way from that desired goal.

Let us start with this. The Federal law being violated by cities is section 642(a) of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. A long title. It says the following: "Notwithstanding any other provision of Federal, State or local law, a Federal, State or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

Now, that is a lot of words. That is the legalese way of saying the following: Look, the Federal Government operates immigration policy for the lands. That is our unique constitutional role. The State governments, city governments do not have any responsibility and have no authority to get involved with immigration policy.

You can certainly argue, and I do, that the Federal Government has been AWOL, if you will, on enforcing its own laws, and that is undeniably true. But that does not really in any way, shape or form, give leave to cities and States across the Nation to develop their own immigration policies, which is exactly what has been happening.

So this law that was put in place in 1996 says, you know what, States, cities? You cannot do that. You cannot establish your own immigration policy.

Now, the amendment that I was going to offer that evening was an amendment to the Homeland Security Act; it was the appropriations bill for homeland security. It was an amendment that simply applied if a State is in fact violating this law. Again, I have to go back and say this law is on the books today. I did not create it. I was not even here in the Congress when it was passed. But it is on the books.

There is one tiny problem with this law, and that is that there is no enforcement mechanism. So it says you should not do this, but, of course, there is nothing that is bad that will happen to you, city, State, locality, if you violate the law.

So I was going to take the opportunity during the passage of the Homeland Security appropriations bill to say that we are going to put some teeth into this law, and that if in fact a State or local government violates the law, they should pay some penalty; that we in fact as a Congress should say to the Nation that the laws of the Nation should be upheld. That was it, pure and simple.

Now, as I say, I knew at the time that the amendment would probably not pass, and I was not surprised by its defeat. But it is important for this body and the Congress to understand what is at stake when we talk about these so-called sanctuary policies and the impact of these policies on public safety.

Now, let me explain what sanctuary policies are and sanctuary cities. Cities across the land, because of local pressure, because of a variety of reasons, have passed laws, statutes, provisions that restrict their own employees specifically and often the police departments from sharing information with the INS. They say if you in fact stop or arrest someone and determine that that person is here illegally, you cannot tell the INS about that. You cannot aid the Immigration and Naturalization Service in upholding the law and enforcing the law, telling actual police departments to not aid in the enforcement of our law. This is bizarre, it is incredible, but it is happening. And they call themselves sanctuary cities.

Some of these cities, by the way, actually allow people to vote, even if they are not citizens of the United States, even if they are here illegally. All they require is that you show some proof of residency in that city. That is all. Bring your utility bill and you can vote. There are places in Maryland, there are places up and down the East Coast. Again, pretty bizarre stuff, but absolutely true.

Now, this House and this Congress must act to bring these cities and other jurisdictions into compliance with the law. That is why I will continue to offer this amendment on other legislation. A recent Zagby poll revealed that over 70 percent of Americans wanted our immigration laws enforced. I assure you that the same Americans want criminal aliens off the streets and out of our country.

My amendment did not require any city to do anything other than obey existing Federal law. More than a dozen major cities and the State of Oregon are now acting in open violation and defiance of the 1996 Illegal Immigration Reform and Immigration Control Act. These cities are Los Angeles; San Francisco; San Jose; San Diego; Seattle; Houston; Durango, Colorado; Chicago; Portland, Maine; and Portland, Oregon. These cities and the State of Oregon have adopted official policies ordering law enforcement officials to not obey the law.

Can you believe that? Let me repeat it. The leaders in these cities take an oath of office just like every Member of this body, a solemn oath to support and defend the Constitution of the United States and to uphold the laws of the land. Yet these same local officials are directing their law enforcement officers to ignore the Federal law and to not cooperate or communicate with immigration authorities.

Now, I can understand the argument that is heard from some local officials and indeed from some law enforcement leaders. They say a city does not want to have its police officers using all their time to assist immigration officers in locating and arresting every single illegal alien residing in their locality. In many cities, the local police would have no time left for routine law enforcement or apprehending thieves, murderers or rapists. I can understand that concern, and I can understand them blaming the Federal Government for allowing so many illegal immigrants to enter this country.

But all the amendment said that I introduced, all it said was that cities could not prohibit its law enforcement officers from contacting and cooperating with immigration authorities. The amendment does not require every local police officer to call the Bureau of Immigration and Customs Enforcement for every arrest or traffic stop. In fact, my amendment does not require anyone to do anything. It merely says cities cannot prohibit their law enforcement officers from communicating with the Bureau of Immigration and Customs Enforcement when they see a valid law enforcement reason for doing so.

Local law enforcement officers need to have that freedom to access and use immigration data in the performance of their routine duties. We are not suggesting that local police departments become mere adjuncts of the immigration service. We are, however, suggesting that law enforcement agencies do have an obligation under existing Federal law to identify criminal aliens and turn them over to the immigration authorities for deportation.

Why is this so important? It is important because there are over 80,000 criminal aliens loose on the streets; and these sanctuary laws, as they are called by their proponents, prevent local police from apprehending these criminals until after they have committed another crime.

I am not talking now about all of the 9 to 13 million illegal aliens in the country. I am only talking about the illegal aliens who are already on the ICE list. ICE is the acronym for Bureau of Immigration and Custom Enforcement. They are on the ICE list for deportation.

I am only talking about the approximately 375,000 absconders, aliens who are here illegally, who have been issued a final order for removal, that is deportation, by a Federal judge. Those names are now on the ICE immigration violators file, and that information is now available to law enforcement officers through the NCIC database, the National Criminal Information Center, which all law enforcement agencies use.

I am most concerned about the 80,000 illegal aliens on this list of absconders who have been ordered deported because they have already committed crimes against our citizens. Why should local law enforcement officers be told by politicians to not identify these people when they come across them in the course of their routine duties? Why should local law enforcement officers not arrest and detain these criminals before they can commit another crime?

I think law enforcement does want these people to get off the streets. It is the politicians who are putting handcuffs on them, and it is up to us to remove those handcuffs.

Cities that have these policies are showing contempt, not only for Federal immigration law. They are showing contempt for the rights of their own citizens and for the citizens of neighboring towns and villages. They are saying in effect we care more about the rights of criminal aliens than the rights of our own citizens.

Let me tell you how this practice works. When a police officer, sheriff's deputy, or State highway patrolman makes a traffic stop or otherwise has cause to question an individual whom he suspects of committing a crime, the officer routinely runs the individual's name through his on-board computer.

Now, through this computer he has an instant access to the National Criminal Justice Database, called the NCIC that I mentioned before. If there is a criminal warrant outstanding for this person's arrest from any agency elsewhere, either Federal, State or local, the person is normally arrested and booked.

With regard to identifying criminal aliens subject to deportation, until recently a law enforcement officer would have to place a telephone call to the INS data center, law enforcement support center, and the center would tell the officer if the individual's name is on the INS list for detainer. A detainer is an official request from one law enforcement agency to another that the person be held in custody. In a sanctuary city the police would not be allowed to make that call to the center, and the criminal alien would go free.

Now, the good news is that very soon the police officer or deputy will not have to make that separate call. Information will be in the computer via the NCIC. Moreover, local jurisdictions can get partial reimbursement for the cost of holding the illegal alien in a jail through a Federal program called SCAAP, all these acronyms, I am sorry for that, the State Criminal Alien Assistance Program.

The sanctuary city phenomenon presents an amazing paradox. Under our legal system, under the rule of recall that is the bedrock principle of our Nation, any person of any rank or any amount of wealth can be arrested if he has a warrant outstanding. A Congressman? Yes. A nationally renowned sports hero? Yes. A veteran who holds the Medal of Honor? Yes.

If there is a warrant outstanding, each of these citizens is subject to arrest by the lowest ranking police officer in any jurisdiction of this Nation. But in any city that has a so-called sanctuary policy, if you are an illegal alien with a felony record and a deportation order signed by a judge, you will not be questioned about your immigration status and you will not be arrested.

□ 2300

This is incredible. It is just absolutely unbelievable. But it is the state of affairs in this country.

If you are an ordinary, tax-paying citizen of Portland, Oregon, or Chicago, or Houston, and you fail to make a court appearance, you will have an FTA on your record, and you will be arrested for failure to appear. But if you are an illegal alien who has committed two felonies and are under a detainer from Immigration and Customs because of your criminal activity, you will not be arrested. If you are stopped and questioned in these cities, the police officer is not allowed to communicate with ICE to find the information or use that information.

Why is this so important? It is important because there are over 80,000 criminal aliens loose on our streets, and these sanctuary laws, as they are called by their proponents, prevent local police from apprehending these criminals until after they have committed another crime.

Now, I am not talking now about all of the 9 million to 13 million aliens in the country illegally; I am only talking about the illegal aliens who are already on the ICE list for deportation. I am tonight talking only about the approximately 375,000 absconder aliens who are here illegally and who have been issued a final order for removal; that is, deportation by a Federal judge. Those names are on the ICE immigration violators file, and that information is now available to law enforcement through the NCIC. I am most concerned with the 80,000 illegal aliens on the list of absconders who have been ordered deported because they have already committed crimes against our citizens.

Now, the shocking truth is that there are tens of thousands of criminal felons serving jail or prison time in these sanctuary cities who will not be turned over to ICE because the political leaders of those cities have a policy that law enforcement cannot cooperate with the INS and cannot share information with immigration authorities. Criminals will be released instead of being picked up by ICE and deported. This will happen not because ICE does not have the resources to detain them; that happens too often in too many places, but that is another issue. It will happen because the politicians in those cities have determined that this is a politically correct thing to do.

Now, I am coming to a very important point about the numbers. There are two different numbers we need to understand when talking about illegal aliens who are criminals and subject to deportation. Again, the number 80,000 that I and most lawmakers have been using for the past year is not a true number of illegal aliens who are dangerous criminals. The 80,000 number is the number of felons among the approximately 375,000 individuals on the INS absconders list. But, tens of thousands of illegal aliens with felony convictions are released from State and local correctional facilities every year and never get on the absconder list. They are theoretically placed on a detainer list, but these people are not always picked up after they are released from jail. This happens because there is a tragic lack of coordination between correctional authorities and ICE. This is a gap in our criminal justice system, and it must be fixed as quickly as possible.

To paint the picture in the cleanest possible terms, I have collected the following data from several State penal systems. Here are the estimated numbers of illegal aliens in some of the State correctional facilities of a few States with these sanctuary cities. California prison population, 160,000; estimated illegal, 18,697. Colorado, illegal aliens out of a population of 18,000 in prison: 748. It goes on like that. The percentage of prisoners who are illegal aliens with detainers in these 6 States ranges from 4 percent in the State of Washington to 11.6 percent in California. The weighted average is about 9 percent. If the percentage is adjusted for the documented INS undercount of deportable aliens, the percentage is 50 percent higher. Thus, the average percentage of illegal aliens in our State prison population in these States is about 14.5 percent. That means that for the country as a whole, it is safe to say that at least 10 percent of the Nation's State prison population consists of deportable criminal aliens.

When these criminals are released from incarceration, they are subject to deportation, and when identified by the INS, their names are placed on the detainer list. The problem is that this does not always happen, as I say, and, in fact, it happens less than 50 percent of the time. Thus, the alarming reality is that at the present time, thousands of these criminal aliens are released back into our society and will not be deported until they commit another crime, if even then. There is no effective system in place to take them into custody as they finish their prison terms and deport them. In other words, the absconder list neither contains the thousands of additional criminal aliens who have detainers, but have not yet had a hearing and received a final order to qualify them for the absconder list, nor the additional thousands of criminal aliens who have never made it onto the detainer list in the first place.

Fortunately, there is some good news. The Bureau of Immigration and Customs Enforcement is now implementing a new database management system that will close the gap between the NCIC database for criminals and the immigration database for illegal aliens who have been ordered deported. The NCIC system used by local law enforcement will now include the names of criminal aliens from the immigration violators file and the Bureau of Immigration and Customs Enforcement. If the name of the individual is in the immigration violators file, it will also be in the NCIC. The officer can then arrest and detain the illegal alien as a criminal whom a judge has ordered deported. The police officer will not need to place a separate telephone call to the immigration system and waste precious minutes or hours waiting for a reply. Information will be right there at his fingertips through the NCIC.

As I explained, there is a huge gap in the system for identifying criminal aliens and getting them listed into the NCIC database. Whether those gaps are policy issues, they need to be fixed, but at least there is now a way for local law enforcement to readily access immigration violators file.

Today the critical policy issue we in Congress must settle is should the local police officer have that information. Should the local police officers be able to arrest and detain criminal aliens who have committed crimes in this country and they are on the list for deportation, or should cities be allowed to say, no, we do not want our officers to have that information; we want those criminal aliens to go free.

What are the consequences of allowing cities to be so politically correct that they can thumb their nose at the immigration law enforcement? The consequences are that we will have a growing list of victims of criminal aliens who should have been removed from our streets before the crime was ever committed. Whose side shall we choose to take? The rights of the criminals who, by law, are subject to deportation to be free to roam our streets, or the rights of citizens to be free from criminal attack? It is really purely that simple.

In the 19th century this idea that a State or locality, to interpose itself between the citizens and Federal Government was known as the nullification doctrine. It died in 1865. But it has been reborn not to protect the rights of slave owners, but to protect the privileges of criminal aliens. The last time I looked, the immigration policy was the province of the Federal Government, not the city of Los Angeles or the city of Chicago or the city of Portland, Maine, and it is the responsibility of this House and this Congress to remind those cities of this fact. But if these cities want to have their own immigration policy and provide sanctuary for criminal aliens, then they should not look to the American taxpayer to subsidize their efforts.

There is good reason to take a special look at these so-called sanctuary cities like Los Angeles, because it is the largest city in the largest State of the Nation. A few years ago, the INS found that 40 percent of illegal immigrants go to California, and other cities have shown that a third of their illegal aliens go to Los Angeles. Thus, what happens in Los Angeles directly affects the rest of this country.

It happens that in 2000, the County of Los Angeles did a thorough study of the impact of criminal aliens on the Los Angeles County jail system. They recently shared a copy of this report with me. Among other things, they found that, first, during the decade of 1990 to 2000, the number of illegal aliens in the county jail system doubled from 11 to 23 percent. The cost impact on the county jail system also doubled from 75 million to 150 million. This is only the cost of jail administration and does not include the cost of routine police patrols and investigative activities.

□ 2310

The Federal SCAP program, that State Criminal Assistance Program that reimburses local jails for the cost of detention being held for deportation does not adequately cover all on the costs. The recidivism rate among criminal aliens deported is 40 percent. That means 40 percent of them return and commit more crime. There are a significant number of Federal prosecutions by the U.S. Attorney in Los Angeles against recidivist criminal aliens. Only 350 such cases were prosecuted in 1998 compared to 2,400 in San Diego and 3,000 in Phoenix, which is a much smaller city.

A GAO study in 1997 concluded that the INS process for identifying and processing criminal aliens in jail and subject to deportation was so flawed and underfunded that more than half of the criminals who should be deported are not, and they are released back into society. The percentage of jail inmates in Los Angeles who are deportable aliens rose from 11 percent to 17 percent in June 1995 and 23 percent in January of 2000.

One INS study cited by the Los Angeles County report showed that INS identified only 65 percent of the inmates who were, in fact, subject to deportation orders and thus placed on a detainer list. That means that all of the numbers of inmates on the whole list need to be adjusted upward by one half to get to the true number of aliens in the penal system who are subject to deportation.

It is fair to extrapolate that out of the approximately 145,000 prisoners released each year by the Los Angeles County jail system about 35,000 are deportable aliens. And if INS deports less than half of those, that means that from Los Angeles alone over 18,000 criminal aliens are released into society instead of being deported. Over the past decade that is 180,000 criminals released and not deported.

It is fair to speculate that for the Nation as a whole this number is over 500,000 over the past decade, a half million criminal aliens who should have been deported but instead were released into society to commit more crimes.

Now, I have brought with me tonight a few examples of the crimes and their victims. Before I turn to those victims, I wanted to make one further point. It is not just the citizens of Los Angeles or Chicago or Houston that have their rights in jeopardy by these so-called sanctuary policies. You might say, well, the citizens of Chicago make that choice if they let their city officials make that policy; let them live with the consequences. But all we know is that we have an open and mobile society. If a criminal is stopped and questioned and released in Chicago because his immigration status was not checked, tomorrow that criminal alien may be in Cincinnati or Nashville or St. Louis. Next month he may be in Tulsa or Topeka or Springfield. I believe, and I believe that the people of the United States think that the political leaders of Chicago and Los Angeles and Houston do not have the right to make that decision for them, to turn criminals loose on the city of Topeka or Tulsa.

Now, I want to show my colleagues some recent examples of the failures of immigration law enforcement. These are victims of criminal aliens who should have been deported but were not or they were deported and came back through our porous borders. Now, I think it is important; what I have done tonight is provide an awful lot of statistics and I know that is pretty boring. People glaze over at that kind of thing, too many percentages and that kind of thing.

So what I would like to do here is put a human face on these statistics. We have talk about the fact that we have people in the United States being victimized by criminal aliens here and that it does not happen just once or twice. These are not isolated incidents, not just aberrations. There are literally hundreds of thousands of people in this country who have been victimized by illegal aliens. They were victims really of our porous borders. They are victims of the policy we run in this country that allows people to come into the country at their will.

Let us look at Tanee Natividad, 16-year-old Phoenix high school student murdered by Max LaMadrid who escaped across the border into neighboring Mexico. A Phoenix television station tracked him down without difficulty. They found him enjoying a drink in a bar, unconcerned about Mexican law enforcement. Like most victims of illegal aliens, young Tanee was an American citizen, of Mexican decent. The television news reporter who located the murderer in Mexico found over 100 similar cases of violent criminals from the Phoenix area alone who have fled into Mexico.

Why do they go into Mexico? Because Mexico will not extradite to the United States. They say they will not send someone back here to face the death penalty. Now they say they will not send back here to face life in prison. They call it cruel and unusual punishment. Let me tell you, 20 years in a Mexican prison compared to life in prison in the United States, anybody would take the life in prison. It is ridiculous to believe that the country of Mexico cares so much about the rights of these criminals. They are really doing it frankly as a way to get at the United States. They are still negotiating the issue of amnesty for illegals, and here they want to use this as a negotiating ploy. So they refuse to send back criminals who fled to Mexico, who see Mexico as a haven, who are able to escape our laws and thumb their noses at our law enforcement people and at the relatives of the victims they leave behind.

David March, a Los Angeles County Sheriff's Deputy who was killed in 2002 after pulling over a car on a routine traffic stop in the suburban Los Angeles community of Irwindale. The driver was a dangerous Mexican drug dealer, Armando Garcia, who had been deported twice and had a long history of violent crimes including two attempted murders, had been deported twice, came back across our porous borders, came back to kill this law enforcement officer. Shot him once in the stomach as he walked up to the car. Then he got out, Mr. Garcia got out of the car and shot him twice in the head.

Mr. Garcia should have never been in the country. Remember, he had already been deported twice. Guess where he is? He is back in Mexico. All 50 State attorneys general have written to Attorney General Ashcroft and Secretary of State Colin Powell demanding that this country negotiate a new extradition treaty with Mexico to allow criminals like Garcia to stand trial in the United States for their acts. So far their pleas have gone unheeded.

These are real people. They were victims of illegal immigrants in this country. They leave behind families who are mourning to this day. I met with Mrs. March last month. I saw the tears in her eyes. I stood at a memorial, a wall that was built on this curb in Irwindale, California, in an industrial section of town. Probably 99 percent of people that go by do not really see it. It is relatively small, but Mrs. March sees it when she goes by to put a new flower on the grave and to kneel down beside that grave and to say a prayer for her husband, and to ask for some justice because she knows her husband's killer is living in Mexico. They know where he is. The Mexican authorities know where he is.

These are the real faces. These are not statistics.

Sister Helen Chaska, murdered in the summer of 2002 by being strangled with her rosary beads. She was also raped, as was another nun who accompanied her on her walk. She was in Klamath Falls, Oregon, doing missionary work. Her accused murderer is Maximiliano Esparza. Esparza had been convicted in 1988 of robbery and kidnapping in Los Angeles, served 3 years of a 6-year term and was paroled in 1992. By law this man should have been deported after serving time for a violent felony. But the INS allowed him to remain in our country. The INS has a responsibility for Sister Helen Chaska's death. And if there were a way to bring a suit to bring some criminal action against the INS, I wish that the survivors, that the friends and relatives of these people could do it. Because I am telling you right now that I believe our government has the responsibility and the blood of these people is to an extent on the hands of this government for its policy of allowing illegal aliens to enter this country over and over and over again without fear of being arrested, without fear of being returned to their own country and especially without fear of being stopped as they try to get back into the United States.

□ 2320

Jennette Tamayo, a 9-year-old San Jose, California, resident who was kidnapped on June 6 from her home at 4 o'clock in the afternoon. A surveillance video helped identify the kidnapper's car, and the abductor was apprehended a few days later after young Tamayo walked into a Palo Alto video store and asked for help. The accused kidnapper has used aliases, among them Enrique Alvarez, and had been identified as an illegal alien.

These are just four that I bring to the attention of the body tonight, just four. There are thousands, in fact, there are hundreds of thousands, hundreds of thousands of victims of our open borders policy. These are just four, and night after night, when I have the ability to address the House, I am going to bring more of these stories. I am going to introduce these faces to more of my colleagues and to those people who may be watching C-SPAN tonight because I want them to understand that the picture of illegal immigration that is portrayed by most of the media, that illegal immigration is nothing more than just a hardworking family coming here looking for a good life, same thing that all of our grandparents, great grandparents, great great grandparents, the same thing that they came here for.

That is one picture. That is one picture of illegal immigration, and certainly a vast majority of people who are coming do, in fact, fit that profile, but it is only one picture of illegal immigration.

Here is another that is not shown to the general public, that no one wants you to know about. They want to keep these people isolated, separated, so that people think this is only an aberration, it only happens here or there, and yes, is it not too bad and, yes, it was an illegal alien that perpetrated the crime.

You cannot make any generalizations after that. You cannot really think about immigration policy just because these people were killed by illegal immigrants in this country, people that most of them have been deported more than once for committing other crimes in this country, and then you have cities in this country passing laws, telling their police officers, telling their law enforcement personnel that they cannot enforce the law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GERLACH). Members are reminded to direct their remarks to the Chair and not to the television audience.

BRAND NEW, BOLD VISIONARY ENERGY POLICY FOR AMERICA NEEDS TO BE ADOPTED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for the remaining time to midnight.

Mr. INSLEE. Mr. Speaker, I would advise the gentleman from Colorado (Mr. TANCREDO) that there may be time left at the end of my presentation.

Mr. TANCREDO. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Colorado.

Mr. TANCREDO. May I take that time?

Mr. INSLEE. Mr. Speaker, I would yield any remaining time to the gentleman.

Mr. Speaker, there has been a lot of history made in this building, and one of the most magnificent things that happened in this building happened right behind me on May 9, 1961, and that decision by young President in 1961 I will talk about a little bit is a model that I think we ought to follow given the challenge our country now faces.

On May 9, 1961, John F. Kennedy came to this Chamber to the rostrum behind me and challenged America in a very bold, visionary challenge to put an American on the Moon within that decade, and it was an extraordinarily ambitious challenge, and he did so because he had the innate understanding of the can-do attitude of Americans, of the tremendous technological creativity of Americans, and the recognition that America is not a country that ever rests on its laurels but always is looking over the horizon.

Indeed, that challenge was met, and when you think about it, it was a relatively historic thing to meet that challenge because, at the time he made it, frankly many pundits thought that the challenge was wildly unrealistic, wildly optimistic and there was no way that America was going to meet the challenge. Kennedy's sense of optimism was fulfilled, and America indeed put a man on the Moon within the close of that decade and brought him and them home safely.

That decision and that challenge and that sense of optimism of John F. Kennedy is something we now need to recreate this year, in the year 2003, in adopting a brand-new bold, visionary energy policy for America because many of us here believe in this Chamber that the moment is ripe for the Congress to create a promise and a challenge of America that is equally bold, equally visionary, and ultimately equally achievable as Kennedy's challenge to put a man on the Moon in the next 10 years.

As a result of that, I am working with a group here in the United States House of Representatives in an attempt to propose and pass into law what we call the New Apollo Energy Project, and we do so because we believe that we need to seize the moment of technological promise and the can-do spirit of America to, in fact, move forward to a new clean energy future for America, an energy future that will not be bound by the chains that are hampering us so much in our foreign policy, by the fact that we are now losing jobs to other countries who are moving ahead of us, regrettably, in new, clean energy futures and in an energy future that will reduce the amount that we are contributing to global climate change gases in our atmosphere.

So what we are doing is working to build a consensus in the House to adopt not an old, previous century policy that is dependent on the technologies of the past, but one that leans forward to the technologies of the future and the industry of the future and the jobs of the future; and we believe this is the year to do that.

Right now, the other Chamber is considering an energy package. The House has passed one which is regrettably very, very short of this goal; but we want to continue to work on that, and I have come to the floor to address the House tonight about what a New Apollo Energy future would look like and why it is necessary.

This New Apollo Energy future we think needs to accomplish three goals, and we think goal-setting is important for a Nation as it is for any other group or team. So we would set three national goals in the New Apollo Energy Project.

Goal number one, we believe we should set a new national goal of creating 3 million new jobs, well-paying jobs in the next 15 years that would, in fact, be dedicated to these new technologies that are on the cusp of coming to become market-based technologies, and we believe it is fundamentally important for America to say those jobs need to be American jobs. They need to be home grown, and the reason they need to be home grown is that we know, looking over the horizon just a bit, that there are going to be new industries built up with these new technologies, wind, solar, a huge number of efficiencies from cars to air conditioners to housing implements, to geothermal, a whole slew of new technologies and new industrial bases that are going to come on line, and we want the jobs to manufacture those goods, to build those transmission lines, to build those wind plants to be right here in America.

Sadly, right now, that is not happening. Sadly, because of our retrograde policies, we are giving away those jobs. We are giving away the jobs for solar cell production to German companies. We are losing the jobs in the auto industry to energy efficient vehicles in Japan. We are even losing good, high-paying manufacturing jobs to the little, though impressive, country of Denmark which is ahead of us in wind turbine technology.

□ 2330

We think it is time to right that ship and say that this Nation is going to seize its manifest destiny of being the technological leader of the world and at the same time grow these 3 million jobs at home.

This is an economic development issue, and we believe that one of the most prudent, highest payoff investments that America can make is to invest $300 billion over the next decade in the research and development, in the incentives, in the incentives for manufacturers to help them retool their industries, incentives to consumers to help them buy energy-efficient products, to the use of the government facilities to help spread this new technology. That is an extremely wise investment to make sure that we grow jobs at home in the new technologies of the future. This is an industrial development program for this millennium, and we need to seize that moment.

Second goal: We need to break our addiction to Middle Eastern oil. We all know that on a bipartisan basis we have been slaves at various moments to the addiction of oil coming from the Persian Gulf, and it has tainted our foreign policy in various ways. It has made America, for its own economic interest, act in ways that is not in its long-term liberty interest or security interest. And it is high time that America become more energy-independent so that we can make decisions about foreign policy free from the chains of this addiction.

So we believe that we need to set a national goal to reduce our oil consumption, and we believe there is some very realistic goals we can set. Again, goal-setting is important, and we need to set a national goal in three parts: Number one, to reduce our oil consumption by 600,000 barrels a day by the year 2010. Now, that is roughly the amount of oil that we previously had gotten from Iraq. It is doable, it is achievable, and it is important to our foreign policy and our economic development.

By the year 2015, we ought to adopt measures to reduce our oil imports by 1.5 million barrels a day, which is roughly the equivalent we have imported from Saudi Arabia historically. And by the year 2010, we should have an ambitious but achievable goal of reducing our consumption by 2.4 million barrels a day, roughly the equivalent of what we have historically imported from the Persian Gulf.

These are goals that will set us free both in our foreign policy and in our industrial base. As we will talk about a little later, they are achievable goals using the technological creativity that is so important in this country.

Now, let me address the third goal as well. We need to deal with the issue of reducing our emissions of global climate change gases, and we need to do so because it is clear from the science that the concentration of these gases, these pollutants that are now going in the air when we burn oil, when we burn coal, when we burn any fossil fuel are radically increasing the concentrations of carbon dioxides and methane and other global climate change gases, which have the impact of essentially trapping energy in the Earth. And we will talk about that in a few minutes.

So we would basically set a goal to keep our emissions of these pollutants at 1990 levels so they do not increase.

Now, let me address why these are achievable goals. They are achievable goals for a couple of reasons. One, any historical review will show that our country is the most technologically creative and productive and forward-thinking group of human beings ever on Earth. That is quite a mantle, and we want to harness that energy, and we want to harness that genius. We have to have an attitude that recognizes that we are not satisfied with the technologies of today. We want to go forward and have the same type of creativity that we had in the software industry, in the biotech industry, in aerospace, and we now need to unleash that power of thought and intellectual capability by creating a new energy future for America.

It is doable, and it is achievable, and I will show some reasons why we believe that is so today.

I want to refer to a picture of a home in Virginia, the home of Alden and Carol Hathaway. This is a home, it is quite a nice-looking home, and I have been in a similar home, which is very comfortable. It has kind of a classic architecture style. It was built in Virginia, and you will notice there is some snow in this location when this picture was taken. It cost about $365,000 to build, roughly in the neighborhood of what it would cost to build essentially a standard home in the Virginia area.

This home has a feature with today's technology that is pretty extraordinary, and that feature is that this home, using a combination of solar panels that take the sun's energy, that create electricity, and are integrated right into the shingles of the roof. It uses an in-ground heat pump and passive solar heating in the windows, and essentially, at some point, having net metering, where the excess capacity of electricity it generates goes back into the grid, goes back into the utilities, and has a net energy consumption of zero using today's technology.

That means that the Hathaways, to heat and cool their home, do not burn any fossil fuels, do not buy any Mideast oil, do not put any global climate change gas emissions in the air, and, perhaps most importantly, have created jobs for the American industrial base that are now involved in building homes of this type and this type of technology. This is a plus-job home, it is a plus-environment home, and it is a plus-national security home. And it is here today in a kind of standard climate that does include heat in Virginia, it sure is hot here tonight in D.C., and snow as well. This technology is possible.

But if we can, let us look on a larger scale as to why these technologies have tremendous potential if, in fact, we have the wisdom to put them to use. Basically what has happened, because of the combination of intelligent design by American scientists and economies of scale, the renewable energies, some of which we are talking about tonight, have come down in price dramatically over the last couple of decades. What were once sort of dreamy little ideas about new technologies 10, even 6, or 7 years ago, are now very close to being market-based. Let us look at some of those examples.

For wind power, for wind turbine prices, in 1980 it was costing about 30 cents a kilowatt hour. This has come down dramatically over the last two decades. It is now at about the 3½-cent range and will continue to come down when economies of scale are realized, meaning when we build more wind turbine plants, the per-unit price comes down. We need to be utilizing the fact that wind is becoming more economically competitive, and we need to make the small tax credit that this industry now enjoys permanent and predictable so that this industry can blossom and so that we can build American jobs building those wind turbines and building those transmission lines to get the power where the wind is to the power where the people live. Those are jobs that we ought to have in building those transmission lines. That cost has come down.

If you look at photovoltaic, basically solar energy, in 1980 it started at basically $1 a kilowatt hour. That has come down dramatically now. It is in the range of about 20 cents per kilowatt hour, and will continue to come down fairly significantly as we increase the production capability, and the unit price will continue to come down.

I may note, too, that these prices actually are very conservative, because in distributed energy, that means energy you create at your home or business site, you do not have transmission costs.

□ 2340

So actually, you can pay a little more for the cost of photovoltaics but come out ahead because you do not have to pay the transmission costs.

The same thing has been the case in thermal energy. The price has come down dramatically for thermal and biomass, which we have tremendous potential within our agricultural industry. So the fact is we have an economic model which has demonstrated the ability of these new technologies to become market based, and they just need a little boost and some incentives to get them off where they stand today.

Let me turn to the environmental reason for this. We have talked about security. We have talked about the job reason, but there is another reason that calls on us to adopt these new technologies, and that is the phenomenon of global climate change. Global climate change is a phenomenon that is fairly well understood in science and basically involves a physical fact which essentially every scientist in the world agrees on, and that accepted scientific principle is that we have gases in our atmosphere that essentially trap energy in the Earth. The way this system works is that energy comes in from the sun in essentially ultraviolet wavelengths of light. It strikes the Earth and is reflected back into space except for one fact: we have a blanket of gases in our atmosphere which traps that energy from going back into space. The light comes in the ultraviolet range or spectrum, but it bounces back in the infrared spectrum, and these gases are a one-way door, if you will. It will allow the ultraviolet light in, but it will not allow the infrared light out. So it traps radiant energy in our planetary system. Every scientist who understands anything about meteorological systems understands that phenomenon and accepts it as a fact.

The other uncomfortable fact is that the concentration of these gases that essentially are responsible for this phenomenon are going up dramatically. If I can demonstrate this chart here, this is a chart of carbon dioxide concentrations. Carbon dioxide is an odorless, colorless gas. It is emitted any time we burn fossil fuels. Basically, since the dawn of the industrial revolution, we have had a dramatic increase in concentrations of carbon dioxide. As you see on this chart back in 1860 when we really started burning fossil fuels, the levels were about 285 parts per million in the atmosphere. If we look at the concentrations since 1960, they are beginning to skyrocket. And we are now at levels approaching 370 parts per million, radically increased compared to the preindustrial levels.

The thing that is disturbing about this is what is not on this chart, which is that this line if projected out goes through the ceiling of this roof in the next 100 years or so. This line continues to go up if we continue to do what we have been doing for the last 100 years. As that line continues to go up, it is not too surprising that we are playing Russian roulette with our global climate systems.

If we have a gas that traps energy and we double that gas, it stands to reason and it is an accepted fact that it is going to have an impact on the world's climate. Generally speaking, there will be a warming, but there may also be very untoward results of increased tornadoes, of increased dry spells, the lack of snow melt in the Pacific Northwest, and today the Arctic ice sheet demonstrably is smaller and thinner. The tundra in Alaska is melting, snow packs are being reduced. Alpine meadows in Mount Rainier National Park are disappearing in part because the tree level is rising.

The International Meteorological Society of the United Nations issued a report last week pointing to the dramatic increase in very significant high-energy abnormal meteorological events, including tornadoes and hurricanes. We are experiencing significant changes in our climate and someone, some country, is going to make money off responding to this challenge, and it needs to be America. We need to grow the jobs in this country which will create the technologies that sure as the Creator made little green apples are going to be used by the world in responding to this problem. We in America ought to be the ones fulfilling our destiny to do that.

What we have proposed in our plan is a multi-pronged approach. We realize that there is no silver bullet to this issue. We realize that we are going to have to do several things to jump start this new technological revolution. So what we have done is to look at various ways to approach this problem. We have recognized there is no one magical solution. There is going to be a multitude of technologies. There are going to be a lot of roads to get where we need to go, and we have not been prevented to have the genius to know which are the right ones.

What we have suggested in our plan is to take a very smorgasbord approach. We have essentially in our plan proposed research and development in a whole slew of new technologies, including clean coal technology to try to find out if there is a way to burn coal without putting carbon dioxide in the atmosphere. We think research and development is appropriate to find out if there is a way to do that. We think research and development is important to find out a way to find efficiencies of our heating and cooling systems. We have put in significant research and development dollars to do that. To address the cost of that investment, the number we have proposed of $300 billion, or in that range, is a significant sum. But to put it in context, it is less than each of the last two tax cuts which have passed this Chamber and will be signed into law.

What we are suggesting is that the future of growing jobs in this Nation and the priority, the imperative to grow our economy by capturing these new industries in our country of retooling our industrial base, of making sure these high-paying manufacturing jobs are in our country, we think that priority is at least equal to the priority of passing the very significant tax cuts, two packages which have now passed the House.

If Members believe in technology, if Members believe in America's destiny to lead the world in doing so, surely this investment in our future is every bit and probably more important than the tax cut package that passed, and we are suggesting an investment of that nature and that magnitude because this is not a time for baby steps.

Our challenges to our economy, to our environment, and to our personal security associated with being addicted to Middle East oil does not permit timidity in that regard. We need to act boldly and with visionary thought.

The other thing is we have used many of the tools in the Federal Government's tool belt to try to move this plan forward. We have suggested tax credits. We have suggested tax credits for our industries that need to retool, very generous tax credits for our automobile industry. We want our domestic automobile industry to lead the way in fuel-efficient vehicles, and we have suggested very generous tax credits to our automobile industry to be able to retool their plants so they can be the technological leaders in the world. Those tax credits also need to go to consumers, and so we have suggested generous tax credits to consumers who buy fuel-efficient vehicles, who buy fuel-efficient refrigerating systems, who buy energy-efficient homes. We think there should be a better financing system for energy-efficient homes. We are exploring ways to improve financing of energy-efficient homes and vehicles.

But we have also realized that we need to use all of the tools of the government, which include the abilities to have standardized regulatory systems to require where possible, where technology exists that we move forward.

One of the things that is pretty interesting to me is that if we had simply continued the rate of improvement in efficiency of our automobiles that was occurring in the late 1970s and early 1980s, if we had continued to improve the efficiency of our vehicles at that rate, we would have been free from imports of Saudi Arabian oil by now. Think about that. Unfortunately, we fell off the wagon. We stopped in the mid-1980s making any improvements in the fuel efficiency of our vehicles, and as a result here we are, still stuck in the morass of the Middle East, addicted to oil, losing jobs to the Japanese, the Danish, and the Germans.

□ 2350

And if we had simply continued on the path of efficiency, we would have been in a much better situation today. Now it is time, we believe, to get back on the road to efficiency and use all of these methods that we can to really seize the destiny of the United States.

Mr. Speaker, I would like to wrap up here just by a comment. America's history has always been forward and up, and we believe now that this is a pivotal moment to take a bold step in our energy future. Anything less shortchanges both America and the promise of America. And we are going to be working, we hope, on a bipartisan basis to build a consensus around this new Apollo Energy Project. We would like to make this a bipartisan plan. Unfortunately, the President's plan falls woefully short of the promise that we think America deserves, but we are going to try to continue to push this ball because America's future depends on it to grow these jobs in this country to make sure our industry leads the world. That is the American way.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. TANCREDO).

VICTIMS OF OUR POROUS BORDERS

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding.

Just in the remaining time, I want to wrap up my remarks by once again referring to and recalling the fact that the problems that this Nation faces with the inability or the lack of determination on its part to actually defend its own borders creates more than problems in the job market. It creates more than problems for our schools and our hospitals in terms of the infrastructure that has to be created in order to support the illegal aliens who do come into the country. It creates other problems that are very dramatic and very real.

And we are going to focus on those problems, and we are going to hold an event here in this year in September. Mr. Speaker, it will be the week of September 11, and we are inviting people to come to Washington, D.C., people who have been victims of our porous borders, and these can be people as the folks that I have identified here, the friends and relatives of the people that have been individually harmed by the fact that our borders are porous and that we do not defend them. And they can tell their story, and they can come to this Congress, and they can meet with their Representatives and their Senators and explain to them that there is a cost, a huge cost, to illegal immigration that is perhaps thought of relatively infrequently. It is not factored into much of the discussion that we have about it, but it is a very serious cost. It is a real one.

And they are not people that necessarily have had just their lives disrupted by the loss of a loved one who may have lost their life as a result of someone coming across the border illegally and taking that life, whether on purpose or by accident, because there is story after story after story; as I go through them, it is of somebody who is killed or severely injured by people who have crashed into them, but it turns out they are here illegally, that they do not have insurance, and they take off, run back across the border. It is just amazing how many stories like that there are.

And I want these people to be able to tell these stories. I want them to know that somebody does care, and they are not just numbers, they are not just statistics that have no real meaning in the larger sense of the term. And I want to allow them the opportunity to tell their story here.

And it could be people who have lost their jobs as a result of the fact that our borders are porous, people who have come across and taken these jobs; maybe people who are underemployed, maybe people who work in the high-tech industry, but have been displaced by H1B visa workers, people who have come under that particular program and taken their jobs away from them because they will work for less.

All of these people are victims of our porous borders, and they have a story to tell, and they can go to a Web site, Mr. Speaker. It is called victimsvoice.com, and they can tell that story on that Web site. They can register for the event in September. And I encourage people, as I say, to do that, Mr. Speaker.

And I just want to say that this is a problem of, I think, a magnitude that we really have not understood, and that we desperately need to understand, and that we cannot allow cities and States throughout the Nation to begin developing their own immigration policies, begin ignoring the requirements of the Federal laws that we have in place, begin telling their law enforcement agencies that they will not cooperate with the Federal Enforcement Agency and the INS in the apprehension of criminal aliens. This is absolutely unconscionable, and something has got to happen. Some attention has got to be drawn to this problem.

So I want to thank the gentleman for allowing me to wrap up my remarks.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. FROST, for 5 minutes, today.

(The following Members (at the request of Ms. HART) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, July 14 and 15.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, July 16.

Mr. HENSARLING, for 5 minutes, July 16.

Mr. FEENEY, for 5 minutes, July 16.

Mr. GARRETT of New Jersey, for 5 minutes, July 16.

Mr. CHOCOLA, for 5 minutes, July 16.

Mr. JONES of North Carolina, for 5 minutes, July 10.

(The following Member (at the request of Mr. HILL) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. STENHOLM, for 5 minutes, today.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, July 10, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3059. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions and Salmonella Enteritidis Serotype Enteritidis; Remove Regulations [Docket No. 00-107-2] (RIN: 0579-AB31) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3060. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Irradiation of Sweetpotatoes From Hawaii [Docket No. 03-062-1] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3061. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. 02-026-4] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3062. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Crop Insurance Winter Coverage Endorsement (RIN: 0563-AB63) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3063. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3064. A letter from the Director, International Cooperation, Department of Defense, transmitting a notification, pursuant to Section 27(f) of the Arms Export Control Act, of the intent to sign an Amendment to the Funding Arrangement for the Contracting of Legal and Technical Assistance Required for the Definition Phase in Support of the Alliance Ground Surveillance (AGS) Steering Committee between the United States, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Luxembourg, The Netherlands, Norway, Poland, Spain, Turkey, and the United Kingdom; Transmittal No. 13-03, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3065. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Greece (Transmittal No. DDTC 054-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3066. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance agreement with NATO AEW&C Programme Management Organization (NAPMO), including Belgium, Canada, Denmark, Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain and Turkey (Transmittal No. 045-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3067. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Ecuador (Transmittal No. DDTC 056-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3068. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 2002, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

3069. A communication from the President of the United States, transmitting a report consistent with section 403(a)(3-6) of the Arms Control and Disarmament Act, as amended; to the Committee on International Relations.

3070. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Organization of the Government for Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection for Temporary and Term Appointments Outside the Register, Examining System, and Training (RIN: 3206-AJ99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3071. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [TX-043-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3072. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [SATS ND-46-FOR, Amendment No. XXXII] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3073. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Illinois Regulatory Program [IL-099-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3074. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area Opening for the Groundfish Trawl Fisheries of the Gulf of Alaska [Docket No. 020718172-2303-02; I.D. 061203D] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3075. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Catch Limit Adjustments [I.D. 061103B] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3076. A letter from the Cheif, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Right to Appeal; Director, Great Lakes Pilotage [USCG 2003-15137] (RIN: 1625-AA71) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-03-044] received July 03, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, CT [CGD01-03-047] received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; North San Diego Bay, CA [COTP San Diego 03-015] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3080. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Laughlin, Nevada [COTP San Diego 03-022] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-03-223] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3082. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Clair River, Port Huron, MI [CGD09-03-226] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3083. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hudson River Swim, Ulster Landing, NY [CGD01-03-053] (RIN: 1625-AA97) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3084. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harbor Beach, MI [CGD09-03-230] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3085. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Security, transmitting the Department's final rule — Safety Zone; Colorado River, Laughlin, Nevada [COTP San Diego 03-023] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Times for Fuel Tank System Safety Assessments; Correction [Docket No. FAA-1999-6411; Amendment Nos. 21-83, 91-272, 121-285, 125-40, 129-35; Special Federal Aviation Regulation No. 88] (RIN: 2120-AG62) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Public Aircraft Definition [Docket No. FAA-2003-15134, Amdt. Nos. 1-51 and 11-48] [Docket No. DOT 20860] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Lower Deck Service Compartments on Transport Category Airplanes [Docket No. FAA-2002-11346; Amendment No. 110] (RIN: 2120-AH38) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Prohibition Against Certain Flights Between the United States and Iraq [Docket No. FAA-2003-15269 (Old Docket No. 26380); SFAR No. 61-2] (RIN: 2120-ZZ48) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3090. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue: Biotech and Pharmaceutical Industires' Legally Mandated R&E Expenses [UIL: 861.08-17] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3091. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Dollar value method of pricing LIFO inventories (Rev. Proc. 2003-45) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA: Committee on Appropriations. H.R. 2673. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–193). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Resolution 30. Resolution concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico (Rept. 108–194). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself, Mr. Boyd, Ms. Hart, and Mr. Deal of Georgia):

H.R. 2671. A bill to provide for enhanced Federal, State, and local enforcement of the immigration laws of the United States; to the Committee on the Judiciary.

By Mrs. MUSGRAVE (for herself, Mr. Akin, Mr. Baker, Mr. Ballenger, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mrs. Blackburn, Mr. Brady of Texas, Mr. Burton of Indiana, Mr. Camp, Mr. Carter, Mr. Chabot, Mr. Coble, Mr. Cole, Mr. Cox, Mr. Crane, Mrs. Cubin, Mr. Culberson, Mr. Cunningham, Mr. Lewis of Kentucky, Mr. DeLay, Mr. Linder, Mr. DeMint, Mr. Feeney, Mr. Flake, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Gingrey, Mr. Goode, Mr. Hall, Mr. Hayes, Mr. Hayworth, Mr. Hefley, Mr. Hensarling, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. Keller, Mr. McInnis, Mrs. Myrick, Mr. Neugebauer, Mr. Paul, Mr. Pence, Mr. Rohrabacher, Mr. Rogers of Alabama, Mr. Ryun of Kansas, Mr. Shadegg, Mr. Sessions, Mr. Smith of Michigan, Mr. Souder, Mr. Stearns, Mr. Stenholm, Mr. Tancredo, Mr. Thornberry, Mr. Tiahrt, Mr. Toomey, Mr. Vitter, Mr. Weldon of Florida, Mr. Wicker, and Mr. Wilson of South Carolina):

H.R. 2672. A bill to amend title 23, United States Code, to permit voluntary compliance with provisions relating to the rate of wage paid to laborers and mechanics employed on Federal-aid highway projects; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA:

H.R. 2674. A bill to amend the Higher Education Act of 1965 to provide for student loan forgiveness to encourage individuals to become and remain librarians in low income areas; to the Committee on Education and the Workforce.

By Mr. CRANE:

H.R. 2675. A bill to amend the Internal Revenue Code of 1986 to treat Indian tribes the same as State governments for purposes of chapter 35 of such Code; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2676. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts:

H.R. 2677. A bill to amend title 1, United States Code, to eliminate any Federal policy on the definition of marriage; to the Committee on the Judiciary.

By Mr. INSLEE:

H.R. 2678. A bill to expand the teacher loan forgiveness programs under the guaranteed and direct student loan programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself and Mr. Bishop of New York):

H.R. 2679. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to make New York a member of the New England Fishery Management Council; to the Committee on Resources.

By Mr. LEWIS of Georgia (for himself, Ms. Millender-McDonald, Mr. Cummings, Ms. Norton, Ms. Carson of Indiana, Mr. Ballance, Mr. Delahunt, Mr. Clay, Mr. Langevin, Mr. Davis of Alabama, Mr. Fattah, Ms. Jackson-Lee of Texas, Ms. Majette, Ms. DeLauro, Mr. McDermott, Mr. Case, Mr. Smith of Washington, Mr. Ferguson, Mr. Markey, Mr. Honda, Ms. Lofgren, Mr. Frank of Massachusetts, Mr. Skelton, Mr. Rahall, Mr. Gilchrest, Mr. Leach, Mr. Portman, Mr. Berman, Mr. Thompson of Mississippi, Ms. Eddie Bernice Johnson of Texas, Mr. Terry, Ms. Lee, Mr. Ford, Ms. Watson, Mr. Meeks of New York, Mr. Rush, Ms. Waters, Mr. Meek of Florida, Mr. Upton, Mr. Jackson of Illinois, Mr. Houghton, Mr. Scott of Georgia, Ms. Kilpatrick, Mr. Jefferson, Mr. Pallone, Mr. Payne, Ms. Schakowsky, Mr. Sandlin, Mr. Scott of Virginia, Mr. Shays, Mr. Snyder, Mr. Reyes, Mr. Kennedy of Rhode Island, Mr. Larsen of Washington, Mrs. Jones of Ohio, Ms. Corrine Brown of Florida, Mr. Conyers, Mr. Davis of Illinois, Mr. Acevedo-Vilá, Mr. Bishop of Georgia, Mrs. Christensen, Mr. Clyburn, Mr. Dingell, Mr. Serrano, Mr. Abercrombie, Mr. Becerra, Mr. Lampson, Mr. McGovern, Mr. Frost, Mr. Hinchey, Mr. Towns, Mr. Watt, Ms. Woolsey, Mr. Gonzalez, Mr. Rangel, Mr. Wynn, Mr. Hastings of Florida, Mr. Moore, Ms. Slaughter, and Mr. Owens):

H.R. 2680. A bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Financial Services.

By Mrs. LOWEY (for herself, Mr. Boehlert, Ms. Roybal-Allard, and Ms. Norton):

H.R. 2681. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 2682. A bill to amend the Internal Revenue Code of 1986 to reduce estate tax rates by 20 percent, to increase the unified credit against estate and gift taxes to the equivalent of a $3,000,000 exclusion and to provide an inflation adjustment of such amount, and for other purposes; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. Wilson of South Carolina, Mr. Langevin, Mr. Weldon of Pennsylvania, Mr. Lantos, Mr. Walsh, Ms. Norton, Mr. Boehlert, Mr. McNulty, Mr. Greenwood, Mr. Owens, Mr. Andrews, Mr. Hinchey, Mr. Skelton, Mr. Holden, Mr. Capuano, Mr. Payne, Mr. Rothman, Mr. Brady of Pennsylvania, and Mrs. McCarthy of New York):

H.R. 2683. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROSS:

H.R. 2684. A bill to provide emergency assistance to producers that have suffered crop losses due to disasters; to the Committee on Agriculture.

By Mr. ROTHMAN (for himself, Mr. Frost, Mr. Pallone, Mr. Terry, Mr. Menendez, Ms. Woolsey, Mr. Hinojosa, Mr. Ortiz, Mr. Whitfield, Mr. Ruppersberger, Mr. Evans, Mrs. McCarthy of New York, Mr. Boswell, Mr. Green of Texas, Mr. Case, Mr. Etheridge, Ms. Linda T. Sánchez of California, Ms. DeLauro, Mrs. Lowey, Ms. Jackson-Lee of Texas, Mr. McHugh, Mr. Owens, Mr. Crowley, Mrs. Bono, Mr. Nadler, and Mr. Hyde):

H.R. 2685. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 2686. A bill to ensure the safety of recreational fishermen and other persons who use motor vehicles to access beaches adjacent to the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge, New Jersey, by providing a narrow transition zone above the mean high tide line where motor vehicles can be safely driven and parked; to the Committee on Resources.

By Mr. STUPAK:

H.R. 2687. A bill to allow beach maintenance and grooming of certain areas; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.R. 2688. A bill to amend the Immigration and Nationality Act to repeal authorities relating to H1-B visas for temporary workers; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi (for himself, Mr. Pickering, Mr. Thompson of Mississippi, and Mr. Wicker):

H.R. 2689. A bill to establish the Mississippi Gulf Coast National Heritage Area in the State of Mississippi, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. Pearce, Mr. Abercrombie, Mr. Case, Mr. Udall of New Mexico, Mr. Young of Alaska, and Mr. Rehberg):

H.R. 2690. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER:

H.J. Res. 64. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H. Res. 314. A resolution congratulating the University of Illinois Fighting Illini men's tennis team for their successful season; to the Committee on Education and the Workforce.

By Mr. SESSIONS (for himself, Mr. Frost, Mr. Burgess, Mr. Hensarling, Mr. Paul, Mr. Lincoln Diaz-Balart of Florida, and Mr. Mario Diaz-Balart of Florida):

H. Res. 315. A resolution congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. McDermott and Mr. Green of Texas.

H.R. 43: Mr. Akin.

H.R. 97: Mr. Smith of New Jersey, Mr. Ford, Mr. Rahall, Mr. Hayes, Mrs. Napolitano, Mr. Bilirakis, Ms. Hart, and Mr. Peterson of Minnesota.

H.R. 186: Mr. Owens.

H.R. 218: Mr. Burgess.

H.R. 236: Mrs. Davis of California, Mr. Moore, Mr. Allen, Mr. Strickland, and Mr. Kleczka.

H.R. 262: Mr. Otter.

H.R. 303: Mr. Sam Johnson of Texas and Mr. Neugebauer.

H.R. 331: Mr. Bordallo and Mr. Saxton.

H.R. 333: Ms. Jackson-Lee of Texas and Mr. Inslee.

H.R. 369: Ms. Loretta Sanchez of California.

H.R. 371: Mr. Larson of Connecticut and Mr. Strickland.

H.R. 375: Mr. McCrery.

H.R. 384: Mr. McInnis.

H.R. 391: Mr. Bonilla and Mr. Gary G. Miller of California.

H.R. 449: Mr. Larsen of Washington.

H.R. 450: Mr. Van Hollen.

H.R. 528: Mr. Baca and Mr. Frost.

H.R. 627: Mr. Shimkus.

H.R. 648: Mr. McIntyre.

H.R. 665: Ms. Bordallo and Mr. Honda.

H.R. 673: Mr. Burgess.

H.R. 687: Mr. Shaw.

H.R. 720: Mr. Neugebauer.

H.R. 721: Mr. Platts.

H.R. 741: Mr. Moore.

H.R. 768: Mr. Burns.

H.R. 791: Mr. Lewis of Kentucky, Mr. Fletcher, Mrs. Johnson of Connecticut, Mr. Calvert, Mr. Delahunt, Mr. Jenkins, and Mr. Towns.

H.R. 833: Mr. Hill and Mr. Fossella.

H.R. 876: Mr. Boehlert, Mr. Putnam, Mr. Grijalva, and Ms. Baldwin.

H.R. 879: Mr. Costello.

H.R. 886: Mr. Foley.

H.R. 898: Mr. Quinn and Mr. Hyde.

H.R. 906: Mr. Boozman, Mr. Moran of Kansas, and Mr. Nethercutt.

H.R. 997: Mr. Sam Johnson of Texas, Mr. Foley, and Mr. Buyer.

H.R. 1005: Mr. Jones of North Carolina.

H.R. 1046: Ms. Loretta Sanchez of California and Mr. Emanuel.

H.R. 1048: Mr. Foley.

H.R. 1049: Mr. Kingston.

H.R. 1059: Mr. Andrews.

H.R. 1066: Mr. Kildee.

H.R. 1068: Mr. Shimkus, Mr. Sanders, Mr. Emanuel, Mr. Boozman, Mr. Cannon, and Mr. Olver.

H.R. 1078: Mr. Gilchrest and Mr. Thornberry.

H.R. 1083: Mr. Ramstad.

H.R. 1102: Mr. Sandlin.

H.R. 1125: Mr. DeMint, Ms. Eshoo, Mr. Kennedy of Rhode Island, Mr. Dicks, Mrs. Maloney, Ms. Granger, and Mr. Feeney.

H.R. 1130: Mr. Lampson.

H.R. 1157: Mr. Miller of Florida.

H.R. 1174: Mr. Davis of Illinois.

H.R. 1179: Mr. Barrett of South Carolina.

H.R. 1210: Ms. Harman and Mr. Honda.

H.R. 1225: Mr. Goodlatte.

H.R. 1227: Mr. Bachus.

H.R. 1231: Mr. Camp, Mrs. Kelly, Mrs. Myrick, Ms. Pryce of Ohio, Ms. Dunn, and Mr. Meeks of New York.

H.R. 1250: Mr. Renzi, Mr. Moran of Kansas, and Mr. Ramstad.

H.R. 1294: Mr. Lipinski and Mr. Langevin.

H.R. 1296: Mr. Wexler and Mr. Rangel.

H.R. 1316: Mr. Honda.

H.R. 1321: Mr. McDermott.

H.R. 1336: Mr. Thornberry, Mr. Chocola, and Mr. Rogers of Alabama.

H.R. 1355: Mr. Wexler, Mr. Sanders, Ms. Linda T. Sánchez of California, Mr. McGovern, Mr. Costello.

H.R. 1428: Mr. Cardin and Mr. Isakson.

H.R. 1464: Ms. Woolsey.

H.R. 1472: Mr. Brady of Pennsylvania, Mr. Lewis of California, Mr. King of Iowa, Mr. Lantos, Mr. Gary G. Miller of California, Mr. Pitts, Mr. Regula, Mr. Greenwood, Mr. Forbes, Mrs. McCarthy of New York, and Mr. Kingston.

H.R. 1478: Mr. McIntyre.

H.R. 1499: Mr. Green of Texas.

H.R. 1523: Mr. Lampson, Ms. Millender-McDonald, and Ms. Dunn.

H.R. 1543: Mr. Shuster.

H.R. 1622: Mr. McIntyre, Ms. DeLauro, Mr. Larson of Connecticut, Mr. Dicks, Mr. Berry, Mr. Sullivan, Ms. Eshoo, Mr. Reyes, Mr. Ross, Mr. Van Hollen, and Mr. Pastor.

H.R. 1638: Mr. Strickland.

H.R. 1671: Mr. Kennedy of Minnesota.

H.R. 1676: Mr. Calvert, Mr. Kildee, and Mr. Pastor.

H.R. 1707: Mr. Hoekstra, Mr. Ryun of Kansas, Mr. Weldon of Florida, Mrs. Myrick, Mr. Thornberry, Mr. Terry, Mr. Tiahrt, and Mr. Nadler.

H.R. 1726: Ms. Ginny Brown-Waite of Florida, Mr. Gutierrez, and Mrs. Christensen.

H.R. 1742: Mr. Cardoza, Mrs. Tauscher, and Mr. Ryan of Wisconsin.

H.R. 1746: Mr. Andrews, Mr. Wexler, and Mr. Olver.

H.R. 1749: Mr. Ramstad, Mr. Gutierrez, Mr. Young of Alaska, Mr. Obey, Mr. Murtha, Mr. Jenkins, Mr. Udall of New Mexico, Mr. Simmons, Mr. Towns, Mr. McIntyre, Mr. Peterson of Minnesota, and Mr. Weldon of Pennsylvania.

H.R. 1750: Mr. Foley.

H.R. 1752: Mr. Thompson of Mississippi, Mr. Brown of Ohio, Mrs. Christensen, Mr. Hichney, Ms. Jackson-Lee of Texas, Mr. McDermott, and Mr. Spratt.

H.R. 1758: Mr. Markey, Mr. Lantos, Mr. Grijalva, Mr. Wexler, Mr. Davis of Florida, and Mr. Ryan of Ohio.

H.R. 1767: Mr. Otter.

H.R. 1769: Mr. Langevin.

H.R. 1783: Mr. Bishop of Utah.

H.R. 1818: Mr. Delahunt.

H.R. 1819: Mr. Crenshaw and Mr. Weldon of Florida.

H.R. 1828: Mr. Jones of North Carolina, Mr. Norwood, Mr. Lewis of Kentucky, Mrs. Myrick, Mr. Greenwood, Mr. Kingston, Mr. Murphy, Mrs. Blackburn, Mr. Barrett of South Carolina, Mr. Nethercutt, Mr. Akin, Mr. Collins, Mr. Camp, Mr. Edwards, Mr. Berry, Mr. Ryan of Ohio, Mrs. Davis of California, and Mr. Marshall.

H.R. 1870: Mr. Paul.

H.R. 1886: Mr. Visclosky.

H.R. 1900: Mr. Holden, Mr. Cooper, Mr. Levin, Mr. McCotter, Mr. Green of Wisconsin, Ms. Millender-McDonald, Mr. Moran of Virginia, Mr. Wamp, Mr. Terry, Mr. Sabo, Mrs. Kelly, Mr. Knollenberg, Mr. Grijalva, Mr. Larson of Connecticut, Mr. Scott of Georgia, Mr. Weiner, Mr. McInnis, Mr. McIntyre, Mr. Cardoza, Mr. Baca, Mr. Payne, Mr. Pascrell, Mr. Blunt, Mr. Schiff, Mr. Davis of Tennessee, Mr. Leach, Ms. Carson of Indiana, Mr. Turner of Texas, Mr. Costello, Mr. Marshall, Mr. George Miller of California, Mr. Bradley of New Hampshire, and Mr. Conyers.

H.R. 1910: Mr. Baker and Mr. Clay.

H.R. 1914: Mr. Snyder, Mr. Faleomavaega, and Mr. Gillmor.

H.R. 1933: Mr. George Miller of California.

H.R. 1939: Mr. Jefferson and Mr. Frank of Massachusetts.

H.R. 1951: Mr. Michaud.

H.R. 2032: Mr. Kind, Mr. Waxman, and Ms. Majette.

H.R. 2052: Mr. Davis of Illinois and Mr. Davis of Alabama.

H.R. 2062: Ms. Waters.

H.R. 2131: Mr. Isakson, Mr. Frost, and Mr. Fossella.

H.R. 2157: Mr. McDermott.

H.R. 2172: Mr. Smith of Michigan and Ms. Hart.

H.R. 2173: Mr. Conyers and Mr. Gutierrez.

H.R. 2180: Mr. Ose.

H.R. 2214: Mrs. Jo Ann Davis of Virginia, Mr. Vitter, Mr. Falemavaega, Mr. Gillmor, Mr. Fossella, and Mr. Otter.

H.R. 2217: Mr. Kind, Mr. Evans, Mr. Frost, Mr. Brown of Ohio, and Mrs. Christensen.

H.R. 2218: Mr. Burr.

H.R. 2220: Mr. Frost and Mr. Doggett.

H.R. 2239: Mr. Filner, Mr. Lantos, Mr. Rothman, and Ms. Corrine Brown of Florida.

H.R. 2246: Mr. Vitter, Mr. Boyd, Mr. Goode, and Mr. Murphy.

H.R. 2250: Mr. Fattah, Mr. Towns, and Mr. Wamp.

H.R. 2256: Mr. Holden.

H.R. 2295: Mr. Brady of Pennsylvania.

H.R. 2297: Mr. Royce.

H.R. 2311: Mr. Hall, Mr. Rehberg, and Mr. Tiahrt.

H.R. 2337: Mr. Sessions.

H.R. 2339: Mr. Andrews.

H.R. 2340: Mr. Ehlers.

H.R. 2356: Mr. Brown of Ohio.

H.R. 2366: Mr. Owens, Mr. Jackson of Illinois, and Mr. Davis of Alabama.

H.R. 2379: Mr. Tiahrt.

H.R. 2416: Mr. Andrews.

H.R. 2440: Mrs. Miller of Michigan.

H.R. 2462: Mr. Lantos, Mrs. Napolitano, Mr. Crowley, and Mrs. Lowey.

H.R. 2482: Mr. Bachus and Mr. Smith of New Jersey.

H.R. 2485: Mrs. Lowey.

H.R. 2504: Mr. Gutierrez, Mr. Wexler, Mr. Meek of Florida, Mr. Thompson of Mississippi, Mr. Inslee, and Mr. Jefferson.

H.R. 2505: Mr. Jefferson, Mr. Thompson of Mississippi, Mr. Neal of Massachusetts, and Mr. Frost.

H.R. 2512: Mrs. Maloney.

H.R. 2517: Mr. Jenkins and Mr. Keller.

H.R. 2545: Mr. Kucinich.

H.R. 2546: Mr. Green of Texas.

H.R. 2574: Mr. Farr.

H.R. 2577: Mr. Carter.

H.R. 2579: Mr. Kennedy of Minnesota.

H.R. 2581: Mr. Moran of Virginia.

H.R. 2591: Mr. Terry.

H.R. 2595: Mr. Michaud and Mr. Faleomavaega.

H.R. 2601: Mr. Boucher.

H.R. 2603: Mr. Herger, Mr. Otter, and Mr. Bishop of Utah.

H.R. 2615: Mr. Mollohan.

H.R. 2621: Mr. Thompson of California, Ms. Corrine Brown of Florida, and Mrs. Christensen.

H.R. 2626: Mr. Ehlers, Mr. Rogers of Michigan, Mr. Simmons, Ms. DeLauro, Mr. Davis of Illinois, Mr. Regula, and Mr. Kildee.

H.R. 2662: Mr. Pascrell.

H.R. 2665: Mr. Quinn, Ms. Woolsey, and Mr. LoBiondo.

H.J. Res. 50: Mr. Terry, Mr. Upton, and Mr. Walden of Oregon.

H. Con. Res. 93: Mr. Upton.

H. Con. Res. 111: Mr. Markey.

H. Con. Res. 119: Mr. DeMint and Mr. Ryan of Wisconsin.

H. Con. Res. 126: Mr. Jones of North Carolina.

H. Con. Res. 213: Mr. Stupak, Mr. Engel, Mr. Conyers, Mrs. Jones of Ohio, Mr. Dingell, and Mr. Waxman.

H. Con. Res. 215: Mr. Ehlers.

H. Con. Res. 233: Mr. Smith of New Jersey.

H. Con. Res. 240: Mr. Kucinich.

H. Res. 21: Ms. McCarthy of Missouri.

H. Res. 144: Mr. Kucinich and Mr. Ryan of Ohio.

H. Res. 198: Ms. Harris and Mr. Weldon of Florida.

H. Res. 238: Ms. Eddie Bernice Johnson of Texas and Mr. Thompson of Mississippi.

H. Res. 259: Mrs. Lowey and Mr. Barrett of South Carolina.

H. Res. 273: Mrs. Lowey and Mr. Gonzalez.

H. Res. 274: Mr. Johnson of Illinois, Mr. Frost, Mr. Baca, Mr. Davis of Tennessee, Mr. Stenholm, Mr. Cannon, Mr. Inslee, and Mr. Bishop of Utah.

H. Res. 285: Mr. Matsui, Mr. Sherman, Mr. Kirk, Mr. Crowley, Mr. Crane, Mr. Ackerman, Mr. Holden, Mr. English, Mrs. Miller of Michigan, Mr. Markey, Mrs. Myrick, Mrs. Lowey, and Ms. Jackson-Lee of Texas.

H. Res. 296: Ms. McCarthy of Missouri.

H. Res. 304: Mr. Fletcher, Mr. Weldon of Pennsylvania, Mr. Snyder, and Ms. Granger.

H. Res. 307: Mr. George Miller of California and Mr. McDermott.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. Gillmor.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2660

Offered By: Mr. Manzullo

Amendment No. 4: At the end of the bill (before the short title), insert the following:

Sec. ___. None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

H.R. 2660

Offered By: Mr. Bereuter

Amendment No. 5: In the item relating to "Department of Health and Human Services—Agency for Healthcare Research and Quality—Healthcare Research and Quality", insert before the period at the end the following:

: *Provided*, That, of the funds made available under this heading, $12,000,000 shall be for the conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices under subparagraph (B) of section 912(b)(2) of the Public Health Service Act (42 U.S.C. 299b–1(b)(2))

H.R. 2660

Offered By: Mr. Rahall

Amendment No. 6: At the end of the bill (before the short title), insert the following:

Sec.   . None of the funds made available in this Act may be used to implement amendments to Department of Labor Mine Safety and Health Administration regulations parts 70, 75, and 90 of title 30, Code of Federal Regulations, as proposed on March 6, 2003.

H.R. 2660

Offered By: Mr. Toomey

Amendment No. 7: At the end of the bill, insert after the last section (preceding the short title) the following section:

Sec.   . None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD039789, R03HD039206, R01DA013896, or R01MH065871.

H.R. 2657

Offered By: Mr. Chocola

Amendment No. 8: At the end of the bill, insert after the last section (preceding the short title) the following section:

Sec.   . None of the funds made available in this Act may be used to fund grant number R01HD039789 at the National Institutes of Health.

H.R. 2660

Offered By: Mr. Sanders

Amendment No. 9: At the end of the bill (before the short title), insert the following:

Sec.   . None of the funds made available in this Act for the Department of Health and Human Services may be used to grant an exclusive or partially exclusive license pursuant to chapter 18 of title 35, United States Code, except in accordance with section 209 of such title (relating to the availability to the public of an invention and its benefits on reasonable terms).

EXTENSIONS OF REMARKS

IN HONOR OF HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Hispanic Heritage Month—a celebration of Americans of Hispanic heritage and their significant contributions to our community and to our nation, and hosted this year by the Louis Stokes Cleveland Department of Veterans Affairs Centers in Brecksville and Wade Park.

This year's theme is "Hispanic Americans: Strength in Unity, Faith and Diversity". This expression is reflective of the five hundred-year history of Hispanic culture and contribution to America. Americans of Hispanic heritage have gracefully and significantly assimilated to, and contributed within, every aspect of our society—enhancing the vibrancy and diversity of life in America.

Hispanic Americans have contributed immeasurably to all areas of our culture—from medicine, law, and business, to education, music and the fine arts. Hispanic Americans in our community and in communities across the country are life-saving doctors and nurses, inspiring professors, dedicated teachers, committed elected officials, fair-minded judges, and hardworking factory employees. Americans of Hispanic heritage bring energy, innovation, and a real sense of social justice to America, while retaining the cultural traditions of their homeland—for all citizens to enjoy.

Moreover, United States Veterans of Hispanic heritage have answered the call to action when our nation needed them most. Thousands of these veterans made the ultimate sacrifice to defend the rights and freedoms for all citizens. Because of the conviction, bravery and selfless action of American Veterans of Hispanic heritage—action seen in every American military conflict, and within every branch of the United States Armed Forces—American democracy and American freedom has been preserved.

Mr. Speaker and colleagues, please join me in honor and celebration of Hispanic Heritage Month, and join me in expressing my gratitude to the outstanding contributions made by Hispanic Americans, especially American Veterans of Hispanic heritage, for their sacrifices and triumphs, on behalf of our entire society. Their journey to America, fraught with significant obstacles and strife, paved the way for a better life for their children and future generations, and signifies what it means to be an American. Within our diversity we find strength. Within our traditions we find unity. And because of their journey—and the journey of people from all points of the world—we are stronger as a community, more unified as a nation, and better as people.

TRIBUTE TO SUE LEMPERT FOR THIRTY YEARS OF PUBLIC SERVICE TO THE CITY OF SAN MATEO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. LANTOS. Mr. Speaker, it is my great pleasure to invite my colleagues to join me in paying tribute to an extraordinary woman and a very dear friend of mine, Mrs. Sue Lempert, for her thirty years of devoted service to the city of San Mateo, California, which is located in my congressional district.

In 1973 Sue began her illustrious service to the city as a trustee for the San Mateo Elementary School District, where she served for 10 years. She then spent another 10 years as a trustee with the San Mateo Union High School District, before being elected a member of the San Mateo City Council in 1993.

She subsequently served as both the Mayor and Deputy Mayor of San Mateo. Since joining the San Mateo City Council, Sue has worked especially hard to improve the transportation system of San Mateo, making it more efficient and environmentally safe. She also has been a strong advocate for increased funding for public libraries, and as a tribute to her, the "Celebrating Sue Lempert Fund" has been created in hopes of raising $50,000 for a new San Mateo Library.

Mr. Speaker, Sue Lempert's involvement in San Mateo extends beyond her position with the City Council. She is a board member of both the Friends of Early Learning and the Junior Statesmen Foundation. She is a member of the San Mateo Rotary and the Baywood Homeowners Association. She has been involved with the San Mateo Housing Task Force, the San Mateo Downtown Association, and assisting the elderly with their housing needs through the Lesley foundation. In addition to being a pillar of the San Mateo community, she is a loving wife and mother of three children, all of whom attended San Mateo public schools.

Mr. Speaker, please join me in saluting and congratulating this outstanding individual, on her 30 years of service to San Mateo. I commend Sue Lempert who has dedicated herself to our community and truly has made a difference for those around her and indeed the entire county of San Mateo.

IN HONOR OF THE 100TH ANNIVERSARY OF ST. PAUL CROATIAN CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 100th Anniversary of St. Paul Croatian Church of Cleveland.

Since 1902, St. Paul Church has been serving the spiritual and cultural needs of Croatian Americans in our community. Members and leaders of the Church have been a source of strength and unity for generations of Croatian immigrants, who bravely left behind their beloved homeland to follow the hopeful path to America, seeking a life of justice and freedom.

As Croatian immigrants embraced American freedoms and ideals, St. Paul Church stood like a rock of security, faith and support amid the rough waters of their transition into American society.

Today, as in the past, St. Paul Croatian church continues to be a beacon of light and hope for our Croatian community in Cleveland. This cherished haven has protected and preserved the culture, history and traditions for generations of Croatian Americans—a bond not hindered by time or distance—a bridge connecting the Old World to the New World.

Mr. Speaker and colleagues, please join me in honor and recognition of the spiritual leaders and generations of parishioners who founded, supported and sustained St. Paul Croatian Church in Cleveland for one hundred years. As an American of Croatian heritage, I am grateful to have this opportunity to honor an institution that continues to serve as a haven of faith and assistance for generations of Croatian Americans—enhancing the lives of countless individuals and families, and enriching our entire community.

HONORING THE MEMORY OF THE HON. BOB STUMP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BONNER. Mr. Speaker, it is with great respect that I rise today to honor the memory of former Arizona Congressman Bob Stump and his lifetime of dedication to the United States. I was deeply saddened to learn that our colleague passed away on Friday June 20, 2003, after a long illness. We have not only lost a wonderful friend, but an individual who during his time made countless contributions toward the betterment of our Nation. He was especially concerned with the well-being of our service men and women and went to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

great lengths to give them the support they so clearly deserve.

Mr. Stump, a native of Phoenix, Arizona, began his career of service at the young age of 16 by joining the Navy. He completed duties as a combat medic during World War II and was elected to the Arizona State Legislature in 1959. There he remained a member for 18 years after which he was elected to represent the 3rd District of Arizona in the United States House of Representatives. During his terms in office, he was appointed as the chairman of both the House Veterans Affairs and Armed Services Committees.

The hundreds who gathered on Wednesday to show their admiration for Mr. Stump could only represent a small portion of the many that his life affected. I feel that my predecessor, former Congressman Sonny Callahan, was accurate when he stated that Mr. Stump's "quiet manner produced some of the greatest effects of any I've ever observed. He was a quiet member who seldom spoke at great lengths on the floor, but his ability to get things that he believed in done was phenomenal." We are privileged to have known and worked with this passionate and loyal individual. Mr. Stump will be greatly missed and always remembered.

MOTHER JONES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. HOLT. Mr. Speaker, I rise to honor a memorable figure in our Nation's labor history and to recognize the role of my district in history. Today, we commemorate the accomplishments of Mother Mary Harris Jones, a pioneer in the courageous battle to protect society's most vulnerable. I would like to commend the New Jersey State AFL–CIO, particularly President Charles Wowkanech and Secretary-Treasurer Laurel Brennan, for preparing the public recognition of a woman of tremendous fortitude. Their leadership on behalf of working people in this State follows in the tradition of Mother Jones. If she were here today she would be proud that her legacy is being so well served by two of New Jersey's most respected leaders.

The dawn of the 20th century was a bright time for many in America, as our industrial and economic strength leapt forward to meet a new era. For too many, though, it was a dreary, dangerous, and disheartening time. Simply by virtue of the circumstances of their birth, thousands of this Nation's poorest children were forced to work in dangerous conditions in mining and textile industries. Many were robbed of life. Those who survived often suffered a lifetime of chronic maladies.

This inequity had no place in Mother Jones's vision of America, and Jones fought vigorously for justice. In the spring of 1903, this fight brought her to Princeton, New Jersey, with an army of 100,000 textile workers that included 16,000 children, who had left their jobs in the Philadelphia area so that a nation might recognize their plight. Mother Jones stood before a crowd of professors, students, and citizens at Princeton University, bringing to the gates of higher education those children who were robbed of even the chance to read or write. Children at this demonstration carried signs saying, "I want to go to school." She showed them James Ashworth, whose ten-year-old spine was contorted from carrying 75-pound bundles of yarn, 10 hours each day, earning $3 per week. She spoke, and a generation was given the hope that a better day would come and the courage to take action against more powerful forces.

Mother Jones sparked the Nation's consciousness that day in Princeton. Her army took the first steps toward equity for workers and the abolition of child labor in America. One hundred years later, we should remember her fight, and I hope that all Americans learn from this woman's moral strength and her concern for our poorest children. As we reenact the events of that day and dedicate a memorial to honor Mother Jones, we must continue to speak out for those whose voices are unheard. In so doing we must defend the right to organize, earn a decent living, work in a safe environment, and ensure that all in America share in the progress of this Nation.

IN HONOR OF THE REVEREND JOHN C. DALTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Reverend John C. Dalton, pastor of Holy Name Parish, on the occasion of his retirement from active ministry.

Father Dalton began serving the Northeast Ohio community in May, 1948, when he was ordained into the priesthood. He ministered to families and individuals in Akron, Lorain, Cleveland and Tallmadge before joining Holy Name Parish in 1972. Father Dalton became pastor of Holy Name in 1973, and has served the parishioners at Holy Name for the past thirty years.

Father Dalton's legacy to the Holy Name community will forever be embedded within each new generation of parishioners at Holy Name Parish. During his ministry at Holy Name church, Father Dalton was instrumental in maintaining the structural beauty of Holy Name church—one of the most stunning edifices in the Greater Cleveland area. Moreover, Father Dalton leaves a legacy of sincere compassion and commitment to each member of his congregation. His kind words, deeds and spiritual assistance to those in need will be forever remembered, and he will be greatly missed by the entire Holy Name community.

Mr. Speaker and colleagues, please join me in honor and recognition of Father John C. Dalton, on the occasion of his retirement from the active ministry. Father Dalton—spiritual leader, compassionate counselor, wise administrator, and friend to all—will remain in the hearts and souls of all who know him. The parishioners Father Dalton has served, especially those within the Holy Name community, will always remember his integrity, kindness, compassion and dedication, and his legacy and example will live on for generations to come.

HONORING REVEREND HOWARD JOHNSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BONNER. Mr. Speaker, I rise today to honor the Reverend Howard Johnson for his 21 years of service as pastor of the Truevine Missionary Baptist Church of Mobile, Alabama, and for numerous other contributions he has made to his community throughout his lifetime.

Rev. Johnson was born in Jackson, Alabama, on June 26, 1940. He grew up in Clarke County, and it is there that he received his primary education. In 1967, Mr. Johnson entered the ministry and was licensed to preach. His first church was the Bethlehem Baptist Church in Citronelle, Alabama, and he served there from 1968–1980. He received his Associate Arts Degree from S.D. Bishop State Junior College in 1975 and Bachelor of Arts Degree from Mobile College in 1976. In 1979, he graduated from New Orleans Baptist Theological Seminary with a Master of Divinity Degree, and in 1980 he earned his Doctor of Divinity Degree from the Virginia Seminary. He became the pastor of the Truevine Missionary Baptist Church in 1982 and has remained there to date.

Besides serving as a pastor, Rev. Johnson has held positions in the Mt. Olive Baptist Church and the Sweet Pilgrim Baptist Church. He currently serves as the Chaplain for the University of South Alabama Medical Center. Throughout the years he has been a member of and led many civic and religious organizations. With his dedication to God and his community it is no surprise that he has been recognized with awards by various groups on numerous occasions. His life has been and continues to be an example for all to follow.

I got to know Rev. Johnson during what was most certainly the most difficult period in his life following the death of his son, Howard, II, in service to his country in Iraq. The reverend showed almost inhuman strength, faith, and courage during this tragic time, and he has my deepest respect and admiration.

It is most appropriate that on July 13, 2003, Rev. Johnson will be recognized for his 21 years at the Truevine Missionary Baptist Church. His wife, Gloria, and two daughters, Zsaquez RaShaunn and Geiselle LaVonne will join him in his celebration. This is a much deserved honor. We are fortunate to have Rev. Johnson as a leader in our district, and I am truly proud to call him my friend.

REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. HOLT. Mr. Speaker, in light of yesterday's consideration of a bill to ensure that federal retirees will not lose their prescription drug coverage under the Republican leadership's Medicare prescription drug legislation, I have a question for Mr. DAVIS.

Chairman DAVIS, I applaud you and the Government Reform Committee for looking out for the interests of retired federal employees. I must ask, however, why you do not see an inconsistency here.

With this bill, you have acknowledged that the Medicare drug legislation passed by this House could give Congress an incentive to drop prescription drug coverage for federal retirees because they will get prescription drug coverage under Medicare.

Will you also acknowledge that under the Medicare bill passed by the Republican leadership, nearly one-third of employers currently offering retiree drug benefits—covering 11 million seniors—would drop that coverage, according to the CBO? If federal retirees are to be protected from having to rely on what would be inadequate prescription coverage under Medicare, shouldn't all retirees with such coverage be protected? The truth is that the bill passed last month ostensibly to provide prescription medicine to seniors not only undermines Medicare as a program it also undermines private employer-based coverage of retirees.

IN HONOR OF THE 135TH ANNIVERSARY OF THE NORTH PRESBYTERIAN CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 135th Anniversary of the North Presbyterian Church of Cleveland.

This historic structure has a rich legacy of dedication to the community, and has focused on the needs of the poor and the homeless of our society. In the early years of the church, members united to form the Christian Endeavor Society, Mother's Clubs, and Children's daytime groups and Scouts. During the Great Depression, the church worked with Case School to provide a daily lunch for undernourished children.

As in the past, there is still a need for services and assistance within our community, and the North Presbyterian Church continues to be a strong force in reaching out to others. The doors of the church are always open to help anyone in need. Active members of the North Presbyterian Church provide hot meals twice a week for the homeless, and for those residing in homeless shelters. Church leaders and members also provide grocery distributions, emergency food and clothing supplies. Additionally, church members have nurtured strong bonds with other civic and spiritual groups, and hold regular community meetings, including Alcoholics Anonymous—a group that has been meeting weekly at the church for the past fifty years.

Mr. Speaker and colleagues, please join me in honor, celebration and recognition of the leaders and members of the North Presbyterian Church, past and present, as they celebrate 135 years of caring, commitment and ministry to the people of Cleveland. Because of their selfless efforts in helping the less fortunate of our society, they have built not only a place of worship—they have built a haven and refuge, open to us all.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. FLAKE. Mr. Speaker, I missed rollcall vote Nos. 334, 335 and 336. Had I been present, I would have voted "nay" on rollcall No. 334, "aye" on rollcall No. 335, and "aye" on rollcall No. 336.

BRINGING CYPRUS TOGETHER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. PAYNE. Mr. Speaker, post-September 11, 2001, and in the aftermath of the campaign in Iraq, the eastern Mediterranean is increasingly a focus of attention for policymakers, news organizations, academics and government leaders around the world. In this geographic neighborhood of perennial tensions, a U.S. ally, Turkey, continues to delay the economic and political development of Cyprus, regrettably refusing to end its military occupation of the island's northern third.

For almost three decades, Cyprus has been a country characterized by economic growth, political maturation and determination to overcome the legacy of division wrought by Turkish intervention. Even though Cyprus will join the European Union (EU) in May 2004 and will someday be in a position to weigh in on discussions regarding future Turkish membership, Ankara continues to display an unfortunate and unnecessary intransigence that is not in its own long-term strategic interests. Maintaining roughly 35,000 troops and tens of thousands of Turkish settlers in the northern sector of Cyprus since 1974, Turkey has repeatedly defied U.N. Security Council resolutions calling for the immediate withdrawal of its troops from the island.

No one underestimates the value of Turkey's geographic location and—prior to U.S. involvement in Iraq, at least—its value as a regional NATO member. Despite this key role, Turkey's refusal to cooperate in the face of repeated worldwide calls to end its occupation of northern Cyprus cannot continue to go ignored.

As a member of the House International Relations Committee, I am troubled by this ongoing and unnecessary partitioning and weakening of what is proving to be a booming state—Cyprus. It is time we recognize this situation for what it is and insist Turkey cooperate actively in its prompt solution.

Measures that serve to build confidence should certainly continue, but not as an exercise to delay the inevitable: the reunification of the island state of Cyprus as a complex, modern, multi-ethnic Mediterranean state.

Due to this inexplicable separation, Cyprus holds the dubious distinction of being the only European state with its capital divided, as barbed wire quite literally carves the country in two. Two historically well-integrated ethnic communities of predominantly Christian Greek and Muslim Turkish heritage are required to live in a very artificial segregation. Turkey treats the northern third of the island it occupies as an impoverished, second-tier province, rather than allowing it to join in an increasingly successful Cyprus.

Despite a history of unsuccessful efforts by American and U.N. diplomacy to effect a resolution of issues that were created by the Turkish invasion, the government of Cyprus has persisted in its efforts to peacefully reunite the two communities and bring European prosperity to both. Meanwhile, the leaders of Cyprus have succeeded in creating a modern economy and have achieved a level of growth that qualified Cyprus to receive an invitation for EU membership, a Continental "seal of approval."

Thereafter, EU leadership made it clear to Turkey that its own aspirations to join the EU depended upon its cooperation in tolerating the accession of Cyprus to the EU, and hinted that successful resolution of the Cyprus problem would go a long way toward reducing opposition to Turkey's EU accession.

Turkey, although recently permitting limited buffer zone crossings within Cyprus, has dragged its heels on a strategy to resolve the overall situation, which will in effect deny the northern third the benefits of EU membership.

On April 30, the Cypriot government introduced a series of new economic, political, and social measures designed to ease the hardships of Turkish Cypriot compatriots disadvantaged by the status quo—such as providing improved medical care, expanded employment opportunities, facilitated trade and movement of goods, and participation in free and open national elections.

One must view these welcome developments, however, with utmost caution. Neither the recent partial relaxation of movement restrictions through the U.N. cease-fire line nor the government's pro-active recognition of its Turkish Cypriot citizens' most pressing needs should be mistaken as a substitute for formal diplomatic efforts to reach a negotiated, comprehensive settlement of the Cyprus situation based on the U.N.'s internationally endorsed framework.

Today, Turkey faces economic and social challenges, although none of them pertain to its Mediterranean neighbor, Cyprus, aside from the estimated $500 million a year that its occupation of Cyprus drains from the Turkish economy. Turkey's difficulties in reforming its military and legal system, respecting the rights of its ethnic minorities, and heeding the EU's advice on steps it needs to take if it wishes to join the EU should offer the necessary incentives for it to take progressive steps on the issue of Cyprus.

The time has come for the United States to advise Turkey's leadership—in very clear terms—that its occupation of Cyprus must quickly come to an end. Turkey, today with lessened leverage over the United States, should not be allowed to continue blocking resolution of the situation in Cyprus. The only chance Turkey has to modernize by joining the EU is to release Cyprus from the grip of its aggression and show the world that Turkey itself has turned the corner and is an increasingly enlightened global citizen.

Then, and only then, Cyprus can be reunited, bringing security and prosperity to all its citizens and a glimmer of peace to the eastern Mediterranean.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall numbers 315, 316 and 317. I was unavoidably detained and was not present to vote. Had I been present, I would have voted yes on rollcall numbers 315, 316 and 317.

I ask unanimous consent that this statement be printed in the appropriate part of the CONGRESSIONAL RECORD.

RECOGNITION AND HONOR TO ST. JOHN NEPOMUCENE PARISH OF CLEVELAND ON THEIR 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of St. John Nepomucene Parish of Cleveland, as they celebrate 100 years of service to our community.

In 1898, 200 Catholic Americans of Czech heritage met at the East 52nd Street home of Frank Stepanik. The gathering, organized by John Jira and Charles Vana, sparked the beginnings of a new parish. In 1902, St. John Nepomucene Parish was established.

Parish members were also focused on the welfare of their children. To preserve the culture, history and language of their Eastern European motherland for their children, members organized again to establish a school. In 1903, St. John Nepomucene School was established, with an enrollment of 300 students.

As immigrants navigated their way through the difficult transition of assimilation in America, St. John Nepomucene served as a haven of security, faith, support and assistance. As immigrants embraced the freedoms and ideals of their new nation, St. John Nepomucene served as a bridge between two worlds—connecting Fleet Avenue to their homeland across the ocean.

Mr. Speaker and colleagues, please join me in honor, recognition and celebration of the generations of spiritual leaders and parishioners who founded, supported and sustained St. John Nepomucene Church for 100 years. The leaders and members of St. John Nepomucene Parish, past and present, continue their tradition of providing faith and hope to individuals and families in and around Fleet Avenue—reflecting light and hope throughout our Slavic Village neighborhood, and enriching our entire community.

HONORING ANTHONY LERIOS AND NICK TOTH

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor a man who epitomizes the pride that Greek-Americans take in our heritage and the love we have for America.

Nick Toth, one of my constituents, was one of only sixteen Americans recently to receive a National Heritage Fellowship from the National Endowment for the Arts. He received this prestigious honor because he has carried on a nearly century-old family tradition of handcrafting copper sponge-diving helmets.

Mr. Toth crafts the helmets with pride. He spends approximately 140 hours on each of the thirty-six pound helmets. Although the helmets have sold for as much as $10,000 a piece, there really is no way to put a real price on what they mean to his family and to my community of Tarpon Springs, Florida.

Mr. Toth's grandfather, Anthony Lerios, came to the United States from Greece in 1913 and founded A. Lerios Machine Shop, which made engines and other parts for local sponge boats. He also made helmets for sponge divers and later taught his grandson, Nick, the art of helmet-making. After his graduation from my alma mater, the University of Florida, Nick and his grandfather teamed up to produce the helmets full time.

Nick and his grandfather received a Florida Folklife Master Apprentice grant to make the helmets in the 1980s and soon they became recognized nationwide. Nick's grandfather died in 1992 at the age of 100. Nick now is one of the few people worldwide who produce the helmets which have earned him this praise. He will be coming to Washington in September to attend a dinner honoring the sixteen recipients of this year's National Heritage Fellowship.

Mr. Speaker, I want to commend the attention of this House to the outstanding lives and work of Anthony Lerios and Nick Toth. They have shown that hard work, perseverance, and determination can lead those from modest beginnings to great acclaim. I am proud to call Nick Toth a constituent, and more important, a fellow Greek-American.

HONORING MAJOR GENERAL SCOTT C. BERGREN

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BISHOP of Utah. Mr. Speaker, it is my great pleasure to honor Major General Scott C. Bergren upon. his retirement after 33 years of dedicated service to the United States. His contributions to our Nation's security, his years of sacrifice on behalf of others, and his superior leadership have paved the way for excellence and innovation for generations to come.

Scott Bergren was commissioned in 1970, and has had a distinguished career in the United States Air Force, including combat time in Southeast Asia as an F-4 Weapon Systems Operator, and command assignments at the squadron, group, wing, and now center levels.

General Bergren's leadership has been, tested and thoroughly proven during his time as Commander of the Ogden Air Logistics Center. During a period when the Center has been heavily tasked for warfighter support, his superb application of financial, human, and materiel resources has delivered results far beyond expectations.

Recently, General Bergren created an atmosphere at the base of total focus on winning the war on terrorism. As a result, Ogden ALC shipped over 8,500 tons of munitions to support deployed air operations, and our Nation's pilots were safer and more effective in mission performance. An emphasis on innovative approaches led to expedited aircraft modifications that gave aircrews the edge they needed for victory.

General Bergren has led Ogden ALC to numerous awards in many areas including safety, environmental restoration, and efficiency.

I, along with the great men and women of Team Hill, congratulate General Scott C. Bergren on reaching this significant milestone, and wish him and his wife, Pam, the very best as they transition to new challenges and opportunities.

COMMENDATION OF ADDISON TOWNSHIP, ILLINOIS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. HYDE. Mr. Speaker, on March 27, my district office in Addison, Illinois was completely destroyed by a fire. Only a few cherished career mementos survived, and even then, they were severely damaged by heat, smoke and water. Thankfully, the early morning fire injured no one.

After assessing our loss, my district staff's thoughts immediately turned to the citizens of my district. How could we continue to serve them locally without a roof over our heads or even something as simple as pen and paper?

That's when many people and government entities in my district stepped forward to offer assistance. I would like to particularly commend Addison Township—whose offices also were destroyed by the fire—for making sure repairs to the office were completed accurately and on time. This vigilance helped my staff resume normal operations as quickly as possible.

Therefore, Mr. Speaker, I rise today to commend Addison Township for unselfishly offering aid and comfort to my district staff in our hour of need. Paraphrasing the great movie, It's a Wonderful Life, I can only say that I am indeed the richest man in town with friends like these in Addison Township, Illinois.

IN HONOR OF LIEUTENANT WALTER J. THOMAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Lieutenant Walter J. Thomas, Officer in Charge of the Fourth District Vice and Strike Force, upon the occasion of his retirement from the Cleveland Police Department after twenty-two years of service to the Cleveland community.

Lieutenant Thomas' strong work ethic, personal dedication and concern for others has been clearly present throughout his career. His work reflected the highest level of intelligence and wisdom, and his ever-present wry sense of humor was a saving grace during the most stressful situations.

Lieutenant Thomas rose steadily up the ranks of the Cleveland Police Department. In 1989, Officer Thomas was promoted to Detective of the Narcotics Unit. Several years later, he was promoted to the rank of Sergeant in the Second District. And last year, Officer Thomas was promoted to the well-deserved position and title of Lieutenant, working in Cleveland's Fourth District.

Mr. Speaker and colleagues, please join me in honor, gratitude and recognition of Lieutenant Walter J. Thomas, upon his retirement from the Cleveland Police Department. Lieutenant Thomas carried out his duties with honesty, loyalty, quiet confidence and dignity, and his exceptional and courageous service on behalf of the citizens of Cleveland, has served to lift the spirits and the lives of countless individuals, families—and the entire Cleveland community.

TRIBUTE TO BERT BOECKMANN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BERMAN. Mr. Speaker, Mr. MCKEON, Mr. SHERMAN, and I rise today to pay tribute to our good friend, Bert Boeckmann, who will be leaving the Los Angeles Police Commission because of term limits. The Police Commission is one of Los Angeles' most important panels, and Bert's strong leadership and vision have played a vital role in setting police policy for the City of Los Angeles during the past seventeen years.

Bert began his remarkable career selling automobiles at Galpin Ford in 1953. Four years later at the age of twenty-six, he became the General Manager of the company. Shortly afterwards, Bert began a buyout of the corporation. By 1968, the buyout was complete. Bert's innovation and management skills, along with a very strong sense of integrity and customer concern, have helped make him one of America's most successful entrepreneurs. By surrounding himself with a management team that shares his enthusiasm, honesty and dedication, Galpin Ford has become the world's most successful Ford dealership. Bert is widely recognized as the most honored and successful automobile dealer in America.

In 1984, Bert was appointed to the Police Commission by Mayor Tom Bradley. In his many years as a member of the Commission, Bert served as a stabilizing force, often counseling younger committee members. As a Commissioner, Bert worked to revise the system-wide deployment of police units to ensure that all areas of Los Angeles received equal police response. Bert has also worked to enforce and create policy regarding Official Police Garages. In the wake of September 11, Bert monitored the police's Anti-Terrorist Division. The mark Bert leaves on the Police Commission is indelible, positive and a testament to his commitment to public service.

Bert's many philanthropic achievements have touched the lives of millions, even beyond his well-known projects in Los Angeles. For example, in 1992, Bert and his wife, Jane, personally responded to a desperate plea from the city government of Moscow and Russian farmers who were in dire need of seed for the approaching winter harvest. Through his involvement with various organizations, Bert helped arrange the donation of over 57,000 pounds of seeds. Recently, he established the Boeckmann Charitable Foundation, which gives millions annually to charities around the world. Locally, Bert has donated more than $1.5 million to the Boeckmann Center for Iberian and Latin American Studies at the University of Southern California.

Bert is a devoted and loving husband and cares deeply for his five children, their families and his five grandchildren. We are extremely pleased to know Bert and feel fortunate to have a person like him in our community.

Mr. Speaker, we invite our colleagues to join us in thanking Bert Boeckmann for his outstanding contributions to the Police Commission and wish him continued success.

THE "LIBRARIAN EDUCATION AND DEVELOPMENT ACT OF 2003" (LEND Act) TO PROVIDE LOAN FORGIVENESS TO LIBRARIANS IN CRITICAL NEED AREAS

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BECERRA. Mr. Speaker, public libraries and schools across this nation are experiencing a dire shortage of librarians. To help fill the void, I have introduced legislation that will encourage individuals to pursue careers as librarians in public schools and libraries in low-income areas by providing student loan forgiveness.

The shortage of librarians is attributed to a combination of two factors. First, it is difficult to recruit and retain qualified librarians in the face of low salaries. Libraries are now in direct competition with industries needing workers with librarian skills such as those in multimedia technology, database administration, and systems analysis.

Second, an alarming number of librarians are reaching the age of retirement. One in four librarians will retire in the next five years. Nearly 60 percent of professional librarians will reach the age of 65 between 2005 and 2019.

State and local government budgets are tighter than ever and public libraries are being closed to save money. For example, Manhattan, Brooklyn, and Queens libraries closed their doors two days a week, reduced staff and eliminated programs. 67 of New York's 85 libraries have reduced services, affecting primarily children. Proposed cuts in Ohio nearly led to the closing of two-thirds of the state's 250 public libraries; in the end, the legislature chose to provide no state funding for the month of July. In Washington State, Seattle's 24 libraries will close for two weeks as they did last year, in an effort to save $1 million in costs. In 2002, branches were closed, hours were reduced, a hiring freeze was implemented, programs were eliminated and the book budget was cut. 2003 is looking worse. The fact is, Mr. Speaker, school libraries have become even more important as the place where our children learn outside of the classroom.

Not just any college graduate can be a school librarian. Specialized training is necessary if we are to expect our libraries to be staffed by the right people with the right skills. My home state of California requires that a school librarian have a media teacher credential in addition to the usual teaching credential. The shortage of qualified librarians is so serious that many schools are asking teachers to leave the classroom to obtain the required training to become school librarians. Our schools cannot afford to lose teachers any more than they can afford to be without librarians.

There have been bipartisan efforts to address the critical shortage of librarians. The President's FY 2004 budget requested $20 million to fund an initiative to recruit and educate librarians for the 21st century. This is a good idea, but I also think we can do something simple that will also encourage more students to enter and stay in the field and serve children and youth in our highest risk schools.

Current law allows for the cancellation of educational loans for several categories of professionals that serve in low-income areas, such as teachers for Title I schools, special education, and Head Start, as well as members of the armed services, law enforcement officers, Peace Corps volunteers, medical technicians and nurses. The Librarian Education and Development Act adopts the same incentive for our college students to make the choice to train and serve as librarians in areas where there are concentrations of children with the greatest need for improved educational opportunities.

Specifically, under my bill, a librarian working full-time in a public library that serves a geographic area with combined average of 40 percent of enrolled students at the poverty level, or in an elementary or secondary school library that is eligible for Title I assistance would qualify for the following levels of loan cancellation based on number of years of service: 15 percent of Perkins in the first or second years, 20 percent of Perkins in the third or fourth years, 30 percent of Perkins in the fifth year, and $5,000 (total) of direct and indirect Stafford after five years of service.

I am honored that the American Library Association supports my bill. I've included their letter in the RECORD.

Mr. Speaker, I urge my colleagues to support this legislation. I think it is just as vital to the improvement of our public schools and education of our children as legislation the House considered today to encourage qualified graduates with increasing debts to enter educational fields that are suffering from critical shortages.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, July 7, 2003.

Hon. XAVIER BECERRA,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE BECERRA: Thank you very much for offering an amendment to H.R. 438 for Loan Forgiveness for Librarians. This issue is of great concern to school and public libraries as they face devastating shortages of librarians, especially minority librarians.

As you are aware, over the next five years, 25 percent of currently working librarians will retire and there are too few people going into the profession. This is not for lack of desire, but because professional librarians must have at least one Masters degree and salaries in this field are not commensurate with other professional fields.

There are a great number of college graduates who desire to be librarians and serve their communities, but the resources aren't available to them. This is especially true in low income communities.

Your amendment will do a great deal to open up the opportunity for dedicated community members to go to library school. The American Library Association appreciates your continued support for libraries in this country.

Sincerely,

EMILY SHEKETOFF,
Executive Director.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote Nos. 334, 335 and 336. I present I would have voted "nay" on rollcall vote No. 334 and "yea" on rollcall vote Nos. 335 and 336.

IN HONOR AND REMEMBRANCE OF FIRST SERGEANT ROBERT J. DOWDY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Army First Sergeant Robert J. Dowdy, who courageously and selflessly rose to the call to duty and made the ultimate sacrifice on behalf of our country.

Sergeant Dowdy was an exceptional United States soldier and was an equally exceptional human being. Sergeant Dowdy's life was characterized by his unwavering sense of duty and commitment to our nation, and above all, his life reflected a deep dedication to, and steadfast focus on his family. He worked diligently to effectively balance his military career with his main priority—his wife and daughter.

Sergeant Dowdy grew up in the North Broadway neighborhood and graduated from South High School in 1982. He enlisted in the U.S. Army soon thereafter. Throughout his journey in the military, Sergeant Dowdy carried with him a strong foundation of faith, family and community. He quickly ascended through the ranks, and held the title and command of Master Sergeant.

Most recently, Sergeant Dowdy was promoted to the rank of First Sergeant. His strong intellect and solid sense of integrity evenly matched his outstanding athleticism. Moreover, Sergeant Dowdy's life reflected his generous heart and sincere concern for the welfare of others. He often and easily offered his assistance to anyone in need, without regard to his own sacrifice.

BARBARA VAN BLAKE: A POINT OF LIGHT FOR ALL AMERICANS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. OWENS. Mr. Speaker, I am proud to salute Barbara Van Blake who retired from the American Federation of Teachers in December 2002, for her past service to her country and the community; and for her continued activism on behalf of civil rights, women and education. Ms. Van Blake is a POINT-OF-LIGHT for all Americans.

Barbara Van Blake has been employed as director of the Human Rights and Community Relations Department of the American Federation of Teachers (AFT) since 1975. Her responsibilities include keeping State and local affiliates informed of current trends, publications, laws and Federal regulations in the area of civil and women's rights. She participates as a consultant in the area of civil rights, discrimination, women's rights and desegregation activities to affiliates. Her duties also include representing AFT in coalitions with national organizations, whether they be civil rights, women, political or education.

Ms. Van Blake is a member of the National Association for the Advancement of Colored People (NAACP) National Life Membership and Labor Committee; a member of the boards of directors of Bethune Museum and Archives; a member of the Federal Advisory Commission of the Mary McLeod Bethune Council House; and life member of the Bethune-Cookman College National Alumni Association. She is also vice president of the Coalition of Labor Union Women, Chair of the National Black Caucus of State Legislators Labor Roundtable, and Treasurer of the Washington, D.C. Chapter Bethune Cookman College Alumni Association.

Ms. Van Blake has served in numerous capacities: former National Treasurer of the National Council of Negro Women, Inc.; former Chair of the Ad Hoc Labor Committee of the National Council of Negro Women, Inc.; former Secretary of the NAACP Ad Hoc Labor Committee; former executive committee member and Vice President of the A. Philip Randolph Institute and former member of the board of directors of the National Consumers League.

She is a legacy member of the National Council of Negro Women, Inc.; a Diamond Life member of the NAACP; a member of the Washington, D.C. Urban League; and a member of the Omicron Phi Zeta Chapter of ZθB.

Prior to her work with AFT, she taught mathematics in junior and senior high school for twelve years in Florida, where she was active in support of civil rights and labor union organizing. She visited Somalia and Sudan on a refugee fact-finding mission for the labor movement in 1982, and was an official international observer of the South African elections. She has done Trade Union leadership training in Benin and Cote D'Ivoire Africa, and Barbados, West Indies. She was also a delegate to the International Confederation of Free Trade Union Women's Conference in Hague, Netherlands.

Ms. Van Blake has received numerous awards including the NAACP Women's Labor Award, the Southern Christian Leadership Conference (SCLC) Fannie Neal Award, the A. Philip Randolph Institute Rosina Tucker Award, the Coalition of Black Trade Unionist Women's Addie Wyatt Award, and the National Black Caucus of State Legislators Nation Builders Award.

A graduate of Bethune-Cookman College, Ms. Van Blake holds a Bachelor of Science degree in mathematics and chemistry.

Ms. Van Blake is the proud mother of one daughter and one granddaughter. She is also a member of the Corinthian Baptist Church in Washington, D.C.

In recognition of her dedicated leadership and tireless service to our youth, I am honored to recognize Ms. Barbara Van Blake as an outstanding POINT-OF-LIGHT for all Americans.

HONORING POLICE CHIEF JOHN ROBERTSON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. STARK. Mr. Speaker, I rise today to recognize Police Chief John Robertson of the

City of Newark Police Department for his 29 years of devoted service to the citizens of California.

Chief Robertson dedicated his life to reducing crime, implementing technological advances, and helping the lives of many people on a personal basis. He was not content to merely punish wrong-doers, but set about to bring an end to the problems he encountered by using a community oriented philosophy that worked wonders to stop crime.

In the course of his career in law enforcement, Chief Robertson has left his mark on three cities. He began his career in the City of Garden Grove in July 1974 as a Patrol Officer and worked his way up to Detective. He was appointed Sergeant in March 1980 and Lieutenant in May 1981. He became Captain, February 1986, and served as Deputy Chief until August 1988 when he was promoted to Police Chief. He served as Police Chief of Garden Grove until June 1992, then as Police Chief of the City of Orange until March 1998, and finally as the Chief of Police of Newark in August 1998.

In Garden Grove, Chief Robertson is accredited with revitalizing the community through "family policing" and developing the Department's Pride Program. In Orange, he significantly reduced crime, managed the Department's budget and made a significant number of technological improvements. In Newark, Chief Robertson implemented a Citizen's Police Academy, improved technology, remodeled the police facilities, became a mentor for a local high school student, implanted the HOSTS (Help One Student to Succeed) Tutoring Program, and took responsibility for the City's Code Enforcement Unit and cleaned up a large blighted area of Newark.

Chief Robertson's greatest accomplishments in the City of Newark include bringing together the Newark Community by spearheading a youth summit with NAACP, setting up meetings with the Afghan Community to bridge cultural differences, and working with the gay/lesbian community after the murder of a transgender youth. Chief Robertson demands by word and shows through leadership that everyone must be treated with dignity and respect, regardless of race, color, creed, or sexual orientation. He was the first Police Chief to require all officers to document racial information on all car stops. He also mandated that all police employees attend training at the Museum of Tolerance to promote understanding and acceptance in the community.

I am honored to join the colleagues of Police Chief John Robertson to commend his many years of exemplary service to law enforcement. His commitment to excellence has shaped the lives of many, and his services to California will never be forgotten.

TOWN OF BLUFFTON

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. PENCE. Mr. Speaker, last night the Wabash River in northeastern Indiana crested at an incredible 25 feet. However, thanks to the extraordinary leadership of Mayor Ted Ellis and Sheriff Barry Storie, Bluffton, Indiana was spared a catastrophe.

Their leadership, in cooperation with Governor Frank O'Bannon, and literally thousands of volunteers in Wells and Adams counties managed to stem the tide. Special commendation should go to Irving Material Incorporated and also to the Indiana National Guard's 2nd Battalion of the 151st Infantry. Under the leadership of General George Buskirk and Colonel Rick Shatto nearly 200 troops loaded and stacked sandbags and helped save the community of Bluffton, Indiana.

As more rain approaches, I urge the President to speed disaster relief to the counties in Indiana that the Governor has requested. I encourage the volunteers for their determination to move forward as the rain approaches and I urge prayers by all citizens to remember the cry of the Psalmist when he wrote, "God is our refuge and our strength, though the earth be removed, though its waters roar and be troubled, we will not fear."

IN HONOR AND REMEMBRANCE OF PRIVATE BRANDON ULYSSES SLOAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Army Private Brandon Ulysses Sloan, who bravely and selflessly answered the call to duty and made the ultimate sacrifice on behalf of our country.

Private Sloan's young life was defined by family, faith, friends and community. A gentle and kind soul, Private Sloan lived his life with great joy and energy. He easily forged lasting friendships and was quick with a smile, kind word, or helping hand. Private Sloan was also an exceptional athlete, and he developed a love for baseball and football.

Private Sloan's family and friends were central to his life. He gained personal strength and faith from those who knew him best and loved him most—his father, Reverend Tandy U. Sloan; his mother, Kimberly T. Sloan; and his sister, Brittney Sloan.

Mr. Speaker and colleagues, please join me in honor and remembrance of Private Brandon Ulysses Sloan, whose honor, commitment and bravery will be remembered always. I offer my deepest condolences to the family of Private Sloan—his beloved parents, Reverend Tandy U. and Kimberly T. Sloan; his beloved sister, Brittney Sloan; his adoring grandmothers, Dr. Rementa Pippen and Luberta Sloan; and his extended family and many friends.

The significant sacrifice, service, and bravery that characterized the life of Private Brandon Ulysses Sloan will forever be honored and remembered by the Cleveland community, and the entire nation. And within the hearts of his family and friends, the bonds of love and memories created in life by Private Sloan will never be broken, and will live on for all time.

IN HONOR AND RECOGNITION OF THE AIR TRAFFIC CONTROLLERS OF CLEVELAND CENTER IN OBERLIN, OHIO, AND IN HONOR AND REMEMBRANCE OF THE FORTY-FOUR PASSENGERS AND THE CREW MEMBERS OF UNITED FLIGHT 93

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the air traffic controllers of Cleveland Center in Oberlin, Ohio, whose bravery, skill, and quick thinking ensured the safety of other air passengers on one of the darkest days in American history, September 11.

Immediately following that tragic day, the men and women of the Cleveland Center have demonstrated their compassion and concern for the families of the victims of United Flight 93 by contributing over $10,000 to the Todd M. Beamer Foundation, a foundation established to assist families of every passenger and crew member of Flight 93.

Today, I also stand in honor and remembrance of forty-four passengers and crew members aboard United Flight 93. Their valiant spirit and courageous actions prevented even greater loss of life. The people aboard United Flight 93 will remain in our minds and hearts forever, and will forever be recognized as true American heroes.

Mr. Speaker, please join me in honor and tribute of the men and women of the Cleveland Center, and the men and women aboard United Flight 93—their spirited, heroic, and selfless actions—under the most terrifying of circumstances—restores our faith in humanity and reflects all that is good in America, and they will never be forgotten.

DEDICATION OF THE SIMON RAINBOW ROOM

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues these remarks from my constituent, Larry Simon, on the dedication of the Simon Rainbow Room at the Gurwin Jewish Geriatric Center in Commack, New York. Larry and Sandy Simon's spirit of generosity is evident in these touching remarks.

SIMON RAINBOW ROOM DEDICATION, LARRY SIMON REMARKS

Thank you Gerry, Concetta and Barbara for helping to make this a very special evening for us. It is particularly meaningful to Sandy and I that those for whom Gurwin was built, our residents, share tonight with our family, friends and special colleagues.

We chose to dedicate the Rainbow Room because it represents the vitality and possibilities of life. It symbolizes the very reason for our devotion to the Gurwin Center's work. Sandy and I have had the opportunity to stand at this podium and witness so many joyous events that have touched us beyond imagination. We have shared excitement and joy with our residents and their families, and we always leave with an uplifting feeling that we and our fellow colleagues have made a difference.

So often when people confront the difficult challenges of life they ask, "why me . . . why us." For Sandy and I, grateful for our yesterday's when our hopes and dreams were new, grateful for today's joys and bounty's of life and thus given the opportunity to make a difference, the question we asked ourselves is "why not us . . . if not us who." That simply is why we have made Gurwin such a special and important part of our life. Our involvement is a tremendous source of pleasure, pride and personal satisfaction. We truly believe we receive back far more than we have given.

Let me share this poignant letter with all of you to demonstrate our point!

Dear Mr. Friedman: . . . My wife entered the Gurwin Center on March 25, 2003. At that time she was on a ventilator, incontinent and was being fed through a G-tube. She couldn't speak or walk, and I feared I was losing her.

The wonderful, professional, compassionate and caring staff of doctors, nurses, nursing assistants and therapists on 4 East changed all that. My wife is now off the ventilator, no longer incontinent, and eats solid food. She can walk and speak and seems well on the way to a complete recovery.

God bless you and the excellent staff on 4 East for giving my wife back to me. Thank you from the bottom of my heart. Respectfully and gratefully.

This letter certainly confirms our point of getting back more than we have given.

In the business world we deal with many "investment partnerships and partnership investors." Sandy and I are equally grateful for our Gurwin partners as well. We would like to thank those who work so closely with us. We greatly value the commitment and leadership of our fellow Board and Auxiliary colleagues. We respect and admire the dedicated staff who make this Center their life's work, and we thank the staff of the Gurwin Auxiliary and the Gurwin Foundation for making our volunteer experience so rewarding.

We must also acknowledge tonight's Gurwin participants who have been so kind to us, here at the podium.

Phyllis Charash, you are a woman of strength, a woman of faith, a woman of honor, and a woman of pride and charity. Thank you for emceeing tonight's celebration and dedication. You are a very special lady.

Herb Friedman, you've worked so hard and diligently to make Gurwin what it is today. You've dared to share your dreams, encourage and advise all of us and you've been here right from the very start. You are one of the most important people in our Gurwin life and we thank you for your dedication and outstanding effort year after year.

Joseph Gurwin, you continue to share your strength, vision and wisdom with us, and mentor by example the values of love, respect and commitment to family and the Gurwin community. Your friendship and counsel have been sustaining and inspiring. We offer our love and admiration. You are a very special man.

Our wish for all of you here tonight—be grateful for tomorrow and the promises it holds—wonderful times, a happier life, and a deeper affection for the human spirit and needs as each new day unfolds.

Just as our name will now be etched on the dedication plaque for this room, the special feelings of this evening will be etched in our memories forever. We applaud all of you for sharing our passion for Gurwin. Thank you!

HONORING IRAN'S YOUNG HEROES

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. DELAY Mr. Speaker, I rise to honor the young democrats of Iran, who stand today in non-violent defiance of the terrorist regime holding their nation hostage.

These college demonstrators, Iran's peaceful warriors of freedom, are allies in America's War on Terror, and allies in humanity's fight for justice among men.

Their names are foreign, but we know them just the same, by the names of their fathers: Solzhenitsyn, Mandela, Walesa and Havel.

Their faces may not be familiar, but their cause is.

And by that cause, the mullahs of Tehran will soon be taught the lesson all oppressors learn: that no cage or whip or secret police can extinguish the torch of freedom.

Today in Iran, protests were squelched by oppression, intimidation, and terror. But freedom still burns in the hearts of its citizens.

If it is true that on the Fourth of July, all who live in freedom are Americans, then it is doubly so that on the Ninth of July, all who dream of freedom are Iranians.

Today, on the fourth anniversary of the original student demonstrations, in the wake of the heroic June protests, thousands of Iranians in their teens and twenties have been arrested or killed, and many more are hunted by the mullah's dying regime.

Some call them prisoners of conscience. Some call them prisoners of war.

I call them giants.

Courageous beyond reason. Strong beyond endurance. And righteous in the eyes of God and men.

Today, their passion inspires demonstrations of solidarity. One day soon, it will liberate their nation and change the world.

RECOGNITION OF DONALD BAKER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Donald Baker of Jefferson County, Illinois. Don was recently inducted into the Semor Saints Hall of Fame of Jefferson County.

Don received this honor for his lifelong service to others. He served his country for four years in the U.S. Navy on the USS *Remy* during the Korean War. Today he is a regular participant in the Sweet Corn & Watermelon Festival, the American Cancer Society's Relay for Life, Jefferson County's Crime Watch program, Memorial Day services, the Mt. Vernon City Wide Cleanup, and the National Day of Prayer. He has also assisted with the Emergency 911 Telephone Testing process.

I want to congratulate and thank Don for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is very deserving of this prestigious honor.

IN HONOR OF THE SANTA CRUZ CHILDREN'S LEARNING MUSEUM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the Santa Cruz Children's Learning Museum. This local hands-on museum is still in its early stages of development, yet it is a bright treasure in our community. The Museum strives to provide a place for children to explore, create and discover in a safe and nurturing environment. I am proud to honor this valuable local resource.

One of the many goals of the Children's Learning Museum is to foster children's imagination and creative potential through programs in music, science, literacy, art, peace, unity and esteem. Some of these programs include the creation of a book entitled Louden Nelson: From Slavery to Philanthropy, only recently released. This book follows the history of the life of a freed slave, Mr. Louden Nelson, who was an advocate for children's education and donated much of his land for the creation and strengthening of the schools in Santa Cruz. Additionally, they have started an annual drumming circle in which parents and children gather with the community to learn drumming techniques and raise funds for the museum. The Children's Learning Museum also joined in the September 11th Peace and Unity Project by creating one out of the four peace-themed murals that were sent to the United Nations in the tragic wake of the events of September 11th. The Children's Learning Museum is planning many more events that create an inclusive community and encourage adults and children to learn from each other.

Mr. Speaker, I recently attended the Santa Cruz Children's Learning Museum's annual Mayor's Breakfast in Santa Cruz County. There, I joined the mayor of Santa Cruz, my dear friend Emily Reilly, as well as the Santa Cruz City Schools Superintendent, Alan Pagano, in stressing the important of hands-on learning for children so they may access their full learning capability. The guests were also treated to Mexican folkloric dances by local school children, and a dramatic reading of Louden Nelson: From Slavery to Philanthropy was performed by the very talented Billie Harris. Most of all, however, was a feeling that the dedicated staff and volunteers who are working to expand the programs and offerings of the museum are a committed group: committed to education, committed to the community, and committed to the children. Therefore, Mr. Speaker, I wish to commend the good work of the Santa Cruz Children's Learning Museum, and thank them for the chance to be a part of their annual Mayor's Breakfast.

HONORING THE LEGACY OF KATHARINE HEPBURN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and celebrate the life of the renowned actress, Katharine Hepburn. Ms. Hepburn, who was admired by generations young and old, died Sunday, June 30th, 2003 at the age of 96.

Ms. Hepburn will be long remembered not only for her half-century career, but also as a role model paving the way for women in the motion picture industry. Born, Katharine Houghton Hepburn on May 12, 1907 on Hudson Street in Hartford, Connecticut, Ms. Hepburn went on to attend her mother's alma mater at Bryn Mawr College, where she appeared in several college theater productions. Although her father was skeptical about his daughter's pursuit to be an actress, he soon relented and gave her $50 to travel to Baltimore for the audition that started her career.

Even in her early years as an actress Ms. Hepburn was known as an "opinionated performer" and often meddled in all aspects of movie making, frustrating directors and filmmakers. Her on screen talents won her four Oscars for best actress, twelve nominations and leading roles in such films as "Little Women," "Bringing Up Baby," "The Philadelphia Story" and the "African Queen." In the days of her declining health she became ever more popular with the opening of "Tea at Five." This successful one-woman show, which was dedicated to Ms. Hepburn's career, opened last year at the Hartford Stage Company and has gone on tour, recently opening in New York City.

Katharine Hepburn is a beloved American who will be greatly missed by the nation, her family and Hollywood.

RECOGNITION OF JOHN NELSON COWEN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize John Nelson Cowen of Jefferson County, Illinois. John was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

John received this honor for his lifelong service to others. Throughout his life John raised a family, sang for community events with the Barbershop Chorus, annually served at the Kiwanis Pancake and Sausage Breakfast, provided inexpensive housing to low income families, and contributed to the education of underprivileged children. He is still actively involved as a Sunday School teacher at Park Avenue Baptist Church where he has taught for 70 years. John also loves his country so much he chose to not draw Social Security so that others in need can benefit from it.

I want to congratulate and thank John for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

A TRIBUTE TO ALEX CANJA OF FLINT, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to pay tribute to a friend and great American.

In a rich life span of 81 years, Alex Canja mentored thousands of young men and women and then, in later life, became an advocate for older citizens.

On his own, without parents, from the age of 11, Alex raised himself, living at the YMCA in Flint, MI and selling newspapers.

Ever the optimist, determined to succeed, he believed that with hard work and honest effort, his dreams could come true. And they did.

At Flint Central High School, he was elected president of the student body. He served in the US Army Air Force returning to the University of Michigan after the war. He became an All-American diver, was captain of the U of M swimming team, and earned a Master's Degree in Education. It was there that he met and courted Esther Giovannone, also known as "Tess." She became his wife and inseparable companion for 56 years.

He served his community. A teacher, deputy superintendent, and camp director, Alex coached swimming, taught English, and with his wife Tess, built the fledgling summer camp "Camp Flying Eagle" into one of the finest in Michigan. His goal was to provide young boys and men the many opportunities for personal growth and success he knew they needed.

Alex worked for many years with AARP on behalf of the senior citizens of the United States. He served alongside his wife, Tess Canja, who became the National president of AARP. He brought his wit and wisdom to meetings of the spouses and companions of AARP board members, melding them into a support group for themselves and the Board.

He was very proud of Tess and her accomplishments, but also of his daughter, Debbie, son, Jeff, and grandsons, Brian and Scott. Another son, Paul, preceded him in death.

For Tess and Alex Canja, their immortality will be in their contribution to their community, their state, and their nation.

HONORING THE LIFE AND CAREER OF WILLIAM K. DAVENPORT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. OXLEY. Mr. Speaker, it is my honor today to salute the life of William K. Davenport. Although Bill passed away in 1999, his personal accomplishments and contributions to the community of Lima, Ohio, are still celebrated today.

Bill became the Chief of the Lima Police Department on May 1, 1968, making him the first African-American in Lima's history to acquire this rank. He earned this commission solely by his own merit, obtaining the highest score on the civil service competition examination. Prior to his appointment as chief, Bill compiled a commendable record as a law enforcement officer. He served 8 years as patrolman, 5 years as detective, 4 years as sergeant, 7 years as lieutenant and 2 years as inspector of the uniform division before becoming chief.

Bill was known and respected by his colleagues as an amiable and admired leader. A humble man, he faced the brewing racial tension of the Sixties without compromising his principles, even at one point in his career disagreeing with the Mayor of Lima.

Bill is remembered as an exemplary citizen who frequently went above and beyond his official duties to help others. The community of Lima has truly been affected by the noble life Bill led and the excellent public service he gave to the city.

Mr. Speaker, William K. Davenport was a dignified law enforcement officer who earned a wide array of accolades during his 36 year career, including serving as the first African-American Chief of Police in Lima, Ohio. Because of his diligent service to his community, he is worthy of receiving our recognition. I know my colleagues join me in honoring this truly exceptional man.

RECOGNITION OF ALFRED "MUGSY" BEAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Alfred "Mugsy" Bean of Jefferson County, Illinois. Mugsy was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Mugsy received this honor for his lifelong service to others. On the bombing of Pearl Harbor, Mugsy immediately volunteered for service to his country. He was embroiled in World War II for close to 4 years. For the past 25 years Mugsy has served as a member of American Legion Post 141 Funeral Detail and has worked on the Jefferson County Veterans' Memorial Committee. He is known to treat all with the same respect and to reach out to those in need. Mugsy has been married to Louise for 58 years and has raised four children.

I want to congratulate and thank Mugsy for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

MAYOR FOR THE DAY IN ELMHURST, ILLINOIS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. HYDE. Mr. Speaker, I rise today to commend a young individual from my district who recently won the honor of "Mayor for the Day" of Elmhurst, Illinois. Miss Carly Hamilton, who is in Sixth Grade at Visitation Catholic School, won this honor by composing the following essay in 50 words or less:

"I love Elmhurst, the greatest city in the greatest country in the world because . . . Many people might think it's small, but to tell you the truth, it's not at all. Elmhurst has movies and ice cream and chocolates and books, from haircutters to house sellers, from schools to parks. So for me, Elmhurst is the place to be!"

HONORING ALFONZO TORRES MARTINEZ

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. FROST. Mr. Speaker, I rise today to commend Mr. Alfonzo Torres Martinez for his many years of dedicated service to Lockheed Martin Missiles and Fire Control in Dallas, Texas, and also to congratulate him for completing over fifty years of service with the company and its predecessors.

Following two and a half years in the Army, including a year in the Philippines, Al Martinez began his career at then-Chance Vought Aircraft as a Wiring Serviceman Helper at a starting wage of $1.34 an hour. Through the years, Al has left his mark on numerous missile programs and continues to lend his resilience and determination to MFC programs at the age of 82.

Mr. Speaker, the celebration of fifty plus years of service is a remarkable feat, and I know that the other members of this body will join me in extending our warmest congratulations to Al Martinez on his incredible accomplishment.

RECOGNITION OF CHESTER CONNAWAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Chester Connaway of Jefferson County, Illinois. Chet was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Chet received this honor for his lifelong service to others. Upon his graduation from Mt. Vernon Township High School he joined the Army. He then served 40 years in the Illinois Army National Guard. He now is the district director for Veterans Affairs Southern Division where he works to secure benefits for deserving veterans. Chet also is a member of the Field Grade School Board of Education and he served twenty years as treasurer of Wesley United Methodist Church. Chet and his wife Barbara have been married 50 years and have raised three daughters.

I want to congratulate and thank Chet for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

PERSONAL EXPLANATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. MCINNIS. Mr. Speaker, due to a family medical issue, I missed several votes on June 26, 2003. I was not able to be present to vote on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003. Had I been present, I would have voted yes on passage of H.R. 1, Rollcall No. 332. In addition, had I been present, I would have voted yes on passage of the Military Construction Appropriations Act for Fiscal Year 2004, Rollcall No. 325; yes on H. Res. 277, Expressing Support for Freedom in Hong Kong; yes on passage of the Health Savings and Affordability Act, Rollcall No. 328; and yes on the Intelligence Authorization Act for Fiscal Year 2004, Rollcall No. 333.

RECOGNITION OF NANCY GERMANN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Nancy Germann of Jefferson County, Illinois. Nancy was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Nancy received this honor for her lifelong service to others. For 33 years she made a positive difference in the lives of students. She loves teaching so much she returned to the classroom after her retirement as a special education aide. Nancy is extremely involved in her church and community. Some of her activities include singing in the church choir, assisting with the soup kitchen and Thanksgiving dinner for the needy, and serving as a director for Cedarhurst Chamber Music along with helping with other Cedarhurst activities.

I want to congratulate and thank Nancy for all she has done and will continue to do for the people in her community. She is a saint to all who know her and is deserving of this prestigious honor.

TRIBUTE TO E.L. HUTCHISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. E.L. "Hutch" Hutchison of Durango, Colorado is member of what has been called the "Greatest Generation," those who helped the United States defeat fascism and totalitarianism during World War II. His sacrifices—and those of his fellow soldiers—helped secure the Allied victory and defend the American way of life we enjoy today. I am honored to recognize "Hutch's" service to his nation.

During the war, "Hutch" fought for his nation as a paratrooper with the famous "Screaming Eagles" of the 101st Airborne Division. On D-Day, June 6, 1944, "Hutch" was one of fourteen Screaming Eagles who jumped together from a plane into enemy territory. Only six would survive. As one of those six, "Hutch" continued fighting and heroically carried out his job as a demolition man, clearing out mines and booby traps for the American and Allied troops who would follow.

Mr. Speaker, our nation owes E.L. Hutchison and his fellow soldiers a great debt. Thanks to their efforts, the United States emerged from that terrible war victorious. Even though the war ended 58 years ago, we must never forget the sacrifices "Hutch" and the other American troops made. I am especially privileged to honor E.L. Hutchison today. Thank you for your service, "Hutch," and for helping to ensure that America remains the "Land of the Free."

RECOGNITION OF WILMA KIMMEL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Wilma Kimmel of Jefferson County, Illinois. Wilma was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Wilma received this honor for her lifelong service to others. She is known as a dedicated wife and mother. She and her husband, Ardell, raised three children. In order to help send her children to college she began work as a secretary for the Mt. Vernon School System where she worked for twenty years. Wilma has been involved with the 4–H Club, Rend Lake Piecemakers Quilt Guild, and Herbs for Health and Fun. No one can say that Wilma is not devoted to her church. At Central Christian Church she is known as a ready and willing hand for wherever there is a need. She is described as one who gets the job done and one who never complains.

I want to congratulate and thank Wilma for all she has done and will continue to do for the people in her community. She is a saint to all who know her and is deserving of this prestigious honor.

REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. VAN HOLLEN. Mr. Speaker, yesterday, I was pleased to support H.R. 2631 which guarantees that the legislation designed to provide Medicare recipients with some prescription drug coverage would not lead to the creation of an inferior prescription-drug benefit for retired federal employees.

The Republican version of the Medicare Prescription Drug Bill, which passed the House on June 27, 2003 is a bad piece of legislation for many reasons. One of its many serious flaws is that it could result in a reduction of coverage for federal employees. Because of how the bill was written, the Congressional Budget Office has estimated that as many as ⅓ of all retirees who currently have prescription drug coverage through their employer's private plan will lose their coverage to the generally inferior set of benefits outlined in the House proposal. We cannot allow our retired federal workers to fall victim to capricious business practices geared toward increasing profits above all else. Federal employees who have dedicated many years of their lives to public service deserve to live out their retirement with dignity and security. H.R. 2631 will help achieve this.

The legislation proposes nothing radical in seeking to ensure that the prescription drug package enjoyed by current federal employees will be available to federal retirees as well. Currently there is parity between the two benefits packages. And, this non-partisan effort is dedicated to guaranteeing that this remains true.

Given the difficulties involved in retaining federal employees, we should all recognize that supporting this legislation will help communicate to new and current employees that their efforts and sacrifices are appreciated and will be honored even after they have completed their public service.

The rate of growth of premiums in the Federal Employees Health Benefit Program (FEHBP), in comparison to the disproportionately slow growth in the cost of living adjustment (COLA), is a major concern for federal retirees. Since 1998, FEHBP premiums have increased more than 10% per year. Last year alone, FEHBP premiums increased 11%. During the same period, the federal retirement annuity COLA was only 1.4%. It is difficult enough to keep pace with these changes without the added pressure of having to deal with the possibility that the level of choice and service they have grown accustomed to during their employment will suffer in their retirement.

It is important that we do all that we can to help our federal retirees deal with the burden of financial shocks. Therefore I thank those of my colleagues who joined me in supporting H.R. 2631 and I commend Mr. DAVIS of Virginia for introducing the bill.

TRIBUTE TO RICK LUPE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise before this body of Congress and this nation today to pay tribute to a true American hero. Rick Lupe recently passed away from injuries sustained while battling a prescribed burn on the Fort Apache Indian Reservation near Whiteriver, Arizona. I am saddened by his death and would like to take a moment to reflect on the courage and leadership of this honorable and distinguished individual.

Rick previously made headlines during another fire that took place last summer. When the Rodeo-Chediski fire scorched much of Arizona, Rick engineered a fire line at the last minute, using a back burn and bulldozers that helped save the town of Show Low. Such acts of courage are no surprise to those who knew him. In nearly two decades of service to the Fort Apache Hotshot crew, Rick developed a reputation as a strong but quiet leader, a loyal colleague, and trusted friend.

Rick possessed courage and toughness to spare. While checking on a hot spot recently, the wind picked up and blew the flames around him. When the shelter he tried to deploy blew away, Rick dropped to the ground to allow the fire to pass over him. Even though the flames and heat scorched him, leaving 3rd degree burns over 40 percent of his body, he summoned the strength to walk a half-mile to get help. Even then, Rick held on for five weeks before leaving us. He will be especially missed by his beloved wife Evelyn and his children Brent, Sean, and Daniel. I would like to extend my deepest sympathy to them during this difficult time.

Mr. Speaker, I am honored to recognize Rick Lupe today. His immediate family will remember Rick as the loving husband and father that he was. The town of Show Low, the Fort Apache Hotshots, and this nation will remember Rick as the hero that he was. Rick dedicated his life to serving his nation and his fellow citizens. We will always be grateful.

RECOGNITION OF JACK GOLDMAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Jack Goldman of Jefferson County, Illinois. Jack was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Jack received this honor for his lifelong service to others. He served in World War II as a combat engineer in the United States Army. Jack participated in the invasions of Leyte and Okinawa. After serving his country he returned to Mt. Vernon where he has literally and figuratively changed his community. Jack became involved with the Acquisition Committee for the Arts in the City Foundation and as chairman of the Sculpture Committee for Cedarhurst. He was named Counselor Emeritus for Mitchell Museum in 1995. Jack is an architect with Fields, Goldman, and Magee; and is also a member of the Mt. Vernon Rotary Club and the Downtown Development Corporation. He and his wife, Joan, are members of United Methodist Church.

I want to congratulate and thank Jack for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

THE COMMUNITY JOURNAL HONORS ERNESTINE O'BEE AT THEIR 27TH ANNIVERSARY CELEBRATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KLECZKA. Mr. Speaker, on Friday, August 22, 2003, The Community Journal will celebrate its 27th Anniversary. On this occasion, the newspaper will salute Ernestine O'Bee as an outstanding citizen in Milwaukee's African American community.

Mrs. O'Bee is the proprietor of the Northwest Funeral Chapel, and has served in a professional capacity in her field since 1952. She is an astute businesswoman in her role as funeral director and is compassionate and caring to all she serves. In addition to her professional achievements, Ernestine O'Bee is a lady of elegance and eloquence. She has led an exemplary life and has been a model of generosity and graciousness for everyone whose life she has touched.

As a pillar of the African American community, Ernestine O'Bee has been active in civic affairs and supportive of many organizations and individuals in her quest to improve the quality of life for the entire Milwaukee community. She has served many organizations including the Salvation Army, YWCA, YMCA, the House of Peace, Zonta Club and her sorority, Wisconsin Funeral Directors Association.

Over the years, Mrs. O'Bee has sponsored over one hundred students in scholarships, some from birth through college. She is a substantial contributor to the Dr. Terence N. Thomas Memorial Scholarship Fund, which recently graduated five students including one post graduate student from Tulane University.

I wish to honor and thank Ernestine O'Bee for the countless gifts and contributions that she has made to strengthen, support and enrich the community. I appreciate her efforts and join in celebrating her life-long achievements.

Congratulations, Mrs. Ernestine O'Bee!

HONORING JACK CHENOWETH, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress today to pay tribute to an outstanding American. Jack Chenoweth, Jr. of Pueblo, Colorado selflessly served this great nation throughout his long and dedicated life. As we recognize his passing, it is with great pride that I highlight the many contributions that Jack made to his community and our nation.

Jack answered the call to military and government service several times throughout his life. Upon graduation from Trinidad High School, he joined the U.S. Navy and served in the South Pacific until the end of World War II. Jack went on to graduate from the University of Denver in 1951 and married Mary Ann Kennedy two years later, eventually embarking on a 24-year career with the FBI. After his retirement from the FBI, Jack continued his work as an investigator for Pueblo County. He also made a major impact upon the Pueblo community as an active member of the Republican Party, a member of the Society of Former Special Agents of the FBI, a Rotarian, and a past president of the El Pueblo Boys and Girls Ranch.

Mr. Speaker, I am proud to stand before this body of Congress today to recognize Jack Chenoweth, Jr. for his devotion to the Pueblo community and his service to our country. Citizens like Jack provide the spirit and strength of character that make this nation great. While he will be dearly missed, we can all take solace in the knowledge that Jack's spirit lives on through those whom he has touched.

RECOGNITION OF DOROTHY BAKER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Dorothy Baker of Jefferson County, Illinois. Dottie was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Dottie received this honor for her lifelong service to others. She is a wife and mother who raised three children. Today she is a regular participant in the Sweet Corn & Watermelon Festival, the American Cancer Society's Relay for Life, Jefferson County's Crime Watch program, Memorial Day services, the Mt. Vernon City Wide Cleanup, and the National Day of Prayer. She has also assisted with the Emergency 911 Telephone Testing process. Dottie is active in her church where she helps the elderly and assists others in any way possible.

I want to congratulate and thank Dottie for all she has done and will continue to do for the people in her community. She is a saint to all who know her and is deserving of this prestigious honor.

NRA SUPPORT FOR LOCAL WILDLIFE CONTROL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. YOUNG of Alaska. Mr Speaker, I have, somewhat famously, opposed H.R. 1472, a bill which attempts to single out bears as a species to be managed by the House of Representatives instead of local wildlife experts. I believe this bill is a "one size fits all" attempt at government, inappropriately taking local control away and nullifying local expertise. I am not alone on my position against this bill. I would therefore like to submit for the RECORD the following letter from the National Rifle Association, which explains their opposition to the bill as well.

JUNE 2003.

DEAR REPRESENTATIVE: As the leading voice for millions of American gun-owners and hunters, the National Rifle Association wishes to advise you of our opposition to H.R. 1472, the "Don't Feed the Bears Act of 2003." This legislation would prohibit the use of bait in bear hunting on all federal lands.

Although H.R. 1472 addresses one method of bear hunting, the real issue here is about who manages resident wildlife. H.R. 1472 opens the door to federal preemption of the rights of the fifty states to manage resident wildlife, including establishing the means and methods of hunting in a safe and ethical manner. The NRA is unalterably opposed to such federal infringement.

Congress has passed legislation giving the Federal government management authority over certain categories of wildlife which it felt required a national focus: migratory birds, marine mammals, and endangered and threatened species. At no time in its history has Congress selected an individual species for federal management. H.R. 1472 sets this unwise precedent.

This legislation is being advocated by organizations opposed to all methods of hunting, not just the use of bait in bear hunting. Nothing could better achieve their goal of ending hunting in the United States than a bill that federalizes wildlife management. Rather than having to promote their views in each of the fifty states, the anti-hunting community is seeking to have Congress preempt the field.

Those states that allow the use of bait in hunting do so because they have concluded that it is a humane method of hunting, that it meets the ethical standard of "fair chase," and that it is a necessary tool for management of their bear populations. H.R. 1472 places Congress in the position of being a wildlife biologist, making decisions for states on how certain wildlife populations must be managed. If Congress were to adopt this legislation, it would be placing itself in the position of having to address every issue pertaining to wildlife management, not just one method of bear hunting.

The NRA strongly urges you to oppose H.R. 1472 because of its attempt to preempt the authority of the states to manage resident wildlife. If you are a cosponsor of the bill, we urge that you reconsider your support for it.

Thank you for your consideration of our views on this important issue.

Sincerely,

CHRIS W. COX,
Executive Director,
NRA Institute for Legislative Action.

TRIBUTE TO JARVIS AND MARY JO RYALS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a pair of selfless community servants from my district, Jarvis and Mary Jo Ryals of Pueblo, Colorado. As avid contributors to Colorado State University-Pueblo, Jarvis and Mary Jo are being honored with the President's Medal for Distinguished Service.

Long-time residents of Pueblo, the Ryals are widely known for their dedication to the community. They have supported the Pueblo Symphony, the Greenway and Nature Center and the USC Foundation. The cornerstone of their generous efforts in the community has been their support for Colorado State University-Pueblo. From gifts to the Hasan School of Business and the Buell Communications Center, to their help in establishing a professorship for Language and Leadership, the Ryals are always at the forefront of University philanthropy, working tirelessly on behalf of the institution.

Mr. Speaker, in a recent ceremony in Pueblo, the Ryals received the President's Medallion, symbolizing their distinguished service, high standards and values, and hard work. I join with my colleagues here today in applauding Jarvis and Mary Jo for their civic-mindedness and congratulate them on this prestigious honor. This recognition to Jarvis and Mary Jo for the work that they do in our community is long overdue, and I am proud to bring it to the attention of this House today. Congratulations and thanks again, Jarvis and Mary Jo, for your many years of hard work on behalf of Pueblo and Colorado State University.

RECOGNITION OF CLIFF FIELDS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Cliff Fields of Jefferson County, Illinois. Cliff was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Cliff received this honor for his lifelong service to others. Whether it was his service in World War II or his work to bring business and industry to Mt. Vernon, he is known as an unselfish person who works tirelessly for the benefit of others. Fifty years ago Cliff founded the architectural firm of Fields, Goldman, and Magee. He has also served on the Summersville Grade School Board, Mt. Vernon Airport Authority, Economic Development Commission, Director for Mt. Vernon Savings & Loan and First Bank & Trust, and a Trustee for Mitchell Museum.

I want to congratulate and thank Cliff for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. GOSS, Mr. Speaker, I was not present today due to offical travel overseas, as a result, I was not able to be present for rollcall votes 334, 335, and 336. Had I been present, I would have voted no on rollcall vote 334 and yea on 335 and 336. I request that this statement appear at the appropriate place in the RECORD. Thank you.

* * *

HONORING FAY KASTELIC

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a truly remarkable woman. Fay Kastelic is an octogenarian from Pueblo, Colorado whose dedication to her family and years of selfless public service have set a shining example for those in her community. Fay has overcome numerous obstacles in her life and I am proud to recognize her many accomplishments before this body of Congress and our great nation today.

Fay was born in Bowie, Texas, where she developed a resolute work ethic while growing up in the midst of the Depression. She attended the University of Texas until her senior year, when she left to run a commissary during World War II. While working at the commissary, Fay met her future husband, Frank, and they were married back in Colorado when he returned from overseas. Fay raised her three sons in Pueblo and ultimately returned to school to finish her degree in education, ultimately progressing from classroom teacher to principal to district director for elementary education.

Fay's commitment to public service has continued well beyond her years as a teacher and administrator for the school district. She retired after 25 years of service to the school district after being elected to serve on the Pueblo City Council. Fay acted as -president for three terms before declining to run in 1997 due to health problems. With help from her family and friends, particularly her twin sister, Fay made a remarkable recovery from cancer and was later named Citizen of the Year by the Greater Pueblo Chamber of Commerce in 1998. While flattered by the honors that have been bestowed upon her, Fay remains committed to the Pueblo community. She continues to be an active participant on assorted civic committees.

Mr. Speaker, I am honored to pay tribute to Fay Kastelic today for her commitment to our nation. Fay embodies the spirit of public service and altruism that make our communities and our nation strong. I commend Fay for her lifetime of selfless public service and wish her all the best in her future endeavors.

* * *

RECOGNITION OF CLARA SONSINI

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Clara Sonsini of Jefferson County, Illinois. Clara was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Clara received this honor for her lifelong service to others. At the onset of World War II she left home and traveled to San Francisco to work for the government in homeland security. Later, Clara and her husband, Dan, moved to Mt. Vernon where they raised three children. Upon their high school graduation she began work at a local nursing home as a nurse's aid and eventually as activity director. Clara's other numerous community activities include Girl Scout Leader, Cub Scout Den Mother, YMCA volunteer, grade school homeroom leader, president of the PTA, and American Cancer Society and Red Cross volunteer. She remains vigorously involved with the St. Mary's/Good Samaritan Regional Health Center Auxiliary.

I want to congratulate and thank Clara for all she has done and will continue to do for the people in her community. She is a saint to all who know her and is deserving of this prestigious honor.

* * *

HONORING THE DISTINGUISHED SERVICE OF COMMANDER STEVEN J. FUQUA

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. COOPER. Mr. Speaker, I am honored to pay tribute today to CommanderIM Steven J. Fuqua, who is retiring this summer from the United States Navy after 20 distinguished years of service. Commander Fuqua is a native of my district, from Nashville, Tennessee.

During his career, Commander Fuqua held some of the most demanding jobs in the United States Navy and fulfilled these duties superbly. He has served as the chief engineer on a nuclear submarine, an extraordinarily challenging job that requires unstinting, 24-hour attention. He has also served as the Executive Officer on many missions, including one around-the-world deployment aboard the USS Batfish in 1997.

In honor of his distinguished service, Commander Fuqua has been awarded the Defense Meritorious Service Medal, the Meritorious Service Medal, the Navy and Marine Corps Commendation Medal with three gold stars, and the Navy and Marine Corps Achievement Medal with gold star. Long-time friend and fellow naval officer Scott Potter said of Commander Fuqua, "If you had to name a prototype naval officer, Steve would be it."

Commander Fuqua holds a Bachelor of Science in Mechanical Engineering from Tennessee Technological University and a Masters in Mechanical Engineering from the Naval Postgraduate School in Monterey, CA. After receiving his commission from Officer Candidate School in 1984, he entered the elite Naval Nuclear Propulsion Program and completed the course of instruction at the Naval Nuclear Power School in Orlando, Florida and Nuclear Prototype Training at the Prototype in Idaho Falls, Idaho. He also completed the Submarine Officer Advanced Course at the Naval Submarine Base in New London, Connecticut.

Commander Fuqua's initial sea tour assignment was aboard the USS Billfish (SSN 676) from 1986 to 1989, where he served as Main Propulsion Assistant and Combat Systems Officer. In 1992, Commander Fuqua reported aboard the USS Key West (SSN 772) as Engineer Officer. During this tour, the ship completed a Mediterranean deployment, a Southern deployment and a Selected Restricted Availability (SRA). From 1995 to 1997, he was assigned to the Defense Intelligence Agency (DIA) working for C4I Integration Support Activity (CISA), a defense support activity of the Office of the Assistant Secretary of Defense for Command & Control, Communications, Computers and Intelligence.

In 1997, following completion of the Prospective Executive Officer course in New London, Connecticut, he reported for duty as Executive Officer of the USS Batfish (SSN 681). Following completion of a six-month around-the-world deployment, the USS Batfish changed homeports from New London, Connecticut to Pearl Harbor, Hawaii.

Commander Fuqua detached from the USS Batfish in 1999 following the ship's inactivation and reported for duty to the staff of the Chief of Naval Operations (N77), where he served as Submarine Communications-Requirements Officer from 1999 until 2002. In May 2003, Commander Fuqua reported to Naval Sea Systems Command (NAVSEA) where he is assigned to the Undersea Weapons Program Office of the International Programs Division.

He now lives in Alexandria, Virginia with his wife Kathi, their three sons, Steven, 14, Matthew, 12, and Tyler, 9, and their daughter, Megan, who is 4.

On behalf of the citizens of the Fifth Congressional District of Tennessee, I salute Commander Fuqua for his outstanding career and for his service to our Nation. We are proud to claim him as a native son. I wish him well in his retirement and in all his future endeavors.

* * *

HONORING RITA FRIBERG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress today to pay tribute to a successful businesswoman who has provided Colorado with years of dedicated service. Rita Friberg has had a long career as an entrepreneur and now serves the Pueblo community as a professor of business, management, and marketing at Pueblo Community College. Today, I would like to honor Rita's accomplishments and the impact she has had on her community throughout her career as an entrepreneur, small business adviser, and professor.

Rita began her business career working in retail at age 16, proceeding to manage a number of fabric and craft stores after attending Purdue University. She opened her own shop in Denver's Larimer Square before joining Pueblo Community College in 1994 to run the Small Business Development Center, eventually becoming a full-time faculty member in August 2002. In recognition of her efforts and career, the Pueblo Business Women's Network recently honored Rita as its Woman of the Year.

Mr. Speaker, I am proud to stand before this body of Congress today to recognize the positive impact that Rita has had on my district and the State of Colorado. Rita embodies the combination of ambition and dedication necessary to communicate the dynamics of the business world to her students. I would like to congratulate her on this prestigious award and the respect that she has earned from her peers. I wish Rita all the best in her future endeavors.

REMEMBERING FORMER SOUTH CAROLINA FIRST LADY VIRGINIA RUSSELL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. WILSON of South Carolina. Mr. Speaker, during the Fourth of July District Work Period, I attended funerals of heroes of South Carolina who will always be remembered—former First Lady Virginia Russell on June 30, former U.S. Senate President Strom Thurmond on July 1, and Sergeant O.J. Smith on July 2, who served with distinction in Iraq in the War Against Terrorism.

Virginia Russell was special to me as the mother of my State Senate seatmate for 14 years, John Russell. Also in 1962, I met her campaigning for her husband running successfully for Governor while I was delivering the Charleston Evening Post on King Street in Charleston, SC, at Fralix Shoe Shop. She so inspired my political involvement that I contacted Campaign Manager J. Bratton Davis and I served as youth Campaign Manager for Charleston in the June primary.

The following is an article and obituary from the Spartanburg Herald-Journal regarding her death.

[From the Spartanburg Herald-Journal, June 28, 2003]

DONALD RUSSELL'S WIDOW DIES

(By Janet S. Spencer)

Former South Carolina first lady Virginia Russell died Friday at her home on Otis Boulevard after an extended illness.

Mrs. Russell was the widow of the Honorable Donald S. Russell who was governor from 1963 to 1965 and then served as a federal judge.

In addition to numerous contributions to her community and the dedication to her family, she is remembered for her role as first lady of the state as well as of the University of South Carolina when her husband was president there.

While living in the governor's mansion, Mrs. Russell noticed state seals that had been painted over for many years on the mantle in a large drawing room.

She is credited with having the seals uncovered and brought out in gold relief. They remain that way today.

Mrs. Russell also was responsible for first encouraging tours of the mansion.

Her neighbors, Mary and Thomas Stokes, remember moving to their new residence in Spartanburg as the youngest couple on the street and Mrs. Russell opening her home to them.

"She was a genteel Southern lady. I always felt she was so thoughtful of others from the first time she welcomed us to her home and the neighborhood," Mrs. Stokes said. "She always went out of her way to be thoughtful of other people."

Stokes agreed with his wife. "Mrs. Russell was certainly a lady in the finest tradition of the word," he said.

"Mr. and Mrs. Russell were wonderful people."

John Edmunds, who had been friends with the Russells for 45 years, recalls being a student at USC when the Russells were there.

Mrs. Russell decorated his fraternity house and invited every student to dinner their freshman and senior years.

"She loved the university. She was a very brilliant, well-read woman. She could converse with you on any subject. She kept up with current events," Edmunds said.

After returning to Spartanburg, for many years Edmunds had dinner weekly with the Russells at the Piedmont Club.

"She was witty and charming. And although she had been in declining health for some time, I'm gonna miss her," Edmunds said.

For 11 years, Mrs. Russell had also won the hearts of caregivers who often called her "pretty lady."

Martina Smalley is a registered nurse and director of Professional Nursing Services that provided around-the-clock care for Mrs. Russell at the Russell residence.

Smalley said she and the three nurses who rotated the duties were deeply saddened by Mrs. Russell's death.

"She was such a warm and gracious lady. In the 11 years we were privileged to care for her, we came to love her as if she were our own mother," Smalley said.

Smalley described a mutual strong bond of trust and respect which she and the nurses shared with Mrs. Russell.

"She was very appreciative of everyone's kindness and thoughtfulness. She had a way of making everyone feel special," Smalley said.

The caregivers recall how Mrs. Russell eagerly let it be known how much her husband and family meant to her.

"The saddest time in her life was when she lost her husband, and the saddest time in all our nursing careers is the loss of such a grand and gracious lady," Smalley said.

Caring for Mrs. Russell was described by Smalley as a once in a lifetime experience.

"And it's one we will never forget," she said.

Among Mrs. Russell's survivors are sons, John of Spartanburg, Don of Columbia and Scott Russell of Houston, Texas.

Funeral arrangements will be announced by the Lanford-Pollard Funeral Home.

[From the Spartanburg Herald-Journal, June 30, 2003]

VIRGINIA U. RUSSELL

Virginia Russell, 97, of 716 Otis Boulevard, Spartanburg, died on Friday, June 27, 2003, after a long illness.

Graveside services will be held today, Monday, June 30, 2003, at 10:30 a.m. at Greenlawn Memorial Gardens in Spartanburg with the Rev. Lawrence F. Hayes officiating.

The family will receive friends immediately following the service at the graveside. Memorials can be made to the Caroliniana Library, University of South Carolina, Columbia, S.C. 29208 or to the charity of one's choice.

Mrs. Russell was born in St. George, South Carolina on May 14, 1906 to the late Mary Carrol Utsey and Walker Scott Utsey.

She was married for seventy-two years to Donald Stuart Russell, who predeceased her in 1998. They met as students at USC. She was a campus beauty and elected as May Queen. After marriage, she was a school teacher, and he, a lawyer in Union. From there to Spartanburg, and then to Washington, D.C., during the Roosevelt era. After the war, the Russells came back to South Carolina, and Donald Russell became President of USC from 1951 to 1957.

Virginia Russell was responsible for the creation of the Presidents Home on the Horseshoe, and for its openness to everyone, especially the students. She is remembered for the lavish dinners she prepared for every senior class.

Mrs. Russell had substance, as well as great style—working hard in the gardens around the campus as well as in the kitchen for entertainments. She was a masterful cook with a collection of nearly three thousand cookbooks. Another great talent and love was needlepoint. She preferred Maggie Lane designs and was truly prodigious in making many beautiful rugs and tapestries. Her hands were never idle, nor her mind. She shared a passion for English and American History with her husband.

Virginia Russell was always actively involved in her husband's campaigns. He was elected Governor of South Carolina in 1962. As First Lady, she over saw major construction on the unsound Governor's Mansion and in the process brought a new level of elegance and beauty to the home. The family's personal financial resources were used for both the President's Home at USC and the Governor's Mansion and their grounds. Both the Russells were truly service oriented and cared greatly for the people they served.

Upon Donald Russell's election as governor, Mrs. Russell decided to forego the customary formal inaugural in favor of a barbecue for the people of the state, including blacks and whites of all social standings. The event was covered in Time Magazine since it occurred at the height of the civil rights movement.

While Governor Russell was in office, the couple established an open-house policy in the Governor's Mansion. Groups and individuals were welcomed at all hours. The governor personally answered his phone and Mrs. Russell, who liked to entertain, encouraged school tours to walk through the mansion.

Once, she told The State Newspaper that, "the size of crowds never worried me. It's as easy to plan for one hundred as for ten and I enjoy people so much."

Later in life, Governor and Mrs. Russell were regularly cited as examples of a political couple who balanced personal lives and professional duties. Governor Russell once told The State that, "She encourages me to do my best."

She was a loving wife, devoted and generous mother and grandmother and always a steadfast friend.

Surviving are her children, a daughter, Mildred Russell Neiman of Clinton, South

Carolina; three sons, Donald Stuart Russell, Jr. of Columbia, South Carolina, Walker Scott Russell of New Orleans, Louisiana and John Richardson Russell of Spartanburg; and nine grandchildren.

We, the Russell Family, would like to convey our love to her three nurses, JoAnne Best, Ann Brock, and Evelyn Tomberlin, whom we appreciate very much.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 10, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 14

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine restoring stability to the defined benefit pension system.

SD-430

Judiciary

To hold hearings to examine temporary entry provisions of the proposed free trade agreements with Chile and Singapore.

SD-226

JULY 15

9:30 a.m.

Governmental Affairs

To hold hearings to examine castaway children, focusing on whether parents must relinquish custody in order to secure mental health services for their children.

SD-342

10 a.m.

Foreign Relations

To hold hearings to examine successes and challenges for U.S. policy relative to Haiti.

SD-419

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine proposed legislation authorizing funds for the Substance Abuse and Mental Health Services Administration.

SD-430

2:30 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine visa issuance, information sharing and enforcement in a post 9-11 environment.

SD-226

Veterans' Affairs

To hold hearings to receive a report by the National Commander of The American Legion, Ronald F. Conley, of his tenure.

SR-418

JULY 16

10 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the semi-annual monetary policy report of the Federal Reserve System.

SD-538

Health, Education, Labor, and Pensions

Business meeting to markup the proposed Patient Safety and Quality Improvement Act of 2003.

SD-430

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR-485

Judiciary

To hold oversight hearings on the federal sentencing guidelines of the U.S. sentencing comission.

SD-226

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the recent General Accounting Office report entitled: "An Overall Strategy and Indicators for Measuring Progress Are Needed to Better Achieve Restoration Goals", focusing on the ramifications of an uncoordinated Great Lakes restoration strategy, current management of various environmental programs, and possible next steps to improve the management of Great Lakes programs.

SD-342

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine competition in the marketplace in relation to hospital group purchasing.

SD-226

Energy and Natural Resources

To hold hearings to examine the nomination of Suedeen G. Kelly, of New Mexico, to be a Member of Federal Energy Regulatory Commission.

SD-366

JULY 17

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

Governmental Affairs

To resume hearings to examine castaway children, focusing on whether parents must relinquish custody in order to secure mental health services for their children.

SD-342

JULY 22

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed.

Room to be announced

Judiciary

To hold hearings to examine bankruptcy and competition issues in relation to the WorldCom Case.

SD-226

JULY 23

10 a.m.

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR-485

Judiciary

To hold oversight hearings to examine certain pending matters.

SD-226

JULY 30

10 a.m.

Indian Affairs

To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.

SR-485

SEPTEMBER 16

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.

SH-216

HOUSE OF REPRESENTATIVES—*Thursday, July 10, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMMONS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 2003.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. William H. Harter, Pastor, The Presbyterian Church of Falling Spring, Chambersburg, Pennsylvania, offered the following prayer:

Almighty God, Creator of the Universe, we praise You this day for the gift of life. You have granted us freedom and established sovereignty in our land by the will of Your people, expressed through those elected to lead.

Bless those who gather here to consider and to act. May they be enlightened by Your wisdom, moved by Your compassion and empowered by zeal for Your justice. Enable them to be faithful to their calling. May trust in You make them unafraid.

We assemble, Lord, in time of war. Unless You watch over the city, the guard stays awake in vain, Psalm 127:1.

Have mercy on us, Lord. Grant Your protecting grace. May Your perfect love cast out fear. Pour out comfort, strength, resolve, confidence, and hope upon this House, upon all who defend freedom, and upon all who humbly seek peace in every place.

In Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. DOGGETT) come forward and lead the House in the Pledge of Allegiance.

Mr. DOGGETT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. WILLIAM H. HARTER

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise today to welcome our guest chaplain, the Reverend Dr. William H. Harter from the Presbyterian Church of Falling Spring in Chambersburg, Pennsylvania. Reverend Harter is a graduate of Williams College, Williamstown, Massachusetts, and received his master's in education in the social sciences from Harvard University. In addition to his extensive graduate study, he received a Ph.D. in the New Testament from the Union Theological Seminary in New York City.

Dr. Harter ministered to the Catskill Mountains community in New York from 1967 to 1977, before becoming minister of the Presbyterian Church of Falling Spring in Chambersburg.

In 1977, Dr. Harter and his wife Linda, herself an ordained Presbyterian minister, settled in Chambersburg and have been active members of the community. Not only is Dr. Harter committed to the religious development of his church, he has been active in many organizations, including those devoted to helping the homeless and troubled teenagers, and has been an elementary basketball coach. He is also the current president of the Chambersburg Area United Churches.

In addition to his work in Chambersburg, Dr. Harter has participated in several organizations whose work is focused on Jewish-Christian relations and Middle Eastern affairs. He has traveled extensively in the Middle East, including 36 trips to Israel.

Dr. Harter and his wife are the proud parents of five children and the grandparents of five grandsons. The Harters have been a part of the Chambersburg community for many years, and it is an honor for me to welcome him here to the House of Representatives, and I thank him for his continued dedication to his church, his community, and his country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes on each side.

NATURAL GAS CONSERVATION

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, demand for natural gas is expected to rise by as much as 50 percent over the next 25 years. Currently the Nation's inventory of natural gas lags behind past inventories of the popular fuel, and rising demand illustrates the need for consumers to become mindful of energy use.

During a press conference yesterday, Secretary Abraham unveiled the Department's new energy saver Web site, www.energysavers.gov. From tips on insulating a home, to heating and cooling, to buying new windows, the Web site serves as a consumer resource to start cutting home energy prices.

In addition, a number of energy associations such as the Alliance to Save Energy, the American Public Power Association, the American Gas Association and the Edison Electric Institute have teamed up with the Department to further educate their members and consumers in methods to help save electricity and in turn positively affect our Nation's natural gas supply situation.

I encourage my constituents, as well as Members, to review this material on this Web site as it provides a number of useful tips for consumers to begin to reduce their energy use and in turn lower their annual costs as we work to address the supply needs for this country.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WHY DID THE U.S. GO TO WAR AGAINST IRAQ?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, why did the U.S. go to war against Iraq? The day after 9/11, according to this book, Secretary Rumsfeld raised the possibility that the administration could take advantage of the opportunity offered by the terrorist attacks to go after Saddam immediately. This, even though there was no evidence connecting Iraq to 9/11.

Why did the U.S. go to war against Iraq? On September 18, 2002, Mr. Rumsfeld told Congress, "Hussein has at this moment stockpiles of chemical and biological weapons and is pursuing nuclear weapons." There was no evidence of that either.

Why did the U.S. go to war against Iraq? Yesterday Mr. Rumsfeld told Congress it was not because we had discovered dramatic new evidence of Iraq's pursuit of weapons of mass destruction. "We acted because we saw the evidence in a dramatic new light through the prism of our experience on 9/11."

Why did the U.S. go to war against Iraq? 9/11 was an excuse, no imminent threat, no weapons of mass destruction.

Now, the administration keeps changing its story, but they cannot change the facts. They led this Nation into war against a Nation that had not attacked us, that had no intention or capability of attacking us. Congress must hold public hearings because the truth and our democracy is at stake.

CONGRATULATING MERCY HOSPITAL AND RECOGNIZING TERESA A. ZUBIZARRETA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate Mercy Hospital, located in my congressional district, for its recent fund-raiser to help the destitute.

I would also like to recognize Teresa A. Zubizarreta, Zubi, the 2003 Mercy Foundation Gala honoree. Zubi is a beautiful example of someone who has overcome tremendous adversity to achieve the American dream.

After fleeing the horrors of the Castro regime in 1960, Zubi has risen to own one of the most successful advertising agencies in our country. As president of Zubi Advertising, one of the Nation's top five Hispanic advertising agencies, she serves as an inspiration to Hispanic women as to what one can accomplish through hard work and unwavering dedication.

I encourage my colleagues to join me in thanking Teresa Zubizarreta and the Mercy Foundation for their profound contributions to our south Florida community.

PROVIDING A CHILD TAX CREDIT

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, in yesterday's testimony, Secretary of Defense Donald Rumsfeld noted that our reconstruction costs, providing health care, education, transportation and housing needs in Iraq have cost the American taxpayers $2.3 billion, and projected over the year, $2.3 billion, that is equal to the amount we could provide in a child tax credit to the 12 million children, the 6½ million Americans who were left out of the tax cut the last time we provided a tax cut.

In the middle of July, the first set of tax cuts will begin to hit the mailboxes all over America, and yet 12 million children of American families, 6½ million families of working parents who get up every day to provide for their children and do right will not get a tax cut. Now we are going to be providing the same amount of dollars for Iraq's reconstruction, for their housing, their health care, their education, for their children's future.

I would hope that before we go home for our August break and our summer break to be with our families, our constituents and our neighbors that we would provide these working American families the same types of educational opportunities, the same type of economic security, that tax cut and an economic interest we are providing Iraq.

MEDICAL LIABILITY REFORM IS IN PERIL

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise today with a great concern about a development that occurred here on the Hill. Yesterday the failure to close debate on medical liability reform, the important legislation that this body passed in March to address this crisis, is in peril.

The House passed H.R. 5 to control the unsustainable medical liability premium increases and preserve patient access to important medical specialists. Based on a 1975 California law that has held down premium increases in that State, H.R. 5 would place a cap on noneconomic damages in medical liability cases.

This bill would not limit access to the courthouse. This bill would not limit damages to those who have been injured by negligent actions. This bill would not reward bad doctors. This bill would not protect HMOs.

This bill will increase access to important specialists such as neurosurgeons, perionatologists and trauma surgeons. This bill will return a degree of sanity to a system that now resembles a Las Vegas gaming device.

Today the trauma network in the Dallas-Fort Worth area is on the brink of crisis as good doctors are driven from the practice by increasing liability premiums. Mr. Speaker, how could they do that?

WHY ARE PEOPLE CONTINUING TO DIE IN IRAQ?

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, on May 1, the Commander in Chief of the United States military forces declared the war was over. Since that day, 65 people have died. The last three who died were Craig Boling, Elkhart, Indiana; Barry Sanford, Aurora, Colorado; Robert McKinley, Kokomo, Indiana.

Huge questions have arisen about whether we were misled about this war. In Great Britain, the Prime Minister, Mr. Blair, faced 2 hours of questioning by the British Parliament. It is time for this Congress to have a bipartisan select committee to look into the reasons why we are in Iraq and why people continue to die there.

□ 1015

We must not let them be forgotten, as they were in my era of the Vietnam War. There is a wall with 50,000-some people on it. Their names were never read on the floor. They ought to be read here and not forgotten.

LOCAL HEROES

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as the American people saw on national television this morning, the Indiana flood of 2003 moves forward at a heartbreaking, record-setting pace. The St. Mary's River in Decatur, Indiana, crested last night at nearly 28 feet, an all-time historic high for that river, and the Wabash River as well. But because of the work of local heroes, like Decatur Mayor Fred Isch, Fire Chief David Brinneman, State Police Master Sergeant Rodger Popplewell, and National Guard Unit Leader Sergeant Mike Hiester, thousands of volunteers filled more than 176,000 sandbags in Decatur, Indiana, alone. And when the St. Mary's River crested, it did not break the levee.

There are so many to be commended, but I remember two in particular, Decatur Police Officer Mark Cook, who organized the sandbag filling at the

Wal-Mart parking lot, and even 13-year-old Melanie Vergary, who went out and worked and stuffed bags.

The Chaplain said today, "unless the Lord watches over the city." Surely, Mr. Speaker, we would ask the Lord to watch over this city and all the cities in Indiana affected by the flood of 2003 and all those who labored to protect it.

LABOR-HHS BILL SHORTCHANGES NO CHILD LEFT BEHIND

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, today this House will consider the appropriations bill for education. As the only former State schools chief serving in Congress, I think I know better than anyone the impact education cuts can have on teachers, our students, our schools, and the future of this great country. This bill contains Draconian education cuts.

Last Congress I voted to pass the bipartisan No Child Left Behind Act for education reform. I supported it because the President and the Republican leadership promised to provide the funding needed to make this reform work. But today's bill shatters that promise by cutting $8 billion below the authorization level of this new law. Educational cuts of this magnitude will devastate morale in our schools and doom our children to an educational system that is designed to fail. Our children and our schools deserve better.

I have introduced legislation to require full funding of the No Child Left Behind bill, and I urge my colleagues to join me in support of this bill and vote against this appropriation bill.

LAW NEEDED TO BAN CLONING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, recently scientists in a lab in Chicago took a female human embryo and injected into it cells from a male human embryo, creating what they called a mixed-sex embryo.

In the name of progress, some scientists are pushing the limits of medical ethics with their experimentation and toying with human life, and this is what happened in Chicago last week. But the fact that it happened opens the door to even further laboratory experiments in manufacturing human life.

The effect of unethical research is that it turns human life into a commodity to be bought and sold to the highest bidder or to the most advanced laboratory. The more scientists do this type of experimentation, the more likely we will face a situation described in science fiction books where humans are mass produced in laboratories. We should not go down that road.

What can Congress do about it? We can start by sending the President a cloning ban to sign into law. The other thing we can do is to fund good ethical research.

INDEPENDENT COMMISSION/ SPECIAL PROSECUTOR NEEDED

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, two more soldiers, as reported by national news, lost their lives in Iraq this morning. The war continues.

Yesterday, the Secretary of Defense said to the United States Senate, as reported in the Los Angeles Times, "Defense Secretary Donald H. Rumsfeld said yesterday that the United States' decision to go to war with Iraq was based not on the evidence that Saddam Hussein's regime had chemical, biological, or nuclear weapons, but on old evidence reinterpreted in the wake of September 11, 2001."

Mr. Speaker, what was told to the American people is that we were to be under imminent attack by Saddam Hussein. What was told to the American people was that we were in the line of fire. Mr. Speaker, I believe it is imperative that an independent commission and a special prosecutor be set up, and I believe that it is not frivolous for us to address the question of why the President of the United States addressed this body and suggested there was uranium being bought from Niger on the continent of Africa.

I believe the American people need the truth. More importantly, I believe the mothers and fathers who have lost their sons and daughters need the truth. We have a responsibility to the American people—tell the truth!

THE JOURNAL

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 341, nays 64, answered "present" 1, not voting 28, as follows:

[Roll No. 346]

YEAS—341

Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cox
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw

Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Sullivan
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt

Tiberi
Tierney
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—64

Abercrombie
Aderholt
Allen
Baird
Baldwin
Brady (PA)
Brown (OH)
Capuano
Carson (OK)
Cooper
Costello
Crane
DeFazio
English
Everett
Filner
Gutknecht
Hart
Hefley
Hinchey
Holt
Hulshof

Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
Majette
Markey
Matheson
McDermott
McNulty
Miller, George
Moore
Oberstar
Obey
Olver
Pelosi
Peterson (MN)

Platts
Ramstad
Sabo
Shadegg
Slaughter
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Toomey
Udall (CO)
Udall (NM)
Visclosky
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—28

Burton (IN)
Clay
Cramer
Cubin
Dingell
Edwards
Fattah
Fletcher
Fossella
Gephardt

Gibbons
Goss
Gutierrez
Harman
Hyde
McGovern
Millender-McDonald
Murtha
Owens

Oxley
Paul
Peterson (PA)
Rangel
Towns
Walsh
Waters
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1043

So the Journal was approved.

The result of the vote was announced as above recorded.

REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–195) on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL

Mr. OBEY. Mr. Speaker, I ask unanimous consent that during debate on H.R. 2660, I may be allowed to revise and extend my remarks, and insert extraneous and tabular material in one instance immediately after my initial statement on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

☐ 1045

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2660, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2660.

☐ 1046

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Pursuant to the order of the House of Wednesday, July 9, 2003, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 1½ hours.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Many of my colleagues have asked, will we finish today, and I can only answer that by saying we can if everybody works at it, and if we do not get too many delays, I think we can get this bill done in good time.

The Constitution says that the objective of government, or at least this is what we interpret it to be, is twofold. One is to provide for the common defense, and we did that earlier this week; we provided for the common defense. The other is to provide for the common welfare of the people, 280 million Americans. Today, in this bill, we have a unique and, I think, very good opportunity to achieve that goal. Maybe not perfectly, but certainly a lot of very positive things are in this bill.

First of all, I want to say that the members of the subcommittee were all very cooperative, all very helpful. We worked together in the subcommittee listening to a lot of testimony. We tried to put together a bill that represents the aspirations of the American people, not totally to the satisfaction of everyone, but certainly I think one that covers a lot of very positive parts. I also want to commend the staff members of both the minority and the majority. We have an excellent staff on this subcommittee; and if it were not for their effort, we would not be here today.

I am pleased to present before the House today the fiscal year 2004 appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies. When we reflect on that, we think of the broad jurisdiction and responsibility which that entails: Labor, Health and Human Services, Education, and Related Agencies.

In crafting this bill, we have taken into consideration the priorities of the President, as well as the Members of the House. We have been attentive to the priorities of Congress as set by the budget resolution, and we are appreciative of the work of the leaders of the House and the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), in working with the administration to develop a workable allocation for this bill.

My colleagues on the subcommittee know that I call our subcommittee the Love Your Neighbor Committee, because it provides the funding that touches so many lives and provides a helping hand to those in need in this great country. There would not be one American that is not affected by what is in this bill in some part, whether it is education, whether it is health care, whether it is retraining for a new job—a whole host of good things that are done in this piece of legislation.

The bill provides $138 billion in discretionary budget authority. This represents a 2.7 percent increase over fiscal year 2003. We have tried to be restrained and yet meet the needs, and this is really probably a little lower than the rate of inflation. The level of growth in the bill is commensurate with the current level of growth in our economy. It is a responsible and balanced bill.

The bill focuses priority spending for education in three important areas, including Title I, education funding for disadvantaged children, special education, and reading programs. Education programs overall are increased by $2.3 billion over last year, for a total of $55.4 billion. I would point out that this means that in the last 8 years we have doubled what is being spent on education.

Funding for the Department of Health and Human Services totals $61.2 billion, including $4.55 billion for the Centers for Disease Control and Prevention, and we all know from the news that this is a very important function; and $27.664 billion for the National Institutes of Health to continue our research into treatments for disease.

The Department of Labor is funded at $11.7 billion, which includes funding of $1.46 billion for dislocated worker assistance, and $1.5 billion for the Job Corps program. This is a very important program. I just testified before the International Trade Commission that in Ohio alone, we lost over 90,000 manufacturing jobs in the last couple of years, and that retraining becomes extremely important in the lives of those individuals. They do not want welfare; they want jobs. They want an opportunity to get a new skill.

Mr. Chairman, Federal education spending has more than doubled since fiscal year 1996 when our investment totaled $23 billion, to today with the Federal education funding reaching $55.4 billion. This funding is significant and we must be cautious in our funding priorities to ensure that these dollars go to programs most directly improving our children's education.

As my colleagues know, the bill provides the funding necessary to implement the historic No Child Left Behind Act, which passed this Chamber with strong bipartisan support. The law sets high goals for ensuring that every child in our Nation will know how to read by the third grade and establishes important programs to aid in achieving this goal. To carry out this mission, we have provided a $666 million increase in Title I funding for disadvantaged children, bringing the total funding of title I to $12.35 billion. Together with the funding we are providing today and the accountability provisions included in the No Child Left Behind Act, these dollars can make a real difference in the quality of education for every child.

I want to mention at this point that our Committee on Education and the Workforce is working hard to look at the laws to ensure that they are effective, that they work better prospectively. It is not just a matter of putting money into these various activities, but it is a matter of putting the money in and using it carefully. I think the Committee on Education and the Workforce deserves a lot of credit for trying to meet that goal.

In addition to the Title I program, the No Child Left Behind Act creates new reading programs to assist school districts in meeting the challenge of ensuring that every child can read through scientifically based methods. These programs will assist parents, teachers, and school districts in meeting the reading challenges of our children. We provide over $1 billion for these programs.

I would say one of the things that causes me concern is the dropout rate in our big cities. They do not start in the 9th grade or the 10th grade to drop out. If we are to lower the dropout rate, one of the elements of that is getting every child able to read. I think many times high school dropouts result from the fact that they have not been well grounded in reading, and we recognize that in our funding.

Many of my colleagues speak to me about the financial demands of special education programs in their local school districts. We also hear from parents about the need to support adequate special education funding to ensure that their special needs children may receive a quality education. It is a wonderful thing about America; we are concerned for everyone, and this bill reflects that. With the inclusion of an additional $1 billion for special education in this bill, the program is now funded at nearly $10 billion. This figure represents a nearly 300 percent increase in the program since fiscal year 1996, three times as much. Clearly, we are all committed to addressing the needs of our children with special education needs.

I am a believer that no child will be left behind if we can ensure that there is a quality teacher in every classroom in our Nation. Funding for Title II—Preparing, Training, and Recruiting High-Quality Teachers and Principals under the No Child Left Behind Act is a critical component to achieving this goal.

We provide the following funding to encourage people to enter the field of teaching and strengthen the skills of those already there. I am sure if I ask the Members, all of my colleagues have had a teacher or maybe two or three teachers who made a difference in their lives, and we want to be sure that every child has a good teacher in every classroom.

We include $2.93 billion for the State teacher-training block grant, giving the States money to improve their teacher-training programs; $90 million for the teacher-quality enhancement grants; $150 million for math and science partnerships that will allow universities and local education agencies to partner to improve the quality of their math and science programs, and this really is a very critical need; $49.4 million for the Transition to Teaching program to assist in recruiting mid-career professionals into the field of teaching. There are people out there who say, there must be more than what I am doing and they want to be teachers. They want to contribute. And we want to help them through this program.

Mr. Chairman, there is $20 million for the Troops to Teachers program. For those that are not familiar with this program, we encourage those people in the armed services that are leaving, maybe they are 42 or 43 years old, and we encourage them to go into teaching to help fill the gaps because they have travel experience, they have experience in managing people, and this program has proven very successful. I think last year the Teacher of the Year was an individual who had been brought into the field as a retired member of military. So we encourage that program. Many of my colleagues may already know that First Lady Laura Bush supports the Troops to Teachers program with visits to our military bases to inform our troops about the opportunity to enter the field of teaching upon the completion of their military service. With maturity, training in mathematics or science, and assistance in appropriate courses for teaching, members of our Armed Forces make outstanding classroom teachers in fields where we are currently experiencing a teacher shortage. I might say the First Lady is very important in this effort because having her, when she visits military bases, encourage individuals to consider this is a very effective part of the program.

We have restored funding to programs important to our Members, including the popular 21st Century Learning Communities program for after-school programs for students, which is funded at $1 billion, and for rural education at $170 million. In other words, it gives the young people an opportunity to acquire skills or to participate in athletics between the hours of 3 to 6 or 7 p.m., an opportunity to use this time usefully.

☐ 1100

And we have strong support for this from YMCAs, Boys and Girls Clubs, a whole host of these groups that do provide this kind of service. We have restored funding to programs important to our members.

Impact Aid provides funding to school districts that have Federal facilities, including military facilities, within their jurisdictions and is increased by $50 million to $1.238 billion. We have asked our troops, many of them leave their families to go overseas to protect American interests, and I think it is essential that we give their children a good educational opportunity. That is what we do with Impact Aid and that is why the increase.

Charter schools provide an alternative to students in failing schools, and we have included $220 million in charter school grants and $25.8 for the charter school facilities. We have funded the Head Start program at the President's budget request of $6.8 billion, an increase of $148 million. This funding level will provide for current service levels for the program and ensure that quality improvements and training elements are fully implemented. And, again, the Committee on Education and the Workforce is taking a look at this existing law with the thought of making it even better.

Students who have no experience in higher education benefit from the TRIO and GEAR UP programs. These programs assist students in preparing for higher education through proper course selection, mentoring and even tutoring services. TRIO receives $835 million and GEAR UP $300 million in the bill. What this means is that students who might not have thought about going on to higher education are encouraged to do so by others in the community. Many times volunteers will work in these programs. And, again, that is part of the American way of giving more opportunity.

College costs continue to rise and the cost of higher education today continues to be an impediment to many students. Pell grants play an important role in helping low-income students achieve their education goals. A larger-than-expected demand on these grants has occurred as a result of our slow economy, causing many people who have previously been in the workforce to seek additional training in an academic environment, which is a very positive thing. Therefore, the bill continues to support a maximum Pell grant level of $4,050 while also including funding of $12.250 billion, an increase of $885 million over last year to address the shortfall in addressing the funding needs of students.

There is a book that talks about how the GI Bill has made a very great impact on this Nation in terms of elevating educational opportunities and, again, this Pell grant has a similar impact. It gives students an opportunity who might not otherwise get a crack at a higher education. That does not have to be academic at the sense of a university college. It can be a trade school. It can be a vocational school, a technical institute; but it does provide opportunity for those at all levels of our economic scale.

Health and Human Services. There is little more precious to each of us than our good health. I believe that when you have good health you have it all or at least a good part of it. Unfortunately, this is not the case for many Americans, and it is through the agencies and programs of the Department of Health and Human Services that we assist others to improve their health. I wish all of you could sit in our hearings and see a row of wheelchairs with people with health problems and hear testimony from those who have various kinds of afflictions. It will make you realize how fortunate you are if you have good health and how important it is that we, as a society, try to ensure that everybody has this kind of opportunity, and that is one of the things this bill does.

In fiscal year 2003 we completed a 5-year effort to double the funding of the National Institutes of Health, and this was a bipartisan effort; but it made a vast improvement or vast opportunity for NIH to reach out much further than they would have otherwise. Through the work of NIH scientists and extramural scientists at universities across the country, we have been able to conduct important research to understand who we are through the Human Genome Project, how to treat once-deadly diseases and that many life-threatening diseases are actually preventable. After accounting for one-time costs for fiscal year 2003, NIH will have an additional $1.7 billion for medical research in this bill.

One of the pieces of testimony that really stuck with me was NIH said that every 5 years life expectancy goes up a year. That is an enormous achievement when you think about it. A baby born today will have a possible 10 or 15 years of additional life. We hope it is a quality life as a result of the commitment of this body, again, a bipartisan commitment, to do the research, to deal with these troubling diseases that afflict us. I was also struck when they testified that there are 6,000 identifiable diseases and medical conditions that can possibly afflict people. So you can see why it is so important that we continue the funding. And, basically, because we have funded building programs in the past, we have not had to do that so much in this bill so that the real increase is about 6 percent for the research programs.

All the information and advances we have gained from NIH, however, will be useless without a way to communicate this information to health care providers and individuals, those most directly responsible for their own health. Thus, the work of the Centers for Disease Control and Prevention is critical to improving our health. We call upon the CDC to put into practice medical advances through numerous conflicting disease and prevention programs. Further, we call upon the CDC and its infectious disease experts to act as our first line of defense, such as Severe Acute Respiratory Syndrome, SARS, which you have heard a lot about lately, and West Nile Virus. In our changed world we must call upon CDC to protect us from diseases that may come to us intentionally through terrorist attacks—bioterrorism, radiological and chemical attacks. Given these tremendous demands on the CDC, we have provided the agency with $4.55 billion. That is a $57 million increase over last year.

Total CDC funding for the Global AIDS Initiative is $243 million. Within this level, we have been responsive to the President's request to fund his new Global HIV/AIDS Mother and Child Prevention Initiative at $100 million. Through this important initiative, thousands of children across the African continent may be protected against HIV transmission from their mothers. What a great contribution. The President, of course, is talking about this when he is in Africa this week.

The Public Health and Social Services Emergency Fund was established following the tragic events of September 11. It is through this fund that we are attempting to build a seamless system for delivering important safety information and protecting the American people. The fund includes support to the CDC and through it our State and local health departments, as well as other agencies and the Department of Health and Human Services to ensure protections from all levels of government. This year we are providing over $1.7 billion to the funds.

I might say it is a goal of this subcommittee to make the health care preventative delivery system seamless so the Centers for Disease Control, the State health agencies, the local health agencies, city and county, are in complete communication and that the whole process is seamless. This is very important in terms of delivering services, and it is important in terms of our national security.

Funding for community health centers is $1.627 billion. This represents a $122.3 million increase over last year as we provide funding for the third year of the President's proposed expansion of health services to people who are underinsured or have no health benefits at all. And this is a very important element, again, of our communities, a lot of volunteers that participate. It frees up the emergency rooms because people have another alternative place to go, and it provides some measure of help to those who can ill afford to pay for a doctor or pay for health care services. I think these community health programs are extremely important, and we have reflected that in our funding, and I am sure many of you have those in your own community.

Children's hospitals across the Nation are the training grounds for our pediatricians. The bill provides $305 million to train these important care givers. The Medicare system takes care of the education for the conventional MD programs but not for pediatricians or OB-GYNs. And what we do is give the children's hospitals financial assistance so they in turn too can provide the same level of education for the pediatricians. We all know that the early years are the most important in a child's life. And I think this is an extremely important program.

The Ryan White AIDS program is funded at $2 billion, an increase of $24 million. An important portion of this funding assists those who are infected with the virus in receiving vital medications through the Drug Assistance Program.

This year the administration sought congressional support for a new substance abuse treatment program called Access to Recovery through the use of a State voucher system. We have responded to this request with $100 million and are eager to work with the administration as they develop a program to serve people in great need. It will be another tool, but we want the administration to do a pilot project to work out how this can be done effectively. They have requested somewhat more money than that, but I think $100 million will go a long way. And if it proves as effective as we think it could, the next year will be another time to look at it.

Additional support of the President's initiatives in this bill include faith-based programs—the Compassion Capital Fund at $50 million, and the Mentoring of Children of Prisoners at $25 million, I suspect a somewhat forgotten group. But those children will be citizens tomorrow too, and we should give them a chance even though maybe one of their parents is incarcerated for some reason.

Programs to support abstinence programs for young people will receive $10 million increase for a total of $65 million in this bill.

LIHEAP is an important safety net providing financial assistance to low-income people who struggle with paying their heating and cooling bills. These funds are distributed to the States through the formula grant program, and we have retained the funding level for these grants at the fiscal year 2003 level of $1.7 billion. To assist people in the event of a particularly severe heating or cooling season, we provide $100 million in emergency funds. These funds may be released to the State at the discretion of the President.

The Department of Labor has jurisdiction over many important worker training and protection programs; therefore, we have restored funding to core job training and employment assistance programs to the fiscal year 2003 level. As a number of communities continue to experience plant closings and other layoffs, we understand the need to support dislocated worker-training programs that can assist workers to return to the workforce. Funding for this program is $1.155 billion, the same as in fiscal year 2003, an increase of $78 million over the budget request. This is one where we feel that this is so important that we want to add more than requested in the President's budget. And if you have ever been to one of these job opportunity locations in your district, you realize how vitally important this is to those that are laid off. It gives them hope, hope that there may be a new job available, hope that they can take care of their families, hope that they can get health care. It is vitally important.

The Job Corps program provides a second chance to young people to develop a skill for the 21st century workforce. As we all know, the mix is different than it used to be in the job market. Many people who enroll in Job Corps centers never completed their high school education, and many have other problems that make holding a job very difficult. A second chance. I like that, second chance. Everybody should have a second chance at training, giving hope to these workers; and it makes them productive members of our society. Funding for Job Corps is $1.5 billion. This is an increase of $28 million.

Worker protection programs, including OSHA and MSHA, are funded at the President's budget request.

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Related agencies. While agencies such as the Social Security Administration and the Centers for Medicare and Medicaid Services, CMS, receive their funding from the mandatory spending side, this bill provides the administrative costs for these agencies. Effective administration of these agencies ensures efficient service to recipients. We have included a 6.1 percent increase in the funding for the Social Security Administration to improve service delivery of benefits and accelerate the time it takes to process disability claims.

I am sure all of us have experienced a call from someone who has a disability claim and says, why can I not get this taken care of? We recognize that, and we are saying let us put more people so they can be handled promptly. Otherwise they are left without any means of providing a living. So we have given a 6.1 percent increase.

The Institute of Museum and Library Services provides funding to our Nation's public libraries and provides grants for library and museum projects. Funding totals $238 million, including funds for the second year of a program to recruit and educate librarians. Libraries are the windows to the world and a place of inspiration for many individuals.

Mr. Chairman, the programs and funding levels I have described represent the good neighbor in all of us as a Nation, as a people. We have tried to use our allocation to fund our highest priorities and to reduce the growth in this bill. It is fair, it is balanced, and I think it will serve the people well, and I urge my colleagues to support it.

At this time, Mr. Chairman, I will submit a detailed table of the bill into the RECORD.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	186,778	188,000	188,000	+1,222	---
Advance from prior year	(707,372)	(712,000)	(712,000)	(+4,628)	---
FY 2005	712,000	712,000	712,000	---	---
Adult Training	898,778	900,000	900,000	+1,222	---
Youth Training	994,459	1,000,965	1,000,965	+6,506	---
Dislocated Worker Assistance, current year	307,152	258,432	307,152	---	+48,720
Advance from prior year	(842,488)	(848,000)	(848,000)	(+5,512)	---
FY 2005	848,000	848,000	848,000	---	---
Dislocated Worker Assistance	1,155,152	1,106,432	1,155,152	---	+48,720
Federally Administered Programs:					
Dislocated Worker Assistance National Reserve:					
Current year	93,993	64,608	93,993	---	+29,385
Advance from prior year	(210,622)	(212,000)	(212,000)	(+1,378)	---
FY 2005	212,000	212,000	212,000	---	---
Dislocated Worker Assistance Nat'l Reserve	305,993	276,608	305,993	---	+29,385
Total, Dislocated Worker Assistance	1,461,145	1,383,040	1,461,145	---	+78,105
Native Americans	55,636	55,000	55,000	-636	---
Migrant and Seasonal Farmworkers	76,823	---	59,600	-17,223	+59,600
Job Corps:					
Operations	794,800	844,667	820,000	+25,200	-24,667
Advance from prior year	(587,158)	(591,000)	(591,000)	(+3,842)	---
FY 2005	591,000	591,000	591,000	---	---
Construction and Renovation	27,371	30,216	30,216	+2,845	---
Advance from prior year	(99,350)	(100,000)	(100,000)	(+650)	---
FY 2005	100,000	100,000	100,000	---	---
Subtotal, Job Corps, program level	1,513,171	1,565,883	1,541,216	+28,045	-24,667
National Activities:					
Pilots, Demonstrations and Research	75,855	35,000	46,615	-29,240	+11,615
Responsible Reintegration of Youthful Offender	54,642	---	---	-54,642	---
Evaluation	9,039	9,098	9,098	+59	---
Youth Opportunity Grants	44,211	---	---	-44,211	---
Other	15,409	3,000	3,400	-12,009	+400
Subtotal, National activities	199,156	47,098	59,113	-140,043	+12,015
Subtotal, Federal activities	2,150,779	1,944,589	2,020,922	-129,857	+76,333
Current Year	1,247,779	1,041,589	1,117,922	-129,857	+76,333
FY 2005	903,000	903,000	903,000	---	---
Total, Workforce Investment Act	5,199,168	4,951,986	5,077,039	-122,129	+125,053
Current Year	2,736,168	2,488,986	2,614,039	-122,129	+125,053
FY 2005	2,463,000	2,463,000	2,463,000	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Women in Apprenticeship	993	---	---	-993	---
Subtotal, National activities, TES	200,149	47,098	59,113	-141,036	+12,015
Total, Training and Employment Services	5,200,161	4,951,986	5,077,039	-123,122	+125,053
Current Year	(2,737,161)	(2,488,986)	(2,614,039)	(-123,122)	(+125,053)
FY 2005	(2,463,000)	(2,463,000)	(2,463,000)	---	---
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	442,306	440,200	440,200	-2,106	---
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	972,200	1,338,200	1,338,200	+366,000	---
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Operations	2,624,318	2,640,002	2,624,318	---	-15,684
National Activities	9,935	10,500	9,935	---	-565
Subtotal, Unemployment Compensation	2,634,253	2,650,502	2,634,253	---	-16,249
Employment Service:					
Allotments to States:					
Federal Funds	23,300	23,452	23,300	---	-152
Trust Funds	768,257	773,283	768,257	---	-5,026
Subtotal	791,557	796,735	791,557	---	-5,178
ES National Activities	50,351	78,546	70,351	+20,000	-8,195
Subtotal, Employment Service	841,908	875,281	861,908	+20,000	-13,373
Federal Funds	23,300	23,452	23,300	---	-152
Trust Funds	818,608	851,829	838,608	+20,000	-13,221
One-Stop Career Centers/Labor Market Information	99,350	101,000	99,350	---	-1,650
Work Incentives Grants	19,870	20,000	19,870	---	-130
Total, State Unemployment & Employment Srvcs	3,595,381	3,646,783	3,615,381	+20,000	-31,402
Federal Funds	142,520	144,452	142,520	---	-1,932
Trust Funds	3,452,861	3,502,331	3,472,861	+20,000	-29,470
ADVANCES TO THE UI AND OTHER TRUST FUNDS 1/	463,000	467,000	467,000	+4,000	---
PROGRAM ADMINISTRATION					
Adult Employment and Training	42,326	38,700	38,700	-3,626	---
Trust Funds	4,243	6,854	6,854	+2,611	---
Youth Employment and Training	38,691	39,333	39,333	+642	---
Employment Security	6,009	5,997	5,997	-12	---
Trust Funds	47,596	58,634	47,596	---	-11,038
Apprenticeship Services	20,699	20,932	20,932	+233	---
Executive Direction	8,230	8,469	8,469	+239	---
Trust Funds	2,037	2,053	2,053	+16	---
Welfare to Work	4,680	2,393	2,393	-2,287	---
Total, Program Administration	174,511	183,365	172,327	-2,184	-11,038
Federal Funds	120,635	115,824	115,824	-4,811	---
Trust Funds	53,876	67,541	56,503	+2,627	-11,038
Total, Employment and Training Administration	10,847,559	11,027,534	11,110,147	+262,588	+82,613
Federal Funds	7,340,822	7,457,662	7,580,783	+239,961	+123,121
Current Year	(4,877,822)	(4,994,662)	(5,117,783)	(+239,961)	(+123,121)
FY 2005	(2,463,000)	(2,463,000)	(2,463,000)	---	---
Trust Funds	3,506,737	3,569,872	3,529,364	+22,627	-40,508

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
EMPLOYEE BENEFITS SECURITY ADMINISTRATION					
Enforcement and Compliance	91,526	106,679	106,679	+15,153	---
Policy, Regulation and Public Service	20,441	17,385	17,385	-3,056	---
Program Oversight	4,316	4,541	4,541	+225	---
Total, EBSA	116,283	128,605	128,605	+12,322	---
PENSION BENEFIT GUARANTY CORPORATION					
Program Adm. subject to limitation (TF)	12,965	16,553	16,553	+3,588	---
Termination services not subject to limitation (NA)	(179,844)	(212,219)	(212,219)	(+32,375)	---
Total, PBGC	12,965	16,553	16,553	+3,588	---
Total, PBGC (Program level)	(192,809)	(228,772)	(228,772)	(+35,963)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of Wage and Hour Standards	155,867	161,294	161,294	+5,427	---
Office of Labor-Management Standards	34,279	40,631	40,631	+6,352	---
Federal Contractor EEO Standards Enforcement	78,033	80,043	80,043	+2,010	---
Federal Programs for Workers' Compensation	96,692	98,161	98,161	+1,469	---
Trust Funds	2,016	2,056	2,056	+40	---
Program Direction and Support	14,226	15,568	15,568	+1,342	---
Total, ESA salaries and expenses	381,113	397,753	397,753	+16,640	---
Federal Funds	379,097	395,697	395,697	+16,600	---
Trust Funds	2,016	2,056	2,056	+40	---
SPECIAL BENEFITS					
Federal employees compensation benefits	160,000	160,000	160,000	---	---
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---
Total, Special Benefits	163,000	163,000	163,000	---	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS 2/					
Benefit payments	402,089	390,848	390,848	-11,241	---
Administration	6,088	6,152	6,152	+64	---
Subtotal, Black Lung, FY 2004 program level	408,177	397,000	397,000	-11,177	---
Less funds advanced in prior year	-108,000	-97,000	-97,000	+11,000	---
Total, Black Lung, current request, FY04	300,177	300,000	300,000	-177	---
New advances, 1st quarter FY 2005	97,000	88,000	88,000	-9,000	---
Total, Special Benefits for Disabled Coal Miners	397,177	388,000	388,000	-9,177	---
ENERGY-EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND					
Program Benefits	(758,000)	(385,000)	(385,000)	(-373,000)	---
Administrative Expenses	104,867	55,074	55,074	-49,793	---
Total, Energy Emp Occupational Illness Comp Fund	104,867	55,074	55,074	-49,793	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances	979,371	986,901	986,901	+7,530	---
Employment Standards Adm. S&E	31,987	32,004	32,004	+17	---
Departmental Management S&E	22,952	23,401	23,401	+449	---
Departmental Management, Inspector General	334	338	338	+4	---
Subtotal, Black Lung Disablty	1,034,644	1,042,644	1,042,644	+8,000	---
Treasury Adm. Costs	356	356	356	---	---
Total, Black Lung Disability Trust Fund	1,035,000	1,043,000	1,043,000	+8,000	---
Total, Employment Standards Administration	2,081,157	2,046,827	2,046,827	-34,330	---
Federal Funds	2,079,141	2,044,771	2,044,771	-34,370	---
Current year	1,982,141	1,956,771	1,956,771	-25,370	---
FY 2005	97,000	88 000	88,000	-9,000	---
Trust Funds	2,016	2.056	2,056	+40	---
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards	16,014	14,497	14,497	-1,517	---
Federal Enforcement	162,973	165,281	165,281	+2,308	---
State Programs	90,547	91,747	91,747	+1,200	---
Technical Support	20,102	21,721	21,721	+1,619	---
Compliance Assistance:					
Federal Assistance	61,321	67,447	67,447	+6,126	---
State Consultation Grants	53,204	52,521	52,521	-683	---
Training Grants	11,102	4,000	4,000	-7,102	---
Subtotal, Compliance Assistance	125,627	123,968	123,968	-1,659	---
Safety and Health Statistics	25,894	22,369	22,369	-3,525	---
Executive Direction and Administration	9,153	10,425	10,425	+1,272	---
Total, OSHA	450,310	450,008	450,008	-302	---
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement	118,877	113,424	113,424	-5,453	---
Metal/Non-Metal Enforcement	63,495	66,377	66,377	+2,882	---
Standards Development	2,363	2,301	2,301	-62	---
Assessments	4,854	4,125	4,125	-729	---
Educational Policy and Development	27,733	30,536	30,536	+2,803	---
Technical Support	28,489	24,691	24,691	-3,798	---
Program evaluation and information resources (PEIR)	---	14,168	14,168	+14,168	---
Program Administration	17,210	11,145	11,145	-6,065	---
Mine Mapping	9,935	---	---	-9,935	---
Total, Mine Safety and Health Administration	272,956	266,767	266,767	-6,189	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	147,330	149,605	149,605	+2,275	---
Labor Market Information (Trust Funds)	71,561	75,110	75,110	+3,549	---
Prices and Cost of Living	159,671	167,602	167,602	+7,931	---
Compensation and Working Conditions	75,925	80,169	80,169	+4,244	---
Productivity and Technology	9,860	10,404	10,404	+544	---
Executive Direction and Staff Services	27,886	29,372	29,372	+1,486	---
Total, Bureau of Labor Statistics	492,233	512,262	512,262	+20,029	---
Federal Funds	420,672	437,152	437,152	+16,480	---
Trust Funds	71,561	75,110	75,110	+3,549	---
OFFICE OF DISABILITY EMPLOYMENT POLICY					
Office of Disability Employment Policy	47,178	47,333	47,333	+155	---
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction	26,296	28,260	28,260	+1,964	---
Departmental IT Crosscut	54,642	48,565	48,565	-6,077	---
Departmental Management Crosscut	---	23,500	---	---	-23,500
Legal Services	77,175	81,975	81,975	+4,800	---
Trust Funds	308	317	317	+9	---
International Labor Affairs	147,053	12,270	12,270	-134,783	---
Administration and Management	33,673	32,391	34,391	+718	+2,000
Adjudication	25,306	26,315	26,315	+1,009	---
Women's Bureau	9,608	8,626	9,608	---	+982
Civil Rights Activities	5,930	6,158	6,158	+228	---
Chief Financial Officer	7,850	5,159	5,159	-2,691	---
Total, Salaries and expenses	387,841	273,536	253,018	-134,823	-20,518
Federal Funds	387,533	273,219	252,701	-134,832	-20,518
Trust Funds	308	317	317	+9	---
VETERANS EMPLOYMENT AND TRAINING					
State Administration:					
Grants	---	162,415	162,415	+162,415	---
Disabled Veterans Outreach Program	82,078	---	---	-82,078	---
Local Veterans Employment Program	77,744	---	---	-77,744	---
Subtotal, State Administration	159,822	162,415	162,415	+2,593	---
Federal Administration	27,489	29,028	29,028	+1,539	---
National Veterans Training Institute	---	2,000	2,000	+2,000	---
Homeless Veterans Program	18,131	19,000	19,000	+869	---
Veterans Workforce Investment Programs	7,377	7,550	7,550	+173	---
Total, Veterans Employment and Training	212,819	219,993	219,993	+7,174	---
Federal Funds	25,508	26,550	26,550	+1,042	---
Trust Funds	187,311	193,443	193,443	+6,132	---
OFFICE OF THE INSPECTOR GENERAL					
Program Activities	56,291	60,896	60,896	+4,605	---
Trust Funds	5,561	5,899	5,899	+338	---
Total, Office of the Inspector General	61,852	66,795	66,795	+4,943	---
Federal funds	56,291	60,896	60,896	+4,605	---
Trust funds	5,561	5,899	5,899	+338	---
Total, Departmental Management	662,512	560,324	539,806	-122,706	-20,518
Federal Funds	469,332	360,665	340,147	-129,185	-20,518
Trust Funds	193,180	199,659	199,659	+6,479	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
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(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
WORKING CAPITAL FUND					
Working capital fund	---	20,000	18,000	+18,000	-2,000
Total, Title I, Department of Labor	14,983,153	15,076,213	15,136,308	+153,155	+60,095
Federal Funds	11,196,694	11,212,963	11,313,566	+116,872	+100,603
Current Year	(8,636,694)	(8,661,963)	(8,762,566)	(+125,872)	(+100,603)
FY 2005	(2,560,000)	(2,551,000)	(2,551,000)	(-9,000)	---
Trust Funds	3,786,459	3,863,250	3,822,742	+36,283	-40,508

Title I Footnotes:
1/ Two year availability.
2/ Transferred from SSA to DOL (P.L. 107-275).

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES					
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Community health centers	1,504,806	1,627,164	1,627,164	+122,358	---
National Health Service Corps:					
Field placements	45,948	45,305	45,948	---	+643
Recruitment	125,140	167,542	125,140	---	-42,402
Subtotal, National Health Service Corps	171,088	212,847	171,088	---	-41,759
Health Professions					
Training for Diversity:					
Centers of excellence	34,088	---	29,718	-4,370	+29,718
Health careers opportunity program	36,152	---	31,548	-4,604	+31,548
Faculty loan repayment	1,321	---	1,171	-150	+1,171
Scholarships for disadvantaged students	47,795	9,900	42,374	-5,421	+32,474
Subtotal, Training for Diversity	119,356	9,900	104,811	-14,545	+94,911
Training in Primary Care Medicine and Dentistry	92,432	---	79,249	-13,183	+79,249
Interdisciplinary Community-Based Linkages:					
Area health education centers	33,141	---	29,382	-3,759	+29,382
Health education and training centers	4,371	---	3,875	-496	+3,875
Allied health and other disciplines	11,922	---	11,922	---	+11,922
Geriatric programs	27,818	---	32,000	+4,182	+32,000
Quentin N. Burdick pgm for rural training	6,954	---	6,165	-789	+6,165
Subtotal, Interdisciplinary Comm. Linkages	84,206	---	83,344	-862	+83,344
Health Professions Workforce Info & Analysis	819	1,000	726	-93	-274
Public Health Workforce Development:					
Public health, preventive med. & dental pgms	10,405	---	9,225	-1,180	+9,225
Health administration programs	1,222	---	1,085	-137	+1,085
Subtotal, Public Health Workforce Development	11,627	---	10,310	-1,317	+10,310
Nursing Programs:					
Advanced Education Nursing	50,174	26,548	50,174	---	+23,626
Nurse education, practice, and retention	26,824	24,202	26,824	---	+2,622
Nursing workforce diversity	9,935	20,564	9,935	---	-10,629
Loan repayment and scholarship program	19,870	26,900	19,870	---	-7,030
Comprehensive geriatric education	2,980	---	2,980	---	+2.980
Nursing faculty loan program	2,980	---	2,980	---	+2,980
Subtotal, Nursing programs	112,763	98.214	112,763	---	+14.549
Subtotal, Health Professions	421,203	109,114	391,203	-30,000	+282.089
Other HRSA Programs:					
Hansen's Disease Services	18,024	17,570	17,570	-454	---
Maternal & Child Health Block Grant	729,965	750,831	732,965	+3,000	-17,866
Abstinence Education	54,642	73.044	65,000	+10,358	-8,044
Healthy Start	98,346	98,729	98,346	---	-383
Universal Newborn Hearing	9,935	---	9,935	---	+9,935
Organ Transplantation	24,828	24,924	24,828	---	-96
Bone Marrow Program	21,891	22,013	22,891	+1,000	+878
Rural outreach grants	58,410	37,752	57,410	-1,000	+19,658
Rural Health Research	10,630	5,984	8,000	-2,630	+2,016
Telehealth	27,686	5,594	27,686	---	+22,092
Rural Hospital Flexibility Grants	39,740	29,921	39,740	---	+9,819
Rural Access to Emergency Devices	12,419	2,009	12,419	---	+10,410
State Offices of Rural Health	8.445	3,990	4.000	-4,445	+10
Denali Commission	27,321	---	---	-27,321	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency medical services for children	19,373	---	19,373	---	+19,373
Poison control	22,354	---	22,354	---	+22,354
Traumatic Brain Injury	9,438	7,479	9,438	---	+1,959
Black lung clinics	5,961	6,000	5,961	---	-39
Trauma Care	3,476	---	3,476	---	+3,476
Payment to Hawaii, treatment of Hansen's	2,032	2,045	2,032	---	-13
Other HRSA programs - Current Year	1,204,916	1,087,885	1,183,424	-21,492	+95,539
Ryan White AIDS Programs:					
Emergency Assistance	618,693	618,881	618,693	---	-188
Comprehensive Care Programs	1,053,393	1,077,027	1,091,344	+37,951	+14,317
AIDS Drug Assistance Program (ADAP) (NA)	(714,326)	(739,000)	(753,317)	(+38,991)	(+14,317)
Early Intervention Program	198,374	193,981	193,981	-4,393	---
Pediatric HIV/AIDS	73,551	70,917	70,917	-2,634	---
AIDS Dental Services	13,405	13,484	13,405	---	-79
Education and Training Centers	35,549	35,259	35,259	-290	---
Subtotal, Ryan White AIDS programs	1,992,965	2,009,549	2,023,599	+30,634	+14,050
Evaluation Tap Funding (NA)	(25,000)	---	---	(-25,000)	---
Subtotal, Ryan White AIDs program level	2,017,965	2,009,549	2,023,599	+5,634	+14,050
Family Planning	273,350	264,808	273,350	---	+8,542
Children's Hospitals Graduate Medical Educ	290,102	199,258	305,000	+14,898	+105,742
Health Care and Other Facilities	294,700	---	---	-294,700	---
Buildings and Facilities	248	250	248	---	-2
Radiation Exposure Compensation Act	1,987	4,006	1,987	---	-2,019
National Practitioner Data Bank	19,500	17,000	19,500	---	+2,500
User Fees	-19,500	-17,000	-19,500	---	-2,500
Health Care Integrity and Protection Data Bank	5,600	4,000	5,600	---	+1,600
User Fees	-5,600	-4,000	-5,600	---	-1,600
Community Access Program	104,317	---	104,317	---	+104,317
State Planning Grants for Health Care Access	14,902	---	14,902	---	+14,902
Program Management	155,974	151,115	155,974	---	+4,859
Total, Health resources and services	6,430,558	5,665,996	6,252,256	-178,302	+586,260
Total, Health resources & services program level	(6,455,558)	(5,665,996)	(6,252,256)	(-203,302)	(+586,260)
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:					
Liquidating account	(7,000)	(4,000)	(7,000)	---	(+3,000)
Program management	3,889	3,389	3,389	-500	---
Total, HEAL	3,889	3,389	3,389	-500	---
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post-FY 1988 claims	85,918	66,000	66,000	-19,918	---
HRSA administration	2,972	2,991	3,472	+500	+481
Total, Vaccine Injury Compensation Trust Fund	88,890	68,991	69,472	-19,418	+481
Total, Health Resources and Services Admin	6,523,337	5,738,376	6,325,117	-198,220	+586,741
Total, HRSA program level	(6,555,337)	(5,742,376)	(6,332,117)	(-223,220)	(+589,741)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
CENTERS FOR DISEASE CONTROL					
Birth Defects/Developmental Disabilities/Disability and Health	98,040	87,462	106,339	+8,299	+18,877
Chronic Disease Prevention and Health Promotion	789,972	834,047	862,011	+72,039	+27,964
Environmental Health	182,829	150,227	184,829	+2,000	+34,602
Epidemic Services and Response	77,494	76,158	82,494	+5,000	+6,336
Health Statistics	---	72,639	112,673	+112,673	+40,034
Evaluation Tap Funding	(125,899)	(51,982)	(13,226)	(-112,673)	(-38,756)
Subtotal, Program level	125,899	124,621	125,899	---	+1,278
HIV/AIDS, STD and TB Prevention	1,186,388	1,281,176	1,247,388	+61,000	-33,788
Immunization	636,586	620,506	650,586	+14,000	+30,080
Evaluation Tap Funding	(14,000)	---	---	(-14,000)	---
Subtotal, Program level	650,586	620,506	650,586	---	+30,080
Infectious Disease Control	359,225	331,640	382,226	+23,001	+50,586
Injury Prevention and Control	148,414	144,796	152,414	+4,000	+7,618
Occupational Safety and Health 1/	231,485	246,329	273,385	+41,900	+27,056
Evaluation Tap Funding	(41,900)	---	---	(-41,900)	---
Subtotal, Program level	273,385	246,329	273,385	---	+27,056
Preventive Health and Health Services Block Grant	134,089	134,966	134,089	---	-877
Public Health Improvement	124,434	113,677	144,530	+20,096	+30,853
Evaluation Tap Funding	(28,600)	---	---	(-28,600)	---
Subtotal, Program level	153,034	113,677	144,530	-8,504	+30,853
Buildings and Facilities	266,258	114,000	206,000	-60,258	+92,000
Office of the Director	49,426	59,707	49,707	+281	-10,000
Total, Centers for Disease Control	4,284,640	4,267,330	4,588,671	+304,031	+321,341
Evaluation Tap Funding (NA)	(210,399)	(51,982)	(13,226)	(-197,173)	(-38,756)
Total, Centers for Disease Control program level	(4,495,039)	(4,319,312)	(4,601,897)	(+106,858)	(+282,585)
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	4,592,348	4,770,519	4,770,519	+178,171	---
National Heart, Lung, and Blood Institute	2,793,733	2,867,995	2,867,995	+74,262	---
National Institute of Dental & Craniofacial Research	371,636	382,396	382,396	+10,760	---
National Institute of Diabetes and Digestive and Kidney Diseases	1,622,730	1,670,007	1,670,007	+47,277	---
Juvenile diabetes	(100,000)	(150,000)	(150,000)	(+50,000)	---
Subtotal, NIDDK	1,722,730	1,820,007	1,820,007	+97,277	---
National Institute of Neurological Disorders & Stroke	1,456,476	1,468,926	1,468,926	+12,450	---
National Institute of Allergy and Infectious Diseases	3,606,139	4,235,255	4,235,255	+629,116	---
Global HIV/AIDS Fund Transfer 2/	100,000	100,000	100,000	---	---
Subtotal, NIAID	3,706,139	4,335,255	4,335,255	+629,116	---
National Institute of General Medical Sciences	1,847,000	1,923,133	1,923,133	+76,133	---
National Institute of Child Health & Human Development	1,205,927	1,245,371	1,245,371	+39,444	---
National Eye Institute	633,148	648,299	648,299	+15,151	---
National Institute of Environmental Health Sciences	614,239	630,774	630,774	+16,535	---
National Institute on Aging	993,598	994,411	994,411	+813	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	486,143	502,778	502,778	+16,635	---
National Institute on Deafness and Other Communication Disorders	370,382	380,377	380,377	+9,995	---
National Institute of Nursing Research	130,584	134,579	134,579	+3,995	---
National Institute on Alcohol Abuse and Alcoholism	416,051	430,121	430,121	+14,070	---
National Institute on Drug Abuse	961,721	995,614	995,614	+33,893	---
National Institute of Mental Health	1,341,014	1,382,114	1,382,114	+41,100	---
National Human Genome Research Institute	464,995	478,072	478,072	+13,077	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Institute of Biomedical Imaging and Bioengineering	278,279	282,109	282,109	+3,830	---
National Center for Research Resources	1,138,821	1,053,926	1,053,926	-84,895	---
National Center for Complementary and Alternative Medicine	113,407	116,202	116,202	+2,795	---
National Center on Minority Health and Health Disparities	185,714	192,724	192,724	+7,010	---
John E. Fogarty International Center	63,465	64,266	64,266	+801	---
National Library of Medicine	300,135	316,040	316,040	+15,905	---
Evaluation Tap Funding	(8,200)	---	---	(-8,200)	---
Subtotal, NLM	308,335	316,040	316,040	+7,705	---
Office of the Director	266,232	317,983	317,983	+51,751	---
Buildings and Facilities	628,687	80,000	80,000	-548,687	---
Total, N.I.H. appropriations	26,982,604	27,663,991	27,663,991	+681,387	---
Global HIV/AIDS Fund Transfer	-100,000	-100,000	-100,000	---	---
Evaluation Tap Funding	(8,200)	---	---	(-8,200)	---
Total, N.I.H., Program Level	(26,890,804)	(27,563,991)	(27,563,991)	(+673,187)	---
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES					
Mental Health:					
Programs of Regional and National Significance	244,443	211,757	237,000	-7,443	+25,243
Mental Health Performance Partnership	437,140	433,000	435,000	-2,140	+2,000
Children's Mental Health	98,052	106,694	108,000	+9,948	+1,306
Grants to States for the Homeless (PATH)	43,073	50,055	50,055	+6,982	---
Protection and Advocacy	33,779	32,500	33,870	+91	+1,370
Subtotal, Mental Health	856,487	834,006	863,925	+7,438	+29,919
Substance Abuse Treatment:					
Programs of Regional and National Significance	317,278	556,816	417,278	+100,000	-139,538
Substance Abuse Performance Partnership	1,691,732	1,785,000	1,774,538	+82,806	-10,462
Evaluation Tap Funding	(62,200)	---	---	(-62,200)	---
Subtotal, Substance Abuse Treatment	2,009,010	2,341,816	2,191,816	+182,806	-150,000
Subtotal, Program level	2,071,210	2,341,816	2,191,816	+120,606	-150,000
Substance Abuse Prevention:					
Programs of Regional and National Significance	197,111	148,186	198,000	+889	+49,814
Program Management and Buildings and Facilities	73,983	69,307	75,259	+1,276	+5,952
Evaluation Tap funding (NA)	(12,000)	(16,000)	(16,000)	(+4,000)	---
Subtotal, Program level	85,983	85,307	91,259	+5,276	+5,952
St. Elizabeths	949	---	---	-949	---
Total, Substance Abuse and Mental Health	3,137,540	3,393,315	3,329,000	+191,460	-64,315
Evaluation Tap funding	(74,200)	(16,000)	(16,000)	(-58,200)	---
Total, SAMHS program level	(3,211,740)	(3,409,315)	(3,345,000)	(+133,260)	(-64,315)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(247,695)	(221,000)	(245,695)	(-2,000)	(+24,695)
Health Coverage Data Improvement (CPS)	---	(10,000)	---	---	(-10,000)
Portion for reducing medical errors (non-add)	(55,000)	(84,000)	(75,000)	(+20,000)	(-9,000)
Subtotal including Evaluation Tap funds	(247,695)	(221,000)	(245,695)	(-2,000)	(+24,695)
Health Insurance and Expenditure Surveys:					
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(53,300)	(55,300)	(55,300)	(+2,000)	---
Program Support	---	---	---	---	---
Evaluation Tap funding (NA)	(2,700)	(2,700)	(2,700)	---	---
Total, AHRQ	(303,695)	(279,000)	(303,695)	---	(+24,695)
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(303,695)	(279,000)	(303,695)	---	(+24,695)
Total, Public Health Service appropriation	40,928,121	41,063,012	41,906,779	+978,658	+843,767
Total, Public Health Service program level	(41,456,615)	(41,313,994)	(42,146,700)	(+690,085)	(+832,706)
CENTER FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	148,726,168	166,706,067	172,706,067	+23,979,899	+6,000,000
State and local administration	9,142,049	9,067,320	9,067,320	-74,729	---
Vaccines for Children	823,938	980,196	980,196	+156,258	---
Subtotal, Medicaid program level	158,692,155	176,753,583	182,753,583	+24,061,428	+6,000,000
Less funds advanced in prior year	-46,601,937	-51,861,386	-51,861,386	-5,259,449	---
Total, Grants to States for medicaid	112,090,218	124,892,197	130,892,197	+18,801,979	+6,000,000
New advance, 1st quarter	51,861,386	58,416,275	58,416,275	+6,554,889	---
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	80,905,000	94,518,000	94,518,000	+13,613,000	---
Hospital insurance for the uninsured	225,000	197,000	197,000	-28,000	---
Federal uninsured payment	168,000	168,000	168,000	---	---
Program management	164,700	201,100	201,100	+36,400	---
Total, Payments to Trust Funds, current law	81,462,700	95,084,100	95,084,100	+13,621,400	---
PROGRAM MANAGEMENT					
Research, Demonstration, Evaluation:					
Regular Program	73,712	63,400	27,918	-45,794	-35,482
Medicare Operations	1,666,680	1,776,889	1,776,889	+110,209	---
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	---	---
Subtotal, Medicare Operations program level	(2,386,680)	(2,496,889)	(2,496,889)	(+110,209)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Revitalization plan	---	65,000	65,000	+65,000	---
State Survey and Certification	252,743	247,647	247,647	-5,096	---
Federal Administration	571,756	580,571	580,571	+8,815	---
Total, Program management, Limitation on new BA.	2,564,891	2,733,507	2,698,025	+133,134	-35,482
Total, Program management, program level	(3,284,891)	(3,453,507)	(3,418,025)	(+133,134)	(-35,482)
Total, Center for Medicare and Medicaid Services	247,979,195	281,126,079	287,090,597	+39,111,402	+5,964,518
Federal funds	245,414,304	278,392,572	284,392,572	+38,978,268	+6,000,000
Current year	(193,552,918)	(219,976,297)	(225,976,297)	(+32,423,379)	(+6,000,000)
New advance, 1st quarter, FY 2005	(51,861,386)	(58,416,275)	(58,416,275)	(+6,554,889)	---
Trust Funds	2,564,891	2,733,507	2,698,025	+133,134	-35,482
ADMINISTRATION FOR CHILDREN AND FAMILIES FAMILY SUPPORT PAYMENTS TO STATES					
Payments to territories	23,000	23,000	23,000	---	---
Repatriation	1,000	1,000	1,000	---	---
Subtotal, Welfare payments	24,000	24,000	24,000	---	---
Child Support Enforcement:					
State and local administration	3,541,800	4,035,270	4,035,270	+493,470	---
Federal incentive payments	461,000	454,000	454,000	-7,000	---
Hold Harmless payments	---	---	---	---	---
Access and visitation	10,000	12,000	12,000	+2,000	---
Subtotal, Child Support Enforcement	4,012,800	4,501,270	4,501,270	+488,470	---
Total, Payments, FY 2004 program level	4,036,800	4.525,270	4,525,270	+488,470	---
Less funds advanced in previous years	-1,100,000	-1,100,000	-1,100,000	---	---
Total, Payments, current request	2,936,800	3.425,270	3,425,270	+488,470	---
Plus New advance, 1st quarter, FY 2005	1,100,000	1,200,000	1,200,000	+100,000	---
Total, Payments	4,036,800	4,625,270	4,625,270	+588,470	---
LOW INCOME HOME ENERGY ASSISTANCE					
Formula grants	1,688,950	1,700,000	1,700,000	+11,050	---
Emergency allocation:					
Non-emergency funding	---	300,000	100,000	+100,000	-200,000
Contingent emergency funding	---	---	---	---	---
Total, Low income home energy assistance	1,688,950	2,000,000	1,800,000	+111,050	-200,000
	---	---	---	---	---
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and Medical Services	219,853	200,193	200,193	-19,660	---
Victims of Trafficking	9,935	10,000	10,000	+65	---
Social Services	150,139	153,121	153,121	+2,982	---
Preventive Health	4,804	4,835	4,835	+31	---
Targeted Assistance	49,155	49,477	49,477	+322	---
Unaccompanied minors	34,227	34,000	34,227	---	+227
Victims of Torture	9,935	10,000	10,000	+65	---
Total, Refugee and entrant assistance	478,048	461,626	461,853	-16,195	+227
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,086,344	2,099,729	2,099,729	+13,385	---
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	---	---
DISABLED VOTER SERVICES	15,000	---	15,000	---	+15,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth and Families:					
Head Start, current funded	5,267,533	5,415,570	5,415,570	+148,037	---
Advance from prior year	(1,400,000)	(1,400,000)	(1,400,000)	---	---
FY 2005	1,400,000	1,400,000	1,400,000	---	---
Subtotal, Head Start, program level	6,667,533	6,815,570	6,815,570	+148,037	---
Consolidated Runaway, Homeless Youth Prog	89,978	88,043	88,043	-1,935	---
Maternity Group Homes	---	10,000	---	---	-10,000
Prevention grants to reduce abuse of runaway youth	15,399	14,999	14,999	-400	---
Child Abuse State Grants	21,870	22,013	22,013	+143	---
Child Abuse Discretionary Activities	33,845	26,301	26,301	-7,544	---
Abandoned Infants Assistance	12,126	12,086	12,086	-40	---
Child Welfare Services	290,088	291,986	291,986	+1,898	---
Child Welfare Training	7,449	7,470	7,470	+21	---
Adoption Opportunities	27,227	27,343	27,343	+116	---
Adoption Incentive (no cap adjustment)	42,720	43,000	43,000	+280	---
Adoption Awareness	12,822	12,906	12,906	+84	---
Compassion Capital Fund	34,772	100,000	50,000	+15,228	-50,000
Social Services and Income Maintenance Research	28,749	5,982	5,982	-22,767	---
Evaluation tap funding	(6,000)	---	---	(-6,000)	---
Subtotal, Program level	34,749	5,982	5,982	-28,767	---
Community Based Resource Centers	33,200	33,403	33,403	+203	---
Developmental Disabilities Program:					
State Councils	71,135	69,800	71,500	+365	+1,700
Protection and Advocacy	36,263	35,000	36,500	+237	+1,500
Developmental Disabilities Special Projects	12,403	11,642	12,500	+97	+858
Developmental Disabilities University Affiliated	24,962	24,000	25,000	+38	+1,000
Subtotal, Developmental disabilities	144,763	140,442	145,500	+737	+5,058
Native American Programs	45,457	45,119	45,119	-338	---
Community Services:					
Grants to States for Community Services	645,762	494,964	494,964	-150,798	---
Community Initiative Program:					
Economic Development	32,546	32,436	32,436	-110	---
Individual Development Account Initiative	24,828	24,912	24,912	+84	---
Rural Community Facilities	7,203	---	7,250	+47	+7,250
Subtotal, Community Initiative Program	64,577	57,348	64,598	+21	+7,250
National Youth Sports	16,889	---	18,000	+1,111	+18,000
Community Food and Nutrition	7,281	---	---	-7,281	---
Subtotal, Community Services	734,509	552,312	577,562	-156,947	+25,250
Domestic Violence Hotline	2,562	3,000	3,000	+438	---
Battered Women's Shelters	126,403	124,423	126,403	---	+1,980
Early Learning Fund	33,779	---	---	-33,779	---
Faith-Based Center	1,490	1,400	1,400	-90	---
Mentoring Children of Prisoners	9,935	50,000	25,000	+15,065	-25,000
Independent Living Training Vouchers	41,727	60,000	45,000	+3,273	-15,000
Promoting Responsible Fatherhood	---	20,000	---	---	-20,000
Program Direction	171,873	179,584	179,584	+7,711	---
Total, Children and Families Services Programs	8,630,276	8,687,382	8,599,670	-30,606	-87,712
Current Year	(7,230,276)	(7,287,382)	(7,199,670)	(-30,606)	(-87,712)
FY 2005	(1,400,000)	(1,400,000)	(1,400,000)	---	---
Evaluation Tap funding	(6,000)	---	---	(-6,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	---	---
Discretionary Funds	99,350	199,978	100,000	+650	-99,978
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION					
Foster Care	4,884,500	4,974,200	4,974,200	+89,700	---
Adoption Assistance	1,584,500	1,699,700	1,699,700	+115,200	---
Independent living	140,000	140,000	140,000	---	---
Total, Payments to States	6,609,000	6,813,900	6,813,900	+204,900	---
Less Advances from Prior Year	-1,754,000	-1,745,600	-1,745,600	+8,400	---
Total, payments, current request	4,855,000	5,068,300	5,068,300	+213,300	---
New Advance, 1st quarter	1,745,600	1,767,700	1,767,700	+22,100	---
Total, Administration for Children & Families	25,640,368	26,914,985	26,542,522	+902,154	-372,463
Current year	(21,394,768)	(22,547,285)	(22,174,822)	(+780,054)	(-372,463)
FY 2005	(4,245,600)	(4,367,700)	(4,367,700)	(+122,100)	---
ADMINISTRATION ON AGING					
Grants to States:					
Supportive Services and Centers	355,673	357,000	357,000	+1,327	---
Preventive Health	21,919	21,562	21,919	---	+357
Title VII	18,559	17,681	18,559	---	+878
Family Caregivers	149,025	141,500	162,000	+12,975	+20,500
Native American Caregivers Support	6,209	---	6,500	+291	+6,500
Subtotal, Caregivers	155,234	141,500	168,500	+13,266	+27,000
Nutrition:					
Congregate Meals	384,592	390,000	390,000	+5,408	---
Home Delivered Meals	180,985	178,500	180,985	---	+2,485
Nutrition Services Incentive Program	148,697	149,670	149,670	+973	---
Subtotal, Nutrition	714,274	718,170	720,655	+6,381	+2,485
Subtotal, Grants to States	1,265,659	1,255,913	1,286,633	+20,974	+30,720
Grants to Native Americans	27,495	25,729	25,729	-1,766	---
Aging Research, Training and Special Projects	40,258	27,837	30,837	-9,421	+3,000
Aging Network Support Activities	2,364	2,379	2,379	+15	---
Alzheimer's Initiative	13,412	11,500	11,500	-1,912	---
White House Conference on Aging	---	2,842	2,842	+2,842	---
Program Administration	17,869	17,501	17,501	-368	---
Total, Administration on Aging	1,367,057	1,343,701	1,377,421	+10,364	+33,720
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal Funds	159,811	172,541	167,300	+7,489	-5,241
Trust Funds	5,813	5,851	5,813	---	-38
Subtotal	(165,624)	(178,392)	(173,113)	(+7,489)	(-5,279)
Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	---	---
Adolescent Family Life (Title XX)	30,922	31,241	30,922	---	-319
Minority health	56,224	47,010	48,329	-7,895	+1,319
Office of women's health	28,658	28,908	28,658	---	-250
Minority HIV/AIDS	49,675	50,000	49,675	---	-325
IT Security and Innovation Fund	19,870	18,400	18,400	-1,470	---
Total, General Departmental Management	350,973	353,951	349,097	-1,876	-4,854
Federal Funds	345,160	348,100	343,284	-1,876	-4,816
Trust Funds	5,813	5,851	5,813	---	-38

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
	---	---	---	---	---
OFFICE OF THE INSPECTOR GENERAL:					
Federal Funds	36,808	39,497	39,497	+2,689	---
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	---	---
Total, Inspector General program level	(196,808)	(199,497)	(199,497)	(+2,689)	---
OFFICE FOR CIVIL RIGHTS:					
Federal Funds	30,131	30,936	30,936	+805	---
Trust Funds	3,292	3,314	3,314	+22	---
Total, Office for Civil Rights	33,423	34,250	34,250	+827	---
POLICY RESEARCH:					
Federal Funds	2,483	2,499	2,483	---	-16
Evaluation Tap funding (NA)	(18,000)	(21,000)	(18,000)	---	(-3,000)
Total, Policy Research	20,483	23,499	20,483	---	-3,016
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS					
Retirement payments	218,984	234,000	234,000	+15,016	---
Survivors benefits	14,102	15,001	15,001	+899	---
Dependents' medical care	76,931	54,391	80,867	+3,936	+26,476
Military services credits	---	---	---	---	---
Total, Medical benefits for Com Officers (indef)	310,017	303,392	329,868	+19,851	+26,476
Comm. Corps Medicare Elig. Healthcare Accrual	---	12,973	---	---	-12,973
Total, Medical benefits for comm. officers	310,017	316,365	329,868	+19,851	+13,503
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND					
HRSA Homeland security activities	584,451	618,173	545,870	-38,581	-72,303
CDC Homeland security activities	1,235,424	1,116,156	1,116,156	-119,268	---
AHRQ Homeland security activities	4,967	---	---	-4,967	---
Office of the Secretary Homeland sercurity activities	62,405	61,820	64,820	+2,415	+3,000
Other PHSSEF Homeland security activities	---	100,000	50,000	+50,000	-50,000
Total, PHSSEF	1,887,247	1,896,149	1,776,846	-110,401	-119,303
Total, Office of the Secretary	2,620,951	2,642,711	2,532,041	-88,910	-110,670
Federal Funds	2,611,846	2,633,546	2,522,914	-88,932	-110,632
Trust Funds	9,105	9,165	9,127	+22	-38
Total, Title II, Dept of Health & Human Services	318,535,692	353,090,488	359,449,360	+40,913,668	+6,358,872
Federal Funds	315,961,696	350,347,816	356,742,208	+40,780,512	+6,394,392
Current year	(259,854,710)	(287,563,841)	(293,958,233)	(+34,103,523)	(+6,394,392)
FY 2005	(56,106,986)	(62,783,975)	(62,783,975)	(+6,676,989)	---
Trust Funds	2,573,996	2,742,672	2,707,152	+133,156	-35,520

Title II Footnotes:

1/ Includes Mine Safety and Health.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - DEPARTMENT OF EDUCATION					
EDUCATION FOR THE DISADVANTAGED					
Grants to Local Educational Agencies (LEAs)					
Basic Grants					
Advance from prior year 1/	(4,011,272)	(4,255,272)	(2,011,272)	(-2,000,000)	(-2,244,000)
Forward funded	2,848,533	5,158,199	5,158,199	+2,309,666	---
Current funded	3,477	3,500	3,500	+23	---
Subtotal, Basic grants current year approp.	2,852,010	5,161,699	5,161,699	+2,309,689	---
Subtotal, Basic grants total funds available	(6,863,282)	(9,416,971)	(7,172,971)	(+309,689)	(-2,244,000)
Basic Grants FY 2005 Advance	4,255,272	2,011,272	2,011,272	-2,244,000	---
Subtotal, Basic grants, program level	7,107,282	7,172,971	7,172,971	+65,689	---
Concentration Grants					
Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	---	---
FY 2005 Advance	1,365,031	1,365,031	1,365,031	---	---
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	---	---
Targeted Grants					
Advance from prior year	(1,018,499)	(1,670,239)	(1,670,239)	(+651,740)	---
FY 2005 Advance	1,670,239	3,018,499	3,018,499	+1,348,260	---
Subtotal, Targeted Grants program level	1,670,239	3,018,499	3,018,499	+1,348,260	---
Education Finance Incentive Grants					
Advance from prior year	(793,499)	(1,541,759)	(1,541,759)	(+748,260)	---
FY 2005 Advance	1,541,759	793,499	793,499	-748,260	---
Subtotal, Education Finance Incentive Grants	1,541,759	793,499	793,499	-748,260	---
Subtotal, Grants to LEAs, program level	11,684,311	12,350,000	12,350,000	+665,689	---
Even Start	248,375	175,000	250,000	+1,625	+75,000
Reading First:					
State Grants (forward funded)	798,500	855,000	855,000	+56,500	---
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---
FY 2005 Advance	195,000	195,000	195,000	---	---
Subtotal, Reading First State Grants	993,500	1,050,000	1,050,000	+56,500	---
Early Reading First	74,512	100,000	100,000	+25,488	---
Literacy through School Libraries	12,419	27,500	27,500	+15,081	---
State Agency Programs:					
Migrant	395,413	396,000	396,000	+587	---
Neglected and Delinquent/High Risk Youth	48,682	48,000	49,000	+318	+1,000
Subtotal, State Agency programs	444,095	444,000	445,000	+905	+1,000
Evaluation	8,842	9,500	9,500	+658	---
Comprehensive School Reform Demonstration	233,473	---	235,000	+1,527	+235,000
Migrant Education:					
High School Equivalency Program	23,347	13,000	24,000	+653	+11,000
College Assistance Migrant Program	15,399	15,000	16,000	+601	+1,000
Subtotal, Migrant Education	38,746	28,000	40,000	+1,254	+12,000
Total, Education for the disadvantaged	13,738,273	14,184,000	14,507,000	+768,727	+323,000
Current Year	(4,710,972)	(6,800,699)	(7,123,699)	(+2,412,727)	(+323,000)
FY 2005	(9,027,301)	(7,383,301)	(7,383,301)	(-1,644,000)	---
Subtotal, forward funded	(4,572,976)	(6,632,199)	(6,943,199)	(+2,370,223)	(+311,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
IMPACT AID					
Basic Support Payments	1,025,292	867,500	1,073,000	+47,708	+205,500
Payments for Children with Disabilities	50,668	40,000	50,668	---	+10,668
Facilities Maintenance (Sec. 8008)	7,948	8,000	7,948	---	-52
Construction (Sec. 8007)	44,708	45,000	44,708	---	-292
Payments for Federal Property (Sec. 8002)	59,610	55,000	62,000	+2,390	+7,000
Total, Impact aid	1,188,226	1,015,500	1,238,324	+50,098	+222,824
SCHOOL IMPROVEMENT PROGRAMS					
State Grants for Improving Teacher Quality	1,780,825	1,700,000	1,780,825	---	+80,825
Advance from prior year	(1,150,000)	(1,150,000)	(1,150,000)	---	---
FY 2005	1,150,000	1,150,000	1,150,000	---	---
Subtotal, State Grants for Improving Teacher Quality, program level	2,930,825	2,850,000	2,930,825	---	+80,825
Early Childhood Educator Professional Development.	14,902	15,000	14,902	---	-98
Mathematics and Science Partnerships	100,344	12,500	150,000	+49,656	+137,500
State Grants for Innovative Education (Education Block Grant)	97,498	100,000	50,000	-47,498	-50,000
Advance from prior year	(285,000)	(285,000)	(285,000)	---	---
FY 2005	285,000	285,000	285,000	---	---
Subtotal, Education Block Grant, program level	382,498	385,000	335,000	-47,498	-50,000
Educational Technology:					
Educational Technology State Grants	695,947	700,500	695,947	---	-4,553
Preparing Tomorrow's Teachers to Use Technology	62,094	---	---	-62,094	---
Subtotal, Educational Technology	758,041	700,500	695,947	-62,094	-4,553
21st Century Community Learning Centers	993,500	600,000	1,000,000	+6,500	+400,000
State Assessments/Enhanced Assessment Instruments.	384,484	390,000	390,000	+5,516	---
Javits gifted talented education	11,177	---	11,177	---	+11,177
Foreign language assistance	16,144	---	---	-16,144	---
Education for Homeless Children & Youth	54,642	50,000	60,000	+5,358	+10,000
Training and Advisory Services (Civil Rights)	7,286	7,334	7,286	---	-48
Education for Native Hawaiians	30,798	18,300	18,300	-12,498	---
Alaska Native Education Equity	30,798	14,200	14,200	-16,598	---
Rural Education	167,653	---	170,000	+2,347	+170,000
Total, School improvement programs	5,883,092	5,042,834	5,797,637	-85,455	+754,803
Current Year	(4,448,092)	(3,607,834)	(4,362,637)	(-85,455)	(+754,803)
FY 2005	(1,435,000)	(1,435,000)	(1,435,000)	---	---
Subtotal, forward funded	(4,274,893)	(3,553,000)	(4,296,772)	(+21,879)	(+743,772)
INDIAN EDUCATION					
Grants to Local Educational Agencies	96,502	97,133	96,502	---	-631
Federal Programs:					
Special Programs for Indian Children	19,870	20,000	19,870	---	-130
National Activities	5,201	5,235	5,201	---	-34
Subtotal, Federal Programs	25,071	25,235	25,071	---	-164
Total, Indian Education	121,573	122,368	121,573	---	-795
INOVATION AND IMPROVEMENT					
Troops-to-Teachers	28,812	25,000	20,000	-8,812	-5,000
Transition to Teaching	41,727	49,400	49,400	+7,673	---
National Writing Project	16,890	---	16,890	---	+16,890
Teaching of Traditional American History	99,350	100,000	50,000	-49,350	-50,000
School Leadership	12,419	---	12,419	---	+12,419
Advanced Credentialing	9,935	---	16,500	+6,565	+16,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Charter Schools Grants	198,700	220,000	220,000	+21,300	---
Credit Enhancement for Charter School Facilities	24,838	100,000	75,000	+50,162	-25,000
Voluntary Public School Choice	25,831	25,000	25,831	---	+831
Magnet Schools Assistance	109,285	110,000	109,285	---	-715
Choice Incentive Fund	---	75,000	---	---	-75,000
Fund for the Improvement of Education (FIE):					
Current funded	398,133	59,000	91,284	-306,849	+32,284
Forward funded	74,513	---	74,513	---	+74,513
Subtotal, FIE	472,646	59,000	165,797	-306,849	+106,797
Ready to Learn	22,850	22,000	22,000	-850	---
Dropout Prevention Programs	10,929	---	---	-10,929	---
Ellender Fellowships/Close Up	1,490	---	1,490	---	+1,490
Advanced Placement Fees	23,347	22,000	23,347	---	+1,347
Total, Innovation and Improvement	1,099,049	807,400	807,959	-291,090	+559
Current Year	(1,099,049)	(807,400)	(807,959)	(-291,090)	(+559)
FY 2005	---	---	---	---	---
Subtotal, forward funded	(74,513)	---	(74,513)	---	(+74,513)
SAFE SCHOOLS AND CITIZENSHIP EDUCATION					
Safe and Drug Free Schools and Communities:					
State Grants, current funded	138,949	92,017	138,949	---	+46,932
Advance from prior year	(330,000)	(330,000)	(330,000)	---	---
FY 2005	330,000	330,000	330,000	---	---
State Grants, program level	468,949	422,017	468,949	---	+46,932
National Programs	155,180	172,233	155,180	---	-17,053
Community Service for Expelled or Susp'd Students	49,675	---	---	-49,675	---
Alcohol Abuse Reduction	24,838	---	---	-24,838	---
Mentoring Programs	17,386	100,000	50,000	+32,614	-50,000
Character education	24,838	25,000	24,838	---	-162
Elementary and Secondary School Counseling	32,289	---	32,289	---	+32,289
Carol E. White Physical Education for Progress	59,610	---	60,000	+390	+60,000
Civic Education	28,812	27,000	28,812	---	+1,812
State Grants for Incarcerated Youth Offenders	23,348	---	---	-23,348	---
Physical Education Initiative	---	10,000	---	---	-10,000
Total, Safe Schools and Citizenship Education	884,925	756,250	820,068	-64,857	+63,818
Current Year	(554,925)	(426,250)	(490,068)	(-64,857)	(+63,818)
FY 2005	(330,000)	(330,000)	(330,000)	---	---
Subtotal, forward funded	(188,624)	(92,017)	(138,949)	(-49,675)	(+46,932)
ENGLISH LANGUAGE ACQUISITION					
Current funded	194,726	665,000	124,972	-69,754	-540,028
Forward funded	490,789	---	560,543	+69,754	+560,543
Total, English Language Acquisition	685,515	665,000	685,515	---	+20,515
SPECIAL EDUCATION					
State Grants:					
Grants to States Part B advance funded	5,672,000	5,072,000	5,072,000	-600,000	---
Part B advance from prior year	(5,072,000)	(5,672,000)	(5,672,000)	(+600,000)	---
Grants to States Part B current year	3,202,398	4,456,533	4,802,398	+1,600,000	+345,865
Subtotal, Grants to States, program level	8,874,398	9,528,533	9,874,398	+1,000,000	+345,865
Preschool Grants	387,465	390,000	390,000	+2,535	---
Grants for Infants and Families	434,159	447,000	447,000	+12,841	---
Subtotal, State grants, program level	9,696,022	10,365,533	10,711,398	+1,015,376	+345,865

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
IDEA National Activities (current funded):					
State Program Improvement Grants	51,364	44,000	51,364	---	+7,364
Research and Innovation	77,210	78,380	77,210	---	-1,170
Technical Assistance and Dissemination	53,133	53,481	53,481	+348	---
Personnel Preparation	91,899	90,000	91,899	---	+1,899
Parent Information Centers	26,328	26,000	26,328	---	+328
Technology and Media Services	37,961	32,710	38,110	+149	+5,400
Subtotal, IDEA special programs	337,895	324,571	338,392	+497	+13,821
Total, Special education	10,033,917	10,690,104	11,049,790	+1,015,873	+359,686
Current Year	(4,361,917)	(5,618,104)	(5,977,790)	(+1,615,873)	(+359,686)
FY 2005	(5,672,000)	(5,072,000)	(5,072,000)	(-600,000)	---
Subtotal, Forward funded	(4,075,386)	(5,337,533)	(5,690,762)	(+1,615,376)	(+353,229)
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants	2,533,492	2,584,162	2,584,162	+50,670	---
Vocational Rehabilitation Incentive Grants	---	84,490	---	---	-84,490
Client Assistance State grants	12,068	11,897	12,068	---	+171
Training	39,371	42,629	39,371	---	-3,258
Demonstration and training programs	20,895	24,492	20,895	---	-3,597
Migrant and seasonal farmworkers	2,335	---	2,335	---	+2,335
Recreational programs	2,579	---	2,579	---	+2,579
Protection and advocacy of individual rights (PAIR)	16,890	17,880	16,890	---	-990
Projects with industry	21,928	---	21,928	---	+21,928
Supported employment State grants	37,904	---	37,904	---	+37,904
Independent living:					
State grants	22,151	22,296	22,296	+145	---
Centers	69,545	69,500	75,000	+5,455	+5,500
Services for older blind individuals	27,818	25,000	32,000	+4,182	+7,000
Subtotal, Independent living	119,514	116,796	129,296	+9,782	+12,500
Program Improvement	894	850	894	---	+44
Evaluation	994	1,000	994	---	-6
Helen Keller National Center for Deaf/Blind	8,660	8,717	8,717	+57	---
National Inst. Disability and Rehab. Research (NIDRR)	109,285	110,000	110,000	+715	---
Assistive Technology	26,824	---	11,132	-15,692	+11,132
Subtotal, discretionary programs	420,141	418,751	415,003	-5,138	-3,748
Total, Rehabilitation services	2,953,633	3,002,913	2,999,165	+45,532	-3,748
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	15,399	14,000	16,500	+1,101	+2,500
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID:					
Operations	52,109	49,414	53,500	+1,391	+4,086
Endowment	---	1,000	---	---	-1,000
Construction	1,590	367	367	-1,223	---
Total, NTID	53,699	50,781	53,867	+168	+3,086
GALLAUDET UNIVERSITY					
Operations	97,798	93,446	100,600	+2,802	+7,154
Endowment	---	1,000	---	---	-1,000
Total, Gallaudet University	97,798	94,446	100,600	+2,802	+6,154
Total, Special Institutions for Persons with Disabilities	166,896	159,227	170,967	+4,071	+11,740

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
VOCATIONAL AND ADULT EDUCATION					
Vocational Education:					
Basic State Grants/Secondary & Technical Education					
State Grants, current funded 2/	401,200	209,000	409,000	+7,800	+200,000
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---
FY 2005	791,000	791,000	791,000	---	---
Subtotal, Basic State Grants, program level	1,192,200	1,000,000	1,200,000	+7,800	+200,000
Tech-Prep Education State Grants	107,298	---	107,298	---	+107,298
National Programs	11,922	---	11,922	---	+11,922
Tech-Prep Education Demonstration	4,968	---	---	-4,968	---
Occupational and Employment Information Program	9,438	---	---	-9,438	---
Subtotal, Vocational Education	1,325,826	1,000,000	1,319,220	-6,606	+319,220
Adult Education:					
State Grants/Adult basic and literacy education:					
State Grants, current funded 2/	571,262	584,300	584,300	+13,038	---
National Programs					
National Leadership Activities	9,438	---	9,438	---	+9,438
National Institute for Literacy	6,517	6,732	6,517	---	-215
Subtotal, National programs	15,955	6,732	15,955	---	+9,223
Subtotal, Adult education	587,217	591,032	600,255	+13,038	+9,223
Smaller Learning Communities, current funded	8,047	---	8,750	+703	+8,750
Smaller Learning Communities, forward funded	152,900	---	166,250	+13,350	+166,250
Community Technology Centers	32,264	---	---	-32,264	---
Total, Vocational and adult education	2,106,254	1,591,032	2,094,475	-11,779	+503,443
Current Year	(1,315,254)	(800,032)	(1,303,475)	(-11,779)	(+503,443)
FY 2005	(791,000)	(791,000)	(791,000)	---	---
Subtotal, forward funded	(1,274,943)	(800,032)	(1,294,725)	(+19,782)	(+494,693)
STUDENT FINANCIAL ASSISTANCE					
Pell Grants -- maximum grant (NA)	(4,050)	(4,000)	(4,050)	---	(+50)
Pell Grants -- Regular Program	11,364,646	12,715,000	12,250,000	+885,354	-465,000
Federal Supplemental Educational Opportunity Grants	760,028	725,000	760,028	---	+35,028
Federal Work Study	1,004,428	1,011,000	1,004,428	---	-6,572

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Perkins Loans:					
Capital Contributions	99,350	---	99,350	---	+99,350
Loan Cancellations	67,061	67,500	67,061	---	-439
Subtotal, Federal Perkins loans	166,411	67,500	166,411	---	+98,911
LEAP program	66,565	---	66,565	---	+66,565
Loan Forgiveness for Child Care	994	---	---	-994	---
Total, Student Financial Assistance	13,363,072	14,518,500	14,247,432	+884,360	-271,068
STUDENT AID ADMINISTRATION					
Administrative Costs	104,703	947,010	120,010	+15,307	-827,000
Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	+795,000
HIGHER EDUCATION					
Aid for Institutional Development:					
Strengthening Institutions	81,467	76,275	81,467	---	+5,192
Hispanic Serving Institutions	92,396	93,551	93,551	+1,155	---
Strengthening Historically Black Colleges (HBCUs)	214,015	224,086	224,086	+10,071	---
Strengthening historically black graduate insts	53,415	53,302	53,415	---	+113
Strengthening Alaska & Hawaiian-Serving Insts	8,180	4,048	8,180	---	+4,132
Strengthening Tribal Colleges	22,850	19,037	22,850	---	+3,813
Subtotal, Aid for Institutional development	472,323	470,299	483,549	+11,226	+13,250
International Education and Foreign Language:					
Domestic Programs	93,240	88,000	93,240	---	+5,240
Overseas Programs	12,916	13,000	12,916	---	-84
Institute for International Public Policy	1,639	1,500	1,639	---	+139
Subtotal, International Education & Foreign Lang	107,795	102,500	107,795	---	+5,295
Fund for the Improvement of Postsec. Ed. (FIPSE)	171,064	39,138	39,138	-131,926	---
Minority Science and Engineering Improvement	8,942	8,500	8,942	---	+442
Interest Subsidy Grants	2,980	2,000	2,000	-980	---
Tribally Controlled Postsec Voc/Tech Institutions	6,955	6,500	6,955	---	+455
Federal TRIO Programs	827,089	802,500	835,000	+7,911	+32,500
GEAR UP	293,082	285,000	300,000	+6,918	+15,000
Byrd Honors Scholarships	40,734	41,001	40,734	---	-267
Javits Fellowships	9,935	10,000	9,935	---	-65
Graduate Assistance in Areas of National Need	30,798	31,000	30,798	---	-202
Teacher Quality Enhancement Grants	89,415	90,000	90,000	+585	---
Child Care Access Means Parents in School	16,194	15,000	15,000	-1,194	---
Demonstration in Disabilities / Higher Education	6,954	---	6,954	---	+6,954
Underground Railroad Program	2,235	---	2,235	---	+2,235
GPRA data/HEA program evaluation	994	1,000	994	---	-6
Thurgood Marshall Scholarships	4,968	---	4,968	---	+4,968
B.J. Stupak Olympic Scholarships	994	---	994	---	+994
Total, Higher education	2,093,451	1,904,438	1,985,991	-107,460	+81,553
NATIONAL SECURITY EDUCATION TRUST FUND 3/	---	8,000	---	---	-8,000
HOWARD UNIVERSITY					
Academic Program	204,690	207,100	208,170	+3,480	+1,070
Endowment Program	3,573	---	3,600	+27	+3,600
Howard University Hospital	30,177	30,374	31,000	+823	+626
Total, Howard University	238,440	237,474	242,770	+4,330	+5,296

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
College Housing and Academic Facilities Loans Program: (CHAFL)	757	774	774	+17	---
HBCU Capital Financing Program -- Federal Adm	207	210	210	+3	---
INSTITUTE OF EDUCATION SCIENCES					
Research and Statistics:					
Research	139,090	185,000	185,000	+45,910	---
Regional Educational Laboratories	67,061	---	67,061	---	+67,061
Statistics	89,415	95,000	95,000	+5,585	---
Assessment:					
National Assessment	90,235	90,825	90,825	+590	---
National Assessment Governing Board	4,532	5,090	5,090	+558	---
Subtotal, Assessment	94,767	95,915	95,915	+1,148	---
Subtotal, Research and statistics	390,333	375,915	442,976	+52,643	+67,061
Multi-year Grants and Contracts	57,623	---	57,623	---	+57,623
Total, IES	447,956	375,915	500,599	+52,643	+124,684
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	409,863	434,494	434,494	+24,631	---
OFFICE FOR CIVIL RIGHTS	85,715	91,275	91,275	+5,560	---
OFFICE OF THE INSPECTOR GENERAL	40,734	48,137	48,137	+7,403	---
Total, Departmental management	536,312	573,906	573,906	+37,594	---
Total: Elementary and Secondary Education Act programs	23,793,864	22,593,352	24,153,076	+359,212	+1,559,724
Total, Title III, Department of Education	55,646,251	55,807,855	57,964,165	+2,317,914	+2,156,310
Current Year	(38,390,950)	(40,796,554)	(42,952,864)	(+4,561,914)	(+2,156,310)
FY 2005	(17,255,301)	(15,011,301)	(15,011,301)	(-2,244,000)	---

Title III Footnotes:
1/ Reclassification of advance appropriations.
2/ FY 04 request assumes passage of proposed legislation renaming these State grant programs.
3/ In fiscal years 2002 and 2003, $8 million provided for this program in Defense Appropriations Acts.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - RELATED AGENCIES					
ARMED FORCES RETIREMENT HOME					
Operations and Maintenance	61,839	63,296	63,296	+1,457	---
Capital Program	5,732	1,983	1,983	-3,749	---
Total, AFRH	67,571	65,279	65,279	-2,292	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 1/					
Volunteers in Service to America (VISTA)	93,674	94,287	93,674	---	-613
Volunteers in Homeland Security	9,935	20,000	5,000	-4,935	-15,000
National Senior Volunteer Corps:					
Foster Grandparents Program	110,775	106,700	110,775	---	+4,075
Senior Companion Program	46,260	46,563	46,260	---	-303
Retired Senior Volunteer Program	58,501	58,884	58,501	---	-383
Senior Demonstration Program	397	---	397	---	+397
Subtotal, Senior Volunteers	215,933	212,147	215,933	---	+3,786
Program Administration	34,346	38,229	38,229	+3,883	---
Total, Domestic Volunteer Service Programs	353,888	364,663	352,836	-1,052	-11,827
CORPORATION FOR PUBLIC BROADCASTING:					
FY 2006 (current) with FY 2005 comparable	390,000	---	330,000	-60,000	+330,000
FY 2005 advance with FY 2004 comparable (NA)	(380,000)	(390,000)	(390,000)	(+10,000)	---
FY 2004 advance with FY 2003 comparable (NA)	(362,627)	(380,000)	(380,000)	(+17,373)	---
Digitalization program, current funded	48,427	---	---	-48,427	---
Funds provided in P.L. 107-116	---	(80,000)	(80,000)	(+80,000)	---
Interconnection, current funded	---	---	---	---	---
Funds provided in P.L. 107-116	---	(20,000)	(20,000)	(+20,000)	---
Subtotal, FY 2004 appropriation	48,427	---	---	-48,427	---
Subtotal, FY 2004 comparable	(48,427)	(100,000)	(100,000)	(+51,573)	---
FEDERAL MEDIATION AND CONCILIATION SERVICE	41,156	42,885	43,385	+2,229	+500
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,131	7,774	7,774	+643	---
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	243,889	242,024	238,126	-5,763	-3,898
MEDICARE PAYMENT ADVISORY COMMISSION	8,529	9,000	9,000	+471	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	1,003	1,000	1,000	-3	---
NATIONAL COUNCIL ON DISABILITY	2,839	2,830	2,830	-9	---
NATIONAL LABOR RELATIONS BOARD	237,429	243,073	239,429	+2,000	-3,644
NATIONAL MEDIATION BOARD	11,241	11,421	11,421	+180	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	9,610	10,115	10,115	+505	---
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account	131,142	127,000	119,000	-12,142	-8,000
Less Income Tax Receipts on Dual Benefits	-7,948	-8,000	-8,000	-52	---
Subtotal, Dual Benefits	123,194	119,000	111,000	-12,194	-8,000
Federal Payment to the RR Retirement Account	150	150	150	---	---
Limitation on Administration	99,350	99,820	101,300	+1,950	+1,480
Inspector General	6,322	6,600	6,600	+278	---
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds	20,400	21,658	21,658	+1,258	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	31,795,664	34,198,000	34,198,000	+2,402,336	---
Beneficiary services	45,728	100,000	100,000	+54,272	---
Research and demonstration	38,000	30,000	30,000	-8,000	---
Administration	2,825,000	3,034,000	2,973,300	+148,300	-60,700
Subtotal, SSI program level	34,704,392	37,362,000	37,301,300	+2,596,908	-60,700
Less funds advanced in prior year	-10,790,000	-11,080,000	-11,080,000	-290,000	---
Subtotal, regular SSI current year	23,914,392	26,282,000	26,221,300	+2,306,908	-60,700
Plus User Fee Activities	111,000	120,000	120,000	+9,000	---
Total, SSI, current request	24,025,392	26,402,000	26,341,300	+2,315,908	-60,700
New advance, 1st quarter, FY 2005	11,080,000	12,590,000	12,590,000	+1,510,000	---
Total, SSI, current request	35,105,392	38,992,000	38,931,300	+3,825,908	-60,700
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI Trust Funds	3,736,783	4,192,200	4,108,300	+371,517	-83,900
HI/SMI Trust Funds	1,210,554	1,182,000	1,158,400	-52,154	-23,600
Social Security Advisory Board	1,800	1,800	1,800	---	---
SSI	2,825,000	3,034,000	2,973,300	+148,300	-60,700
Subtotal, regular LAE	7,774,137	8,410,000	8,241,800	+467,663	-168,200
User Fee Activities (SSI)	111,000	120,000	120,000	+9,000	---
Total, Limitation on Administrative Expenses	7,885,137	8,530,000	8,361,800	+476,663	-168,200
OFFICE OF INSPECTOR GENERAL					
Federal Funds	20,863	25,000	24,500	+3,637	-500
Trust Funds	61,597	65,000	63,700	+2,103	-1,300
Total, Office of Inspector General	82,460	90,000	88,200	+5,740	-1,800
Adjustment: Trust fund transfers from general revenues	-2,936,000	-3,154,000	-3,093,300	-157,300	+60,700
Total, Social Security Administration	40,157,389	44,479,658	44,309,658	+4,152,269	-170,000
Federal funds	35,146,655	39,038,658	38,977,458	+3,830,803	-61,200
Current year	(24,066,655)	(26,448,658)	(26,387,458)	(+2,320,803)	(-61,200)
New advances, 1st quarter	(11,080,000)	(12,590,000)	(12,590,000)	(+1,510,000)	---
Trust funds	5,010,734	5,441,000	5,332,200	+321,466	-108,800
UNITED STATES INSTITUTE OF PEACE	16,256	17,200	17,200	+944	---
Total, Title IV, Related Agencies	41,825,374	45,722,492	45,857,103	+4,031,729	+134,611
Federal Funds	36,700,439	40,166,072	40,408,003	+3,707,564	+241,931
Current Year	(25,230,439)	(27,576,072)	(27,488,003)	(+2,257,564)	(-88,069)
FY 2005 Advance	(11,080,000)	(12,590,000)	(12,590,000)	(+1,510,000)	---
FY 2006 Advance	(390,000)	---	(330,000)	(-60,000)	(+330,000)
Trust Funds	5,124,935	5,556,420	5,449,100	+324,165	-107,320

Title IV Footnotes:

1/ Appropriations for Americorps are provided in the VA-HUD bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
SUMMARY					
Federal Funds	419,505,080	457,534,706	466,427,942	+46,922,862	+8,893,236
Current year	(332,112,793)	(364,598,430)	(373,161,666)	(+41,048,873)	(+8,563,236)
2005 advance	(87,002,287)	(92,936,276)	(92,936,276)	(+5,933,989)	---
2006 advance	(390,000)	---	(330,000)	(-60,000)	(+330,000)
Trust Funds	11,485,390	12,162,342	11,978,994	+493,604	-183,348
Grand Total	430,990,470	469,697,048	478,406,936	+47,416,466	+8,709,888
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	296,311,317	334,126,478	340,152,954	+43,841,637	+6,026,476
Less advances for subsequent years	-65,883,986	-74,061,975	-74,061,975	-8,177,989	---
Plus advances provided in prior years	60,353,937	65,883,986	65,883,986	+5,530,049	---
Total, mandatory, current year	290,781,268	325,948,489	331,974,965	+41,193,697	+6,026,476
Discretionary, total in bill	134,679,153	135,570,570	138,253,982	+3,574,829	+2,683,412
Less advances for subsequent years	-21,508,301	-18,874,301	-19,204,301	+2,304,000	-330,000
Plus advances provided in prior years	19,220,918	21,498,301	19,254,301	+33,383	-2,244,000
Scorekeeping adjustments:					
SSA User Fee Collection	-111,000	-120,000	-120,000	-9,000	---
Repatriation, change in statutory cap	5,000	---	---	-5,000	---
AWIU contingency	70,000	---	---	-70,000	---
Adjustment-OMB Mandatory scoring in Voc Rehab.	---	-84,490	---	---	+84,490
CMS User Fees	---	---	-98,000	-98,000	-98,000
CDC Management/IT Savings	---	---	-49,982	-49,982	-49,982
Rescission of CPB FY 2003 Advance	---	---	---	---	---
CPB FY 2003 S&E adjustment	182	---	---	-182	---
Total, discretionary	132,355,952	137,990,080	138,036,000	+5,680,048	+45,920
Adjustment to balance with 2003 enacted	-70,000	---	---	+70,000	---
Total, discretionary (FY 2003 enacted)	132,285,952	137,990,080	138,036,000	+5,750,048	+45,920
Grand total, current year (incl FY 2003 comparable)	423,137,220	463,938,569	470,010,965	+46,873,745	+6,072,396
Grand total, current year (incl FY 2003 enacted)	423,067,220	463,938,569	470,010,965	+46,943,745	+6,072,396

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
302(b) General Purposes Allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Permissible Cap Adjustment	---	---	---	---	---
Total Anticipated 302(b) Allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Total: Discretionary, current year	132,355,952	137,990,080	138,036,000	+5,680,048	+45,920
Anticipated 302(b) allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Amount over(+)/under (-) 302(b) allocation	956,952	137,990,080	---	-956,952	-137,990,080

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, the last 2 years the Republican majority has pushed $2 trillion in tax cuts through this House. A huge percentage of those cuts have been focused on the top 1 percent of earners in this country who make over 100,000 bucks a year. For those 2 years, the Republican Party has pretended that there are no costs associated with those tax cuts. Well, there are, and on this bill is where those costs become evident. This is where the chickens come home to roost.

Cost number one is $26 billion a year in additional interest payments that our taxpayers will have to pay next year because every single dollar of the tax cut that was passed was paid for with borrowed money.

The second cost that is incurred is that because all of the dollars have been put into tax cuts, "ain't no more money left" for Medicare fix-ups, "ain't no more money left" to do a real as opposed to a "let's pretend" prescription drug program, and there isn't nearly enough money left to make the necessary investments that American families depend upon in the education and health care and worker protection area, and this is where those consequences show up on this bill.

Now, what are the deficiencies? First of all, the Republican budget, which was the enabling legislation which enabled the tax cuts to come to this floor, the Republican budget resolution promised Republican moderates, in return for their votes on the budget resolution, they promised that Title I, which is the main education program that we use to help kids who need some help to stay abreast, they promised that Title I would be funded at $1 billion above last year. This bill contains the broken promise because this bill funds Title I $340 million below the amount promised in the Republican's own budget resolution.

Special education. Both parties compete with each other and claim how much they are in love with special education programs. Well, the Republican majority promised $2.2 billion in additional funding for special education if those moderates would just vote for that bill. Now, you bring the actual bill to the floor, and I said yesterday it is apparent the check is not in the mail because this bill is $1.2 billion short of the Republican promise in the budget resolution on that score. That is broken promise number two.

There is another way to measure it. The President, when he came into office, said, "Oh, he was not going to spend any more money on education until we reformed the programs." So we reformed the programs in the No Child Left Behind Act, all kinds of promises to the States and the local school districts, all kinds of mandates. That bill was the mother of all mandates, and yet today, if you take a look at how this bill or those programs compares to the funding schedule in that bill, this bill is $8 billion short, $8 billion short.

Then if you take a look at some of the details, after-school programs, now I know my good friend from Ohio is a strong supporter of those programs, but this bill is $750 million short of the No Child Left Behind promise for after-school programs.

Student aid: Pell grants, the principal program by which we help families send their kids to college, in 1975 Pell grants paid for 84 percent of the cost of a public education on average. This year it is down to 38 percent because this bill freezes Pell grants. In addition to that, the administration cuts the ability of Pell grant recipients to use their full State and local tax deduction in determining their eligibility for Pell grants. So that is another chiseling away at benefits we provide families to go to college.

Now move to the health care front. For 5 years we have almost doubled funding at NIH, the institute which provides for most of the medical research in this country, but this bill puts the brake on that 5-year progress. The result? Grants for new programs and competitive renewal of existing or of expiring grants will go up by only two-tenths of 1 percent for a grand total of 21 grants, the smallest increase in 15 years.

I invite Members of this House, tell the 1.3 million people who are going to get cancer this year, tell the 1 million people who are going to find out they have diabetes, tell the 60,000 people who are going to get Parkinson's, tell them that it is more important to give an $88,000 tax cut to somebody who makes $1 million a year than it is to continue our efforts to attack those diseases at full throttle.

We hear this nonsense about how NIH needs some breathing time in order to absorb the money that we have already given them. Baloney. Less than 35 percent of all of the grants that are approved as being quality science are ever funded. Tell me there is not a need.

Or if you want to move on, the nursing, the new nursing act that passed last year, every politician in this House wrote to every nurse in their district and said, "we love you, we are all for this program." Where is the money to make it reality? No new money in this bill for that program.

Then if you take a look at community service block grant, money that we provide that is used to help families that are poor and near poor, cut by 150 million bucks.

Low-income heating assistance program: I started that program with Ed Muskie back in the 1970s, and we had a lot of help from a lot of Republicans, including Silvio Conte. What has happened to that bill today? We have been told, on one hand, we have been told by the Republican members of our committee, correctly so, that we are going to have a big increase in natural gas prices. How does the committee respond? By cutting the low-income heating assistance program by 200 million bucks. I do not think that is a very smart thing to do.

So basically, these are just a few areas in which this bill is deficient. So what we are going to try to do, despite the fact that the rule turned us down, we are going to try to offer two amendments on this side of the aisle.

We are going to try to add $2.8 billion in additional education funding, to add $340 million more for Title I, $1.2 billion for special education. We are going to try to raise Pell grant, the maximum grants, by $150. In the health care area, we are going to add some money to the rural health program. We are going to add some funding to our chem/bio response capability. We are going to try to double the rate of increased funding for NIH so that we can have a 6 percent increase in new and competing grants. We are going to fund that nursing act. We are going to try to provide $450 million in increased funding for low-income heating assistance. We are going to restore the $150 million cut for the CSBG program. We are going to put $82 million back in the older Americans bill so that we do not have to cut out 3 million congregate meals for senior citizens this year, and so that we do not have to cut out 4 million meals for the Meals on Wheels program.

How are we going to pay for it? We are going to pay for it by cutting the tax cut that people who earn more than a million bucks a year would get from $88,000 that they are now scheduled to get to a mere $60,000. My goodness me, they are going to be stuck on a starvation diet this year, poor folks.

Then we are going to try a second amendment which will raise the matching rate for Medicaid for each State so that we can prevent every State in the Union from knocking kids off the Medicaid or the SCHIP rolls.

Mr. Chairman, we ought to be ashamed of ourselves that we are making kids pay for tax cuts for millionaires by giving up their eligibility for health care. That is an outrageous set of priorities, but it is one which is enforced on this country by the majority party actions in ramming those giant-size tax cuts for high-income people through this House.

We are not saying that those who make $1 million a year should not get a tax cut like everybody else. We are saying that we ought to limit, through the action of our first amendment and the second amendment, all we are saying is when you put those two together, we simply want to limit the size of their tax cut to $44,000 on average instead of $88,000. And I will bet you that if you ask 90 percent of those people, they will say that they would much prefer that we provide the money for these kids and provide the money for their education rather than give them a supersize tax cut.

So, Mr. Chairman, that is what we are going to try to do today because this budget process has been handled in such a way that the majority party has tried to obscure, at every opportunity they have tried to obscure the linkage between their actions on taxes and the resulting actions on education, health care and other needed services for the citizens of this country.

What our amendments will try to do is to reestablish those linkages so that people understand there are consequences to the choices that we make, and those consequences fall most heavily on the people who most need our help.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield so much time as he may consume to the gentleman from Florida (Mr. YOUNG), the Chairman of the full Committee on Appropriations, and I want to say he did a wonderful job in getting us a very substantial allocation to meet these needs.

□ 1130

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Ohio (Mr. REGULA) for yielding me this time, and I want to compliment and congratulate him and the gentleman from Wisconsin (Mr. OBEY), as the chairman and ranking member of the subcommittee, for doing a really good job in allocating the money that was available. As Chairman REGULA has said, there is an increase in the 302(b) allocation for this bill over last year. The gentleman from Wisconsin and the gentleman from Ohio have worked extremely hard to try to balance the funding so that we meet the responsibilities in this bill.

I support the bill. I think it is a good bill. I know that there are a lot of things that Members would like to do and there are a lot of other items that they would like to see funded. But there is a limitation on the amount of money. As everyone knows, we have a budget resolution that did not make our job easy, but it is still the budget resolution, like it or not.

I know that there are many Members who would like to add additional money, because for the 13 appropriation bills, I have received requests from Members that totaled more than $50 billion to add over and above the allocated amount that was provided in the budget resolution. However, we cannot do all of the requests, and we have to do the best we can with what we have. I think the committee has done a really outstanding job. I have been a member of this committee for a long, long time; and I know the members of this subcommittee are diligent and very respectful of their responsibilities.

One thing this bill is not: this bill is not a tax bill. I understand that my friend, the gentleman from Wisconsin (Mr. OBEY), has made this case strongly and he feels very strongly about it. But the fact of the matter is that this is not a tax bill. We do not do taxes in the Committee on Appropriations. That is a Ways and Means responsibility. So I think we have worked together very well to produce this bill. I think we have worked together very well to reach an agreement on the process for this bill.

I believe that sometime today we will have a unanimous consent request that will accommodate Members to have our work concluded by 5 p.m., hopefully. And again I appreciate the gentleman from Wisconsin (Mr. OBEY) very much and Chairman REGULA for working together on this.

Now, if I can just take a minute, I want to give the Members an update on where we are in the appropriations process. As usual, we got off to a slow start because there were some budget decisions that had to be made, that should have been made prior to voting on the budget resolution; but that was not done. However, I want to report that of the 13 appropriation bills, 10 have already been marked up in subcommittee. The 11th will be marked up tomorrow.

We have already marked up seven of these bills in full committee. We have already concluded in the House the Homeland bill, the Military Construction bill, the Defense bill, the Legislative bill, and today we will finish the Labor-HHS bill. So a lot of the heavy lifting has already been done.

By the time we break for the August recess, if we are allowed to maintain the schedule that we have set, we will have passed 11 of the 13 appropriation bills, which is much better than we did last year because of some other budgetary problems. The remaining two bills will be out of the full committee by August recess, but there will not be time to schedule them for floor action, so we will take those up early in September. Senator STEVENS has advised me that we are going to move quickly in the conferences, so we should have our work done in a reasonable timeframe.

Again, I want to express my support for this bill. I want to express my appreciation for everyone who worked so hard to make this bill happen. This is not an easy bill. The defense bill is about half of the total discretionary funds. This bill is about one third of the remaining discretionary funds after defense, and so it is a big bill. The committee has done a good job, and I have tremendous respect for the committee and the subcommittee and the staff for the good job that they have done, understanding that a lot of people would like to have a lot more money, but there was only so much money to go around.

Anyway, I thank the gentleman, I appreciate his yielding time to me, and I support the bill.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I forgot, but I want to state here and now that I have the greatest respect for the gentleman from Ohio (Mr. REGULA) and certainly the gentleman from Florida (Mr. YOUNG). And I know that the gentleman from Ohio, as chairman of this subcommittee, if more money would have been available, would have put the money in the right places. His heart is in the right place. I understand that.

My problem is that the policy of the majority party has prevented Chairman REGULA from being Chairman REGULA. The problem is that we are told as a result of the tax cuts that we can somehow afford $2 trillion in tax cuts over the next decade, over 40 percent of which are targeted at the wealthiest 1 percent of the people in this country, but somehow we cannot afford $3 billion, not trillion, but $3 billion more to educate our kids, or $3 billion more to help see to it that kids do not lose their health coverage in a time of national economic problems. I think that is a sad, sad commentary on the priorities of this Congress.

Mr. Chairman, I yield 6 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time; and let me start, as so many of us do on the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, by saying how much respect we have, affection we have for the chairman of our committee. No committee has a fairer chairman. No committee has a chairman any more committed to the welfare of the American people than the Committee on Appropriations. As we are blessed to have the gentleman from Florida (Mr. YOUNG) as the chairman of our committee, we are fortunate as well to have the gentleman from Ohio (Mr. REGULA) as the chairman of this subcommittee.

As the gentleman from Wisconsin (Mr. OBEY) has said, both of these gentlemen care deeply about this country and care deeply about the people of this country. I have served on this committee, as Chairman YOUNG said, with him for a long, long time. I do not believe this is the bill of the gentleman from Florida (Mr. YOUNG). I do not believe it is the bill of the gentleman from Ohio (Mr. REGULA). It is, however, their response to the realities that confront them, and the gentleman from Ohio pointed that out.

But, Mr. Chairman, on January 8, 2002, on a stage in Hamilton, Ohio, President Bush signed the bipartisan No Child Left Behind Act. Surrounded by Members from both sides of the aisle, including chairman of the House Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), and the ranking member of that committee, the gentleman from California (Mr. GEORGE MILLER), as well as Senators KENNEDY and GREGG, the President recognized that the landmark legislation essentially was a contract with the American people. The No Child Left Behind Act demanded greater accountability and expectations in our education system; and in return, it promised, it contracted with States, with teachers, with parents, with America to provide educators greater resources to accomplish our shared goals and responsibilities.

Let me quote: "A fourth principle of this act," the President said, "is that we are going to spend more money, more resources, but they will be directed at methods that work." So we asked Maryland, we asked Ohio, and we asked Florida to perform certain responsibilities; but we said in the process that we would provide them the resources to accomplish those responsibilities.

Well, today, my colleagues, the Republican Party in this House of Representatives has decided, very frankly, that they will break its contract, the GOP's promise with the American people. This Labor-HHS-Education appropriation bill is an unflinching betrayal of the No Child Left Behind Act and a betrayal of children and parents and educators all over this country. While educators and local school districts all across this Nation have begun implementing the new accountability measures under this act, this bill falls $8 billion short of the promise that was made.

Our Republican friends undoubtedly will get up on this floor and say that they are increasing education funding. But here is what they will not say. The funding in this bill, after inflation, is tantamount to a funding freeze. Yes, my colleagues can provide $162 billion in estate tax cuts for the wealthiest families in America, a tax cut that will cost an estimated $750 billion in the decade after 2013, but they cannot keep their promise in funding the No Child Left Behind Act.

Two months ago, in the conference report on the budget resolution, this Republican majority promised, promised a $3 billion increase for the Department of Education. Today, it would underfund that commitment by $700 million, the smallest percentage increase in 8 years. Two months ago, this Republican majority promised an increase in IDEA funding, that is for the disabled children he spoke to, by $2.2 billion. Today, it would provide less than half that promised increase. Two months ago, this Republican majority promised an increase in title I funding by $1 billion. Today, it falls a third of a billion dollars short of that promise.

Furthermore, it cuts LIHEAP, low-income assistance. If Silvio Conte were here, a Republican from Massachusetts, he would be on the warpath saying how irresponsible that was. Even the Bush administration, in a statement of administration policy issued yesterday, and my distinguished chairman said some people say we are not spending enough money, well, "some people" includes George Bush, the President of the United States. He said he was disappointed that the LIHEAP funding level is $200 million less than he asked for. Not Democrats; that the President asked for.

In addition, this bill unravels our bipartisan commitment to increased funding for scientific and medical research. It slashes unemployment programs at a time when the unemployment picture is worse than it has been in a decade and where we have produced the least number of jobs of any administration in half a century. It fails to meet our commitment to address the nursing shortage, which the gentleman from Wisconsin (Mr. OBEY) spoke to as well.

Finally, I want to urge my colleagues to support the amendment that will be offered by the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Wisconsin (Mr. OBEY) that would bar the Labor Department from spending money on regulations that undermine the 40-hour workweek once again. I urge my colleagues to vote against this bill.

Let me say in closing to my distinguished chairman that when he said we are not the Committee on Ways and Means, he is absolutely correct. But, my colleagues, we cannot, like Pontius Pilate, wash our hands of the responsibility of leaving children behind.

Vote against this bill. Vote for the Obey amendments to add the dollars necessary to fund what the President says we ought to do.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume to just comment and again point out that we have doubled education funding in the last 8 years. We have tripled the amount that goes to special needs children. We have a 2.7 percent increase in this bill over last year, and I think a lot of people in the United States will be happy to get a 2.7 percent pay raise. I am just saying we are doing the best we can with the resources that are available.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I think the gentleman is correct. And I said that at the beginning, that I think the chairman is doing the best with what he has been given. Our only argument is that he has not been given enough to meet the commitments made in the Republicans' budget and the President's request and the legislation we passed to leave no child behind.

But I think the gentleman is accurate, he has done the best he could with the resources he was given.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I would add one more comment. We have a different situation as a result of 9-11. We have responsibilities that have absorbed funds that otherwise might be available here.

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a very valued member of our subcommittee.

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Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Ohio (Mr. REGULA) and compliment him on a good process in tough times.

I have listened to the discussion so far this morning, and I find there are two different schools of thought here on the floor. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. HOYER) I think believe from my long years of friendship with them, and I consider them friends, they believe that our future in this country depends on what we spend here.

I do not agree with that. I believe our future depends on the opportunities we provide to have good jobs for people to be self-sufficient, to be employed, and to pay taxes. All the programs we provide here help those who cannot participate in that and help them get the education they need and the health care they need.

We keep hearing about these horrible, huge tax cuts. A huge number of the taxpayers they keep talking about are employers. They are people who provide our children and our grandchildren jobs. They are the growth part of this country. They are individual family businesses who, through subchapter S corporations, pay the individual tax rate.

Now I have been in government quite awhile. I have been in business and government about the same length of time. I was in local government, State government and now in Washington. There is a rule that I believe in: If you want less of something, tax it. If you want less, tax it again. The more you tax something, the less you will have of it. If you want something to prosper, tax it less. The theory is the individual family businesses that pay that individual rate, they are the ones that are growing this country, not the global corporations, not these huge companies that we talk about. It is those family businesses. The more we tax them, the less their business can grow because as they make profits, and I know businesses that have poured all of their profits back into the company, buying machines, putting more people to work because they did not have to pay it in taxes.

We cannot have it both ways. The more we prevent them from growing, the more programs we are going to need to support the people that do not have jobs. So the tax cuts Members rail against are the hope of our young people, and I will debate that issue with Members any time.

We heard that in education title I, a $666 million increase was categorized as a $340 million cut. In IDEA, a $1 billion increase was characterized as a $1.2 billion shortfall, but let us talk about IDEA a minute. When I came here, we were at 5–6 percent of the 40 percent that we had promised. We are now at 20 percent. That is a wonderful, huge increase that did not happen when the other party was in control.

NIH, we doubled their budget and they are now at $27.7 billion. This year they will have an additional $1.7 billion in new research funding. We can play with those numbers and some of last year's money went into construction of buildings and things, but in reality they will have a $1.7 billion increase in research funding.

To conclude my comments, yes, we stand for helping people have a job, and to help people have a job, we help businesses grow by cutting the individual tax rate that prevents them from putting that money back into their business. The big taxpayers in this country, the bulk of them are businesses that are putting our people to work. I am for growing them so that our social programs will be less needed.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I believe opportunity is the key, but I think it is very difficult to have opportunity if you do not have an education. It is very difficult to have opportunity if you do not have decent health.

The only choice before us is what we think is more important: Using $6 billion to provide better education for our kids and making sure that kids are not knocked off health care rolls around the country, or whether to use that $6 billion to make sure that people who make more than $1 million a year get an $88,000 tax cut rather than a $44,000 tax cut. That is the only issue before us here today.

I am highly amused when I hear Republicans come to the floor and talk about how much they have done for education. I want to show what the record shows because I negotiated every one of the education budgets for the last 10 years. I was one of the four people in the room when the numbers were decided.

Here is what happened. In fiscal year 1995, the Republican House majority tried to cut $1.7 billion from the previous education budget. They tried to abolish the Department of Education, and they even shut down the government to try to force President Clinton to swallow those priorities. They lost.

In fiscal year 1996, thc House Republicans tried to cut $3.6 billion from the previous year's education funding. They lost.

In 1997, the House Republicans tried to cut $2.8 billion from the Clinton budget for education. They failed.

In 1998, the House Republicans tried to cut $660 million from the Clinton education budget. They failed.

In fiscal year 2000, the House Republicans tried to cut $1.4 billion from the Clinton budget, they failed.

In 2001, they tried to cut $3 billion out of the Clinton budget for education. They failed.

Now they are trying to take credit for their failures. I find that interesting; I find that fascinating. I would call it near-Enron accounting. By all means if they want to climb on board and claim that they were funding that they tried to stop, be my guest. The country knows otherwise. Nobody believes them. All I can say is that in Washington the worse thing that can happen to a politician is when they believe their own baloney, and we have heard a lot of it here today.

THE HOUSE REPUBLICAN RECORD ON EDUCATION FUNDING

Lately, the Republican Majority has attempted to claim credit for education funding increases, and to reinvent their record on education. Just a few years ago, however, Republicans were calling for the demise of the Department of Education and billions in education cuts.

If the House Republican position on education had prevailed over a 9-year period, House Republicans would have spent $20 billion less on education.

One of the first actions of the new House Republican majority in the spring of 1995 was to rescind $1.7 billion ($1.635 billion in HR 1158 and $65 million in HR 889) in FY 1995 education funding. Democrats succeeded in reducing the final rescissions to less than $600 million.

House Republicans then led an attack on education in the FY 1996 Labor-HHS-Education appropriations bill when they proposed only $20.8 billion for the Department of Education—a cut of $3.6 billion below the already-reduced FY 1995 level and $5.0 billion below President Clinton's education request. The House Republican LHHS bill was $2.0 billion below the final conference version of the LHHS bill supported by Democrats, which restored the majority of the Republican cuts.

House Republicans passed a FY 1997 LHHS-Education appropriations bill that provided $22.8 billion for education, a cut of $2.8 billion below the request and $3.6 billion below the final conference level for education. Democrats and President Clinton were successful not only in reversing these Republican-led cuts, but increasing education funding in real terms, to the funding levels approved in the last Democratic Congress.

Following the 1997 bipartisan budget agreement, the FY 1998 LHHS-Education appropriations bill included a bipartisan agreement to provide $29.3 billion for education. Democrats secured an additional $410 million in the final conference version of the bill.

House Republicans were back to their old tricks in FY 1999. They could not even pass their FY 1999 LHHS bill—it was so mired in controversy. The Republican LHHS bill reported by the Appropriations Committee included $30.5 billion for education, $2.6 billion less than the $33.1 billion provided in the final conference agreement on LHHS.

In the House of Republican FY 2000 Labor-HHS-Education bill reported by the Committee—a bill that never saw the light of day on the House floor—$33.3 billion was included for education, nearly $2.4 billion less than the $35.7 billion included in the final conference agreement.

In FY 2001, House Republicans included $37.1 billion in the House-passed Labor-HHS-Education Appropriations bill. This amount was a stunning $.9 billion below the amount secured by the Clinton White House and Congressional Democrats for education in the final conference agreement ultimately reached in December 2000.

In FY 2002, House Democrats succeeded in obtaining a commitment from President Bush to support another $4 billion for the FY 2002 LHHS 302(b) allocation. As a result, the House-passed LHHS bill provided $49.3 billion for education, an increase of $4.7 billion over the Bush request. The House level was scaled back slightly (by $336 million) in the final conference agreement.

In FY 2003, House Republicans punted on the Bush education budget, which would have cut No Child Left Behind programs by $90 million—until after the elections. Although they failed to hold a subcommittee or committee mark up, House Republicans introduced a LHHS bill that provided the President's request of $50.3 billion. This Republican LHHS bill was $2.8 billion below the final level agreed to in the FY 2003 omnibus bill.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	25,804	20,797	22,812	−5,007	−2,016
FY 1997	25,561	22,756	26,324	−2,805	−3,568
FY 1998	29,522	29,331	29,741	−191	−410
FY 1999	31,185	30,523	33,149	−662	−2,625
FY 2000	34,712	33,321	35,703	−1,391	−2,383

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS—Continued

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 2001	40,095	37,142	42,092	−2,953	−4,949
FY 2002	44,541	49,268	48,932	4,727	336
FY 2003	50,310	50,310	53,113	0	−2,803
FY 1996 to FY 2001	186,879	173,870	189,820	−13,009	−15,951
FY 1996 to FY 2003	281,730	273,448	291,865	−8,282	−18,418
FY 2004	53,139	55,380	na	2,241	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in H.R. 246, a LHHS bill introduced by Chairman Regula. Shaded areas are years in which there was a bipartisan agreement on the House-passed Labor, HHS, Education Appropriations Bill. Figures reflect CBO scoring which may differ from OMB scoring in certain years.

In FY 1995, the House GOP proposed $1.7 billion in rescissions, of which $577 million were enacted.

REPUBLICAN RECORD ON TITLE 1

If House Republicans had had their way, funding for Title 1 would have been cut between FY 1996 and FY 2003 by a net total of $3.4 billion below the final levels that were enacted into law.

House Republicans led an attack on education in the FY 1996 Labor-HHS-Education appropriations bill when they proposed only $5.6 billion for Title 1—slashing Title 1 funding by $1.14 billion below the previous year's level. The House Republican bill was $1.18 billion below the final conference version of the LHHS bill which rejected the Republican cuts.

In FY 1997, House Republicans included $6.8 billion for Title 1 grants in the FY 1997 LHHS-Education appropriations bill, a cut of $414 million below the request and $443 million below the final conference level for education.

Following the 1997 bipartisan budget agreement, the House-passed FY 1998 LHHS-Education appropriations bill included a bipartisan agreement to provide $7.7 billion for Title 1, an increase of $150 million over the request. This amount was scaled back slightly in conference to $7.5 billion.

House Republicans were back to their old tricks in FY 1999. They could not even pass their FY 1999 LHHS bill—it was so mired in controversy. The Republican LHHS bill reported by the Appropriations Committee included $7.4 billion for Title 1, $421 million less than the $7.7 billion provided in the final conference agreement on LHHS.

In the House Republican FY 2000 Labor-HHS-Education bill reported by the Committee—a bill that never saw the light of day on the House floor—Republicans proposed to freeze title 1 funding at $7.7 billion—$209 million less than the $7.9 billion included in the final conference agreement.

In FY 2001, House Republicans again proposed to freeze Title 1 grants at $7.9 billion in the House-passed Labor-HHS-Education Appropriations bill. this amount was $660 million below the amount secured by the Clinton White House and Congressional Democrats for education in the final conference agreement ultimately reached in December 2000.

In FY 2002, House Democrats succeeded in obtaining a commitment from President Bush to support another $4 billion for the FY 2002 LHHS 302(b) allocation. As a result, the bipartisan House-passed LHHS bill provided $10.5 billion for Title 1, a $1.7 billion increase that was the largest increase in the program's history. This amount was slightly scaled back (by $150 million) in the final conference agreement to $10.35 billion.

In FY 2003, House Republicans punted on the Bush education budget, which would have cut No Child Left Behind programs by $90 million—until after the elections. Although they failed to hold a subcommittee or committee mark up, House Republicans introduced a LHHS bill that included $10.85 billion for Title 1, cutting the President's request by $500 million. This Republican LHHS bill was $834 million below the final $11.7 billion included for Title 1 in the FY 2003 omnibus bill.

TITLE 1 GRANTS TO SCHOOL DISTRICTS

[Discretionary budget authority program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	7,000	5,555	6,730	−1,445	−1,175
FY 1997	7,165	6,751	7,194	−414	−443
FY 1998[1]	7,541	7,691	7,495	150	195
FY 1999	7,767	7,375	7,796	−392	−421
FY 2000	7,996	7,732	7,941	−264	−209
FY 2001	8,358	7,941	8,602	−416	−660
FY 2002[1]	9,062	10,500	10,350	1,438	150
FY 2003	11,350	10,850	11,684	−500	−834
FY 1996–2003				−1,842	−3,397
FY 2004	12,350	12,350	na	0	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed Labor, HHS, Education Appropriations Bill.

REPUBLICAN RECORD ON IDEA PART B STATE GRANTS

If House Republicans had had their way, funding for IDEA Part B State Grants—which finance the federal contribution toward excess special education costs—would have been cut between FY 1996 and FY 2003 by a net total of $2.8 billion below the final levels that were enacted into law.

In FY 1996, the House Republican LHHS bill proposed to freeze IDEA Part B state grants at $2.3 billion, and the final conference level was $2.3 billion. This was a $88 million cut below President Clinton's request of $2.4 billion.

In FY 1997, the House Republican LHHS bill would have frozen IDEA Part B state grants funding at $2.3 billion—a level $279 million below President Clinton's request of $2.6 billion and $784 million below the final conference level of $3.1 billion.

In FY 1998—a bipartisan year in which Democrats supported the LHHS bill—the LHHS bill adopted by the House provided $3.4 billion for the IDEA Part B state grants, $185 million more than the request. Democrats secured an additional $375 million in conference above the House level for a final appropriation of $3.8 billion.

In FY 1999, the House Republican LHHS bill provided $4.3 billion for IDEA Part B state grants and this level was enacted in the final, conference agreement.

In FY 2000, the House Republican bill provided $4.8 billion for IDEA Part B state grants, $179 million below the final conference level of $5.0 billion.

In FY 2001, the House Republican bill provided only $5.5 billion for IDEA Part B state grants, an amount that was $850 million below the final $6.3 billion approved in conference.

In FY 2002—a bipartisan year in which Democrats supported the LHHS bill—the House-passed LHHS bill provided $7.7 billion for IDEA Part B state grants, a $186 million increase over the final conference level of $7.5 billion.

In FY 2003, the House never even considered the LHHS bill. However, the Republican LHHS bill introduced by Chairman Regula recommended $8.0 billion for IDEA Part G state grants, a $500 million cut below the President's request and $846 million below the final conference level.

IDEA PART B STATE GRANTS

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP compared to conference
FY 1996	2,412	2,324	2,324	−88	0
FY 1997	2,603	2,324	3,108	−279	−784
FY 1998[1]	3,241	3,426	3,801	185	−375
FY 1999	3,811	4,310	4,310	499	0
FY 2000	4,314	4,811	4,990	497	−179
FY 2001	5,280	5,490	6,340	210	−850
FY 2002[1]	7,340	7,715	7,529	375	186
FY 2003	8,529	8,029	8,874	−500	−846
FY 1996–2003				898	−2,847
FY 2004	9,529	9,874	na	346	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed LHHS bill.

INDIVIDUALS WITH DISABILITIES ACT

Fiscal year	Children served (000)	Appropriation ($000)	Dollar increase in appropriation	Percent increase in appropriation	Federal share as a % of APPE
1977	3,485	251,770	na	na	5
1978	3,561	566,030	314,260	124.8	10
1979	3,700	804,000	237,970	42.0	13
1980	3,803	874,500	70,500	8.8	12
1981	3,941	874,500	0	0.0	10
1982	3,990	931,008	56,508	6.5	10
1983	4,053	1,017,900	86,892	9.3	10
1984	4,096	1,068,875	50,975	5.0	9
1985	4,124	1,135,145	66,270	6.2	9
1986	4,121	1,163,282	28,137	2.5	8
1987	4,167	1,338,000	174,718	15.0	9
1988	4,236	1,431,737	93,737	7.0	9
1989	4,347	1,475,449	43,712	3.1	8
1990	4,419	1,542,610	67,161	4.6	8
1991	4,567	1,854,186	311,576	20.2	9
1992	4,727	1,976,095	121,909	6.6	8
1993	4,896	2,052,728	76,633	3.9	8
1994	5,101	2,149,686	96,958	4.7	8
1995	5,467	2,322,915	173,229	8.1	8
1996	5,629	2,323,837	922	0.0	7
1997	5,806	3,107,522	783,685	33.7	9
1998	5,978	3,801,000	693,478	22.3	11
1999	6,133	4,301,000	500,000	13.2	11
2000	6,274	4,976,685	675,685	15.7	12
2001	6,381	6,323,685	1,347,000	27.1	14
2002	6,483	7,512,533	1,188,848	18.8	16
2003	6,580	8,858,398	1,345,865	17.9	18
2004 Request	6,672	9,512,533	654,135	7.4	19

Note.—Annual appropriations exclude funding for studies and evaluations.
Source: Data provided by the U.S. Department of Education Budget Service.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Just to keep the record straight, the Democrats had control of the Presidency, the House and the Senate in fiscal years 1994 and 1995. During this time, Congressional Democrats voted to cut the Department of Education by over $3 billion below levels recommended by President Clinton. The fiscal year 1994 increase was only 3.6 percent, and 1995 was only 2.4.

In fiscal year 1993, a Democrat-controlled House and Senate passed a final bill that cut President Bush's education budget by nearly $700 million. I think we have to stick with the facts here today. It is obvious that there have been some different approaches in the past.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I received unanimous consent earlier to insert a table after my remarks, which I will do, which will lay out clearly what the record has been over the last 10-year period.

All I would say in further rebuttal to my good friend: Regardless of what each of us argues the past shows, the issue today is whether we are for $6 billion more for education and health care for kids and sick people, or whether you are for using that $6 billion to make sure that our struggling millionaires get a double-sized tax cut. I think the public will see by the votes who is for what.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	25,804	20,797	22,812	−5,007	−2,016
FY 1997	25,561	22,756	26,324	−2,805	−3,568
FY 1998[1]	29,522	29,331	29,741	−191	−410
FY 1999	31,185	30,523	33,149	−662	−2,625
FY 2000	34,712	33,321	35,703	−1,391	−2,383
FY 2001	40,095	37,142	42,092	−2,953	−4,949
FY 2002[1]	44,541	49,268	48,932	4,727	336
FY 2003	50,310	50,310	53,113	0	−2,803
FY 1996 to FY 2001	186,879	173,870	189,820	−13,009	−15,951
FY 1996 to FY 2003	281,730	273,448	291,865	−8,282	−18,418
FY 2004	53,139	55,380	na	2,241	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed Labor, HHS, Education Appropriations Bill. Figures reflect CBO scoring which may differ from OMB scoring in certain years.

In FY 1995, the House GOP proposed $1.7 billion in rescissions, of which $577 million were enacted.

THE HOUSE REPUBLICAN RECORD ON EDUCATION FUNDING

Lately, the Republican Majority has attempted to claim credit for education funding increases, and to reinvent their record on education. Just a few years ago, however, Republicans were calling for the demise of the Department of Education and billions in education cuts.

If the House Republican position on education had prevailed over 9-year period, House Republicans would have spent $20 billion less on education.

One of the first actions of the new House Republican majority in the spring of 1995 was to rescind $1.7 billion ($1.635 billion in HR 1158 and $65 million in HR 889) in FY 1995 education funding. Democrats succeeded in reducing the final rescissions to less than $600 million.

House Republicans then led an attack on education in the FY 1996 Labor-HHS-Education appropriations bill when they proposed only $20.8 billion for the Department of Education—a cut of $3.6 billion below the already-reduced FY 1995 level and $5.0 billion below President Clinton's education request. The House Republican LHHS bill was $2.0 billion below the final conference version of the LHHS bill supported by Democrats, which restored the majority of the Republican cuts.

House Republicans passed a FY 1997 LHHS-Education appropriations bill that provided $22.8 billion for education, a cut of $2.8 billion below the request and $3.6 billion below the final conference level for education. Democrats and President Clinton were successful not only in reversing these Republican-led cuts, but increasing education funding in real terms, to the funding levels approved in the last Democratic Congress.

Following the 1997 bipartisan budget agreement, the FY 1998 LHHS-Education appropriations bill included a bipartisan agreement to provide $29.3 billion for education. Democrats secured an additional $410 million in the final conference version of the bill.

House Republicans were back to their old tricks in FY 1999. They could not even pass their FY 1999 LHHS bill—it was so mired in controversy. The Republican LHHS bill reported by the Appropriations Committee included $30.5 billion for education, $2.6 billion less than the $33.1 billion provided in the final conference agreement on LHHS.

In the House Republican FY 2000 Labor-HHS-Education bill reported by the Committee—a bill that never saw the light of day on the House floor—$33.3 billion was included for education, nearly $2.4 billion less than the $35.7 billion included in the final conference agreement.

In FY 2001, House Republicans included $37.1 billion in the House-passed Labor-HHS-Education Appropriations bill. This amount was a stunning $4.9 billion below the amount secured by the Clinton White House and Congressional Democrats for education in the final conference agreement ultimately reached in December 2000.

In FY 2002, House Democrats succeeded in obtaining a commitment from President Bush to support another $4 billion for the FY 2002 LHHS 302(b) allocation. As a result, the House-passed LHHS bill provided $49.3 billion for education, an increase of $4.7 billion over the Bush request. The House level was scaled back slightly (by $336 million) in the final conference agreement.

In FY 2003, House Republicans punted on the Bush education budget, which would have cut No Child Left Behind programs by $90 million—until after the elections. Although they failed to hold a subcommittee or committee mark up, House Republicans introduced a LHHS bill that provided the President's request of $50.3 billion. This Republican LHHS bill was $2.8 billion below the final level agreed to in the FY 2003 omnibus bill.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that debate was held when we had the Ways and Means bill. Today we have to work with what we have.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. WELDON), a valued member of our subcommittee.

Mr. WELDON of Florida. Mr. Chairman, I commend the gentleman from Ohio (Mr. REGULA) and the full committee chairman for bringing this bill to the floor. This bill funds a lot of critical health investments, but being a Republican, I must say that in many past years I have been very concerned about this bill. It would often have significant increased levels of funding well above and beyond the inflationary level. We would have inflation going at 2 and 3 percent, and in some of these previous Labor-HHS appropriations bills, there have been 10–15 percent funding increases.

I was particularly concerned about this issue this year. We have had a significant decline in revenue into the Federal Treasury, mainly due to the recession. We have had significant expenses associated with the war on terror, the wars in Afghanistan and Iraq, and I think the chairman of the Committee on Appropriations should be commended. He has brought a bill to the floor that is a total of $138 billion, $46 million over the budget request, $3.6 billion over comparable levels of last year.

I think it funds education, I think, adequately under the circumstances that we are in. And I must reiterate what the chairman has already said: We have doubled education spending over the last 8 years. Some of the other programs that I am particularly interested in, it provides the third year of the President's initiative to expand health services through community health centers. I have seen these programs in action firsthand. I think they are a very effective use of health care dollars, Federal tax dollars, in providing needed health care to some of the poorest in our country.

And the chairman just made some very good points. We are the majority. We have to be the responsible adults here. If we look at the Democratic record when they were in the majority, they frequently underfunded below the authorization levels in a lot of these programs. For example, the Democratic past Labor-HHS bill back in I believe it was 1994, that year increased education spending by only 2 percent. The chairman pointed out a reduction of $3 billion in 1995.

The issue here is it is easy to pass an authorization bill, but to find the dollars to fund it is always a challenge, and I think the chairman has done really an outstanding job in meeting that requirement.

Now, regarding the business about the tax cuts, if we did not cut taxes, supposedly we would have more money for this bill. Well, let us look at what those tax cuts are doing. Some of the tax cuts, they are going to the child credit. These are families that are going to get more money to pay for the cost of raising their kids. It is money that is going to go right back into the economy.

Then, of course, the gentleman from Pennsylvania (Mr. PETERSON) laid this case out very, very nicely. When we cut the rates, the majority of job growth in this country has been in the small business sector. Most small businesses pay at the personal level, and most of those small businesses, if you leave more money with them, if you tax them less, they are going to leave it in the business, and it will be easier for them to create jobs. Today we had another posting of unemployment up. I think most Americans want to see, more than funding for all of these various Federal programs going up much higher than the inflation level, would rather see people getting a job.

I stand by our tax cut package. I think it was the right thing to do. It was badly needed to get this economy going. Once we get this economy going, we are going to have more money into the Federal Treasury to better enable us in the years ahead to meet the requirements of all these various programs that the Federal Government is involved in funding.

I would encourage my colleagues, conservatives, liberals, Democrats, Republicans, to support this bill. I think this is a very, very good bill in the context of where we are today. We have a recession. We have a war on terror going on. We have problems in Iraq still. Yet we have a fairly good bill that increases funding for most of these critical needs areas slightly. I think it is a very responsible, mature, adult bill. I again commend the chairman.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, let me begin by expressing my appreciation to the ranking member, the gentleman from Wisconsin (Mr. OBEY), and to the gentleman from Ohio (Mr. REGULA). It is an honor to serve under the gentleman from Ohio (Mr. REGULA).

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The chairman indicated at the beginning of his remarks there are two real roles, goals, responsibilities, if you will, for government under the Constitution: to provide for the common defense and to provide for the general welfare. Just a few days ago, the Congress of the United States voted in the amount of $369.1 billion to provide for the common defense; and the other constitutional provision for which the chairman spoke, providing for the general welfare, today we will vote in the amount of $138 billion. Go figure. If we are providing for the common defense, a clear responsibility under the Constitution, providing for the general welfare, $138 billion, certainly the Federal Government has room for improvement on this question.

The key here is the 302(b) allocation for this bill, which limited our committee to $138 billion. The 302(b) allocation for this bill woefully underfunds a number of programs.

Mr. Chairman, I rise in strong opposition to this bill that is before us today. Today we are considering the bill which assists the most vulnerable in our Nation. This bill provides assistance to the unemployed and job training to those who need the skills. This bill provides health care treatment, research, prevention funds to those who are ill; and this bill provides funds for the great American equalizer. What was unclear in the chairman's statement was whether or not he advocated for more funds under the 302(b) allocation for this bill. If he advocated for more funds for the Labor, Health and Human Services bill, then he cannot at the same time say that the funding for this bill is adequate because it is inadequate if he argued for more funds under the 302(b) allocation.

Mr. Chairman, this bill does provide more money for title I, but it does not provide adequate money. Title I is the primary Federal program that helps school districts meet the new accountability and academic results mandated by the Leave No Child Behind Act. With the title I funding, low-income, low-performing children are able to get help particularly with reading and mathematics, the two subjects that the No Child Left Behind Act requires be tested in grades three through eight beginning in 2005. Title I is a critical source of funding for high-poverty schools. In adopting the rigorous new accountability standards in title I, Congress on a bipartisan basis agreed to phase in increased title I payments over several years. For fiscal year 2004, the No Child Left Behind Act authorizes $18.5 billion with additional increments each year through 2007. The majority's fiscal year 2004 budget resolution promises $1 billion, or 9 percent increase over fiscal year 2003 for title I grants for school districts for a total of $12.7 billion.

Mr. Chairman, it is clear that title I falls woefully underfunded in the chairman's mark.

The Majority's FY 2004 Budget Resolution promised a $1 billion or 9 percent increase over FY 2003 for Title 1 grants to school districts, for a total of $12.7 billion. Yet, the Committee bill provides only the President's request of $12.4 billion a—$666 million or 6 percent increase over last year and the smallest increase in 4 years—and falls $334 million short of their promise.

The Democratic Substitute offered in full Committee mark-up would have eliminated this gap by providing the additional $334 million for Title 1 grants, for a total of $12.7 billion. These funds would have allowed schools to hire an additional 6,600 teachers to provide high quality instruction to about 140,000 disadvantaged children who are falling behind.

The $12.4 billion included in the Committee bill for Title 1 is $6.15 billion below the amount targeted in the NCLB Act. Let me say that one more time—$6.15 billion is below the amount targeted in the No Child Left Behind Act. With the additional $6.15 billion, an additional 120,000 teachers could have been hired to provide instruction to approximately 2.5 million low-income children across this country.

NCLB imposes significant new mandates on Title 1 schools, including new annual testing requirements in grades 3–8, "adequate yearly progress" to achieve academic proficiency for all children disaggregated by low-income, minority, limited English proficient, and children with disabilities status, new teacher and paraprofessional qualification standards, new data collection and reporting, and additional parental notice requirements.

More than 8,600 Title 1 schools, enrolling 3.5 million disadvantaged students nationwide, have been identified as failing to meet state academic standards. These chronically failing schools will face additional sanctions under the No Child Left Behind Act if they do not improve their academic performance. More schools will be labeled failing as states implement new "adequate yearly progress" requirements.

High-poverty schools have the greatest challenges, but the least experienced teachers, lower teacher salaries, and higher teacher turnover-factors with a negative correlation with student achievement.

Since FY 1996, Title 1 funding has increased from $6.7 billion to $11.7 billion, an increase of $5.0 billion or 75 percent. However, these increases were in spite of, not because of, House Republicans.

If House Republicans had had their way, they would have cut Title 1 funding by a net $1.8 billion between 1996–2003. House Republicans tried to slash Title 1 funding below the President's requests by $1.4 billion in FY 1996, $414 million in FY 1997, $392 million in FY 1999, $264 million in FY 2000, $416 million in FY 2001, and $500 million in FY 2003. In total, these cuts of $3.4 billion were offset by increases of $1.6 billion in FY 1998 and FY 2002—two bipartisan years when Democrats secured additional education funding for the LHHS bill.

Again, Mr. Chairman, I am strongly opposed to this bill. In January 2002, the President signed into law Congress' commitment to the most vulnerable children in America—Title 1. This bill falls $6.15 billion short of that commitment.

Mr. REGULA. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. WICKER), a very valued member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman for yielding me this time.

Some years ago when I first came to this House of Representatives, I was afforded an unusual honor. I was a freshman appointed to the Committee on Appropriations, and at that same occasion I was given an opportunity to be on this very important subcommittee; and I have had the privilege of serving for some 8½ years in this capacity and watching these debates year after year. I would submit, Mr. Chairman, that those Americans following this debate today and down through the years get a pretty good idea of the dynamics going on in this House concerning spending bills.

First of all, I want to echo what some of my colleagues on the Democratic side of the aisle have said. We all have a great deal of affection, Democrat and Republican, for the gentleman from Ohio (Chairman REGULA) and the gentleman from Florida (Mr. YOUNG), the chairman of the full committee. Likewise, I have great respect and affection for the intellect and determination and hard-work ethic of the gentleman from Wisconsin (Mr. OBEY). We will roll up our sleeves. We will debate in an honest manner. We will come up with a result, and then we will slap ourselves on the backs as Americans and say that we have done the best that we could do for our country and for our constituents. So we are all agreed that we cast no aspersions on each other as human beings.

My friends on the Democratic side of the aisle simply have a different philosophy of government than we do on this side of the aisle. They wish that we could spend more money on this bill, and they wish that we could spend more money on a lot of bills, and that is their true feeling; and they also feel that if only we could tax more, if only taxes were higher, then we could spend more money on the programs that they believe in.

In response to some of the charges that have been made and some of the statements that have been made by those who are going to oppose this bill today, the gentleman from Ohio (Mr. REGULA), my chairman, has pointed out that this Republican majority has doubled education spending, has tripled special needs education spending, and has doubled research under the National Institutes of Health. And in response to those remarks about huge increases in Federal spending, frankly some of my Republican colleagues, some of my more conservative Republican colleagues actually have concern about that level of increase. They are troubled that we have increased spending so much. They are a bit embarrassed by that, and they say that we did not come here to increase the size of government.

So the gentleman from Ohio (Mr. REGULA), my friend and chairman, has had to strike a balance and come up with a product that will be able to get a 218-vote majority and move this legislation forward. There are 13 bills that must pass this House of Representatives, or we are not doing our duty, and they are the 13 appropriation bills. This is one of the largest and most significant of those, and the gentleman from Ohio (Mr. REGULA) has done a good job in balancing those competing dynamics and coming up with a very reasonable bill.

As has been pointed out by some of my colleagues, this bill tries to hold program level growth and discretionary spending to a 2.7 percent increase from last year. At the same time, it provides the third year of the President's initiative to expand health services through the Community Health Centers program, a program that the President believes in and that he campaigned on in the year 2000. It increases funding for medical research, supported by the National Institutes of Health, by $680 million on top of the doubling of NIH funding that we have had over the past 5 years, which was a bipartisan commitment.

In order to frame the debate today, my friends on the Democratic side of the aisle will want to reopen the debate on the tax cut bill which of course has already been passed and already been signed into law. Their contention is that the rich have gotten too much in terms of tax cuts and that if only we would tax the rich a little more, then we could do some more of the kind of spending that they would like to do. I contend that this type of class warfare does not serve our Nation well, and it does not accurately reflect the truth about our Tax Code.

The truth is that during the past few years taxes on the richest Americans have increased by some 250 percent. In addition, it might interest Americans and my colleagues to know that the top 50 percent of wage earners in the United States pay 96 percent of all Federal taxes. The top 10 percent of earners in America—the top 10 percent—pay 67 percent, and even after our tax cuts, the top 1 percent of earners are still paying 37 percent of the taxes which our Federal Government receives.

Mr. Chairman, we will end the fiscal year on September 30. Unfortunately, we will finish with a $400 billion deficit. We are told by economists that some $300 billion of this deficit is due to the weakness in our economy. The last thing we want to do in a weak economy is start unraveling the tax cut which we passed for the very purpose of getting this economy stimulated. We need to create jobs both in large industry but also in the private sector with our small business individuals. We think the tax cut bill that has been signed into law by President Bush will create jobs. We think that the same Americans who are benefited by the programs in this bill will also be benefited up and down the economic spectrum by the tax cuts because the economy will improve. So I say that we should certainly vote for this bill. I support my chairman entirely. I hope we will reject the amendment as offered by the Democrats, and I thank the chairman for yielding me this time.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to say there are no two people more committed to education of our young children than the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA). And the budget that we are presented today, or the funding that we are presented today, in this legislation is not of their doing. That decision was made a long time ago when the decision was made to provide for the tax cuts to go out and borrow $2 trillion and give it away in tax cuts, and the result is that we do not now have a sufficient amount of money to fund the promises that were made by this administration, by this Congress for the education bill of leaving no child behind. I am very proud to have been one of the four primary cosponsors of that legislation, to be one of the architects of that legislation. I believe that the reforms that we are asking to come about in that legislation are changing education in America, are giving children who never had an opportunity before, children who were lost in the system, an opportunity. But that legislation is the most significant reforms of the Federal role in elementary secondary education in 35 years.

Constantly, as we met and talked with the President of the United States, we talked about whether or not if we did the reforms would we have the resources, and we were assured we would have them. But today is when the rubber meets the road because today this is the appropriations bill. This is when we decide the real money that we will spend, and of course what we now see is the money that was promised in Leave No Child Behind is not in this legislation. It is not here for teacher professionalization, it is not here for title I, it is not here for afterschool, all of which are key components to improving the educational experience and the success of America's children, especially America's poor and disadvantaged children.

We make it a keystone of this legislation, and it is a key to improving education and that is that we have a qualified teacher in every classroom within 4 years; and yet, of course, we see here that the funding is not available. Just yesterday the Republicans promised an additional $300 million for the Ready to Teach Act and yet the money for current teachers for professionalization is not in this legislation. It is short over $200 million, $240 million that would go to taking those thousands of teachers who are not presently certified, qualified to teach the subjects they are teaching, and get them certified and get them qualified so they can teach our children what they should be learning and our children will have an opportunity to learn it.

This appropriations bill, because of the budget decisions made by the Republicans and the administration, is a series of broken promises, promises made by the President of the United States when he signed this legislation, promises made by this administration and made by this Congress to America's parents, to America's children, to our schools, our school districts, that we would provide the resources to carry out these reforms, the annual assessment of children, the determining of which children are doing well and which need additional help. All of that is now threatened by the failure to provide this funding. It is not enough to say we double the funding in past or we tripled the funding in past. This is a brand-new game. It is a brand-new game based upon these very significant, important reforms.

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The fact of the matter is there was a bipartisan agreement reached on the money that was necessary to carry out these reforms, and now we are reneging on that, and yet we are continuing to ask school districts to go forward with these reforms. We are continuing to ask school districts to make sure that every teacher is qualified, but we are not going to provide the resources to do that.

We have here the smallest increase in the past 8 years in education. Yes, it is an increase, but the question we should ask, just as we ask in many other parts, is is it sufficient to get the job done as the American public expects?

The fact of the matter is this provision in education funding in this legislation is not sufficient to do that. It is not going to provide the outcomes that we want for America's children. It is going to leave millions of children behind to a substandard education, trapped into results of that substandard education, and the loss of economic opportunity in America's society.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think we just have to keep the record straight today, and this is a fact. What was promised by President Bush and congressional Republicans in No Child Left Behind was that Federal K–12 education spending would increase substantially, linked for the first time to accountability and high standards, and that is precisely what has happened.

Title I, disadvantaged students, the primary spending program in the No Child Left Behind increased during the first 2 years of President Bush's administration more than it did during the previous 7 years combined under President Clinton.

Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. CUNNINGHAM), a valued member of our subcommittee.

Mr. CUNNINGHAM. Mr. Chairman I thank the gentleman for yielding me time.

Mr. Chairman, many of us, when we came to the Committee on Education and the Workforce, I came off the authorization committee for education and got on appropriations, I had concern when John Porter retired. I did not know who on the Republican side could fill the shoes of John Porter, one of the most caring individuals that I have ever known as far as education, medical research and the issues that we have in this bill today.

Well, I want to tell you something. The gentleman from Ohio (Chairman REGULA), and I think the gentleman from Wisconsin (Mr. OBEY) would agree, has more than filled those shoes. He cares deeply about those programs, education, medical research and the other issues, and he has done everything he can to bring this bill forth that helps people.

If you vote against this bill, there is an increase in IDEA, you are going to vote against that. If you vote against this bill, there is an increase in Pell grants. You are going to vote against those increases. Maybe not as much as you want, but there is an increase, and you will vote against it.

Be partisan if you want. This bill has got a lot of good things. None of it has the things that all of us want. I would like to see, under a different economy, more into education. And I think if you take the "tax rate for the rich" argument, if tax relief was static, then they would be right. But it is not. President Kennedy, former President Bush, this President Bush know that when you stimulate the economy and you have more revenue coming in to the Treasury, you will have more money for the economy and for education. That is what we believe, not that we are giving money away to "the rich."

My friends on the other side will say, well, they drug the Republicans kicking and screaming for education. Well, no skid marks. And I want to tell you, on this chart, if they drug us through the muck to raise education funding, look at 1995 and prior and where they funded education. I will submit these charts for the record. But they sure did not drag their own party to increase education, because look at the level at which the increase in education was and what it is now.

My colleagues on the other side know there is a regular process. The other body, that many of us call the House of Lords, no matter what figure we put in for any one of the 13 appropriations bills, they will load it with pork. Traditionally, the Democrats did so, too, when they were in the majority, and that is, I think, a little bit of these figures that go into that as well. But they knew in conference there was a negotiation, and this bill will be negotiated in the conference as well.

I think if you look at the number of increases, Republicans did not do it all by ourselves. The gentleman from California (Mr. GEORGE MILLER) over there, I laud what he did in working with the President, and we did that in a bipartisan way. I think we can get through this bill the same way.

If you take a look at IDEA, the gentleman from Wisconsin (Mr. OBEY) yesterday said they increased IDEA 7 percent every year. That is true. But when you increase IDEA from 2 percent of funding or 3 percent of current level, it is not very much, and the maximum was 6 percent. We are up to like 18 percent now in the last 5 years. That is a significant increase.

Did Republicans do that alone? Absolutely not. We did it with the help of the gentleman from Wisconsin (Mr. OBEY), we did it with the help of our Speaker and with the Members of the other body. Unfortunately, on the floor today there is more partisan wrangling for an election coming up than there is sitting down and really wanting to work on these bills, and that is disconcerting.

I have brought forward that my real concern is that we are increasing a lot of these funds for Title I, and we did in the previous years, too, with the help of my friend the gentleman from Wisconsin (Mr. OBEY) as well. But in California, Governor Davis, for example, Title I, the extra money we got in the formula fight and increases in funding, he has taken that money and is putting it into county mental health.

IDEA, which we fight for, my sister-in-law is head of IDEA for Alan Bersin, Superintendent of city schools, who was working under President Clinton, and I am supporting him. He is a good guy trying to do the right thing. But Governor Davis is cutting the State money and using the Federal money to drive the engine of IDEA and cutting a lot of people out. There is never enough money there that we can put in to solve all of these problems. I would say all the way from Pell Grants to Impact Aid, all of these programs are being cut.

My concern is the State of California and the lack of leadership of Governor Davis. He is crucifying the education programs.

Let me go to another area. The gentleman from Wisconsin (Mr. OBEY) could really ping on me on this if he wanted to, because when I came here as a freshman, I did not support the National Endowment for the Arts or NIH. I still do not support the National Endowment for the Arts. I thought they were a waste of money.

Then Speaker Gingrich came to me and said, Duke, look at it fiscally. Look at a child with diabetes. If we can get in with early detection and intervention and healthy living, we can stop kidney dialysis, the child going blind, amputation, re-hospital visits, and those dollars we will have to apply to Medicare more.

Then I went back and trumped Speaker Gingrich, who is controversial on your side, but he really had his heart in the right direction as far as NIH. I went back with John Porter and said it should be a Republican policy to double medical research, because it is the one thing that we can do to give back. You converted me, and we have done that.

In this bill, do we keep adding the money for NIH? No. We have doubled it, and now we want a COLA to maintain. If you take out construction, which can be delayed, it actually increases it 6 percent. And we did not get here alone. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Wisconsin (Mr. OBEY) and Speaker Gingrich and the gentleman from Ohio (Mr. REGULA), all of us have worked on this. I just wish I would hear a little less partisan wrangling on the floor and more coming together, because I know, my friend, the gentleman from Wisconsin (Mr. OBEY), we have done that before. I would like to continue to do that.

Mr. Chairman, I include the following for the RECORD:

[Charts not reproducible in the RECORD.]

SPECIAL EDUCATION

For too long, America has measured success in special education by money and regulations—not by whether disabled children are learning.

The bill provides record funding of $9.9 billion to help the states. That means more than $1,400 per special education student. This year, a new authorization will focus on instruction methods, curricula, teacher training, and education strategies, that help identify early and accurately as well as treat swiftly the needs of disabled children.

NEW SOLUTIONS FOR TEACHING DISABLED CHILDREN BETTER

There are many challenges facing special education.

For some parents, special education laws and regulations can be a morass of bureaucracy and unmet needs leading to frustrating conferences, meetings, even court rooms. But for the vast majority of parents (67%), they rate their schools as "good" or "excellent."

As a recent survey of members of the National Schools Boards Association noted, almost 9 in 10 (88%) identified special education as an issue of "moderate" or "significant concern."

For special ed teachers, special education laws and regulations can mean reams of paperwork that keep them out of the classroom.

For some educators, special education laws mean extra class work as a nurse, a psychologist, or a social worker when trying to help a student while teaching a full class.

For school officials, special education can mean tough choices about resources and other students' needs, pitting some programs against others.

No Child Left Behind applies to every student—including those with disabilities.

Under the bipartisan law, every state must set clear and high standards for what students in each grade should know and be able to do in the core academic subjects of reading, math, and science.

States will measure each student's progress toward those standards with tests aligned with those higher standards.

The law requires that all schools be held accountable for the learning of every student.

We have to identify special needs early and accurately . . .

Of the 6.5 million children in special education, half of those who are in special education are identified as having a "specific learning disability." In fact, this group has grown over 300% since 1976.

Of those with "specific learning disabilities," 80% are there simply because they haven't learned how to read. We must change that by promoting solid curricula, good teachers and involved parents.

Children of minority status are overrepresented in some categories of special education. The fact is African-American children are twice as likely as white children to be labeled as having mental retardation and placed in special education.

. . . and get children help swiftly and surely.

By focusing on scientifically tested, evidence-based research we can end the fads that force many children into special education.

By focusing on programs that work we can find the best ways to teach children including how to meet unique learning needs. To this end, No Child Left Behind funds only scientifically based teaching materials.

And, through the President's Early Reading and Reading First initiatives, reading programs will be supported that use proven methods, equip teachers to intervene when problems arise, and allow educators to build on strengths and target learning needs.

We must move from a culture of compliance to a culture of accountability and results.

This year Congress has the opportunity to resolve these issues. The Individual with Disabilities Education Act is set for reauthorization. Now is the time for reform.

The Education of the Handicapped Act of 1975 (now IDEA) requires that every child with disabilities receive a free and appropriate education in the public schools. Millions of children have benefited.

But too many fail to catch up.

Congress has poured billions of dollars into special education. It's time to measure progress not dollar signs.

We must heed the plea of families and make the system simpler.

We must heed the plea of teachers and reduce the paperwork and increase their time in the classroom. A tree should not fall every time a child enters special education.

Special education money must yield results—not encourage districts to put children in special education to get more federal money. The percentage of children in special education has soared from 8% in 1976 to 13% in 1997.

Politics should stop at the schoolhouse door.

That's why President Bush appointed experienced educators to a special commission to find out how to best serve children with disabilities.

The Commission on Excellence in Special Education looked at ways to make sure lesson plans, textbooks, and teaching methods are scientifically proven to get results so that early classroom experiences help not exacerbate learning difficulties.

The Commission also looked at the current effectiveness of teacher training and professional development not just for special educators, but also for all educators who work with students with disabilities.

The president believes in funding with reform.

For three straight years, President Bush has asked for three $1 billion increases in federal funding for IDEA. In contrast, President Clinton asked for total increases equaling $1.7 billion during his entire eight years in office.

This year's request is the largest of any president in history; $9.5 billion dollars.

That means the federal government will be spending an $1,400 for every child with a disability. The highest funding ever.

A majority of parents with children in special education (52%) agree that "better programs and policies, not more money, is the best way to improve special education."

Critics have attacked the issue of "fully funding" special education. But this is a twenty-five year-old attack.

Special education should not be treated as a separate cost system, and evaluations of spending must be based on all of the expenditures for the child, including the funds from general education.

As the President's Commission put it, "Funding arrangements should not create an incentive for special education identification or become an option for isolating children with learning and behavior problems. Each special education need must be met using a school's comprehensive resources, not by relegating students to a separately funded program. Flexibility in the use of all educational funds, including those provided through IDEA, is essential."

UNFUNDED MANDATES

Some critics charge that No Child Left Behind takes away local power and imposes unfunded mandates.

RECORD SPENDING AND A COMMITMENT TO SUCCESS

No Child Left Behind mandates only one thing: results for every child. The law ends the old days of ever-higher federal spending with no expectation or demand for better student achievement or wise use of taxpayer funds.

No Child Left Behind respects the rights of states to establish their own standards, align their curriculum to their standards, and assess whether or not students are meeting those standards.

Schools and school districts must be accountable for how they spend taxpayer funds.

States must improve schools, produce results, and ensure that every child learns.

And this law is amply funded. Democrats and Republicans passed a bill that combines record spending with a commitment to reform and results.

Fiscal Year 2003 funding for No Child Left Behind programs increased by more 36 percent over 2001, and 60 percent over 2000 levels.

This year America will spend more than $8,200 per student of which the federal contribution is now 8.4 percent.

Thanks to the record spending in No Child Left Behind, federal discretionary spending on education has more than doubled since 1996.

Spending without a plan, without accountability, without studying what works, without setting standards or expectations is a mandate of sorts—a mandate to fail every time.

No Child Left Behind provides record spending—the highest spending per child ever. That federal money is meant to supplement and boost state and local spending, ensuring that all children receive a world-class education.

Educators can spend the money more freely than ever before, but they cannot waste taxpayer money on programs that don't work. That's why the bill measures every child's progress with tests and gives every parent report cards on how their school is doing.

According to a new study from the National Bureau of Economic Research, the average cost of testing is just $5.81 per student—just a tiny fraction of the $8,200 spent per student.

Total spending on all testing is a mere seven-hundredths of one percent (.07 percent) of the cost of K–12 education.

In addition, No Child Left Behind provides full funding for the development and implementation of the new assessments required by the law by requesting $390 million this year—$3 million higher than the year before.

SUPPORTING SUCCESS

President Bush has done more than support record spending levels. His administration—for the first time in history—is focusing federal money on programs that work as well as ensuring that old programs show results.

As part of that leadership, the president's budget sets up top priorities such as special education, help for the disadvantaged (Title I), and the Reading First program, which supports solid scientifically based reading instruction.

The increases and record spending to programs such as Title I (for disadvantaged children) and special education were made possible by courageous leadership.

In the past the federal government has consistently increased spending, but it has never demanded that taxpayers get a return on their investments.

Using new measures of programs and a culture of accountability the No Child Left Behind Act provides the information and options to parents to improve the future of children in schools receiving Title I funds.

In the past, disadvantaged children had no options when they were trapped in low-performing schools. Now, portions of Title I funding can be used to send students to after-school classes, tutoring, even to a new, better performing school.

This is a solution proven to work: Get children into better learning environments to raise their academic performance. It's also why the president is requesting, and this subcommittee is recommending, $12.4 billion for Title I—the highest spending ever.

New programs and budget priorities will also help prevent many children from needing special education help.

Of the 6.5 million children in special education, half of those who are in special education are identified as having a "specific learning disability." In fact, this group has grown over 300% since 1976.

Of those with "specific learning disabilities," 80% are there because they haven't learned how to read. We must change that by promoting solid curricula, good teachers, and involved parents.

Children of minority status are overrepresented in some categories of special education. The fact is African-American children are twice as likely as white children to be labeled mentally retarded and placed in special education.

That's why the 2004 budget and the subcommittee bill increase spending on Reading First from $1.068 billion to $1.150 billion. From that total, Early Reading First is set to get a $25.5 million increase. These two programs teach reading and literacy skills using scientifically backed research. Such instruction and curricula will help hold off the reading problems that lead so many children to special education.

All this supplements No Child Left Behind's requirement that all federal funds be directed to programs reflecting scientific-backed curricula and instruction methods.

Of course, to increase spending on vital programs that serve millions of children is a challenge for fiscally responsible leaders. It often means ending programs that have no track record of success or inefficiently serve too few children.

TITLE I

In 2004, President Bush's Title I funding request for disadvantaged students will provide yet another increase to record levels.

HOW PRESIDENT BUSH FIGHTS FOR TITLE I:

The president recognizes that the Title I program is at the very heart of both the federal investment in improving elementary and secondary education and the reforms called for in the No Child Left Behind Act.

Building on last year's historic increase, the president has requested and the subcommittee has approved $12.4 billion in 2004, which will result in a $4.4 billion increase since 2000—a 55% increase!

This means more than 15 million students in more than 46,000 schools will receive Title I services.

In his first three years, President Bush and the Republican Congress have sought double the support for Title I that President Clinton sought in his previous eight budget requests.

MORE THAN MONEY: REAL HELP FOR THE DISADVANTAGED

Real leadership means ensuring programs help children, not just spend more money.

No Child Left Behind converts the Title I program from a system of reckless spending to a structure of accountability for finance and results.

President Bush has proposed boosting spending on Title I to over $12 billion annually—but for the additional funding, he expects clear results. States are required to develop standards in math and reading for grades 3–8, with annual assessments tied to these standards.

Title I was one of the federal government's first major education programs. It was intended to help individual children from low-income homes achieve. No Child Left Behind focuses the money back on high poverty schools to help children in those schools improve their academic performance.

For 38 years and with nearly $160 billion, Title I has not fulfilled its purpose of boosting academic performance.

A lack of accountability and a lack of research-based education methods left Title I efforts with few results to show. In recent decades, the achievement gap between disadvantaged children and their higher-performing, more affluent peers, has remained wide, and in some case, has grown wider still.

Under No Child Left Behind student performance will be monitored and the results will matter.

All schools must meet adequate yearly progress (AYP) objectives for all the students they serve—regardless of a child's race or socioeconomic status.

The 12-year goal of No Child Left Behind is teach every child and live up to the vision first dreamt when title I was begun.

HIGHER EDUCATION

Pell Grants are maintained at $4,050 for the maximum award. This is the highest level in the program's history.

This latest proposed increase will also continue to retire a shortfall related to the 2002–2003 award year while maintaining support for nearly 4.9 million low and middle-income students—one million more students since 2001.

The bill continues its commitment to disadvantaged students includes increased funding overall for HBCUs and HISs that strengthen institutions that serve high proportions of minority and disadvantaged students.

An increase of $10.1 million (4.7 percent) for Historically Black Colleges and Universities (HBCUs).

A $1.2 million increase (1.3 percent) for Hispanic-serving Institutions (HSIs).

Supplemental Educational Opportunity Grants (SEOG) are maintained at $760 million, which would leverage nearly $200 million in institutional matching funds to make a total of $960 million available in grants to an estimated 1.2 million recipients.

Work-Study is maintained at $1.01 billion to help 1.1 million needy students pay for college through part-time work on campus or in the community.

The Education Department waives the 25 percent match requirement for students employed as reading or math tutors.

The president's budget allows for more than $1 billion in new low-interest loans to be made to needy students qualifying under the Perkins Loan program, and continues a $99 million capital contribution to a revolving fund that has grown to a sustainable size—more than $7.2 billion—over its 40-year history.

Repayments of existing loans into federal revolving funds held at institutions will continue to support more than $1 billion in new Perkins Loans each year.

PELL GRANTS

Pell Grants give low- and middle-income students greater access to college.

Nearly 4.9 million students will receive Pell Grants in 2004.

Pell Grants because they provide millions of students with the freedom and opportunity to go to college.

In just two years (2000–2002), the number of Pell recipients has surged 25 percent!

The program is a perfect example of a need-based program meant to open doors and provide equality of education opportunity: The poorer the student, the larger the award.

Pell Grants show how freedom of choice in education works to help students and keep America competitive.

Pell Grants are an example of the federal government enabling school choice for millions of Americans. Students can use their Pell Grants at public or private schools. They can even use them to attend religious schools.

Real choice for students is one reason that this country's higher education system is the envy of the world.

Mr. OBEY. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, we come together all right when we have good bills to come together on, but this bill is a turkey, and that is why on this occasion we are not for it.

I will also be inserting in the CONGRESSIONAL RECORD when we get into the full House several charts which relate to what the gentleman just said that demonstrate the error of his ways.

I would also point out to the gentleman, he is factually incorrect if he says that this bill was earmarked when the Democrats were in control. There were no earmarks whatsoever. In fact, Bill Natcher, the last Democratic chairman of this subcommittee, prided himself on not having any earmarks.

With respect to the subcommittee that I chaired for foreign operations, there were no earmarks in the foreign operations bill when I chaired that subcommittee either.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I think the theme of this particular bill seems to be "promises made and promises broken." The fact of the matter is that this theme is true with respect to K through 12 education, where President Bush's own education bill, the No Child Left Behind bill, the promise was a deal. The deal was that there would be more accountability and more requirements in there that would be imposed or mandated on local communities to meet that cost, and, in return, the Federal Government would step up to the plate and put some more resources towards meeting those mandates.

The broken part of the promise, of course, is this appropriations bill is $8 billion short on the promised full funding. Yes, it is a little over 1 percent more than the current funding, but that is essentially a freeze when you consider the increased number of students involved and the inflationary factor.

The fact of the matter is it does not at all address the increased mandates of local communities to meet the requirements in that bill.

This theme is also true with respect to IDEA, the Individuals with Disabilities Education Act, the promise of over 25 years ago that the Federal Government would try to come up with 40 percent of the excess cost of educating a child with disabilities. Now, we know that that high cost for a free and appropriate education of disabled students was not being met by the States, and the Federal Government stepped forward with that promise. The States now have relied on that promise. In 2004, 6.4 million 3- to 21-year-olds depend in part on the Federal Government to step forward and help out.

Promise number two in the area of IDEA is in 1994 the Republicans in their Contract on America said they would fully fund IDEA, but both of these promises have been broken. Both the 25-year-old goal and the decade-old political statement have not been met.

The third promise is the majority's 2004 budget resolution. It promised an increase of $2.2 billion over the last year's grants for school districts.

Another promise was the majority's reauthorization bill passed in April, again promising an additional $2.2 billion for IDEA.

The fact of the matter is this appropriations bill falls $1.2 billion short on IDEA. Under the Republican plan, the State of Massachusetts will lose over $29 million on grants that it otherwise would have gotten if the authorization bill's goals were met.

But that is the way it is, Mr. Chairman, with this House. The majority says when it comes to giving tax cuts to millionaires, they can take the check to the bank; but when it comes to funding educational needs for children and their families, that check is written in disappearing ink.

When it comes to millionaires getting a break, deficits do not seem to matter; but when it comes to funding education for disabled kids in Massachusetts and throughout this country, deficits all of a sudden do seem to matter, and there is no money left to help.

The gentleman from Wisconsin (Mr. OBEY) offered an amendment to just make those millionaire tax cuts a few thousand dollars less so we could meet this obligation and add that $1.2 billion back into IDEA, but the majority voted it down in committee. Yesterday the Committee on Rules made sure we could not debate it on the floor of the House.

So, in this body millionaires get the huge tax cuts they make, they do not have any shared sacrifice, they do not offer back to help out, but families and children and school districts, they do not get it. They get the check written in disappearing ink.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I would like to lend my support for the 2004 Labor-HHS appropriations bill. Much has been said today by those in opposition to the bill regarding the lack of aid to social projects and education, and the reason I wanted to come down here today is to call special attention to one program that has been given significant increases, and that has to do with mentoring. Those dollars have gone from practically zero a year ago to a significant amount. As a matter of fact, those mentoring programs have been funded by an increase of roughly 300 percent this year.

This is very important. The reason I think this is important is to realize that over the last 10 years, we have spent an additional $80 billion on education. That is both Republicans and Democrats. We have increased it $80 billion. We have seen no increase in the level of test scores, we have seen no improvement in drop-out rates.

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So just spending large amounts of money does not fix the problem.

One of the things that has happened here is we have seen a tremendous increase in social pathology. We have more and more kids who go to school each day who are so troubled by their environment and their home life that they cannot really learn anything because they cannot focus. So mentoring is one thing that does work. There are statistics and research that indicates this, that mentoring significantly reduces dropout rates, cuts drug abuse by roughly 50 percent, absenteeism from school by roughly 50 percent, teenage pregnancy by 30, 40 percent, violent behavior by 30 percent. It improves graduation rates, personal hygiene, and relationships with peers and with parents. It costs about $300 to $500 a year to run a good mentoring program per student. It costs about $30,000 a year to lock somebody up. Somebody addicted to meth will cost probably roughly $50,000 to $100,000 for a community, because they are going to commit 60 crimes a year, on the average. So we feel that this is very cost effective. This money will come back to society many times over.

So I would like to thank the President for his interest, as well as the gentleman from Ohio (Chairman BOEHNER) for his interest in mentoring, and the gentleman from Wisconsin (Mr. OBEY) for his help, and particularly the gentleman from Ohio (Chairman REGULA), because as I have found the chairman, he has been very fair. He has listened very carefully. He does care about children. He cares about education. He has a difficult balancing act to perform and has done it, I think, with great effectiveness. I just wanted to come down here and thank the chairman. I appreciate it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Chairman, I rise in opposition to this legislation because it abandons our commitment, our common commitment to affordable college education for American families; and it abandons those values which guide us towards that commitment.

Just last month, unemployment rose to 6.4 percent, the highest in 9 years. America's working-class and middle-class families are struggling to make ends meet; and yet college tuition is skyrocketing in this country. Double-digit tuition increases are a standard at public universities, with these costs rising by more than 20 percent in some States.

The solution in this bill to these trends of rising unemployment and increasingly unaffordable college education is to freeze all student aid for the first time in 6 years. The value of the Pell grant, the biggest and largest Federal college assistance program and other student financial aid programs, actually decreases under this bill. It does not even adjust for inflation or counteract sharply-rising college tuition costs.

I believe that this bill runs counter to the values that Members on both sides of the aisle share. I know I have talked to Members on the other side of the aisle who have expressed the importance of college education. We would not be here in this Chamber if it were not for the importance that college education provided us to move and achieve for us and for our families the American Dream.

We tell our constituents that they should have to take out a second mortgage on their homes or burden their children with increasing amounts of debt to just make college education accessible. Now, I remember a family I met, a police officer and a spouse, a teacher in a parochial school. They had two kids in high school. They looked at me and they said they had no idea how they were going to pay for college education for their kids who wanted to go to a public university. I was running for Congress and I told them about the tuition deduction which ends in 2005, their ability to deduct $4,000 from their taxes. I told them about other availabilities of States programs.

Now, we have talked on both sides of the aisle. We are all here because of the importance we put on higher education. We know it is the door which every American middle-class family or low-income family walks through so they can achieve for themselves and their families the American Dream. This bill is in violation of our common values and the principles that we hold true, that a higher education is the key to America. We should not convince middle-class families of the importance of college education and then place it out of reach for them. The only guarantee that that parent has is to take a second mortgage on their house. The only guarantee we provide is that child graduates from college with $30,000 or $40,000 or $50,000 in debt as they begin the new adventure of their endeavors in life. According to the Advisory Committee on Student Financial Assistance, 48 percent of qualified, low- to moderate-income students from high school do not go to 4-year colleges because of financial barriers.

I believe, and I have talked to Members on the other side of the aisle, that this bill violates our fundamental commitment to make sure that college education is there for middle-class families by walking away from the commitment to make sure that college assistance is here today, there tomorrow, so they can go to college and achieve for themselves and their children what we are here doing for ourselves and our children.

Mr. REGULA. Mr. Chairman, I want to say first, before yielding to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, that his committee is looking at all of these programs to find which of those are working well and is providing reforms that will make them work even better, and I think that is an important element of what we are doing today.

Mr. Chairman, I yield 7 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I want to thank the dean of our Ohio delegation, the gentleman from Ohio (Mr. REGULA), for yielding me this time. Let me thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) for their efforts in bringing this bill to the floor today. We all know this is a difficult bill. There are a lot of competing interests in this bill, and it is never easy; but they have done a good job.

There has been a lot of discussion here about the fact that this ought to be bigger. But not only did we, the Congress, support a tax cut for the American people, we also supported a $20 billion increase in discretionary spending. And the fact is, we are spending more. Our job as Members of Congress is to make decisions, decisions about where the resources that we get from our taxpayers, where those resources ought to go. For a while, in the late 1990s, revenues were flowing to the Federal Government at unprecedented rates, and we did not have to make as difficult choices as we do today, given the fact that we are in a recession and given the fact that we have been the subject of a serious terrorist attack. So we are making decisions.

But when it comes to the education issues that we fund in this bill, we all know when we passed the No Child Left Behind Act that we were going to make a serious commitment to improve all of America's schools, especially the neediest of America's schools. We know the problems that are there; and in a bipartisan way, this House and this Congress and the President worked to put in place a reform effort. And for the first time in the 37 years that the Federal Government has been involved in our local schools, we have all States in compliance with the Federal law. This never happened before. All 50 States have set their accountability plans to Washington and all 50 States, and the District of Columbia and Puerto Rico, have had their plans approved. This is a major accomplishment on the part of the Congress and the administration to start the accountability process in a serious way.

We also said when we passed that bill that we would increase our funding to our local schools. Under the bill we have before us, title I gets $666 million in new money. Now, this is in addition to the money that we have given over the last 3 years. If we look at the last 3 years under President Bush, the increases in title I were greater than the increases in title I during 7 years of President Clinton.

Now, we can argue about whether it is enough, whether it is too much; but the fact is that we stepped up to the plate to help the neediest of our students, because title I money goes to poor children and goes to poor schools. I think that we have done our job, and we need to stay at it. We need to keep working to increase these amounts. But we have to understand that this $666 million increase is on top of the $1.2 billion increase last year and a $1.3 billion increase the year before.

Let us talk about special needs children, individuals with disabilities and education. Since 1995, the Congress has increased our grants to local schools by 300 percent. In this bill we add another $1 billion of funding to help meet our commitments. Now, we can have a partisan debate about who is doing the most for education, but when Republicans took control of Congress in 1995, the Federal commitment to IDEA was 5 percent of the cost, 5 percent. With the passage of this bill, we will be up to 18.7 percent of the cost of IDEA, and it is based on a much greater number of special ed children today than what we were talking about in 1995, a 300 percent increase.

Also in the bill that we have before us, we move the reading grant for Reading First and Early Reading to $1.15 billion. Now, this is again a 300 percent increase over where we were just 3 years ago in terms of our commitment to help children in kindergarten through third grade and even younger in the earlier grant money to help them have a chance at being able to read by the end of the third grade.

Charter schools in this bill will get an increase of $71.5 million, another significant increase, made up of $220 million of money for start-up and planning for new charter schools, and $75 million worth of facility money, which will be leveraged into over $200 million worth of money to help plan facilities. There is another $885 million in this bill, an increase, to do Pell grants.

We all know, especially the speaker that spoke before, of the increasing challenge that this Congress has to meet our commitments under the Higher Education Act, to provide more access for the neediest of our students who are able and want to go to college. The more we work to increase access, the harder it becomes because the cost of tuition and fees at our colleges and universities continues to outstrip inflation by a rate of two to three times the inflation rate, causing us increasing problems. As we reauthorize the Higher Education Act, as we go through the balance of this year and next, we will continue to look at what we can do to ensure that the children have better access.

Head Start gets an increase here of $148 million of new money. But overall, spending on discretionary education programs in this bill increases by $2.3 billion. Mr. Chairman, $2.3 billion, that is real money on top of the money we are spending, bringing the total to some $55.4 billion that we are committing in this bill to discretionary education programs. This does not include the cost of student loans and mandatory spending programs, but $55.4 billion worth of discretionary money. I just think that if we look at over the last 3 years since President Bush has taken office, that is an increase of $13.2 billion of real money, trying to help improve our schools and to ensure that every child in America gets a chance at a good education, because without one, they will have no chance at a shot at the American Dream. We need to support this bill.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me simply correct several of the impressions left by the previous speaker.

I want to congratulate the Republican Party. I will readily admit that they have changed somewhat since they took over in 1995. When they took over in 1995, they wanted to cut the guts out of education funding, and they wanted to abolish the Department of Education. They have become somewhat more civilized since that time. But they are still producing appropriation bills that do not meet the promise of their authorizations and do not meet the promise of their budget resolutions. That is obvious.

With respect to title I, the fact is that between fiscal year 2001 and 2003, the Bush administration requested a total increase of $1.3 billion for title I, only 44 percent of the total $2.9 billion increase eventually provided by the Congress, one House of which is under Democratic control. On Pell Grants, if House Republicans had had their way, the Pell Grant maximum award would have been cut between fiscal year 1996 and fiscal year 2003 by a net total of $530 below the final levels enacted into law.

So let me simply say those are the facts with respect to the past. But the past, in my view, is not quite as important as the future; and I would simply say that today it is very simple: Do we want to use $6 billion to guarantee that people who make more than $1 million a year will get an $88,000 tax cut, or do we want to limit their tax cut to $44,000 so we can move $6 billion into education and into health care, most of which will go to protect the health care of children?

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That is the issue that is before us, not yesterday, but today; and when the votes are counted, we will see where each party stands.

Republican Record on Pell Grants

If House Republicans had had their way, the Pell Grant maximum award would have been cut between FY 1996 and FY 2003 by a net total of $530 below the final levels that were enacted into law.

In FY 1996, the House Republican LHHS bill cut President Clinton's request for a $2,620 maximum Pell Grant by $180 to $2,440. The Republican bill provided $30 less than the $2,470 maximum grant provided in the final LHHS bill.

In FY 1997, House Republicans again cut President Clinton's request for a $2,700 maximum Pell Grant by $200 to $2,500. The Pell Grant award level in the House Republican LHHS bill was $200 less than the final $2,700 maximum award approved in the LHHS conference agreement.

In FY 1998, a bipartisan House-passed LHHS bill provided a $3,000 maximum Pell Grant level. This amount, secured by Democrats, provided a $300 or 11 percent increase over the previous year, and was later enacted into law.

In FY 1999, the House Republican LHHS bill provided a token $25 more than the final conference level of $3,125 for the maximum Pell Grant.

In FY 2000, the House Republican LHHS bill provided $3,275 for the maximum Pell Grant, $25 less than the $3,300 maximum Pell Grant approved in the final conference agreement supported by Democrats.

In FY 2001, the House Republican LHHS bill included $3,500 for the maximum Pell award—$250 less than the $3,750 secured by House Democrats in conference. The final level secured by Democrats provided a $450 increase over the previous year and was the largest Pell Grant increase in more than 25 years.

In FY 2002—a bipartisan year—Republicans agreed with Democrats to raise the maximum Pell Grant to $4,000, an increase of $250 over the previous year. This level was enacted into law.

In FY 2003, the Republican LHHS bill introduced by Chairman REGULA accepted President Bush's proposal to freeze the maximum grant at $4,000. The bill provided $50 less than the $4,050 level ultimately approved in the FY 2003 omnibus appropriations bill.

PELL GRANT PROGRAM—MAXIMUM AWARD

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	2,620	2,440	2,470	−180	−30
FY 1997	2,700	2,500	2,700	−200	−200
FY 1998 [1]	3,000	3,000	3,000	0	0
FY 1999	3,100	3,150	3,125	50	25
FY 2000	3,250	3,275	3,300	25	−25
FY 2001	3,500	3,500	3,750	0	−250
FY 2002 [1]	3,850	4,000	4,000	150	0
FY 2003	4,000	4,000	4,050	0	−50
FY 1996–2003				−155	−530
FY 2004	4,000	4,050	na	50	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed LHHS bill.

Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise today reluctantly in opposition to the 2004 Labor-Health and Human Services bill because I know how much our chairman, the gentleman from Ohio (Mr. REGULA), really cares about these issues and how he is committed to these issues. And I also want to express my appreciation to the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY). They are all men of great principle and fairness. I enjoy serving with them, and I do respect them.

However, I am really disappointed that this process operated under terms and with restraints for the gentleman from Ohio (Chairman REGULA) that do not do justice to the millions of Americans whose lives are improved by the programs funded in this bill. For example, one would hope that students attending college could count on greater support from the Federal Government during these hard times, but with this bill they will not be able to. The maximum Pell grant is frozen at 4,050. Not only have House Republicans consistently neglected the Pell grant, but it is important for us all to remember that when the program was started in 1975, Pell grants paid about 84 percent of college costs. It now pays only about 38 percent of college costs. And under the Republican bill, funding for the four campus-based aid programs, Supplemental Education Opportunity Grant, College Work Study, Leveraging Educational Assistant Partnership, LEAP, and Perkins Loans Program, are also level-funded.

The average student loan debt has nearly doubled in the last 5 years. Last year the average undergraduate borrower left school with nearly $17,000 in debt due to Federal student loans. With nearly 64 percent of students depending on student loans, and that percentage is sure to grow during this time of economic hardship, how can we in good conscience not increase funding for the very programs that encourage States to implement need-based aid?

In New York, the State and city university systems are on the cusp of instituting massive tuition increases, and they are not alone in their struggle to make up for faltering State budgets and decreased philanthropy. Colleges across the country are hiking tuition by record levels, including colleges and universities in Texas, Iowa, Missouri, and Massachusetts.

And let us not forget, we have to couple the lack of college funding assistance in this Labor-HHS bill with the administration's recently announced regulation change that would decrease college loans for millions of students and their families. Nationwide under the Bush regulations, 84,000 students would lose Pell grant eligibility altogether, and millions more would lose some Federal assistance. It really was a shame that we could not have corrected that in this bill.

I will give you an example. I visit the community colleges and the 4-year colleges in my district all the time.

For example:

A family of four living in New Jersey with one child in college, attending full time, would have to pay about $100 more toward college expenses; and

A family in New York with $45,000 combined income, one child attending college full time, would have to pay about $300 more toward college expenses.

During Committee consideration of the Labor HHS, we had an opportunity to put the brakes on the Bush proposal. But, and I think it's important for America's hardworking families and dedicated students to know, Committee Republicans rejected that attempt.

In pointing out the problems with this bill, I do not fault either of the chairmen. They had a bad set of parameters to work with. But the 2.9 million graduating high school students, the 5 million Pell Grant recipients, and the millions of Americans who rely on the student aid programs to make attending college a reality deserve more. And the Democratic substitute would have done just that!

I urge my colleagues to vote against the Republican Labor HHS bill.

Let us hope that we can correct this bill and work together as the bill comes back from the Senate and reach the level that I know our chairman and our ranking member and all of us really want to achieve. I thank the gentleman again for working so closely with us.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to comment that in the last 8 years we have doubled Pell grants, and I will also add that we have added $885 million this year. The reason the maximum has stayed stable is that more people are taking advantage of it, and that is good. That is a positive thing. As a naval veteran, I am a product of the GI bill, and I realize how very important these opportunities are. And I would like to do more, but I think we have done a good job, considering the resources that are available.

Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me time. I rise in support of this bill, and I rise particularly to support the funding for diabetes prevention and control activities that are contained in it.

As the cochairman of the Diabetes Caucus in the House, I believe that increased funding for these programs is of utmost importance, and I thank the committee for its attention to the issue of diabetes. This bill increases funding for NIDDK over the last year's level by $47 million and increases funding at the CDC by $300 million over last year's level.

The progress made to date with this money that has already been appropriated by the House is very impressive, and I want to emphasize to the chairman and the Members that clinical trials involving the transplantation of insulin-producing cells into individuals with Type I diabetes has brought us within reach of a cure. Of the approximately 200 patients who have received these transplants, 160 of them no longer need to take insulin. If you are involved at all with diabetes, you know how significant this is. It is a life-saving event.

So as we consider the bill, I know there are some upcoming initiatives that we need to emphasize, and they will be very important in the prevention of diabetes in America, and in turn they will save taxpayers' dollars.

On March 31, 2003, the Department of Health and Human Services announced that the Department would be launching a diabetes detection initiative. The goal of the initiative is to encourage people at risk with diabetes to get tested and to refer those who test positive for a follow-up. About 6 million people in this country have diabetes, but they just do not know it. So by supporting this initiative in the future, the committee and the House can help these people avoid the devastating complications of diabetes, because they are so much a part of the Medicare cost that we face in this country.

I have been working to develop a national diabetes strategic plan with the American Diabetes Association and the Office of the Surgeon General along with former Speaker Newt Gingrich, who has been a leader in this effort to bring a cure to diabetes, and the details on this announcement will be made later in the coming months, but it is very exciting, the initiatives that are out there. The committee has an excellent record on diabetes prevention funding, and I am certain that the needs of these meritorious programs will be recognized as we go to conference on this measure.

I thank the gentleman from Florida (Chairman YOUNG) for his good work.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. KILDEE), the ranking member of the Subcommittee on 21st Century Competitiveness, Committee on Education and the Workforce.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today's education funding bill completely ignores the reality facing the neediest of our college students today. College costs are rising dramatically over the last 10 years. College tuition is up 38 percent, and the buying power of the Pell grant is at an historical low. Due to the sour economy, State legislatures have dramatically reduced their support for a postsecondary education as they seek to balance State budgets. Charitable giving, alumni support and endowments are down.

How has all of this affected our students? Students, especially the neediest students, are literally being denied a postsecondary education because they do not have the resources to pay for college. According to the Advisory Committee on Student Financial Assistance, nearly one-half of all college-qualified, low- and moderate-income graduates will be unable to attend a 4-year college due to rising costs. Nearly 170,000 students will be unable to attend any postsecondary institution.

As a member of the Committee on Education and the Workforce and the ranking member of the Subcommittee on 21st Century Competitiveness, I have heard from countless numbers of students and student associations on their need for relief, but here on this floor the Republican response to the financial difficulties of students is to freeze the maximum Pell grant.

We have passed tax cuts that have benefited the wealthiest of Americans. Those within incomes of $1 million receive an $88,000 tax cut, and student aid was frozen. This is a terrible priority. We cannot provide the $5,800 maximum authorized Pell grant to our students because we prioritize those tax cuts over the needs of students. Are we now asking the neediest students to walk across town to those who got an $88,000 tax cut and plead for help in going to college?

What is really happening to our country? We are better people than that.

The entire increase in Pell grants during the Bush administration is less than the increase made in Pell in the last year of the Clinton administration. Clearly financial access to a postsecondary education has not been a priority for this administration. Freezing Pell grants at a time when more and more individuals are seeking retraining and education due to the sour economy sets us back as we struggle to come out of this economic recession.

Rather than passing another tax cut for the wealthiest in our Nation, we should defeat this bill on the floor. Instead of passing this legislation, we should significantly increase funding for Pell grants and other critical education priorities.

When I was growing up, my dad had to pick one of his five children to go to college, one of the five. Although my brothers and sisters were qualified, he had to pick one. Are we returning to those days when those choices had to be made?

Mr. REGULA. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 16 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 46 minutes remaining.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

We hear on the Pell grant, I want to point out something, and that is that in the last 2 years, the numbers have increased 25 percent. So even though the level which we have increased substantially in the last 6 or 8 years was the same this year, it is because we wanted to give more students a chance. We have increased the total amount by $880 million that will be available for Pell grants, but there are so many more, and that is good. I like to see more and more students gets involved and use this service, but it makes it a tough budgeting situation. At least that is the reason that we have gotten to the situation we are in.

Mr. Chairman, I yield 4 minutes to the gentleman from Idaho (Mr. SIMPSON), a member of the committee.

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding me time and the great work he has done on this, the most difficult, I believe, of the appropriation bills.

We have continually heard today during this debate that 302(b) allocations were insufficient or inadequate, and, consequently, we do not have enough money to spend on this appropriation, and it is all due to the tax cuts.

If I remember correctly, during the debate on tax cuts, we could not do those tax cuts because of the increase that they would cause in the deficit. And now we see the truth. They were never concerned about the increase in the deficit. They were concerned that there would not be enough money to spend on the variety of programs that they want to spend money on.

Well, the distinguished minority whip said that we cannot wash our hands, like Pontius Pilate, of the debate on the deficit and the tax cuts and on the budgets because they are all interrelated, and he is absolutely right.

There is one thing that should be clear from the past decade. We cannot raise taxes enough to eliminate the deficit that has occurred. Another thing should be clear is that we cannot cut spending enough to eliminate the deficit that has occurred.

The only way to eliminate the deficit is to have a growing economy. We learned that in the 1990s. The only way to have the resources to spend on the programs that today you complain about as being inadequately funded is to have a growing economy. And we on this side of the aisle believe that one way to help that economy is to stimulate it by reducing taxes to put more money into people's pockets to grow the economy. That is why we supported the tax cuts, not because we care more about millionaires than we care about children or anything else. It is so in the future, in the long term, we have the resources for these programs that we all believe are vitally important.

Yet, in spite of the economy, we have produced a bill which continues the improvements we have made in education and health funding over the past 8 years.

Now, the gentleman from Wisconsin (Mr. OBEY) continually says, and quite emphatically, that the only reason we have been able to increase the funding for education or double it over the last 8 years is because he brought us across the line kicking and screaming. And I guess that may be true. I do not know. I have not been here 8 years. All I want to know is who was he bringing across the line kicking and screaming when his party controlled the House, the Senate and the White House? I am not sure who was doing the kicking and screaming, but you have been much more successful with our party than you were with your own party.

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The distinguished minority leader last year on the debate on the rule went through a litany of programs in education and health that were cut. What the distinguished minority leader did not say is that in each and every one of those programs that she mentioned, I believe every one of them, there is actually an increase in spending. She was talking about a decrease from the authorized level, and I do not know of hardly any program in the Federal Government that is actually funded at the authorized level. Yet we have continued to improve funding for these programs.

As an example, in special education grants, $1 billion more than last year. That is not a cut. In Title I, $660 million above last year. That is not a cut. Improved teacher quality, $49.4 million. For transition to teaching to assist eligible members of the Armed Forces and midcareer professionals to obtain certification of teachers, $2.93 billion, an $81 million increase above the budget request for professional development. Math and science partnerships are funded at $150 million, an increase of $50 million. That is not a cut. In Impact Aid, $1.238 billion, $50 million over last year's level. That is not a cut. In Head Start, $148 million over last year's level. That is not a cut.

The list goes on and on. Only in Washington, D.C., can an increase in spending be considered a cut. This is a good bill, and I compliment the chairman for his work on it.

Mr. OBEY. Madam Chairman, I yield myself 1 minute.

I plead absolutely fully guilty to wanting to spend more money to invest in education and to spend more money so we can guarantee that poor kids are not knocked off Medicaid and SCHIP programs so that they have some health care when they need to be seen by a doctor. Fully Guilty!

I also plead fully guilty to wanting to spend more money for NIH so we can deal with the ravages of cancer, heart disease, Lou Gehrig's disease and the like.

One example: a year ago my brother-in-law was diagnosed with terminal pancreas cancer, 1 year ago. He is still alive because he is lucky enough to have gotten into a clinical trial, and they found a drug that seems to be working for him. I plead fully guilty to wanting to add a lot more money to the Federal budget so that a lot more people can be as lucky as he is.

Madam Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia.

Mr. MORAN of Virginia. Madam Chairman, I rise in opposition to the Labor, Health and Human Services and Education appropriations bill for fiscal year 2004. This legislation, if passed and signed into law, will be a setback to one of the great American ideals of equal access to a quality public education.

It was once said that "Education is the great equalizer in a democratic society, and if people are not given access to a quality education, then what we are doing is creating an underclass of people who will ultimately challenge our very way of life."

This quote has never been more meaningful and poignant than today, as we are poised to do just that: create an underclass of people.

A year and a half ago, this Congress stood with President Bush and our House and Senate education leaders, to pass a bill which would redefine our education system and strive to "leave no child behind."

Just two months ago, the Majority passed a conference report for the fiscal year 2004 Budget Resolution that promised to provide a $3 billion increase over the previous year for the Department of Education and No Child Left Behind initiatives.

Unfortunately, this bill still underfunds No Child Left Behind by $8 billion dollars.

In other words, we are telling our schools that they must implement these reforms for greater accountability, but offering no additional resources to do so. In fact, we are doing the complete opposite of the intent of the No Child Left Behind law. We are leaving our children behind, our teachers behind and more importantly, letting the American people down by breaking yet another promise.

Unfortunately, there is not enough time in general debate for me to catalog every shortchange in this bill, such as National Institutes of Health funding, Individuals with Disabilities Education Act funding, bioterrorism preparedness funding, and failing to provide an increase for programs under the Nurse Reinvestment Act.

This bill is full of broken promises. We can attribute these broken promises to the fact that this Congress and our President gave to this country's wealthiest 1% massive tax cuts in a time of economic uncertainty.

While I am not pleased with the funding levels of several initiatives in this bill, I am pleased that my colleagues, Mr. OBEY and Mr. GEORGE MILLER are offering an amendment to correct a recent unfair Department of Labor proposal to eliminate overtime under the Fair Labor Standards Act.

This unfair proposal would affect thousands of workers in my congressional district who rely on overtime pay to help make ends meet.

This proposal will make it feasible for employers to reclassify workers as "white collar" employees, rendering them ineligible for overtime pay.

Some of these 8 million workers include police and firefighters, nurses and other First Responders, who would be the first line of defense in the event of a terrorist attack.

After these workers are reclassified and ineligible for overtime pay, they would still be required to work longer hours for less money, which is the real intent of this proposal.

The Obey-Miller amendment would prohibit the Department of Labor from using funds to enforce any regulation that would cut overtime pay.

Brick by brick we are building the road to create an underclass of people.

Let us not break yet another promise to the American people.

I urge all my colleagues to vote in support of the Miller-Obey amendment to protect overtime pay and to vote against final passage so that this body may consider a bill that more adequately funds initiatives at the Departments of Labor, Health and Human Services and Education.

Mr. REGULA. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Madam Chairman, I rise today to talk about the role this plays in helping promote the culture of life, a culture that values and respects human life at every stage. I believe that we have a responsibility to protect innocent life whenever and wherever possible, and so I applaud and thank my colleague from Ohio, the chairman of the subcommittee, for including funding in this appropriations bill for the Promoting Safe and Stable Families program.

This program helps fund safe havens created by laws passed in 42 States that try to reach out to desperate and troubled parents. Too often we hear of infants who have been abandoned in trash bins and alleys and, much more tragically, killed.

Just this past week, there was a case in my home State of Minnesota where a mother decided to throw her twin infants over a bridge. We must reach out to these parents who are unwilling or unable to care for their infants and let them know that they can take care of their infants by taking them to a safe haven and leave them in the hands of those who will care for them and see that they are placed in loving families.

Let me be clear, safe havens are not a substitute for education and adoption, merely a last resort for desperate parents considering the unthinkable. Safe havens can help avert tragedy and preserve the most precious of all things, innocent human life, but these safe havens only work if those that need them are aware of them.

That is why I am sending a letter to the Secretary of Health and Human Services Thompson and to the GAO calling for a review of the safe havens to find out how much of the funding is being spent on raising the awareness of safe havens so we can make recommendations on how it can be expanded and improved.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. ETHERIDGE), former chief school officer of his State.

Mr. ETHERIDGE. Madam Chairman, I thank the gentleman for yielding me the time.

Let me thank the chairman. I will say to him, I served as chairman of the committee on appropriations at the State level for 4 years, so I recognize the challenge he faces.

Budgets are about priorities, and I have strong oppositions to this bill because of the priorities that it sets out. I will vote against it. I do not like voting against appropriations bills, and I will urge my colleagues to do the same because of the draconian cuts that I see it places on education at the very time when we ought to be investing not less, but more in the future of this country and in our children and in our ability to compete in an international economy.

Last Congress, strong bipartisan majorities in this House and in the Senate voted to pass the President's No Child Left Behind legislation, and I joined in with that vote, but we promised to fund to the level of the authorization the moneys for the schools to meet their needs, and this bill is $8 billion short in that requirement.

As my ranking member has said, I am the only former chief serving in this Congress. I know what budget priorities are about, but I also know what happens in the schools when these cuts come. At a time when we are asking our schools to do more than ever, these educational cuts will destroy the morale of our teachers, parents and students. These educational cuts will make meeting the requirements we have almost impossible because we have set high standards for accountability. I think we should. Without the needed funding, though, No Child Left Behind is a massive unfunded mandate on our local communities and our State budgets at a time when States are struggling just to meet the funding needs.

In every State in this Nation, schools are currently working to determine how they will measure up to the Federal Education Department's definition of adequate yearly progress. Over the next several weeks and months, we are going to find out about that because they are going to be reporting in. Early estimates are there may be as many as 80 percent in some States that cannot meet AYP.

Plain and simple, these schools need that $8 billion to comply with these tough new educational reforms. The education cuts in this bill will make No Child Left Behind a cruel hoax on our schools and on our children.

This bill also fails to provide adequate funding for Impact Aid. Let me remind my colleagues, Impact Aid is the money we provide for those communities that have military bases that have men and women who are deployed or protecting our interests around the world. It is critical for those children in the military personnel. In my district alone, the communities that surround Fort Bragg and Pope Air Force Base, truly one of the important bases in this country, with many, many women deployed right now, the tax base is not there to meet the needs due to the Federal presence. These funds provide flexible operating resources and finance teachers, books, computers and others.

Under this bill, North Carolina loses $16.8 million. We can do better. We must be better as our men are deployed in Iraq, Afghanistan, and Libya.

Under this bill, North Carolina will lose $16.8 million in Impact Aid below the level authorized. At the very time that states are under stress, we are cutting funding in some states.

As we continue to deploy our troops to Iraq, Afghanistan, Liberia and other hot spots throughout the world, we ought not to neglect the schools their children attend back here in the states.

Madam Chairman, I urge my colleagues to vote against this bad bill.

Mr. REGULA. Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Madam Chairman, I want to thank the gentleman for yielding me time to talk about how this bill is woefully inadequate in funding biomedical research, especially Parkinson's research, which is near and dear to my heart, as I believe it is to many Members of this body.

Over the last 5 years, Congress took on the charge of doubling the NIH budget, and we accomplished that goal. It was a worthy goal. It still is a worthy goal because this added funding for NIH will help find cures and better treatments for some of the world's deadliest diseases. The bill will bring to a halt this progress that we have made in funding biomedical research.

There is just an increase of 2.5 percent, the smallest percentage increase in 18 years. It falls short of what is needed to just keep up with research inflation costs, which NIH estimates at 3.3 percent for the year 2004. So the bulk of the increased funding will go to these multiyear research projects that are in place, thereby leaving very little time and very little money for new research.

The bill provides only a 3.9 percent increase for Parkinson's disease, not enough to keep up with inflation and grant renewal costs, and definitely little or nothing left over for new or expanded research efforts.

Madam Chairman, we have heard that tax cuts are the answer to all of our problems, and now those tax cut chickens are coming home to roost. We do not have the resources to meet these research needs. We see research cuts, and I want to conclude there is not a Member of this body as a Congressman, but as a son, a father, a nephew, a friend, Parkinson's disease is known as the most uncommon common disease in our country. We cannot go more than four or five people in asking them a question, do they know anybody with Parkinson's disease, before we hear somebody who will say, yes, I know somebody, a friend, an uncle, a sister, somebody in my community that has Parkinson's disease. We know colleagues in this body that have Parkinson's disease. We ought to honor them and support Parkinson's disease research in the way that we can find a cure for this terrible disease.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Chairman, I thank my friend from Wisconsin for yielding me the time.

Madam Chairman, this body passed a resolution on June 10 recognizing two major advances in public health: the 50th anniversary of the discovery of the double helix structure of DNA, and the completion of the Human Genome Project. Good congratulatory words in this Congress, but as usual from around here, nothing to back it up.

The bill we are considering today provides funding for NIH barely sufficient to support existing research projects, much less any ground-breaking new research into avenues like gene therapy.

In a recent survey, taxpayers were asked what the Federal Government's major priorities should be. Public education, first. The public said medical research, second. Yet today we are considering a bill that underfunds both education and medical research.

Whom does Republican leadership report to? It is certainly not the American public. The bill's authors argued that this Congress has other priorities. It has chosen tax cuts for the wealthiest people in this country instead of research for cancer and Alzheimer's and ALS and MS and spinal cord injury. It has chosen to give a millionaire a tax cut of $93,000 instead of spending the money where Americans want it spent, on basic medical research.

The bill provides an increase today of only 2.5 percent for NIH, the smallest percentage increase in 18 years, in a sharp drop from what we have been doing the last several years. NIH estimates its spending on cancer research would only rise 3.7 percent, short of the 4.7 percent just necessary to stay even on what we are doing with cancer research. The number of grants for new research projects and renewals would increase by just two-tenths of 1 percent.

Is that what the American public asks for when it says its top two priorities are spending money on public education and spending money on medical research?

Madam Chairman, vote against this bill. Unfortunately, medical research seems to be an afterthought in this Congress.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished gentleman from Wisconsin for yielding me the time.

I know there has been a lot of hard work in trying to put together an appropriations bill that would deal with the neediest of our Nation, but we confront two, if you will, systemic crises in this country. We have a 6.2 percent unemployment rate, and it is increasing. The faces of the unemployed are not here in this body, and they cannot speak for themselves, but they are workers who made $100,000 a year and have children in college and mortgage payments, and they are those who are the chronically unemployed, who have never had a chance to work.

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And yet this bill, instead of dealing forthrightly with their crisis, it cuts the community services block grant by $150.8 million. The cut will reduce services for the growing numbers of low-income working poor and the long-term unemployed.

The tax cut that was rendered just a few weeks ago for the rich does nothing to invest in this economy. In fact, economists have said that those who will receive a $90,000 tax cut will not invest in the economy, will not create jobs; but what they will do is to invest in themselves and make sure they have a big fat savings account.

As a member of the Select Committee on Homeland Security, I have advocated constantly, in addition, that we should invest in homeland security and provide the resources for our first responders and our neighborhoods. I have been asked the question: Are our neighborhoods safe in America? No, they are not. And here we are not providing the necessary resources to fund those neighborhood groups, those citizen corps, so that neighborhoods will be on the front line if there is a terrorist attack in the United States.

And in conjunction with that, rather than fund bioterrorism preparedness, the important research to be able to prevent bioterrorist attacks or to be able to ensure that more people's lives will be saved, we are cutting the resources for bioterrorism. That means, for example, that if someone decided to use a mosquito that had the West Nile virus, to use that as a bio weapon, who knows, we are still unprepared in our communities.

Madam Chairman, I wish we could have a bill we all could vote for. I ask my colleagues to enthusiastically vote "no" on this legislation.

Madam Chairman, I rise today to express my disappointment at the failure of the Republican Party to adequately fund vital programs in H.R. 2657, the Labor, HHS, Education, and Related Agencies Appropriations Act for fiscal year 2004.

Madam Chairman, we have failed our Nation. The Labor-HHS-Education Appropriations bill leaves our health care system, our schools, our children and our communities at risk. Sadly, my Democratic colleagues and I have seen the writing on the wall.

Over the past several weeks, my fellow Democrats and I have been very outspoken on the Republican financially irresponsible bills. We opposed the Republican's tax cuts. We opposed the Republican's Medicare package. And now we oppose their appropriations request in H.R. 2657, and our opposition to the insufficient funding in this bill is directly due to the Republican's poor budget initiatives.

H.R. 2657 falls short of adequately funding our education and health care programs, among many other valuable programs.

EDUCATION

H.R. 2657 fails to adequately fund our Nation's schools and fails to live up to the many promises made by the Republican Party.

When the "Leave No Child Behind" legislation was passed we all believed we were committed in a bipartisan way to guarantee that good schools were established in our communities to improve our overall living standards and close the gaps that divide our societies along economic, social and racial lines. The Republicans promised to be committed to bettering our education system. They have not lived up to that promise.

My colleagues on the other side of the aisle promised in its fiscal year 2004 budget resolution to provide a "$3 billion increase from the previous year for the Department of Education." Despite that promise, the H.R. 2675 bill provides only a $2.3 billion increase over fiscal year 2003—far less than the promise they made.

Another broken promise is the inadequate funding of the Title 1 Program. The Title 1 Program is critical to enabling schools with large student populations of low-income children to meet the No Child Left Behind Act's accountability and academic mandates. These schools enroll students with the greatest academic deficits, but they have the least experienced teachers, less competitive teacher salaries, higher teacher turnover, less rigorous curriculum, and less than their fair share of resources. All of these factors negatively impact student achievement.

The Republican's fiscal year 2004 budget resolution promised a $1 billion increase over last year for the Title 1 Program. However, my colleagues on the other side of the aisle have failed to keep their word here as well. Instead of $1 billion, H.R. 2675 provides only a $666 million increase. The result of the committee's action is that this bill falls $334 million short of the majority's own promise. The loss of that money does not affect my Republican colleagues or their wealthy supporters. It affects millions of low-income children nationwide and their ability to get a quality education.

In the area of special education, the Republicans promised in the fiscal year 2004 budget resolution to provide $2.2 billion over the current level. The Republicans repeated this promise in H.R. 1350—the bill reauthorizing the Individuals with Disabilities Act, adopted on April 30 on the House floor. Instead of providing our special education students with the funds they desperately need, and because of their massive tax cuts, this bill falls $1.2 billion short of that promise. This massive funding shortfall will force schools to continue to absorb the extraordinary costs of providing special education for nearly 6.7 million schoolchildren. Consequently, other education programs will have to be reduced or local taxes will have to be raised to make up the funds.

Perhaps the biggest broken promise by the Republican Party is the destructive impact of their budgetary action on the No Child Left Behind Act. The Members of the Republican Party put tax cuts ahead of their education promises in the Leave No Child Behind Act. As a result, H.R. 2657 falls a stunning $8 billion short of the fiscal year 2004 funding targets in the No Child Left Behind Act.

On the issue of higher education, the Republicans have harmed our college students as badly as they have harmed our low-income and special education students. As a direct result of the Republican's economic mismanagement over the past 2 years, only eight States in our Union are not facing a severe budget crisis. The declining State fiscal crisis has forced States to make huge cuts in the budgets of public colleges and universities. When States make cuts to public schools, the schools must raise their tuitions. The raising tuition costs are crushing working families who want to send their kids to college.

HEALTH CARE

Health care is another area in which the majority's bill falls short of meeting urgent national needs. In these tough economic times, with the high rates of unemployment and the loss of health insurance that comes with it, Federal health care is even more crucial to our communities.

Additionally, the State fiscal crises are causing many States to cut back on eligibility and benefits under health care programs like Medicaid and the State Child Health Insurance Program (SCHIP), as well as on public health protection. The programs that are funded by the Labor, Health and Human Services, and Education appropriations bill help provide a crucial health care safety net for people without other access to care, and also help States and localities provide basic public health services.

The majority's appropriations bill provides little funding to deal with the growing health care crisis. There are virtually no increases to the Maternal and Child Health Block Grant and no increase at all for the National Health Service Corps, a vital program which provides student loan repayment aid and scholarships for doctors and dentists who work in areas with a shortage of health providers.

The committee bill also provides no increase at all for childhood immunization grants. That program has struggled to provide immunizations for children with the rising cost of vaccinations, and the bill will lead to further shortfalls. Additionally, while the administration asked for $100 million to help us get better prepared to deal with an influenza pandemic, the bill provides only half of that request.

CONCLUSION

Madam Chairman, H.R. 2675 is yet another example of poor budgetary policy impacting the American people. The majority party's failure to act responsibly with America's funds has impacted our ability to fund our first responders so they can protect our homeland from terrorists. The majority party's failure to act fiscally responsible has resulted in 9.4 million Americans being unemployed. Now, through H.R. 2675, the majority party's failure to act fiscally responsible is depleting the resources of our schools and our health care system. This result is unacceptable for the hardworking Americans we represent. I oppose this bill, and I urge my colleagues to do the same.

Mr. REGULA. Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I thank the gentleman from Wisconsin for yielding me this time.

A few years ago, a friend of mine that I went to law school with called and told me that his 4-year-old son had been diagnosed with leukemia. He and his wife were obviously devastated by this news. They wondered what life would be like if this precious little boy were to be taken from their lives. That little boy will start third grade next September, in large part because of the huge advances that have been made in health care, in pharmaceutical products, and largely underwritten by the National Institutes of Health, an organization that has had bipartisan support in this body for a very long time.

How can we justify shutting down this miracle factory by increasing its funding by only 2½ percent, barely enough to keep up with inflation? What choice are we making by doing this? How could we pay for a more robust increase?

Here is what we could do. If we increase NIH funding to keep in line with what has been done by bipartisan majorities in the last 10 years, a 7 or 8 or 9 or 10 percent increase, we would have to reduce the tax cut this way: for every $1,000 worth of tax cut, we would have to take away $20. So we could still take the person with the $1,000 tax cut and make it $980 and keep the NIH doing the research, continuing the progress it has made so that more parents could hear the good news that their little son or daughter is in remission.

What an unwise choice. What a profoundly reckless judgment is being made in this bill. I would urge opposition to this bill for this reason, among many others.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Madam Chairman, I thank the ranking member for yielding me this time.

Unfortunately, I must rise in opposition to this bill, and for many of the same reasons already mentioned: the underfunding of the Leave No Child Behind Act, the cut in the children's health programs, the LIHEAP energy assistance program for low-income people, Head Start, and cancer treatment and research.

Today, however, Madam Chairman, I would like to speak on urban hospitals, the hospitals in America that treat most Americans when they have traumatic illnesses. Urban hospitals need help in our system, and we are not in this bill giving them that help. Urban hospitals treat hundreds of thousands of people with uncompensated care, no insurance or underinsurance.

It is unfortunate that our country, the richest in the world, cannot at this time help our hospitals that are in critical condition. I met with my group of doctors just this last Monday, the Michigan State Society of Medical Doctors. They all talked about not being able to treat patients, about the reimbursement rates and the underinsuring. Many of them are dropping patients. We have got to do better by our health institutions. Our health system is in critical condition. This Congress could help support that. This bill does not do that.

I cannot support this bill in its present form, and I would hope we could go back to get a better bill to help the people of America, to help the seniors that have built this country, and so that our health care system in our urban hospitals can sustain themselves and take care of their mission, which is taking care of the people of America.

Madam Chairman, I rise today to express my dismay and concern about H.R. 2660, the appropriations bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies. This bill is being touted, even hailed, as a major achievement on behalf of supporting the education of our children, in addition to providing financial resources for our Nation's schools. The facts of the matter are, this bill is terribly flawed, under-funded and misrepresented.

The bill is terribly flawed for the following reasons. First of all the bipartisan supported No Child Left Behind Act is a gargantuan unfunded mandate. The President promised to revamp our educational system, to make schools accountable, to raise standards, to increase teacher competency and training, and to increase parent involvement. Instead, what has been delivered amounts to lip service.

The Labor HHS bill seriously under-funds the No Child Left Behind Act by $8 billion and provides the smallest percentage increase in education funds in eight years. The bill requires school districts to meet student testing requirements, improve teacher quality and impose other mandates. Additionally, the bill falls $350 million short of the $3.3 billion promised in (real terms) to states to improve teacher quality. Fifty-four thousand fewer teachers will receive high quality, federally-supported professional development.

This bill falls $334 million short of the $1 billion in Title I funds promised. In my home state of Michigan, under this bill, the children of Michigan will lose $202 million in Title I grants below the amount called for by the No Child Left Behind Act. This situation is further compounded by the fact that after-school learning opportunities are being short-changed. Under this bill, Michigan will lose $23 million in After-School Program Funding.

I said earlier, this bill has been misrepresented. This fact is true. Children and entire school systems are going to be left behind. The American public has been fed a feel-good diet of positive rhetoric by the President regarding our educational system. The reality is, the promises are empty, the financial cupboard is bare, administrators are disillusioned and our children are the losers. The insult that is added to the injury is that State budgets are crippled by unprecedented tax cuts that have been enacted, despite the reality of downward spiraling State economies.

As a member of the Appropriations Committee, I have been a witness to the collegial discussions about the constrained budgetary environment we are forced to operate within, thereby causing the under-funding of vital programs such as No Child Left Behind. I cannot sit by idly and embrace the current rhetoric that our Nation's school systems and their students are well-served by the bill before us today. This is not a good bill for America's children.

Madam Chairman, we are telling our children that the pursuit of an education and obtaining a degree will unlock the doors to opportunity. I am compelled to pose the question, where will the money come from to pay for students to attend school? Let us consider this, tuition at colleges and universities is increasing rapidly. Under this bill, grants such as Pell Grants, will finance only 38 percent of the cost of a public university—compared to 84 percent when the Pell Grant program was established. Students are confronted with greater costs and fewer means to pursue their dreams.

I stated earlier that this bill is being touted, even hailed, as a major achievement on behalf of supporting the education of our children. Furthermore, the President has informed Americans that needed financial resources are being provided for our Nation's schools. The facts of the matter are, this bill is terribly flawed, under-funded and misrepresented. The bill under consideration does not best serve the needs of so many of our Nation's students and school systems who were promised a first-class funded educational system, but instead they will receive thrift store funding. False hopes were created and broken promises in the form of un-funded mandates will now be the reward. I urge my colleagues to reject this bill.

We are experiencing a health care crisis in our Nation. In my district alone, there are two hospitals that are operating at such negative losses that they may be forced to close. These urban-safety net hospitals, like most other urban hospitals across our Nation, have a high percentage of uncompensated, uninsured and underinsured care. They do not turn anyone away. We cannot turn our backs on them as well.

The closing of these hospitals across our Nation creates a cascading effect that only adds to the health care emergency in our Nation. When one hospital closes, other hospitals must take on the burden of uncompensated care and the problem continues until the next hospital closes. When are we going to step up to the plate and ensure that we provide the funds necessary to fix our shattered health care system?

Instead of passing tax cut after tax cut that only raid our cupboards and benefits the wealth, Congress should take heed of the problem our urban hospitals are facing and provide a funding stream to help these important health care entities in this bill that provide a high percentage of uncompensated care. But no, tax cuts are more important.

Our distinguished ranking member of the Appropriations committee, Mr. OBEY tried to offer an amendment that would have restored Medicaid and SCHIP coverage to children who have been removed from those programs over the last two years. This amendment was defeated on a rollcall vote in committee. The amendment would have provided the funds by making modest reductions in the benefits that the highest-income taxpayers received under the 2003 tax bill.

At a time when high unemployment is causing many Americans to lose their job-related health care coverage, the State fiscal crisis is leading States to cut back health coverage through Medicaid, SCHIP and various state-finance programs. This is acceptable to many here in Congress that would prefer to see massive tax cuts than a strengthened health care infrastructure.

With States making the difficult decisions of cutting Medicaid and SCHIP eligibility, more and more individuals are joining the ranks of the uninsured. This in turn puts more of a burden on our hospitals that already are struggling to keep afloat. We need to get our priorities straight. We can do much better than what we have done with this bill to help those across our Nation.

Mr. OBEY. Madam Chairman, could I inquire as to how much time remains on both sides.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Ohio (Mr. REGULA) has 9 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 32 minutes remaining.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Madam Chairman, let me talk a little bit about some of the programs that I am so concerned about.

ALS is one program that has affected my office. I know that this disease is familiar to many, many people because of Lou Gehrig. It is a rare disease; but when you see it firsthand, you begin to recognize what research could do. A person becomes completely debilitated with this disease; and depending upon the severity of it, it happens either very quickly or it happens over a long period of time.

Now, the mind remains completely clear, but physically they deteriorate substantially and finally die after a period of either 1 to 5 years. So any increase in this program would be a real benefit to the people that have this dreaded disease.

Also, let me talk about diabetes, because in my district I have the highest rate of diabetes in the country. Now, we put $10 million in the defense budget for research for one part of my district because Brownsville, Pennsylvania, has the highest rate in the district so it is the highest rate in the country itself. And, of course, diabetes has so many ramifications that are directly related to it, and this research is so important.

Education, in my estimation, is the key. We have to spend some money convincing people that once they eat right and they do exercises they are going to limit their opportunity to have diabetes. And I am talking about Type 2 diabetes. I am not talking about Type 1 diabetes. Matter of fact, we have a young woman that was Miss America, of I think 1999, from the district, who had Type 1 diabetes. She has been out talking about it, and she convinced me that we needed to do something about this.

Alzheimer's disease and of course Parkinson's disease are two more of great concern to me. Joe McDade, who served in this House for 35 years, developed Parkinson's disease, and I sat beside him and saw him. His mind was completely clear, but it debilitated his body. Now, he has worked his way through it with drugs, and improvements in drugs made a tremendous difference.

I appreciate what this committee has done over the years in the research facilities and the work they have done in order to make sure there is as much money available as possible. I would hope that when we go to conference with this bill, we will be able to make sure that these research projects, which are so important, and which we have tried to supplement what you do in the defense bill with money for breast cancer, for ovarian cancer, for research in those areas, but I am hopeful you will be able to do even more in your bill this year. Because it has such a dramatic impact on preventing these diseases and, of course, actually saves us money in the long run.

So I would urge the committee when they go to conference to make every effort to increase the amount of research for these very debilitating diseases.

Mr. REGULA. Madam Chairman, I yield myself such time as I may consume to point out to the gentleman who just spoke, the gentleman from Pennsylvania (Mr. MURTHA), that we do have report language urging NINDS to focus on ALS. I know it is a devastating problem for those who are afflicted, and we are concerned about it.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, the Labor, Health and Human Services and Education bill has always reflected our priorities as a Nation. I believe we have an obligation to the people of this country to provide services that help us meet the most basic needs we have as a community, be they health, the education of our children, or scientific research that finds the medical cures for tomorrow.

Wherever one stands on the distribution of tax cuts that the Republican leadership in this Congress has passed, it is undeniable that they have significantly limited this government's ability to meet those challenges and to do our jobs. And of all the glaring inadequacies in this bill, cutting funding for the National Institutes of Health, the largest and the most distinguished biomedical research organization in the world, might be the most egregious.

It is not overstating the case to say that the NIH has prolonged or improved the life of every American. Childhood leukemia, because of research at NIH, the cure rate is now 80 percent. Diabetes, because of new treatments in Type 1, diabetics are now producing their own insulin, no longer requiring daily injections. NIH is also working on state-of-the-art treatments for Alzheimer's, Parkinson's and HIV.

As someone who was diagnosed with the deadliest of gynecological cancers, ovarian, more than 17 years ago, I know firsthand how this research has changed lives. It saved mine. And today, because of a new test to find ovarian cancer in its earliest stages, through a simple blood screening, millions of women will get the treatment that they need when it is most effective. That is the power of the NIH.

All of this has only been made possible because of a commitment we have had in the Congress to double the NIH's budget which created the most outstanding generation of basic and clinical scientists in history.

So what does this bill do? It breaks that commitment to double the NIH budget. It cuts NIH funding in real dollar terms. There will be no room to fund new research ideas, or little room. It will threaten NIH's abilities to continue its support for large clinical trials that go well beyond what the industry can fund. And by effectively paving the way for smaller, less expensive studies and clinical trials, scientific research will often be reduced to mere suggestions and not definitive conclusions.

Mr. Chairman, say what you will about the virtues of tax cuts, they do not save lives. Americans need to recognize that this debate is really about choice. It is a choice between medical research that touches every single American life, every life, and a trillion dollar tax cut that affects mainly the wealthiest in this country. And I guarantee that if Americans are forced to make that choice, that if the facts are laid before them, they would choose medical research each and every time.

For generations this body has made the right choice. Oppose this bill. It is an abdication of our responsibility to millions of American families and to this institution.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, may I inquire as to how much time remains on each side.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 26 minutes remaining, and the gentleman from Ohio (Mr. REGULA) has 8½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. DICKS).

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Mr. DICKS. Mr. Chairman, I rise today to discuss the Impact Aid program, which is critically important to me and many of my colleagues across the country. The Sixth Congressional District of Washington State, which is impacted by several large and vital military installations. Our region willingly hosts thousands of Active Duty personnel, who represent a large economic force in the Pacific Northwest. Washington is also home to 27 federally recognized Native American tribes. However, with these advantages comes a drawback: the loss of substantial property areas from the local tax base.

As my colleagues know, military bases and tribal lands do not pay most State and local taxes, but local school districts are still required to provide an education to children that live on these lands. Often this imposes millions of dollars in additional costs to these districts. Congress created the Impact Aid program to address this glaring problem.

I was extremely disappointed when the President submitted a budget to Congress earlier this year that contained a cut of more than $170 million to this important program. This proposal was very poorly considered, coming at a time when hundreds of thousands of troops were preparing for deployment around Iraq. As it becomes more and more apparent that large numbers of American troops will be required to remain in Iraq for the foreseeable future, the decision of the President to cut funding for educating their kids is more difficult to comprehend.

I commend the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) for coming to the rescue of Impact Aid and rejecting the Bush proposal. However, even with that, the Department of Education estimates that another $583 million is necessary to meet these needs. With the hundreds of billions of dollars that the Congress and the President have dedicated to tax cuts, it is astounding that we cannot find just a half billion in this budget to fully meet the needs of the children of our men and women who are fighting overseas on our behalf.

For years I have worked closely with dozens of Democrats and Republicans to make this a bipartisan proposal. Again, I commend the chairman and ranking member for fixing part of the problem, but we still have more to do.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, today we see the consequences of the massive tax cuts of the Bush administration. Theirs is not a policy of benign neglect, theirs is a policy of designed neglect. It is a policy to defund the government in 2010 and 2015 and 2020 and 2025. That is $3 trillion worth of tax cuts over that time frame which has already been passed.

Well, that means that the money will not be there for nursing home care for the 14 million Americans who are going to end up with Alzheimer's, with the 5 million with Parkinson's, the money will not be there for nursing home care for those seniors. What is the alternative? The alternative is to cure Alzheimer's and Parkinson's and ALS. That would be the NIH budget here today. But they are only going to increase that budget by 2 percent.

Now, the budget for smart bombs is unlimited; unlimited, but the American people want the same budget increases for smart medical research because it is just as important for the protection and defense of the family well-being of those tens of millions of families who are going to be afflicted by these diseases.

The gentleman from Ohio (Mr. REGULA) has a heart of gold. He really does. He is a wonderful man; but the overall environment of these massive tax cuts that the Bush administration has put in place makes it impossible now for us to fund either end of this spectrum, either the long-term nursing home care for those Americans who are going to be afflicted by these diseases, or the full funding, the doubling of the funding, the tripling of the funding which as a consequence would be necessary in order to cure those diseases. We cannot have it both ways. It is either one or the other. We must increase the NIH budget to protect the long-term interests of all American families.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in opposition to this bill. As cochair of the Biomedical Research Caucus, the House Cancer Caucus, the Heart and Stroke Caucus and as founder of the House Nursing Caucus, I can tell Members that this bill shortchanges the health of the American people. It is inadequate in so many ways, but I want to focus on just one.

We are missing a tremendous opportunity to support critical biomedical research that can save lives. Congress last year completed the doubling of the

NIH budget after years of underfunding this national institution. This was a tremendous accomplishment supported by Members from all across the political spectrum, but now we are going to begin throwing away the benefits from responsibly funding NIH. It is terrible news for cancer patients, heart disease patients, and others suffering from chronic diseases.

I watched my daughter Lisa struggle with lung cancer, pinning her hopes on a clinical trial. For these people to have hope, we need to fund new research, not just to continue existing grants. They need cures and treatments that have not been discovered yet. This bill will not allow new research. Instead, it will severely curtail new research opportunities.

An optimistic assessment shows that under this bill, NIH will be only able to provide 21 new grants next year. The 2.5 percent increase in the bill does not match NIH's estimates of inflation in research costs. Cancer patients, heart disease patients, Alzheimer's patients, stroke survivors, Parkinson's patients, ALS, many others are just going to have to wait. This bill defers their hopes of new cures.

As many of my colleagues have stated, we are seeing the cost of these tax cuts. The majority will tell us we cannot afford spending for institutions like NIH above the 2.5 percent increase, we cannot afford the benefits of lifesaving medical research. The irresponsible tax cuts the majority has rammed through are costing us lives. We should reject this bill and get our priorities straight.

Mr. Chairman, I do not want to tell the cancer patients in my district that their research has been blocked. Do you?

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Chairman, given my deep respect for the gentleman from Ohio (Mr. REGULA) and his sincere efforts to address critical needs within the restraints that he was given, I regret that I must rise in opposition to this bill.

I am particularly concerned about the funding levels for the Older Americans Act programs and their impact on the elderly of our Nation. The Older Americans Act of 1965 was passed the same year that Medicare was enacted to meet the needs of elderly Americans and to enable them to live their twilight years with dignity and respect by helping them with nutrition, transportation, and other services that would allow them to stay independent and in their homes. This bill jeopardizes that promise.

It is hard to overpraise the generation that our parents and grandparents represent. Theirs is the generation that helped to make this Nation great. Unfortunately, because this bill provides less than a 1 percent increase for programs in the Older Americans Act, even after the committee restored the $25 million cut in the President's budget, senior services critical to their quality of life will have inadequate funding; services such as Meals on Wheels, in-home support services, preventive health programs, and programs to guard against elder abuse and exploitation.

This inadequate funding will also create greater headache in the future when one considers that one-sixth of our Nation, over 46 million people, are already 60 and older, and that by 2005 an estimated 13 million more babyboomers will join them.

I ask my colleagues to vote against this bill and to send our elderly a strong message of support and appreciation for their past sacrifices and their right to live with dignity and respect.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to associate myself with the remarks of the previous speaker, the gentlewoman from California (Ms. ROYBAL-ALLARD).

I think it is a disgrace in this budget, although our chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), have made the best out of a bad situation.

We are underfunding the Older Americans Act. At a time when our babyboom generation is getting ready to retire, it seems to me we ought to be getting prepared to deal with these issues. Instead, I will give an example of two programs that we severely underfund in this budget because of the allocation we are given; one, the Meals on Wheels program, and the Congregate Meals program.

I can tell Members, having been out there with meal site workers and with those on the Meals on Wheels program, this is the only meal they get any day. I have been in the homes. These people are looking forward to the knock on the door. In fact, some seniors leave their door open, and we all know how concerned they are with someone breaking in, but they leave the door open when they know the meal site worker is coming by to deliver that hot meal. When the worker comes in, they want to take the dessert and the bread and put it over here because that is their dinner. They have one meal per day, and we are underfunding Meals on Wheels in this bill.

The second issue I want to take up is the issue of the caregiver program. I do not understand our priorities. I thought we were about trying to save money and save lives. It seems to me there is no more valuable way to take care of our seniors than to have the very family members, their spouses and their children, give them the opportunity to take care of their parents. It is $40,000 a year to keep a senior citizen who has disabilities in a nursing home. Why put him in a nursing home when they do not want to go to a nursing home; and, two, and they can live independently at home with just a little support from a family member. We are cutting the caregivers' program. We spend $5 per caregiver so they can take care of their loving spouse.

To me, this budget does not reflect America's priorities. I know I am going to vote against it, and I think we are seeing the consequences of these $3 trillion tax cuts when it comes to delivering hot meals to seniors.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member and the chairman of the subcommittee for their efforts.

I rise in support of the Obey substitute, and specifically the increase in Low Income Home Energy Assistance funding it provides. The underlying bill has only $1.7 billion in regular LIHEAP funding appropriations and a small $100 million account for contingencies.

The gentleman from Wisconsin (Mr. OBEY) wisely provides $2.25 billion in regular appropriations for LIHEAP. For low-income and elderly Americans trying to weather through the terrible energy bills in this country, LIHEAP is critical, and every dollar helps out.

But for folks from the South, there is even a bigger reason to support the funding level in the Obey amendment. LIHEAP funding has a $1.9 billion threshold, which means that after funding exceeds that level, Southern States that use LIHEAP for cooling during the summer months receive a fairer portion of the funding. People die from heat more than from cold in our country.

The Obey amendment provides an additional $28 million in low-income assistance for Texans struggling to pay their electric bills. Texas LIHEAP averages about $500 per family, so that means an additional 56,000 families could be reached just in Texas alone.

The President in his Statement of Administrative Policy says he believes we need more LIHEAP funding. I bet if he saw the levels in the Obey amendment and if he saw what it means for low-income Texans, he would support it, too.

I strongly believe that the LIHEAP formula needs to be reformed to address the situation in the hotter Southern States. Texas receives the second lowest amount per low-income person in the country under LIHEAP, about $10. Minnesota receives $160 per low-income person. My colleagues know that heat causes serious health problems that can kill. According to the National Weather Service, in 2000 and

2001, there were 324 heat-related deaths and 30 cold-related deaths. Heat worsens heart conditions, lung conditions, diabetes, circulatory conditions. During a Texas summer, for old folks and the disabled and those with chronic conditions, air conditioning is a lifesaver, not a luxury. I urge my colleagues to support the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

□ 1345

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let us think for a moment about what our great Nation can be and then think at the same time about the direction in which we are going. And this legislation, this appropriations bill reflects the fact that we are moving in a very bad direction. The reality is that in our great Nation, we have the capability of providing a decent life for all of our people. The middle class should be expanding, not declining. Poverty should be going down, not increasing. Unemployment should be going down, not up. We should be taking care of the most vulnerable people in our country, the elderly, the sick, the children, not seeing them exposed more and more to the dangers that impact upon their lives. We should be asking the wealthiest people in this country to help make our entire Nation great, not provide trillions of dollars in tax breaks for people who do not need it.

That is what the United States of America is about. That is where we should be going, a good life for all of our people, not extraordinary wealth for a few, the decline of the middle class and an increase in poverty. In terms of our elderly, think about what millions of elderly people are trying to do today, as we speak, in an attempt to survive on Social Security. They are trying to figure out how can they afford to pay the outrageously high cost of prescription drugs which the pharmaceutical industry imposes on us. They are thinking about in the cold weather, States like Vermont, how can they heat their homes when oil prices go up and they have inadequate sums of money. They are thinking about what happens to their family if they need home health care, if they need a nursing home. They are thinking about the pleasures that they receive, few as they may be, when they are getting Meals on Wheels delivery to their homes. These are frail people who cannot leave their homes, who every day have someone knock on the door giving them sustenance. These are people who once or twice a week go to a congregate meal program which gets them outside of the home, which enables them to socialize with their friends, which enables them to see a social worker which adds years to their lives. And then think about what this bill does and what the right wing Republican agenda is all about. What the agenda is about is to defund the basic programs in this country that protect the littlest children and the oldest people, that provide people with a basic minimal standard of living.

We have got to defeat this legislation, cut back on these huge tax breaks, and make sure that all Americans get the kind of help that they need.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield another 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY), who has the quaint idea that we should not be gutting our efforts to control child labor.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to thank the gentleman from Wisconsin for his steadfast leadership on these issues of great importance.

I would like to again ask to have the remarks of my predecessor be included in the RECORD as remarks that I would be associated with.

And let me say to the people what this bill does in terms of child labor. We always complain when we see those stories about that 5-year-old, that 12-year-old over in some part of this world that is weaving together a rug that will be sent back to this country and sold at Wal-Mart for $10. And yet $10 will probably be all that child sees in any given year, and under this bill this administration cuts by over $100 million the funding to inspect and enforce child labor laws around the world.

Let me just give an example. Between 5 years of age and 14 years of age, there are over 250 million children between 5 and 14 who are working in violation of the International Labor Organization standards. Do the Members not think we ought to do something about that. Do the Members not think that this country has a moral obligation to ensure that these children are not being exploited? Apparently, the administration does not feel that way. They have cut the budget $100 million.

Right now the President is over in Africa. He is talking about HIV/AIDS. Remember he was promising them a lot of money? Guess what. In this budget he cuts funding for HIV/AIDS partnerships through the ILO, which can help create a private sector involvement to help tackle the scourge, the pandemic of AIDS in Africa. That money has been cut. So we can most clearly see our Nation's priorities are based upon where we spend our money. Millionaires in this country get $87,000-a-year tax cuts, millionaires; but we are going to underfund inspections of child labor. That, I think, is a disgrace.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, the bill before us has many shortfalls that are being detailed today. Underlying many of them is the need for funding for nurse education programs. We are in the midst in this Nation of a growing nurse shortage. The nursing workforce is aging and approaching retirement. Fewer and fewer nurses are coming into the field. Today we are currently short 126,000 nurses. The demand for nurses will increase by more than 25 percent over the next 7 years; and according to the Bureau of Labor Statistics, we will need 1 million more nurses by 2010 to meet the needs of this country. To make matters worse, these shortages will peak just as the baby boom generation begins to retire. The shortage is already complicating the deliver of everyday health care.

As health care professionals can tell us, dealing with the nursing shortage is about ensuring quality patient care. The joint Commission on Accreditation of Health Care Organizations has studied the link between staffing shortages and increased medical errors and found that one quarter of all unexpected deaths and injuries caused by hospitals can be linked to the lack of nurses. The nursing shortage is hampering our homeland security preparedness efforts. Who is going to administer smallpox vaccines or other bioterrorism treatments if we do not have enough nurses? Last year the Congress recognized this threat to health care and preparedness in our country. We have passed the new nurse reinvestment act to recruit and train nurses and keep current nurses on the job.

But the bill before us fails the commitment we made just last year to address the nursing shortage. It offers no increase for funding as this baby boom generation approaches retirement, no way to deal with shortages in this bill. The nursing funding is already so low compared to other health care priorities that it should not be cut at all. In fact, in 1974 during the last serious nursing shortage, funding for nurse education programs was $153 million. In today's dollars that would be worth $533 million, almost five times what we are spending now.

We can afford to make a modest increase in this underlying bill to address today's shortage. We must do this. If we miss this opportunity to make an investment in our health infrastructure and our homeland security efforts, we will be reaping the consequences of yet another reason we should not have voted for that huge tax cut. And I urge my colleagues to vote against this bill. Let us start over again and address the nurse shortage.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I want to discuss some ways this bill falls short in our commitments to eradicating child labor and promoting core labor standards. Less than a month ago, Secretary Chao stood before the International Labor Conference and proclaimed the administration's solid support for ILO programs. She even announced "new" initiatives to combat child labor and to fight the scourge of AIDS. In the days when the credibility of the United States is strained, it is unconscionable to make hollow promises, and that is what Secretary Chao did when she implied the administration would ramp up the International Labor Affairs Bureau's work, including expanding HIV/AIDS prevention programming.

My colleagues, like the administration's fiscal year 2004 budget, the bill before us provides $12.3 million for ILAB. A 92 percent reduction in funding for the Bureau would gut our efforts to eradicate child labor and promote decent labor standards abroad. Furthermore, our ILAB public-private partnership aimed at combating the spread of HIV/AIDS would be completely eliminated.

Mr. Chairman, the International Labor Affairs Bureau's programs are working. Since fiscal year 1995, our child labor elimination projects have targeted more than 500,000 children for prevention or removal from exploitive work. In turn, more than 140,000 children have been either prevented or have been removed from exploitive work; and since October 2002, 24,000 children have been removed from just awful conditions and placed in education and training programs. ILAB assistance has also resulted in 41 counties making commitments to initiate programs or expand existing projects that are designed to promote and implement core labor standards, including occupational safety, health, model job banks, mine safety programs, veterans employment and training. I realize that as of May 31 ILAB had only obligated 8 percent of its fiscal year 2003 appropriated funding.

Please let us vote against this bill so we can work with the Senate and expand the numbers for this very important program.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Republican bill. Democrats were denied an opportunity to offer our substitute that would have reversed a decade-long funding stranglehold that has provided flatline funding on the senior citizen meal program, including Meals on Wheels. In the past I have offered amendments during the appropriation process to reverse this trend, and the Republican majority has stricken my amendments in conference. The funding for senior meals programs when translated into today's dollars has steadily been dropping when adjusted for inflation, and this has resulted in significant reductions in meals provided at senior centers. In my district, from Ironwood to Au Gres, senior centers have been struggling to keep their heads above water because funding has dwindled.

In fiscal year 1994, we allocated $151 million for the Nutritional Services Incentive Program. If we were merely to just keep pace with inflation, the funding today should be $191 million. Instead, the proposal in the Republican bill cuts funding by $2 million to below where we were in 1994, where we are at $149 million. This decrease in funding ignores the large growth rate in the senior population and insults senior citizens who depend on these programs to feed themselves daily. I repeat. This Republican bill continues a decade-long flatline funding plus cuts another $200 million from the senior meal funding and ignores the needs of seniors in my district and throughout this country.

I urge all Members to vote "no" on this appropriation bill.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have documented the numerous ways in which this bill does not meet its responsibilities to the American people. The situation we are in is basically this: We are going to be asking the majority to reconsider a decision it made just a few weeks ago to put all of our eggs in one basket in the form of tax cuts rather than reserving some of those eggs and putting them into needed health care and education and worker protection programs. The problem with the way this House is being run is that the budget system is being misused to hide from the American people the consequences of the actions taken by the majority party on tax policy.

□ 1400

They want to hide behind the House rules and say, "Oh, look, we already decided the tax issue, and so now you are stuck with the room that is left under the budget resolution." We do not think that is a good enough reason to continue to do something that is stupid and unfair and, in some cases, heartless.

What we are asking our majority Members to do is to reconsider the decision that decided that it was necessary to give millionaires in this country an $88,000 tax cut. We are asking you to use an unusual procedure in order to revisit that decision and instead limit that tax cut for those 200,000 people who make more than $1 million a year, limit that tax cut to $44,000 a year, so that there is some room in the inn left to improve the quality of education for our kids, to protect our workers against child labor, and to see to it that not a single child in this country is knocked off the health care rolls because of State budget crises.

So that is a simple choice. Now, you can try to convince the press and convince the country that you have already made these decisions and so you have no choice but to move on.

You always have choices. You always have choices. It depends on whether you are willing to insist on exercising them. Every person who votes for this bill today will be saying they would rather leave the tax package as is and go ahead with this bill as is. I do not think that is a wise decision. I do not think it is going to be an acceptable decision when the American people understand what you have done.

The choice is very simple: Are we going to make kids pay for giant-size tax cuts for the most privileged people in this society, and, in the process, weaken their ability to get a good education and weaken their ability to be taken care of when they need to see a doctor or a nurse? That is the simple choice.

Mr. Chairman, with that, I would simply appeal to Members' consciences.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MCHUGH) for a colloquy.

Mr. MCHUGH. Mr. Chairman, very briefly, we deeply appreciate the consideration the gentleman from Ohio (Chairman REGULA) has given to the Low Income Home Energy Assistance Program and we know he understands the importance of this vital program. Many of us remain concerned, however, Mr. Chairman, about the direction as it is contained in this bill.

As you know, prices this year for energy are up 30 percent for natural gas, 60 percent higher for heating oil, 25 percent higher for propane, and on and on and on. We certainly think that as the process continues, we need to look at this issue further, and we would, in spite of all your good efforts to this point, urge you to continue to recognize the impact that our Nation's current weakened economy and the high price of energy on low-income and fixed-income energy consumers is having.

We would certainly hope that LIHEAP could be increased to avoid a crisis, and urge you respectfully, Mr. Chairman, a consistent supporter of this initiative, to consent to working toward that $2 billion in funding for LIHEAP as was agreed upon by the Senate.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for voicing his concerns. In my own State I have seen firsthand how critical LIHEAP is for low- and fixed-income families. I support providing an adequate funding level for this program.

When the House and Senate go to conference on this appropriations measure, I will work with my colleagues to ensure the viability of this crucial program.

Mr. MCHUGH. Mr. Chairman, reclaiming my time, I thank the gentleman for his consideration.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Chairman, this bill before us today will fund the Departments of Labor, Health and Human Services, and Education, in my opinion, at the appropriate levels. It maintains fiscal discipline and makes necessary spending reforms, and it also sets priorities. It reflects America's commitment to education, Federal health initiatives and working families.

The bottom line is that it meets our needs, and, of course, it does so without raising taxes. But raising taxes is exactly what the minority wants to do. It is the basis of the proposal of the gentleman from Wisconsin (Mr. OBEY) and most of the people that have spoken on the other side of the aisle.

The gentleman from Wisconsin suggested earlier that he thinks 90 percent of the people affected by his tax hike actually want higher taxes. I repeat, the Democrats think Americans want and deserve higher taxes. Now, that is a debate I wish that we could have every week, every day, on the floor of this House, because the gentleman from Wisconsin (Mr. OBEY) says his tax hike, and I thank him for his candor, would only cost a small business $28,000. Only $28,000.

Mr. OBEY. Will the gentleman yield? I never said any such thing. I never mentioned any small business.

The CHAIRMAN. The time is controlled by the gentleman from Texas (Mr. DELAY).

Mr. OBEY. If the gentleman is going to quote me, he ought to quote me accurately.

The CHAIRMAN. The gentleman will suspend.

Mr. OBEY. Do not use the rules to lie about what I said.

The CHAIRMAN. The gentleman is out of order and the time is controlled by the gentleman from Texas.

POINT OF ORDER

Mr. CUNNINGHAM. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CUNNINGHAM. Mr. Chairman, it is correct that it is wrong to use the term directed to another as a "liar" on the House floor, and, if so, I wish the gentleman's words to be taken down.

The CHAIRMAN. The Chair rules on the point of order that the Member must avoid such personal references to other Members.

The gentleman from Texas (Mr. DELAY) may continue.

Mr. DELAY. "Only $28,000." But $28,000 to a small business is a job. That is a salary, money a small business could use to hire a new employee. And they want to take it away.

Now, Democrats want to stifle job creation to fund their big government programs. But, Mr. Chairman, Republicans know better. We understand that the economy cannot be improved without job creation, and we understand that 70 percent of all new jobs are created by small business.

So, when the Democrats propose raising taxes on the very small businesses that would create these jobs, you have to understand our confusion, and you have to understand our excitement. After all, this has been a wonderful debate, and I want to thank the gentleman from Wisconsin and the Democrats for their clarity and their consistency. I want to thank them for touting this idea to raise taxes on small businesses and stifle job creation. I truly do.

Though, I have to admit, when I heard about the Democrat's proposal, I almost forgot what year it was. I started looking around for bell-bottom pants and aggressive chest hair. But before I dusted off my polyester, you will be happy to know, Mr. Chairman, that I had come to my senses, because, despite the earnest wishes of the Democrats, it is not 1977 anymore, and hiking taxes to pay for big government programs is as dead as disco.

Now, I do not mean to single out the gentleman from Wisconsin (Mr. OBEY) or the Democrats. After all, as you can painfully see, a lot of bad ideas were fashionable in the 1970s. But nowadays big tax-and-spend hikes make as much sense as my old pink and red leisure suit.

Mr. Chairman, thankfully most Americans had the common sense to let the embarrassing fashions of the 1970s go. So on behalf of everyone with a picture like this in their family album, I urge my colleagues to vote for this bill and vote against the small business tax hike of the disco Democrats.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would ask the gentleman, who is that nice-looking girl with that young guy?

Mr. DELAY. Mr. Chairman, that is one of the most beautiful women in the world, my wife.

Mr. REGULA. Mr. Chairman, I yield 2 minutes and 25 seconds to the gentleman from Texas (Mr. SESSIONS) for a colloquy.

Mr. SESSIONS. Mr. Chairman, I thank the distinguished chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies for yielding to me and for his tremendous work on this legislation and important issues. I also want to thank the chairman for working with me to provide adequate funding for Down Syndrome research, particularly in the area of enhancing cognition and preventing the early onset of dementia for people with Down Syndrome.

This year, the National Center on Birth Defects and Developmental Disabilities at the Centers for Disease Control recognized the need for studies in these two areas. The first study would develop estimates of the number of persons with Down Syndrome by age group and racial and ethnic breakdowns. The second study would document the onset and the course of secondary and related developmental disorders and health conditions of individuals with Down Syndrome. The committee report makes reference to these proposed studies, and I want to thank the chairman for including that language in the report.

Current estimates indicate that there are approximately 350,000 individuals living in the United States today with Down Syndrome, but we do not know how they break down by age group or by ethnic group. We also do not know why children with Down Syndrome are more at risk for developing secondary conditions, like autism and obsessive-compulsive disorder.

Mr. Chairman, I want to know, do the gentleman agree that the funding of these studies should be a national priority?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's leadership on this issue and agree with him that the study of Down Syndrome should be a national priority. The committee has encouraged the NIH and CDC to place a greater priority on Down Syndrome research, which has generally lagged behind other kinds of disability research. The testimony that was provided to the subcommittee on May 13 was very informative and very helpful, and I look forward to working with the gentleman from Texas to encourage NIH and CDC to fund this important research.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his comments and would ask if he would be willing to work with me in the conference towards funding these two studies of the CDC in fiscal year 2004?

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, I look forward with working with my friend to address these specific concerns in this appropriations bill.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I thank the gracious gentleman for his time and for his work.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the House rules.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada (Mr. PORTER) for a colloquy.

Mr. PORTER. Mr. Chairman, I represent the Clark County School District in the great State of Nevada, the seventh largest school district in the country.

Nevada is the fastest-growing State in our Nation and has grown more than 75 percent since the 1990 census. Clark County School District is accepting close to 12,000 new students a year, opening more than a dozen new schools and hiring over 1,800 teachers a year.

Education funding levels are not keeping pace with the population growth occurring in Clark County, Nevada. A major problem the Clark County School District faces is the number of new students moving into the district that come from other school districts, many from other States, where funds previously allocated for that student are not following them to Nevada.

Currently, the Census Bureau has been conducting biannual updates to calculate and update current population to be used in establishing Federal education funding in Title I of No Child Left Behind.

Nevada, more specifically Clark County, would benefit significantly from an annual poverty update to be provided for in the Labor-HHS-Education appropriations bill. I commend the committee for including the language to provide $3.5 million to the Census Bureau to conduct an annual poverty update. This language will help track population changes as closely as possible.

While I appreciate the committee's efforts to address the needs of fast-growing States, Mr. Chairman, you understand the degree to which Nevada suffers Federal funding shortfalls due to our exponential growth.

□ 1415

Therefore, I would request that the chairman of the subcommittee continue to work with me to secure additional funds to help Clark County and the State of Nevada fill some of the funding gaps we have been facing.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's comments. I will be happy to work with my colleague, the gentleman from Nevada (Mr. PORTER), as this legislation moves through the legislative process.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Ohio for his attention to this matter.

Mr. REGULA. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. REGULA. Mr. Chairman, let me say to the people who are watching, we are going to do some procedural things. We are making every effort to try to get this bill finished in a timely manner, so bear with us.

Mr. JOHN. Mr. Chairman, today I intended to offer an amendment to fund the fight against mosquito borne illnesses such as the West Nile virus. However, due to the agreement for limited debated on the Labor-HHS Appropriations legislation I was not able to offer the amendment. I would like to express to my colleagues on the Appropriations Committee the importance of addressing this issue in conference.

I commend the CDC for the work that they have done on educating our constituencies on prevention and for the support they have given for surveillance. Unfortunately, the CDC and many others were taken by surprise by the aggressive nature of the virus. And although the House appropriators have seen fit to increase CDC funding for the West Nile virus it is simply not enough. Counties across this country need help with controlling mosquito outbreaks. Education and surveillance alone is not going to put an end to the spread of this virus.

This is a major public health threat, and Congress has recognized this by passing the Mosquito Abatement Safety and Health Act. H.R. 342 would provide financial assistance to localities as they attempt to battle the spread of such an aggressive virus. Both the House and Senate have recognized the importance of this legislation by passing my bill, and I am anxiously awaiting final negotiations on the bill so that it can be sent to the President for his signature.

But an authorization is not enough, as we all know. This legislation needs to be funded at its authorized amount—$100 million. As of July 7, 28 states have experienced the West Nile virus, and the first human case of 2003 was diagnosed last week. For many of our constituents there are months of West Nile activity still ahead. Most of the 4,000 plus cases of West Nile infection in 2002 occurred in the last 6 months of the year.

Mr. Chairman, I urge my colleagues on the Appropriations Committee to further fund the fight to stop the spread of mosquito borne diseases and to appropriate funds for H.R. 342 when it is authorized—which I hope will happen before a conference on the Labor-HHS bill concludes.

Mr. BACA. Mr. Chairman, I rise in opposition to this bill.

For the past 2 years, the Bush Administration and the GOP have claimed that they are about educating children. But with this bill, Republicans are proving that they do not.

Where is the money that Republicans promised with the No Child Left Behind Act? The bill shortchanges our children by nearly $8 billion dollars.

This bill slows increases in education spending from 19 percent to 4 percent.

Republicans have promised to leave no child behind but under this bill, it is clear, many many children are being left behind.

How can we give tax cuts to the wealthy and take away from our children the right to a good education?

This bill will dramatically affect many school districts around this nation, but it will especially hurt my community—San Bernardino County California.

This bill cuts $64 million in funding for programs that help non-English speaking students learn to speak the language.

This bill completely ignores the needs of children in our public schools today. Today, 4.5 million children with limited English skills speak more than 460 languages.

The number of children who need help learning English has more than doubled over the past decade.

These children live in every state and are enrolled in half of our Nation's school districts. But I know that with this cut many children in my district will be left behind.

Places like the Ontario-Montclaire school district, where more than half of the students have limited English.

They need this money. Their children deserve a better chance at life too.

And nearly 40 percent of the children in the Fontana school system and nearly seventy percent of the students in the Rialto school system have limited English skills.

These school systems need this funding. How do we expect teachers to teach, when they do not even speak the same language as the students.

Students who can't read or write English have a greater likelihood of dropping out of school and have a greater chance of being in poverty for the rest of their lives.

Of the 530,000 Latino dropouts, one in three is an immigrant with limited English.

But this bill not only increases the likelihood that students will drop out, it practically guarantees it.

Under this bill $11 million is eliminated from the Drop Out Prevention Grants.

Every year, nearly 15 percent of young Latinos between the ages of 16 and 19 drop out of school. This is twice as high as the dropout rate for Anglo children.

Children who drop out of school are more likely to commit a crime or end up in prison. And they are 67 percent more likely to become involved in drugs or alcohol.

We need to find ways to motivate these students to stay in school, not discourage them by denying them English language skills and a proper education.

I oppose this bill in the name of all of the Latino children in my district that will be harmed by these education cuts.

We must find a way to get districts the money they need to help our children and Republicans must find a way to keep their promises.

Mr. STARK. Mr. Chairman, today, I rise in strong opposition to the Republican Labor-HHS appropriations bill.

Just 2 years ago when Congress passed the Leave No Child Behind Act, we made a commitment to improve education for every American child. We promised that there would be a qualified teacher in every classroom within 4 years. We pledged to provide every school district with the resources to meet new achievement and accountability standards for raising academic performance. We committed to making sure after school programs were available to provide a safe environment for children to pursue extracurricular activities that help them learn.

My how times change. Today, the President and Republicans have turned the promises of Leave No Child Behind into a hoax. They refuse to fully fund the initiatives that are vital to its success. They've passed the buck to the States, which simply don't have the resources to fund these programs but still must meet rigorous achievement standards. In this short-sighted and callous effort, Republicans have doomed Leave No Child Behind to fail. This is a slap in the face to school kids everywhere and to their parents who simply want their children to have good schools and qualified teachers from which to learn.

You don't have to take my word for it, just look at the numbers. Republicans provide $334 million less than was promised for teacher training and recruitment. This means 54,000 teachers won't receive needed training next year and another 7,000 teachers won't be hired to provide specialized instruction in reading and math to 170,000 at-risk children. For California, Republicans make sure our public schools will lose nearly $1 billion in grants to meet new student achievement standards and $50 million less for grants to ensure teacher quality.

In addition, highly successful after school programs are being underfunded by nearly $1 billion. California will lose out on $100 million in funding for these activities. Grants provided under IDEA are $1.2 billion less than promised. So California's school districts will lose out on nearly $130 million for educating children with disabilities.

Now, if you thought failing our children and their future was bad enough, consider how this bill shortchanges America's workers and their families. Even in the midst of this tough economy and growing unemployment, the Republicans can't seem to bring themselves to increase funding for job training. Federal job training programs are simply funded at last year's level. And for those Americans who are lucky enough to have jobs, the Republicans want to take away your right to earn overtime pay.

We had the opportunity today to stop the Labor Department's proposed regulations expanding the number of employees who are exempt from receiving overtime pay when they work more than 40 hours in a week. Republicans defeated our Democratic amendment to make sure no funding was provided to enact these flawed regulations. In doing so, 8 million American workers could lose their right to overtime pay, which translates into a huge pay cut for working families who depend on overtime pay to maintain their standard of living. This change would also encourage employers to work employees longer hours, leaving them with less time to spend with their families. There is no question that working families deserve better.

Lower income families, women and their children also deserve better when it comes to health care. Yet, this bill also threatens their ability to receive the medical services they rely on.

Like so many programs, Title X, the nation's cornerstone health services and family-planning program, won't receive additional funding next year if this bill passes. This is despite the fact that more than 4.8 million low-income families and their children receive basic health care through its 4,500 clinics nationwide.

Title X clinics provide needed health services: screening for breast and cervical cancer, sexually transmitted diseases, breast and pelvic exams, in addition to prenatal, postpartum and well-baby care. They also provide educational services, counseling and information concerning both abstinence and contraceptive methods. By providing these family-planning services, Title X contributes to the reduction in unintended pregnancies and makes abortion less necessary.

In the 13th District alone, these family health clinics were able to serve over 63,000 patients in 2002—but they could be doing more and they should have the resources to do it. Unfortunately, anti-choice lawmakers are holding funding for these clinics hostage despite the success of these services in preventing unintended pregnancies.

Ideology, not science, has led Republicans to divert funding to ineffective "abstinence-until-marriage" programs. Congress now devotes $117 million to these entirely unproven methods while flat lining funding for title X programs. But, unlike Title X, abstinence-only programs provide no actual clinical health services.

I urge my colleagues to take a stand for the future of our children, working families and women in voting down this bill. We shouldn't throw away America's future by neglecting the education of our children, the economic security of working families, or the health care they need and rely on. I urge my colleagues to vote no on H.R. 2660.

Mrs. CHRISTENSEN. Mr. Chairman, this body should be ashamed of itself.

The healthcare and education of the citizens and residents of this country are in a stranglehold because of a greedy oversized tax cut, and we couldn't even vote to consider reducing it by just a small amount—to allow us to provide as better education for this country's children so this country itself can be better and stronger, and help to reduce the premature, preventable deaths that occur everyday in our communities of color and poor and rural areas.

Mr. Chairman, it is a travesty that this body is moving ahead today with H.R. 2660 the 2004 Labor HHS appropriations bill as passed by the Republican members of the committee.

Democrats did not support it for good reason, and we must oppose it now.

There are many reasons why this bill is a terrible insult to the people of this country, but let me just focus on health care for my brief time:

Even for its centerpiece—community Health centers—it provides the smallest increase since 1998.

There is no increase at all for the Maternal and Child health block grant or for childhood immunization, further turning our back on our children.

The bill provides no increase for the National Health service corps; it cuts programs that help students from minority and disadvantaged backgrounds prepare for and succeed in health professions schools, and freezes funding for health professions training, at a time when we are unprepared to meet not only our everyday health needs, but to protect our country from bioterrorism attacks.

I could go on and on, but let me just end with funding for HIV and AIDS. Not only is the minority HIV/AIDS initiative flat funded when the proportion of people of color being infected is increasing, but the program which provides treatment to persons with AIDS, ADAP, is grossly under-funded, increasing the waiting list for persons with AIDS for treatment, putting their lives and those of others at increased risk.

When did we become such an uncaring country, which would leave children unprepared for life, and others to lose theirs when we could do something about it?

This appropriations bill is not worthy of this country and this body. I urge my colleagues to vote for the Obey substitute and against the base bill.

Mr. OWENS. Mr. Chairman, the Republican funding for vital Education, Health, and Labor programs is dismal. While this country's richest one percent enjoys an average tax cut of $85,000,000 the country's poorest will see dramatic cuts in programs designed to close the gap between the rich and the poor. If we are to provide for "No Child Left Behind" it is imperative we fully fund programs for children with disabilities. The Republicans decided not to honor their commitment for putting this program and other NCLB programs on a path to full funding by 2009.

Under this bill New York will suffer education cuts of approximately one billion dollars less than the levels authorized by the "No Child Left Behind" and the "IDEA Reauthorization" Acts. It leaves behind military dependents living near New York bases. It does nothing to help low-income college students pay for the 24-percent increase in tuition while freezing funding for teacher quality grants.

The Bush administration along with the Republican led Congress has passed tax cuts for the wealthy and left our Nation's children behind. The IDEA reauthorization which provides funding for children with disabilities was promised an increase of $2.2 billion. This appropriations bill comes up 55 percent short. A promise to fund teacher quality grants falls $350 million short, leaving 54,000 fewer teachers who would have received training and development. We passed stronger accountability standards for schools, yet this bill falls $334 million short in Title I funds. The NCLB pledged $6.15 billion more for FY04, but this bill will leave nearly 2.2 million disadvantaged children behind. We wanted to see students achieve in reading and math. We wanted higher standards, but where is the common sense in underfunding these programs? In order to provide children with adequate facilities, equipment and specially trained teachers more money must be appropriated.

After-school programs play an essential role in the education of disadvantaged children, but this bill falls $750 million short of the NCLB promise. As a result, more than one million children will be denied the opportunity to participate in after-school programs.

Higher Education assistance through the Pell grant program is frozen under the Republican bill. Every one knows the way to close the gap between the wealthy and the working poor is through affordable education. Historically, the Pell grant program allowed students to achieve their goals without accumulating large debts, but this bill freezes the maximum Pell grant. When the Pell Grant program was initiated it financed 84 percent of a public university education. This bill would only finance 38 percent of the tuition cost.

This bill stifles the National Institutes of Health by providing only a 0.2 percent increase for programs other than bio-defense, leaving cancer and other disease research underfunded. With rising medical costs, childhood immunizations, Community Health Centers, Maternal and Child Health Block Grants will receive little or no increase. No new funding is included for nurse education and training to help with the increasing nursing shortage. While the Nation's richest are having elective surgeries in spa-like, fully staffed hospitals, the rest of our Nation is woefully underserved.

Services such as those provided by the Community Services Block Grant are to be reduced by $150 million, leaving our low income wage earners and the unemployed with little opportunity to upgrade their skills, hampering their ability to rise above the poverty level. In addition, it shuts down emergency food distribution efforts for the homeless and other low-income families. This bill further punishes by cutting funding for "Low Income Heating Assistance" at a time when heating bills could rise by double digits this winter for about half of all Americans.

The Labor Department, not to be outdone by the Republican Congress, is intending to take more money away from 8 million workers including some 500,000 fire fighters, police officers and nurses. New overtime regulations proposed by the Department of Labor will make it much easier for employers to stop paying overtime compensation, demand longer hours and cut their employment rolls and thereby increasing unemployment. This decision at a time when the overall unemployment rate rose to 6.4 percent while the rate for African Americans rose to 11.8 percent. This rate reflects 9.4 million people who were unemployed in June, a fifth of whom were unemployed for more than 6 months.

The Obey/Miller amendment which I fully support would block these ill advised new Labor Department regulations.

Working Families deserve much more. This legislation will leave its imprint on millions of families. It will not help with our continuing poverty problem, leaving our country to look more and more like a developing nation. A country which gives CEOs of Pharmaceutical companies salaries exceeding $26 million dollars cannot with good conscience cut key domestic programs. The FY2004 Labor-HHS-Education appropriations bill leaves children and families behind.

Mr. CUMMINGS. Mr. Chairman, I rise today to speak against the Labor, Health and Human Services and Education Appropriations bill, H.R. 2660.

Mr. Chairman, if this bill is enacted, the consequences to most Americans will be horrendous. This bill is proof positive of the Republican gameplan of promises made in domestic authorizing bills becoming promises broken when it comes time to fund them during the appropriations process. This bill fails all of the American people. That is because in this bill, significant domestic programs—K–12 and higher education, Title I, IDEA, after-school programs, Pell Grant Assistance grants, College Work Study Assistance, Perking and SEOG grants, health care, and healthcare research at the National Institutes of Health (NIH), maternal and child health programs, job training programs, and summer youth programs at the Department of Labor, as well as the LIHEAP program and the Child Care Development Block grants to name a few—are under-funded or level-funded. There is no fixing this bill, it is necessary that we scrap this bill and start over.

Many Americans are going to wonder why if this bill is so bad that the Democrats are not going to offer a slew of amendments to make it better. Fellow countrymen, I say to you, this bill is atrocious and beyond repair. But in an effort to make it better, we are offering a comprehensive substitute under the skilled auspices of Mr. OBEY that would add an additional $5.5 billion in funding to this bill offset by the recent Bush tax cut.

This bill only offers a total $3.3 billion increase over last year's funding—which represents a mere 4 percent increase in education, the lowest increase in the past 10 years. It only provides a 1.6 percent increase for the No Child Left Behind Act—that's only $382 million more for the bill that holds States to the highest education accountability standards in history. Will these spartan funds carry through on the promises of increased achievement for our children in reading and math?

It underfunds IDEA, the program that helps the 7 million children and youth with disabilities by $1.2 billion under the President's budget. It underfunds Title I by $6.1 billion below what's authorized in the No Child Left Behind Act—as we know Title I helps 9 million disadvantaged children nationwide. It allocates only $1.0 billion for afterschool programs for our children, when No Child Left Behind calls for almost twice this amount.

This bill provides only a 2.5 percent increase to the National Institutes of Health, when we need at least a 3.2 percent increase to keep up with inflation. Needless to say, important programs related to ending health disparities, maternal and child health, immunizations, and community heath centers will suffer. There are also additional cuts to programs in rural health, important components of the Ryan White AIDS Care program, and nursing education and training programs in the face of a worsening nursing shortage.

EDUCATION

Let me continue to recount what is so bad about this bill—quickly since debate is always limited on important spending bills under the current House leadership. As we all know, this bill is supposed to fund K–12 and higher education. However, not only does this bill underfund authorized levels in the No Child Left Behind Act and those anticipated in the Higher Education bill, but it underfunds the President's already under-funded budget. Most importantly, this bill cuts the Fund for the Improvement of Education by 63 percent, Troops to Teachers by 31 percent, Innovation State Grants by 12 percent, Teacher Training in Technology by 100 percent, Community Technology Centers by 100 percent, Occupational Employment Information Center by 100 percent, freezes Pell grants, along with similar freezes in Perkins, SEOG grants, and the Work Study Program.

JOB TRAINING

This bill also fails to provide any substantial funding increases for vocational and adult education programs. These programs are vital to the nearly two-thirds of Americans that do not obtain a 4-year college degree and to the 25 percent that go to work directly after high school.

HEALTH CARE

Again, this bill only calls for an overall increase for NIH of 2.5 percent, when we should be increasing funding by at least 3.2 percent just to keep up with inflation. Although doubling funding for NIH over 5 years was completed successfully, this bill reflects the smallest percentage increase in more than 15 years. Needless to say, all of the gains we anticipated in the areas of healthcare research, biomedical research, AIDS research, advances at the CDC, bioterrorism advances and ending healthcare disparities stand to be squandered with this sparse funding. It bears repeating that the community health programs, maternal and child health programs, Child Care Development Block grants and the LIHEAP program that are either cut or flat-funded will suffer under this bill, as will the people who rely on these services. Lastly, we must also mention the $170 million of underfunding in this bill to help end the backlog of administrative cases at our Social Security Administration.

It is very disheartening to see the largest and one of the most important non-defense domestic funding bills on the floor of this House, the contents of which completely ignores the cries of the people who most need our help.

Mr. Chairman, I ask what message are we sending to our children? I think it is that you are not as important as tax cuts to the wealthiest 1 percent of Americans and your future is not bright if you will need a little help. And let's remember that with unemployment over 6 percent and college tuitions sky-rocketing, many more of our young people are going to need help getting a quality public education.

I ask what message are we sending to American families and the 41 million who lack healthcare coverage. Is it that your health is not as important as lacing the pockets of the top 200,000 families with $88,000 extra dollars in tax cuts?

DEMOCRATIC SUBSTITUTE

With all of the negative implications that come out of this bill on the floor, needless to say, I would like to lend my support to the thoughtful Democratic substitute crafted by Mr. OBEY. This bill would restore funding for our nation's important domestic programs by increasing overall funding by at least $5.5 billion over the Republican bill. It would cost us nothing since it will accomplish this critical increase by scaling back the President's tax cut for the richest 1 percent of taxpayers from $88,000 dollars to $60,000. $28,000! I think this is a small sacrifice to make. I think the American people will agree.

The question is clear—are we going to give this $5.5 billion dollars to those who need it least or to those who need it the most—to help educate our children and to provide health care and job training assistance to their families during these difficult economic times? This bill makes the wrong choice. Support the Obey substitute.

I urge my colleagues to vote against final passage of this bill.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word in opposition to H.R. 2657, the Labor, Health and Human Service, and Education Appropriations bill.

This bill is the single most important appropriations bill we will consider. It provides funding for critical programs such as Head Start, the National Institutes of Health, Low-Income Energy Assistance, Pell Grants, the Community Access Program, the Centers for Disease Control, and countless other programs that directly serve most Americans.

This is the bill that, more clearly than any other bill, shows the glaring differences between the parties, because this bill woefully underfunds almost every one of the programs I just mentioned.

For example, many of my colleagues have mentioned that the bill breaks the Majority's promise made in the FY 2004 Budget Resolution to provide a $3 billion increase from the previous year for the Department of Education.

This means less money for programs like Title I, on which my schools rely to help educate low-income and disadvantaged children.

This bill falls $334 million short of the majority's promise to provide $1.0 billion more for the poor and minority children who aren't getting the education they need and deserve.

Further, the bill eliminates other No Child Left Behind programs like Drop-Out Prevention Grants, freezes State Assessment Grants, and shortchanges Safe Schools Initiatives, only a few of the programs that the current legislation affects.

In fact, annual increases in the Federal investment in discretionary education programs have actually spiraled downward since the act was signed into law—from 18.2 percent in FY 2002 to 6.4 percent in FY 2003 to a meager 4.3 percent in FY 2004 under this bill—the smallest dollar increase in 4 years and the smallest percentage increase in 8 years.

Public health programs also suffer in the proposed appropriations bill.

The bill provides an overall increase for NIH of just 2.5 percent—the smallest percentage increase in more than 15 years and a sharp deceleration from the 15 percent annual increases that NIH has received during the past 5 years under the bipartisan program to double the biomedical research budget.

The bill's 2.5 percent increase would fall short of what is needed merely to keep up with inflation in research costs, which NIH estimates at 3.3 percent.

And as I mentioned during debate on my colleague from Wisconsin's amendment, this legislation does not do nearly enough to provide funding for the Low-Income Home Energy Assistance Program (LIHEAP).

LIHEAP is critical to my constituents in Houston, helping them to pay their cooling bills. It is 91 degrees in Houston today, with 88 percent humidity. This summer, temperatures can be expected to average in the high 90s. Senior citizens rely on LIHEAP to help protect them from these extreme conditions.

Yet this legislation underfunds it by $200 million. This is a serious problem, and don't just take my word for it.

Even the President of the United States, in his Statement of Administrative Policy, expresses his disappointment at the funding level, saying that this funding level "could limit the ability to address the heating and cooling needs of low-income families."

There are so many problems with this legislation that there is simply no way to improve it. There is no money to shuffle from one account to another in this bill, because all of these programs are critical.

We simply don't provide enough funding for them, and that's because we have squandered our resources on a tax cut. This bill makes that priorities of the leadership clear—tax cuts for the wealthy, and program cuts for everyone else.

I urge my colleagues to vote against this bill, and I yield back the balance of my time.

Mr. POMEROY. Mr. Chairman, I rise today in opposition to this Labor, Health and Human Services, and Education Appropriations bill. While I applaud many of the funding provisions in this legislation, I also believe that this bill makes unacceptable spending cuts to education, health care, worker training and other critical initiatives at a time when we should be investing more in our nation's future, not less.

There is absolutely no higher priority for our families than providing a quality education for our children. While I support the intentions of last year's education reform promise to leave no child behind, I am also convinced that the success of this new law will be determined in part by the investment made in this historic reform effort. I am deeply disappointed that this funding plan falls more than $6 billion short of the resources promised for low-income and disadvantaged school districts, translating to a $19 million shortfall in North Dakota alone.

This bill also breaks a promise made earlier this year to put us on a path to fully funding the Federal Government's share of the cost of educating a special needs student. Further, it shortchanges educational funding for military and Indian children in federally impacted districts, under funds after-school learning programs, freezes funding for teacher quality grants, and eliminates vocational and career guidance funding in my State.

Not only does this bill fall short on critical funding for education, but it also includes inadequate funding for rural health care programs, including outreach grants and research, and slashes funding for the State Offices of Rural Health by more than 50 percent of last year's level.

Certainly, this bill includes provisions that I support. I was pleased that the Rural Education Achievement Program received a $2 million increase to help rural districts manage the No Child Left Behind Act's new accountability requirements. I was also pleased that this bill contains important funding increases for disease research at the National Institutes of Health (NIH) and the Centers for Disease Control (CDC), as well as critical increases in funding assistance to states for Medicaid funding.

I remain hopeful that we can work on a bipartisan basis to develop a fiscally responsible funding plan that provides adequate resources to strengthen our schools, address our public health needs, and support our nation's workers.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to the underlying bill and to the shortchanging of the nation's students, teachers, and schools.

We often hear about the need to leave no child behind. Yet, this budget leaves millions of children behind by underfunding vital education programs.

This bill falls short of providing funds to improve teacher quality, student achievement, and special education programs. The costs of higher education continue to increase, but this bill freezes the maximum Pell Grant award. We should do more to help students who face the daunting task of paying for a college education.

During these uncertain economic times, many families must rely on the incomes of two parents or on a single parent working more than one job. This bill does not provide enough funding for after-school programs which provides children with valuable learning opportunities and also helps children constructively use their time at the end of the school day.

While this bill will provide some funding to critical education programs, the bill does not do enough. It's time that we fulfill the promise to "leave no child behind." This nation's families and schoolchildren deserve more.

On a separate issue, I oppose this bill because it undermines the nation's progress on scientific and medical research at the National Institutes of Health.

With a bipartisan effort in Congress and the leadership of the past two administrations, we have succeeded in doubling the budget for the National Institutes of Health over the last 5 years, increasing it from $13.6 billion in 1998 to $27.2 billion in fiscal year 2003. The hope, and in many instances the reality, is that these strong investments in biomedical research will encourage scientific advances that will ultimately translate into better health care for the American people, including better treatment and cures of devastating diseases like Parkinson's.

I am proud of this past national investment. However, I am very troubled that today's appropriations bill does not fully support the work and research of the National Institutes of Health. We should maintain a robust level of funding for NIH. We must continue a strong commitment to biomedical research funding so that medical advances can continue. Yet, this bill includes only a 2.5 percent increase—the smallest percentage increase in more than 15 years. The doubling effort was inspired, we should not reverse course and starve the research that we helped to spur.

Mr. REYES. Mr. Chairman, today I sought to offer an amendment that would have increased funding for dislocated worker employment and training programs under H.R. 2660, the FY 2004 Labor, Health and Human Services, and Education Appropriations bill by $88 million, from $1.46 billion to $1.549 billion, restoring funding for these essential services to their FY 2002 level. The bill before us today would freeze funding at last year's level.

In my congressional district of El Paso, TX, 20,000 workers have lost their jobs as a result of the North American Free Trade Agreement—more than any other community in the United States. These job losses have left dislocated workers struggling to learn new skills that will allow them to find jobs that pay a living wage, and they have left El Paso with an unemployment rate that has soared into the double digits at times.

My district is not alone in facing these challenges. In communities across the country, workers have lost good jobs as a result of NAFTA. These workers desperately need Federal assistance to prepare them to successfully rejoin the workforce and provide for their families.

At a time when the national unemployment rate is at a 9-year high, this bill fails to provide additional, desperately needed funding to ensure that all dislocated workers get the services to which they are entitled. Unfortunately, these programs are just a couple of the many critical health, education, and worker programs that are woefully underfunded in the bill. And yet, this Congress recently saw fit to give millionaires a tax cut of at least $88,000 each.

Mr. Chairman, America's workers are the engines that drive our economy. We need to make sure that they have all the tools they need to help get it moving again, both for their sake and for the nation as a whole. Restoring funding for Federal dislocated worker programs would be a good start toward that goal, and toward putting our spending priorities back in proper order.

Mrs. DAVIS of California. Mr. Chairman, I must oppose the appropriations bill before us today because it shortchanges the children of America. This legislature has promised to fund its broad mandate called No Child Left Behind, NCLB. Compared to the authorizations promised when that vote was solicited, Every Child Is Left Behind.

Let me be specific for the children I represent.

Title I is the foundation of NCLB. Of course, the total dollars have been increased by $1 billion. However, the administration deleted $1.5 billion worth of over 40 specific, successful programs whose continued existence had been promised to gather support for the bill. It was then suggested that those programs could be paid for under the smaller increase in Title I, which was designed to cover additional programs the federal government has mandated for those students. However, even that increase does not match the promise. Others have noted that the appropriation for Title I is more than $6 billion less than the FY 2004 authorization. For California, that is $872,616,000 less than promised for the neediest, low-income children.

Similarly, when this House passed its reauthorization of the Individuals with Disabilities Education Act, IDEA, the FY 2004 authorization was to be a $2.2 billion increase. Yet, only six weeks later, you are offering an increase of only $1 billion! Why would you cut your commitment by 60% in six weeks? This amounts to a $129,826,000 reduction in federal support to California districts to pay this federal mandate. We continue to break the promise made in 1975 to fund 40% of the excess costs these special needs students require in order to be able to learn.

I represent a district with one of the largest aggregations of military bases and personnel in the country. The Impact Aid program helps provide for the school costs of military children whose families do not pay state income taxes, local sales taxes for commissary purchases, and property taxes if they live in federally supported housing. We are proud to have these families in our communities, but federal support to offset this loss of taxes is critical. Yet, this bill cuts its authorization commitment by $62,421,873 for California children.

After-school programs are critical to the children in my district. I was able to author legislation in the California legislature to provide funding to launch these after school services, and San Diego County has a wonderful program coordinating organizations and services for children before and after school. However, we still reach a small proportion of eligible and needy children. Federally promised funds are critical. Although NCLB authorizes $1.75 billion for FY 2004, this bill only appropriates 57% of that amount. California children lose $102,831,000.

The list could go on and on—just with promises made in NCLB—such as to fund teacher quality grants in order to be sure that every classroom will have a highly qualified teacher. Failure to adequately fund the level of Pell Grants for college students compared with the percentage of cost at a public institution that these grants initially provided is also highly disappointing.

There are other critical shortfalls as well. I must mention, in particular, the failure to continue the improvement in funding for the National Institutes of Health. In San Diego, we are privileged to have several eminent research institutions—Scripps Institute, the Salk Institute, The Burnham Institute, and the University of California at San Diego, to name a few—working on critical issues such as bioterrorism, cancer, diabetes, Parkinson's disease, Alzheimer's disease and the health of minority populations.

I understand the significance this funding holds for NIH to continue its work and for the numerous patients and communities that benefit from the results of this research. The scientific inquiries that these grants underwrite are the critical crucible for the incredible discoveries that have enabled many people with chronic and serious illnesses to continue to lead productive lives because of the resulting discoveries in drugs, medical devices, and health care strategies. Children will lose to preventable disease by undercutting scientific research.

Though I am pleased to see an increase in funding for our nation's mentoring programs, I am disappointed to see that this amount still comprises only half of the Bush Administration's request. The President took an important and long-overdue step towards recognizing the significance of mentoring in the lives of our children by proposing a robust increase in these programs. The mentoring relationship provides children and young adults with a stronger sense of self and instills them with new optimism for the future. All young people can benefit from the support of a mentor, and we should be doing all that we can to encourage the expansion of these critical programs.

We have heard repeatedly how many more dollars in specific programs under No Child Left Behind are appropriated in this bill. What those speakers don't say is how many dollars other programs authorized by the bill have lost. What else those speakers don't acknowledge is how much was promised as recently as a few weeks ago for the children of America. Smoke and mirrors don't belong in this debate.

The children of California are being shortchanged by over $1 billion just in these programs. Under this bill, Every California Child Is Being Left Behind.

Mr. VAN HOLLEN. Mr. Chairman, I rise today in reluctant opposition to this Labor-HHS Appropriations bill—for the investments it refuses to make and the promises it fails to keep for the American people.

I am profoundly concerned about the growing gap between what we say and what we do in this Congress.

We say we want a healthy America. But this Appropriations bill shatters a five-year bipartisan commitment to the NIH by funding the world's premiere scientific and medical research organization with a paltry 2.5% increase—the smallest in fifteen years. And the majority's solution to our nation's critical nursing shortage? A funding freeze for the Nurse Reinvestment Act. No new money at all.

For the growing ranks of our unemployed, a $150 million cut in the Community Services Block Grant program. That's less help for those left behind by the Bush economy—just when they need it the most.

Perhaps nowhere is the credibility gap between the Republican leadership's rhetoric and its honest-to-goodness priorities more glaring than in the area of education. Not three years ago, President Bush—the self-proclaimed "education president"—signed the No Child Left Behind Act into law. In exchange for higher expectations and new, tough accountability measures to meet them, the President and the Congress promised students, states and school districts the requisite funds to get the job done. The bill we are asked to support today falls $8 billion short of that promise. It is an unconscionable abdication of our national responsibility.

When the Education and Workforce Committee—on which I sit—took up the IDEA bill this Spring, the committee's leadership repeatedly refused to make IDEA funding mandatory—arguing that the Republican party could be trusted to provide what was necessary for the proper education of children with disabilities. In a grandiose show of GOP commitment, the Chairman even went to the Budget Committee and announced he had secured an additional $4.6 Billion in authorized funding over the next two years for IDEA. Now we see the true colors: Less than 50% of the $2.2 billion authorized. And astonishingly, even less than the $1.4 billion authorized in the original bill. So much bluff and bluster.

Mr. Chairman, Appropriations bill are about so much more than dollars and cents. They reflect who we are as a people. Our values. Our priorities. And the course we wish to chart for the future. I believe this bill charts precisely the wrong course, and I urge my colleagues to defeat it.

Mr. STRICKLAND. Mr. Chairman, I will be voting against H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004, because, among many other deficiencies, the bill underfunds our nation's elementary and secondary schools and increases funding for the National Institutes of Health at a rate that does not keep up with that of medical research inflation. But I rise in support of language in the accompanying report regarding the Pension Benefit Guaranty Corporation. Over the course of the past year, the PBGC has grown increasingly aggressive in terminating early the pension plans of private companies before the companies have asked PBGC to take control of their plans. PBGC has terminated the pension plans of many companies, specifically of those in the steel industry, during the last year to avoid paying benefits negotiated between a company and its workers prior to a plant's shutdown. I applaud the Appropriations Committee's attention to this matter and hope that the PBGC will discontinue this unfair practice and move to redress pensioners who have suffered from this past year's adjustment in policy.

Mr. LEVIN. Mr. Chairman, the completely inadequate appropriations bill before the House speaks volumes about the Majority Party's priorities. Over the last three years, they've locked in tax cuts that disproportionately benefit the very richest families in America—those with incomes of over $1 million a year. As a result of this reckless tax policy, the federal deficit has ballooned to over $400 billion this year and these budget shortfalls are projected to continue as far as the eye can see.

Another result of this tax policy is that we don't have the resources needed to fulfill the promises this Congress has made to the American people. The Republican budget passed earlier this year, which enabled the latest round of tax cuts, promised a $3 billion overall increase for education. The bill before us breaks that promise.

Funding for special education in this bill is $1.2 billion short of what was promised in the budget resolution. Funding for Pell Grants to help families afford the rising cost of a college education falls $410 million short, and the maximum Pell Grant award is frozen. Title I funding promised in the budget to help school districts meet the new accountability requirements of the No Child Left Behind Act falls $334 million short of what was promised. Funding for improving teacher quality and after-school programs is likewise significantly less than what was promised in No Child Left Behind.

The bill before the House also shortchanges medical research, low-income energy assistance, and healthy care for unemployed workers. The Majority likes to pretend that it can pass more than $2 trillion in tax cuts without any consequences. This is simply not true. The tax cuts—again, the lion's share of which disproportionately benefit the very wealthy—are being paid for by breaking promises made to adequately fund education, medical research, health care and energy assistance.

This bill is not worthy of anyone's support. I urge the House to defeat it.

Mr. BLUMENAUER. Mr. Chairman, the Labor, Health, Human Services and Education appropriations bill is a logical consequence of misplaced priorities in the budget resolution and tax cut proposals that have been pushed through the House of Representatives this year. Despite the overwhelming support from people in my community and around the country for investing in the future, and for funding our commitments in the President's signature No Child Left Behind legislation, this bill would systematically undercut funding promises. This Congress has authorized funding levels that would help school districts implement costly new programs and provide Pell Grants to help low-income college students struggling in a difficult economy. The House finds itself allocating far less than it authorized just months ago for IDEA programs. The administration's fiscal management leaves us with shamefully low funding levels for these programs and soaring budget deficits.

While our school districts fight their own fight back home, this Labor/HHS bill cuts education funding for Oregon's children by a total of $98,039,089 below the levels authorized by the No Child Left Behind Act and the IDEA Reauthorization Act. This is illustrative of the impact that will be felt in every state, and we ought to avoid this added burden on the nation's school systems.

At a time when so much has been done for a few who need help the least with massive tax cuts, it is unconscionable that we are not meeting obligations under prior legislation or even the minimal levels established under the Republican Budget resolution.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to the Labor, Health and Human Services and Education Appropriations bill before us. This bill shortchanges critical education and health and human services programs, reverses the progress we have made in building up the National Institutes of Health (NIH) in recent years and fails to fulfill promises this Congress made to disadvantaged children. There is a theme developing in the 108th Congress and it is one of unfulfilled promises and inaction—whether it's special education, college aid or biomedical research—the Republican leadership talks about access and accountability while failing to provide for it.

In the last five years, Congress has worked in a bipartisan fashion to double NIH funding, something we were all able to go home and be proud of. This doubling of funding signified an unprecedented federal commitment to research and resulted in the beginning of some remarkable projects—many of which have the potential to end great human suffering caused by disease and epidemics such as diabetes, heart disease and AIDS. Federal researchers are even poised to make significant discoveries about what causes cancer. I am sorely disappointed to see that this year's proposed budget for NIH contains the smallest increase in 15 years—one that is less than the rate of inflation and cannot sustain the projects we worked together to begin in recent years and at the same time, provide for critical new initiatives. The proposed amount would provide just 21 new grants for all of NIH outside of bio-defense research. American citizens should not have to choose between life-saving research and bio-terrorism preparedness. Both should be priorities and both should be adequately funded.

The proposed budget for education also fails to recognize the rise in tuition costs, as it freezes the maximum Pell Grant—the primary federal grant for college and university studies for 5 million disadvantaged students—despite its declining buying power. As a result, these grants would finance only 38 percent of the cost of a public university. When Congress established the Pell Grant program, they covered 84 percent of the cost of study—clearly intended to play a significant role in increasing access to colleges and universities for lower- and middle-income individuals. The funding levels in H.R. 2660 would force students to take on increasingly large levels of debt to finance their college eduations—if they are able to pursue higher education at all.

Last year, we passed a landmark piece of legislation called the No Child Left Behind Act, which promised education reform to millions of American students. The time has come to fund that legislation—to fulfill the promise—and the money is not there. H.R. 2660 falls $334 million short of the $1 billion in Title I funds promised in the budget resolution to help school districts meet the challenge of new accountability requirements in No Child Left Behind. Just yesterday, we passed the Ready to Teach Act, which promised millions of dollars in teacher quality and preparation programs. Yet, the appropriations bill falls $350 million short of our earlier promise to fund teacher quality grants created in the No Child Left Behind Act. The result is that 54,000 fewer teachers will receive high quality, federally-supported professional development.

Earlier this year, Congress made it a priority to pass a $350 billion tax cut that overwhelmingly favored the wealthy—on top of the trillion dollar tax cut this same population benefited from in 2001. The Labor, Health and Human Services and Education appropriations bill—more than any other funding bill—sends a clear message to the children, the families and the working people of this country about our priorities. As Democrats, as Republicans, as Members of Congress—collectively, we know that education and health care are of the highest priority to the American people and that they want us to do more. Yet, the fact remains that the bill the Republican leadership presents us with does not reflect those priorities or provide the funding that they deserve. I urge all of my colleagues to vote against H.R. 2660.

Mr. CONYERS. Mr. Chairman, the bi-partisan passage of the Ready to Teach Act, with crucial Democratic amendments, and the teacher Recruitment and Retention Act of 2003 is a step in the right direction towards improving the standards of public education across this country. My Democratic colleagues and I understand that we must go beyond the empty promises and rhetoric of our Republican counterparts and put Americas tax dollars where they are truly need.

Unfortunately, today the House will vote on a Labor/HHS/Education Appropriations bill that will severely underfund education. This bill fails to deliver on a whopping $8 million dollars that was promised, but not delivered by the President's "Leave No Child Behind Act."

Mr. Chairman, unfortunately I am not surprised that my fellow Democrats and I are forced to stand here today to advocate for monies that are desperately needed to provide adequate education to our Nation's children. To make this lack of funding even more egregious, the Republicans promised America's children and parents last year, that no child would be left behind. I believe it is important that Americans know today that this Republican sponsored bill will:

Cut Title I grants by $16.15 billion dollars as compared to the funding levels called for by No Child Left Behind (NCLB). The children of Michigan will lose Title I grants totaling $202,981,000 dollars below the amount called for by NCLB.

Reduce IDEA grants, which are used by school districts to educate children with disabilities by $1.2 billion dollars as compared to that which was promised in the Republican IDEA Reauthorization Act. Michigan children with disabilities will lose $44,264,000 dollars in promised IDEA grants.

Shortchange children in need of constructive after-school activities by cutting funding for After-School Programs to $750 million dollars below the level promised in NCLB. As a result, Michigan children will be shorted $23,384,000 dollars in After-School Program funding.

Freeze funding for Teacher Quality Grants at $2.9 billion dollars. That is $350 million dollars less than the $3.3 billion promised in No Child Left Behind. Unfortunately, this translates into a loss of $10,172,000 dollars in promised Teacher Quality Grants for Michigan.

Leaves Military dependents behind by cutting $583 million dollars in Impact Aid program funds—well below the previously authorized funding level. Michigan military families will lose $5,054,632 dollars in Impact Aid.

Overall, abandons the promise Republicans set forth in their FY 2004 Budget Resolution wherein they committed to provide a $3 billion dollars increase over FY 2003 for the Department of Education. Instead, this bill provides only a $2.3 billion or 4.3 percent for this year. That is the lowest dollar increase in four years and the smallest percentage increase in eight years. The children of Michigan will lost a total of $311,052,632 dollars in education funds authorized in both the No Child Left Behind legislation and the IDEA Reauthorization Act.

Our commitment to educating our children is being undermined today. I appeal to my colleagues to honor our commitment to America's greatest treasury—our children. Let's pass an appropriations bill today that will fully and adequately support the education of America's children.

Mr. MATHESON. Mr. Chairman, I rise in opposition to this bill. Two years ago Congress and the President worked together on a historic piece of legislation: the No Child Left Behind Act. This bipartisan agreement exchanged tough accountability standards for significant financial resources to help local schools implement reforms. Everyone agreed that money alone would not improve schools. But, funding and reforms were to go hand in hand.

I had some concerns about provisions in No Child Left Behind and the burdens they would place on our local schools. But, I was reassured that with overwhelming, bipartisan support, Congress and the President would deliver the needed resources to make this effort a success.

Since the No Child Left Behind Act was signed into law in 2001, the federal commitment to provide the necessary resources has been broken. Congress has let our schools and our children down.

Our teachers are hard working, and our administrators know what they are doing. They continuously do much with very little. But, we are pushing our education system to the breaking point. Without adequate resources our local schools are struggling to meet tough new accountability standards. Despite provisions stating that states would not be required to spend their own resources on federal reforms, that is exactly what is occurring.

State budget shortfalls have already drained precious resources from our local schools. Constantly asking them to do even more with even less is the wrong pattern. it cannot reform or improve our schools. It will leave them unable to perform many of their core functions. It will eliminate quality, successful programs. And, it will drive teachers out of the education profession.

The federal pattern continues to be: promises made, promises unkept. Sadly enough, the promises being broken are those made to the next generation.

Providing a quality education for our children should be a top priority. However, as states are assembling their plans to assess and improve student performance, the federal government is eliminating the tools that would help them succeed. After-school programs that provide tutoring services have been cut. Resources to train and provide professional development for teachers are being reduced. The mandates should not continue if the requisite funding is not supplied.

The cornerstone of No Child Left Behind is Title I funding for schools serving large proportions of disadvantaged, low-income students. In order to raise the academic performance of these students, Congress promised incremental funding increases in Title I. For this fiscal year, $18.5 billion was promised. However, this appropriation bill would only provide $12.35 billion, continuing the pattern of breaking federal promises. In addition, Utah would receive nearly $4 million less than promised for after-school programs, $2 million less than promised for teacher quality programs, and over $8 million less than promised for Impact Aid that offsets the costs of education near military bases and Native American reservations.

These are not just numbers; they are tools: the resources that are critical to meeting new standards. Without the tools, our schools simply cannot work.

This legislation would also continue the pattern of failing to deliver on the promises made decades ago to provide 40 percent of the costs of special education. It would fund Utah at $11 million less than the amount promised by the House of Representatives this April when we reauthorized the Individuals with Disabilities Education Act.

Our nation and my state are facing tough economic times that require tough choices. But, it is shortsighted not to recognize the role of education in the prosperity of the next generation. It is an investment worth making. It is an investment we cannot afford to neglect. Keeping our commitments regarding education funding will be critical to training the teachers and educating the leaders of tomorrow. It is time for Congress and the President to work together in a bipartisan way to keep our promise.

Mr. DAVIS of Illinois. Mr. Chairman, there is not one Congressional District in our nation that will benefit from this Appropriations bill. I definitely know that my district will dramatically feel the effects of the cuts and the level funding for education, health care, and energy cost. Some of the best programs Congress has embraced and funded in the past suddenly seem to no longer be a priority.

Our young people who are in desperate situations will face dramatic cuts in the education provided to them. Low-income children attending Title I schools, children with disabilities, and young people trying to obtain a college education are facing the most critical budget cuts under education. Combined these students will lose over $1.6 billion—and this is not even including the $8 billion that is missing from Child Left Behind Act 2004 funding target. We are allowing an extra burden to be put on deficit stricken states, local school districts, communities, and working class families that are already trying to make ends meet in our sluggish economy.

The no increase in funding and cuts extend into our health care system. In my District, I have 25 hospitals, four of which are teaching hospitals. Like in many of the hospitals in other districts, the ones in my district are already feeling the effects from the fiscal crisis facing Illinois. This bill provides no increase for child immunizations, the Maternal and Child Health Block Grant and the National Health Service Corps, which provides student loan repayment for doctors and dentist who work in areas with shortages of health providers. We are all very aware of the nursing shortage facing our nation's health system and I was proud that last Congress we passed the Nurse Reinvestment Act to assist in the shortage. Yet not only is there no increase in funding for those programs, there is actually $7 million less than the President's request for the program that provides scholarships to nursing students who agree to work in areas with a serious shortage of nurses. Although there have been great advances and success stories in respect to fighting HIV–AIDS, there is a cut in the Ryan White AIDS Care programs. I am particularly disappointed that this bill cuts funding by 12 percent compared to 2003, in programs that help students from minority and disadvantaged backgrounds prepare for and do well in medical school and other health professionals schools.

Just two days ago, the Subcommittee on Education Reform had a hearing on the Community Service Block Grant (CSBG) and LIHEAP. I was very proud that one of the individuals' testifying was one of my constituents and also my dear friend, Dr. Mary Nelson from Bethel New Life, Inc. My colleagues that serve on the Subcommittee with me were all impressed by the great work that is being performed by Dr. Nelson and the other panelist. Yet we are cutting the funds that allow Bethel New Life, Inc. and the other organizations to expand community and economic development, provide energy assistance, housing, winterizations, nutrition and countless other exceptional programs that help families get out of and remain out of poverty. The CSBG will be cut by $151 million or 23 percent. LIHEAP is cut by 10 percent at a time when projections predict that natural gas prices will be at least 50 percent higher in the coming winter as more than half of LIHEAP recipients rely on natural gas.

Mr. Chairman, this bill just does not make any sense to me. Level funding programs may be considered sufficient but is considered a funding cut to me. We are hitting the programs that have already been cut and hit by the states. We are cutting funding for programs that are basic components to our society: education and healthcare. What does America stand for? What does out body stand for? This bill does not express the American values. This bill expresses that it is acceptable to cut the basic right of education, cut the ability to provide health care, encourage unequal opportunities, and keeping our citizens on the streets instead of having a warm place to sleep. Our body has worked together to pass some great pieces of legislation that will help our nations' schools, hospitals, and less fortunate—but those bills are just pieces of paper without the funding necessary to allow them to be effective.

Mr. HOLT. Mr. Chairman, on May 30th the Administration quietly issued a new regulation that will put an additional financial squeeze on millions of college students and their families by cutting their deduction for state and local taxes in the student financial aid eligibility formula.

This new rule, which was finalized by the Department of Education without review or approval by the Congress, will effectively eliminate Pell Grant eligibility for some needy students and reduce Pell Grant awards and subsidized loans for other students.

The Pell Grant program is the cornerstone of federal student financial aid, providing assistance to nearly 4 million students. These grants are the foundation of their financial aid packages. Without them, it is likely that these students will not have enough money to go to school. And in our new highly-skilled work environment, a college education is more important than ever.

College is the best investment of a lifetime. We must take steps to ensure that higher education is within the reach of all Americans so that they are prepared to meet the challenges they will face in our increasingly competitive world.

This new rule, will force students to mortgage their futures by going further into debt to attend college.

For example, a family of four living in Pennsylvania, earning $63,000 a year, with one child attending college full time, would have to pay about $800 per year more toward college expenses.

A family of four living in New Jersey earning $45,000 a year with one child in college, attending full time, get an estimated $1,600 Pell Grant under the Bush regulation compared to a $1,700 Pell Grant under current regulations. For a middle class family, working hard to make ends meet in a poor economy, these are big differences.

This is happening just as attending college gets more expensive every month, with states and private institutions raising tuition and other costs.

The Labor, Health Human Services and Education appropriations bill before us does nothing to remedy this problem.

The new student aid state tax allowances created under this rule will reduce the state tax percentage deduction for nearly all students at a time when the state and local tax burden is going up, not down, for many families.

The Department's new state tax rates, however, are based on outdated data from 2000.

Since then, our economy has spiraled downward, and many states and local communities have had to increase taxes in order to offset budget shortfalls.

Nationwide, the Administration's regulation could result in the loss of hundreds of millions of federal assistance to students and families.

The Department of Education estimates that 84,000 students would lose Pell Grant eligibility altogether as a result of the regulation.

As the legislative process continues, I hope my colleagues will address this problem, which is making college less accessible to middle-class families.

Mr. SCHIFF. Mr. Chairman, when the House adopted and the President signed the most recent tax cuts, at a time when we are at war and in deficit, we knew the other shoe had to drop soon. And it has, Mr. Speaker, with a great thud, in the form of this year's Departments of Labor; Health and Human Services, and Education, and Related Agencies Appropriations Act of 2004 (H.R. 2660). The House Leadership has followed the passage of these irresponsible tax cuts with an appropriations bill which underfunds a host of important programs and initiatives while breaking many of the pledges the Leadership made when the House adopted the FY04 Budget Resolution.

We cannot extol the virtues of programs like Head Start and organizations like National Institutes of Health while adopting legislation which threatens their very existence. These actions abandon this Congress' responsibility to provide resources necessary to improve schools, protect public health, provide for America's seniors and disabled, expand opportunities to higher education, and seek cures for diseases that threaten the health of all Americans.

Mr. Speaker, we are starving our nation's most valuable programs. Last year alone, Head Start provided over 900,000 children with comprehensive early childhood education. But it is estimated that current funding levels leave behind over 40 percent of eligible children. This year I joined with Representative LORETTA SANCHEZ in spearheading a letter signed by ninety of our House Colleagues calling on the House Appropriations Committee to increase funding to the Head Start Program by $1 billion which would result in the enrollment of 87,000 additional children.

I remind you, Mr. Chairman, that Head Start is an extremely popular and effective program. In a 1999 study released by the President's Management Council indexing public support for and belief in government programs, Head Start rated a 94 percent, tops among all government programs. Moreover, studies have shown that the economic benefits of Head Start far exceed their costs, with one study showing that for every $1 spent by taxpayers, they received $7 in future benefits.

Yet, in the face of this data, with the passage of this legislation, we will close the door of the Head Start program to tens of thousands of deserving children and their families. This substandard funding increase means we will continue to leave nearly 40 percent of eligible children behind and severely undermine local Head Start organization' ability to provide training and technical assistance to teachers and parents.

But this bill will not only leave Head Start children behind. It will also shatter the promises Congress made to America's school children when it adopted the No Child Left Behind Act and the Individuals with Disabilities Education Act (IDEA). This legislation falls $8 billion short of fully funding No Child Left Behind and continues this Congress' deplorable record of underfunding IDEA.

Students seeking higher education fair no better under this bill. In 1975, when the Pell Grant program was instituted, it financed approximately 84 percent of the cost of attending a 4-year public college. Today, that number is down to 40 percent. Under this bill that number will drop to approximately 38 percent. In my own Southern California district, higher education costs have increased with California's growing budget deficit forcing public universities to substantially raise tuition costs. This same scenario is being played our across our nation and a continued shortage of grant assistance threatens the higher education aspirations of millions of young people.

By adopting this legislation we will effectively shift a greater burden of college costs to students and working families and will undoubtedly ensure that too many of our children either leave college with overwhelming debt or are shut out of higher education all together.

But state budget crises do not only affect education costs, they also endanger the health care safety net which millions of Americans have come to depend on for needed health care services. And yet, under this legislation, struggling community health centers, which provide primary care services to low-income Americans, find no relief.

In Los Angeles County alone, over 30 community clinics have been forced to shut their doors. Under this legislation these clinics and those that find themselves on the brink of closure will be provided no relief because any funding appropriated to community health centers will be used to expand health center sites where they have not existed in the past. At this bill's funding level, the lowest since 1998, we are forced to choose between scaling back our expansion initiative or underfunding existing centers. This is simply an untenable solution to a growing health care crisis that affects low-income Americans.

Finally, H.R. 2660 abandons this Congress' commitment to double the National Institutes of Health (NIH) budget thereby stifling improvements in science and medical research. This legislation increase NIH funding by 2.5 percent, an increase that according to NIH is not even enough to keep up with inflation in research costs. In comparison, over the last five years, Congress has adopted annual increase of 15 percent.

A funding increase which only allows NIH to introduce 21 additional research grants will not allow this agency to continue to provide our nation with the cutting edge research which we have come to expect.

Mr. Chairman, this legislation is inadequate. I urge my colleagues to oppose it and work to adopt legislation which adequately funds America's priorities.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in opposition to H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Overall, the Republican Labor/HHS/Education bill under-funds the landmark No Child Left Behind Act by $8 billion, and provides the smallest percentage increase in education funds in eight years. To improve education, we must improve teacher training. But while the Republicans promise $300 million in the "Ready to Teach Act," they have yet to fulfill their earlier promise to fund the teacher quality grants created in the No Child Left Behind Act.

To improve education, we must raise student achievement in all core subjects and improve early education opportunities. While the Republicans promise $17,500 in college loan forgiveness for math, science and special education teachers in the "Teacher Recruitment and Retention Act," they refuse to provide the same incentives to teachers in other core subject areas such as social studies and Head Start.

To improve education, we must demand results. But the Republican Labor/HHS/Education appropriations bill falls way short in special education funding promised under the IDEA (Individuals with Disabilities Education Act) reauthorization bill passed earlier this year. While the IDEA reauthorization bill and the Republican budget resolution promised an increase of $2.2 billion, the Republican Labor/HHS/Education appropriations bill provides only $1 billion—a 55 percent shortfall.

To improve education, we must demand results. But the Republican Labor/HHS/Education appropriations bill falls $334 million short of the $1 billion in Title I funds promised in the GOP budget resolution to school districts to help meet the challenge of the new requirements in the No Child Left Behind Act.

To improve education, we must provide after school programs. But the Republican Labor/HHS appropriations bill falls $750 million short of the $1.75 billion for after school centers promised in the No Child Left Behind Act.

To improve education, we must expand early childhood education programs. But the Republican Head Start reauthorization bill would end the high quality federal standards and comprehensive services that have made Head Start the premiere early education program for American toddlers.

To improve education, we must have education performance standards for early childhood education. But the Republican Head Start reauthorization bill would actually weaken standards for early childhood education programs.

To improve education, we must involve parents. But the Republic Head Start reauthorization bill would allow states to end the parental involvement that makes the program so helpful to disadvantaged children.

Two months ago, the Majority passed a conference report for the FY 04 Budget Resolution that promised to provide a $3 billion increase over the previous year for the Department of Education. This bill falls far short of that commitment, and provides only a $2.3 billion (or 4.3%) increase—the smallest dollar increase for education in four years and the smallest percentage increase in 8 years.

Included in programs proposed for flat-level funding are Pell Grants, Supplemental Educational Opportunity Grants (SEOG), Federal Work Study, Perkins Loans, Leveraged Educational Assistance Program (LEAP, the state partnership program), and Graduate Education. Even though none of the programs were cut in this tight budget year, there is room for concern and disappointment.

Earlier promises to increase the Pell Grant maximum (currently $4,050) are just one example of where the bill falls short. Providing lower income students with access to college is critically important, especially in a year when Ohio and many other states are cutting appropriations for higher education.

Federal-sponsored loans, a repayable debt for students and parents, represent another 40% of the average financial aid package. Less than 8% of financial aid is provided by federal grants. Roughly an equal amount comes from State grant programs. Compared to the administration's request, the bill appropriates $271 million less for student financial aid.

For Pell Grants the bill appropriates $12.3 billion, which is $885 million (8%) more than the current level, but $465 million (4%) less than the administration's request. The bill maintains the maximum Pell Grant award at its current level of $4,050.

For Work Study this bill appropriates $1.0 billion, which is equal to the current level but $7 million less than the administration's request.

The Pell, SEOG, and Perkins Loan programs are especially critical for lower income families to make college accessible and affordable. Congress must do more to assure that they are not left behind. National polls indicate that 72% of Americans believe that student aid should be the highest priority of Congress. The current bill does not reflect this priority.

I received a letter today on behalf of the President of John Carroll University, Rev. Ed Glynn of the 11th Congressional District of Ohio that stated:

> I write to urge Congresswoman Tubbs Jones to vote against the Labor, HHS, Education Appropriations bill for FY 2004 when it reaches the House floor, possibly as early as this Thursday, July 10. . . . John Carroll University provides about 45% of the financial aid that goes to our students each year. This share is typical among private institutions. . . . Please vote "no" on the bill and thereby register your position that more funds be appropriated for student aid.

I rise today to reiterate my opposition to H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Mr. NUSSLE. Mr. Chairman, I rise today to speak on H.R. 2660, the Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2004. This is the second largest appropriations bill, funding many vital social programs.

I am pleased to report that the $138.036 billion in new budget authority and $134.765 in outlays for fiscal year 2004 in the committee-reported bill—as scored by the Congressional Budget Office—is within the 302(b) allocation adopted by the Appropriations Committee on June 17th.

Unfortunately, the spending level in the bill does breach the budgetary allocation ceiling for fiscal year 2003. It does so by shifting $2.2 billion that was advance appropriated for 2004 in last year's appropriations act back into 2003. This creates more room under the 2004 spending cap, but causes a breach of the 2003 cap. As a result, the legislation is in violation of section 302(f), which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution. The bill also violates section 311 of the Congressional Budget Act, which prohibits consideration of bills providing new budget authority that would cause the total level of budget authority and outlays established in a budget resolution to be exceeded. It is my hope that this violation of the budget resolution is the only one that occurs this year.

Since this bill has in the past been one of the more controversial spending measures, I am pleased that the House is moving this legislation sooner, rather than later, in the appropriations season. I hope that the level of appropriations for programs funded by the Labor-H bill will be determined—and finalized—before the Congress moves on to complete the smaller appropriations bills. I think it makes sense to determine the funding level for the many large and important programs this bill funds as early as possible, instead of relegating such discussions until the very end of the appropriations cycle.

On that score, I do have some concern that the specific levels of funding in this bill provided for certain high priority education programs may be artificially low, with funds being redirected to lower priority programs—many of which were recommended for reduction or termination by the President. Spending on IDEA, Title I and Pell Grants has increased rapidly in recent years, reflecting the strong support for these programs in the Congress. In this bill, funding for IDEA State Grants is $1.2 billion under the level authorized in the IDEA reauthorization bill passed by the House this year. The bill's $666 million increase for Title I is not insignificant, but it may be lower than the level sought by the majority of members. Finally, as pointed out in the Statement of Administration Policy, the funding level for Pell Grants appears to be less than the amount necessary to fund the maximum grant level established in this same piece of legislation. I am concerned that these problematic funding levels for key education programs in H.R. 2660 will ultimately result in a push to increase overall spending levels.

Despite these caveats, I believe the bill is a generous one. In fact, if the $138 billion funding level set in H.R. 2660 is enacted, the Labor-H bill will witness a 12.2-percent average annual growth rate between 2000 and 2004. This is much greater than the 7.7-percent growth rate in total discretionary spending during the same period. The budgets of two important agencies funded under the Labor-H bill—the Department of Education and the National Institutes of Health—have been doubled since the Republicans took over the Congress. I think that H.R. 2660 reflects the continued strong support by the Congress for these and other agencies funded by the Labor-H appropriations bill.

Mr. CARDIN. Mr. Chairman, this funding bill shortchanges an important program designed to prevent child abuse, reunify families, and promote the adoption of certain children in the foster care system. Under this legislation, the Promoting Safe and Stable Families program would receive only half its discretionary allocation. This inadequate funding level stands in stark contrast to President Bush's budget, which proposes full funding for the program. The bill also ignores a bipartisan plea from the Chairman and Ranking Member of the authorizing subcommittee to fully fund this important program.

The Promoting Safe and Stable Families Program (Title IV–B, Subpart 2 of the Social Security Act) provides grants to states for four kinds of child welfare services: family preservation, family support, time-limited family reunification, and adoption promotion and support. The program represents the most significant effort by the Federal government to support services that may prevent child abuse and neglect from occurring, and that helps children move quickly from foster care to permanent homes. With over half a million children currently in foster care, and nearly one million cases of child abuse or neglect substantiated every year, funding for this program is vitally important.

If we really care about helping and protecting our most vulnerable children, then we should be willing to make at least a modest investment to achieve that goal. Congress has approved nearly $3 trillion in tax cuts for mainly wealthy Americans in less than three years. Surely, we can spend a tiny, nearly imperceptible fraction of that amount on preventing child abuse and on helping struggling families. As this debate moves forward, I hope we can make progress on a goal President Bush laid out not only in his budget, but also in his 2000 campaign for the Presidency. Let's fully fund the Promoting Safe and Stable Families Program.

Mr. HINOJOSA. Mr. Chairman, we will never be able to close the achievement gap in education with the funding levels we see in this appropriations bill.

I applaud the efforts of the Chairmen and Ranking Members of the Committee and Subcommittee. They truly have done the best they could with the funds they were allotted.

Sadly, the majority and the administration have decided to allocate our federal resources elsewhere. They have chosen to squander the national surplus on tax breaks for the very wealthy. These tax breaks have been so important to them, that they have been willing to drive the nation into unprecedented debt to pay for them.

Meanwhile, Hispanic children are told that there is not enough money for their education. The Census Bureau just confirmed that Hispanics are the largest minority group in America.

Hispanics are also fueling the growth of America's workforce, accounting for one of every three new workers hired and are projected to be one of every two new workers by 2025. Yet, Hispanics continue to have the lowest levels of education attainment of any group in the country.

If we do not invest in advanced education and training for this emerging population, we put our Nation's economic foundation at risk.

The Congressional Hispanic Caucus, where I chair the Education Task Force, focuses on a group of Federal education programs that are critical to the Hispanic community.

These include Titles I and III of the Elementary and Secondary Education Act, migrant education programs, dropout prevention, HEP and CAMP, TRIO, GEAR UP, Hispanic-serving institutions and adult english as a second language. We call these programs the Hispanic Education Action Plan.

Unfortunately, the bill before us falls far short of the funding levels we need for these programs. I urge my colleagues to oppose the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to express my disappointment at the failure of the Republican party to adequately fund vital programs in H.R. 2657, the "Labor, HHS, Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Mr. Chairman, we have failed our Nation. The Labor-HHS—Education Appropriations bill leaves our health care system, our schools, our children and our communities at risk. Sadly, my Democratic colleagues and I have seen the writing on the wall.

Over the past several weeks, my fellow Democrats and I have been very outspoken on the Republican financially irresponsible bills. We opposed the Republican's tax cuts. We opposed the Republican's Medicare package. And now we oppose their appropriations request in H.R. 2657, and our opposition to the insufficient funding in this bill is directly due to the Republican's poor budget initiatives.

H.R. 2657 falls short of adequately funding our education and health care programs, among many other valuable programs.

EDUCATION

H.R. 2657 fails to adequately fund our nation's schools and fails to live up to the many promises made by the Republican party.

When the "Leave No Child Behind" legislation was passed we all believed we were committed in a bi-partisan way to guarantee that good schools were established in our communities to improve our overall living standards and close the gaps that divide our societies along economic, social and racial lines. The Republicans promised to be committed to bettering our education system. They have not lived up to that promise.

My colleagues on the other side of the aisle promised in its FY 2004 budget resolution to provide a "$3-billion increase from the previous year for the Department of Education." Despite that promise, H.R. 2675 bill provides only a $2.3 billion increase over FY 2003—far less than the promise they made.

Another broken promise is the inadequate funding of the Title 1 Program. The Title 1 Program is critical to enabling schools with large student populations of low-income children to meet the No Child Left Behind Act's accountability and academic mandates. These schools enroll students with the greatest academic deficits, but they have the least experienced teachers, less competitive teacher salaries, higher teacher turnover, less rigorous curriculum, and less than their fair share of resources. All of these factors negatively impact student achievement.

The Republican's FY 2004 budget resolution promised a $1 billion increase over last year for the Title 1 Program. However, my colleagues on the other side of the aisle have failed to keep their word here as well. Instead of $1 billion, H.R. 2675 provides only a $666 million increase. The result of the Committee's action is that this bill falls $334 million short of the Majority's own promise. The loss of that money does not affect my Republican colleagues or their wealthy supporters. It affects millions of low-income children nationwide and their ability to get a quality education.

In the area of special education, the Republicans promised in the FY 2004 budget resolution to provide $2.2 billion over the current level. The Republicans repeated this promise in H.R. 1350—the bill reauthorizing the Individuals with Disabilities Act, adopted on April 30th on the House floor. Instead of providing our special education students with the funds they desperately need, and because of their massive tax cuts, this bill falls $1.2 billion short of that promise. This massive funding shortfall will force schools to continue to absorb the extraordinary costs of providing special education for nearly 6.7 million school children. Consequently, other education programs will have to be reduced or local taxes will have to be raised to makeup the funds.

Perhaps the biggest broken promise by the Republican party is the destructive impact of their budgetary action on the No Child Left Behind Act. The Members of the Republican party put tax cuts ahead of their education promises in the Leave No Child Behind Act. As a result, H.R. 2657 falls a stunning $8 billion short of the FY 2004 funding targets in the No Child Left Behind Act.

On the issue of higher education, the Republicans have harmed our college students as badly as they have harmed our low-income and special education students. As a direct result of the Republican's economic mismanagement over the past two years, only eight states in our union are not facing a severe budget crisis. The declining state fiscal crisis has forced states to make huge cuts in the budget of public colleges and universities. When states make cuts to public schools, the schools must raise their tuitions. The raising tuition costs are crushing working families who want to send their kids to college.

HEALTH CARE

Health care is another area in which the Majority's bill falls short of meeting urgent national needs. In these tough economic times, with the high rates of unemployment and the loss of health insurance that comes with it, federal health care is even more crucial to our communities.

Additionally, the state fiscal crisis are causing many States to cut back on eligibility and benefits under health care programs like Medicaid and the State Child Health Insurance Program (SCHIP), as well as on public health protection. The programs that are funded by the Labor, Health and Human Services, and Education appropriations bill help provide a crucial health care safety net for people without other access to care, and also help states and localities provide basic public health services.

The Majority's appropriations bill provides little funding to deal with the growing health care crisis. There are virtually no increases to the Maternal and Child Health Block Grant and no increase at all for the National Health Service Corps, a vital program which provides student loan repayment aid and scholarships for doctors and dentists who work in areas with a shortage of health providers.

The Committee bill also provides no increase at all for childhood immunization grants. That program has struggled to provide immunizations for children with the rising cost of vaccinations, and the bill will lead to further shortfalls. Additionally, while the Administration asked for $100 million to help us get better prepared to deal with an influenza pandemic, the bill provides only half of that request.

CONCLUSION

Mr. Chairman H.R. 2675 is yet another example of poor budgetary policy impacting the American people. The Majority Party's failure to act responsibly with America's funds has impacted our ability to fund our first responders so they can protect our homeland from terrorists. The Majority Party's failure to act fiscally responsible has resulted in 9.4 million Americans being unemployed. Now, through H.R. 2675, the Majority Party's failure to act fiscally responsible is depleting the resources of our schools and our health care system. This result is unacceptable for the hardworking Americans we represent. I oppose this bill, and I urge my colleagues to do the same.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHUGH) having assumed the chair, Mr. LATOURETTE. Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2660 in the Committee of the Whole pursuant to House Resolution 312, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations, the majority leader or the minority leader or their designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD and numbered 3, 4, 5, and 8, each of which shall be debatable for 10 minutes; the amendment printed in the CONGRESSIONAL RECORD and numbered 6, which shall be debatable for 20 minutes; an amendment by Mr. OBEY regarding overtime regulations, which shall be debatable for 30 minutes; an amendment by Mr. OBEY regarding SCHIP, which shall be debatable for 10 minutes; an amendment in the nature of a substitute by Mr. OBEY, which shall be debatable for 10 minutes; an amendment by Mr. TANCREDO regarding school safety, which shall be debatable for 10 minutes; an amendment by Mr. ALLEN regarding title I of the Elementary and Secondary Education Act, which shall be debatable for 30 minutes; and an amendment by Mr. TOOMEY regarding National Institutes of Health grants, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Each amendment shall be debatable only for the time specified equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply like the assurances of the distinguished gentleman from Ohio that with respect to the amendments offered by the gentleman from Indiana (Mr. CHOCOLA) and the gentleman from Pennsylvania (Mr. TOOMEY), that time would be yielded to the minority side as well.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I think the unanimous consent indicates that it would be equally divided.

Mr. OBEY. No. That is a different question. I just want to make certain that of the committee time in opposition to those two amendments, that the minority will be yielded some of that time.

Mr. YOUNG of Florida. Mr. Speaker, I would advise the gentleman there is no problem with that.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2660.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the order of the House of today, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or the ranking member of the Committee on Appropriations, the majority leader or the minority leader, or their designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD numbered 3, 4, 5 and 8, each of which shall be debatable for 10 minutes; the amendment printed in the CONGRESSIONAL RECORD numbered 6, which shall be debatable for 20 minutes; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding overtime regulations, which shall be debatable for 30 minutes; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding SCHIP, which shall be debatable for 10 minutes; an amendment in the nature of a substitute by the gentleman from Wisconsin (Mr. OBEY), which shall be debatable for 10 minutes; an amendment by the gentleman from Colorado (Mr. TANCREDO) regarding school safety, which shall be debatable for 10 minutes; an amendment by the gentleman from Maine (Mr. ALLEN) regarding title I of the Elementary and Secondary Education Act, which shall be debatable for 30 minutes; and an amendment by the gentleman from Pennsylvania (Mr. TOOMEY) regarding National Institutes of Health grants, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in the request, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question. Each amendment shall be debatable only for the time specified equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

The Clerk will read.

The Clerk read as follows:

H.R. 2660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding. I would like to take this opportunity to engage in a colloquy with my good friend from Ohio, but first I would like to compliment the gentleman from Ohio (Chairman REGULA) for the incredible work that he has done, once again, to put this bill together. He is again, as many have heard comments from both sides of the aisle today, one of the most respected and admired leaders in this House, and I am just proud to serve with him on the Committee on Appropriations.

The chairman has been a leader and a champion of funding for community health centers for many years now, and I appreciate the time he has given me on a regular basis to talk about the funding levels that are necessary to keep this wonderful program running. The chairman knows that the $122 million that is currently included in the bill is greatly appreciated. That would bring the fiscal year 2004 total to $1.627 billion.

However, there is great concern that this would not be enough to sustain the services at some health care centers, and that, in some cases, they could be forced to reduce services to existing patients as costs increase around the country. My purpose is simply to engage the chairman to ask for his consideration to continue working with us to try to increase this number to the level of $225 million.

It is my understanding that Members of the other body are trying to work toward that goal; and if they are successful, we were hoping that we could also work in conference down the road to match that level. This would enable the program to serve 1.7 million additional patients, many of whom are uninsured. We all have examples from around the country from our congressional districts. In my case, health centers serve more than 28,000 people who would otherwise go without this care. We all have seen firsthand the good work that these great health centers are doing; and around the country, hundreds of thousands of Americans who would have no place else to turn are being served by these great people that work in these health centers.

I would just simply ask the chairman of the subcommittee that he would continue to work with us throughout this process to ensure that this program is provided an additional $225 million if at all possible in the final bill.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his kind words. We have agreed in the subcommittee that health centers are among our highest priorities. Since I have become Chair of the committee in 2000, we have increased this program by $486 million, or nearly 50 percent. We recognize that in too many cases health centers provide the only access individuals have to our health care system.

Obviously, the health centers program within appropriated funds cannot solve all of the overall access problems. Nevertheless, with the continuing challenges to providing access, we will do our very best through the remainder of the process and within fiscal restraints to provide further increases for the program. I certainly will be pleased to work with the gentleman from Texas to reach that goal.

Mr. BONILLA. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Ohio. Again, I just want to reiterate my gratitude to the chairman of the subcommittee for advocating this program and for his help not only on this issue, but so many others in the bill.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. OBEY:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,614,039,000 plus reimbursements, of which $1,582,858,000 is available for obligation for the period July 1, 2004 through June 30, 2005, except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2003 until expended; of which $1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005; and of which $30,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act, $305,993,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, $60,000,000 shall be for carrying out section 167 such Act, including $56,000,000 for formula grants and $3,600,000 for migrant and seasonal housing, including permanent housing, and $400,000 for other discretionary purposes: *Provided further*, That funds appropriated under this heading in Public Law 108–7 for migrant and seasonal farmworkers housing shall be made available only under the terms and conditions in effect June 30, 2002, and shall include funding for permanent housing: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That notwithstanding any other provision of law, funds awarded under a grant issued by the Department of Labor pursuant to section 173 of such Act on June 30, 2001, to the San Diego Workforce Partnership may be used to provide services to spouses of military personnel.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2004 through June 30, 2005, and of which

$100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002 (Public Law 107–210)), $1,338,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $142,520,000, together with not to exceed $3,472,861,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which $142,520,000, together with not to exceed $768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2004 is projected by the Department of Labor to exceed 3,227,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2005, $467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $115,824,000, including $2,393,000 to administer welfare-to-work grants, together with not to exceed $56,503,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $128,605,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2004, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of $228,772,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $395,697,000, together with $2,056,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2004: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of the automated data processing systems and telecommunications systems, $11,618,000; (2) for automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $14,496,000; (3) for periodic roll management and medical review, $13,210,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the "Act"), $300,000,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Act for the first quarter of fiscal year 2005, $88,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $55,074,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2004 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2004 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,004,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $23,401,000 for transfer to Departmental Management, "Salaries and Expenses"; $338,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $462,356,000, including not to exceed $91,747,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2004, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2004 to September 30, 2005, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $276,826,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2004 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $442,547,000, together with not to exceed $75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2004 through September 30, 2004, for Occupational Employment Statistics, and $5,400,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,333,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2005, and $48,565,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $387,801,000; together with not to exceed $317,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $193,443,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2004, of which $2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $26,550,000, of which $7,550,000 shall be available for obligation for the period July 1, 2004 through June 30, 2005.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $57,000,000, together with not to exceed $5,899,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $18,000,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

This title may be cited as the "Department of Labor Appropriations Act, 2004".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V, and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,639,413,000, of which $39,740,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $248,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $45,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $273,350,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $785,759,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $117,831,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: *Provided further*, That $65,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,389,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,472,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,803,927,000, of which $206,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $293,763,000 for international HIV/AIDS shall remain available until September 30, 2005, including not less than $150,000,000, to remain available until expended, for the "International Mother and Child HIV Prevention Initiative", and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, $13,226,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $17,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 20 States: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,816,568,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,930,136,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $389,780,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,701,959,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,527,588,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,340,707,000: *Provided*, That $100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,937,179,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,264,806,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $664,061,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $644,229,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,042,110,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $509,879,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $388,465,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $136,959,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $436,364,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,008,676,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,406,489,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $487,698,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $291,866,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,176,402,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $123,154,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $118,944,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $194,781,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $66,563,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $323,390,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2004, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $453,743,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $216,300,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,375,400,000: *Provided*, That in addition to amounts provided herein, $16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $303,695,000.

Centers for Medicare and Medicaid Services

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $130,892,197,000, to remain available until expended.

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2005, $58,416,275,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $95,084,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,698,025,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $65,000,000, to remain available until September 30, 2005, is for contract costs for the CMS Systems Revitalization Plan: *Provided further*, That $56,991,000, to remain available until September 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That not less than $129,000,000 shall be for processing Medicare appeals: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2004, no commitments for direct loans or loan guarantees shall be made.

Administration for Children and Families

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $3,292,970,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2005, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $2,250,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), and for carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $461,853,000, of which up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000 (Public Law 106–386, div. A): *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2006.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,200,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,864,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $15,000,000, of which $13,000,000 shall be for payments to States to promote disabled voter access, and of which $2,000,000 shall be for payments to States for disabled voters protection and advocacy systems.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,742,968,000, of which $43,000,000, to remain available until September 30, 2005, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which $6,815,570,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which $735,860,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That not less than $7,250,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $88,043,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $26,413,000 is for the transitional living program: *Provided further*, That $35,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $100,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,068,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2005, $1,767,700,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,449,495,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $2,842,000 shall remain available until September 30, 2006, for the White House Conference on Aging.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $343,284,000, together with $5,813,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2004(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $49,675,000 is for minority AIDS prevention and treatment activities; $18,400,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects; and $5,000,000 is to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,497,000: *Provided*, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,936,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,483,000: *Provided*, That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided further*, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $1,896,846,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,286,156,000; Office of the Secretary, $64,820,000; and Health Resources and Services Administration; $545,870,000; *Provided further*, That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, $100,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2004 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2004 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2003, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2004.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) In addition to the authority provided in section 214, in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by $98,000,000.

(b) MEDICARE CLAIMS PROCESSING FEE.—

(1) IN GENERAL.—Notwithstanding section 1842(c)(4) of the Social Security Act, each claim submitted by an individual or entity furnishing items or services for which payment may be made under part A or part B of title XVIII of such Act is subject to a processing fee of $2.50 if the claim—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must be returned by the medicare claims processing contractor involved to the individual or entity for completion or correction.

(2) DEDUCTION AND TRANSFER.—The Secretary of Health and Human Services shall deduct any fees assessed pursuant to paragraph (1) against an individual or entity from amounts otherwise payable from a trust fund under such title to such individual or entity, and shall transfer the amount so deducted from such trust fund to the Program Management account of the Centers for Medicare & Medicaid Services.

(3) AVAILABILITY.—Fees collected under this subsection shall remain available until expended. Such fees shall be available for obligation in a fiscal year only in the amount specified in the appropriation Act for such fiscal year.

(4) WAIVER AUTHORITY.—The Secretary of Health and Human Services may provide for waiver of fees for claims described in paragraph (2) in cases of such compelling circumstances as the Secretary may determine.

(5) EXCLUSION OF FEES IN ALLOWABLE COSTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under the Social Security Act.

(6) EFFECTIVE DATE.—This subsection shall apply to claims referred to in paragraph (1) submitted on or after a date, specified by the Secretary of Health and Human Services, that is not later than 3 months after the date of the enactment of this Act.

SEC. 218. The amount appropriated in this Act for "Centers for Disease Control and Prevention—Disease Control, Research, and Training" is hereby reduced by $49,982,000, to be derived from the amounts made available for administrative and related information technology expenses: *Provided*, That the Director of the Centers for Disease Control and Prevention shall determine the allocation of the reduction among Agency activities, and shall submit to the Committees on Appropriations a report specifying the proposed allocation.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2004".

TITLE III—DEPARTMENT OF EDUCATION

Education for the Disadvantaged

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,841,311,000, of which $7,277,510,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which $7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That $7,607,282,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2003, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That $1,920,239,000 shall be available for targeted grants under section 1125: *Provided further*, That $1,791,759,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA: *Provided further*, That from the $9,500,000 available to carry out part E of title I, up to $1,000,000 shall be available to the Secretary of Education to provide technical assistance to State and local educational agencies concerning part A of title I.

Impact Aid

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,403,324,000, of which $1,192,000,000 shall be for basic support payments under section 8003(b), $66,668,000 shall be for payments for children with disabilities under section 8003(d), $54,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, $72,000,000 shall be for Federal property payments under section 8002, and $17,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

School Improvement Programs

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subpart 6 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $6,141,812,000, of which $4,490,947,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which $1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That $390,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 of the ESEA.

Indian Education

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $121,573,000.

Innovation and Improvement

For carrying out activities authorized by part G and section 1504 of title I, parts A, C, and D of title II, and parts B, C, and D of title V of the Elementary and Secondary Education Act of 1965, $807,959,000: *Provided*, That $74,513,000, to become available on July 1, 2004 and remain available through September 30, 2005, for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2003: *Provided further*, That up to $1,500,000 of the funds provided under the Advanced Credentialling program may be reserved by the Secretary to conduct an evaluation of the program.

Safe Schools and Citizenship Education

For carrying out civic and physical education activities, safe and drug-free schools and communities programs, and partnerships in character education programs, authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $820,068,000, of which $138,949,000 shall become available on July 1, 2004 and remain available through September 30, 2005, and of which $330,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005 for the academic year 2004–2005: *Provided*, That $468,949,000 shall be available for subpart 1 of part A of title IV and $155,180,000 shall be available for subpart 2 of part A of title IV, of which $4,968,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That of the amount made available for subpart 3 of part C of title II of the ESEA, up to $12,000,000 may be used to carry out section 2345 of the ESEA and $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

English Language Acquisition

For carrying out title III, part A of the Elementary and Secondary Education Act of 1965, $750,000,000, of which $626,258,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

Special Education

For carrying out the Individuals with Disabilities Education Act, $12,249,790,000, of which $6,890,762,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which $5,072,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That $1,490,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2003, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,999,165,000: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $16,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $53,867,000, of which $367,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $100,600,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

Vocational and Adult Education

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education and Family Literacy Act, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $2,094,475,000, of which $1,294,725,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which $791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: *Provided*, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a

State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,438,000 shall be for national leadership activities under section 243 and $6,517,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $175,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2004, and remain available through September 30, 2005, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

Student Financial Assistance

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,911,432,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,200.

Higher Education

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, section 117 of the Carl D. Perkins Vocational and Technical Education Act, and the Mutual Educational and Cultural Exchange Act of 1961, $1,985,991,000, of which $2,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: *Provided*, That $9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005–2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $994,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act.

Howard University

For partial support of Howard University (20 U.S.C. 121 et seq.), $242,770,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

College Housing and Academic Facilities Loans Program

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $774,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

Historically Black College and University Capital Financing Program Account

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

Institute of Education Sciences

For carrying out activities authorized by Public Law 107–279, $500,599,000: *Provided*, That of the amount appropriated, $185,000,000 shall be available for obligation through September 30, 2005.

Departmental Management

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $434,494,000, of which $13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,275,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $48,137,000.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,010,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Education Appropriations Act, 2004".

TITLE IV—RELATED AGENCIES

Armed Forces Retirement Home

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $65,279,000, of which $1,983,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

Corporation for National and Community Service

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $352,836,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2006, $330,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2004 by Public Law 107–116, up to $80,000,000 is available for grants associated with the transition of public broadcasting to digital broadcasting, including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and up to $20,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after allocations made herein.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,385,000, including $1,500,000, to remain available through September 30, 2005, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,774,000.

Institute of Museum and Library Services

For carrying out the Museum and Library Services Act of 1996, $238,126,000, to remain available until expended.

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $9,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $243,073,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,421,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,115,000.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $119,000,000, which shall include amounts becoming available in fiscal year 2004 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $119,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2005, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $101,300,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,600,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $21,658,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,221,300,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2005, $12,590,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $8,410,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2004 not needed for fiscal year 2004 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $120,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2004 exceed $120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $25,000,000, together with not to exceed $65,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE
OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $17,200,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. (a) Of the total amount appropriated for "Education for the Disadvantaged" in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Pub. L. 108-7, div. G)—

(1) the portion becoming available on July 1, 2003, is hereby increased by $2,244,000,000; and

(2) the portion becoming available on October 1, 2003, is hereby reduced by $2,244,000,000.

(b) The rescission made by section 601 of the Miscellaneous Appropriations Act, 2003 (Pub. L. 108-7, div. N) shall not apply to the amounts of the increase and reduction specified in this section.

SEC. 516. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 517. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 518. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 32 percent.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004".

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, although I do not intend to take all of the time. I think we have already had the discussion; we might as well get to the votes just as quickly as possible. Let me simply explain what this amendment does.

The Republican majority, as I said earlier, made a conscious decision over the last 2 years to provide $2 trillion in tax cuts, all of which were paid for with borrowed money; and by doing that, they decided they were going to put the Congress in a box and the Congress would, therefore, not be able to adequately fund a number of crucial investments, including education and health. This bill now is suffering from the consequences of that action.

What we are trying to do by this amendment is to get the House to reconsider its decision. The gentleman from Texas said that those of us on the minority side of the aisle are desirous of raising taxes. This amendment does not raise taxes.

What we are asking this House to do is to limit the size of the tax cut for the 200,000 Americans who make more than $1 million a year. We are asking to limit the size of that tax cut to $44,000 instead of the $88,000 tax cut that they would otherwise get, so that we can use that money for the following:

In this amendment, which is one of two, we would simply reduce the size of that tax cut so that we could put $334 million into this bill for title I, which is the main education program that tries to help youngsters who need special help; but to get that help, we provide $334 million more to meet the promises of the Republican Party budget resolution. It is not our budget resolution; it is the budget resolution of our friends on the other side of the aisle.

We would also add $1.2 billion to the special education portion of the bill, again, so that we meet the Republican budget resolution promise. We would increase the Pell grant maximum grant by a modest $150 million, or 4 percent over the subcommittee bill. In the health area, we would provide $73 million of additional funding for community health centers. We would continue to rebuild the capacity of our public health system to respond to potential biological or chemical terrorist attacks. We would provide a 5.5 percent overall increase for NIH for biomedical research so that we can continue the progress that we have made on cancer, heart disease, Parkinson's, and many other diseases that plague mankind.

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We would eliminate the cut of the Low Income Heating Assistance Program and provide $450 million more. We would provide $151 million more for community service block grants. We would provide $170 million in recognition of the fact that the Social Security Administration's backlog for approving and reviewing disability cases has risen from 400,000 to 600,000 cases.

As I said, what we are trying to do is to reestablish the linkage between actions taken on the tax cuts front and their implications for legislation such as the bill before us today.

So with that, Mr. Chairman, we have no further speakers on this side and I would simply seek a vote. And let me explain that if the gentleman lodges a point of order on this amendment, then what we will do instead of appealing the ruling to the Chair, what we will do instead is to simply at that point move to strike the enacting clause so that we can have a vote on whether or not you want to put the needs of millionaires for tax cuts ahead of the needs of our children for adequate education and health care.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) claim time?

Mr. REGULA. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, we had this debate on the Committee on Ways and Means jurisdiction on the issue of a tax cut. This is not the proper venue. This is the appropriations bill; and, therefore, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. In addition, the amendment is a tax or tariff measure and is in violation of clause 5(a) of rule XXI.

Clause 2 of rule XXI states in the pertinent part: "An amendment to a general appropriations bill shall not be in order if it changes existing law."

The amendment amends existing law. Clause 5(a) of rule XXI states in part: "A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures. And an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction."

The amendment is clearly legislation as well as a tax or tariff provision. And it is, therefore, in violation of the House rules.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, clearly if this point of order is upheld, what the majority would succeed in doing is, again, hiding from the public the practical consequences to education and to health care, worker protection programs of the majority party's past actions on tax cuts. What the majority party is trying to do is to use the rules to segment the discussion of the budget process so that one day without any context whatsoever, the House considers tax cuts and then after they have done that, then separately they consider what will happen to the rest of the budget. We think that is going to wind up with an unhealthy result for the public.

We do not control the House. Obviously, the majority party does; and so they have the capacity to use the rules that way. But when they do so, what they do, in my view, is to make meaningless virtually all debate and discussion in this House. And so if the gentleman insists on his point of order, we will have no choice but to concede it, and at that point I would simply then have a preferential motion at the desk which would ask that the enacting clause be stricken from this bill until such time as the House reconsiders its action on the tax package so that we do have room in the inn for the children this bill is supposed to serve.

The CHAIRMAN. For the reasons stated by the gentleman from Ohio (Mr. REGULA) and on the concession of the gentleman from Wisconsin (Mr. OBEY), the point of order is conceded and sustained.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion at the desk.

The Clerk read as follows:

> Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his preferential motion.

Mr. OBEY. Mr. Chairman, we have taken this action out of courtesy to the Chair. But I feel very strongly about the vote that this motion will trigger.

When we are together in a bipartisan fashion, as we have been on some occasions in the past 8 years, we have produced good pieces of work and both political parties have justly been proud of the outcome. But right now this House is locked in the clutches of an ideological majority which has decided that at all costs they will put tax cuts primarily targeted at the most wealthy people in this country ahead of every other legitimate need. So they have passed $2 trillion in tax cuts, all paid for with borrowed money; and then when the labor-health appropriations bill comes to the floor, they say, "Oh, I am sorry. We have to stop the progress at NIH. I am sorry, we cannot have any expansion of research this year for cancer or for Parkinson's or diabetes or for any of the other diseases that plague people. I am sorry, we cannot even meet our own promises for title I in the education bill. I am sorry, we cannot meet our promises to children who require special help because of disabilities. I am sorry, we cannot meet those promises because, you see, we have already spent the money on the tax cut."

So what we are saying is: "Look, take this bill back to committee, strike the enacting clause so that the bill can go no further, go back and reconsider, go back and reconsider and allow us to vote on shaving the size of that tax bill." Only for the top. All we are talking about is to take a look at the size of the tax bill, or the size of the tax cuts, I should say, that are provided to people who make more than a million dollars a year. Right now they are scheduled to get an $88,000 tax cut. We are saying if you shave that in this amendment to only $70,000, you can meet the education needs of the country; you can meet the health care needs of the country. You have spent $2 trillion on tax cuts, and now you are telling us there is not room in the end for $2.8 billion in education funding and in health care funding? That is what you are telling us.

You built the box in which you are now locked; and you are saying, "Gee whiz, we do not have a key." This is the key. So if you vote for this motion, you will be voting to send this bill back to the committee until this House comes to its senses and says to our friends, the 200,000 of them who make over a million dollars a year, "Folks, we love you. We hope everybody can see the day when they will make a million dollars, but we ask you to take just a little bit less so we can provide funding in this bill for education and health care and other needed public services."

I would bet you that 90 percent of the people who are going to get those giant-size tax cuts would say, "You bet. We think we would rather see those investments in children before getting this superduper-sized tax cut." I have enough confidence in their patriotism and their concern about the future of this country that they would make that choice even if a majority of this House seems to not want to make or even confront that decision.

Mr. Chairman, I would ask for an "aye" vote on the motion.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes in opposition to the motion.

Mr. REGULA. Mr. Chairman, I would be interested in checking with Treasury to find out how many people would voluntarily return their tax cuts. I would daresay it will be few.

I want to point out once against that this budget is double what it was 8 years ago when we took over for all of these good things. Having said that, I oppose the amendment. I hope my colleagues will vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 222, not voting 13, as follows:

[Roll No. 347]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner

Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Conyers
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Kingston
Millender-McDonald
Owens
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1500

Messrs. GARRETT of New Jersey, PAUL, McINNIS, Mrs. MYRICK, Mr. RAMSTAD and Mr. GARY G. MILLER of California changed their vote from "aye" to "no."

Mr. SCOTT of Georgia changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Chairman, on Thursday, July 10, 2003, had I been present for rollcall vote Nos. 346 and 347, I would have voted the following way: Rollcall vote No. 346, on Approving the Journal—"yea"; rollcall vote No. 347, strike enacting clause of H.R. 2660—"nay."

Mr. REGULA. Mr. Chairman, as the gentleman from Wisconsin (Mr. OBEY) and myself are making every effort to expedite this bill today, I, therefore, ask unanimous consent that the remainder of the bill, through page 91, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 2, line 5 through page 91, line 17 is as follows:

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,614,039,000 plus reimbursements, of which $1,582,858,000 is available for obligation for the period July 1, 2004 through June 30, 2005, except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2003 until expended; of which $1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005; and of which $30,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act, $305,993,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, $60,000,000 shall be for carrying out section 167 of such Act, including $56,000,000 for formula grants and $3,600,000 for migrant and seasonal housing, including permanent housing, and $400,000 for other discretionary purposes: *Provided further*, That funds appropriated under this heading in Public Law 108–7 for migrant and seasonal farmworkers housing shall be made available only under the terms and conditions in effect June 30, 2002, and shall include funding for permanent housing: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That notwithstanding any other provision of law, funds awarded under a grant issued by the Department of Labor pursuant to section 173 of such Act on June 30, 2001, to the San Diego Workforce Partnership may be used to provide services to spouses of military personnel.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2004 through June 30, 2005, and of which $100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974 as amended (including the benefits and services described under sections 123(c)(2) and 151 (b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210) $1,338,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $142,520,000, together with not to exceed $3,472,861,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which $142,520,000, together with not to exceed $768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2004 is projected by the Department of Labor to exceed 3,227,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2005, $467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $115,824,000, including $2,393,000 to administer welfare-to-work grants, together with not to exceed $56,503,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration $128,605,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2004, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of $228,772,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $395,697,000, together with $2,056,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading 'Civilian War Benefits' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2004: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $11,618,000; (2) for automated workload processing operations including document imaging, centralized mail intake and medical bill processing, $14,496,000; (3) for periodic roll management and medical review, $13,210,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the "Act"), $300,000,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the first quarter of fiscal year 2005, $88,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $55,074,000 to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2004 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2004 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,004,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $23,401,000 for transfer to Departmental Management, "Salaries and Expenses"; $338,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration,

$450,008,000, including not to exceed $91,747,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2004, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $266,767,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2004 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $437,152,000, together with not to exceed $75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,333,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans; $48,565,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment management process to assure a sound investment strategy; $252,701,000; together with not to exceed $317,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $193,443,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2004, of which $2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $26,550,000 of which $7,550,000 shall be available for obligation for the period July 1, 2004 through June 30, 2005.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $60,896,000, together with not to exceed $5,899,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $18,000,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Labor Appropriations Act, 2004".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V, and sections 1128E, 711 and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,252,256,000, of which $39,740,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $248,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $45,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $273,350,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $753,317,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $117,831,000 is for carrying out special projects of regional and national significance pursuant to section 501(1)(2): *Provided further*, That $65,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,389,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,472,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including (purchase and) insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,588,671,000, of which $206,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $242,569,000 for international HIV/AIDS shall remain available until September 30, 2005, including not less than $100,000,000, to remain available until expended, for the "International Mother and Child HIV Prevention Initiative", and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, $13,226,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,770,519,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,867,995,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $382,396,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,670,007,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,468,926,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,335,255,000: *Provided*, That $100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,923,133,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,245,371,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $648,299,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $630,774,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $994,411,000.

National Institute of Arthritis and Musculoskeletal and Skin Diseases

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $502,778,000.

National Institute on Deafness and Other Communication Disorders

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $380,377,000.

National Institute of Nursing Research

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $134,579,000.

National Institute on Alcohol Abuse and Alcoholism

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $430,121,000.

National Institute on Drug Abuse

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $995,614,000.

National Institute of Mental Health

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,382,114,000.

National Human Genome Research Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $478,072,000.

National Institute of Biomedical Imaging and Bioengineering

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $282,109,000.

National Center for Research Resources

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,053,926,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

National Center for Complementary and Alternative Medicine

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $116,202,000.

National Center on Minority Health and Health Disparities

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $192,724,000.

John E. Fogarty International Center

For carrying out the activities at the John E. Fogarty International Center, $64,266,000.

National Library of Medicine

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $316,040,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2004, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health

Office of the Director

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $317,983,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $80,000,000, to remain available until expended.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,329,000,000: *Provided further*, That in addition to amounts provided herein, $16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

Agency for Healthcare Research and Quality

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $303,695,000.

Centers for Medicare and Medicaid Services

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $130,892,197,000, to remain available until expended.

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2005, $58,416,275,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $95,084,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,698,025,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $65,000,000, to remain available until September 30, 2005, is for contract costs for CMS' Systems Revitalization Plan: *Provided further*, That $56,991,000, to remain available until September 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $129,000,000 shall be for processing Medicare appeals: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2004, no commitments for direct loans or loan guarantees shall be made.

Administration for Children and Families

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $3,292,970,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2005, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $100,000,000: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act, and notwithstanding the designation requirement of section 2602(e).

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $461,853,000, of which up to $10,000,000 shall be available to carry out the Trafficking Victims Protection Act of 2000 (Public Law 106–386, div. A): *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities, to remain available through September 30, 2006.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,729,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,864,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 5.5 percent.

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $15,000,000, of which $13,000,000 shall be for payments to States to promote disabled voter access, and of which, $2,000,000 shall be for payments to States for disabled voters protection and advocacy systems.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,599,670,000, of which $43,000,000, to remain available until September 30, 2005, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2004; of which $6,815,570,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which $577,562,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That not less than $7,250,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $88,043,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $26,413,000 is for the transitional living program: *Provided further*, That $50,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $100,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,068,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2005, $1,767,700,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,377,421,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $2,842,000 shall remain available until September 30, 2006 for the White House Conference on Aging.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $343,284,000, together with $5,813,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,185,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $49,675,000 is for minority AIDS prevention and treatment activities; $18,400,000 is for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects, and

$5,000,000 is to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,497,000: *Provided*, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,936,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,483,000: *Provided*, That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided further*, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to U.S. Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $1,726,846,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,116,156,000; Office of the Secretary, $64,820,000; and Health Resources and Services Administration; $545,870,000: *Provided further*, That at the discretion of the Secretary of Health and Human Services, these amounts may be transferred between categories subject to normal reprogramming procedures: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, $50,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2004 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2004 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2002, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2004.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) In addition to the authority provided in section 214, in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is excercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by $98,000,000.

(B) MEDICARE CLAIMS PROCESSING FEE.—

(1) IN GENERAL.—Notwithstanding section 1842(c)(4) of the Social Security Act, each claim submitted by an individual or entity furnishing items or services for which payment may be made under part A or part B of title XVIII of such Act is subject to a processing fee of $2.50 if the claim—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must be returned by the medicare claims processing contractor involved to the individual or entity for completion or correction.

(2) DEDUCTION AND TRANSFER.—The Secretary of Health and Human Services shall deduct any fees assessed pursuant to paragraph (1) against an individual or entity from amounts otherwise payable from a trust fund under such title to such individual or entity, and shall transfer the amount so deducted from such trust fund to the Program Management account of the Centers for Medicare & Medicaid Services.

(3) AVAILABILITY.—Fees collected under this subsection shall remain available until expended. Such fees shall be available for obligation in a fiscal year only in the amount specified in the appropriation Act for such fiscal year.

(4) WAIVER AUTHORITY.—The Secretary of Health and Human Services may provide for waiver of fees for claims described in paragraph (2) in cases of such compelling circumstances as the Secretary may determine.

(5) EXCLUSION OF FEES IN ALLOWABLE COSTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under the Social Security Act.

(6) EFFECTIVE DATE.—This subsection shall apply to claims referred to in paragraph (1) submitted on or after a date, specified by the Secretary of Health and Human Services, that is not later than 3 months after the date of the enactment of this Act.

SEC. 218. The amount appropriated in this Act for "Centers for Disease Control and Prevention—Disease Control, Research, and Training" is hereby reduced by $49,982,000, to be derived from the amounts made available for administrative and related information technology expenses: *Provided*, That the Director of the Centers for Disease Control and Prevention shall determine the allocation of the reduction among Agency activities, and shall submit to the Committees on Appropriations a report specifying the proposed allocation.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,507,000,000, of which $6,943,199,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which $7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That $7,172,971,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2003, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That $3,018,499,000 shall be available for targeted grants under section 1125: *Provided further*, That $793,499,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA: *Provided further*, That from the $9,500,000 available to carry out part E of title I, up to $1,000,000 shall be available to the Secretary of Education to provide technical assistance to state and local educational agencies concerning part A of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,238,324,000, of which $1,073,000,000 shall be for basic support payments under section 8003(b), $50,668,000 shall be for payments for children with disabilities under section 8003(d), $44,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, $62,000,000 shall be for Federal property payments under section 8002, and $7,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, part B of title IV, part A and subpart 6 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $5,797,637,000, of which $4,296,772,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which $1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That $390,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the Elementary and Secondary Education Act.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $121,573,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, parts A, C, and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965, $807,959,000: *Provided*, That $74,513,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall become available on July 1, 2004, and remain available through September 30, 2005, and shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2003: *Provided further*, That up to $1,500,000 of the funds provided under the Advanced

Credentialling program may be reserved by the Secretary to conduct an evaluation of the program.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, $820,068,000, of which $138,949,000 shall become available on July 1, 2004 and remain available through September 30, 2005, and of which $330,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005 for academic year 2004–2005: *Provided*, That of the funds available to carry out subpart 3 of part C of title II, up to $12,000,000 may be used to carry out section 2345: *Provided further*, That of the funds available for subpart 2 of part A of title IV, $4,968,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $685,515,000, of which $560,543,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $11,049,790,000, of which $5,690,762,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which $5,072,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2003 increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,999,165,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $16,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $53,867,000, of which $367,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $100,600,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, and the Adult Education and Family Literacy Act, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, as amended, $2,094,475,000, of which $1,294,725,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which $791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: *Provided*, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,438,000 shall be for national leadership activities under section 243 and $6,517,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $175,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2004, and remain available through September 30, 2005, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,247,432,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,010,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, section 117 of the Carl D. Perkins Vocational and Technical Education Act, and the Mutual Educational and Cultural Exchange Act of 1961, $1,985,991,000, of which $2,000,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: *Provided*, That $9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005–2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $994,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $242,770,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $774,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $500,599,000: *Provided*, That of the amount appropriated, $185,000,000 shall be available for obligation through September 30, 2005.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $434,494,000, of which $13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, DC.

Office for Civil Rights

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,275,000.

Office of the Inspector General

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $48,137,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Education Appropriations Act, 2004".

TITLE IV—RELATED AGENCIES

Armed Forces Retirement Home

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $65,279,000, of which $1,983,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

Corporation for National and Community Service

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $352,836,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2006, $330,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2004 by Public Law 107–116, up to $80,000,000 is available for grants associated with the transition of public broadcasting to digital broadcasting, including costs related to transmission equipment and program production, development, and distribution, to be awarded as determinded by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and up to $20,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after allocations made herein.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,385,000, including $1,500,000, to remain available through September 30, 2005, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,774,000.

Institute of Museum and Library Services

For carrying out the Museum and Library Services Act of 1996, $238,126,000 to remain available until expended.

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $9,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $239,429,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,421,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,115,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $119,000,000, which shall include amounts becoming available in fiscal year 2004 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $119,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2005, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $101,300,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,600,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $21,658,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,221,300,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2005, $12,590,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $8,241,800,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2004 not needed for fiscal year 2004 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $120,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2004 exceed $120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2003 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $24,500,000, together with not to exceed $63,700,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $17,200,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. (a) The matter under the heading "Department of Education—Education for the Disadvantaged" in division G of Public Law 108–7 is amended—

(1) by striking "$4,651,199,000" and inserting "$6,895,199,000"; and

(2) by striking "$9,027,301,000" and inserting "$6,783,301,000".

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 516. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 517. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

The CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mrs. JOHNSON of Connecticut. Mr. Chairman, I raise a point of order against section 217(B) on page 57, lines 7 through 25, and page 58, lines 1 through 24, of this bill, H.R. 2660, on the grounds that this provision violates clause 2(b) of House rule XXI because it is legislation included in a general appropriations bill.

The CHAIRMAN. Does anybody wish to be heard on the gentlewoman's point of order?

Mrs. JOHNSON of Connecticut. Mr. Chairman, I raise this point of order respectfully and regretfully, but it is important that this section be struck. In 2001, I helped author and pass in this House a requirement that providers be required as of this October to submit all Medicare claims electronically. Because most electronic billing systems eliminate inaccurate and duplicate claims, the user fee is unnecessary, as Medicare will get dramatically fewer mistakes after October. Harnessing a new claims processing and billing technology is preferable to using a punitive, per-claim tax to reduce mistakes.

In addition, current law gives small providers the leeway that they need. Hospitals with fewer than 25 full-time employees or a physician practice with fewer than 10 full-time employees are exempted from this requirement.

In sum, the current law that goes into effect October 1 covers this matter and provides the proper small business exemption. But in addition, the issue of what is a clean claim can be a very controversial issue and intermediaries have enormous power in this matter.

Mr. REGULA. Mr. Chairman, we concede the point of order. I am just trying to save some time here.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman, and I would be happy to work with him to see if we can resolve this problem, because I appreciate the gentleman's dedication to giving CMS the administrative funds they are going to need to implement some of the reforms. I look forward to working with the gentleman on that.

Mr. REGULA. Mr. Chairman, we concede the point of order, and we will work together to solve this problem.

The CHAIRMAN. The point of order is conceded, it is sustained, and the provision is stricken.

AMENDMENT NO. 5 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BEREUTER:

In the item relating to "DEPARTMENT OF HEALTH AND HUMAN SERVICES—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY—HEALTHCARE RESEARCH AND QUALITY", insert before the period at the end the following:

: *Provided*, That, of the funds made available under this heading, $12,000,000 shall be for the conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices under subparagraph (B) of section 912(b)(2) of the Public Health Service Act (42 U.S.C. 299b–1(b)(2))

The CHAIRMAN. The gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment requires the Agency for Healthcare Research and Quality to spend $12 million for the conduct of research on the comparative effectiveness, cost effectiveness, and safety of drugs, biological products and devices under their existing authorization.

This is a priority-setting amendment that is intended to ensure that objective scientific research on prescription drugs continues or is accelerated in fiscal year 2004. This, unfortunately, may not be an increase in spending for this purpose, but the $12 million figure is the amount the agency estimates it currently spends on this effort to assess the efficacy of drugs.

This amendment does not require new money to be spent. Instead, the amendment earmarks $12 million for the total amount yielded to what is called the AHRQ for such research. This Member wishes it could be more; and in fiscal year 2005, it should, pending good results, be dramatically increased.

The amendment also demands accountability by requiring the agency to actually and productively spend such funds on this initiative.

Mr. Chairman, while the Food and Drug Administration is charged with assuring the safety of pharmaceuticals that are approved for the marketing, clinicians, patients, health plans, insurers, and those financing health care services need additional help in making informed choices among pharmaceuticals. They need objective scientific information regarding the effectiveness, quality, and cost effectiveness of new drugs in comparison with existing alternatives, especially when the new drugs cost much more than those that are now on the market.

While the responsibility for developing this type of scientific research was assigned to AHRQ and reinforced by two different authorizing acts, the Congress has never provided AHRQ with the adequate resources necessary to carry out that important mission. Additional pharmaceutical research conducted by the AHRQ would also be beneficial, for example, to the Medicaid program.

Specifically, AHRQ's research can help State Medicaid programs better target their health care dollars. By a research initiative, for example, the AHRQ recently demonstrated that children with a common ailment, middle ear infection, recovered just as effectively after treatment by one of several antibiotics as they do from treatment by more expensive brand-name products. This is precisely the type of information that State Medicaid programs need to guide coverage decisions on a whole range of medical conditions, but by and large such objective research findings do not exist for most health conditions.

Additional research on anti-inflammatory drugs, cholesterol treatment drugs, and drugs to treat other medical conditions would also be beneficial in the development of Medicare prescription drug benefits. Perhaps the AHRQ should conduct research on the clinical appropriateness and cost effectiveness of the 50 drugs most frequently prescribed for senior citizens. The findings would certainly be interesting; and this Member believes that, overall, it would result in greater cost effectiveness, greater drug efficacy, and, therefore, lower cost to the patients and the American taxpayers.

Mr. Chairman, Americans deserve the best health care for their dollar. The goal of this amendment is to provide clinicians, patients, health plans, insurers, and others financing health care with the credible, objective information on the benefits, risks, and costs of prescription drugs so they can make informed decisions about the prescriptions they consume and prescribe.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I seek the time in opposition to the amendment. However, I am willing to accept the gentleman's amendment with the understanding that in preparation for conference we will learn more about its impact on the administration and the Members' priorities.

Mr. Chairman, I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, in deference to all, and the time constraints we are under, I will not take the full minute, but I do want to say that often very small amendments are extremely important. This amendment is absolutely key to reducing the costs of drugs.

There are many expensive products on the market that are no better than aspirin, and we need to be able to demonstrate that and provide senior citizens and all Americans with that information so they can choose the most cost-effective, medically effective pharmaceutical for their particular needs. I commend the gentleman from Nebraska on his amendment.

Mr. BEREUTER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Nebraska has 1 minute remaining.

Mr. BEREUTER. Mr. Chairman, I yield myself the balance of my time to, first of all, thank the gentlewoman for her comments, and I also thank the chairman for his comments and his remarks regarding securing information about the impact.

I do believe that the research estimate of $12 million probably includes not only contract services but also direct grants. I want to make sure that we have not too specifically prescribed the authorizing subsections so that we cover all the contracting and the grants that are made for this purpose. So it would be good to look at that, because last-minute information coming to us may have provided that when we were actually too very specific by specifying the subsections.

With that information, Mr. Chairman, I ask Members for their support on the amendment.

Mr. NETHERCUTT. Mr. Chairman, I support the gentleman from Nebraska's efforts to provide Americans with information in order to make educated decisions about their health care needs. However, I have concerns with his amendment. Though the gentleman's amendment does not change the Agency for Healthcare Research and Quality basic statutory authority, it does increase funding for comparative and cost-effectiveness studies by the AHRQ. I am fearful that by earmarking new funds for this explicit purpose, it may set AHRQ in the wrong direction.

I support efforts to reduce prescription drug costs by educating patients about what medicines best treat their ailments, allowing individual patients to make their own decisions about their health care needs. However, I fear that by promoting this amendment as a way to cut prescription drug costs it will turn comparative and cost-effectiveness studies into a means of implementing health care rationing by federal agencies such as the Centers for Medicare and Medicaid Services. An agency that calls itself a "big dumb price fixer." The answer to reducing health care costs is not by limiting patient access to the treatments they need.

I am concerned that government-run cost-effectiveness studies being promoted as a cost control tool will allow CMS to use these studies to pick and choose which medicines should and should not be available to patients. Making determinations in this way are biased against newer treatments that can cost more up-front but save more over time.

In short, this amendment encourages the federal government to direct medical care and promotes a "one-size-fits-all" approach to medicine which is bad for patients.

Mr. BEREUTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. RAHALL:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to implement amendments to Department of Labor Mine Safety and Health Administration regulations parts 70, 75, and 90 of title 30, Code of Federal Regulations, as proposed on March 6, 2003.

The CHAIRMAN. Points of order are reserved; and pursuant to the order of the House of today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume; and I do offer an amendment, which is printed in the RECORD as No. 6.

Mr. Chairman, I rise in recognition this afternoon of the ultimate sacrifice that thousands of our Nation's coal miners who have perished from the crippling disease known as pneumoconiosis, or black lung, have made to the energy security of this Nation.

Today, I rise to extend condolences to the families of coal miners who died as a result of years of inhaling coal dust in our Nation's mines. Today, I rise to give hope to those who on this day descend deep into the Earth to produce a coal which fostered the industrial revolution in this country and which now fires the technological revolution. I rise in humble gratitude to them, and I say, thank you.

And I rise in anger as well, Mr. Chairman, because despite the fact that the Congress in 1969 passed landmark legislation to put an end to black lung disease contracted over years of inhaling respirable coal dust in the mines, annually around 1,400 miners still perish from this disease.

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Yet this administration, the Bush administration, incredibly has proposed a regulation which would allow a fourfold increase of respirable dust in the coal mines. If made final, that regulation would directly translate into more deaths among our Nation's coal miners.

I have asked that this proposed regulation be withdrawn. The United Mine Workers of America have asked that it be withdrawn. Hundreds, if not thousands, of rank-and-file miners across this country have asked that these regulations be withdrawn.

In response, the administration has simply extended the public comment period. It is not going to withdraw these regulations. And why would it when the Assistant Secretary of Labor in charge of this issue was the very person who petitioned for these regulations when he served in the private sector? Imagine that.

Today I hope to give the coal miners a fighting chance by offering this amendment to block the Department of Labor from finalizing these ill-conceived proposed regulations. Enough is enough. Over 55,000 coal miners perished from black lung between 1969 and 1990, and still today 1,400 a year pass away as a result of it.

The poster to my right clearly illustrates what a coal miner faces from black lung. To the left is a healthy lung tissue. On the right, the far right, is a tissue sample of a 40-year-old coal miner. Compare that to the sample in the middle of a 90-year-old person.

To quote from the Louisville Courier-Journal which once described this disease in this manner, "It is as if the Titanic sank every year, and no ships came to the rescue. While that long-ago disaster continues to fascinate the Nation, the miners slip into cold, early graves almost unnoticed."

This amendment would prohibit the Department of Labor from finalizing these proposed rules while allowing continued research and development on devices such as personal dust monitors. I want to emphasize that last point. This amendment still allows the continued research and development on devices supported by both the industry and the union known as PDMs, or personal dust monitors. I am not stopping research and development of those devices from continuing. The intent of this amendment is to cause MSHA to withdraw the proposed rule and repromulgate it in accordance with the letter and intent of the Mine Safety Act in order to improve the dust sampling and compliance regulatory program. I urge a yes vote on the Rahall amendment.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind Members that the use of audible electronic devices on the House floor is prohibited.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 10 minutes.

Mr. REGULA. MR. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, the amendment before us is unnecessary and potentially harmful. Simply put, it would restrict the Mine Safety and Health Administration's ability to protect miners from coal dust exposure until October 2004.

The proposed amendment is unnecessary because the Agency has already moved to suspend regulatory action on these rules until testing of revolutionary coal dust monitoring technology is completed. As a result, this amendment is not only needless, but could work to delay improved coal dust rules for perhaps several years to come, and I think it must be rejected. To do otherwise would be a great disservice to the miners these rules are designed to protect without any logical purpose.

Let us look at the facts. On June 24, 2003, the Agency suspended its proposed rule in this area. The reason for the delay is clear. The first field test of new coal dust monitoring technology, called personal dust monitors, showed genuine promise, so much so that the PDMs could represent a potential revolution in monitoring miners' exposure to coal dust, and MSHA concluded that additional tests should be conducted before moving forward on this proposed rule.

This is more than lip service. This appropriations bill already provides $250,000 to purchase 25 additional PDMs for testing in underground mines, and this additional testing is supported by both the mining industry and the miners' union. Most importantly, I have been assured that until the testing provides sufficient, reliable information in this area, no further regulatory action is to be taken.

The Agency's actions are reasonable and prudent because significant portions of the coal dust rules could be affected if PDMs prove to be as effective as early tests might indicate. This testing will take time, and that is why the Agency will not move forward with this testing until they have more reliable data.

Unfortunately, the amendment would prevent MSHA from acting on this issue and could have the unintended consequence of delaying a new rule that would utilize PDMs to their fullest potential.

So for these reasons I would hope Members would join me in rejecting this amendment. The Agency has suspended its proposed rule to implement further testing of PDMs, and this should be more than adequate to address any concern over the implementation of these new devices.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I would add that we have money in the bill to study these, and I would hope that the gentleman would withdraw his amendment. It really is unnecessary in light of the Agency's action. They received a lot of negative comments on the proposed rule, and for that reason have withdrawn it.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

I appreciate what the gentlemen are stating. In response to the gentleman from Ohio (Mr. REGULA), there is funding for these PDMs. Research and development is provided elsewhere in the Department of Labor budget. It is under the budget for NIOSH.

In regard to what the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Ohio (Mr. REGULA) have said, MSHA did not suspend the proposed rule. I know what they stated. They stated they were suspending the proposed rule in a press release. That is not the case. The notice of this action in the Federal Register, and that is what counts, what is said in the Federal Register, the notice of this action in the Federal Register simply notes that the Agency was keeping the comment period open until further notice. It is not stated as a suspension in the Federal Register.

What MSHA said in a press release does not match the facts, the reality, on the other hand as it appeared in the Federal Register. So it is not a suspension. There is no legal basis for suspending a proposed rule, and it cannot be done. In its guide for Federal agencies, the Office of the Federal Register advises that the term "suspend" applies only to blocking enforcement of existing final rules. The term does not apply to proposed rules. When agencies want to halt action on proposed rules, according to the guide, they withdraw the rules; and that has not occurred here. These proposed rules have not been withdrawn, and that is why my amendment is seeking to force the issue.

In regard to further research and development into the PDMs, as I clearly stated in my opening comments on this amendment, I am in no way blocking continued research and development into the development of these PDMs. Both the unions and the companies want this research to continue. My amendment does not block that research.

The amendment blocks MSHA from finalizing the proposed rule. It does not restrict MSHA from engaging in any other activity related to the proposed rule other than making it final. Second, there is nothing in the proposed rule that involves funding R&D into PDMs. The proposed rule does not contain funding, and if made final would not provide funds for PDM deployment. So for that reason I think my amendment is on solid ground, and I would urge the adoption thereof.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I would like to ask a question. As I listened to the remarks of the gentleman from West Virginia (Mr. RAHALL), I was struck by something the gentleman said. Did I hear that the Assistant Secretary of the Department of Labor who is in charge of the proposed rule regarding coal dust rules was the very person who petitioned for these regulations when he served in the private sector?

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the gentleman from Ohio is correct. The Assistant Secretary of Labor for Mine Health and Safety, David Lauriski, was the general manager of a coal company known as Energy West, and was the very person who filed in September 1997 a petition asking for the rulemaking he is now in charge of administering.

Mr. STRICKLAND. Mr. Chairman, that is incredible. This House should know of what I think is a direct conflict of interest. Does the gentleman have evidence to support what he is saying?

Mr. RAHALL. Mr. Chairman, I do. The Department of Labor's March 6 Federal Register notice publishing these proposed rules notes that Energy West petitioned the Secretary of Labor on this matter during September 1997 and states on page 10800, "This proposed rule responds to Energy West's petition for rulemaking."

We obtained a copy of the petition, which I have right in front of me, and lo and behold, it is signed by David Lauriski in his then-capacity as general manager of Energy West.

Mr. STRICKLAND. Mr. Chairman, reclaiming my time, I thank the gentleman for exposing this conflict of interest. The fact of the matter is black lung disease continues to be a problem. It has not been eradicated. Over 1,400 coal miners still perish this year in this country, and here we have an administration which is pushing a proposed rule which could increase dust levels in the mines fourfold.

This is a case of the fox guarding the henhouse.

In closing, I believe this is an insult to the working people of America. It can spell certain death to some of the bravest souls in this country. We should support this amendment so this proposed rule is withdrawn and done right.

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I have absolute proof that Dave Lauriski comes from the private sector, and I am delighted that he comes from the private sector to bring to us new and innovative ideas on health and safety for our miners.

I must oppose this amendment, and let me say that I do so, I believe, for the sake of the health and safety of American miners.

Any attempt to slow down the progress of what could be groundbreaking safety technology or hinder its widespread use is just wrong, and that is what this amendment does. This amendment basically is unnecessary because the Mine Safety and Health Administration acted on July 24 to suspend the proposed rule referred to in the Rahall amendment. I do not know the legal mumbo-jumbo, I just know they have absolutely postponed this rule for very good reasons. If we pass this amendment, it is not going to allow us, perhaps, to write a rule that involves the new technology that could be the technology that saves a lot of lives. This amendment carries with it certain unintended consequences that is going to run counter to the interests of promoting workers' health.

MSHA made the decision to postpone the implementation of the rule because of the first field test of new coal dust technology, called personal dust monitors, PDMs, which are very expensive and could be very life-saving for miners. These tests showed such genuine promise that MSHA concluded that additional tests were needed before moving forward with the proposed rule. We need to do the study, do the testing and get this technology, and then be able to write the rule to put it into place.

Both the mining industry and unions both supported this decision. In fact, the Mine Workers president sent out a press release the day after MSHA postponed its rule applauding that decision. Clearly, because the results of these field tests could cause MSHA to rewrite sections of its rule, to incorporate the technology of PDMs, MSHA needs the test results before it can move forward, and then it does need to be able to move forward. Again, that is not a delay. It is a positive move intended to advance technology that hopefully will be great for the mining community. Please do not confuse an arbitrary delay with a positive effort to move forward on technological advance.

In sum, this amendment is unnecessary. In fact, it represents a regulatory overkill basically without any clear benefit. Perhaps more importantly, this amendment could prevent MSHA from completely utilizing the new technology. Vote against this amendment because it is a positive vote for progress.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cannot allow obfuscation or dilatory diversion tactics from some in the majority to go unanswered.

□ 1530

This is about increasing by four-fold the dust level in our Nation's coal mines, further putting coal miners at risk of losing their lives.

The gentleman that just responded obviously was not listening to my previous two comments. These proposed rules have not been suspended, as MSHA said in a press release, because I have the Federal Register right here in front of me which says exactly the opposite of what their own press release said. So the question here is about protecting some of the bravest souls in America who are laboring deep underground to produce our Nation's coal which provides over 50 percent of our electricity.

It is not about trying to defend some former company official who is now at the Department of Labor in charge of this exact same rulemaking that he tried to change when he was in the private sector. This is about increasing by four-fold the amount of dust levels in our Nation's coal mines, not what was intended by any act that this Congress has ever passed. It is a tragedy. It angers me, and here a gentleman from some other region of the country that I am sure does not have many coal mines in his district to come to the floor and make such defense of such defenseless acts of this administration is truly incomprehensible. It is mind boggling, and to see him make such comments and then walk off the floor without even hearing and obviously was not even here to hear the previous rebuttal to what the charges he is making that were handed to him by some coal company downtown. It is absolutely mind boggling that some of the majority would try to pull the wool over the American people's eyes.

I would hope that those who have any comprehension of what it is like in our Nation's coal mines, who have ever visited a coal mine, who have ever talked to a coal miner and looked into his eyes will vote for this Rahall amendment to further protect him from this administration.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I know we do two things here: we do politics, and we do public policy. The fact is that MSHA has suspended and/or withdrawn the regulation, and the gentleman's amendment says that MSHA cannot promulgate a new regulation until October of 2004. The hope is that these new personal dust monitors, this new technology will in fact continue to show the successes that it has so that MSHA can continue with the regulatory efforts and to get their new technology into the workplace as soon as possible.

But under the gentleman's amendment, MSHA would be prohibited until October, 2004, from proceeding. I do not think that is in the right light. I think what we are seeing here is some coal politics on the floor of the House. I think it is unfortunate. This is commonsense policy coming from MSHA. We ought to congratulate them for the wisdom in suspending what they were going to do to look at this new technology. But if it works, why would we want to wait until October of 2004 to implement it? I would urge my colleagues to reject the amendment.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause six of rule XVIII, further proceedings on this amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 4 offered by Mr. MANZULLO:
>
> At the end of the bill (before the short title), insert the following:
>
> SEC. ___. None of the funds made available in this Act may be used—
>
> (1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or
>
> (2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

The CHAIRMAN. All points of order are reserved.

Pursuant to the order of the House today, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

The purpose of this amendment is to increase the content requirement of the Buy American Act from 50 percent to 65 percent. This is a very simple amendment. It recognizes the fact that America has a tremendous problem with regard to our loss of our manufacturing base. We are down to about 10 percent of our workforce that is actively engaged in manufacturing. Each year that falls by several percentage points. It is massive, 6½ percent nationwide. And the congressional district that I represent, Rockford, Illinois, is at 11 percent and possibly even more because of the huge manufacturing base. Something has to be done in order to keep what manufacturing we have in this country. So why not take the billions of dollars that we use in procurement by the Federal Government and say, as we look at the stuff that the Federal Government buys, why not at least 65 percent of that be bought in America.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I understand the gentleman is withdrawing the amendment, but I do believe in the course of looking at what is occurring in America with this enormous unemployment rate I think the gentleman's amendment is extremely sensible and hopefully this idea of ensuring that even the Federal Government is concerned about products being produced in America and thereby creating jobs in America and as I know the gentleman's leadership on the Committee on Small Business helping small businesses which are prolific in all of our districts and certainly in the 18th district, I would certainly hope that we have an opportunity to ensure that we are front and center on creating and buying products here in the United States and to be able to fill in some of the gaping holes. Of course, that is not the only way we can do so, but the gaping holes with respect to this very high unemployment rate must be addressed! And I thank the gentleman for yielding.

Mr. MANZULLO. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) seek time in opposition?

Mr. REGULA. Mr. Chairman, I was just going to commend the gentleman. I think there is merit to it, but I understand he is withdrawing it.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. TANCREDO:
>
> Page 62 line 21, after the dollar amount, insert the following: "increased by $5,000,000".
>
> Page 63 line 5, after the dollar amount, insert the following: "increased by $5,000,000".
>
> Page 68 line 2, after the dollar amount, insert the following: "reduced by $5,000,000".

The CHAIRMAN. All points of order are reserved.

Pursuant to the order of the House today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Our schools are supposed to be safe havens, places where our children go to learn, places free from danger. For the most part, that is exactly what they are. As we have seen so many times over the last few years, our schools can sometimes bear witness to unspeakable tragedies. Names of communities that were once comfortably anonymous, like Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; and most recently Red Lion, Pennsylvania; and of course my hometown of Littleton, Colorado, are now burned forever in American consciousness. Since 1996, at least 25 school shootings have occurred, leaving at least 48 people dead and 110 wounded. Countless others will be scarred by these tragedies for life. The phenomenon of school violence has touched not only those of us who live in places like Littleton, but everyone who has watched these heartbreaking catastrophes unfold on television.

Mr. Chairman, my amendment would shift $5 million within title III of the bill from the $1.9 billion Higher Education section, to the Project School Emergency-Response to Violence Program, Safe Schools and Citizenship Education. As drafted, the bill currently funds this program at $5 million, or about one half of the President's 2004 budget request. My amendment, if adopted, would fund the program at the level called for in the President's budget. This program makes available short- and long-term assistance in the form of both immediate and extended services.

Mr. Chairman, it is my understanding that the $5 million that I am attempting to shift from the Higher Education-Improvement of Postsecondary Education program was included above and beyond the President's request and that sufficient funds are available in other program accounts to meet the administration's identified needs in this area. I ask for a "yes" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLEN:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC.   . None of the funds made available in this Act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316 et seq.), or to otherwise implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment would prohibit the Department of Education from penalizing a school for failing to meet the requirements of the No Child Left Behind Act unless that school receives Federal aid at the full authorized level. With the No Child Left Behind Act, Congress struck a grand bargain with our communities' schools. We asked schools to meet critical accountability standards, and in return we promised them Federal aid to help make those standards a reality.

But the underlying bill, the Labor-H bill, H.R. 2660, provides essentially woefully insufficient funds for local school districts and States to meet those requirements. Congress is simply not fulfilling our share of the burden. We are not living up to our end of the bargain and the difference is $6.15 billion in fiscal 2004 alone. Fiscal 2004 alone, the shortfall here below what was authorized under the No Child Left Behind Act was $6.15 billion. That is impacting our States and municipalities in dramatic ways. Back home in Maine, wherever I go, whenever I talk to educators, I always hear the same thing: you have not fully funded special education. We are supporting that at the State level and at the Federal level, and now we get the mandates of No Child Left Behind and we have another burden.

States right now are in their worst budget crisis since World War II, and they are struggling to cope with these unfunded Federal mandates, particularly in education. As a result, what is happening in Maine and around the country is that property taxes are going up. The burden is simply being passed down to the local property taxpayer. In Maine, 50 percent of the State budget is education, and in Maine municipalities between 50 percent and 75 percent of the municipal budgets are education. And we at the Federal level are simply making their burden much worse. This amendment is not intended to weaken the standards laid out in the No Child Left Behind Act. I joined with most of my colleagues on this side of the aisle, the bipartisan majority, in supporting the accountability standards of the No Child Left Behind Act, and we believe still that our schools will benefit from these standards, but only if they receive the promised money.

This amendment simply provides a respite during fiscal year 2004 for schools struggling to comply with the law without full Federal assistance. And let me just be clear about this. The way the amendment reads is that none of the funds made available in the act may be used to enforce any of the penalties under No Child Left Behind against municipal or State bodies if the Congress appropriates for this act less than $18.5 billion. That is the amount that was authorized to be appropriated. So if our appropriators do not fully fund No Child Left Behind, then this amendment provides that we cannot impose penalties on so-called failing schools. This amendment will be a real boon to States because they are struggling so much now with so many other costs and challenges in their budget, and this is one way of saying to them the Federal Government is not going to come down and impose penalties for failing to meet an education mandate that the Congress of the United States has not fully funded.

I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) is recognized for 15 minutes.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

This amendment is a sad attempt to return to the days of spending billions and billions of dollars and getting nothing in return. Since 1965, the Federal Government has spent over $300 billion in K through 12 education programs, and what have the results been? Zero. Nothing. And we worked in a bipartisan way on both sides of the aisle to bring real accountability to our schools to ensure that no child was left behind, and the agreement we made was that we would provide sufficient funding to put this into effect and we have. We can look at the $1.2 billion increase in title I two years ago, the $1.3 billion increase last year, the $666 million increase this year.

□ 1545

Or how about the almost $400 million that we have appropriated each of the 3 years to actually help the States implement the test, and the GAO came along and suggested a study on my behalf and others' that said that the almost $400 million we are appropriating annually is sufficient money for the States to develop and implement the test.

What this really is is the first big step in the direction of making more excuses, more excuses why we cannot educate every child in America. We have been down this path before, and we have really been down the path the last 20 years. There have been all kinds of attempts at reforming our schools the last 20 years, and guess what happened? Somewhere along the way it got to be too tough. It got to be too difficult. "Oh, do not hold us accountable." And what happened? We have backed away every single time in virtually every single State.

The night that this bill was signed into law, I was over at Mount Vernon with the Secretary of Education, meeting with the 50 school chiefs from around the country who were charged with implementing this. I congratulated them on their service to education and the great commitment they were making to kids, and I talked about the heavy lifting that was going to be involved in implementing No Child Left Behind.

I also told them that, for the first time, do not come and ask the Federal Government for waivers. In the 1994 act, which many of the things that we called for in No Child Left Behind were enacted in 1994, in January of 2001, when the Bush administration took office, exactly 11 States were in compliance with the 1994 act.

Right now we are at the most historic moment of the Federal involvement in education, because right now all 50 States and the District of Columbia and Puerto Rico are in compliance with the new law. They were all required to have their State accountability plans in place and submitted to the Department by January, and the Department was to have all of them approved. And the Department of Education here in Washington sat down with virtually every State to work through their accountability plan and to work to make sure that we were not unnecessarily upsetting what was already happening in the States. There was an agreement and a celebration at the White House several weeks ago to celebrate this accomplishment of having all of the States in compliance.

Now, could we spend more money? Yes. Are the States in difficult times? Yes. But I want to ask all of you, are we going to blink again? We have blinked so many times over the course of the history of this country because it was too hard to educate all of our kids, and I, for one, and I think the President and I think my good friend on the other side of the aisle, the gentleman from California (Mr. GEORGE MILLER), and TED KENNEDY in the other body have locked arms to say we are not going to blink.

We are not going to blink. The lives of poor kids in our country who get shuffled from one grade to the next will continue as they are if we blink. We all know what happens in our local schools. They move them from one grade to another, whether they learn anything or not. Kids graduate that cannot read their diploma. At some point in America, somebody has to stand up and say, enough is enough.

I would suggest to you that we are spending an additional $2.2 billion in this appropriation bill to fund elementary and secondary education programs. We are continuing to keep our commitment, and I would hope that my colleagues would stand up today and say, for the sake of these kids and the sake of poor kids in America, we are not going to blink again.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members not to characterize the positions of Members of the Senate.

Mr. ALLEN. Mr. Chairman, I yield myself 1 minute to respond.

Mr. Chairman, wherever I go in the State of Maine, the school districts that are in my district and across the State, they are not looking just at the cost of developing the test, though it is pretty clear that they do not have the money to do that. They are not looking just at the cost of developing the test, they are looking at the cost of how to operate the test, and they are also faced with teacher quality mandates that are a real burden.

The General Accounting Office has estimated that for fiscal year 2004, that the administration requested $390 million, $182 million below State 2004 expenditures as estimated. What we are talking about here in different categories, and that is just one, is a failure of the Federal Government to meet the actual amount that our States and local municipalities will have to spend.

Mr. Chairman, I yield 3 minutes to gentleman from Kansas (Mr. MOORE), who has worked with me on this amendment and who has other legislation pending along these lines.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding me time.

More than 27 years ago Congress made a promise to our local school boards and State school boards, and we said to the educators across our country, you take special needs children out of our hospitals and institutions and bring them into the public schools for education, and we, Congress, will pay 40 percent of the cost of educating those children.

The States and locals did. Congress did not. An unfunded Federal mandate, a promise made, a promise broken, and we are doing it again now.

I voted for the No Child Left Behind Act. I think it was the right thing to do. I want accountability in our schools, and I want to leave no child behind, and I want our schools to succeed. But when we place additional requirements on our schools without adequate funding, it is another unfunded Federal mandate, and we are short $6.15 billion this year.

Our educators, I talked to all of our school superintendents in our districts. We have some of the best schools in the whole country in my district, but they said, unanimously, we can do the job of educating our children, but we cannot do it without the resources when additional requirements are put on us.

That is what this is about. This is not about blinking. This is not about blinking. This is about educating our children and a promise made and a promise we are about to break again.

As the gentleman from Maine said, 48 of the 50 States right now are in a precarious financial position. They do not have additional money for funding. In fact, the Kansas Legislature this year was struggling to find adequate money for education in our State. And now we are talking about another unfunded Federal mandate.

It should not happen. If we do this, shame on us. If we do this, we are not taking care of the resources that we proclaim so often here are important to us, and those are our children. Our children are our future. We owe them the promise that we made to them and to our educators. They can do the job of educating children, if they have the resources.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the Committee on Education and the Workforce for yielding me time, and I have a great deal of respect for the gentleman from Maine, but the basic underlying concept of this amendment is very dangerous.

No Child Left Behind was a very difficult act to pass. Each of our States has worked extraordinarily hard in the last year and a half in order to comply with No Child Left Behind. The Secretary of Education has certified that each of the States is now ready to deal with this. In each of our States, tests have been prepared. For the most part, they are starting to be given. Assessments are being made, standards are being set, we are beginning to move up education.

I can tell you my State, which is the State of Delaware, which has been doing this for quite a long time, even before this, our test scores are starting to move up rapidly, we believe, as a result of setting standards and assessments and having testing in place, and I think to suspend it would be a sad error.

But there is another component to all of this. If you look back over the funding of education, and I give a tremendous amount of credit to the Chair of this appropriations subcommittee as well as the ranking member, who certainly played a major role in what we are doing in helping education funding, you will see that nothing has increased in spending the way education has in the last 6 years or so.

From fiscal year 1996, we have doubled funding for education at the Federal Government level. Just this year, we are going to put into IDEA an extra $1 billion. This is important, because that basically frees up State and local dollars. That is money in which the amount is not necessarily the increase that is needed, but the Federal share of it is increasing dramatically because we have stepped forward to do that.

We are putting $769 million more into Title I dealing with the same children who are so very important for No Child Left Behind. So we have funded education in a way it has never been funded before.

For all these reasons, because No Child Left Behind should be left in place, it is an amendment that should be defeated.

Mr. ALLEN. Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a former Member of the Committee on Education and the Workforce.

Mr. CUNNINGHAM. Mr. Chairman, I commend my colleagues from both sides of the aisle. Special education is a very critical and very difficult issue to deal with, both with the schools and the parent groups themselves.

I would tell the gentleman from Kansas (Mr. MOORE) that Alan Bursin is the Superintendent of San Diego City Schools, and the number one issue and number one problem for him is the cottage organization of lawyers that have browbeaten the schools and take the money out of it.

I capped lawyer fees in the D.C. committee. In one year we saved $12 million. That is here in Washington, D.C. That is $12 million that went into special education, went to help teachers, went into buy technology, instead of going into lawyers' pockets. That is an area we can work together to enhance this.

At no time have we ever financed or appropriated 40 percent of the total dollars. You know what it would cost. It is a political issue, but it is difficult. We went from 6 up to 18, almost 19 percent currently, and we need to put more in there.

Another issue that we have in California, Governor Davis has taken our IDEA money and is spending the State money and using the Federal money to drive the engine. Instead of an enhanced program, it is lower. It is an area we can work strongly together in that I think all of us are dedicated toward, but it is difficult.

Mr. ALLEN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend from Maine for yielding me time.

Mr. Chairman, when the majority in this House became the majority in this House, one of the first things that it brought to the floor was the idea of a Federal mandate-Federal pay rule and statute, and it passed with great enthusiasm from the other side of the aisle and from some of us on this side of the aisle.

Several years later, the majority and the minority working together passed the No Child Left Behind Act. It contains many mandates on schools around our country. Three of the most important ones are these:

Third-graders through eighth-graders in every school and every town in the country are going to be tested every year on various subjects. That is mandated.

Another mandate is that by the 2005–2006 school year, every classroom must have a highly qualified teacher in that classroom teaching in field. Mandated.

Another important mandate is that if a school fails to meet what is called adequate yearly progress, we are responsible for coming up with tutors and remedial programs, after-school programs, various tools to help those children learn. Mandated. Wise.

Another important mandate is that paraprofessionals must have at least an associate's degree or the equivalent thereof by some date certain, which will require a significant investment in the training and education of paraprofessionals. Mandated.

I support these standards and these improvements. I commend the majority and the President for writing them into the law. But the deal on No Child Left Behind was that if we are going to mandate these requirements, we would pay for them. The bill that is on the floor, by my count, is about $8 billion short of meeting those mandates.

What does this mean?

☐ 1600

It means higher local school taxes around this country. In my State, it means higher property taxes to meet these mandates, number one. Number two, it means cuts in other services, because school districts with finite resources that must test these children every year, that must train teachers, that must train paraprofessionals, that must meet these other mandates are not going to have an endless well of tax dollars from which they can go back and raise this money. So they are going to cut other programs, whether it is the school band or the preschool program or guidance counselors or what have you. That was not the agreement on No Child Left Behind.

The Allen amendment is very clear, and it is very wise. It says to this body, when you honor the agreement of No Child Left Behind, then the mandates will kick in. But if you dishonor that agreement, then they will not.

Now, if this were 1995, I would think that proposal would come from the other side of the aisle, because we heard it ad nauseam on environmental regulations, on land use regulations, on all kinds of things. The gentleman's principle is exactly right. We ought to support his amendment.

I would say to my federalist friends on the other side of the aisle, here is your chance to stand for the principles of local control and federalism.

I urge the adoption of the amendment.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. MOORE) for a response to the preceding statements.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to respond just very briefly to the statement made by the gentleman from California. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are devoted. But if not, it is another unfunded Federal mandate. Shame on all of us if we do that this time.

Mr. BOEHNER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would say that a lot of us have fought for an increase in IDEA money, I say to the gentleman from Kansas. I would also say I have given my colleagues one way in which we can provide more money for IDEA. The largest group of teachers leaving education is in special education because they are spending so much time in paperwork, so much time in court, that they are leaving the profession. These are dedicated people. If we want to cap lawyer fees, then we can get up to four times the amount of money into special education.

Mr. ALLEN. Mr. Chairman, I yield the balance of our time to the distinguished Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership and that of the gentleman from Kansas (Mr. MOORE) for bringing this very important amendment to the floor.

Because indeed, I say to my colleagues, this amendment presents this Chamber with a moment of truth, a moment of truth as to whether this Congress is honest about its commitment to education, whether or not it will honor its promise to America's children contained in the Leave No Child Behind Act, and whether it is honest about what our expectations are of those children.

When the President signed the bill, he did so signing a bill that was bipartisan, bicameral in the support that it had; and people were quite excited about the prospect of the additional resources that would go to helping children to be accountable. Republicans talk about accountability, though, while failing to provide the resources necessary for children to meet the challenge.

Mr. Chairman, I call to the attention of our colleagues this report that I and the staff of the Committee on Appropriations have put out, the Democrats on the Committee on Appropriations have put out called "GOP Funding Bill Shortchanges America's Children By Underfunding Key Education Priorities." I just want to read a few provisions in this, and it will point out the tremendous need for the Allen amendment today: "The GOP bill shortchanges Title I," which is the subject of the Allen-Moore amendment. "Title I is the primary Federal program that helps school districts enrolling low-income children meet the new accountability mandates of the No Child Left Behind Act. To help raise the academic performance of these students, Congress has agreed to phase in the Title I payments." For fiscal year 2004, that payment would have been $18.5 billion and, yet, the GOP funding bill provides $12.35 billion. "As a result, under the GOP bill, America's children will lose $6.15 billion in Title I grants below the amount called for" in the No Child Left Behind bill. Over $6 billion in that one title alone, depriving children, low-income children of the opportunity to be accountable.

In addition, the bill also shortchanges children with disabilities. On April 30, the Republicans passed the IDEA reauthorization bill. It promised a $2.2 billion increase for IDEA grants in fiscal year 2004 to help local school districts educate children with disabilities. Everyone who has children with disabilities in their districts, and that would be all of us, knows the pressure on school districts to provide education and quality of access to children with disabilities. It is a very important priority for our country. Yet despite the rhetoric of the authorization bill of just April 30, the Republican IDEA bill, this bill, has less than half. Instead of $2.2 billion, it has a $1 billion increase for IDEA.

We all have heard the value of after-school learning opportunities for children, and so the No Child Left Behind bill did as well; and it authorized $1.75 billion for 2004 for after-school centers which provide safe places between 3 p.m. and 6 p.m. where children receive academic help and enrichment activities. Yet the Republican bill falls $750 million short, nearly half of the funding provided in the No Child Left Behind bill in after-school program funding below the level.

It goes on and on. In order to have quality education for our children, the No Child Left Behind bill authorized $3.3 billion for teacher-quality grants to the States which are used to provide high-quality professional development to teachers. Yet the GOP bill freezes funding at $2.9 billion. As a result, teachers will lose $350 million in teacher-quality grants below the level called for in the No Child Left Behind Act.

My colleagues get the picture. Over and over again, children, millions of children are being left behind.

As we honor our men and women in uniform, I think it is important to note that the GOP bill on the floor today leaves military dependents behind. The Impact Aid program, as we all know, helps children of military personnel receive quality education. Yet the GOP bill, under the GOP bill, America's children will lose, children of our men and women in uniform, will lose $583 million in Impact Aid below the level authorized.

The list goes on and on. One more, just for older children, is that Pell Grants for college students are frozen, even though State tuitions have increased significantly, making it more difficult for our children to get the higher education that we want them to have for their personal fulfillment and to help our economy grow.

So these are just a few of the shortcomings in the education section of the Labor, Health and Human Services, and Education bill. Others have spoken to the 2.5 percent lowest increase for the National Institutes of Health in many years. In fact, in terms of education, this bill provides the smallest percentage increase in education funds in 8 years.

So here we have these vastly increased mandates, which we all applauded, some found controversial; but with the funding, we could help the children succeed. Instead of setting up children for success, however, this bill, the Republican bill, sets our children up for a fall. And that is a tragedy. That is a tragedy.

So what the Allen-Moore amendment has set out to do is to put forth an amendment that goes only to title I in the bill; and it says, of the full funding, the $18.5 billion appropriated for title I in the bill, then the requirements would not be in place. None of the funds made available in this act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under the bill. That is really only fair. It is unfortunate, but it is fair, because these children, these teachers, these parents, these school districts cannot possibly measure up and be accountable without the money to match the mandate that we called for in the No Child Left Behind Act.

The tragedy of it all is that this is not that much money compared to the tax breaks which are the priorities for the Republicans in this Congress. And sadly, there is not any tax break that the Republicans can come up with, no R&D tax credit at this time, which I fully support; but nothing that my colleagues can name in terms of tax cuts does more to grow the economy than the education of the American people. Early childhood education, K through 12, higher education, postgraduate education, lifetime learning for our workers. Nothing is more, to use their word, "dynamic" for the economy, brings more money into the economy, brings more money into the public Treasury than educating our children.

But that is only a practical matter. Let us talk about their self-fulfillment, the confidence that they have to go forward and to be leaders in our country. They are the future. They are worthy of the investment we should be making in them. But we cannot mandate accountability to our children and yet not put the money there to match the mandate.

So, Mr. Chairman, I want to commend the gentleman from Maine (Mr. ALLEN), and I want to commend the gentleman from Kansas (Mr. MOORE) for this very brilliant amendment that they have brought to the floor to test the truth of where the Republicans stand on educating our children. Is it just rhetoric, or are we ready to put up the resources to match that rhetoric?

I urge my colleagues to vote "aye" on the Allen-Moore amendment and to vote "no" on this very unfortunate legislation that is the base bill.

Mr. BOEHNER. Mr. Chairman, I yield myself the time that we have remaining.

Mr. Chairman, the amendment that we have before us is not about providing additional resources for our schools; it is about providing excuses for those who do not want to be accountable for our children to learn. To call this a No Child Left Behind unfunded mandate strikes me as strange, because this year, this year we will spend $24.2 billion of taxpayer money to help needy students around the country. And what No Child Left Behind says is that if we are going to continue to invest these massive amounts of money to help needy students, we ought to expect some results. After all, do children not deserve to learn?

As I said before, IDEA special ed funding has increased 300 percent over the last 7 years. Title I spending has increased 200 percent over the last 7 years. And if we look at the increases over the current fiscal year and the last 2 fiscal years, since President Bush took office, those increases in title I over the last 3 years were more than what we saw under 7 years of President Clinton's title I increases.

So for people to suggest that we are not meeting our obligation to our local schools, I think is not being quite fair and honest with the facts.

The fact is, since President Bush was elected, Congress has increased funding for elementary education, elementary and secondary education $13.2 billion. This is real money. So I would say to my colleagues, No Child Left Behind is the last really serious attempt that is ever going to be made to ensure that all kids get a chance at a decent education in America.

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We have blinked. We have blinked. We have blinked. We have had excuses. We have had excuses, and we have had more excuses why we cannot educate all of our kids. And I just want to remind my colleagues of one point: It is not the child's fault whose parents they were born to or that they lost the lucky lottery of life in terms of what community they have grown up in. And I believe that we, as a society, owe them a chance at a decent education.

We know all kids can learn. The problem is that today not all kids have the opportunity to learn, and No Child Left Behind makes that commitment, and the necessary resources are there to implement the law, and we should stand up for the kids and vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Maine (Mr. ALLEN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maine (Mr. ALLEN) will be postponed.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S. C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act (20 U.S.C. 213) that were in effect as of July 11, 2003.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we have agreed on the committee that we will each limit ourselves to 10 minutes in the interest of trying to get Members out of here.

Mr. Chairman, the Department of Labor is planning to change the regulations for overtime workers. They would make 1.4 million workers earning less than $22,000 a year eligible for overtime pay. That is a much needed adjustment which we support, but if the administration gets its way, an estimated 8 million workers will become ineligible for overtime because of changes in the rules. These include many of our first responders, firefighters, law enforcement officers, emergency medical technicians who will no longer be eligible for overtime pay because the Bush administration is changing the definition of who is being covered by the Fair Labor Standards Act.

This amendment would stop the administrations from making those unprecedented change to the Fair Labor Standards Act by revising the regulations. It would save overtime pay for millions of working families. I am offering the amendment on behalf of myself and the gentleman from California (Mr. GEORGE MILLER).

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 15 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this proposal would eviscerate what the Secretary is trying to do. I think for the membership they should understand that the Secretary's rules would have given a million workers access to time and a half that do not now have it, and it would limit some of the white-collar type of workers to not getting the time and a half under the existing rules. And for this reason we think that the Secretary's rules that have been promulgated are fair because it does elevate the million people into an opportunity to make some extra money and get paid for time and a half if they have put it in. Whereas, the white-collar workers understand that that is part of the condition of the job, that they may understand they have to work some extra time and not necessarily get time and a half.

I think the rules would make management of the enterprise more effective and more efficient and would certainly be fair to everybody. Therefore, I think we should leave the Secretary's rules stand as is, rather than adopt this amendment in an attempt to second-guess what the Secretary is doing in putting these rules in place. I would urge a vote against the amendment.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, earlier this year the Bush administration initiated a process that is going to take hundreds of millions of dollars of hard-earned pay out of the pockets of American families. For years these men and women, among them first responders like firefighters, police, nurses, emergency workers, have long qualified for overtime pay when they worked more than 40 hours a week.

For most of those men and women, that overtime pay is not spare change or for frivolous spending. It is essential family income necessary to pay the mortgage, to feed their children, to pay college education and to save for retirement. Overtime is not a luxury. It is a necessity for many American families, because tragically millions of our American families cannot survive economically on working only 40 hours a week. In fact, many workers who earn overtime derive 25 percent of their annual income from the extra hours on the job.

But what would the Bush administration do? The Bush administration wants to exclude employees from ever being eligible for overtime by playing with the definitions of eligibility. According to one study, that would take away the overtime from almost 8 million people who today are qualified. All our amendment does is say you cannot take it away from people who today are qualified. You can expand it, as the Secretary says she wants to do. You will work, but you will not get the overtime pay under this rule.

Congress did not approve it. In fact, we have not even had a hearing on the overtime rule, not a minute's worth of debate. The Republicans say they dispute the findings of the Economic Policy Institute study. Well, let us have a hearing and talk about it before we penalize millions of American families.

Now, this amendment we are debating allows us to have that review. The Obey-Miller amendment tells the Secretary not to issue any regulation that would deprive anyone of their existing overtime pay. This is an opportunity to show America where we stand. If you defend the right of people to continue to earn the wages that they have earned to avoid suffering precipitous loss in income for doing the exact same job they have been doing for years, then you will vote for this amendment.

There is a reason they are trying to cut overtime pay through the bureaucratic administrative rule instead of coming to the Congress and changing it in the open light of public debate. That is because they do not want the debate. They do not want to defend what they are doing. Today you will have to defend what the Department is doing because the Department of Labor is threatening millions of dollars worth of income to working American families. It is not enough that this administration and this House have presided over the loss of 3 million private sector jobs since 2001. It is not enough that the administration and Republican leadership in this House have forced millions of working Americans to remain in poverty by refusing to consider, even consider, raising the minimum wage. Is it not enough that they have denied unemployment compensation for millions of people who could not find jobs because of the desperate state of the economy? Is it not enough that they deny working families a fair tax cut, including the child tax credit, while showering hundreds of billions of dollars on wealthy Americans?

Now, let me ask you this: Is it really necessary now to assault even those people who still have a job today, who have a job, who are working overtime, who need the overtime pay, that they would come along now with this administrative rule to strip them, to strip them of that overtime pay when they work long hours at difficult jobs and time away from their family, and they do it at the request of their employer?

This is not this abstract case. Janice Murphy, who is an equipment specialist for the Navy's ship systems engineering in Philadelphia, 29 years of experience, but under this regulation, because she has all of that experience, she would be ruled as somebody having on-the-job training, learned professional, so she would not get overtime pay as she does today.

Diane Flock, a nurse at Florida Medical Center in Ft. Lauderdale, talks about how she organizes the nurses at the Florida Medical Center because they would be denied overtime because they would be defined out of it. Now, she has been a nurse there for many years, but she has organized the other nurses, and she has petitioned the Congress to have a debate on this matter, and that is what we are doing.

I would urge Members to support the Miller-Obey amendment.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, we have known for years that the Fair Labor Standards Act regulations governing overtime are confusing and out of date. Moreover, millions of low-wage workers who should be earning overtime pay currently are not. Now, these regulations which have not been substantially changed in 54 years are complex, confusing, and make it next to impossible for workers to know whether they are entitled to overtime, for employers to know how to pay their employees, and for the Labor Department to enforce these workplace regulations. They simply do not meet the needs of today's 21st century workforce.

The Department has undertaken an important effort to update these complex, decades-old regulations that define overtime exemptions for white-collar employees in the administrative, executive and professional employee classification. They should be commended for their efforts thus far.

Let us be clear. The proposed DOL regulations will provide additional protections to low-income workers and ensure that they are entitled to overtime pay. It is unacceptable that today's outdated regulations require someone earning as little as $8,060 a year to qualify as a white-collar employee and, therefore, prevent them from receiving overtime pay. The proposed changes would raise that level from $8,060 to $22,100 annually, and ensure that anyone earning less than $22,100 a year would automatically be entitled to overtime. Lower-income workers deserve these protections, and the DOL suggestions would help provide them.

These regulations would guarantee overtime to an additional 1.3 million low-wage workers, mostly women and minorities, and strengthen the protections for an additional 10.7 million workers. And for the first time in decades, 20 percent of the lowest-paid workers would be guaranteed to get overtime pay.

Now, these are proposed regulations that are under review, and the Department has reviewed and received 80,000 comments about their proposal. Any efforts to highjack this process before the Department can consider and evaluate these comments, frankly, is very premature.

Unfortunately, the amendment will only worsen the confusion of current wage and hour laws where employers, workers and even the Department of Labor simply cannot accurately determine which employees are exempt and which are not. The only winners under this amendment are the trial lawyers who have lined their pockets with their "gotcha" class action lawsuits.

The biggest problem to the amendment might be that the Miller-Obey amendment creates a double standard for employees and leads to fundamental unfairness: Under the amendment, two workers who do the same job would be treated differently. The employee who gets hired yesterday gets paid one rate and for the same job. The worker who gets hired tomorrow gets classified under a different system. You cannot have two people working side by side being paid and treated differently under the law, and that is what would happen under the amendment that we have before us.

Some have even attempted to paint these regulations as an attack on workers, falsely claiming that it will eliminate overtime pay, but nothing could be further from the truth. This in no way would affect the overtime rights of millions of Americans who do nonoffice emergency work.

Mr. Chairman, I want to suggest to my colleagues that we should oppose this amendment.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I just simply rise in very strong opposition to this amendment which basically prevents the Secretary of Labor from implementing regulations to update complex, and I do mean the word complex, and outdated, and I do mean the word outdated, wage and hour regulations and provide additional protections to millions of this country's lower-income workers.

Numerous hearings have been held by my Subcommittee on Workforce Protections, and I mean numerous, and that has demonstrated over and over again the need for updates to the current regulations in order to meet the needs of today's workforce, not an 80-year-old workforce.

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The regulations, if adopted, will guarantee overtime to an additional 1.3 million low-wage workers, mostly women and minorities, and clarify existing overtime rights of 10.7 million workers. For the first time in decades, 20 percent of the lowest-paid workers in America would be guaranteed overtime pay. Now, if that is what my colleague calls playing with the definition of eligibility, I guess that is what we have done, because we, I think, have done the right thing for many Americans.

I support these regulations. The Secretary should be commended on a job well done and for bringing an 80-year-old law into line with the realities of today's workforce.

Some will try to say that we can have it both ways. Some will say that all we do by voting for the Obey-Miller amendment is to protect overtime for current workers, but still allow the Secretary to simplify and clarify these regulations. That is simply not true. It is just plain wrong.

The Obey and Miller amendment will only worsen the confusion of current wage and hour laws by freezing in place today's complicated and outdated system of inconsistent wage and hour laws. It should come as no surprise that in the last several years class action overtime lawsuits have become the fastest-growing category of employment litigation. The only winners under this amendment are the trial lawyers who have lined their own pockets with the "gotcha" class action lawsuits.

The Obey-Miller amendment does nothing to clarify the complicated and outdated rules governing overtime. In fact, I believe it makes the problem worse by creating two classes of employees, some who get overtime and some who do not, even if they are doing the same job for the same employer. Try explaining that to an employee or one of your constituents why she does not get overtime, but the employee hired the day before, doing the exact same job, does.

Nothing in these regulations affect unions, period. Nothing in these regulations affect the overtime pay of nurses, period.

Also, let me be clear, the proposed regulations do not make it easier to deny overtime to workers. I urge my colleagues to reject what I consider a distortion of misinformation, downright untruths, not, of course, by my distinguished colleagues who are bringing the amendment, but by others, that have been spread all over this town about these regulations.

Vote against this amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members that under the order of the House, the gentleman from Ohio (Mr. REGULA) has 6½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining. Under the 10-minute agreement, the gentleman from Ohio (Mr. REGULA) has 1½ minutes remaining and the right to close, and the gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say it is interesting, they talk about everything except this amendment. This amendment does nothing to prohibit the Secretary from expanding overtime to those who may not now be required, but what it does not do is it does not let the Secretary strip 8 million workers who currently get overtime of that overtime pay, including the half a million first responders that go out on Orange Alert.

Under this regulation, many of them will lose overtime for those long hours that they spend guarding the national security of this country. That is what the regulations do. That is what this amendment prevents. It does not keep anybody from expanding into overtime.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, if my colleagues wanted to make life more difficult for single mothers, for women trying to work their way through school, for women trying their hardest to scrape by for themselves and for their children, they could hardly do worse than the Labor Department's proposed rule to effectively repeal the 40 hour workweek and end overtime pay.

The rule is designed to give flexibility to companies, not to families, but flexibility to withhold rightfully earned pay from their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

For 70 years, overtime pay has been time and a half. It has kept the workweek for millions of Americans from becoming unmanageably long. It allowed the employee some flexibility to make some extra cash, and for anyone who relies on cash overtime pay, it is the only way to put a roof over their family's heads, to buy groceries and pay their medical bills. Without overtime, countless Americans would be forced to take a second job to make up for the lost earnings. It would mean more time away from their families and higher child care costs.

Supporters will tell my colleagues that in lieu of overtime pay, workers will be given compensatory time, but employers have the right to decide when or even if the worker gets the time to take his time.

It paves the way for mandatory overtime. Working women will lose control of their schedule. Any mother with a child knows, in child care, if you work late, you need to make arrangements in advance or you pay higher fees for child care. Without proper protections for these women, they can be forced by their employer to work late for longer and for less on top of having to pay more for child care and for transportation.

The administration has threatened to vèto this bill should the Obey-Miller amendment be adopted. That is a fight that they cannot win, and they cannot win it because this rule reduces the quality of life for millions of American families by making them work harder and longer for less money, and the American people are not going to stand for that.

Support the Obey-Miller amendment.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, let me remind everyone, this is to protect the rights of workers and to clarify a labor law that has not been changed in 54 years, and under the amendment offered by my good friend from California (Mr. GEORGE MILLER), remember, we would create a double standard for employees. Those who do the same job, but if you were hired the day before this bill takes effect, you are grandfathered. If you are hired the day after, you are not grandfathered, and so you would have two employees sitting side by side in a cubicle doing the same identical work being treated differently under the law. I do not think that is what this Congress wants.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me the time.

Under this rule, a person who makes $25,000 a year and works in the shoe department of a retail store who spends most of her day selling shoes, who is asked to watch two other people who also sell shoes and keep records on them, but not have the right to fire them, not have the right to supervise them, that woman making $25,000 a year will not get time and a half if the employer says she has to work more than 40 hours a week. That is wrong.

If my colleagues vote for the Obey-Miller amendment they stop that rule. The 40-hour workweek is a fundamental in this country, and we will not let you stop it.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, right now the Bush administration is in the process of promulgating regulations that would strip overtime pay for many of America's first responders.

Yes, after talking tough and continually stating that this White House and Republican Party supports America's first responders, the Bush administration and the Republicans are trying to pass into law regulations that will deprive millions of Americans, including police and firefighters who receive time and a half for that overtime work today, less money for their jobs protecting us.

No one enters law enforcement or becomes a firefighter for the money, but this proposal by my colleagues would suggest so. As a Congressman from New York City whose district overlooks Manhattan, as someone who is the son of a police officer, the cousin of several firefighters, and whose spouse is a nurse, I know firsthand the needs of our first responders in protecting our country from terrorist attacks and keeping us safe.

This bill continues this administration's and this Congress' past record of shortchanging cops and firefighters while pretending to stand with them. But do not listen to me or the Democrats or the Republicans or the White House. Ask your local first responders if they think they are overpaid and underworked. Did they ask for this bill? I do not think so.

If you think they are, if you think your cops and your firefighters are lazy and overpaid, oppose the Obey-Miller amendment. I do not think they are. I will wholeheartedly support this amendment.

Mr. OBEY. Mr. Chairman, how much time do we have remaining under the reduced time for each side?

The CHAIRMAN pro tempore. Under the agreement, the gentleman from Wisconsin (Mr. OBEY) has ½ minute remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield the remaining time to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, let me just say, once again, the gentleman from Ohio tried to suggest that this is going to create two classes of people. This just protects everybody who gets overtime today gets overtime tomorrow.

They say if you get hired tomorrow, well, let me tell you in the Bush economy, nobody is getting hired tomorrow. People are getting laid off tomorrow. Okay. They are not getting hired, so that is not an issue.

Secondly, let me say for first responders, you are talking about people from homicide detectives, you are talking about EMT, the people we expect to respond to these sites, to firefighters. So many first responders wrote objecting to this amendment that the Department of Labor sent out a letter and said, that is not our intent. They said, then exempt us from the regulation. They said we will not do that. So it is not their intent to include them, but they will not take them out of it. You are talking about half a million first responders who will go out on Code Orange and will get no protection of overtime pay.

Your party, your choice, your vote.

Mr. REGULA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I submit to the RECORD some information from the National Federation of Independent Business relating to a poll that they conducted and some thoughts and opinions from their members on this issue.

Mr. Chairman, I rise today in strong support of what the Department of Labor is trying to do on Section 541 overtime regulations. There is a lot of confusion in the employer community right now on how to deal with employee overtime, in large part because these regulations were last revised in 1954.

I would like to share with my colleagues some very important survey data that makes the point that employers are confused with overtime regulations. Last month the National Federation of Independent Business Research Foundation released fresh data from their National Economic Poll in which they asked 750 small businesses:

"How do you determine if a specific employee who works more than 40 hours per week should receive overtime pay? Do you . . .

Follow common industry practice—19.3 percent.

Classify each job by occupation and earnings (the legally correct way)—5.9 percent.

Make only hourly-wage employees eligible—18.9 percent.

Make only low-paid employees eligible—0.3 percent.

Make everyone but management employees eligible—8.1 percent.

No employees work overtime—33.5 percent.

Everyone who works overtime is eligible—11.2 percent.

Didn't know—2.9 percent.

Mr. Chairman, this survey sheds critical light on the views of small business owners—this proves that small business owners don't really know how to properly classify their employees for overtime purposes.

It's time to simplify the regulations. It's time to vote "no" on the amendment and let the rulemaking process move forward.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I would only say to my colleagues I think we need to reject this amendment. It is premature. These are proposed regulations. There is plenty of time for comment, and it is a recognition on the part of the Department of Labor that the 1 million low-paid workers today that have no opportunity to get time and a half will have that opportunity, and therefore, I would want this amendment rejected to give them that kind of a chance.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

The point of no quorum is considered withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I rise to ask the chairman to engage with me in a colloquy.

I am pleased to have worked with the gentleman on the Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education and Related Agencies for the last number of years. I appreciate his support for and commitment to programs that benefit historically black health profession schools.

I understand that this year there are significant challenges facing the subcommittee. However, I want to note two priorities that I am working to establish. The first is regarding the establishment of demonstration projects between community health centers and minority health professions schools for the purpose of health status disparities research and data collection, through the community access program.

Community health centers have the potential to serve as valuable resources in biomedical and behavioral research aimed at reducing health status disparities among minority and medically underserved populations. Such demonstration projects were authorized in the Health Care Safety Net Amendments of 2002.

The second is encouraging the National Center for Research Resources to give priority consideration to supporting extramural facilities construction projects at historically minority institutions which have developed a comprehensive plan to address the disproportionate impact of cancer in minority communities.

I have been working with Charles R. Drew University of Medicine and Science in Los Angeles to ensure that resources are there to establish a center focused on care for minority cancer patients and research.

Mr. Chairman, as we work towards the final passage of the fiscal year 2004 Labor, Health and Human Services and Education bill, I ask that the gentleman work with me to ensure that we can support these two priorities.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I, too, am pleased to have worked with my colleague as a member of our Subcommittee on Labor, Health and Human Services, Education and Related Agencies. The programs that support historically black health professions schools are essential in eliminating health status disparities among minorities and underserved populations.

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I will be sure to keep these priorities in mind as we work to finalize the fiscal year 2004 Labor, Health and Human Services, and Education bill and will work with the gentleman to see how we can accommodate these priorities. I appreciate the gentleman notifying me of his concerns.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Obey/Miller Amendment to save overtime pay for millions of hardworking Americans. I will vote for this amendment on behalf of my constituents and the millions of people who work so hard to earn overtime wages in order to provide for themselves and their families.

During this Administration, we have witnessed months of tough economic times for American families. We have seen the unemployment rate climb ever higher. We have watched millions of American families slide into poverty. Currently, we see millions of children and seniors go without the basic health care and medicine they deserve. This Administration has led the country backward into financial pain rather than forward into prosperity. That does not seem to be bad enough for the Republicans so they have gone still further to take away overtime pay of those who need it most. The Obey/Miller amendment seeks to remedy that wrong, at least in part.

Sadly, through draft regulations recently issued by the Labor Department, Republicans want to cut the overtime wages of as many as 8 million Americans. It is vital to note that thousands of first responders will be hurt by those regulations. That includes emergency medical technicians, police, firefighters, nurses, and others. This is our opportunity to save overtime pay for millions of our constituents because the Obey/Miller amendment will prohibit the Department of Labor from using funds to enforce any regulation that would cut overtime pay.

To be certain, overtime pay is not money that most families use to pay for extras such as luxury items or lavish vacations. Whatever they choose to use the money for, Mr. Chairman, it is certainly money that they have earned and deserve to receive in their paychecks. For many mothers and fathers, grandfathers and grandmothers, and other people who are responsible for the care of children, overtime pay is the money used to put food on the table and clothes on the backs of those children.

In my district, many workers earn over 25% their annual income from their over time pay. In order to earn that pay, they spend many hours away from their homes and families. the Obey/Miller amendment will help to ensure that theirs is not simply a sacrifice that enriches their employers while doing nothing for themselves. It will help ensure that America's workers receive that to which they are entitled.

I will vote in favor of the Obey/Miller amendment and I ask that my colleagues on both sides of the aisle join me in doing so. We should show bipartisan support and pass this amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey/Miller Amendment, which would protect millions of workers from losing their overtime pay.

If the Bush Administration's proposed changes take effect, 79 percent of the workers in this country will lose their guaranteed right to overtime pay, 79% (8 out of every 10 workers). This is not just bad policy, it's piracy. It is a slap in the face to any effort for economic recovery. Mr. Speaker, how many CEO's do you know who would work without their pay?

Under the Bush Administration's proposal, workers will be working the same long hours they now work—in fact, probably longer hours, without overtime compensation. That's why the Obey/Miller Amendment ensures that "no" public funds can be used to take away the overtime rights of workers.

It is tough enough on families that are forced to spend long hours away from their families to earn a living, and commute long distances, now under this bill they won't even be compensated for their extra time. Join me in voting for this amendment to make certain that workers and families are not shortchanged by the Bush policies.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Obey-Miller amendment.

Mr. Chairman, overtime pay, strict regulations on child labor, occupational safety standards, and employee training are the nuts and bolts of our Nation's labor laws.

Yet, since day one, this administration has worked little by little, step by step, to unravel our gold standard protections.

First, the Department of Labor passed on the opportunity to institute strong ergonomics standards and, instead, chose to implement weak guidelines—leaving many to continue working under egregious, unsafe conditions.

The administration has repeatedly submitted budgets that have not provided Department of Labor programs with inflationary increases. In turn, many of our safety enforcement programs and worker protection efforts have been diminished.

And now, the administration is attempting to strip precious dollars from those who are working the hardest, the longest, and in careers that are notoriously underpaid and often understaffed, including licensed practical nurses, EMTs, air traffic controllers, social workers, occupational therapists, physical therapists, health technicians, and paralegals.

My colleagues, this proposal would have real consequences for the millions of hard-working Americans already working to send their children to college, the millions of Americans trying to buy a home, and the millions of Americans trying to save for retirement.

In New York, everywhere I go, town supervisors, city mayors, and local leaders are discussing massive tax increases. All around the country, colleges, and universities are substantially raising tuitions. The reality is—Americans are already feeling squeezed. Let's not make it worse by sending them home with a blank check.

Vote "yes" on the Obey-Miller amendment.

Ms. WATERS. Mr. Chairman, I rise in support of the Obey/Miller Amendment.

Since this Administration has taken office, over 3 million people have lost their jobs; the unemployment rate is at its highest levels in 9 years. Yet to add insult to injury, the Administration is now proposing a regulation that would cut overtime wages to as many as 8 million Americans.

I urge my colleagues to support the Obey/Miller amendment which would prohibit the Department of Labor from using funds to carry out this appalling regulation. Too many Americans depend on overtime pay in order to make ends meet. We must not take it away from them.

This Administration has no shame. They continue to push their "Big Business/Special Interest" agenda at the expense of the working Americans that make this country great. Perhaps this helps explain why this bill is lacking adequate funding for so many programs that Americans depend on.

The Chairman and Ranking Member have worked to craft the best bill possible with the terrible cards they were dealt by the unfair and irresponsible Republican Budget Resolution. But the truth of the matter is, the President and the Republican leadership have decided that tax cuts for the few are more important than programs for the many.

They decided that to provide an average of $88,000 in tax cuts for those earning $1 million or more is more important than increasing enrollment in Head Start, increasing Pell Grants, fighting the AIDS virus, funding medical research adequately or a host of other important programs.

Time will not permit me to discuss all of the many problems with this bill, such as the inadequate funding for the NIH and for the Social Security Administration to process claims from retirees, so I'll just focus my comments on one problem: the immoral neglect of the Head Start program.

Mr. Chairman, additional funding for Head Start should be a "no-brainer. There are few, if any, programs that have the success rate of Head Start. Government reports, early childhood experts, teachers and most important families all recognize the magnificent results Head Start has produced.

There are many keys to the program's success; from the small child staff ratios, to the nutritious meals the children receive each day, or the doctor visits that each child is afforded. However, one of the most important factors in Head Start's success is the way that the child's parents are included in the educational process. We all know that parents are children's most important teachers and involving parents in their children's education is strongly related to children's achievement in school. Head Start capitalizes on that relationship.

The only thing that is holding the Head Start program back today is the lack of funding. Today, only 60 percent of eligible students are able to enroll in Head Start; only 4 percent of eligible Early Head Start and 19 percent of the eligible Migrant and Seasonal Head Start of children are enrolled. This is much too low. Thousands of children are waiting on the sidelines, waiting to benefit from Head Start. We should make every effort to allow these children to enroll.

Yet, look at how this bill treats Head Start. The President asked for an increase for Head Start of only $140 million. This bill provides a $148 million increase. Mr. Chairman, the $148 million increase is not even enough to keep pace with inflation. It certainly is not enough to sign up new children in the program. Nor will this paltry increase enable Head Start to ensure that its teachers and volunteers are properly trained.

Mr. Chairman, in today's economy, education is the key to success. The sooner that we get children excited about learning the better off they will be. Head Start has an exceptional track record of success in getting children excited about learning.

Mr. Chairman, I urge my colleagues to support Head Start. It works. We must provide the funding that it deserves and needs to extend its benefit to all eligible children. We can and must do better than this inadequate bill.

I urge my colleagues, for the sake of our children, our families, our seniors, our working people, to vote yes on the Obey/Miller amendment to protect workers' overtime pay and then vote no on this bad bill.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, Mr. OBEY and Mr. MILLER, which will block the Department of Labor from pursuing its plan to overhaul our overtime pay laws—at the expense of 8 million workers. Under these draft regulations, millions of workers who receive time and a half for their overtime work today will be required to work longer hours for less money.

The implications of this measure on working families that have long depended upon overtime work to make ends meet would be devastating. In fact, according to 2000 Census figures, workers who receive overtime pay report that it accounts for a quarter of their total take-home pay. Try telling these workers that enactment of these regulations wouldn't result in a pay cut!

Under these regulations, mid-level office workers, lower-level supervisors, licensed practical nurses, EMTs, cooks, secretaries, dental hygienists, air traffic controllers, social workers, administrative support, engineering technicians, planners, and paralegals could all find themselves categorized as "white collar" employees. Now, does that sound right?

With unemployment at its highest level in almost a decade and far too many of my constituents telling me that they live in fear that their jobs may be next, why, on earth, is the Department of Labor launching this new attack on America's workers?

First proposed in March, the proposed regulations would reclassify millions of workers as "managers," rendering them ineligible for overtime pay. During the comment period on the proposed rule change, one hundred Members of this body wrote to the Labor Department, urging that these proposed changes be dropped.

In as much as the Labor Department intends to move forward with these rules, despite the public outcry and the strong congressional objections, it looks like this body is going to have to use its "power of the purse" and put an end to this ill-conceived effort.

Mr. Chairman, the Department of Labor seems intent on picking up where the House Leadership left off. These rules are—quite simply—an insult to the working people of America.

Mr. Chairman, after the de facto defeat of the so-called "Family Flexibility Act" last month, it appears that the Department of Labor now plans to strip our overtime rules, on its own, without congressional involvement.

We have the opportunity today to tell the Department of Labor that this body will not stand for backdoor attempts at fundamentally undermining key labor laws. The economic security of far too many American families hangs in the balance.

Therefore, Mr. Chairman, I urge my colleagues to join me and vote in favor of the Obey-Miller amendment.

Ms. SOLIS. Mr. Chairman, I rise in strong support of the Obey/Miller amendment.

It baffles me that at a time when our economy is reeling that the Bush Administration would want to weaken the protections of workers fortunate enough to still be employed. Over 9 million Americans are currently unemployed. Unemployment in my district, in East Los Angeles and the San Gabriel Valley, is almost 10% in some areas. Why then would we want to cut pay for those workers that have jobs?

Under President Bush's proposal, millions of workers who now enjoy overtime protection would no longer qualify for overtime pay. The changes would impact police, firefighters, nurses, retail managers, and many others. It would impact many of my constituents, who have contacted me because they don't want a pay cut.

Make no mistake about it. The proposed changes to our overtime regulations will mean a huge pay cut for these workers. It will mean longer hours with less pay.

I urge my colleagues to oppose paycuts for American workers and support the Obey-Miller amendment.

Ms. MCCOLLUM. Mr. Chairman, I rise in strong support of the Obey-Miller Amendment.

Congress must protect the economic security of the working men and women who keep our nation safe and prosperous.

I've punched a time clock.

I've worked in retail sales to help support my family.

I know what it is like for families to rely on overtime to pay for their children's college fund or repairs on their homes.

America's hard working men and women deserve our support.

But this administration instead wants to deliberately cut the overtime pay of 8 million Americans.

Under the Bush Administration's rules, working people, including police officers, firefighters, and nurses will lose overtime compensation—as much as 25 percent of their salaries.

This cruel attack on working families demonstrates the true compassionate conservative values of this administration—tax cuts for the wealthy and salary cuts for working people.

Today, Congress must protect the economic security of our working families.

Support the Obey-Miller amendment today.

Mr. KUCINICH. Mr. Chairman, it's been a very tough year for the American worker. Astonishingly, it appears the Administration is attempting to make things even tougher. Already, the Administration is presiding over the highest unemployment rate since April, 1994. Already the median unemployment duration of 12.3 weeks is the greatest length it has been since July of 1967. And already, 3.1 million private sector jobs have vanished since the recession began in March 2001.

The Administration's three pronged response to this jobs crisis has been to allow millions of working Americans to remain in poverty by refusing to raise the minimum wage, to deny unemployment benefits to millions of Americans who have exhausted their benefits because of the severity of this recession, and to provide hundreds of billions of dollars in tax giveaways for the richest Americans.

As if all of this was not enough, the Administration now seems intent on literally picking the pockets of workers. First we saw an attempt to give workers a pay cut by giving them comp time instead of overtime. The real meaning of comp time, of course, is unpaid time off—at the employer's discretion. Now through administrative action and without the input of elected representatives, the Administration seeks to enact the most significant change to overtime rules since the Fair Labor Standards Act was passed in 1938.

The result of these changes is that least 8 million workers will no longer be eligible for overtime. Among the unlucky 8 million are paramedics, firefighters, air traffic controllers, social workers, and architects. In 2000 overtime pay accounted for about 25 percent of the income for these workers. Their families will have much less money to pay the bills, while their employers will have a great incentive to make them work longer hours.

The Obey-Miller amendment will stop the rollback of overtime pay. Obey-Miller will protect the wages of America's working people. Stop the legalized pick-pocketing of America's workers by the administration's attack on overtime pay for overtime work. Vote for the Obey-Miller amendment.

AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOOMEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. . None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD043689, R03HD039206, R01DA013896, or R01MH065871.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

MODIFICATION TO AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. TOOMEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. . None of the funds made available in this Act may be used to fund grant number R01HD39789 at the National Institutes of Health.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Pennsylvania?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment, as modified offered by Mr. TOOMEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. . None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD043689 R03HD039206, R01DA013896, or R01MH065871.

SEC. . None of the funds made available in this Act may be used to fund grant number R01HD039789 at the National Institutes of Health.

Mr. TOOMEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I think all of us in this Chamber have been faced with the painful visits in our offices from constituents who come to us with a heartrending story of a member of their family, often a child, who is suffering from a terrible and debilitating disease, perhaps a fatal disease, perhaps a disease for which there is no cure; and they come to us asking for some help, asking for resources to provide for the research that might find a cure. And nobody has heard more of these heartrending and compelling stories than the distinguished chairman of this committee. I know he has devoted enormous amounts of time and effort to making sure the resources are there to help to try to find cures where it is possible.

I think we have all embraced the idea of significant increases in funding for NIH, I have, and I think that is a bipartisan agreement. And we are all proud that we have doubled funding for NIH over 5 years. But what this amendment is about is trying to find a little bit more hope for a few more families. My amendment does not cut a dime of funding for NIH. What it does do is it would require the NIH to reprogram the money that is going to a few grants which we think are just much less worthy of taxpayer funding than the kind of research the NIH is generally doing to cure these devastating diseases.

Now, one of these is a research project that the gentleman from Indiana is going to discuss, but I want to mention the four that my amendment would specifically exclude and forbid further funding from. These are projects, grants that are under way now and have already been funded by the NIH in the past, and we would, with this amendment, shut off further funding for.

One of them is a study on the sexual habits of older men. A second is a study on San Francisco's Asian prostitutes and masseuses. A third one is a study on mood arousal and sexual risk-taking. And let me just share with my colleagues a highly sanitized and abbreviated summary of their grant application. If I actually read the whole thing, I suspect I would be admonished for the language I would be using on the House floor, so I will read just a little summary.

This is a proposal, which says: "In a series of laboratory studies, mood and sexual arousal will be induced and then their individual and combined effects on sexual risk-taking will be examined." Those are not my words. Those are the words of the applicant for the grants.

There is another study on American Indian transgender research. The proposal, which is based on the proposition that American Indian and Alaskan native lesbian, gay, bisexual, transgender, and too-spirited individuals are a drastically understudied and underserved group.

Mr. Chairman, I ask my colleagues, who thinks this stuff up? And, worse, who decides to actually fund these sorts of things? Well, unfortunately, the NIH has done so. These are the exceptions, and not the rule. This is not a general criticism of the NIH. But the point is these are not applications that are worthy of taxpayer funds.

And let me make the point that there is nobody here that I know of that is saying we should ban this sort of research. If they want to do this sort of research, we need to fund this privately and not with taxpayer dollars. I simply want to make the point that there are so many far more important, very real diseases that are affecting real people; and that is what this kind of money could be used for, would be used for.

We leave it to the NIH to decide how to reprogram this. And as for those who suggest that we should not interfere with the process by which the NIH decides how to allocate their funds, let me strongly disagree. We have an affirmative obligation in this Congress, as the body that controls the pursestrings of the Federal Government, to supervise and provide oversight. And when a bureaucracy is making mistakes, we have an obligation to come here and correct that. That is all we are saying.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition to this amendment, and I yield myself such time as I may consume.

These amendments have been picked out of a database that contains a single paragraph on each of 40,000 grants that NIH supports. Now, keep in mind that that represents a winnowing down from perhaps 120,000 applications. How do they pick the one out of three that will be funded? The NIH has an elaborate two-tiered peer review process that is mandated by the Public Health Service Act. Outside review panels of distinguished scientists from universities nationwide gather to review each application, which can easily run on to several hundred pages.

I think to pass judgment on these, you would have to read the several hundred pages to know what the ultimate goal is, rather than one paragraph. Then these recommendations are reviewed by advisory councils comprised of scientists and members of the public whose nominations are cleared through the Department.

NIH only funds about 30 percent, as I mentioned; and we can be confident that they are very careful because there are so many good objectives in the form of requests. They go through these very, very carefully with top-flight people to ensure that there is a worthy objective to be achieved in doing the research in question.

If Members are concerned about NIH funding in certain issue areas, I think they should urge the authorizing committees to review this as they consider the reauthorization of NIH, and that will be coming up. I know that the Committee on Energy and Commerce has been doing an extensive review of NIH actions across a number of areas in preparation for a reauthorization, and I would suggest to my colleagues this would be the appropriate place to bring up their objections to the process that is presently used by NIH because in the reauthorization action they can address what they feel might be a shortcoming.

I strongly urge the Members to resist the temptation to select a few grants for defunding because they do not like the sound of them based on one paragraph out of what probably was a number of pages of information. It would set a dangerous precedent and put a chill on medical research if we start to micromanage individual NIH grants.

This has worked well over the years. We have had enormous progress because of these grants in achieving medical knowledge and giving the public a better health care system. I do not think this body, this committee, wants to get into the process of reviewing 120,000 grants and trying to pick 40,000 out of that group for funding.

I strongly urge the Members to reject this amendment; and I urge my colleagues to take this issue to the proper committee, the Committee on Energy and Commerce, and if they feel that NIH needs to have its processes reformed, then that is the place to do it.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida, the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me; and in the interest of time, I am not going to repeat some of the arguments. The gentleman has made a very persuasive argument, and I associate myself with those remarks.

The chairman is right on target, and I just think that this would be a mischievous amendment and hope that we can defeat the amendment.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. TOOMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. CHOCOLA), the cosponsor of this amendment.

Mr. CHOCOLA. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate his remarks and would like to associate myself with his earlier remarks.

With all due respect to the distinguished chairman and to the peer review process, I think this amendment is relatively simple. It lives up to our responsibility that we are really sent here to do, and that is to be a good steward of taxpayer dollars.

Now, not only does the appropriations fund grants that the gentleman from Pennsylvania (Mr. TOOMEY) mentioned, it also funds a grant that studies human linkages with the panda reserve in China. Now, I do not think I am going out on a limb to say that no one in the Second Congressional District of Indiana is going to benefit from this study. I doubt I am taking too much of a risk to say no one in any congressional district in America is going to benefit from this study.

Mr. Chairman, I come from a business background, and I am a new Member of Congress; but when someone in our company wanted to spend money, we had to take the ultimate responsibility. And although the peer review process is probably pretty good, there comes a time when you have to say no, when you have to say this money is not spent in the best interest of the American people.

Since I do not know that we can identify people who benefit from this taxpayer money being spent on these grants, I do know, as the gentleman from Pennsylvania pointed out, the people in my district have juvenile diabetes, they have cancer, they have AIDS, they have horrible diseases like Crohn's, and that is what we should be spending NIH money on. We should be eradicating these horrible diseases that ruin families, ruin individual lives rather than grants that really benefit no one that we can identify.

So I urge my colleagues to adopt this amendment.

Mr. TOOMEY. Mr. Chairman, may I inquire as to who closes in this process.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has the right to close.

Mr. TOOMEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time, and with all deference to the distinguished chairmen who have spoken here, I think that we do need to speak out at this point.

I have been concerned about this for a while. I sent a letter recently to NIH asking that they explain their decision to fund a study that is not covered here, it is another study, that paid women to watch pornography and to study arousal. The letter I received back was interesting. The NIH said, "The research methods used in the grant were scientifically established and met ethical research standards."

Now, I do not doubt that at all; but that is not the standard that we ought to employ here. The standard we ought to employ here is, is this a proper use of taxpayer funds, and I think on that level it surely fails.

I do not know how in the world, when we do not have enough money to fund things like the reaction of children to vaccines for childhood autism, that is one request that was actually denied because NIH came back and said we do not have sufficient money to do that, that is a serious disease affecting a lot of people. So we do not have enough money to do that; but then, in turn, we have enough money to fund a study to pay women to watch pornography. I think that is wrong.

The chairman noted there is peer review. Certainly there is. Again, the question we need to have answered is not whether this is scientifically based or reviewed, but is it proper for the taxpayers to fund. I would suggest that there is a lot of funding available out there from people like Larry Flint or others, but we should not be asking the American taxpayer to fund this kind of thing.

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Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly stand opposed to this amendment, but I understand why my colleagues want it. I do not think there is a thing in there I would support if asked to support, but I will say that I have hundreds of doctors and hospitals come to me every single day and ask me to direct NIH to do this or that. I personally believe that things and discoveries should be left up to NIH, that when something is close to helping, we should allow them to do that.

But once we get into politicians, which we all are, directing what NIH does, it is not what you are trying to eliminate, it is the whole broad perspective of what we could do in the long run. In the past, many of the diseases were politicized, and funding was taken totally away from others, and I want to stay away from that. I think it is a bad precedent, not on the gentleman's issue, but on the precedent of directing NIH. I reluctantly oppose the amendment.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, years ago Senator Proxmire from my State used to have the Golden Fleece Awards. He was a good friend of mine. One year he made a whole lot of fun of a study on Polish pigs. They had a field day with it. Funny name, strange-sounding grant. Well, guess what? That study led to the development of a new blood pressure medicine which millions of people use today. The know-nothings in the Congress at that time would have eliminated that study. I do not think that would have been a good outcome.

I have served on the subcommittee that deals with NIH for a long time, and the one thing I came to understand very quickly is that the day that we politicize NIH research, the day we decide which grants are going to be approved on the basis of a 10-minute horseback debate in the House of Representatives with 434 of the 435 Members in this place who do not even know what the grant is, that is the day we will ruin science research in this country. We have no business making political judgments about those kinds of issues.

I would ask the following questions of the gentlemen who are offering this amendment: Can they tell me what score each of the grants received in the peer review process? Can they tell me who is on the peer review committee that takes a look at each of these in the study circles? Do you have objection to any of the persons who are on those study sections? I think the gentlemen have an obligation to answer those questions if they are going to bring something like this to the floor with no notice and no understanding of what these grants do.

Now, I would say that I do not have any idea what these grants do. I can imagine, though, that perhaps this study on so-called sexual arousal, that perhaps it is one way of trying to determine how you prevent child molestation or rape. I can also imagine with respect to the longitudinal study on sexual behavior of old men, NIH says this: "Without a better understanding of age-related changes in men's sexual functions, physicians may assume that declines in function are normal when they actually reflect early symptoms of disease such as diabetes and heart disease."

With respect to the study that relates to intervention for drug-using women sex workers, let us say you do not have any sympathy at all for the sex workers or their partners. I am concerned about the innocent partners of those partners. What about the wives of persons who go to these sex workers and then wind up getting disease? I think we ought to know as much as possible how to prevent transmission of disease, and what role drug use has in that process.

So without knowing anything about these, I return to my basic principle: We have NIH for a reason; we have peer review for a reason. I would rather trust the judgment of 10 doctors sitting around a table than I would 10 politicians sitting around a table when we decide how to allocate taxpayer money for those grants.

The reason NIH is there is so none of us bring our political biases to the table, and that is the way it ought to remain.

Mr. BAIRD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. BAIRD. Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman and dispute the comments of the gentleman from Indiana, and particularly the material he provided to his colleagues which said do not spend money for NIH panda research in China. In fact, the research has to do with population dynamics, the pressure on an ecosystem that supports the pandas, and the development of a population, including how those people can provide fuel and food for their children. It is a study of pandas; it is a study of human development.

There is a fundamental nexus between environmental quality, human health, and population pressures that impacts the world profoundly. The gentleman fails to recognize that and deceives his colleagues with the title of his amendment.

Mr. TOOMEY. Mr. Chairman, I yield myself the balance of my time.

Let me say, we can read the entire application, and the projects do not sound any more compelling or any more convincing. The point is this is about priorities. There are just so many devastating diseases that are killing people every day in this country. There are many where the NIH is responsible for tremendous progress being made on so many fronts. I think we have an obligation to do as much as we can for those priorities.

Studying Asian prostitution in San Francisco massage parlors and the study of mood swings on sexual arousal does not strike me as deserving the same kind of priority as curing cancer in small children and so many other devastating diseases. That is what I think this is about.

As for the peer review process, as a general matter I completely agree with the peer review process, but I do not think that absolves us completely of our obligation to have some oversight on these issues and decide whether or not in some cases this peer review process runs amok.

That is what I think this debate is all about: Do we draw the line anywhere ever, or do we not. I think we do, I think we should on these specific grants, and I urge my colleagues to vote to adopt this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I rise reluctantly as well, but in peer review science, being in the middle of it is maybe not the place to effect change. Maybe we should set some parameters up front.

One of the studies here sounds fairly innocent. Research on pandas and their relationship sounds a little funny on its face, but when we look at it, and I can say it no better than a representative from Michigan State University, and I just want to read this. "Perhaps at no other time in human history have the issues been so crucial as pandemics whose roots are found in animals spread across the globe: SARS, AIDS and monkeypox, to name a few. Dr. Lou's work is exactly the research needed to understand and plan for tomorrow's health issues."

They are getting into understanding and study of how some of these diseases get transferred from animals to humans. I would argue that is very, very important work, and we ought to invest in it.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I urge my colleagues to vote against this amendment. We cannot start second-guessing and trying to review the work of NIH. They have very distinguished panelists, experts and scientists. They spend a lot of time on these. They have 120,000 applications. They do the best job they can, and they have been successful. I would urge my colleagues to go to the authorizing committee if they feel there should be some different procedures and bring that to their attention as they review these panel activities.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TOOMEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY) will be postponed.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Add at the end, before the short title, the following new title:

TITLE VI—MEDICAID ADJUSTMENT FOR STATE MAINTAINING COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

SEC. 601. (a) Notwithstanding any other provision of law, but subject to subsection (b), the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of a State shall be increased by 1 percentage points for each quarter in fiscal year 2004 if the standards and methodologies of the State for determining eligibility for individuals under age 21 during that quarter both under title XIX of such Act and under the State's child health insurance plan under title XXI of such Act are no more restrictive than those in effect in the State on July 1, 2001.

(b) The increase in the Federal medical assistance percentage shall not apply—

(1) with respect to disproportionate share hospital payments described in section 1923 of the Social Security Act;

(2) to the computation and application of the enhanced FMAP (described in section 2105(b) of such Act); or

(3) for any purposes other than payment to the State under title XIX of such Act.

(c) The increase in the Federal medical assistance percentage under subsection (a) shall be in addition to the increase provided under title IV of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27).

(d) In the case an increase is provided under subsection (a) for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for a calendar quarter in a fiscal year, the amounts otherwise determined for such territory under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) and applicable to such quarter shall each be increased by an amount equal to ¼ of 1.9 percent of such amounts.

SEC. 602. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 18 percent.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Here is what this amendment is all about. At a time when high unemployment is causing many Americans to lose their jobs and their job-related health coverage, State fiscal crises are leading States to cut back health coverage, Medicaid and SCHIP programs. According to the Kaiser Commission, 49 of the 50 States have implemented or are planning to implement cutbacks in Medicaid during fiscal year 2003. It is estimated that adoption of those cutbacks will lead to the elimination of health coverage for 1.7 million people. Many of them will be children.

This amendment would simply provide a 1 percentage add-on to the Federal assistance to every State for their Medicaid programs. To receive that additional aid, States would have to refrain from any further cutbacks in eligibility for children under both Medicaid and SCHIP and restore eligibility for children to the rules that prevailed on July 1, 2001. We would pay for the amendment by simply reducing the size of the tax cut for persons who make more than $1 million a year, from $88,000 to $72,000.

So the choice is simple. If you want to keep children on the health care rolls, if you want to make sure they are not knocked off the health care rolls in order to finance supersize tax cuts for people who make more than a million dollars, you will vote for this amendment. That is what the amendment does.

Again, if the majority chooses to exercise its right to offer a point of order, then we will, instead of appealing the ruling of the Chair, we will simply ask that we strike the enacting clause so that this bill may go back to the committee so we may have an opportunity to offer an amendment which tries to prevent children from being knocked off the health care rolls. It is that simple. I would ask for a yes vote.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill; and, therefore, violates clause 2 of rule XXI.

In addition, the amendment is a tax or tariff measure and is in violation of clause 5(a) of rule XXI. Clause 2 of rule XXI states in pertinent part, "An amendment to a general appropriation bill shall not be in order if it changes existing law." The amendment amends existing law. Clause 5(a) of rule XXI states in part, "A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures, and an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction."

The amendment is clearly legislation as well as a tax or tariff provision, and is, therefore, in violation of the House rules.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I simply urge the Chairman not to insist on the point of order. If he does, I would concede the point of order and move on to the next motion I have already described.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I have already explained the motion and in the interest of saving time and also striking the last word to sum up in the end, I am going to ask that Members vote to strike the enacting clause so that we can repair this bill in the manner I have just described. I hope they do that.

In the event that they do not, I am urging Members to vote no, because we do not believe that we ought to say to the country that we have room for $2 trillion in tax cuts, including an $88,000 tax cut for persons making over $1 million a year, but we do not have any room in the inn for children who need health care or need more help in Title I, for school districts who need more help on special education, and all of the others problems we have described today.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the motion.

I just want to say to all Members, we are getting close to finishing up here.

□ 1715

I would urge all the Members to vote "no" on all of the amendments, and I would urge the Members to vote for the bill. It is fair. It is balanced. It meets the needs of the 280 million people of this Nation, and I think it is a very positive step. It is reasonable in terms of cost, and I would hope we have a strong "yes" vote in support of the bill and a strong "no" vote on all the amendments.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to thank the gentleman for the courtesies he has extended and to thank the staff on both sides of the aisle for the work they have done.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6(g) of rule XVIII, this 15-minute vote on the motion of the gentleman from Wisconsin (Mr. OBEY) will be followed by 5-minute votes on the amendments to this bill that were postponed earlier today.

The vote was taken by electronic device, and there were—ayes 197, noes 224, not voting 13, as follows:

[Roll No. 348]

AYES—197

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)

Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Allen
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Gilchrest
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1738

Ms. HART and Messrs. DUNCAN, HEFLEY, COBLE, COLE and WICKER changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 6 offered by the gentleman from West Virginia (Mr. RAHALL), the amendment offered by the gentleman from Maine (Mr. ALLEN), the amendment offered by the gentleman from Wisconsin (Mr. OBEY) and the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

These votes will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. RAHALL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, not voting 12, as follows:

[Roll No. 349]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cox
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1747

Mr. PICKERING changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ALLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maine (Mr. ALLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 12, as follows:

[Roll No. 350]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley

Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cramer
Ehlers
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1754

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 213, not voting 12, as follows:

[Roll No. 351]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)

Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Houghton
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes left in this vote.

☐ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Chairman, because of an emergency in my district, I missed rollcall vote No. 346, No. 347, No. 348, No. 349, No. 350, No. 351, No. 352 and No. 353. If present I would have voted "nay" on rollcall vote No. 352 and No. 353 and "yea" on rollcall vote No. 346, No. 347, No. 348, No. 349, No. 350 and No. 351.

AMENDMENT, AS MODIFIED, OFFERED BY MR. TOOMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, answered "present" 1, not voting 11, as follows:

[Roll No. 352]

AYES—210

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
LaHood
Latham
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gilchrest
Gillmor
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (FL)

ANSWERED "PRESENT"—1

Bereuter

NOT VOTING—11

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1818

Mr. LANGEVIN and Mr. OSE changed their vote from "aye" to "no."

Mr. TAYLOR of North Carolina, Mrs. KELLY and Mr. MCKEON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Chairman, on the Toomey-Chocola Amendment, I voted present as I have a conflict of interest on research project RD01HD039789, a project of the National Institute of Child Health and Human Development through the Department of Fisheries and Wildlife at Michigan State University.

The CHAIRMAN. The Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004".

The CHAIRMAN. There being no further amendments in order, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 312, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 208, not voting 12, as follows:

[Roll No. 353]

YEAS—215

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Foley
Forbes
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crane
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—12

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Two minutes remain in this vote.

☐ 1836

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FLETCHER. Mr. Speaker, on Thursday, July 10, 2003, I was unavoidably detained due to weather grounding my commercial flight. Had I been present for rollcall vote No. 353 I would have voted the following way: Rollcall vote No. 353, Final passage of H.R. 2660—"yea."

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2122, PROJECT BIOSHIELD ACT OF 2003

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of July 14, 2003, to grant a rule which could limit the amendment process for floor consideration of H.R. 2122, the Project BioShield Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules up in room H-312 in the Capitol by 10 a.m. Tuesday morning, July 15, 2003. Members should draft their amendments to the text of the bill as reported by the Committee on Energy and Commerce on June 10, 2003.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I wish to inquire of the leader the schedule of the House for next week.

Mr. ROGERS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Monday at 10:30 a.m. for morning hour and 12 p.m. for legislative business. We will likely consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. We will also consider the fiscal year 2004 agricultural appropriations bill on Monday. Any votes called on these measures will be rolled until 6:30 p.m.

For Tuesday and the balance of the week, we may consider additional legislation under suspension of the rules. We are also expected to consider several bills under a rule including the fiscal year 2004 through 2005 State Department authorization bill; H.R. 2122, the Project BioShield Act of 2003; the fiscal year 2004 Department of the Interior appropriations bill; and H.R. 2210, the School Readiness Act of 2003.

Finally, Members should be aware that on Thursday Prime Minister Tony Blair will address a joint session of Congress at 4 p.m.

Mr. Speaker, I thank the gentleman for yielding and will be happy to answer any questions he may have.

Mr. LEWIS of Georgia. Reclaiming my time, Mr. Speaker, I thank the gentleman from Michigan for responding, but I would like to continue to yield to him to find out if next week we are bringing up the Head Start reauthorization bill, and do you expect to have an open rule on this bill.

Mr. ROGERS of Michigan. Mr. Speaker, if the gentleman will continue to yield, I would defer to the Committee on Rules, but can assure the gentleman that the gentleman from California (Mr. DREIER) and his colleagues will work hard to address the concerns Members bring to that committee.

Mr. LEWIS of Georgia. Mr. Speaker, continuing to yield and to inquire, on Medicare prescription drugs, when does the gentleman expect we will appoint conferees on this legislation?

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for continuing to yield. We hope to appoint conferees to the bill on Monday and look forward to working fast and furiously on this issue.

In fact, I believe there have already been some informal conversations across the Capitol on this issue. Having said that, we do not intend to create any artificial time lines and, instead, will work as long and as hard as we can to get the best possible project.

Mr. LEWIS of Georgia. If this does occur on Monday, as the gentleman stated, when during the day would that be scheduled? What time of day would it be scheduled?

Mr. ROGERS of Michigan. Mr. Speaker, it would most likely be after the ag appropriation bill in late afternoon.

Mr. LEWIS of Georgia. Mr. Speaker, when does the gentleman think we might see a conference report? Would it be before the August recess?

Mr. ROGERS of Michigan. Again, Mr. Speaker, if the gentleman will continue to yield, I would defer to those who are involved in the conference. We are not going to set any artificial time lines. We want to make sure we have the best possible product, and so we will move ahead on Monday with the conferees, and certainly after next week we can reassess where we are time-wise.

Mr. LEWIS of Georgia. Mr. Speaker, I would continue to yield to my friend from Michigan on the child tax credit. When does he expect the conference committee to meet to report out a conference report? It has now been 27 days, 22 hours-plus since we appointed conferees. Does the gentleman have any idea when we can expect a report coming to this House?

Mr. ROGERS of Michigan. I thank the gentleman from Georgia for continuing to yield.

As we understand, there are some differences, and we hope the Senate conferees can quickly realize the sensible approach of the House and allow us to move a conference report before the end of July. Certainly that would be our hope.

Mr. LEWIS of Georgia. Mr. Speaker, I will continue to yield to my friend from Michigan to inquire about trade agreements. Does the gentleman anticipate that we may have votes before the August recess on any trade agreements?

Mr. ROGERS of Michigan. Mr. Speaker, I understand that both the Committee on Ways and Means and the Committee on the Judiciary held markups of the proposed Chilean-Singapore trade agreements this week. And while we have a significant amount of work to do in the next 2 weeks, I am hopeful we can find some time to consider this legislation before August. But, again, we will not set any artificial time lines, although we do hope that can happen.

Mr. LEWIS of Georgia. Let me say to my friend from Michigan, Mr. Speaker, that it seems like we are going to be very busy during the next few days before the August recess.

Mr. ROGERS of Michigan. Mr. Speaker, we will have a 5-day workweek certainly both weeks before the recess.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend for responding to the questions.

ADJOURNMENT TO MONDAY, JULY 14, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday, July 14, 2003, for morning hour debates.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, JULY 17, 2003, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, July 17, 2003, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Right Honorable Tony Blair, Prime Minister of the

United Kingdom of Great Britain and Northern Ireland.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1474, CHECK TRUNCATION ACT OF 2003

Mr. TIBERI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees:

Messrs. OXLEY, BACHUS, LATOURETTE, Ms. HART, and Messrs. TIBERI, FRANK of Massachusetts, SANDERS, and FORD.

There was no objection.

□ 1845

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Iowa?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AIDS IN UGANDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, as we all know, this week the President is in Africa visiting five countries and describing his personal commitment to combating the global HIV/AIDS pandemic, among other things. This is a good thing.

Just 6 weeks ago the President signed into law H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, to provide $15 billion over 5 years to 12 African countries and Haiti and Guyana in the Caribbean. Throughout the debate on this bill, which Uganda's approach to its own AIDS epidemic was highlighted very prominently as a model for the bold initiative that we were proposing and for our heavy reliance on the ABC model of prevention. That is, abstain, be faithful, or use a condom.

People on the ground in Uganda were telling us that while the message of the ABC model was important in helping to drive down infection rates and raise awareness of this disease, it was equally important that Uganda's President Museveni exerted strong political leadership in combating the disease and for the country to engage in a frank and open dialogue about sex and how the disease is transmitted.

But when we were debating this bill, the administration and social conservatives in this body put their own spin on Uganda's AIDS efforts by claiming that it was primarily the practice of abstinence that had reduced Uganda's rates from 15 percent to 5 percent in over 10 years despite evidence to the contrary.

In debate during the committee markup of H.R. 1298, we successfully placed abstinence, fidelity and the use of condoms on equal footing by successfully passing an amendment which I offered. The majority of members on the committee understood the danger of attempting to steer our prevention funding from Washington instead of allowing each individual country to determine how best to spend its prevention resources. Even the Washington Times indicated in an editorial on May 1, 2003, that it would be better to leave such decisions to experts in the field.

Unfortunately, the social conservatives in this body did not heed this very practical advice and persisted in promoting a misguided amendment that directs 33 percent of all prevention money in the bill towards abstinence-only programs. Now 6 weeks after the President signed the bill that we passed into law, he is visiting Africa to tout his commitment to fighting AIDS in Africa. Everywhere Africans are wondering what the true depth of the President's commitment is to fighting AIDS in Africa, and whether or not he will provide the full $3 billion per year authorized in our legislation.

There is also a considerable amount of concern in Africa that the President's focus on abstinence as the most important method of prevention will sidetrack the initiative based on an unrealistic understanding of the situation on the ground.

I want to be clear here. I agree that abstinence is an important method of prevention, but it must be balanced by a comprehensive prevention policy that includes the use of condoms, otherwise it cannot be effective in stopping the spread of the virus. It is important for programs like the AIDS Support Organization of Uganda, which runs the clinic in Entebbe that the President will visit tomorrow, to provide this kind of comprehensive education so that young adults who are just becoming sexually active know what to do to protect themselves.

Mr. Speaker, we are right in the thick of the appropriations process that provides the funding that will carry out this initiative. Unfortunately, we are about $1 billion short of the $3 billion authorized in our global AIDS legislation, mostly because the President does not believe we should provide more than $2 billion this year.

I am hopeful that by visiting the TASO clinic tomorrow, the President will understand the true gravity of the situation and will push for the full $3 billion in funding. The lives of thousands of Africans can still be saved if this money is provided now. That is why over 100 Members of this body wrote President Bush asking him to provide an emergency appropriation of $1 billion in funding if we are unable to get $3 billion through the regular appropriations process.

So it is not too late, and I am asking this Congress, I am letting the rest of our country know that the President is visiting Uganda tomorrow and that we want people in Africa to understand that we are committed in terms of delivering on the promises which we made in terms of making sure that the full $3 billion that we authorized becomes real.

PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about the price that Americans pay for prescription drugs relative to the rest of the world.

As I have often said, I think we as Americans ought to be willing to pay our fair share. But as Members can see, and I apologize for this chart, the numbers are a bit hard to read for Members who are watching on C-SPAN in their offices, but if you cannot read the chart, it is available on my Website. Simply go to gil.house.gov, and Members can review this chart.

This is a chart essentially showing the prices that we paid for prescription drugs, 10 of the most commonly prescribed prescription drugs, when I was in Germany 2 months ago. Then we asked some of the local pharmacies here in Washington how much those same drugs, same dosage and number of tablets, would be here in the United States.

Let us take this drug, Coumadin. This is a drug that was developed originally at the University of Wisconsin veterinarian schools. It was a rat poison. It was designed to help kill rats. It is a blood thinner. When they consume it, they mix it with feed, and the rats eat it, and they go back to their dens and bleed to death internally. It was found that in small dosages this was very effective for people with heart conditions. My 86-year-old father takes Coumadin. We bought this drug in Germany for $21 American. This same package here in the United States sells for $89.95.

Glucophage is another drug we bought in Germany. It is an effective drug against diabetes, borderline diabetes. I am not a doctor, and I do not play one here in Congress, but we bought this drug in Germany, 30 tablets, 850 milligrams, for $5. That same drug here in the United States sells for $29.95 for the same package. The report goes on and on.

Prozac, we had a relatively small difference. We bought Prozac for $36.46, but here in the United States it was $49.95.

But then a drug like Pravachol, the price we paid in Germany was $62.96. That same drug and same dosage in the United States is not $62 but $149.95.

My wife takes a drug called Synthroid. She has a problem with goiter. Synthroid in the United States, 50 tablets of 50 milligrams sells for about $21.95. You can buy that exact same drug probably made in the same plant under the same FDA approval in Germany for only $4. So $21.95 in the United States, $4 in Germany.

Then I come to the one that really chaps my hide because we hear about the reason these drugs are so expensive is because it is so expensive to develop them, the research and development costs. And I recognize there are costs, but let us talk about tamoxifen, which was essentially developed by the NIH. So we paid for it. The American taxpayers paid for virtually all of the research and development. We bought 60 tablets, 20 milligrams of tamoxifen in Munich, Germany, for $60. That same drug in the same package sells in the United States for $360.

Now, tamoxifen is a very effective drug against women's breast cancer. We are happy to pay our fair share for the research costs; but as I always say, we ought to be willing to subsidize the poor people in sub-Saharan Africa, we should not be required to subsidize the starving Swiss.

And that is what is happening today because American consumers are being held captive. Some people ask why are prices so much cheaper in Europe. Well, in part they have something called price controls. That is part of the answer, but it is not the whole answer. They also allow in Germany, for example, they allow German pharmacists to do parallel trading. So the German pharmacist can order the drug wherever they can get it the cheapest. That is called competition. That is how markets work.

Mr. Speaker, I have introduced a bill called the Market Access Act, which would allow American pharmacists and American consumers to have that same kind of opportunity to go into the world markets. There are roughly 25 countries that are already recognized as having similar FDA-type regimens as we have in the United States, 25 countries are already recognized in the statute, and the bill I have would allow our pharmacists and our consumers to have access to those markets.

It may not be the perfect answer, but if Members do not like my plan, what is your plan? What is the administration's plan? What are we going to do about this? Because I will tell Members if next year we come back, and if Americans are still required to pay six times the amount for the same anticancer drug, they are not going to say shame on the pharmaceutical industry, they are going to say shame on us.

The time has come to make certain that Americans have access to world-class drugs at world market prices.

EXCHANGE OF SPECIAL ORDER TIME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

LABOR-HHS APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would say to my good friend that previously spoke on the issue of dealing with the high cost of prescription drugs, I accept the challenge, and I believe it is crucial that this House address this question, and it is a travesty that our senior citizens and others are bearing this enormous burden.

I hope that we can get to work as a House on behalf of the people of this Nation. It seems too long that we have come to the floor and simply acknowledged that we are here either paddling water, swimming upstream, and maybe causing the American people to drown. We are in this boat, leaking boat, because we decided, the majority did, a few months ago, that it was more important to give a $550 billion tax cut of which the richest of Americans will get somewhere about $90,000, and then as we decided to strip our finances to its bare bones, we now come and debate today on the floor of the House in a couple of hours one of the most appropriations bills we will ever see in the course of this season of appropriations.

□ 1900

And that is the Labor-HHS bill dealing with the neediest of Americans, but frankly dealing with all Americans. And, Mr. Speaker, I think it is important to simply call the roll with respect to what we did today. We passed a bill, although very narrowly, that breaks all of the promises to Americans who have worked hard, who have contributed to this country, and who believe that we in this Congress are here to provide them with a big umbrella, the necessities of life that they have helped build in this Nation.

But what did we do? We cut overall education funding. We promised $3 billion, but in this budget we only had $2.3 billion or a 4.3 percent increase. So in essence, we have left many children behind. This bill only provides a $382 million, or 1.6 percent, increase over current funding for the Leave No Child Behind Act. So in essence we have millions of children that will not be served because of the bill we passed today. In real terms this funding is $8 billion short of what we need. Special education that I thought was an issue that all of us can come together around, we absolutely left that standing by the wayside, a $1.2 billion shortfall so the children that need special ed, the teachers that need to be in the classrooms to give our children that extra added lift will not exist. On title I funding for the poorest of our children, $12.35 billion provided in the bill, it is $334 million short. The title I program will eliminate being able to serve 9 million children. It was promised for 9 million children, and yet we will not have that amount of money.

It reduces our commitment to support college education. It reduces the amount of Pell grants compared to 84 percent when Pell grants were first established. This amount only meets 38 percent of college costs. Nearly 5 million students depend on Pell grants. The majority of them have incomes of $30,000 or less. And one of the things that we note in this country is that education is the great equalizer, but we passed a bill today that totally eliminates opportunities for millions of children.

In Houston, in the heat of the summer, Texas and southern States do not get LIHEAP moneys, but every year we face a heating crisis. When I say that, it is too hot and we do not have the resources to provide individuals with cooling dollars. Every year I organize a heat crisis team to go out and solicit air conditioners because my senior citizens and the disabled and others do not have the resources. But yet we can cut the LIHEAP moneys and treat those southern States that may not have the cold weather but have the hot weather in an unfair status. National Institutes for Health moneys have been cut drastically. So we have cut right at the heart the major resources for research that can help save lives.

I heard our President himself speak about community health centers, the need to bring health clinics closer to the people. But what do we do? Our community health centers serve 13 million people who lack access to health care in rural and urban areas, and yet we have inadequately funded those so the very local communities that were trying to bring health care to our rural communities, obviously no help.

Unemployment programs, Mr. Speaker, can my colleagues believe it? Unemployment at its all-time high, 6.4 percent, the highest in 9 years. African Americans at a rate of 1.971 million unemployed African Americans. The number of unemployed has reached 9.4 million. But yet we voted on a bill today, which I voted against, unfortunately it passed by the Republicans, of course, that takes money away from unemployment programs, $150.8 million. We take money away from homeland security. We take money away from helping the nursing shortage.

And then we do things that breaks the camel's back. Just a few days ago, I wrote a letter to the Department of Labor when they were closing the door on comments about their overtime regulation that would cut into the overtime of hard-working Americans. When I said to my constituents, Can you believe it, that they are going to give you time off, that you do not know when you will get the time off, instead of overtime?," they were outraged. We put an amendment on the floor to prevent that. Lo and behold, it was defeated.

This Labor-HHS bill is absolutely the worst, Mr. Speaker. We needed to vote it down. We did not vote it down. We need to throw it out and start working for the American people.

The unemployment rate jumped to 6.4 percent in June—highest since April 1994. The 6.4 percent unemployment rate is the highest unemployment rate since April 1994—nine years ago. According to the Bureau of Labor Statistics data released this morning, the national unemployment rate jumped to 6.4 percent in June from 6.1 percent in May. The 0.3 percentage point jump was the largest month-to-month rise since the September 11th terrorist attack.

The unemployment rate was 6.8% in Texas for May 2003—that is higher than the national average. The Number of Unemployed Has Now Reached 9.4 Million. Similarly, the number of unemployed rose to 9.4 million in June from 9.0 million in May. Just in the last three months, the number of unemployed has shot up by 913,000. Furthermore, 9.4 million is an increase of 59 percent in the number of unemployed since January 2001.

African Americans have cause for real concern because the African American unemployment rate for June 2003 is 11.8%, up from 10.8% in May 2003. There are now 1,971,000 unemployed African Americans.

Since President Bush was inaugurated in January 2001, the economy has lost a total of 3.1 million private-sector jobs—with the economy shedding another 31,000 private-sector jobs in June. Indeed, since the beginning of the year, the economy has shed an additional 307,000 private-sector jobs. It is truly astonishing that more than two years after the recession began in March 2001, the economy is still losing jobs.

No President since World War II has seen job losses during his tenure. President Bush seems destined to break this record. More than halfway through his term, he has lost more than 88,000 jobs per month. The poor economy under the Bush Administration has had a particularly devastating impact on the Nation's manufacturing sector—a sector that historically has provided an important underpinning for our economy. In June itself, the economy lost an additional 56,000 manufacturing jobs. Indeed, overall, 2.4 million of the net loss of 3.1 million private-sector jobs since January 2001 have been in the manufacturing sector—a staggering statistic.

The unemployment rate for African Americans jumped to 11.8 percent in June—up from 10.8 in May, and significantly higher than the 8.2 percent rate back in January 2001. The unemployment rate for Hispanics stood at 8.4 percent in June—similar to the 8.2 percent in May but significantly higher than the 7.5 percent in April. Back in January 2001, the Hispanic unemployment rate was 5.9 percent.

In June, the number of those unemployed for more than 26 weeks was 2.0 million—up by 106,000 from May. The figure of 2.0 million is more than triple the number of Americans unemployed for more than 26 weeks in January 2001—when it stood at 648,000.

Despite the fact that the recession began more than two years ago, the job market remains remarkably weak. The average length of a job search is now 19.8 weeks—about five months. Indeed, the average unemployed worker has applied for 29 different jobs. It is estimated that there are more than three unemployed workers for every available job. Back in January 2001, the average length of a job search was 12.6 weeks.

In January 2003, House Democrats unveiled a responsible economic plan for creating jobs and jumpstarting the economy. According to economists, the Democratic package would have created more than 1 million jobs in 2003, without increasing the long-term deficit—by putting money and purchasing power in the hands of consumers, giving tax breaks to small businesses and encouraging business investment, and providing adequate help to cash-strapped states in order to avoid tax increases and service cutbacks at the state level. Unfortunately, the GOP-controlled Congress ignored the Democratic plan and instead enacted a fiscally irresponsible $350 billion tax cut package targeted to the wealthiest taxpayers—a package that will create enormous long-term deficits, not jobs. Furthermore, the GOP tax cuts will starve key investments to promote economic growth, such as education and infrastructure, and will leave middle-class taxpayers paying a greater share of all taxes.

MILITARY DEATH GRATUITY IMPROVEMENT ACT OF 2003

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, to my left are photographs of just a few of the men and women that were killed in Iraq and Afghanistan in the last year and a half. And the reason I came to the floor is because we passed the House in a very bipartisan way legislation to bring some tax relief to our men and women in uniform, and I came to the floor because the other body has not taken this legislation up.

I happen to have a bill, H.R. 693, it is called the Military Death Gratuity Improvement Act of 2003. A lot of people do not know this throughout this country, but every time a man or woman in uniform, whether it is wartime or nonwartime, is killed, the family gets what is called a death gratuity. Quite frankly it is not enough, but it is $6,000 that is given to the family. In 1991 they raised the death gratuity from $3,000 to $6,000, but they failed to take the tax off $3,000. So therefore at the end of the year the family who has lost a loved one fighting for freedom to protect us and this great Nation will probably get a tax bill from the IRS. And I must say, Mr. Speaker, I think it is absolutely unacceptable that this Congress would allow the family of a deceased man or woman in uniform who has died fighting for this country to get a bill from Uncle Sam saying they owe a tax on a small amount of money, $6,000.

So I wanted to come to the floor tonight because I have three bases in my district, Camp Lejeune Marine Base and Cherry Point Marine Station and also Seymour Johnson Air Force Base; and I have a great affection for our men and women in uniform, all services, not just those that I named, the Marines and Air Force, but all. And, again, I think that as we debate these large issues here in Washington, and they are very important issues no matter which side of the political aisle one is on, the least we can do is to take this tax off for the family who has lost a loved one fighting for freedom in Iraq, fighting in Operation Enduring Freedom, and I just hope that the other body, Mr. Speaker, very soon will pass this legislation, not just the bill I put in, which is part of a bigger package, but we need to make sure that in the year 2004 when the families who have lost loved ones receive their tax bill that they are not going to see a tax on the death gratuity that was given to family.

So, Mr. Speaker, I must say as I begin to close that my staff, and I want to compliment my staff, we have a photograph outside my office of everyone that has died in this fight for freedom in Operation Freedom in Iraq and also those that were killed in Afghanistan. So I hope, and again I am being repetitious but I do not apologize for it, that the Senate will do their job and make sure that the family that receives not only the notice that their son or daughter has given their life for this great Nation but also to make sure that at the end of the year that family does not receive a notice from Uncle Sam that they owe a tax on $6,000.

So, Mr. Speaker, I close the way I do all over my district. I ask God to please bless the men and women in uniform. I ask God to please bless the families of those who have men and women in uniform. And I ask God to please in his loving arms hold the families who have lost loved ones dying for freedom, and I ask God to please bless the House and Senate that we will do what is right in the eyes of God. I ask God to bless the President, that he will have the strength and the wisdom to lead this great Nation. And I ask three times, God, please, God, please, God, please continue to bless America.

PRESCRIPTION DRUGS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the most important issue of prescription drug cost. As a former nurse, I am committed to making sure that seniors have the drugs they need to stay healthy without having to make painful choices between buying groceries or paying rent or getting prescriptions filled or even paying their utility bills.

As the Medicare issue continues to be debated in Congress, I have always supported what is best that I felt for working people of America. I understand that Medicare provides for so many who have provided so much to our Nation and continue to do so, and I believe sincerely that Medicare should have a provision to work with the pharmaceutical companies, to get discounts just as the discounts are received prior to the senior citizens turning 65.

In a study conducted nationwide, Advance PCS found that the average person over 65 fills about 20 prescriptions per year compared to about three per year for a person in their 20s. This study shows that average cost per prescription for a person in his or her late 60s is about 45 percent higher than the average cost per prescription for a person in their 20s. Brandeis University reported that the percentage of elderly spending more than $3,000 annually on medication more than doubled from 1997 to 1999, from 3.7 percent to 8.6 percent. The U.S. Census Bureau estimates that the over-65 population will increase by an average of 304,400 people each year between 2000 and 2005. According to Families USA, the average cost per prescription for seniors has already risen during that time in the past 8 years by 48 percent.

It is for these reasons that we must address the high cost of prescription drugs for our seniors. Unfortunately, legislation recently passed in this House does not entitle seniors to any particular drug benefit plan. Instead, the Republican-backed Medicare Prescription Drug and Modernization Act of 2003 provides only a standard benefit and is merely a suggestion for what private plans might offer. This plan provides no assistance for prescription drug cost between $2,000 and $5,600 per year, and nearly half of all of our seniors have prescription drug expenses over $2,000 annually.

Democrats know that the American seniors have waited long enough for relief from the Nation's skyrocketing prescription drug prices. Unfortunately, we are not giving our seniors an affordable and dependable plan with no gaps in coverage. Instead, the Republican leadership has chosen to hijack the democratic process yet again by blocking our party's attempts to provide a commonsense prescription drug benefit through the Medicare program. By shutting down opposition, rather than allowing an open debate, the Republican leadership is making it clear that they are afraid to compare their sham prescription benefit plan to the Democratic substitute. When the plans are put side by side, the American public sees that the Republican plan fails to provide any substantive benefits. The public will see that their plan's benefits are so insignificant that it would not be worthwhile for many middle-class seniors to enroll. The Republican plan does nothing to curtail the exploding drug prices because of their ties to the pharmaceutical industry, and that is a matter of record that can be checked.

Providing affordable prescription drug coverage should be an issue that transcends partisanship. The American public should be outraged that the Republican leadership is playing politics with the health and well-being of millions of our seniors, and I hope the voters will remember their shameful abuse of power when they go to the polls next November.

CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today to share the tragic tale of a New York mother's brutal attack, why it should never have happened and what can be done now to ensure that it never happens again.

Mr. Speaker, just this past December, a man and woman were sitting in a New York City park when they were suddenly surrounded by a gang of young men. The gang kicked and beat the woman before dragging her along the nearby railroad tracks, forcing her into woods where they threatened to kill this 42-year-old mother of two and repeatedly raped her. Mr. Speaker, it was a vicious, shocking, horrific crime. But, Mr. Speaker, it was a crime that should never have happened.

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That should have never been allowed to happen in the first place. The reason it should have been prevented is that the five males charged with carrying out this heinous act were living in the United States illegally. Even more unbelievable, four of them had criminal pasts and had been in the hands of law enforcement authorities, two actually having served jail time. But instead of being immediately deported, as the law says, they were released back onto the streets, back into our society, allowing them then to commit more crimes.

Sadly, Mr. Speaker, this is just one story of many stories, stories of crimes that should have been prevented, of victims that should have never been. These stories are a reflection of our immigration law enforcement system in our Nation that is badly broken and in need of immediate repair. It is a system that provides little or no coordination between Federal, State and local officials, is badly outmanned, and results in safe havens for common criminals who roam the countryside instead of safe streets for the law-abiding citizens who call this home, and needlessly and increasingly endangers the very homeland security of the United States at a very critical time in our Nation's history.

Mr. Speaker, today in America there are almost 400,000 individuals who have been ordered deported, but are instead hiding out in our communities. Of these, roughly 80,000 are criminal aliens, and I am not talking about running a stop sign, I am talking about violent criminals. That means there are 80,000 illegal aliens with criminal convictions that are on the prowl, thanks to our broken immigration system.

So what great force does our Federal Government provide to enforce the immigration laws of our Nation and account for the 400,000 illegal aliens with standing deportation orders, or the 80,000 of those who are criminal aliens? Just 2,000 folks who work for the Bureau of Immigration and Customs Enforcement.

Mr. Speaker, as they say in north Georgia, these folks have just got more than they can say grace over. These 2,000 men and women work hard, they are good people, but, as the numbers suggest, it is not a fair fight, and this is not a realistic goal, if we intend to enforce our immigration laws.

Mr. Speaker, it is time we got serious about fixing our sad immigration law enforcement system. This week, after much thought and work, I introduced the Clear Law Enforcement for Criminal Alien Removal Act. We are going to call it the CLEAR Act of 2003. It is a bill that would finally give assistance and motivation to those 2,000 agents in the field by granting local and State law officers access to data, clarification of the jurisdiction, and appropriate funding and training to help them. Finally, it gives clarification and teeth to the laws already on the books, and order and accountability to a system that has been lacking in much of that for far too long.

Mr. Speaker, we have an opportunity here, I believe, to finally insist that this country enforce the laws that are on our books. We are a Nation of laws. I believe that. I believe that is what makes America great. But for us to say that we are going to enforce our laws against 400,000 illegal aliens that are out there with deportation orders, or the 80,000 that are criminals, or the 4,000 that come from countries friendly to al Qaeda, or the 10,000 or so that are needed for questioning by our national security agencies, at a time when we are concerned about terrorists, we simply absolutely must do something about this, and the CLEAR law will do that. I encourage my colleagues to look at our bill and hopefully cosponsor it.

IMPACT OF THE BAKU-TIBLISI-CEYHAN PIPELINE

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor today to express my concern over the Baku-Tiblisi-Ceyhan pipeline, which is designed to transport oil from the Caspian Sea. This pipeline has been in the planning stages for years, but this year ground was actually broken for the pipeline in Azerbaijan. The proponents of this pipeline have touted its numerous benefits in recent years, but last month an Amnesty International report identified major problems that I would like to address this evening.

Amnesty International's report, Human Rights on the Line, is a thorough and convincing look at how large oil companies put the business of oil over the lives of those that stand in the way of its delivery. The executive director of Amnesty International, Dr. William Shultz, recently blasted the consortium, led by British Petroleum, that is financing the pipeline.

He said, "While BP claims to be socially responsible as the leader of the BCT consortium, it has essentially encouraged the Turkish Government to sign away its ability to fully uphold human rights."

Mr. Speaker, in contractual agreements between companies and governments, human rights should not be negotiable.

In their report, Amnesty International cited five main areas of concern with the pipeline project. They argue that the contract signed between British Petroleum and the Turkish Government, known as the Host Government Agreement, places the business agreement above human rights, and this agreement will violate the principles of human rights in five ways.

First, a land grab by the Governments of Turkey, Georgia and Azerbaijan along the route of the pipeline. Over 30,000 people who live in villages and farmland along the path will be permanently displaced without their having any input into the decision or receiving any compensation.

Second, little to no enforcement of health and safety legislation in each of the three host countries for the workers and locals that work on and live near the pipeline.

Third, the serious risk to the human rights of any individuals that protest the pipeline's construction. If the local residents protest the construction, they are likely to be brutally suppressed.

Fourth, Mr. Speaker, all the water resources in the vicinity of the pipeline will be used for its construction. Local residents and their farms and livestock will face a severe water shortage as a result, and their water supply is also likely to be seriously polluted from the construction.

Fifth, the agreement that Turkey and British Petroleum signed actually creates an economic disincentive to uphold human rights. The text of the agreement states that Turkey has to pay compensation to British Petroleum for not meeting construction deadlines. The Turkish Government would almost be forced to ignore the basic concerns of its population in order to meet deadlines set by the oil companies.

Mr. Speaker, I plan to bring the Amnesty International report on the Baku-Ceyhan pipeline to the attention of our Congress and our Caucus on Armenian Issues. We will ask the authors of the report to present their findings to the Armenian Caucus in the coming weeks.

This practice of sacrificing the things we hold dear for 10 to 20 years of oil cannot continue. How much of the environment are we willing to destroy? How many of our basic human rights will we continue to hand over to the oil companies?

Mr. Speaker, lastly, the U.S. Government, in my opinion, should certainly not provide any economic incentive for this pipeline until a thorough review of the human rights and ecological problems is completed.

GRANTING SALES TAX DEDUCTION ON FEDERAL TAX RETURNS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, in 1999 I began battling imposition of a State income tax in Tennessee. Our State spent 4 years debating the ability of government to levy new taxes and the meaning of tax fairness. The battle was long, and it engaged virtually every taxpayer in Tennessee. At the end of the day, those that supported the State income tax lost. Tennessee stood up and said enough is enough, and they rejected a massive tax increase.

Traveling through our beautiful State, I met people in city halls, people in coffee shops, and I gained tremendous appreciation for what those patriots must have felt when they dumped the tea into the Boston Harbor during the Boston Tea Party. I really continue to take heart in the way average citizens, people who have really never taken an interest in politics, the way they have become marching, sign-waving, horn-honking activists, and the way they have united against another tax increase.

With the defeat of a State income tax in Tennessee, I came to Washington prepared to work for legislation that would allow citizens of States without a State income tax the right to deduct the sales tax from their Federal income tax filings. Right now, if you pay State income taxes, you can deduct those payments on your Federal returns, but if you only pay sales tax, you cannot deduct it, and that is unfair.

The Nation's Tax Code effectively punishes States without an income tax, States like Tennessee, Texas, Florida, Washington, Wyoming and South Dakota.

Mr. Speaker, there are more than 53 million people that live in States that do not have a State income tax. That is nearly 20 percent of our entire population. I want to say that one more time. There are nearly 53 million people that live in States without a State income tax. That is nearly 20 percent of our entire population. And these people are being penalized every single year when they fill out their Federal income tax filing. All of these people have been or will be taxpayers, and they deserve tax fairness.

America's seniors would also be supportive of this effort. There are millions of seniors in this country. Many probably do not have a great deal of State income tax payments to deduct on their Federal returns, but they certainly have State sales tax payments. So the support is clear. There are millions of Americans in States across the Nation who want and deserve this deduction.

Mr. Speaker, I have made this a priority. I have worked very closely with the gentleman from Texas (Mr. **BRADY**), the gentlewoman from Wyoming (Mrs. **CUBIN**), the gentlewoman from Washington (Ms. **DUNN**), and our majority leader, the gentleman from Texas (Mr. **DELAY**). I have testified before the Committee on Ways and Means on this issue, and I have taken every opportunity to talk to Members and work with Members on both sides of the aisle on this most important issue.

The sweat is paying off. Today the New York Times drew attention to this issue and pointed to this House's engagement on the effort. There have been articles in papers across Tennessee, Florida, Washington, and the list goes on and on. The word is spreading. We are closer than ever before to winning passage of a sales tax deduction, but the time is not here for celebration. It is time to put our noses to the grindstone and work to find the right vehicle for the sales tax deduction.

The momentum is building, and it is time for fairness for the people who live in States without a State income tax. They deserve this deduction, and it is time for them to have it.

GROWING CONCERNS ABOUT U.S. POLICY IN IRAQ

The SPEAKER prò tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. **MCGOVERN**) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, over the past few days and weeks, an increasing number of my constituents have contacted me to express serious questions and growing concerns about U.S. policy in Iraq. I, too, have questions, and I share their concerns.

For example, in the months since U.S. forces invaded Iraq, overthrew Saddam Hussein and his government, and gained control of the country, no weapons of mass destruction have been found, despite repeated assertions by the Bush administration before the war that Iraq possessed large stockpiles of these weapons; not weapons programs, which is the terminology the administration now chooses to use, but weapons themselves.

On August 26, 2002, Vice President Cheney said, "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction."

Have we made any progress at all in finding those weapons? Have the dozens of Iraqi scientists interviewed by American intelligence officials provided any useful information? Is the administration still confident that weapons stockpiles will be found?

It is not enough to say, well, other people thought Iraq had weapons, too, because neither the Clinton administration nor the United Nations launched a war based on their suspicions. The Bush administration did, and the burden of proof rests on their shoulders.

The White House has recently admitted that a piece of evidence used in the State of the Union no less as proof of Iraq's nuclear weapons program is not credible. I am referring to the assertion that Iraq had attempted to purchase yellow cake uranium from Africa. The administration now says that the proof of that claim was not strong enough to merit inclusion in a Presidential speech.

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But, Mr. Speaker, the intelligence community knew at the time of the State of the Union that the Africa uranium story was not credible, which leaves us with two possibilities: either the administration knew the claim was bogus and chose to make it anyway, or critical intelligence information did not make it into the hands of the President or the dozens of people who wrote, reviewed, edited, or commented on the State of the Union.

Both of these possibilities are deeply disturbing.

This is not some small matter, as some would have us believe. The majority leader of this House the other day dismissed questions about the uranium issue, saying it is "very easy to pick one little flaw here and one little flaw there."

One little flaw? I could not disagree more. The specter of an Iraqi nuclear attack was cited as an important and compelling reason the United States launched a preemptive, nearly unilateral invasion that has led to the deaths of over 200 American soldiers.

On the path on war, the Congress and the American people deserve fact, not selective spin. We may have honest disagreements about how to respond to the threats posed by other countries, but we must have a credible assessment of what those threats really are.

More and more, it looks like we did not get that credible assessment.

And if the buildup to the war was flawed, its aftermath looks even worse.

Mr. Speaker, U.S. soldiers are being constantly attacked; dozens have been killed since the President was flown onto the USS *Abraham Lincoln* and declared the war to be over.

It is becoming disturbingly clear that the administration did not have a coherent, workable plan in place to deal with the realities of post-war Iraq. Basic infrastructure, the economy, political and civil society, are all in bad shape. Worse, attacks against American soldiers appear to be growing in both intensity and coordination. And President Bush's response to these attacks? "Bring 'em on."

Well, I must say that I was deeply, deeply disturbed by such a cavalier comment. It does not take any courage for a President or a Member of Congress to say such a thing. We are not out there on the front lines, standing nervous guard in the searing heat, unable to distinguish friend from foe, with lousy food and no idea of when a reunion with loved ones will come.

These are some of the concerns that I share with a growing number of Americans.

One of my constituents from Worcester, Massachusetts, wrote, "Americans were made to feel that their lives were in immediate danger; yet months later, no weapons have been found. Americans do care. I did not take to the streets in protest during the war, because I wanted to believe that our government had substantial proof that it was vital for our security. I love my country, because I am allowed to ask these questions. Silence and apathy can also be dangerous to national security."

I believe it is time to get the United Nations and the international community more fully involved in the reconstruction process. We cannot do this by ourselves or with a small hand-picked group of others.

Mr. Speaker, there is a lot at stake here. We need to get this right. We need to know the truth, and all of us, Democrats, Republicans, and Independents have a responsibility to pursue that truth. We have a responsibility to continue to ask tough questions and demand straight answers.

Thorough, bipartisan, and public investigations are in order. And I strongly support the creation of a select bipartisan commission to conduct those investigations and make the results known to the American people.

One final thing, Mr. Speaker. Never, ever again should we rush to war. This House had 1 day of debate on Iraq in October. One day. Congress did not ask the right questions. Congress did not demand the right proof. Our lack of thoughtful debate reflected very poorly on this institution; and today, Mr. Speaker, sadly, we are paying that price.

MEDICAL LIABILITY REFORM IN DANGER IN SENATE

The SPEAKER pro tempore (Mr. **BOOZMAN**). Under a previous order of the House, the gentleman from Texas (Mr. **BURGESS**) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise this evening with great concern about a recent development that occurred yesterday here on the Hill. In the other body, the failure to close debate on medical liability reform, the most important legislation that this body passed in March, was to address this crisis; and now that reform is in danger.

The House passed H.R. 5 to control unsustainable medical liability premium increases and to preserve patient access to important medical specialists. Based on a 1975 California law, the Medical Injury Compensation Reform Act of 1975, that has held down premium increases in that State, H.R. 5 would place a cap on noneconomic damages in medical liability cases.

This bill would not limit access to the courthouse. This bill would not limit damages to those who have been injured by negligent actions. This bill would not reward bad doctors. This bill would not protect HMOs.

This bill will increase access to important specialists such as neurosurgeons, perinatologists, and trauma surgeons. This bill will return sanity to a legal system that currently resembles a Las Vegas gaming device.

This past March, back in north Texas, a Dallas neurosurgeon opened his mail and found a 5-figure premium increase in his medical liability insurance. He said, enough is enough, and he left town. This placed the entire trauma network in the Dallas-Fort Worth area on the brink of crisis. Again, good doctors driven from their practice by increasing liability premiums brought on by the trial attorneys.

This crisis is driving young doctors from practicing medicine or, in fact, it is keeping young adults from even considering medicine as a career, creating a potential physician deficit well into the future.

Mr. Speaker, this Congress needs to reform this system now, or surely it will collapse under its own weight. I am saddened by the intransigence of some Members in this town to not even consider this issue with seriousness and foresight.

Mr. Speaker, how could they do that? I hope that this Congress will confront this crisis with the seriousness that it deserves. Patients need relief. The country is asking us to lead. Let us do the right thing and send a medical liability reform bill to the President this year. He has already promised us that he would sign it. We should do nothing less.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL HAS TERRIBLE EFFECTS FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I rise to call attention to the big letdown that is the fiscal year 2004 Labor, Health and Human Services, and Education, and Related Agencies bill just passed by this House. I want to commend my colleague, the ranking member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), for his tireless efforts to reverse the terrible effects of this bill on the less fortunate in our country. I cannot believe that in the face of the many needs that remain, this body was unwilling, either in committee or as a body, to just cut a small amount from the highest tax cuts to fund them.

Mr. Speaker, as a physician I am very concerned, as we all should be, that our health care system in this country remains in serious peril, and the bill before us today does very little to reverse the downward spiral. Our flawed system is falling short on its promise and contributing to the disabling illness and premature death of the people it is supposed to serve.

The picture is worse for African Americans who, for almost every illness, are impacted most severely and disproportionately and, in some cases, more than all other minorities combined. Every day in this country, there are at least 200 African American deaths which could have been prevented. This bill does nothing to reduce or address this whatsoever.

Today, we know that they happen because even when we have access to care, the medical evaluations and treatments that are made available to everyone else are denied to us, not only in the private sector, but in the public system as well.

The current, strongly held-to "cost containment" paradigm, while it sounds good on the surface, has obviously not worked. What it has done instead is to create a multi-tiered system of care, both within the managed care system and without. Those at the lowest rungs of the system get sicker; the sicker, therefore, are more costly, were and still are being dropped, and those who are the sickest are blocked out entirely. So not only are health care costs continuing to escalate; the overall health picture in this country is worse than ever.

Passing this bill means we will just continue on the path of fostering a separate and unequal health care system.

It provides the smallest percentage increase since 1998 for the administration's centerpiece, the community health centers, which serve 13 million people who lack access to health services in rural and urban areas.

The bill provides no increase at all for the Maternal and Child Health block grant or the National Health Service Corps, leaving many pregnant mothers and infants without services at a time when this administration and Congress have singled out the safety net of Medicaid for attack. It further harms our children by providing no increase for the childhood immunization program, which is already having trouble keeping up with the rising costs of vaccinating children.

This so-called appropriation bill completely ignores recommendations from the Institute of Medical Reports which we commissioned and paid for. Despite an important recommendation for more minority health care providers to overcome discrimination in the health system, which is critical to eliminating health care disparities, this bill cuts programs that help students from minority and disadvantaged backgrounds prepare for and do well in medical school and other health professional schools.

It further freezes funding for the Health Professions Training Program at the 2003 level. This program provides scholarship and student loan repayment assistance for doctors, or it would, and dentists, who agree to work in medically underserved areas. It is a key source of health professionals to staff community health centers and rural health clinics, making the small increase to community health centers another empty promise.

As a supposed sign of generosity, the bill provides a negligible 0.3 percent increase over the current year for the Ryan White program, which will mean that that program will fall further behind the rising costs and needs of the AIDS community. But in a cruel twist, the bill increases funding for AIDS drugs assistance programs, which provide access to drug therapies and needed treatments to sustain and improve the lives of those living with HIV and AIDS by $39 million, but it pays for that increase largely by cutting $33 million from other Ryan White programs; and it still keeps the program underfunded by about $100 million. States are reporting every day growing lines of waiting lists for people waiting for treatment.

We have problems with the administration's new initiative to focus on HIV-positive persons at the expense of primary prevention. But even then, few, if any, resources are being provided for the health services needed to help people with HIV remain as healthy as possible and slow the transmission of the virus because of the cutbacks in the Ryan White program.

The Members of the Congressional Black Caucus have made a sustained effort to ensure that our poor and minority communities across the country have access to AIDS services. What will happen with this bill is, tragically, that the funds will not be available to build a capacity of our community-based organizations to help patients reach lifesaving medicines once those patients have been identified.

Mr. Speaker, the fiscal year 2004 Labor-HHS bill would be considered a joke if the programs were not so critical to the lives of the American people. I wish that I could hope for it to be fixed during conference, but the President and the Republican leadership here have, through their tax cut and ill-advised war, and their commitment to provide for Iraq what they will not provide for people in this country, have made it next to impossible for us to provide the needed funds to make our own people whole.

I think that the leadership here is probably happy that they passed this bill, but it is a bad day for the people of the United States.

TRIBUTE TO ANTHONY CELEBREZZE, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I come to the floor with a heavy heart because Ohio has lost one of her favorite sons on the 4th of July. I have asked for this time to say a few words on behalf of the people of our great State on the life of Anthony J. Celebrezze, Jr., who died of a heart attack last Saturday at age 61.

Tony had just finished a heated race in his replica 1937 Chevy at a speedway in central Ohio. He loved competition, he loved turning a wrench, and he loved getting behind the wheel of his Legends car.

No one would have known that he came from one of the most distinguished political families in Ohio history.

Tony's father, Anthony J. Celebrezze, was mayor of Cleveland for 5 years and then served in President John F. Kennedy's cabinet as Secretary of what was then called Health, Education, and Welfare.

Tony was a graduate of John Marshall High School in Cleveland and went on to the U.S. Naval Academy class of 1963. He served 5 years in the Navy and earned the Naval Commendation Medal.

He received his law degree from Cleveland State University and launched his successful political career in 1974, winning election to the Ohio Senate.

In 1978, he was elected Secretary of State and served one term. In 1982 he won the election as Ohio's Attorney General and won reelection in 1986. Tony was a very popular Ohio figure. He ran unsuccessfully for Governor in 1990.

As Attorney General, Tony Celebrezze won accolades for his efforts to protect consumers and the environment. He made our State a better place.

As the Columbus Dispatch noted, what those of us who knew Tony remember most about him was his decency, his warmth, and his humanity. "Celebrezze," the Dispatch said, "may not have won every race he entered, but he was a winner in every way that counted: as a man and as a public servant."

He will be missed by his fellow Ohioans, as we extend our condolences to the Celebrezze family, his widow, Louisa; his 5 children, Anthony, III, Catherine, Charles, David, and Maria; his sisters, Jean and Susan and their husbands.

Mr. Speaker, I will enter into the RECORD this warm tribute that was written by the Columbus Dispatch by Michael Curtin, along with a longer news story that details the accomplishments of this decent, community-minded family man whose intellect and good heart raised the character of our beloved State.

As the articles state, as Ohio's chief law enforcement officer, Celebrezze negotiated a landmark court judgment against the U.S. Energy Department, giving the State the right to regulate nuclear and chemical waste at the Feeds Materials Production Center in Fernald, near Cincinnati. He also brought the first criminal prosecutions under Ohio's hazardous waste laws, expanded consumer protection, and helped bring the DARE program to Ohio.

Mr. Speaker, I know that my time has almost expired, but let me just end by saying the words of the Dispatch editorial: "At a time when civility in politics seems virtually nonexistent, Celebrezze is remembered fondly by his many friends on both sides of the political fence."

□ 1945

He understood that politics is a contact sport, but he never adopted the win-at-any-cost philosophy that does permanent damage and creates permanent enemies.

Though his death came far too early, the date on which it occurred, Independence Day, is fitting considering how much of his life was devoted to service to his State and our Nation. Tonight we honor American patriot Anthony J. Celebrezze of Ohio.

[From the Columbus Dispatch, July 6, 2003]

ANTHONY J. CELEBREZZE JR.; OHIO'S FORMER ATTORNEY GENERAL DEAD OF HEART ATTACK AT 61

(By Mike Curtin and Joe Hallett)

Anthony J. Celebrezze Jr., a former Ohio attorney general, secretary of state and state senator, died Friday night of cardiac arrest. He was 61.

Celebrezze, a lifelong fan of auto racing and part of a Legends racing crew, was stricken after racing his replica 1937 Chevy sedan to a third-place finish at the Shady Bowl Speedway in DeGraff, in southwestern Logan County.

Legends cars are five-eighths scale, fiberglass replicas of 1930s and 1940s NASCAR cars. Celebrezze's car was No. 63, marking the year he graduated from the U.S. Naval Academy.

Those who knew him best say Celebrezze was happiest when he was around cars and racetracks. After leaving elective office at the end of 1990, he devoted himself more to the sport.

"He loved racing through and through. I don't think he would have wanted to go any other way," said his son, Anthony J. Celebrezze III. "He enjoyed the daylights out of it."

"When we were campaigning together and the subject of racing would come up, he could go on and on about the fine points of engines and transmissions and gear reductions," recalled Eugene Branstool, who ran for lieutenant governor in 1990 when Celebrezze was the Democratic nominee for governor.

After completing his eight-lap race in a preliminary heat Friday, Celebrezze complained of feeling ill, said Wayne Hill, a family spokesman.

"He said he was going to go rest in the truck for a little bit," Hill said. A short while later, his racing partners found him dead. Celebrezze had no known history of heart problems, Hill said.

Celebrezze was pronounced dead about 9 p.m. by emergency medical personnel at the track, said Dr. Joshua Richards, coroner of neighboring Champaign County.

"A lot of drivers are going to be upset to hear the news," said Tim Williams of Columbus, who competed both with and against Celebrezze on the track.

"Everybody liked Tony. Here was a guy who was attorney general and who ran for governor, and yet he would do any task. He would do the grunt work. He quickly became one of the guys because he could talk the language. He knew the technical aspects."

Before losing the 1990 governor's race to Republican George V. Voinovich, Celebrezze had risen steadily to become one of Ohio's leading Democrats.

He began his political run in 1974 by winning election to the Ohio Senate, representing western Cuyahoga County. In 1978, he was elected secretary of state, ousting Republican Ted W. Brown, who had held the office for 28 years. In 1982, Celebrezze won his first of two terms as attorney general.

As Ohio's chief law-enforcement officer, Celebrezze negotiated a landmark court judgment against the U.S. Energy Department, giving the state the right to regulate nuclear and chemical waste at the Feeds Materials Production Center in Fernald, near Cincinnati.

Celebrezze also brought the first criminal prosecutions under Ohio's hazardous-waste laws, expanded consumer protection and helped bring the DARE program to Ohio.

He was born into politics—the oldest of three children and only son of five-term Cleveland Mayor Anthony J. Celebrezze Sr. After serving as mayor from 1953 to '62, Celebrezze Sr. was appointed secretary of health, education and welfare by President Kennedy. From 1965 to '96, Celebrezze Sr. was a judge of the U.S. 6th Circuit Court of Appeals.

Paul Corey, a former teacher at Newton D. Baker Junior High School in Cleveland, remembers the young Celebrezze "being badgered all the time if the garbage wasn't being picked up" while his father was mayor.

"Tony was a beautiful human being," said Corey, who now lives in Columbus. "What you see was what you got. He was a good, very quiet, well-mannered young man."

Celebrezze graduated from John Marshall High School and entered the U.S. Naval Academy, graduating in 1963. He served five years of active duty and earned the Naval Commendation Medal. For many years thereafter, he served as a captain in the U.S. Naval Reserve.

Celebrezze earned a master's degree in 1966 from George Washington University and a law degree in 1973 from Cleveland State University.

In June 1965, he married Louisa Staton Godwin of Williamson, N.C. They met while both worked at the U.S. Department of Defense. They are the parents of five children: Anthony J. Celebrezze III of Columbus; Catherine Celebrezze of New York City; Charles Celebrezze of Plantation, Fla.; David Celebrezze of Leesburg, Va., and Maria Celebrezze of Columbus.

Mrs. Celebrezze, a licensed social worker, is known for her knowledge and appreciation of classical music. "We have an agreement," her husband said in 1999. "I don't go to her operas, and she doesn't go to the races."

"Actually, he did go to some of those (operas and concerts)," Celebrezze's oldest son said. "And she (his mother) went to a number of his races, although the only thing she knew was that they were going around in a circle."

Throughout his political career, Celebrezze had no closer associate and friend than his chief of staff, William H. Chavanne. They met in 1974, when Chavanne worked on Celebrezze's state Senate campaign.

"I think he'll be remembered as somebody who was always concerned about doing a good job. He was hardworking and smart. He tried to never leave a job undone."

Voinovich said Celebrezze's industriousness impressed Republicans and Democrats: "The thing that impressed me was that he was so conscientious with the work he did in state government."

Voinovich said he also noticed that Celebrezze, after leaving government, continued to work for community and civic causes.

Since 1991, Celebrezze has practiced law. For the past two years, he practiced with the Columbus firm of Kegler Brown Hill & Ritter. He founded the firm's national regulatory and government-affairs area and was active in administrative law.

Celebrezze "was a true mentor. He took a lot of younger people under his wing," said law partner Kevin Kerns. "He also was a friend, a tremendously loyal individual."

James M. Ruvolo, Ohio Democratic chairman from 1983 to '91, said much of Celebrezze's political success stemmed from being genuine.

"Tony was a decent guy, and that came across," Ruvolo said. "In politics, you run into people you respect, but you don't often run into people you respect and like. People respected and liked Tony."

Besides his wife and children, Celebrezze is survived by his sisters, Jean Porto of Chevy Chase, MD., and Susan Sullivan of Boston.

Calling hours in Columbus will be 4–8 p.m. Monday at O'Shaughnessy Funeral Home, 405 E. Town St. Calling hours in the Cleveland area will be 4–8 p.m. Tuesday at Corrigan's Funeral Home, 20820 Lorain Rd., Fairview Park.

A funeral Mass will be held at 11 a.m. Wednesday in St. John Cathedral in downtown Cleveland. Burial will be in Holy Cross Cemetery.

[From the Columbus Dispatch, July 6, 2003]

OBITUARIES

Anthony J. Celebrezze, Jr., age 61, died Friday July 4, 2003. Preceded in death by his parents Anthony J. and Anne Celebrezze. Survived by his wife of 38 years, Louisa (Godwin) Celebrezze; children and their spouses, Anthony and Stephanie Celebrezze III, Catherine Celebrezze, PhD and Blake Baxter, Charles Celebrezze, David Celebrezze and Maria and Jim McBride; sister and brothers-in-law, Jean and Ben Porto of Washington, DC and Susan and David Sullivan of Boston, MA; nieces and nephews. He was an attorney with Kegler, Brown Hill & Ritter. Graduate of John Marshall High School, the U.S. Naval Academy and Cleveland State University Law School. Served in the Ohio Senate, as Ohio Secretary of State and as Ohio Attorney General. The family will receive friends at the O'Shaughnessy Funeral Home, 405 E. Town St. Monday 4–8 p.m., where prayers will be offered at 8:00 p.m. Further visiting hours at the Corrigan Funeral Home, 20820 Lorain Road, Fairview Park, OH Tuesday 4–8 p.m. Mass of Christian Burial St. John Cathedral, Cleveland, OH, Wednesday at 11:00 a.m. Interment at a later date in Holy Cross Cemetery, Cleveland. The family would welcome contributions to the US Naval Academy Class of 1963 Foundation, P.O. Box 64740, Baltimore, MD 21264–4740 or the Celebrezze Endowment Fund, Development Office, Ohio Northern University, 525 S. Main St., Ada, OH 45810–9989.

[From the Columbus Dispatch, July 8, 2003]

ANTHONY J. CELEBREZZE JR.; FORMER OHIO ATTORNEY GENERAL SERVED HIS STATE AND NATION WITH HONOR AND DECENCY

Some sense of Anthony J. Celebrezze Jr.'s, impact on Ohio can be found in the electronic archive of The Dispatch, where a search for his name produces more than 1,800 citations.

As a state senator, Ohio secretary of state and Ohio attorney general, Celebrezze played an influential part in Ohio's history between 1974 and 1990.

But only a few of those many news stories dealt with what people remember most about Celebrezze, who died of cardiac arrest on Friday at age 61: his decency, warmth and humility.

At a time when civility in politics seems virtually nonexistent, Celebrezze is remembered fondly by his many friends on both sides of the political fence. He understood that politics is a contact sport, but he never adopted the win-at-any-cost philosophy that does permanent damage and creates permanent enemies.

Though his death came far too early, the date on which it occurred—Independence Day—is fitting, considering how much of his life was devoted to service to his state and the nation.

After high school, he entered the U.S. Naval Academy, where he graduated in 1963. He spent five years in active duty and many more as a captain in the Naval Reserve.

Choosing a political career like his father, former Cleveland Mayor Anthony J. Celebrezze Sr., the younger Celebrezze entered public service with his election to the state Senate in 1974 and continued with one term as Ohio secretary of state and two as attorney general. In the latter office, he expanded state regulations of the environment, cracked down on polluters and enhanced consumer protections.

He was one of the state's leading Democrats when he lost a hard-fought campaign against George V. Voinovich in the 1990 governor's contest.

Since then, Celebrezze had devoted himself to his law practice and to his beloved hobby, racing Legends cars. He had just placed third in a race at Shady Bowl Speedway near DeGraff when his fatal heart attack occurred.

Celebrezze may not have won every race he entered, but he was a winner in every way that counted, as a man and as a public servant.

INADEQUATE FUNDING FOR VITAL PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 30 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, I would probably not go beyond the 30 minutes, and I will yield to my friend, the gentleman from Illinois (Mr. EMANUEL), so he will be able to pick it up right after that.

Let me take this opportunity tonight to, first of all, talk about the issue of Labor-HHS, Education appropriations bills that includes, as far as I am concerned, a very inadequate funding level for education, for health care, for job training, and other vital programs.

This administration and this President went around the country, Mr. Speaker, and talked about education being his first priority. Well, we have gotten a great deal of lip service, but we have not received the resources to fund the education bill that he himself authored, an education bill that is more than $8 billion behind in the lack of funding. And I would be ashamed to go back to the taxpayers and to our constituencies throughout this country and talk about the fact that he passed a tax bill, a very irresponsible tax bill, and at the same time has not been responsive about meeting the needs in education and health care.

H.R. 2660 fails to meet the education and health care needs of our Nation's working families. Although the No Child Left Behind Act was recently enacted and aimed at promising fulfilling the funding of the education bill, there would be a shortchange, as indicated, for 2004 of $8 billion. In fact, this legislation would provide inadequate resources for vital Federal education programs such as Title I and such as special education.

In Texas, Mr. Speaker, since I know the gentleman is from Texas, we need some additional resources in special ed since in that particular area we basically allow the local communities to take the burden since the Federal Government has mandated a lot of the needs in those specific areas, but it has failed to provide the resources.

In Pell grants in this particular bill, when our kids have tuition rates that have gone high and continue to increase, we are deciding that we do not want to fund the Pell grants at the same levels. These are the grants and resources that our students throughout the country need in order to continue their education. Moreover, this legislation would provide little or no funding increases for health programs that assist some of the most vulnerable members of our society including the Maternal and Child Health Block Grant program and most also the Ryan White AIDS Care program. The Ryan White

AIDS program is one that provides assistance for the area of AIDS. And in Texas, Mr. Speaker, we have a disproportionate numbers of Latinos and Africans who are now being hit with AIDS where we still need the resources. In fact, within the Latino community there are a lack of priority programs and especially community-based programs that are needed in order to reach out to the special population.

H.R. 2660 would also fail to increase job training opportunities for our Nation's workers, especially at a time when we ought to be investing in ourselves, investing in our workers to make sure that they have the skills in order to compete in this global economy. We are choosing not to do that.

Despite our Nation's ongoing economic recession and higher unemployment rates, we have the largest unemployment rate among Hispanics of 8.2 in 9 years, and it has not taken this administration much to get it at that level in the last 2½ years.

This legislation provides no funding for increases for adults' and dislocated workers' training programs that would help the unemployed and the underemployed workers throughout this country to develop the skills that are needed to compete in this global economy. It would provide no funding to increase the Occupational and Safety and Health Administration to help protect workers that are injured and die on the jobs, despite the steep increases that we have seen in fatalities of those that are working out there, and especially among Latinos. It would also eliminate funding for the Department of Labor, international initiatives that help foreign countries fight child labor, education for HIV/AIDS and develop core labor standards.

I have heard arguments that people still argue that we are still supportive of fighting child labor, but we are unwilling to provide the resources, we are unwilling to help internationally for those countries that abuse our children and use them as child labor. This administration has failed to respond in the issues of education, in the issues of health care, in the issues of the economy and in the issues of immigration.

And as I recall, this President went around the country and talked about Latin America, and he talked about the fact that he was going to be there and that his first priority internationally was also Latin America. Well, you talk to anyone in Latin America, they have not seen him since he got elected, and they have not heard anything about him. And so it was good to see today, and I was elated and I feel hopeful today, when we met with the Democratic Senate and the Senators, that we have a joint effort in working with them. We know now and we have decided to come together and to come together to talk about the importance of not only the Latino community, but the entire community when it comes to economic empowerment, of looking at the fact that we have to begin to work on the unemployment rate, unemployment that is continuing to grow under this administration.

We have to make sure that small businesses have access to capital that is drastically needed. That is something that is critical. Small business is what makes America. Small business is where 80 percent of Americans are working, and we are beginning to look at that, and we look forward to working on turning the economy around.

We are also looking at specifically some proposals that deal with educational opportunities. This administration, this President, has zeroed in on Head Start, a program that has been a great program, a program that has worked. And he has chosen first, he proposed to change it from the Department of Health to the Department of Education. And we said, Why, why? Here is a program that all the research says that it is working. Why mess with it? The only thing that I can come to a conclusion is that he is choosing to try to destroy it.

Secondly, now he chose to put it into the form of a block grant. Well, the reason we have Head Start is because States like Texas that I come from and that the Speaker tonight comes from have failed to fund even full-day kindergarten. In the State of Texas we only fund half a day. We hold the local communities accountable for the other half a day. Now we expect them to provide Head Start to a State that has been unwilling to even provide full-day kindergarten? I do not think so.

This administration has asked and recommended that we begin to put this as a form of a State grant. And those States like Texas are salivating at the possibility of getting their hands on those monies that are out there not for addressing the needs of our constituents in terms of those youngsters that need those resources, but for other priorities that they might personally have. So Head Start has been a program that has been there.

I will remind all Texans and all Americans that this President said he favored education, that he was going to concentrate on education. Well, to this day we have not seen that. We have seen No Child Left Behind at the expense of all the kids that he has left behind. And so he chose not to fund it appropriately, and that is not appropriate. He has chosen not to look at higher education and the importance of those Pell grants and the importance of allowing those opportunities of those youngsters to be able to reach that American dream of being able to get to college and be able to afford a college education. We have to make sure that we do that.

When it comes to health care, this administration has also talked about responding to the needs of those senior citizens in health care, and he has failed to meet this. We have worked on a bill that looks at the disparities that confront Latino Americans as well as others, as it deals with diabetes, that we have to address.

We have to also look at the uninsured. Texas has the largest number of uninsured, and at one time we used to say, thank God for Mississippi and Illinois. Well, now the Texas House is controlled by Republicans on both sides, and I am sure that the people from Mississippi and Illinois are going to say, thank God for Texas, because we are probably going to be on the bottom of the totem pole. When it comes to uninsured, the largest number of uninsured comes from Texas. These are hard-working Texans. If you work in rural Texas, you work for a small company. If you do not work for the government, you do not have access to insurance. They do not have access to HMOs. HMOs have left rural Texas and abandoned us. This administration continues to push forward on these agendas that do not meet the needs of our constituencies, that do not meet the problems that confront us.

In addition to that, this administration promised that they would start working on immigration. We have not heard anything since. We need to make sure in the issue of immigration that those individuals that are out there working and that are paying their taxes, we ought to reach out to them and begin the process of legalization.

And so as we look forward, I want to thank my colleagues, and I want to yield because I did promise that a little bit before 8:00 that I would have an opportunity to yield and leave and let my fellow colleague continue for the next 30 minutes or so because I know he has a flight.

But I did want to come tonight and say how disappointed that I was with the passage of this piece of legislation that is a step backward and does not address the needs of our constituency; and, secondly, how elated I am that the Texas Senate Democrats who are out there working with us and making things happen.

Mr. Speaker, I yield to you with the understanding that I think that you will be yielding to my colleague.

LOWERING PRESCRIPTION DRUG PRICES FOR SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. EMANUEL) is recognized for 45 minutes as the designee of the minority leader.

Mr. EMANUEL. Mr. Speaker, before I begin, I want to thank my colleague from Texas not only for his generosity of providing this time, but for the passion that he brings to education and to working families of all ilks, and the eloquence he brought to the words about the importance of education as the stepladder to the American dream.

So I want to thank him now for the generosity he provided so I can be with my family this evening and catch the last flight, and for his passion and tireless work on behalf of all Americans. Texas is lucky to have you as a Representative and a voice; not only a vote, but a voice for their values.

Mr. Speaker, about 2 weeks ago a number of us came to the floor to speak on market access, and that is the ability of Americans to purchase medications anywhere in Canada, Ireland, England, France, Germany, Italy, wherever they get the cheapest price.

□ 2000

Since the last time that my good friend from Minnesota and I were here, there was a report yesterday by Families USA that ABC news covered and the Wall Street Journal covered, and I would like to bring that statistic to the attention of the American people. It reaffirmed a disturbing trend about skyrocketing prescription drug prices in the United States.

On average, the prices of the 50 drugs most commonly prescribed to seniors increased at a three-and-a-half times rate of inflation. The total spending of senior citizens on prescription drugs rose an estimated 44 percent from 2000 to 2003, when inflation was only running at collectively over those periods of time of 6 percent. Now we are projected to spend over the next 10 years $1.8 trillion by our seniors on their medications, and yet when we think about those dollars, the American elderly spend somewhere between 30 to 300 percent higher in prices than the senior citizens of France, England, Germany, Canada, Denmark, any of the G–8 countries and our colleagues in Europe.

My good friend from Minnesota has brought a bill into play that allows our American consumer, our American elderly, our businesses and, most importantly, our taxpayers to get the use of market forces to reduce those prices, bring real competition and the close market that our pharmaceutical companies have brought and bring competition that would save billions of dollars to the consumer and, most importantly, to the taxpayer.

To me, if we are going to have the largest expansion of an entitlement in 40 years, spend $400 billion, you would think you would want to get the taxpayer the best price, but the pharmaceutical companies have done a pretty good job of playing the political system to their benefit, and they have tried to prevent us from getting this bill to the floor, because if we got the bill to the floor, they would know what happens.

In my view, this is not only good for the seniors, they would get good prices, but it would be fair to the taxpayers who are going to be asked to pay this bill.

So my friend from Minnesota has a wonderful bill. I think he has been here many times to explain his chart about comparative prices. I would like to yield now some time to him to talk, and then I would like to ask some questions, if he does not mind.

Mr. GUTKNECHT. Mr. Speaker, will the gentleman yield?

Mr. EMANUEL. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman from Illinois, and I want to make a special point. This is time on the Democrats today. We have Democrats and Republicans that are agreed on this because, as I said in the past, this is not a matter of right versus left. It is a matter of right versus wrong, and it is simply wrong to require that Americans pay the world's highest prices for prescription drugs, even though we are the world's best customers.

In virtually every other area that you can imagine, the best customers get the best prices, but that is not true in prescription drugs, and I began to research this story about 5 years ago, and the more I learned, the more upsetting and compelling this story really is.

The story is that Americans are really held captive, and anytime you have a captive market, it is absolutely predictable that you are going to see the world's highest prices.

I want to give you a few examples from this chart. I apologize, this chart is kind of hard to read, but I will show you some of the examples, and I will give you the total, because I was in Germany 2 months ago, and we bought 10 of the most commonly prescribed prescription drugs. What you see here on the chart is the prices that we paid in Munich, Germany, and what those prices would be for the same drugs, same quantities, same milligrams, here in the United States. Let me give you a few of those examples.

This is a drug called Coumadin. It is a blood thinner, actually developed at the University of Wisconsin veterinarian schools, and actually originally developed as a rat poison, but in the United States, this box of drugs would sell for $89.95. In Germany we bought the drug for $21.

Here is another drug, Glucophage, made by Merck. It is a very effective drug for diabetes. A 30-tablet, 850-milligram package in the United States, $29.95. You can buy that same package, this package of drugs we bought in Munich, Germany, for $5.

The story goes on. Zocor, commonly prescribed drug, a very effective drug, the United States price, $89.95. You can buy that drug in Germany for $41.20.

The grand total of these 10 drugs in Germany was $373.30 American, but if we went down to buy them here in Washington, D.C., or almost any city in America, the price would be $1,039.65.

Mr. EMANUEL. Those are the same drugs? I did not mean to interrupt my colleague. Same medication, nothing different?

Mr. GUTKNECHT. In fact, in many of the cases, I believe these drugs were made in the same plants, and they are shipped around the world.

All we really are saying in our bill is let us do with prescription drugs essentially what we do with every other product, and that is allow market forces to work to make certain that Americans are not held captive, and as I have said, I think Americans should pay their fair share, but I do not think we should be required to subsidize the starving Swiss.

We also have a colleague with us tonight, my good friend from North Carolina (Mr. JONES) who has joined us tonight, and he has been a strong proponent of opening markets and finding ways to get cheaper prescription drugs not just for senior citizens, but for all Americans. Ultimately we are going to have a prescription drug benefit for the taxpayers as well, and I would yield, if I could, a few minutes to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. EMANUEL. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. EMANUEL) for being on the floor tonight and allowing me to be part of this because I think, as both have said, this is not a political partisan issue, because we have on my colleague's bill numerous Republicans and Democrats who have joined to open markets up to the citizens, not just senior citizens, but they are the first in our mind, but citizens that can buy drugs at a much cheaper price and still have the same quality.

I must tell my colleagues, I represent the 3rd Congressional District of North Carolina. It is a great district for me to represent, and every time I do a town meeting, I am not kidding you, for the last 3 years they have said to me, Congressman, what are y'all going to do in Washington to help bring the costs down? I am talking about senior citizens who are 65 and 70 and 80, and many of these people truthfully are living on a very small amount of money, Social Security and what they might receive from Medicare.

It bothers me to know that we who are sent here by the people, and they trust us to do what is right, and many times politics gets such that we have people that participate in the process, which is good that we do, not just voting, but also contributing to candidates and to parties, and I am afraid that this issue really has gotten bottled up into an area that concerns me greatly.

If I might take just a moment, and then I will yield back to the gentleman from Illinois. We have a dear friend that came with us in 1994. That was the year that the Republicans took over the House. His name is Tom Coburn. He is an M.D., and Tom retired 3 or 4 years ago, and quite frankly, we miss him if he should be watching tonight. We miss him in many ways.

But as my colleagues well know, both you gentlemen know that certain prolife groups have gotten involved in this issue who are opposed to your legislation, and I hate to say it, but I am afraid there might be some outside group helping them fight your legislation. I will let you and the gentleman from Illinois maybe pick up on that in a minute, but let me read, and I will submit this entire letter for the RECORD, but I want to read two paragraphs very quickly.

This is to the gentleman from Minnesota (Mr. GUTKNECHT). It says: "Dear Gil: I was shocked to learn that some opponents of free-market access for prescription drugs have begun arguing that your legislation, H.R. 2427, the 'Pharmaceutical Market Access Act of 2003,' somehow promotes abortion and, more specifically, the availability of abortion drugs such as RU–486."

Second paragraph and last one, "As you may recall, while in the House I was the author of not only provisions to permit the reimportation of FDA-approved drugs, but also the author of the House-approved proposal to block FDA approval of RU–486."

Tom Coburn again, "As a prolife practicing physician who earned a 100 percent prolife voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality."

I will insert the entire letter at this point.

JULY 10, 2003.

Hon. GIL GUTKNECHT,
Cannon House Office Building,
Washington, DC.

DEAR GIL: I was shocked to learn that some opponents of free-market access for prescription drugs have begun arguing that your legislation, H.R. 2427, the "Pharmaceutical Market Access Act of 2003" somehow promotes abortion and, more specifically, the availability of abortion drugs such as RU–486.

As you may recall, while in the House I was the author of not only provisions to permit the reimportation of FDA-approved drugs, but also the author of the House-approved proposal to block FDA approval of RU–486. As a pro-life practicing physician who earned a 100 percent pro-life voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality.

I can state unequivocally that your legislation in no way, shape, or form promotes abortion. (Many pro-life members are original cosponsors of your legislation and, quite obviously, do not believe your bill violates their deeply held convictions about the sanctity of life.) Those who argue that your legislation makes abortion drugs more accessible by lowering overall drug prices necessitate the conclusion that in order to be pro-life one must be in favor of increasing all drug costs. I suppose the argument would be the higher the drug costs the more fervent your pro-life beliefs.

In Washington, it was always sad to see organizations drift from their core principles and take positions that defied common sense and logic. Any organization that links your legislation with the abortion debate will, in the long-term, undermine their credibility and relevancy in Washington. While the pharmaceutical industry has produced many wonderful life-saving drugs, it would be unwise for anyone to believe that the industry that developed and fought for FDA approval of RU–486 is now motivated by a passion for the pro-life cause.

The fact that opponents of your legislation have resorted to these attacks is shameful, yet the obtuseness of their logic ultimately serves to highlight the soundness of your argument.

Sincerely yours,
TOM A. COBURN, M.D.,
Former Member of Congress.

I want to share that with you and Mr. EMANUEL just to say that this is a very critical, vital issue to the senior citizens and also the people of this country who must have drugs to have a quality of life.

Mr. EMANUEL. Mr. Speaker, reclaiming my time, you should take a little solace in the fact that they have decided to go to scare tactics because they know this is not about price controls. This is about letting the market determine the price that we can pay, and they are scared of the free market. This is a large company that has a captive market and is scared of the forces of the free market to determine the best price. So they have decided to through a few Members try to play the worst and ugliest of politics because on the merits they cannot win it, and I compliment you for having the courage to stand by your principles.

I would like to make a note to something earlier that our good friend the gentleman from Minnesota (Mr. GUTKNECHT) said which deals with the fact that we are Democrats and Republicans here. We give different views on different subjects, but the fact is what has brought us here is our common principles and our common values, and this is a bipartisan issue because we jointly think that our seniors should not be paying the highest price, and our taxpayers should not be asked to pay the highest price when you can get lower prices.

As our colleague from Minnesota showed with that chart, although people cannot see the specific numbers, they get the basic gist that there is a 700-buck spread for the same drugs you buy in Germany versus what we buy here.

You do not have to have a party difference to understand it is fundamentally wrong. It is not right, and we cannot ask the taxpayers as we embark maybe on the largest expansion of an entitlement program in 40 years to foot a bill that would be, in my view, the greatest, largest fleecing of America in front of the naked eye.

So the pharmaceutical companies have decided to engage in this scare tactic because on the merits and on the ground they cannot win this.

I would like to ask one question because they are engaged in one other subject up here. If the gentleman from Minnesota (Mr. GUTKNECHT) could walk the folks through that are watching the notion of safety, just to walk them through this, because that is another scare tactic. This is the first of many salvos. We are not done with their attacks, if you do not mind me interrupting, but I would like you to walk the public through the issue of safety.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman from Illinois, and I thank my colleague from North Carolina as well.

One of the arguments that they are making is this is not safe, you cannot be reimporting or importing or opening markets to these drugs. And once again, let me say, first of all, we are only talking about FDA-approved drugs from FDA-approved facilities, number one.

Number two, what more and more of the companies are coming out with, and we require in our legislation, and that is, they begin to develop counterfeit-proof packaging, tamper-proof, counterfeit-proof packaging.

The other thing people need to understand is we are not saying people have to do this. This is their option. We want to make certain that they are not treated like common criminals, because right now seniors are doing this. There was a study done by a University of Texas professor. A million Americans right now are crossing the border to buy their prescription drugs, and they have no assurance, no tamper-proof packaging, and worse than that, they are treated like common criminals by their own government.

So we want to make it safer. We actually want to put in a regimen, a plan, so that people can do this and their pharmacists can do this, because my vision is people ought to be able to go to the local pharmacist, and he ought to be able to shop for the best price on the best drugs. It is called parallel trading. That is what they do in Europe, and it is why they get cheaper prices than we do here in the United States.

We are concerned about safety, too. I do not want people dying from taking contaminated drugs, but remember this: Every day we import thousands of tons of food. Last year we imported 318,000 tons of plantains, and so if someone wants to tamper with things that go into people's mouths, they are more likely to do it with food products than they are with something that comes in a tamper-proof, counterfeit-proof package.

Mr. EMANUEL. Mr. Speaker, I appreciate that. So what you are saying is that unless it is FDA-approved, it cannot come in, and it is FDA-approved, meaning the Food and Drug Administration, which is the overseer, the czar of what is safe, approves it, then it can be purchased through the Internet or overseas and brought into the United States, because, as you said earlier, it is manufactured at the same facilities. So there is really no pricing differences except they get price differences there than here. So they are FDA-approved.

Mr. GUTKNECHT. We are only talking about FDA drugs, and more importantly than that, you are correct. There are only, as I am told, about 600 facilities in the world that can produce FDA-approved drugs, and so that is the only drugs that we would permit, and we believe that a program can be established very easily using modern technology so that we can be as certain that these drugs are, in fact, Coumadin or Glucophage from an FDA-approved facility.

□ 2015

We can be just as assured of that even if we get the drugs from Geneva, Switzerland, or from right down the street. We want safe drugs. We want seniors to be safe. And I think we have the plan that will do that.

Mr. EMANUEL. Mr. Speaker, both of my colleagues we were talking a little earlier; and perhaps you could address the question, what do you think, given they have projected, I think it is $1.8 trillion over the next 10 years that seniors will be spending on medications, but if we had access to this bill and it was in place, what would be the savings to both the elderly as well as to the taxpayer, projected?

Mr. GUTKNECHT. Mr. Speaker, the gentleman is correct. The Congressional Budget Office, which are our official bean counters, if you will, have estimated that seniors in the United States over the next 10 years will spend $1.8 trillion on prescription drugs. We can see by this chart, and I think we were very conservative, we estimate that if we simply open markets, as we do with plantains and with prunes and with pork bellies, if we just open up the markets as we do with everything else, we will see prices in the United States drop by at least 35 percent. Well, 35 percent of $1.8 trillion is $630 billion that we will save American consumers and/or taxpayers.

If I can give just one more example. We had an Inspector General who testified before the Committee on the Budget just yesterday, her name was Dara Corrigan, and she estimated, and these are her numbers not mine, but her numbers were that last year Medicare through the hospitals bought $8.2 billion worth of prescription drugs. If they could have bought those drugs at the same price that the VA buys those drugs, her estimate was that taxpayers would have saved $1.9 billion last year.

Now, my assertion is that if we open up the markets, we are going to save the VA, we are going to save Medicare, we are going to save Medicaid, we are going to save consumers, we are going to save corporations.

Last year, General Motors spent $1.3 billion on prescription drugs. Imagine how much they could save if they had access to world market prices.

Mr. EMANUEL. The truth is, Mr. Speaker, that we had an original bill that was going to use market forces to bring competition between generic medications versus name-brand medications. That was projected to save the taxpayers and the consumers and the elderly $65 billion over 10 years. This concept, following that same principle of competition as the price reducer, let the market determine best price, would bring, I think the gentleman just said, a little over a half trillion dollars to the consumers, the elderly, over the next 10 years. It is using market forces.

Bringing that competition to bear on the market, that would bring prices down, and no longer would the American elderly and the American taxpayer be seen as the profit guinea pig for our pharmaceutical companies. They are making up the difference where they cannot get it in Germany or in England. They are making it up, the price difference, their profit margins, on our elderly. Therefore, our taxpayers are being asked to foot the bill in one of the largest fleecings of the American people we will ever see.

The principles of competition will bring prices down, I think. Pharmaceutical companies have gamed the system from the patent laws, the laws as it relates to competition and globalization, and through the tax laws. As my colleagues know, we had a provision which was to allow the NIH to recoup 10 percent on any drug that was developed and brought to market through NIH dollars. My view is anything below 30 percent in the private market is considered dumb money. The taxpayers, all the cancer drugs, all the AIDS drugs on the market were developed with taxpayer-based research. We should be recouping a minimum of 10 percent to the taxpayers. The NIH would be a self-funded agency in 10 years.

But the core of what we have, the biggest dollar saver is the gentleman's amendment that we are honored to be cosponsors of. Again, this is not price control; it is choice. If you bring choice to bear in the market, consumers will flock to the lowest price, and I think that is the basic principle why you have Democrats and Republicans ready to vote for this, if we could get it to the floor.

Mr. GUTKNECHT. I would just simply say that I hope we can have a vote. This is the people's House. Vox populorum est vox dei, the voice of the people is the voice of God. There is where the people's business should be done. Occasionally we have partisan differences and we vote differently, but this is one that crosses party lines. It is not a matter of right versus left; it is right versus wrong. It is wrong for Americans to be held captive.

Mr. JONES of North Carolina. Mr. Speaker, if my colleagues will yield, I would say that the comments of both these gentlemen are correct. Free markets are more powerful than armies, and I think my colleague's quote from former President Ronald Reagan, and everything else that has been said tonight by my friend, is so true. The whole thing is that this is a critical issue to so many people throughout this country and we need to do what is right. The right thing to do is to look at the gentleman's bill, put this bill on the floor, let it be debated, let it pass or fail, but do not bottle this bill up. Too many people throughout this country need this relief.

And so, Mr. Speaker, I want to thank my colleagues, and I yield back to the gentleman from Illinois.

Mr. EMANUEL. Well, Mr. Speaker, before I try to catch that last flight, when I was running for office and I was in Six Corners Jewel, which is our big grocery store with the Osco, on Irving and Organza, seniors would come out and show me what they were paying and they told me the stories about how they cut their medications in half, or a husband would skip a month so his spouse could take her medications. And the first thing they said is, you have to make this affordable. I have to be able to pay for this. They would talk about that, and ask me to make sure that whatever we did, we did not mess with their private plans. But then they would say, please, add a prescription drug benefit to Medicare.

In my view, if we are on the doorstep of adding that benefit, let us ensure, because it is the first thing they have all said to every one of us who has gone to meet with them, we have to make these drugs affordable. They cannot afford these prices. They would tell me, look, somehow last month my month's supply was $70 and this month it is $96, and nothing has changed. Nothing. If we brought competition, something would change.

Mr. GUTKNECHT. Absolutely. I know the gentleman wants to catch his plane, but I just want to say this. Regardless of what happens in the next week or two, we are not going to go away. This issue will not go away. We will stay here, on a bipartisan basis, every night for the next 6 months, 9 months, 3 years. We are not going away. The issue is not going to go away.

There is no way that our leadership, the administration, the FDA, the drug companies can defend a situation where Americans pay two and a half times more for the same drugs than our counterparts in Germany. I am not going to give up, my colleagues here tonight are not going to give up, and God bless you all.

LIMITED GOVERNMENT

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, the modern-day limited government movement has been co-opted. The conservatives have failed in their effort to shrink the size of government. There has not been, nor will there soon be, a conservative revolution in Washington. Party control of the Federal Government has changed, but the inexorable growth in the size and scope of government has continued unabated. The liberal arguments for limited government in personal affairs and foreign military adventurism were never seriously considered as part of this revolution.

Since the change of the political party in charge has not made a difference, who is really in charge? If the particular party in power makes little difference, whose policy is it that permits expanded government programs, increased spending, huge deficits, nation-building, and the pervasive invasion of our privacy with fewer fourth amendment protections than ever before?

Someone is responsible, and it is important for those of us who love liberty and resent Big Brother government to identify the philosophic supporters who have the most to say about the direction our country is going. If they are wrong, and I believe they are, we need to show it, alert the American people, and offer a more positive approach to government.

However, this depends on whether the American people desire to live in a free society and reject the dangerous notion that we need a strong central government to take care of us from cradle to grave. Do the American people really believe it is the government's responsibility to make us morally better and economically equal? Do we have a responsibility to police the world while imposing our vision of good government on everyone else in the world with some form of utopian nation-building?

If not, and the contemporary enemies of liberty are exposed and rejected, then it behooves us to present an alternative philosophy that is morally superior and economically sound and provides a guide to world affairs, to enhance peace and commerce. One thing is certain, conservatives who worked and voted for less government in the Reagan years and welcomed the takeover of the U.S. Congress and the Presidency in the 1990s and early 2000s were deceived. Soon they will realize that the goal of limited government has been dashed and that their views no longer matter.

The so-called conservative revolution of the past 2 decades has given us massive growth in government size, spending and regulations. Deficits are exploding and the national debt is now rising at greater than a half trillion dollars per year. Taxes do not go down, even if we vote to lower them. They cannot, as long as spending is increased, since all spending must be paid for one way or another.

Both Presidents Reagan and the elder George Bush raised taxes directly. With this administration so far, direct taxes have been reduced, and they certainly should have been. But it means little if spending increases and deficits rise. When taxes are not raised to accommodate higher spending, the bills must be paid for by either borrowing or printing new money. This is one reason why we conveniently have a generous Federal Reserve chairman who is willing to accommodate the Congress with borrowing and inflating the taxes delayed and distributed in a way that makes it difficult for those paying the tax to identify it.

Like future generations and those on fixed incomes who suffer from rising prices, and those who lose jobs, they certainly feel the consequence of economic dislocation this process causes. Government spending is always a tax burden on the American people and is never equally or fairly distributed. The poor and low middle-income workers always suffer the most from the deceitful tax of inflation and borrowing. Many present-day conservatives who generally argue for less government and supported the Reagan-Gingrich-Bush takeover of the Federal Government are now justifiably disillusioned. Although not a monolithic group, they wanted to shrink the size of government.

Early in our history, the advocates of limited constitutional government recognized two important principles: the rule of law was crucial, and a constitutional government must derive just powers from the consent of the governed. It was understood that an explicit transfer of power to government could only occur with power rightfully and naturally endowed to each individual as a God-given right. Therefore, the powers that could be transferred would be limited to the purpose of protecting liberty.

Unfortunately, in the last 100 years, the defense of liberty has been fragmented and shared by various groups with some protecting civil liberties, others economic freedom, and a small diverse group arguing for a foreign policy of nonintervention. The philosophy of freedom has had a tough go of it, and it was hoped that the renewed interest in limited government of the past 2 decades would revive an interest in reconstituting the freedom philosophy into something more consistent.

Those who worked for the goal of limited government power believed the rhetoric of politicians who promised smaller government. Sometimes it was just plain sloppy thinking on their part, but at other times they fell victim to a deliberate distortion of a concise limited government philosophy by politicians who misled many into believing that we would see a rollback on government intrusiveness.

Yes, there was always a remnant who longed for truly limited government and maintained a belief in the rule of law combined with a deep conviction that free people and a government bound by a constitution were the most advantageous form of government.

□ 2030

They recognized it as the only practical way for prosperity to be spread to the maximum number of people while promoting peace and security.

That remnant, imperfect as it may have been, was heard from in the elections of 1980, 1994, and then achieved major victories in 2000 and 2002 when professed limited government proponents took over the administration, Senate and the House. However the true believers of limited government are now shunned and laughed at. At the very least, they are ignored except when they are used by the new leaders of the right, the new conservatives now in charge of the U.S. Government.

The remnant's instincts were correct, and the politicians placated them with talk of free markets, limited government, and a humble non-nation-building foreign policy. However, little concern for civil liberties was expressed in this recent quest for less government. Yet for an ultimate victory of achieving freedom, this must change. Interest in personal privacy and choices has generally remained outside the concern of many conservatives, especially with the great harm done by their long-time support of the drug war.

Even though some confusion has emerged over our foreign policy since the breakdown of the Soviet Union, it has been a net benefit in getting some conservatives back on track with a less militaristic interventionist foreign policy. Unfortunately, though, after 9/11 the cause of liberty suffered a setback. As a result, millions of Americans voted for the less than perfect conservative revolution because they believed in the promises of the politicians. Now there is mounting evidence to indicate exactly what happened to the revolution. Government is bigger than ever, and future commitments are overwhelming. Millions will soon become disenchanted with the new status quo delivered to the American people by the advocates of limited government and will find it to be just more of the old status quo.

Victories for limited government have turned out to be hollow indeed. Since the national debt is increasing at a rate greater than a half trillion per year, the debt limit was recently increased by an astounding $984 billion. Total U.S. Government obligations are $43 billion, while total net worth of all U.S. households is just over $44 trillion. The country is broke, but no one in Washington seems to notice or care. The philosophic and political commitment for both guns and butter, and especially the expanding American empire, must be challenged. This is crucial for our survival.

In spite of the floundering economy, the Congress and the administration continues to take on new commitments in foreign aid, education, farming, medicine, multiple efforts at nation-building and preemptive wars around the world. Already we are entrenched in Iraq and Afghanistan with plans to add new trophies to our conquests. War talk abounds as to when Syria, Iran, and North Korea may be attacked.

How did this all transpire? Why did the government do it? Why have the people not objected? How long will it go on before something is done? Does anyone care? Will the euphoria of grand military victories against non-enemies ever be mellowed?

Someday we as a legislative body must face the reality about the dire situation in which we have allowed ourselves to become enmeshed. Hopefully it will be soon. We got here because ideas do have consequences. Bad ideas have bad consequences. Even the best of intentions have unintended consequences. We need to know exactly what the philosophic ideas were that drove us to this point; then hopefully reject them and decide on another set of intellectual parameters.

There is abundant evidence exposing those who drive our foreign policy justifying preemptive war. Those who scheme are proud of their achievements in usurping control over foreign policy. These are the neoconservatives of recent fame. Granted, they are talented and achieved a political victory that all policymakers must admire, but can freedom and the Republic survive this takeover? That question should concern us.

Neoconservatives are obviously in positions of influence and are well placed throughout our government and the media. An apathetic Congress put up little resistance and abdicated its responsibility over foreign affairs. The electorate was easily influenced to join in the patriotic fervor supporting the military adventurism advocated by the neoconservatives.

The numbers of those who still hope for truly limited government diminished and had their concerns ignored during these past 22 months during the aftermath of 9/11. Members of Congress were easily influenced to publicly support any domestic policy or foreign military venture that was supposed to help reduce the threat of a terrorist attack. Believers in limited government were harder to find. Political money, as usual, played a role in pressing Congress into supporting almost any proposal suggested by the neoconservatives. This process, where campaign dollars and lobbying efforts affect policy, is hardly the domain of any single party; and, unfortunately, is the way of life in Washington.

There are many reasons why government continues to grow. It would be naive for anyone to expect otherwise. Since 9/11, protection of privacy, whether medical, personal or financial, has vanished. Free speech and the fourth amendment have been under constant attack. Higher welfare expenditures are endorsed by the leadership of both parties. Policing the world and nation-building issues are popular campaign targets, yet they are now standard operating procedures here in Washington. There is no sign that these programs will be slowed or reversed until either we are stopped by force overseas, which will not be soon, or we go broke and can no longer afford these grandiose plans for a world empire, which will probably come sooner than later.

None of this happened by accident or coincidence. Precise philosophic ideas prompted certain individuals to gain influence to implement these plans. The neoconservatives, a name they gave themselves, diligently worked their way into positions of power and influence. They documented their goals, strategy and moral justification for all they hoped to accomplish. Above all else, they were not and are not conservatives dedicated to limited constitutional government.

Neoconservatism has been around for decades and strangely has connections to past generations as far back as Machiavelli. Modern-day neoconservatism was introduced to us in the 1960s. It entails both a detailed strategy as well as a philosophy of government. The ideas of Teddy Roosevelt and certainly Woodrow Wilson were quite similar to many of the views of the present-day neocons. Neocon spokesman Max Boot brags that what he advocates is "hard Wilsonianism." In many ways there is nothing neo about their views, and certainly nothing is conservative. Yet they have been able to co-opt the conservative movement by advertising themselves as a new or modern form of conservatism.

More recently, the modern-day neocons have come from the far left, a group historically identified as former Trotskyists. Liberal Christopher Hitchins has just recently joined the neocons. It has been reported that he has already been to the White House as an ad hoc consultant.

Many neocons now in position of influence in Washington can trace their status back to Professor Leo Strauss of the University of Chicago. One of Strauss' books was "Thoughts on Machiavelli." This book was not a condemnation of Machiavelli's philosophy. Paul Wolfowitz got his Ph.D. under Strauss. Others closely associated with these views are Richard Perle, Eliot Abrams, Robert Kagan, and William Kristol. All are key players in designing our new strategy of preemptive war. Others include Michael Ledeen of the American Enterprise Institute, former CIA Director James Woolsey, Bill Bennett of "Book of Virtue" fame, Frank Gaffney, Dick Cheney and Donald Rumsfeld. There are just too many to mention who are philosophically or politically connected to the neocon philosophy in some varying degree.

The godfather of modern-day neoconservatism is considered to be Irving Kristol, father of Bill Kristol, who set the stage in 1983 with his publication "Reflections of a Neoconservative." In this book Kristol also defends the traditional liberal position on welfare.

More important than the names of people affiliated with neoconservative are the views they adhere to. Here is a brief summary of the general understanding of what neocons believe. They agree with Trotsky on permanent revolution, violent as well as intellectual. They are for redrawing the map of the Middle East, and are willing to use force to do it. They believe in preemptive war to achieve desired ends. They accept the notion that the ends justify the means, that hard-ball politics is a moral necessity. They express no opposition to the welfare state. They are not bashful about an American empire; instead, they strongly endorse it. They believe lying is necessary for the state to survive. They believe a powerful Federal Government is a benefit. They believe pertinent facts of how a society should be run should be held by the elite and withheld from those who do not have the courage to deal with it. They believe neutrality in foreign affairs is ill-advised. They hold Leo Strauss in high esteem. They believe imperialism, if progressive in nature, is appropriate.

Using American might to force American ideas on others is acceptable, force should not be limited to the defense of our country, and 9/11 resulted from the lack of foreign entanglements, not from too many. They dislike and despise libertarians. Therefore, the same applies to all strict Constitutionalists. They endorse a tax on civil liberties such as those found in the PATRIOT Act as being necessary. They unconditionally support Israel and have a close alliance with the Likud Party.

Various organizations and publications of the past 30 years have played a significant role in the rise to power of the neoconservatives. It took plenty of money and commitment to produce the intellectual arguments needed to convince the many participants in the movement of its respectability.

It is no secret, especially after the rash of research and articles written about the neocons since our invasion of Iraq, how they gained influence and what organizations were used to promote their cause. Although for decades they agitated for their beliefs through publications like The National Review, Weekly Standard, The Public Interest, The Wall Street Journal, Commentary and The New York Post, their views only gained momentum in the 1990s following the first Persian Gulf War, which still has not ended. They became convinced that a much more militant approach to resolving all of the conflicts of the Middle East was an absolute necessity, and they were determined to implement that policy.

In addition to publications, multiple think tanks and projects were created to promote their agenda. A product of the Bradley Foundation, the American Enterprise Institute led the neocon charge, but the real push for war came from the project for a New American Century, another organization helped by the Bradley Foundation. This occurred in 1998 and was chaired by Weekly Standard editor Bill Kristol. They urged early on for war against the Iraq, but were disappointed with the Clinton administration, which never followed through with its periodic bombings. Obviously, those bombings were motivated more by Clinton's personal and political problems than a belief in the neocon agenda.

The election of 2000 changed all that. The Defense Policy Board, chaired by Richard Perle, played no small role in coordinating the various projects and think tanks, all determined to take us to war against Iraq. It was not too long before the dream of empire was brought closer to reality by the election of 2000, with Paul Wolfowitz, Richard Cheney and Donald Rumsfeld playing key roles in this accomplishment. The plan to promote an American greatness imperialistic foreign policy was now a distinct possibility. Iraq offered a great opportunity to prove their long-held theories. This opportunity was a consequence of the 9/11 disaster.

□ 2045

The money and views of Rupert Murdock also played a key role in promoting the neocon views, as well as rallying support by the general population, through his News Corporation, which owns Fox News Network, the New York Post and Weekly Standard. This powerful and influential media empire did more to galvanize public support for the Iraqi invasion than one might imagine. This facilitated the Rumsfeld/Cheney policy as their plans to attack Iraq came to fruition. It would have been difficult for the neocons to usurp foreign policy from the restraints of Colin Powell's State Department without the successful agitation of the Rupert Murdock empire. Max Boot was satisfied as he explained: "Neoconservatives believe in using American might to promote American ideals abroad." This attitude is a far cry from the advice of the Founders who advocated no entangling alliances and neutrality as the proper goal of American foreign policy.

Let there be no doubt. Those in the neocon camp had been anxious to go to war against Iraq for a decade. They justified the use of force to accomplish their goals, even if it required preemptive war. If anyone doubts this assertion, they need only read of their strategy in "A Clean Break: a New Strategy For Securing the Realm." Although they felt morally justified in changing the government in Iraq, they knew that public support was important and justification had to be given to pursue the war. Of course, a threat to us had to exist before the people and the Congress would go along with war. The majority of Americans became convinced of this threat, which in actuality never really existed.

Now we have the ongoing debate over the location of weapons of mass destruction. Where was the danger? Was all this killing and spending necessary? How long will this nation-building and dying go on? When will we become more concerned about the needs of our own citizens than the problems we sought in Iraq and Afghanistan? Who knows where we will go next? Iran, Syria, North Korea.

At the end of the Cold War, the neoconservatives realized a rearrangement of the world was occurring in that our superior economic and military power offered them a perfect opportunity to control the process of remaking the Middle East.

It was recognized that a new era was upon us and the neocons welcomed Frances Fukuyama's "end of history" declaration. To them the debate was over. The West won; the Soviets lost. Old-fashioned communism was dead. Long live the new era of neoconservatism. The struggle may not be over, but the West won the intellectual fight, they reasoned. The only problem is that the neocons decided to define the philosophy of the victors. They had been amazingly successful in their efforts to control the debate over what Western values are and by what methods they will be spread throughout the world.

Communism surely lost a lot with the breakup of the Soviet Empire, but this can hardly be declared a victory for American liberty as the Founders understood it. Neoconservatism is not the philosophy of free markets and a wise foreign policy. Instead, it represents big-government welfare at home and a program of using our military might to spread their version of American values throughout the world. Since neoconservatives dominate the way the U.S. Government now operates, it behooves us all to understand their beliefs and goals. The breakup of the Soviet system may well have been an epic event, but to say that the views of the neocons are the unchallenged victors in that all we need do is to wait for their implementation is a capitulation to the controlling of the forces of history that many Americans are not yet ready to concede. There is surely no need to do so.

There is now a recognized philosophic connection between modern-day neoconservatives and Irving Kristol, Leo Strauss and Machiavelli. This is important in understanding that today's policies and the subsequent problems will be with us for years to come if these policies are not reversed.

Not only did Leo Strauss write favorably of Machiavelli, Michael Ledeen, a current leader of the neoconservative movement, did the same in 1999 in his book with the title "Machiavelli on Modern Leadership, Why Machiavelli's iron rules are as timely and important today as five centuries ago." Ledeen is indeed an influential neocon theorist whose views get a lot of attention today in Washington. His book on Machiavelli, interestingly enough, was passed out to Members of Congress attending a political strategy meeting shortly after its publication and at just about the same time "A Clean Break" was issued.

In Ledeen's most recent publication, "The War Against the Terror Masters," he reiterates his beliefs he outlined in 1999. He specifically praises: "Creative destruction . . . both within our own society and abroad . . . (foreigners) seeing America undo traditional societies may fear us, for they do not wish to be undone." Amazingly, Ledeen continues: "They must attack us in order to survive, just as we must destroy them to advance our historic mission."

If those words do not scare us, nothing will. If they are not a clear warning, I do not know what could be. It sounds like both sides of each disagreement in the world will be following the principles of preemptive war. The world is certainly a less safe place for it.

In "Machiavelli on Modern Leadership," Ledeen praises a business leader for correctly understanding Machiavelli: "There are no absolute solutions. It all depends. What is right and what is wrong depends on what needs to be done and how." This is a clear endorsement of situation ethics and is not coming from the traditional left. It reminds me of "it depends on what the definition of the word 'is' is."

Ledeen quotes Machiavelli approvingly on what makes a great leader: "A prince must have no other objectives or other thoughts or take anything for his craft except war." To Ledeen this meant ". . . the virtues of the warriors are those of great leaders of any successful organization." It is obvious that war is not coincidental to neocon philosophy but an integral part. The intellectuals justify it and the politicians carry it out. There is a precise reason to argue for war over peace according to Ledeen, for ". . . peace increases our peril by making discipline less urgent, encouraging some of our worst instincts, in depriving us of some of our best leaders." Peace, he claims, is a dream and not even a pleasant one for it would cause indolence and would undermine the power of the state.

Although I concede the history of the world is a history of frequent war, to capitulate and give up even striving for peace, believing peace is not a benefit to mankind, is a frightening thought that condemns the world to perpetual war and justifies it as a benefit and necessity. These are dangerous ideas from which no good can come.

The conflict of the ages has been between the state and the individual: central power versus liberty. The more restrained the state and the more emphasis on individual liberty, the greater has been the advancement of civilization and general prosperity. Just as man's condition was not locked in place by the times and wars of old and improved with liberty and free markets, there is no reason to believe a new stage for man might not be achieved by believing and working for conditions of peace. The inevitability and so-called need for preemptive war should never be intellectually justified as being a benefit. Such an attitude guarantees the backsliding of civilization. Neocons, unfortunately, claim that war is in man's nature and that we cannot do much about it; so let us use it to our advantage by promoting our goodness around the world through force of arms. That view is anathema to the cause of liberty and the preservation of the Constitution. If it is not loudly refuted, our future will be dire, indeed.

Ledeen believes man is basically evil and cannot be left to his own desires. Therefore, he must have proper and strong leadership, just as Machiavelli argued. Only then can man achieve good, as Ledeen explains: "In order to achieve the most noble accomplishment, the leader may have to 'enter into evil.'" This is the chilling insight that has made Machiavelli so feared, admired, and challenging. ". . . we are rotten. It's true that we can achieve greatness if, and only if, we are properly led." In other words, man is so depraved that individuals are incapable of moral, ethical, and spiritual greatness, and achieving excellence and virtue can only come from a powerful authoritarian leader. What depraved ideas are these to now be influencing our leaders in Washington? The question Ledeen does not answer is: "Why do the political leaders not suffer from the same shortcomings and where do they obtain their monopoly on wisdom?"

Once this trust is placed in the hands of a powerful leader, this neocon argues that certain tools are permissible to use. For instance, this is what Ledeen says: "Lying is central to the survival of nations and to success of great enterprises because if our enemies can count on the reliability of everything you say, your vulnerability is enormously increased." What about the effects of lying on one's own people? Who cares if a leader can fool the enemy? Does calling it "strategic deception" make lying morally justifiable? Ledeen and Machiavelli argue that it does, as long as the survivability of the state is at stake. Preserving the state is their goal, even if personal liberty of all individuals has to be suspended or canceled.

Ledeen makes it clear that war is necessary to establish national boundaries because that is the way it has always been done. Who needs progress of the human race? He explains: "Look at the map of the world: national boundaries have not been drawn by peaceful men leading lives of spiritual contemplation. National boundaries have been established by war, and national character has been shaped by struggle, most often bloody struggle."

Yes, but who is to lead the charge and decide which borders we are to fight for? What about the borders 6,000 miles away unrelated to our own contiguous borders and our own national security? Stating a relative truism regarding the frequency of war throughout history should hardly be the moral justification for expanding the concept of war to settle man's disputes. How can one call this progress?

Machiavelli, Ledeen, and the neocons recognize a need to generate a religious zeal for promoting the state. This, he claims, is especially necessary when force is used to promote an agenda. It has been true throughout history and remains true today, each side of major conflicts invokes God's approval. Our side refers to a "crusade," theirs to a "holy Jihad." Too many wars boil down to their God versus our God. It seems this principle is more a cynical effort to gain approval from the masses, especially those most likely to be killed for the sake of the war promoters on both sides who have power, prestige, and wealth at stake.

Ledeen explains why God must always be on the side of the advocates of war: "Without fear of God, no state can last long, for the dread of eternal damnation keeps men in line, causes them to honor their promises, and inspires them to risk their lives for the common good." It seems dying for the common good has gained a higher moral status than eternal salvation of one's soul. He goes on to say: "Without fear of punishment, men will not obey laws that force them to act contrary to their passions. Without fear of arms, the state cannot enforce the laws . . . to this end, Machiavelli wants leaders to make the state spectacular."

It is of interest to note that some large Christian denominations have joined the neoconservatives in promoting preemptive war, while completely ignoring the Christian doctrine of a Just War. The neocons sought and openly welcomed their support.

I would like someone to glean anything from what the Founders said or placed in the Constitution that agrees with this now-professed doctrine of a "spectacular" state promoted by those who now have so much influence on our policies here at home and abroad. Ledeen argues that this religious element, this fear of God is needed for discipline of those who may be hesitant to sacrifice their lives for the good of the "spectacular state."

He explains in eerie terms: "Dying for one's country doesn't come naturally. Modern armies, raised from the populace, must be inspired, motivated, indoctrinated. Religion is central to the military enterprise, for men are more likely to risk their lives if they believe they will be rewarded forever after for serving their country." This is an admonition that might just as well been given by Osama bin Laden in rallying his troops to sacrifice their lives to kill the invading infidels, as by our intellectuals at AEI, who greatly influence our foreign policy.

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Neocons, anxious for the U.S. to use force to realign the boundaries and change regimes in the Middle East, clearly understand the benefit of a galvanizing and emotional event to rally the people to their cause. Without a special event, they realize the difficulty in selling their policies of preemptive war where our own military personnel would be killed. Whether it was the Lusitania, Pearl Harbor, the Gulf of Tonkin or the Maine, all served their purpose in promoting a war that was sought by our leaders.

Ledeen writes of a fortuitous event. He wrote this in 1999. He says, "Of course, we can always get lucky. Stunning events from outside can providentially awaken the enterprise from its growing torpor and demonstrate the need for reversal, as the devastating Japanese attack on Pearl Harbor so effectively aroused the U.S. from its soothing dreams of permanent neutrality."

Amazingly, Ledeen is here calling Pearl Harbor a "lucky" event. The Project for a New American Century, as recently as September 2000, likewise foresaw the need for "a Pearl Harbor event" that would galvanize the American people to support their ambitious plans to ensure political and economic domination of the world while strangling any potential rival.

Recognizing a need for a Pearl Harbor event and referring to Pearl Harbor as being lucky are not identical to support and knowledge of such an event, but this sympathy for a galvanizing event, as 9/11 turned out to be, was used to promote an agenda that strict constitutionalists and devotees of the Founders of this Nation find appalling is indeed disturbing. After 9/11, Rumsfeld and others argued for an immediate attack on Iraq, even though it was not implicated in the 9/11 attacks.

The fact that neoconservatives ridicule those who firmly believe that U.S. interests and world peace would be best served by a policy of neutrality and avoiding foreign entanglements should not go unchallenged. Not to do so is to condone their grandiose plans for an American world hegemony.

The current attention given neocons is usually done in the context of foreign policy, but there is more to what is going on today than just the tremendous influence the neocons have on our new policy of preemptive war with a goal of empire. Our government is now being moved by several ideas that come together in what I call "neoconism." The foreign policy is being openly debated, even if its implications are not fully understood by many who support it. Washington is now driven by old views brought together in a new package.

We know those who lead us, both in the administration and in the Congress, show no appetite to challenge the tax or monetary systems that do so much damage to our economy. The IRS and the Federal Reserve are off limits for criticism or reform. There is no resistance to spending, either domestic or foreign. Debt is not seen as a problem. The supply-siders won on this issue, and now many conservatives readily endorse deficit spending.

There is no serious opposition to expanding the welfare state, with rapid growth of the education, agriculture and medical care bureaucracies. Support for labor unions and protectionism are not uncommon. Civil liberties are easily sacrificed in the post-9/11 atmosphere prevailing in Washington. Privacy issues are of little concern, except for a few Members of Congress. Foreign aid and internationalism, in spite of some healthy criticism of the U.N. and growing concerns for our national sovereignty, are championed on both sides of the aisle. Lip service is given to the free market and free trade, yet the entire economy is run by special interest legislation favoring big business, big labor and, especially, big money.

Instead of the "end of history," we are now experiencing the end of a vocal, limited-government movement in our Nation's capital. While most conservatives no longer defend balanced budgets and reduced spending, most liberals have grown lazy in defending civil liberties and are now approving wars that we initiate. The so-called "third way" has arrived, and, sadly, it has taken the worst of what the conservatives and the liberals have to offer. The people are less well off for it, while liberty languishes as a result.

Neocons enthusiastically embrace the Department of Education and national testing. Both parties overwhelmingly support the huge commitment to a new prescription drug program. Their devotion to the new approach called "compassionate conservatism" has lured many conservatives into supporting programs for expanding the Federal role for welfare and church charities. The faith-based initiative is a neocon project, yet it only repackages and expands the liberal notion of welfare. The intellectuals who promoted these initiatives were neocons, but there is nothing conservative about expanding the Federal Government's role in welfare.

The supply-siders' policy of low marginal tax rates has been incorporated into neoconism, as well as their support for easy money and generous monetary inflation. Neoconservatives are disinterested in the gold standard and even ignore the supply-siders' argument for a phoney gold standard. Is it any wonder that Federal Government spending is growing at a rate faster than in any time in the past 35 years?

Power, politics and privilege prevail over the rule of law, liberty, justice and peace, but it does not need to be that way. Neoconism has brought together many old ideas about how government should rule the people. It may have modernized its appeal in packaging, but authoritarian rule is authoritarian rule, regardless of the humanitarian overtones. A solution can only come after the current ideology driving our government and policies is replaced with a more positive one.

In a historical context, liberty is a modern idea and must once again regain the high moral ground for civilization to advance. Restating the old justifications for war, people control and a benevolent state cannot suffice. It cannot eliminate the shortcomings that always occur when the state assumes authority over others and when the will of one nation is forced on another, whether or not it is done with good intentions.

I realize that all conservatives are not neoconservatives, and all neocons do not necessarily agree on all points, which means that in spite of their tremendous influence, most Members of Congress and those in the administration do not necessarily take their marching orders from the AEI or Richard Perle. But to use this as a reason to ignore what neoconservative leaders believe, write about and agitate for with amazing success, I might point out, would be at our own peril.

This country still allows open discourse, though less every day, and we who disagree should push the discussion and expose those who drive our policies. It is getting more difficult to get fair and balanced discussion on the issues because it has become routine for the hegemons to label those who object to preemptive war and domestic surveillance as traitors, unpatriotic, and un-American. The uniformity of support for our current foreign policy by major and cable news networks should concern every American. We should all be thankful for C-SPAN and the Internet.

Michael Ledeen and other neoconservatives are already lobbying for war against Iran. Ledeen is pretty nasty to those who call for a calmer, reasoned approach by calling those who are not ready for war cowards and appeasers of tyrants. Because some urge a less militaristic approach to dealing with Iran, he claims they are betraying America's best traditions.

I wonder where he learned American history. It is obvious that Ledeen does not consider the Founders and the Constitution part of our best traditions. We were hardly encouraged by the American revolutionaries to pursue an American empire. We were, however, urged to keep the Republic that they so painstakingly designed.

If the neoconservatives retain control of the conservative, limited-growth movement in Washington, the ideas once championed by the conservatives of limiting the size and scope of government will be a long-forgotten dream.

The believers in liberty ought not deceive themselves. Who should be satisfied? Certainly not conservatives, for there is no conservative movement left. How about liberals? Should they be satisfied? They are pleased with the centralization of education and medical programs in Washington and support many of the administration's proposals, but none of the liberals should be pleased with the steady attack on civil liberties of all American citizens and the now-accepted consensus that preemptive war for almost any reason is an acceptable policy for dealing with all the conflicts and problems of the world.

In spite of the deteriorating conditions in Washington, with loss of personal liberty, a weak economy, exploding deficits and perpetual war, followed by nation-building, there are still quite a number of us who would relish the opportunity to improve things in one way or another. Certainly a growing number of frustrated Americans from both the right and the left are getting anxious to see this Congress do a better job. But first Congress must stop doing a bad job.

We are at a point where we need a call to arms, both here in Washington and across the country. I am not talking about firearms. Those of us who care need to raise our arms and face our palms out and begin waving and shouting, "Stop. Let us stop this. Enough is enough." It should include liberals, conservatives and independents. We are all getting a bum rap from the politicians who are pushed by the polls and controlled by special interest money.

One thing is certain: No matter how morally justified programs and policies seem, the ability to finance all the guns and butter being promised is limited, and those limits are becoming more apparent every day. Spending, borrowing and printing money cannot be the road to prosperity. It has not worked in Japan, and it is not working here. As a matter of fact, it has never worked at the present time throughout history.

A point is always reached where government planning, spending and inflation run out of steam. Instead of these old tools reviving an economy, as they do in the early stages of economic interventionism, they eventually become a problem. Both sides of the political spectrum must one day realize that limitless government intrusion in the economy, in our personal lives and the affairs of other nations cannot serve the best interests of America.

This is not a conservative problem, nor is it a liberal problem, it is a government intrusion problem that comes from both groups, albeit for different reasons. The problems emanate from both camps who champion different programs for different reasons. The solution will come when both groups realize that is not merely a single-party problem, or just a liberal or just a conservative problem.

Once enough of us decide we have had enough of all these so-called good things that the government is always promising, or, more likely, when the country is broke and the government is unable to fulfill its promises to its people, we can start a serious discussion on the proper role of government in a free society. Unfortunately, it will be some time before Congress gets this message that the people are demanding true reform. This requires that those responsible for today's problems are exposed and their philosophy of pervasive government intrusion is rejected.

Let it not be said that no one cared, that no one objected once it is realized that our liberties and wealth are in jeopardy. A few have, and others will continue to do so, but too many, both in and out of government, close their eyes to the issue of personal liberty and ignore the fact that endless borrowing to finance endless demands cannot be sustained.

True prosperity can only come from a healthy economy and sound money. That can only be achieved in a free society.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. DeLauro) to revise and extend their remarks and include extraneous material:)

Mr. DeFazio, for 5 minutes, today.

Ms. Lee, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Ms. Jackson-Lee of Texas, for 5 minutes, today.

Ms. Eddie Bernice Johnson of Texas, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Mr. McGovern, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mrs. Christensen, for 5 minutes, today.

Mr. Kind, for 5 minutes, today.

Ms. DeLauro, for 5 minutes, today.

(The following Members (at the request of Mr. Burgess) to revise and extend their remarks and include extraneous material:)

Mr. Norwood, for 5 minutes, today.

Mr. Franks of Arizona, for 5 minutes, July 16.

Mr. Tancredo, for 5 minutes, July 17.

Mrs. Blackburn, for 5 minutes, today.

Mr. Burton of Indiana, for 5 minutes, July 17.

Mr. Burgess, for 5 minutes, today.

Mr. Hobson, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Monday, July 14, 2003, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3092. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3093. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of Federal Prison Industries Clearance Exception [DFARS Case 2003-D006] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3094. A letter from the Director, Defense Procurement and Acquision Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2003-D002] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3095. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FR-4825-I-01] (RIN: 2577-AC43) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3096. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Deregulation for Small Public Housing Agencies [Docket No. FR-4753-F-02] (RIN: 2577-AC34) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3097. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3098. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's plans regarding the remaining 700 MHz auctions, and describes the progress made by the Commission in the digital television transition and other spectrums, pursuant to Public Law 107—195 (116 Stat. 715); to the Committee on Energy and Commerce.

3099. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 [MB Docket 02-277]; Cross-Ownership of Broadcast Stations and Newspapers [MM Docket 01-235]; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets [MM Docket 01-317]; Definition of Radio Markets [MM Docket 00-244]; Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area [MB Docket 03-130] Received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3100. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 10-03 which informs of an intent to sign a Project Agreement between the United States and Israel concerning a Smart Adaptive Fin (SAF) Prototype Study, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3101. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 08-03 which informs of intent to sign Amendment Number One to the Tactical Communications Post 2000 Memorandum of Understanding (TACOMS Post 2000 MOU) between the United States, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3102. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 11-03 which informs of an intent to sign a Project Agreement between the United States and Singapore concerning Protective Suit Development and Evaluation Technologies, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3103. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-03 which informs of intent to sign Amendment Number One to the Project Arrangement between the United States and the United Kingdom concerning the Radar Frequency Interferometer (RFI) User Data Module (UDM) for the Apache Longbow helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3104. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements transmitted to the Congress after expiration of the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3105. A letter from the Secretary, Department of Education, transmitting the semiannual report to Congress on Audit Followup for the period October 1, 2002 through March 31,2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3106. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3107. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3108. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3109. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3110. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3111. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3112. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3113. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3114. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3115. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3116. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3117. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3118. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3119. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3120. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Albemarle and Chesapeake Canal, AICW, Virginia [CGD05-03-059] (RIN: 1625-AA09) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3121. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harrisville, MI [CGD09-03-228] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3122. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saginaw River, Bay City, MI [CGD09-03-229] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3123. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston-03-105] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3124. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marblehead Fourth of July Fireworks, Marblehead, Massachusetts [CGD01-03-023] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3125. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boston 4th of July Fireworks-Charles River, Boston, Massachusetts [CGD01-03-050] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3126. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Tribute to the Troops, 4th of July Fireworks, Salem, Massachusetts [CGD01-03-069] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3127. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distributions of Interest in a Loss Corporation from Qualified Trusts [REG-108676-03] (RIN: 1545-BC00) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3128. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deadline for Allocating Private Activity Bond State Ceiling Among Issuing Authorities Under Section 146(e) (Notice 2003-41) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3129. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Substantiation of Incidental Expenses [TD 9064] (RIN: 1545-BB20) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3130. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 6038--Returns required with respect to controlled foreign partnerships [TD 9065] (RIN: 1545-BA77) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3131. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Returns Regarding Payments of Remuneration for Services and Direct Sales (Rev. Rul. 2003-66) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3132. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Minimum Funding Standards (Rev. Rul. 2003-83) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3133. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Outbound Liquidations into Foreign Corporations [TD 9066] (RIN: 1545-BA79) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3134. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of stock and securities of a controlled corporation (Rev. Rul. 2003-79) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3135. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of Stock and Securities of a Controlled Corporation (Rev. Rul. 2003-74) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3136. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-77) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3137. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Notice 2003-

46) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3138. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-50) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Extension of Time to Elect Mid-quarter Convention Relief Under Notice 2001-70 and Notice 2001-74 (Notice 2003-45) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2003-46) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Membership Organizations (Rev. Rul. 2003-73) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Accelerated Cost Recovery System (Rev. Rul. 2003-81) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 2691. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–195). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. House Concurrent Resolution 159. A resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day (Rept. 108–196). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2595. A bill to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002 (Rept. 108–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2357. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; with amendments (Rept. 108–198). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1516. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; with amendments (Rept. 108–199). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself and Ms. Eddie Bernice Johnson of Texas):

H.R. 2692. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 for fiscal years 2004 through 2006, and for other purposes; to the Committee on Science.

By Mr. GILCHREST (for himself and Mr. Pombo):

H.R. 2693. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; to the Committee on Resources.

By Mr. FERGUSON (for himself, Mr. Towns, and Mr. Souder):

H.R. 2694. A bill to establish a program to transfer surplus computers of Federal agencies to schools and nonprofit community-based educational organizations, and for other purposes; to the Committee on Government Reform.

By Ms. HART:

H.R. 2695. A bill to designate Pennsylvania State Route 60 and United States Routes 22 and 30 as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENZI (for himself, Mr. Hayworth, Mr. McInnis, Mr. Kolbe, Mr. Pearce, and Mr. Tancredo):

H.R. 2696. A bill to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina:

H.R. 2697. A bill to amend the Internal Revenue Code of 1986 to provide an additional personal exemption for certain dependents with long-term care needs; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. Towns, Mr. Fletcher, and Mr. Walden of Oregon):

H.R. 2698. A bill to provide for a system of health insurance certificates to increase the number of Americans with health insurance coverage; to the Committee on Energy and Commerce.

By Mr. BURR (for himself, Mr. Gillmor, Ms. McCarthy of Missouri, Mr. Otter, Mr. Bradley of New Hampshire, Ms. Dunn, Mr. Deal of Georgia, Mr. Petri, Mr. Thompson of Mississippi, Mr. Terry, Mr. Issa, Mr. Towns, Mr. Boehner, Mr. Foley, Mr. Shuster, Mr. Kolbe, and Mr. Crenshaw):

H.R. 2699. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COX (for himself, Mr. Norwood, Mr. Issa, Mr. Engel, Mr. Boucher, Mr. Berman, and Mr. Pomeroy):

H.R. 2700. A bill to amend title XVIII of the Social Security Act to revise the methodology by which payment for orphan drugs and biologicals is made under program prospective payment system for hospital outpatient department services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2701. A bill to amend title 10, United States Code, to extend to additional military retirees with service-connected disabilities the special compensation authority provided for certain retirees with combat-related disabilities; to the Committee on Armed Services.

By Ms. DeLauro (for herself, Mr. Shays, Mr. George Miller of California, Mr. Tierney, Mr. McGovern, Mr. Sanders, Mr. Owens, Mr. Frank of Massachusetts, and Mr. Green of Texas):

H.R. 2702. A bill to amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferree nonimmigrants; to the Committee on the Judiciary.

By Mr. GERLACH (for himself and Mr. English):

H.R. 2703. A bill to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity, and for other purposes; to the Committee on Agriculture.

By Mr. LARSEN of Washington (for himself, Mr. Coble, Mr. Dicks, Mr. George Miller of California, Mr. Lantos, Mr. McDermott, Mr. Menendez, Mr. Israel, Ms. Lofgren, Ms. Millender-McDonald, Mr. Inslee, Mr. McIntyre, Mrs. Tauscher, Ms. Lee, Mr. Nadler, and Mr. Honda):

H.R. 2704. A bill to extend the authorization for the ferry boat discretionary program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LUCAS of Kentucky:

H.R. 2705. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes; to the Committee on Government Reform.

By Mr. McCRERY (for himself, Mr. McInnis, and Mr. Matsui):

H.R. 2706. A bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns; to the Committee on Ways and Means.

By Mr. PEARCE (for himself, Mr. Stenholm, Mr. McInnis, Mrs. Wilson of New Mexico, Mr. Hunter, Mr. Bonilla, Mr. Renzi, Mr. Cannon, Mr. Matheson, Mr. Thornberry, Mr. Grijalva, Mr. Neugebauer, Mr. Moran of Kansas, and Mr. Osborne):

H.R. 2707. A bill to direct the Secretaries of the Interior and Agriculture, acting through the U. S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U. S. Forest Service; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 2708. A bill to provide for the security of commercial nuclear power plants and facilities designated by the Nuclear Regulatory Commission; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. Meehan):

H.R. 2709. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

By Mr. TAYLOR of North Carolina:

H.R. 2710. A bill to ensure that a flag is furnished to drape the casket of each public safety officer killed in the line of duty; to the Committee on the Judiciary.

By Mr. WU (for himself, Mr. Simmons, Mr. Waxman, Mr. Hinchey, Mr. Brady of Pennsylvania, Mr. Sanders, Mr. Clay, Mr. Farr, Mr. Filner, Mr. Rahall, Mr. Ford, Mr. Petri, Mr. McNulty, Mr. Scott of Georgia, Mr. Holden, Mr. McGovern, Ms. Woolsey, Mr. Goode, Mr. Boucher, Mr. Sandlin, Ms. Lee, Mr. Owens, Mr. Conyers, Mr. Etheridge, Mr. Lantos, Mr. Bishop of Georgia, Mr. Udall of Colorado, Ms. Jackson-Lee of Texas, Mr. Brown of Ohio, Mr. Shays, Ms. Baldwin, Mr. Rothman, Mr. Serrano, Mr. Clyburn, Mr. Ryan of Ohio, Mr. Rush, Ms. Lofgren, Mr. Murphy, Mr. Wexler, Mr. Rangel, Ms. Loretta Sanchez of California, Mr. Terry, Mr. Peterson of Minnesota, Mr. Gillmor, Mr. Holt, Mr. Israel, Mrs. Jones of Ohio, Mrs. Maloney, Mr. Doyle, Mr. Ross, Ms. Watson, Mr. Moore, and Mr. Grijalva):

H.R. 2711. A bill to permit refinancing of Federal student consolidation loans, and to permit students freedom to select a student loan consolidator; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself and Mr. Quinn):

H.R. 2712. A bill to authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII,

138. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 2 memorializing the United States Congress to enact legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the certain conditions have been met, and not before May 1, 2006; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. STUPAK introduced a bill (H.R. 2713) for the relief of Mai Thi Thuy Nuong; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. Case and Mr. Burr.

H.R. 110: Mr. Isakson, Mr. Baker, Mr. Green of Wisconsin, and Mr. Norwood.

H.R. 135: Mr. Cardoza.

H.R. 208: Mr. George Miller of California.

H.R. 218: Ms. Harris, Mr. Pombo, and Mr. Culberson.

H.R. 333: Mr. Ballenger.

H.R. 369: Mr. Upton.

H.R. 371: Mr. Engel and Mr. Deutsch.

H.R. 375: Mr. Michaud.

H.R. 380: Mr. Otter and Mr. Calvert.

H.R. 401: Mr. McGovern and Mr. Hoyer.

H.R. 439: Mr. Faleomavaega.

H.R. 466: Mr. Burr.

H.R. 486: Mr. Collins.

H.R. 490: Mr. Watt.

H.R. 591: Mr. Shays.

H.R. 595: Mr. Foley.

H.R. 687: Mr. Manzullo.

H.R. 737: Mr. Case.

H.R. 742: Mr. Baker and Mr. Cunningham.

H.R. 790: Mr. Manzullo.

H.R. 832: Mr. Michaud and Ms. Millender-McDonald.

H.R. 839: Mr. Snyder, Mr. Chocola, Mr. Langevin, Mrs. Tauscher, Ms. Granger, Ms. Slaughter, Mr. Neugebauer, Mr. Baca, Mr. Rodriguez, Mr. Nunes, Mr. LaTourette, and Mr. Marshall.

H.R. 857: Mr. Jefferson and Mr. Lipinski.

H.R. 887: Mr. Davis of Florida.

H.R. 931: Mr. Stearns.

H.R. 935: Mr. McGovern, Mr. Bishop of New York, and Mr. Michaud.

H.R. 962: Mr. Weiner, Mr. Lewis of Georgia, Mr. Spratt, Mr. Kennedy of Rhode Island, Ms. Jackson-Lee of Texas, Mr. Larson of Connecticut, Mr. Doggett, Ms. Lee, Mr. Conyers, Mr. Langevin, and Mr. Ruppersberger.

H.R. 997: Mr. Bonner and Mr. Duncan.

H.R. 1014: Ms. Dunn.

H.R. 1083: Mr. Terry and Mr. Tom Davis of Virginia.

H.R. 1085: Mr. Cramer, Mr. Wicker, and Ms. Eshoo.

H.R. 1088: Mr. Reyes and Mr. Hinojosa.

H.R. 1096: Mr. Smith of New Jersey and Mr. Rodriguez.

H.R. 1097: Ms. Kilpatrick.

H.R. 1100: Mr. Green of Wisconsin.

H.R. 1103: Mr. Nadler.

H.R. 1108: Mr. Andrews.

H.R. 1118: Mr. Cardoza, Mr. Ford, Mr. Larsen of Washington, Mr. Kind, Mr. Goodlatte, and Mr. Davis of Florida.

H.R. 1131: Mr. Rangel.

H.R. 1157: Mr. Lampson.

H.R. 1160: Mr. Case, Ms. Berkley, Mr. Etheridge, Mr. Lucas of Oklahoma, Mr. Davis of Tennessee, Mr. Beauprez, and Mr. Jones of North Carolina.

H.R. 1173: Mr. Wicker.

H.R. 1200: Mr. Dicks, Mr. Brown of Ohio, Ms. Schakowsky, Mr. Engel, Mr. Davis of Illinois, and Ms. Norton.

H.R. 1202: Mr. Boyd, Mr. Osborne, Mr. Moran of Kansas, and Mr. Alexander.

H.R. 1212: Mr. Bishop of Georgia.

H.R. 1231: Mr. Towns.

H.R. 1258: Mr. Lantos.

H.R. 1301: Mr. Weldon of Pennsylvania and Ms. Baldwin.

H.R. 1309: Mr. Bishop of Georgia.

H.R. 1315: Mr. Ehlers.

H.R. 1359: Mr. Davis of Illinois.

H.R. 1367: Mr. Davis of Tennessee.

H.R. 1372: Mr. Wamp, Mr. Cannon, Mr. John, Mr. Sensenbrenner, and Mr. Shadegg.

H.R. 1414: Mr. Hinchey and Mr. Frank of Massachusetts.

H.R. 1426: Mr. George Miller of California.

H.R. 1472: Mrs. Napolitano, Mrs. Tauscher, Mr. Quinn, Mr. Shaw, and Mr. Serrano.

H.R. 1483: Ms. Eshoo and Mr. Meehan.

H.R. 1489: Mr. Nunes.

H.R. 1516: Mr. Evans, Mr. Michaud, and Mr. Smith of New Jersey.

H.R. 1519: Ms. Ginny Brown-Waite of Florida.

H.R. 1581: Mr. McGovern, Mr. Boyd, Mr. Smith of Washington, and Mr. Filner.

H.R. 1606: Mr. Kingston.

H.R. 1628: Mr. John, Mr. Faleomavaega, and Mr. Thompson of Mississippi.

H.R. 1675: Mr. Larsen of Washington.

H.R. 1678: Mr. Sensenbrenner.

H.R. 1695: Mr. Stark and Ms. Linda T. Sánchez of California.

H.R. 1707: Mr. Goodlatte, Mr. Coble, and Mr. Strickland.

H.R. 1708: Mr. Holt, Mr. Jackson of Illinois, Mrs. Jones of Ohio, Mr. Hinojosa, Ms. Woolsey, Mr. Wu, Mr. Dicks, Mr. Hinchey, Mr. John, Mr. Rahall, Mr. Ballance, Mr. Rush, and Mr. Sherman.

H.R. 1713: Mr. Bishop of Georgia.

H.R. 1720: Mr. Porter.

H.R. 1752: Ms. Norton, Mr. Serrano, Mr. Towns, Ms. Kilpatrick, and Mr. Frost.

H.R. 1769: Mr. Rehberg, Mr. Jackson of Illinois, and Mr. Berman.

H.R. 1776: Mr. Lucas of Kentucky.

H.R. 1796: Mr. Andrews.

H.R. 1800: Mr. Larson of Connecticut.

H.R. 1813: Mr. Honda, Mr. Sanders, Mr. Brown of Ohio, Mrs. Davis of California, Mr. Stark, Ms. Woolsey, Mr. Peterson of Minnesota, and Mr. Ramstad.

H.R. 1819: Mr. Latham.

H.R. 1824: Mr. Abercrombie, Mr. Manzullo, Mr. Holden, Mr. Lantos, Mr. Terry, and Mr. Barrett of South Carolina.

H.R. 1865: Mr. Ney and Mr. Owens.

H.R. 1884: Mr. Ballenger.

H.R. 1905: Mr. Baird.

H.R. 1910: Mr. Edwards.

H.R. 1916: Mr. Clay, Mr. Davis of Alabama, Mr. Ross, Mr. Stark, and Mr. Bishop of Georgia.

H.R. 1926: Mr. Shays.

H.R. 1930: Mr. Delahunt.

H.R. 1956: Mr. Ramstad, Mr. Ryan of Ohio, and Ms. Norton.

H.R. 1997: Mr. Rogers of Michigan.

H.R. 2068: Mr. Stark, Mr. Moran of Virginia, Mr. Inslee, and Mr. Baird.

H.R. 2069: Mr. Stark, Mr. Moran of Virginia, Mr. Greenwood, Mr. Inslee, and Mr. Baird.

H.R. 2079: Mr. Rogers of Alabama, Mr. Shays, and Mr. Clay.

H.R. 2092: Mr. Kucinich.

H.R. 2124: Mr. Faleomavaega and Mr. Acevedo-Vilá.

H.R. 2154: Mr. Baird, Mr. Manzullo, and Mr. Shays.

H.R. 2174: Mrs. Wilson of New Mexico, Mr. Owens, and Mr. Kucinich.

H.R. 2181: Mr. LaHood and Mr. Kline.

H.R. 2183: Mr. Ross.

H.R. 2193: Ms. Lee.

H.R. 2205: Ms. Norton.

H.R. 2207: Mr. Brown of Ohio.

H.R. 2216: Mr. Pitts.

H.R. 2224: Mr. Schrock.

H.R. 2235: Ms. Ginny Brown-Waite of Florida.

H.R. 2237: Mr. Holt and Mr. Simmons.

H.R. 2242: Mrs. Christensen.

H.R. 2260: Mr. Shaw, Mr. Gerlach, Mr. Tiahrt, Ms. Kilpatrick, Mr. English, Mr. Ehlers, Mr. Udall of New Mexico, Mr. Baird, Mr. Larsen of Washington, Mr. Stark, Mr. Ryan of Ohio, Mr. Hostettler, and Mr. Ackerman.

H.R. 2269: Mr. Weldon of Florida.

H.R. 2297: Mr. Udall of New Mexico.

H.R. 2303: Mr. Calvert, Mr. King of Iowa, and Mr. Miller of Florida.

H.R. 2318: Mr. Pastor, Mr. Clay, Mr. Ballance, and Mr. Lampson.

H.R. 2323: Mrs. Kelly, Ms. Ros-Lehtinen, and Mr. Lipinski.

H.R. 2327: Mr. Lucas of Kentucky and Mr. Rogers of Kentucky.

H.R. 2336: Mr. Lipinski.

H.R. 2340: Mr. Terry.

H.R. 2352: Mr. Case, Mr. Miller of Florida, Ms. Millender-McDonald, and Ms. Bordallo.

H.R. 2353: Mr. Moran of Virginia.

H.R. 2357: Mr. Royce, Mr. English, and Mr. Goode.

H.R. 2361: Mr. Faleomavaega.

H.R. 2418: Ms. Millender-McDonald and Ms. McCollum.

H.R. 2433: Mr. Udall of New Mexico, Mr. Faleomavaega, Ms. Millender-McDonald, Mr. Matheson, and Mr. Clay.

H.R. 2442: Mr. Gonzalez, Mr. Saxton, and Mr. Quinn.

H.R. 2462: Mr. Neal of Massachusetts, Mr. Kanjorski, Mr. Kildee, Mr. Lipinski, and Mr. Burton of Indiana.

H.R. 2466: Mr. Carson of Oklahoma, Mr. Ford, and Mr. Wexler.

H.R. 2470: Mr. Owens.

H.R. 2476: Mr. Owens.

H.R. 2482: Mr. Wexler.

H.R. 2515: Ms. Solis, Mr. Waxman, Mr. Nethercutt, Mr. Towns, Mr. Rush, and Mr. Janklow.

H.R. 2517: Ms. Ginny Brown-Waite of Florida, Mr. Towns, Mr. Bachus, and Mr. Deal of Georgia.

H.R. 2524: Mr. Hinchey and Mr. Wexler.

H.R. 2528: Mr. Serrano, Mrs. McCarthy of New York, and Mr. Towns.

H.R. 2553: Mr. Owens, Mr. Thompson of Mississippi, Mr. Brady of Pennsylvania, and Mr. Bachus.

H.R. 2568: Mr. Gilchrest and Ms. McCollum.

H.R. 2569: Mr. Kucinich, Mr. Neal of Massachusetts, and Mr. Bishop of Georgia.

H.R. 2581: Mr. Cantor.

H.R. 2582: Mrs. Jones of Ohio, Mr. Conyers, Mr. Cooper, Mr. Wexler, and Mr. Neal of Massachusetts.

H.R. 2620: Mr. Abercrombie.

H.R. 2622: Mr. Kennedy of Minnesota, Mr. Scott of Georgia, Mr. Boyd, Mr. Weldon of Florida, and Mr. Rogers of Michigan.

H.R. 2625: Mr. Van Hollen, Ms. Lee, Mr. Doggett, and Mr. McDermott.

H.R. 2655: Mr. Markey, Mrs. Lowey, Mr. McGovern, and Mr. Fossella.

H.R. 2661: Mr. DeMint, Mr. Wilson of South Carolina, and Mr. Brown of South Carolina.

H.R. 2665: Mr. McGovern, Ms. Solis, and Mr. Grijalva.

H.R. 2668: Mr. Upton and Mr. Stupak.

H.R. 2669: Mr. Waxman, Mr. Cummings, Ms. Watson, Mr. Van Hollen, Mrs. Maloney, Mr. Bell, Mr. Owens, Mr. Clay, Mr. Lewis of Georgia, Ms. Kilpatrick, Ms. Lee, Ms. Majette, Ms. Corrine Brown of Florida, Mr. Clyburn, Ms. Jackson-Lee of Texas, Mr. Scott of Virginia, Mrs. Jones of Ohio, Mr. Ford, Mr. Jackson of Illinois, Mr. Watt, Mr. Towns, Mr. Thompson of Mississippi, Mr. Wynn, Mrs. Christensen, Mr. Ballance, Mr. Payne, Mr. Bishop of Georgia, Mr. Rangel, Mr. Fattah, Ms. Carson of Indiana, Mr. Jefferson, and Mr. Conyers.

H.R. 2672: Mr. Beauprez.

H.J. Res. 56: Mr. Hoekstra, Mr. Brady of Texas, Mr. Whitfield, Mr. Hunter, Mr. Doolittle, Mr. Brown of South Carolina, and Mr. Cantor.

H. Con. Res. 71: Mr. Snyder, Mr. Owens, Mrs. Jones of Ohio, Mr. Frost, Mr. Wynn, Mr. McNulty, Mr. Thompson of Mississippi, Mr. Hastings of Florida, Ms. Jackson-Lee of Texas, and Mr. McDermott.

H. Con. Res. 119: Mr. Weldon of Florida, Mr. Beauprez, and Mr. Tancredo.

H. Con. Res. 197: Mr. Souder, Mr. Blunt, Mr. Camp, Mr. Gordon, Mr. Rogers of Kentucky, Mr. Lucas of Kentucky, and Mr. Toomey.

H. Con. Res. 232: Mr. Deutsch, Mr. Berman, Mr. Hoeffel, and Mrs. Lowey.

H. Res. 38: Mr. George Miller of California and Mr. Lantos.

H. Res. 167: Mr. Honda.

H. Res. 259: Mr. Wexler.

H. Res. 261: Mr. Snyder.

H. Res. 274: Mr. Coble.

H. Res. 307: Ms. Carson of Indiana, Mr. Ryan of Ohio, Ms. Watson, Mr. Ackerman, Ms. Lee, Mr. Lipinski, Mr. Hoeffel, Mr. Hinchey, Mr. Serrano, Mr. McGovern, and Ms. Jackson-Lee of Texas.

H. Res. 315: Ms. Ros-Lehtinen and Mr. Neugebauer.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows;

H.R. 1472: Mr. King of Iowa and Mr. Burton of Indiana.

PETITIONS, ETC.

Under clause 3 of rule XII,

22. The SPEAKER presented a petition of Lazar Simov Kovacevich, a citizen of Florida, relative to a Resolution petitioning the United States Congress for a thorough review of the Petition for Writ of Certiorari in the New York State Court of Appeals (Docket No. 02-8202); which was referred to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3, by Mr. GENE TAYLOR on House Resolution 275: Rodney Alexander, Baron P. Hill, Mike McIntyre, Mike Thompson, Allen Boyd, Jim Turner, Marion Berry, and Ralph M. Hall.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2660

Offered by: Mr. Hefley

Amendment No. 10: At the end of the bill (before the short title) insert the following:

Sec. . Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 2660

Offered By: Mr. Toomey

Amendment No. 11: At the end of the bill, insert after the last section (preceding the short title) the following section:

Sec. ___. None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD043689 R03HD039206, R01DA013896, or R01MH065871.

H.R. 2660

Offered By: Mr. Allen

Amendment No. 12: At the end of the bill, insert after the last section (preceding the short title) the following:

Sec. ___. None of the funds made available in this Act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316 et seq.), or to otherwise implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)).

H.R. 2691

Offered By: Mr. Udall of Colorado

Amendment No. 1. At the end of the bill (before the short title), insert the following new section:

Sec. 3. . None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003.

SENATE—*Thursday, July 10, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Let us pray:

Eternal God, Lord of creation, everything around us points to You. We thank You that even nature reminds us of Your goodness and compels us to stand in awe of Your majesty. We thank You for pleasant reminders that this Senate is a family, and that we have many things to unite us. Teach us to trust You to use us as Your instruments in this challenging world. As Senators labor today, may their faithfulness, commitment, and integrity blend with the music of the spheres to serve Your perfect will. Give them insight and wisdom that they may discern the difference between the temporary and the eternal. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume debate on S. 925, the State Department authorization bill. During yesterday's session, we were able to dispose of a number of amendments to the measure, and we will continue working aggressively through amendments this morning.

I encourage any Member who does have an amendment to the bill to contact the chairman or the ranking member as soon as possible so we can organize an orderly schedule for the consideration of the amendments. I do ask my colleagues that they bring forward amendments that are relevant to the underlying legislation. Unfortunately, over the course of yesterday afternoon and yesterday evening, a number of nonrelevant issues were mentioned and talked about as possible amendments. It is important that we complete action on this very important bill—really these three very important bills together—after which we will go to the appropriations process.

In order to accomplish that, we need to focus on the bill itself. I ask and make that plea to my colleagues that we stay, through an orderly process, on the bill with relevant amendments.

I am aware of every Senator's right to amend and to bring anything to the floor they would like but out of consideration for an orderly, thoughtful schedule that allows us to continue with the authorization process underway and then proceed to the very important appropriations process, we do need people to be as cooperative as possible with the chairman and ranking member.

We will have rollcall votes throughout the day. Senators will be notified when that first vote is scheduled. It is expected that we will consider and complete action, as I mentioned earlier, on appropriations bills this week. We will initially go to, after completion of the bill that is on the floor, the legislative branch appropriations to be followed by the military construction appropriations bill.

As I said clearly earlier in the week, we will be voting on Friday. So I do want our colleagues to expect rollcall votes tomorrow. Depending on how things go over the course of the morning and the afternoon and this evening, we will have a much better idea as to whether we will be voting late in the day on Friday or earlier in the day.

Again, I have tried to make it very clear through an orderly process that we can get through the schedule that is set out, which includes these appropriations bills.

There is a lot of work to do this week, and Members should prepare for a busy session today and tomorrow.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

EVENING AT NATIONAL GALLERY OF ART

Mr. REID. Mr. President, while the majority leader is on the floor, I have something that is not directly on point but I wish to say for the entire Senate. I congratulate the majority leader and the Democratic leader. It is so rare that we, as a Senate, are able to get together at a social event. Last night, we were able to have an event where we went to an exhibit at the National Gallery of Art to see paintings by a great western artist, Remington.

I applaud and congratulate the two leaders for bringing this together because so much of what we do is adversarial in nature. It was a tremendous evening last night to be able to have our spouses and to sit down to dinner and listen to some short, but good, speeches and look at great exhibits that were painted almost 100 years ago by this great artist.

I speak for the whole Senate and extend my congratulations to the two leaders for arranging that event last night.

FOREIGN RELATIONS AUTHORIZATION

Mr. President, through you to the majority leader, we have an amendment about which I have talked with the two managers of the bill that is going to be offered this morning dealing with Mexico. We will do that as soon as there are amendments cleared. We have an amendment by Senator MURRAY. We have already hotlined our Members as to what amendments they have.

As I indicated, either I or the Democratic leader will be in touch with the majority leader this morning to go over generally the list of these amendments so he has an idea of what we have at this time. That certainly would not prevent people offering them at a later time. But I think we have a pretty good list of all the amendments that are going to be offered. At that time, the majority leader can make a decision as to how we proceed.

We believe this is an important bill, and we think it should be completed. We think it should be completed as soon as possible, and as the leader indicated, every Senator has a right to offer amendments on any subject they want, and a few of them are going to do that. We hope that will be kept to a minimum so we can move to the amendments that are germane and relevant to this matter, not because it is required by Senate rules but because we want to try to move this bill along.

I have a couple of housekeeping issues. We have a briefing at 4 o'clock today by Secretary Rumsfeld. I am sure a lot of the Senators need to go to it, including the two managers of this bill. I ask that the leader consider, as the day progresses, maybe putting us in recess during that period of time—whatever decision you make in that regard.

We have spoken at length with the two managers. They have a pretty good idea of where we are coming from on this side.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, we will have to make some big decisions this morning in terms of planning for the day, and we will be in touch, both on the floor and off the floor, out of respect for completion of this bill as soon as possible. I appreciate it.

Mr. REID. Mr. President, I was just told Secretary Rumsfeld's meeting has been rescheduled for a later time. It is not going to be this afternoon.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AFRICA AND MILLENNIUM CHALLENGE ACCOUNT

Mr. FRIST. Mr. President, before starting the bill, I will take 2 minutes on leader time to comment on an issue that is important to me personally but that I think is important to our concerns for people around the world, and that is the President's trip right now to Africa.

On Tuesday of this week, on Goree Island, President Bush spoke about the extraordinary contributions of Africa's sons and daughters to America's culture and ideals. The moral vision of such leaders as Frederick Douglas—many of us have had the opportunity to visit his wonderful home that sits on a hill in Washington just a few miles from where we stand now—Booker T. Washington, W.E.B. Du Bois, Sojourner Truth, Martin Luther King, Rosa Parks, and the list goes on, have penetrated deep into America's consciousness and illuminated America's core principles. Africans who were brought to America in chains, and their descendants who subsequently suffered cruelty and injustice, helped set America free. It is a story that must be told and be told to future generations so that we will always work toward realizing our Nation's great purpose—in a word: Freedom.

America and Africa are working together to expand freedom across the globe. The President is celebrating much of that in his current trip. In late August, I will be taking a delegation of Senators back to Africa once again.

On the Senate floor today, and yesterday, is very important and significant legislation, the Millennium Challenge Account, which promises to invest in the continent's abundant political and economic opportunities. We all celebrate the $15 billion commitment in global HIV/AIDS relief by the President, which the Senate confirmed under the leadership of Chairman LUGAR last month. We know that will help turn the tide against HIV/AIDS and, I should add, malaria and tuberculosis.

The African Growth and Opportunity Act, which we addressed 3 years ago now, is alleviating poverty in Africa. Those of us who travel regularly hear again and again that it is having an impact that stimulates and spurs on that African entrepreneurship.

So I take this moment to commend President Bush for his bold and substantive leadership in helping Africa's leaders meet their nation's challenges and to realize the nation's opportunities, and also to recognize the leadership of Chairman LUGAR on each of these other issues that I mentioned: The Millennium Challenge Account, the global fight against HIV/AIDS, the African Growth and Opportunity Act. These efforts, and many others—bipartisan, both sides of the aisle—will help set Africa on a course to maximum freedom and opportunity for all of its people and strengthen those historic ties that bind our two great lands.

I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 925, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 925) to authorize appropriations for the Department of State and international broadcasting activities, for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

Pending:

Lugar amendment No. 1136, in the nature of a substitute.

Lautenberg amendment No. 1135 (to amendment No. 1136), to provide justice for marine victims of terror.

AMENDMENTS NOS. 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, AND 1163, EN BLOC TO AMENDMENT NO. 1136

The PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I send to the desk a packet of agreed-upon amendments. I will enumerate those amendments and after enumerating them ask that they be adopted en bloc to Amendment No. 1136.

The PRESIDENT pro tempore. Will the Senator ask to set aside the pending amendments?

Mr. LUGAR. I so ask that the pending amendments be set aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, the package of amendments that I have sent to the desk has received consideration by the staffs of myself and Senator BIDEN throughout last evening. They include an amendment by Mr. BIDEN expressing the sense of Congress relating to violence against women; secondly, an amendment by Mr. BREAUX to authorize transportation for the Chief of Protocol; third, an amendment by Mr. COLEMAN to authorize a comprehensive program of support for victims of torture and for other purposes; fourth, an amendment by Mr. DASCHLE to require an annual report on Saudi Arabia's cooperation in the war on terrorism; fifth, an amendment by Senator FEINSTEIN to require a report on states that have not cooperated in small arms programs; sixth, an amendment by Mr. BIDEN to require the reporting of certain information relating to proposed exports and transfers of firearms; seventh, an amendment by Mr. LEAHY to provide a report on a strategy to deal with the international coffee crisis; eighth, a chairman's amendment to strike section 2512 relating to amendments to the Arms Control and Disarmament Act; ninth, a chairman's amendment to provide an exception to requirements with respect to bilateral agreements for exemption from certain licensing requirements; tenth, a chairman's amendment to improve provisions on global pathogen surveillance; eleventh, a chairman's amendment to strike section 205 relating to the State Department authorization bill; twelfth, a chairman's amendment to clarify Foreign Service grievance board procedures; thirteenth, a chairman's amendment to modify reporting requirements on U.S. personnel involved in the antinarcotics campaign in Colombia; and finally, fourteenth, a chairman's amendment to strike section 2239 relating to the sense of Congress relating to exports of defense items to the United Kingdom.

The PRESIDENT pro tempore. Is there objection to considering those amendments en bloc?

Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 1150

(Purpose: To express the sense of Congress relating to violence against women)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) Article 4 of the Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in Resolution 48/104 on December 20, 1993, proclaims that "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.".

(2) Paragraph 124 of chapter IV of the Platform for Action, which was adopted along with the Beijing Declaration by the Fourth World Conference on Women on September 15, 1995, states that actions to be taken by governments include condemning violence against women and refraining from invoking any custom, tradition, or religious consideration as a means to avoid the obligations of such governments with respect to the elimination of violence against women as such obligations are referred to in the Declaration on the Elimination of Violence against Women.

(3) The United States has supported the Declaration on the Elimination of Violence Against Women and the Beijing Declaration and Platform for Action.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to condemn violence against women and should urge states to refrain from invoking any custom, tradition, or practices in the name of religion or culture as a means to avoid obligations regarding the elimination of violence against women as referred to in Article 4 of the Declaration on the Elimination of Violence against Women.

AMENDMENT NO. 1151

(Purpose: To authorize the Chief of Protocol to use a passenger carrier for transportation between the Chief of Protocol's residence and place of employment)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. AUTHORIZATION FOR PASSENGER CARRIER USE BY THE CHIEF OF PROTOCOL.

Section 1344(b)(4) of title 31, United States Code, is amended by inserting "the Chief of Protocol of the United States," after "abroad,".

AMENDMENT NO. 1152

(Purpose: To authorize a comprehensive program of support for victims of torture, and for other purposes)

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. REAUTHORIZATION OF RELIEF FOR TORTURE VICTIMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there is authorized to be appropriated to the President to carry out section 130 of such Act $11,000,000 for fiscal year 2004.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there is authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $6,000,000 for fiscal year 2004.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 2004, there is authorized to be appropriated to carry out subsection (a) $20,000,000 for fiscal year 2004.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

AMENDMENT NO. 1153

(Purpose: To require an annual report on Saudi Arabia's cooperation in the war on terrorism)

At the end of title VIII, insert the following new section:

SEC. 815. ANNUAL REPORT ON SAUDI ARABIA'S COOPERATION IN THE WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORT.—Not later than May 1, 2004, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the cooperation of the Government of Saudi Arabia in the war on terrorism.

(b) CONTENT.—Each report shall include—

(1) a description of the efforts of the Government of Saudi Arabia to combat terrorism and to counter efforts to foment intolerance in Saudi Arabia;

(2) an assessment of the cooperation of the Government of Saudi Arabia with United States antiterrorism efforts, including—

(A) efforts of law enforcement in Saudi Arabia to disrupt suspected terrorist networks and apprehend suspected terrorists; and

(B) diplomatic and law enforcement efforts of Saudi Arabia to stop the financing of terrorists and terrorist organizations; and

(3) an assessment of the efforts of the Government of Saudi Arabia to investigate terrorist attacks against citizens of the United States, including—

(A) a description of the status of efforts to investigate such attacks; and

(B) a list of individuals convicted in Saudi Arabia of committing such attacks.

AMENDMENT NO. 1154

(Purpose: To require a report on states that have not cooperated in small arms programs)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. ANNUAL REPORT ON SMALL ARMS PROGRAMS.

Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report—

(1) describing the activities undertaken, and the progress made, by the Department or other agencies and entities of the United States Government in prompting other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons, and describing to what degree the failure to cooperate affects the national security of such state, its neighbors, and the United States; and

(3) recommending incentives and penalties that may be used by the United States Government to prompt states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

AMENDMENT NO. 1155

(Purpose: To require the reporting of certain information relating to proposed exports and transfers of firearms)

At the end of subtitle B of title XXII, add the following:

SEC. 2241. TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS.

(a) EXPORTS UNDER THE ARMS EXPORT CONTROL ACT.—

(1) LETTERS OF OFFER.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended by inserting after "such certification)." in the fourth sentence the following: "Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the letter of offer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.".

(2) LICENSES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting after the second sentence the following: "Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the license or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.".

(b) TRANSFERS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.—Subsection 516(f)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) for any proposed transfer of firearms listed in category I of the United States Munitions List that would require a license for international export under section 36 of the Arms Export Control Act (22 U.S.C. 2776)—

"(i) with regard to the proposed transfer, the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons; and

"(ii) a summary of any provision under the transfer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed transfer; and".

AMENDMENT NO. 1156

(Purpose: To provide a report on a strategy to deal with the international coffee crisis)

At the appropriate place insert:

SEC. . REPORT.

Not later than 120 days after enactment, the Secretary, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees describing the progress the United States is making towards meeting the objectives set forth in paragraph 1 of S. Res. 368 (107th Congress) and paragraph 1 of H. Res. 604 (107th Congress), including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

AMENDMENT NO. 1157

(Purpose: To strike section 2512, relating to amendments to the Arms Control and Disarmament Act)

Strike section 2512.

AMENDMENT NO. 1158

(Purpose: To provide an exception to requirements with respect to bilateral agreements for exemptions from certain licensing requirements)

On page 182, line 16, insert "**AND THE UNITED KINGDOM**" after "**AUSTRALIA**".

On page 182, beginning on line 22, strike "The requirements" through "into force." on page 183, line 4, and insert the following:

"(A) AUSTRALIA.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.

"(B) UNITED KINGDOM.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i) and (2)(A)(ii) of this subsection shall not apply to the bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act, or any other form of agreement between the United States Government and the Government of the United Kingdom to gain an exemption from the licensing requirements of this Act.".

On page 183, between lines 9 and 10, insert the following:

(c) CERTIFICATION ON NONCONFORMING AGREEMENTS.—Not later than 14 days before the activation of an exemption from the licensing requirements of the Arms Export Control Act pursuant to any bilateral agreement made with the United Kingdom or Australia for that purpose that does not conform to the requirements applicable to such an agreement under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778)(j), the President shall certify to the appropriate congressional committees that—

(1) the nonconforming agreement is in the national interest of the United States;

(2) the nonconforming agreement does not in any way adversely affect the ability of the licensing regime under the Arms Export Control Act to provide consistent and adequate controls for items not exempt under such agreement from the licensing regime;

(3) the nonconforming agreement will not in any way adversely affect—

(A) the abilities of the Secretary to ensure, pursuant to section 2 of the Arms Export Control Act (22 U.S.C. 2752), effective controls over the sales, finances, leases, cooperative projects, and exports that are regulated under such Act; or

(B) any of the duties or requirements of the Secretary under such Act; and

(4) the nonconforming agreement will serve as an effective nonproliferation and export control tool.

(d) REPORT ON ISSUES RAISED IN CONSULTATIONS PURSUANT TO BILATERAL AGREEMENTS WITH AUSTRALIA AND UNITED KINGDOM.—Not later than one year after the date of the enactment of this Act and annually thereafter, the President shall submit to the appropriate congressional committees a report on any issues raised during the previous year in consultations conducted under the terms of the bilateral agreement with Australia, or under the terms of the bilateral agreement or any other form of an agreement with the United Kingdom, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain detailed information—

(1) on any notifications or consultations between the United States and the United Kingdom under the terms of the agreement with the United Kingdom, or between the United States and Australia under the terms of the agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) listing all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of the agreement with the United Kingdom or the agreement with Australia;

(3) on any consultations or steps taken pursuant to the agreement with the United Kingdom or the agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) on all special provisions and procedures undertaken pursuant to—

(A) the agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) the agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) on any understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to the agreement with the United Kingdom or any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of these agreements;

(7) on any United States origin defense item for which the United States did not seek re-export or transfer authorization under the terms of the Memorandum of Understanding between the United States and the United Kingdom, and on any United States origin defense item for which the United States did not require re-export authorization under the terms of the agreement with Australia; and

(8) on any disagreement the Government of Australia or the Government of the United Kingdom may have with the United States Government concerning any aspect of the bilateral agreements between such country and the United States, and on any disagreement with the Government of the United Kingdom concerning any aspect of any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act.

(e) SPECIAL REPORTS ON UNAUTHORIZED END-USE OR DIVERSION.—The Secretary shall notify the appropriate congressional committees not later than 30 days after receiving any credible information regarding the unauthorized end-use or diversion of United States exports made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

(1) a description of the good or service;

(2) the United States origin of the good or service;

(3) the authorized recipient of the good or service;

(4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(5) any enforcement action taken by the Government of the United States; and

(6) any enforcement action taken by the government of the recipient nation.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

AMENDMENT NO. 1159

(Purpose: To improve the provisions on global pathogen surveillance)

In section 2403(2)(B), strike "and" after the semicolon.

In section 2403(2)(C), strike the period and insert "; and".

In section 2403(2), add at the end the following:

(D) is determined by the United States Government not to have an offensive biological weapons program.

In section 2403(3), strike "who is eligible to receive" and all that follows and insert "who—

(A) is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not currently or previously affiliated with or employed by a laboratory or entity determined by the United States Government to be involved in offensive biological weapons activities.

In section 2408(b)(3), strike "and" after the semicolon.

In section 2408(b)(4), strike "(4)" and insert "(5)".

In section 2408(b), insert after paragraph (3) the following:

(4) necessary to secure and monitor pathogen collections containing select agents; and

In section 2408(e), insert "monitor," after "secure,".

In section 2413(c), strike "90 days" and insert "120 days".

AMENDMENT NO. 1160

Strike section 205.

AMENDMENT NO. 1161

At the end of title III, add the following:

SEC. 313. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting "the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a))," after "considering"; and

(2) by striking "the grievant or" and inserting "the greivant, or".

AMENDMENT NO. 1162

At the end of title VIII, add the following:

SEC. 815. MODIFICATION OF REPORTING REQUIREMENTS ON UNITED SATES PERSONNEL INVOLVED IN THE ANTINARCOTICS CAMPAIGN IN COLOMBIA.

Section 3204(f) of the Emergency Supplemental Act, 2000 (division B of Public Law 106-246; 114 Stat. 577) is amended—

(1) in the heading, by striking "BIMONTHLY" and inserting "QUARTERLY";

(2) by striking "60 days" and inserting "90 days"; and

(3) by striking "to Congress" and inserting "appropriate committees of Congress (as that term is defined in section 3207(b)(1) of this Act)".

AMENDMENT NO. 1163

(Purpose: To strike section 2239, relating to the sense of Congress relating to exports of defense items to the United Kingdom)

Strike section 2239.

AMENDMENT NO. 1150

Mr. BIDEN. Mr. President, along with Senator MIKULSKI, I offer the following sense of the Senate amendment with respect to condemning violence against women. It states that the United States should continue to:

> condemn violence against women and should urge states to refrain from invoking any custom, tradition or practice in the name of religion or culture as a means to avoid obligations regarding the elimination of violence against women referred to in Article IV of the Declaration on the Elimination of Violence against Women.

In this year's session of the U.N. Commission on the Status of Women, the United States sided with Iran, Pakistan and Sudan in opposing the above language in the final report of the Commission's session.

We ought to wonder why. The language was important, critical to support, on its merits and furthermore, it was hardly groundbreaking.

The United States supported it in the 1993 U.N. Declaration on the Elimination of Violence Against Women and in the 1995 Beijing Platform of Action.

This year, the U.S. delegate justified the position of not supporting the language on customs and religious practices by claiming that the United States was seeking consensus in the commission, because some other nations perceived the language as casting religion in a negative light.

This is absurd. Violence against women is an outrage. It happens every day, in America and around the world. It is never justified, and the United States should never miss an opportunity, here and abroad, to condemn it.

Therefore, I have offered this amendment to reiterate the need for the United States to continue to take a stand in condemning violence against women in all forms, and under all circumstances.

AMENDMENT NO. 1154

Mr. AKAKA. Mr. President, I rise today to support Senator FEINSTEIN's amendment to the Fiscal Year 2004 State Department Authorization bill that would require the State Department to submit an annual report on nations that are not cooperating with programs concerning small arms and light weapons.

The U.N. estimates that there are more than 500 million small arms and light weapons in the world and about half of these are illicit. Of the 49 major conflicts fought during the 1990s, small arms were used in 47 of them, causing four million deaths. Ninety percent of the deaths were civilians and eighty percent of those were women and children. The death and destruction caused by small arms and light weapons has led U.N. Secretary-General Kofi Annan to characterize them as a "global scourge."

In July 2001 a United Nation's conference took place on the illicit trade in small arms and light weapons. The conference adopted a program of action to eliminate these weapons. The first review of the program of action is taking place this week in New York.

U.S. Assistant Secretary of State for Political-Military Affairs Lincoln Bloomfield echoed Secretary-General Annan's comments in his address to the conference. Mr. Bloomfield told the delegates that, "the illicit trade in small arms and light weapons poses a serious threat to stability and security in this hemisphere as well as parts of Africa, South Asia, the Middle East, and elsewhere." Mr. Bloomfield called on all nations to "work even more energetically to curb the illicit trade in small arms and light weapons."

The United States has made a substantial contribution to this effort. Over the past two years, some five million dollars have been spent on destruction assistance programs. U.S.-supported programs in 10 countries have led to the destruction of over 400,000 excess or illegal weapons and 44 millions rounds of ammunition.

The size of the problem means there is much work left to be done. President Bush in a speech last month outlining his agenda for his trip to Africa said that his "first great goal in our partnership with Africa is to help establish peace and security across the continent." He underscored, "Many thousands of African men and women and children are killed every year in regional wars." Africa has suffered terribly from the scourge of small arms. I urge the President to make the control of small arms and light weapons an even greater priority, and I hope the administration will continue to emphasize the importance of controlling and eliminating small arms and seek additional funding when it is needed.

Senator FEINSTEIN's amendment will assist the United States in its efforts to encourage other countries to participate in programs to control these weapons. An annual report on illicit small arms will allow the government to better track countries that are not yet cooperating. It will also allow Congress to be better informed about the State Department's efforts to gain cooperation of those countries.

I thank the Senator for her efforts. We should do as much as possible to address the scourge of small arms that is taking the lives of so many innocent people throughout the world.

AMENDMENT NO. 1155

Mr. AKAKA. Mr. President, I rise today to support Senator BIDEN's amendment to the Fiscal Year 2004 State Department Authorization bill concerning sharing information about the export of small arms with the State Department office responsible for the collection and destruction of small arms.

In July 2001 a United Nation's conference took place on the illicit trade in small arms and light weapons. The conference adopted a program of action to eliminate these weapons. After two years, the first meeting to review progress on this program of action convened this week in New York. U.N. Secretary-General Kofi Annan in a message sent to the conference said, "It is difficult to overstate the importance of implementation of the program of action." He noted, "After all, small arms and light weapons cause mass destruction. They kill about 60 people an hour or half a million people a year, 90 percent of them women and children."

U.S. Assistant Secretary of State for Political-Military Affairs Lincoln Bloomfield described to participants the significant contribution the United States has made in the area of destruction assistance programs. Commendably, since early 2001, U.S.-supported programs in 10 countries have led to the destruction of over 400,000 excess or illegal weapons and 44 million rounds of ammunition.

Senator BIDEN's amendment will add needed rationality to U.S. policy in this area. If the United States permits the export of small arms or light weapons, the office within the State Department responsible for the collection and destruction of these arms should be informed. Otherwise we may unknowingly pay states to destroy small arms at the same time that we are giving them more weapons.

I thank the Senator from Delaware for this amendment. It is important that the right hand of the government knows what the left hand is doing. The U.N. estimates that there are more than 500 million small arms and light weapons in the world and around half of these are illicit. We have far to go in our global effort to control and eliminate these illicit arms. Every step we can take to achieve this goal should be pursued.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I rise to update the Senate on where we stand on the State Department authorization bill. We were successful in working through many issues yesterday. In fact, we came to a conclusion on three of the most difficult issues that we expected in the bill, the structure of the Millennium Challenge Corporation, support for Iranian democracy, and the Mexico City policy. This morning, by action of the Senate, we have cleared and passed 14 amendments. We have passed about 20 amendments in less than 24 hours. In addition, 15 to 20 amendments that were mentioned as possibilities will either not be offered or will be worked out. This leaves a declining list of foreign policy amendments that we believe we can resolve today.

I want to encourage Members to come to the floor to offer their relevant amendments. We are in range of finishing the bill. I thank Senator BIDEN again for all he has done to advance the Senate's foreign policy agenda. I likewise thank the majority and minority leaders, and Senator REID especially for his cooperation.

Yesterday, it was announced that State Department authorization bills have traditionally taken much longer than 2 days. While that may be true, it does not have to be the case this time. The two bills that comprise most of the substitute amendment were passed out of the Foreign Relations Committee by a vote of 19 to 0. Republicans and Democrats have worked together closely on these issues. While we have some differences, the members of our committee are united in our belief that the substitute before us will enhance U.S. national security and is vital to our national interests.

The Senate's record this year in moving foreign policy items has been excellent. We have passed a global AIDS bill, the Moscow Treaty, NATO expansion, and other items. The Senate has moved decisively on the Nation's foreign policy business because we recognize as a body that in these perilous times it was our duty to do so. America's national security is at risk and its leaders, entrusted with passing legislation to keep America secure, must continue to do our duty.

Today Senators have an opportunity, as always, to be senatorial. I am hopeful that all Senators with an amendment will come to the floor and help us pass this bill quickly and provide our diplomats the tools they need.

I yield the floor.

The PRESIDENT pro tempore. The deputy leader.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1164 TO AMENDMENT NO. 1136

Mr. REID. I send an amendment to the desk on behalf of Senator REID of Nevada and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DASCHLE, proposes an amendment numbered 1164.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide support regarding the rural development crisis in Mexico)

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. SUPPORT REGARDING RURAL DEVELOPMENT CRISIS IN MEXICO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue working closely with the Government of Mexico to help minimize the impact of the current rural development crisis in Mexico; and

(2) that crisis creates a humanitarian, economic, and security imperative for the United States Government to support additional programs focused on the underfunded rural communities of Mexico.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $100,000,000 for programs in Mexico that promote the following:

(1) Micro credit lending.

(2) Small business and entrepreneurial development.

(3) Small farms and farmers that have been impacted by the collapse of coffee prices.

(4) Strengthening the system of private property ownership in the rural communities.

Mr. REID. The amendment offered on my behalf and that of the Democratic leader concerns a country, regrettably, that does not get a lot of attention in the Senate. In recent months—and rightfully so—we have focused intently on Iraq, Afghanistan, North Korea, Iran, Colombia, Pakistan, and many other countries scattered around the globe. Our close neighbor and critical friend to the south, Mexico, too often receives little, if any, attention.

In some respects, the lack of attention may be a good thing. Last Sunday, for example, Mexico held midterm elections that resulted in President Fox's party losing 40 seats in the Mexican Congress in an election that was uniformly recognized as free and fair. It was not too long ago that elections in Mexico would have been front-page news in the United States, and the news would have not been good. In all likelihood, the reports would have told of rigged elections and another power grab by the long-ruling PRI.

So the lack of attention to our friend Mexico is in one sense good news, but in a much larger sense it is a serious problem. The legislation we consider today will authorize billions of dollars for countries, regions, and programs around the world. But we will do very little for the country with whom we share a 2,000-mile border—Mexico.

That is a disappointment, especially in light of that hopeful South Lawn ceremony with President Fox less than 2 years ago with our President. This amendment makes one simple thing very clear: what happens in Mexico is in the national security interests of our country. We should be doing more to help Mexicans who are working hard to help themselves. I believe President Bush summed it up very well last year when he said: "The United States has no more important relationship in the world than the one we have with Mexico. Good neighbors work together and benefit from each other's successes." I agree with our President. It is a special relationship with great economic importance to both nations. But I am disappointed that the President has not backed up his words with action.

Mexico is now the second largest trading partner we have. It is among the top 10 export markets for 43 of our States. It is the ninth largest economy in the world. But this special relationship we share with Mexico is in desperate need of repair. As we have turned our attention away from Mexico in recent years, economic troubles within the country have grown increasingly serious.

A few years ago, Mexico seemed on the verge of an economic breakthrough. Today, however, Mexico's growth rate is half of what it was in the mid-1990s. This has hurt both their nation and our Nation. Mexico has a poverty rate of almost 40 percent. There are a little over 100 million people in Mexico. That means almost 40 million Mexicans live in poverty. Fifty-three percent of all Mexicans—more than 50 million people—have an annual income of less than $1,400. Twenty-three percent of all Mexicans have an annual income of less than $720. That is less than $2 a day. Income distribution within the country remains especially unequal, and unemployment and underemployment continue to hamper our southern neighbor.

The problems are especially acute in rural areas of Mexico, which have been chronically underdeveloped and underfunded. Rural poverty remains one of the most persistent and serious economic problems facing Mexico. This rural economic crisis threatens the health and well-being of people in Mexico and puts our own economy and security in jeopardy.

Take, for example, coffee growing. Coffee growers in Mexico thrived just a short time ago. They became an indispensable component of Mexico's rural economy. But they have seen the price of their crop drop by 70 percent in just 5 years. These failing commodity prices have led many of these farmers to seek another crop to feed their families. What is that crop? Opium poppies, which are used to make heroin that ultimately makes its way into our country.

I understand that when people have no money, when their families are hungry, and when their livelihood is vanishing before their eyes—think of Mexico's coffee growers—they look for other ways to survive. Some grow poppies, but others take unbelievable risks to come to America.

Now, I am opposed to illegal immigration. I think everyone should comply with the law. But it has to tear at your heartstrings to see people who are so desperate that they risk their lives to come across the Rio Grande River. They freeze to death in the mountain passes; they die in the deserts of Arizona, New Mexico, and California trying to come to America. They pay what little money they have to demons who tell these people, "We have a way for you to get to America." They cram innocent Mexicans in boxcars and trucks, and subject them to inhumane conditions. This is an all-to-familiar scene that takes the lives of too many innocent human beings.

So while I am opposed to illegal immigration, I understand why desperate people do everything in their power to try to come to America. They risk their lives to cross our border illegally. This places additional strains on our border security officers, who are already overextended. Those who manage to sneak past the Border Patrol and survive the desert and the mountain passes arrive here with few, if any, job skills, so they take any job they can find. They compete for jobs with those who are here legally and tax our social services.

Clearly, this crisis in rural Mexico is not only the business of Mexico; it is our business, too. Should we be concerned about what has gone on in Iraq? Of course we should. Should we be concerned about what is going on in Afghanistan? Of course we should. Should we be concerned about what is going on in Pakistan today? Bangladesh? India? Of course we should. Should the President of the United States be in Africa today? Of course he should.

I traveled to Africa last August. It is an eye opener. As the world's only superpower, we have tremendous obligations. The President is going to commit this Congress to new obligations as he makes his trip around Africa. We have an obligation to do our best to live up to the commitments our President makes as he travels throughout the world.

I do not in any way denigrate what we have done and what we are doing around the rest of the world. I am criticizing what we have failed to do. We have ignored Mexico, and that is wrong. We must remember that what goes on in Mexico concerns our Nation, because in today's world, problems like drugs and poverty do not grind to a halt at our borders. The Rio Grande River is not sufficient to stop the flow of illegal drugs into our country. The Rio Grande River is not sufficient to stop the poverty that comes across our borders in the form of illegal immigration that taxes our social services, our law enforcement officers and our educational system.

But we also share many positive things with Mexico. We have a shared history, a shared culture, even a shared language—I have three sons who speak fluent Spanish. Mexican Americans have helped shape our great Nation. Twenty million people of Mexican ancestry live in the United States today, an increase of 53 percent from ten years ago.

Mr. President, if you still doubt that we have a shared culture with Mexico, look at Nevada. What does the word "Nevada" mean? In Spanish it means "snowcapped." "Las Vegas," what does that mean? In Spanish it means "the meadows."

In the State of Nevada, which is the fastest growing State in our Nation, Mexican Americans now account for more than 15 percent of the population. That is a 300 percent increase since the early 1990s. Overall, we have seen a 53 percent increase in our country's Mexican American population, but in Nevada it has been 300 percent. That doesn't take into consideration the approximately 5 percent of the population in our state who came from Colombia, Guatemala, Honduras, and other places in Central and South America. So as you can see, Mr. President, the connections between our two nations are real.

But I want to do more than talk about this relationship. Actions speak louder than words. It is time this Congress acted. I want to follow through on President Bush's promise to work, and work together with Mexico. I want to address the very real crisis affecting Mexico's rural communities.

Some of my colleagues have said: Your amendment has some merit, but won't it cost too much money? Well, this legislation we are dealing with here in the Senate today is worth billions of dollars. I think our neighbor to the south deserves part of that largesse.

In recent years we have helped many countries around the world in their hour of need, whether through economic or military assistance. The American people have responded time and time again to crises in far corners of the world. Surely we can answer the call to help our largest trading partner and close ally. I don't think we have a choice. That is why I am proposing this plan to help Mexico lift herself up.

This amendment will not drop money on Mexico's doorstep and hope it gets spent wisely. No, we are not doing that. Any expert who is familiar with what is going on in Mexico will tell you one thing—that the way to stop illegal immigration from that country is to give Mexicans an opportunity to succeed in their own economy. That is what this amendment is all about. And so we are proposing a plan to help Mexico lift herself up by providing the resources for a program to spark redevelopment in rural areas. This amendment would authorize $100 million for microcredit lending, small business entrepreneurial development, aid to small farmers who have been affected by the collapse of prices, and support for Mexico's private property ownership system, which is in bad need of repair.

President Fox is confronted with problems all over Mexico, but none are more difficult than those of rural Mexico. Commodity prices have fallen through the floor—not only coffee, but others, as well. Mexico's young people are fleeing its historic farming areas for Mexico City.

Mexico City is the largest city in the world, with 21 million people at last count. It is also the most polluted city in the world. I went there and met with State Department officials. Our State Department officials receive hazard pay for living in Mexico City, but not because anybody is shooting at them. They receive it because the city's air is so detrimental to their health. And each day, more desperate people come to this overcrowded, polluted city from rural Mexico. The country is trading its rural future for increased unemployment in Mexico City. That is a bad switch.

Let me talk briefly about each of the provisions of this amendment. First, microcredit lending programs have been enormously successful throughout the world. The goals of these programs are to provide small loans to nontraditional sectors of the economy that would ordinarily not be supported by the main financial institutions of the country. Flexible repayment procedures and low interest rates are hallmarks of microcredit enterprises.

Our distinguished chairman of this committee has had such a significant impact on the world as a result of his involvement in this committee on which he serves, the Foreign Relations Committee. There are programs that have his name attached to them. The first one that comes to almost everyone's mind, of course, is Nunn-Lugar, which was a program that was introduced by two great statesmen—Nunn from Georgia, LUGAR from Indiana—to work on a problem in the former Soviet Union that seemed to be unsolvable. Nunn-Lugar made tremendous strides in the direction of solving the problems we had with nuclear programs in the former Soviet Union.

So I say to my distinguished Chair of this committee, I know the Senator from Indiana understands and has seen examples of how a few dollars, with our microlending programs in other countries, have been magnified and have helped individuals and regions and entire countries.

That is what we are trying to do here.

The evidence of microcredit lending clearly suggests that a small amount of money can have a huge impact on an economy by helping significantly in villages and rural communities and with small businesses. These programs ought to be rolled out to rural parts of Mexico, as they have been in other parts of the world where the need for such innovative lending was clear. My amendment would start this process.

Second, there is a lot of business activity just above the microenterprise level which large banks and financial institutions simply won't support because of lack of collateral or creditworthiness. These are typically small businesses and entrepreneurs who are trying to get started and who many times do not even have money for further training. This amendment supports efforts to boost programs directed at small businesses and entrepreneurial development, which is critical for maintaining a diversified and balanced rural economy. When small businesses and entrepreneurs leave the rural communities for larger Mexican cities or even the United States, that spells the beginning of the end for parts of rural Mexico.

The third part of this amendment would implement programs to help the Mexican farmers who have been hurt by the falling prices of coffee and other commodities. On average, Mexican coffee farmers are being paid 70 percent less than they were just 5 years ago. As a result, these once thriving farmers and farmhands are seeking work in larger cities.

But when they come to these larger cities, they do not check into an apartment with air-conditioning or inside toilets. They cannot stop at the 7-Eleven and buy something for dinner. They live in shantytowns—homes made of cardboard. We all have seen shantytowns. It is disgraceful that people have to live that way. But many of the 21 million people living in Mexico City live in shantytowns. Agencies should be helping rural farmers to keep cultivating their usual crops, so they don't turn to illegal crop production or become desperate and abandon rural Mexico entirely.

Finally, the fourth component of this amendment—and I believe it is an important part—is to support private property ownership in rural communities, and to do it through increased mortgage financing.

If you want to sell your home in this country, it is very simple. If someone wants to buy it, they go to a title company. They go to somebody who has abstract deeds, and they run that through the legal process to find out if you really own that home, and if you do, whether there are any liens against your property in the way of debt which you haven't paid. By the time that person sells that home, the person who buys it knows everything about that real estate he wants to buy from you. You can't do that in most places in Mexico. They have no legal system to do that.

If you live in rural Mexico and you own a home, you live in that home for the rest of your life. You can't borrow money to fix it up. It is worth nothing because you can't sell it. It is, in effect, debt capital in more ways than one.

Sound and secure property rights are a fundamental part of any market economy. But the framework of property rights in Mexico is in a state of disrepair. The lack of security in property transactions has resulted in a substantial decrease in the availability of credit.

For example, mortgage financing funds only about 40 percent of new households in Mexico. Why? No one will lend money to people who do not own homes or have liens against a home. Families do not have equity in their homes, and the homes can't easily be sold unless cash is paid upfront. The impact of all this is particularly severe in rural communities, where the only alternative to living in the same dilapidated home for the rest of your life is to flee to a big city. The United States should act expeditiously in this area to help Mexico get its property rights back on track. We can do that today by passing this amendment.

So to summarize, Mr. President, the four components of this amendment are microcredit lending, small business and entrepreneurial development, assisting small farms, and supporting an enhanced system of private property ownership.

As I indicated earlier, some of my colleagues have already said this will cost too much money. I agree that it will cost a lot of money, even by Washington standards. But I also recognize that Mexico is in a dire crisis. Mexico is our friend, and it is in our interest to help Mexico. By doing this, we will help Americans as well as Mexicans.

I recognize that immigration and drug trafficking from Mexico present a real problem for the United States. I have talked about that. Especially for States, such as Nevada, that are on the front line of this battle, it is a very difficult problem.

I don't think this is a typical aid package. As I mentioned earlier, it is no handout. It is a commitment to free-market-based programs that will spur long-term development and growth in rural areas of Mexico. It is not only the right thing to do, but it also will have a positive impact on the United States by reducing the strain upon our society caused by illegal immigration and the deadly flow of drugs. Furthermore, a stronger and more economically sound Mexico will be a better trading partner for the United States. The better off Mexico is economically, the better off we are, because we will have a greater opportunity to sell them products we develop here.

I have always supported aid to Mexico. Others have objected to it and said it is not necessary, but I have always supported it. It was necessary then, and it is necessary now. It is in our humanitarian interests, our economic interests and our security interests. That is why I say we have to make these investments in Mexico today. If we can afford to help so many other countries in the world, we ought to be able to help our friend with whom we share so much and with whom we share a 2,000-mile border.

As President George W. Bush said:

> We have no more important relationship in the world than the one we have with Mexico.

This amendment will prove whether the United States will do more than just talk about our relationship with Mexico. As I said earlier, are we going to talk, or are we going to act? Actions speak louder than words.

I ask my colleagues to support this amendment. This is so important for our country and for the country of Mexico.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator for his analysis of Mexico. Certainly we ought to underline the importance of the relationship. I believe it is deeply felt by most Americans who are interested in our neighbors to the south and to the north.

Under the North American Free Trade Agreement, we have been trading a great deal more, much to the benefit of both of our countries. There is increased wealth in Mexico; likewise, its distribution and whether it is getting to the rural people the Senator from Nevada has discussed.

I would say, first, in perspective, in the fiscal year 2003 budget of the United States, about $43 million was allocated in foreign assistance to Mexico. The President has requested that for fiscal year 2004—the one we are now discussing—that be increased now to a total of $67.5 million. So the United States, in its foreign assistance, recognizes a number of ways in which our country can work with the people of Mexico for the betterment of people on both sides.

But let me say generally about all of this that the analysis that the Senator has given would be important as testimony in our committee process, as dialog with our Department of State, to try to think through the priorities of how U.S. assistance to Mexico should best be spent.

The Senator has offered some excellent items in terms of microloans, rural development prospects. There are numerous areas in Mexico that require our retention and our cooperation. I would say, once again very generally, committing $100 million to any country in addition to that which we are now expending is a matter of no small moment. It is worthy of the attention of the committee and the proper procedures of consultation with our diplomats and with those in the State Department who have responsibility for that country and that portfolio.

Furthermore, we face an important point as Senators in looking at this amendment. As I commenced the debate on the State Department authorization bill and foreign assistance authorization bill, we pointed out we have been careful to observe the budget agreement, the budget we all came to in the Senate. Clearly, the $100 million that would be authorized by this amendment is not a part of that budget. It was not requested by the President. It clearly would be money that would have to be subtracted from other programs for other countries or from American diplomacy generally. In essence, it is not money that can be added on at this particular juncture.

There was a point in which we were having the budget debate in which Senators could have indicated more money for foreign assistance, more money for the State Department or American diplomacy. As I have reviewed the bidding from that procedure, I pointed out and commended all of the Senators who worked with me to restore in the budget $1.15 billion that the President asked for to begin with. So at least we began the procedure with the moneys the President requested.

The $100 million committed to authorization in this amendment is clearly not a part of that process. Therefore, I am going to oppose the amendment on the basis that I think the worthy objectives of the amendment require discussion through the committee system and in consultation with the State Department and with the administration.

Secondly, I think there is a budget problem Senators have to look at squarely. I appreciate in the past it may have been the habit of the Senate, during these authorization processes, to simply authorize money with the hopes that somehow or other appropriators, at the next stage, would either find the money, subtract it from somebody else's program, or generally ignore the request.

Authorization, as we know, is not appropriations, not expenditures; therefore, sometimes Senators, from time to time, have offered an authorization with the hope that somehow in the process the money might be forthcoming or a portion of it. I understand that.

But I would say, in view of the fact that our country is committing in this budget process $67.5 million to Mexico, we are already taking note of obligations and opportunities that we have. The authorization of an additional $100 million in the Reid amendment, without the committee process, and in negotiation with the State Department, in my judgment, is inadvisable. Therefore, I oppose the amendment.

Mr. President, I would like to engage the distinguished Senator from Nevada in a short colloquy.

May I ask the Senator if he is prepared to proceed to a vote on his amendment.

Mr. REID. I am. I would like 5 minutes more in which to speak.

Mr. President, I ask unanimous consent that Senator BOXER be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, let me just say that I have already stated in my remarks the great admiration I have for the distinguished chair of this committee. He is a good man, a good Senator, but I certainly disagree with the statements he made that this matter was not brought before the committee in the form of an amendment. I have not been here as long as the Senator from Indiana but I have been here quite a while, and I understand that not all Senators have the opportunity, if they do not serve on a committee, to offer amendments.

I know Senator BIDEN and Senator LUGAR do the best they can to bring a bill they think is responsible before the Senate. But had I been on the committee—which I am not—I would have offered an amendment such as this. I do not think there is a higher priority we have, not only from our security interests but from the simple merit of any proposal, than this one right here. I think it is very important that we recognize Mexico.

I am now one of the senior members of the Appropriations Committee, and I do not quite understand why we are being so frugal with Mexico. We are not so frugal with other countries. I think Mexico deserves this. I ask Members of the Senate to understand there is no budget point of order against what I am doing. If this were an appropriations bill or had some budget implications other than that, that might be the case, but Senators can vote for this amendment. If the appropriators can't find enough money, then fine, that is the appropriators' problem.

This body has a leading role to play in foreign affairs. We cannot be dictated to by the administration. President George Bush is President George Bush; he is not King George Bush. We have three separate but equal branches of Government: the judicial, the legislative, and the executive; and we are equal. I have a different philosophy than the President about what we should do for Mexico. He believes we should talk about it and not do a great deal about it. I believe actions speak louder than words. Now, maybe I am wrong but that is how I feel, and I have a right to feel that way.

I am 1 of 100 Senators. If the Senators want to walk in here and say thumbs down to Mexico, I think it is too bad for this Senate but they are going to have an opportunity to vote to help our neighbor.

Congress has a leading role to play in foreign affairs. We cannot defer to what the State Department wants to do. The State Department, directed by this administration, has not done a good job in taking care of Mexico. It has been all talk. There are some who have written, since the elections in Mexico a few days ago, that the reason President Fox took a drubbing in the elections is because the United States has not done anything to help Mexico.

Maybe, when this bill goes to conference, there should be some rearranging. If this amendment is adopted, maybe the people who serve on these committees in the House and the Senate will have to do some rearranging of priorities but that is what we do in conference all the time.

I think anything we can do to help the Mexican people is a direct help for us. Anything we can do to stop people from being forced to leave—Mr. President, people do not suddenly say in Mexico: Well, I guess I'm going to head for the United States. I haven't anything better to do. They are driven to the United States out of poverty, out of desperation. This amendment will allow these people to stay home. It will help Mexico City. It will help stop the tremendous flow of people into that city, the largest city in the world.

This is the right thing to do. It is the right thing to do morally. It is the right thing to do for the security of the Nation—I mean the security of this Nation. It means more than just less crime, less burden on our education system, our health services, but it is economic security in many other ways. This is good for both countries.

I respect my friend from Indiana, the distinguished chairman of the committee. I can't believe that in his heart he believes there is anything wrong with this amendment. I ask my friends to support it.

I have nothing more to say.

Mr. LUGAR. Mr. President, I thank the distinguished Senator. I would like to suggest to him that in view of testimony occurring before the committees presently, the Senator might consider laying the amendment aside temporarily and that it might be voted upon perhaps at 11:30 this morning. Would the Senator be amenable to that idea?

Mr. REID. I would be happy to enter an agreement with the Senator that at 11:30 today the Reid-Daschle amendment would be voted on. I would like an up-or-down vote on the amendment, and there would be no second-degree amendments in order. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I agree that it is an up-or-down vote at 11:30.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1170 TO AMENDMENT NO. 1136

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. KENNEDY, Mr. DURBIN, Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, and Mr. REED, proposes an amendment numbered 1170.

Mrs. MURRAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional weeks of temporary extended unemployment compensation for individuals who have exhausted such compensation and to make extended unemployment benefits under the Railroad Unemployment Insurance Act temporarily available for employees with less than 10 years of service)

After title IX, add the following:

TITLE —UNEMPLOYMENT COMPENSATION

SEC. . ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR EXHAUSTEES.

(a) ADDITIONAL WEEKS.—Section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended by adding at the end the following:

"(d) INCREASED AMOUNTS IN ACCOUNT FOR CERTAIN EXHAUSTEES.—

"(1) IN GENERAL.—In the case of an eligible exhaustee, this Act shall be applied as follows:

"(A) Subsection (b)(1)(A) shall be applied by substituting '100 percent' for '50 percent'.

"(B) Subsection (b)(1)(B) shall be applied by substituting '26 times' for '13 times'.

"(C) Subsection (c)(1) shall be applied by substituting '7 times the individual's average weekly benefit amount for the benefit year' for 'the amount originally established in such account (as determined under subsection (b)(1))'.

"(D) Section 208(b) shall be applied—

"(i) in paragraph (1), as if ", including such compensation payable by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section" were inserted before the period at the end;

"(ii) as if paragraph (2) had not been enacted; and

"(iii) in paragraph (3), by substituting 'the date that is 21 weeks after the date of enactment of Energy Policy Act of 2003' for 'March 31, 2004'.

"(2) ELIGIBLE EXHAUSTEE DEFINED.—For purposes of this subsection, the term 'eligible exhaustee' means an individual—

"(A) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this subsection; and

"(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account, including amounts deposited in such account by reason of subsection (c)) before such date of enactment.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(2) TEUC–X AMOUNTS DEPOSITED IN ACCOUNT PRIOR TO DATE OF ENACTMENT DEEMED TO BE THE ADDITIONAL TEUC AMOUNTS PROVIDED BY THIS SECTION.—In applying the amendment made by subsection (a) under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 26), the Secretary of Labor shall deem any amounts deposited into an eligible exhaustee's (as defined in section 203(d)(2) of the Temporary Extended Unemployment Compensation Act of 2002, as added by subsection (a)) temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC–X amounts") prior to the date of enactment of this Act to be amounts deposited in such account by reason of section 203(b) of such Act, as amended by subsection (a) (commonly known as "TEUC amounts").

(3) REDETERMINATION OF ELIGIBILITY FOR AUGMENTED AMOUNTS FOR ALL ELIGIBLE EXHAUSTEES.—The determination of whether the eligible exhaustee's (as so defined) State was in an extended benefit period under section 203(c) of such Act that was made prior to the date of enactment of this Act shall be disregarded and the determination under such section, as amended by subsection (a) with respect to eligible exhaustees (as so defined), shall be made as follows:

(A) ELIGIBLE EXHAUSTEES WHO RECEIVED AND EXHAUSTED TEUC–X AMOUNTS.—In the case of an eligible exhaustee whose temporary extended unemployment account was augmented under such section 203(c) before the date of enactment of this Act, the determination shall be made as of such date of enactment.

(B) ELIGIBLE EXHAUSTEES WHO EXHAUSTED TEUC AMOUNTS BUT WERE NOT ELIGIBLE FOR TEUC–X AMOUNTS.—In the case of an eligible exhaustee whose temporary extended unemployment account was not augmented under such section 203(c) as of the date of enactment of this Act, the determination shall be made at the time that the individual's account established under section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28), as amended by subsection (a), is exhausted.

SEC. . TEMPORARY AVAILABILITY OF EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT FOR EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.

Section 2(c)(2) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)) is amended by adding at the end the following:

"(D) TEMPORARY AVAILABILITY OF EXTENDED UNEMPLOYMENT BENEFITS FOR EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an employee who has less than 10 years of service (as so defined), with respect to extended unemployment benefits, this paragraph shall apply to such an employee in the same manner as this paragraph applies to an employee who has 10 or more years of service (as so defined).

"(ii) APPLICATION.—Clause (i) shall apply to—

"(I) an employee who received normal benefits for days of unemployment under this Act during the period beginning on July 1, 2002, and ending on December 31, 2003; and

"(II) days of unemployment beginning on or after the date of enactment of the this subparagraph.".

Mrs. MURRAY. Mr. President, in May, after weeks of Democratic efforts, Congress extended unemployment benefits for the 2½ million Americans who have been laid off due to the economic downturn in this country. So far, our Republican colleagues have refused to include assistance for the 1.1 million Americans who have been hit hardest by this economic crisis—those long-term unemployed who have already run out of their unemployment benefits.

Mr. President, I come to the floor to offer this amendment before the Senate. The amendment will provide additional unemployment insurance compensation to more than 1 million Americans who have exhausted all of their unemployment insurance benefits.

I ask unanimous consent to add Senators KENNEDY, DURBIN, DASCHLE, SARBANES, CLINTON, and REED as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. The Murray amendment provides an additional 13 weeks of benefits for unemployed Americans who have exhausted all of their Federal unemployment benefits. That means we will be giving additional assistance to American workers who have been out of work for 9 months or more.

My amendment provides 7 additional weeks of benefits for unemployed Americans who have already received 26 weeks of benefits because they live in a State hit hardest by the ongoing recession.

Finally, my amendment provides parity to railroad workers currently ineligible for extended benefits.

The amendment before us would cost $2.5 billion, but it would help more than a million American workers and their families.

Mr. President, we are talking about the people in this country who have been hit hardest by this recession. We are talking about workers who have run out of options but still have to pay their mortgage; they still have to pay their medical bills; they still have college tuition to pay.

One recent study concluded that unemployed workers do not have significant savings to carry their families through an extended period of unemployment. Unemployment rates normally replace less than half—50 percent—of lost wages. What this means is unemployed workers are draining their savings accounts just to survive. The problem is even more acute for the long-term unemployed. Many of those have drained their savings entirely. They have nothing left.

Last week's June 2003 unemployment report clearly demonstrates the need for this amendment at this time: 30,000 jobs were lost in the month of June; jobs have been lost for the last 5 consecutive months in this country; more than 394,000 jobs have been lost since January of this year; 9.4 million Americans are now unemployed; 3.4 million Americans have lost their jobs just since President Bush took office.

Mr. President, we will soon be in the longest job recession since the 1930s and the Great Depression. My State of Washington has the second highest unemployment rate in the Nation. The unemployment rate in my State is 7.3 percent, and that is just the official unemployment rate.

One recent business columnist suggested the actual unemployment rate for the State of Washington could be as high as 11.8 percent if you count all of Washington's unemployed workers.

All across Washington—in every sector and every region—we are continuing to see job losses. One recent economic report predicted it would be 2005 before any real job creation occurs in Washington State. That is a long time for people who have been out of work for 9 months or more.

My colleague from Oregon, Senator WYDEN, is in the Chamber. He and I share the distinction of being in States with the highest unemployment for the last number of years.

We know when we go home that we are going to be faced by neighbors, by friends in every community across our State who will have been on unemployment, through no fault of their own. They want to be at work. They want to support their families. They want to send their kids to college. They want to pay their mortgages. They want to pay for health care. They do not have jobs. They do not have opportunities. And we have a responsibility to make sure they do not lose everything because of a recession that has been no fault of their own.

Despite the rosy projections of economic growth and recovery that we keep hearing from this administration, we have to tell you there are many real Americans who are suffering through this economy every day.

In my State, there are about 20,000 workers who would benefit from the amendment that is now before the Senate. I have met with these workers who are struggling today. We have lost 35,000 Boeing manufacturing jobs in the last 2 years alone. On an almost daily basis, my office gets calls from workers who are desperate, who have lost their benefits or who will soon lose their unemployment insurance compensation. In fact, yesterday I received a phone call from a gentleman named Richard, and I want to read the message he left my office: He said:

> I live on Camino Island. I'm a laid off Boeing worker. I got laid off a year and a half ago. And I'm in school right now. My unemployment insurance just ran out. I have 8 months left of school. . . .I'm really concerned right now. . . .That money would have been a godsend. I worked for Boeing for over 12 years.

This could be anyone working hard, raising their family, working for Boeing for 12 years and, through no fault of their own, through an economic recession in this country, through September 11, through a downturn in our airline industry, this gentleman was laid off. He is now trying to get his life back together. He is going to school. He does not want to lose everything. He wants to contribute back to this economy and to this country. He needs us to extend unemployment insurance to give him that kind of assurance that this country is there for him in the good times and in the tough times.

There are a lot of workers, such as Richard from Camino Island, in my State who are losing their benefits. Many of these workers are losing hope in this current economy. This amendment gives more than 1 million American workers and their families new hope, new assurance that their country is there for them.

I urge my colleagues to support this amendment. I urge its adoption this morning on this bill. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Washington has offered this very timely amendment. We have spoken to the two managers of the bill. We are awaiting instructions from the leadership as to whether we would have a vote following the amendment that is pending, the Reid-Daschle amendment.

In the meantime, Senator ALLEN and Senator HARKIN wish to offer an amendment, and Senator CLINTON and Senator WYDEN. Senator ALLEN wishes to speak, he said, for 5 minutes; is that correct?

Mr. ALLEN. Mr. President, 10 minutes and 5 minutes for Senator HARKIN.

Mr. REID. And Senator WYDEN and Senator CLINTON wish to speak for 5 minutes. We could do that and make that just right for about an 11:30 vote.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LUGAR. I object for the moment. I want to respond.

Mr. REID. Let's get this resolved first.

Mr. LUGAR. I object temporarily to the request for the yeas and nays. I will go along with that shortly. I am just trying to work with the distinguished leader on procedure.

Senator NICKLES requires 10 minutes for debate on the Murray amendment.

Mr. REID. Mr. President, that would put us to 5 after. Senator MURRAY asks for 5 minutes to respond. We have Senator ALLEN who wishes to speak for 10 minutes, Senator HARKIN for 5 minutes, and then we have Senator CLINTON for 5 minutes and Senator WYDEN for 5 minutes, and that puts us at 25 to the hour. Then I am sure we can have the vote at 11:35 a.m. or 11:40 a.m. and get everyone in to speak.

I ask that the Senator from Washington be given the opportunity to have her amendment seconded so she can have a vote on it; Otherwise, we will just go into a quorum call. I have the floor. We ought to vote on her amendment at some time agreed to by the leadership.

Mr. LUGAR. I agree the distinguished Senator should have a rollcall vote on the amendment. I will probably make a motion to table at the appropriate time.

Mr. REID. We understand that. We understand it will be on or in relation to the Murray amendment.

Mr. LUGAR. We on our side are trying to work out an agreement. Presently it is being drafted. Both sides are attempting to work out voting arrangements. It might be available. It might be useful to set aside the Murray amendment temporarily to listen to Senator ALLEN.

Mr. REID. I ask unanimous consent that when we go to the Allen-Harkin amendment, the Murray amendment be set aside temporarily and that he be allowed to speak for 10 minutes and Senator HARKIN for 5 minutes, and that following his remarks, as in morning business, the Senators from Oregon and New York be recognized for 5 minutes each; that we then go to Senator NICKLES and Senator MURRAY and finish debate on her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1165 TO AMENDMENT NO. 1136

Mr. ALLEN. Mr. President, I call up amendment No. 1165.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Virginia [Mr. ALLEN], for himself and Mr. HARKIN, proposes an amendment numbered 1165.

Mr. ALLEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the definition of blocked assets for purposes of the Terrorism Risk Insurance Act of 2002)

At the end of title VIII, add the following:

SEC. 815. CLARIFICATION OF BLOCKED ASSETS FOR PURPOSES OF TERRORISM RISK INSURANCE ACT OF 2002.

(a) CLARIFICATION.—Section 201(d)(2)(A) of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297; 116 Stat. 2339; 28 U.S.C. 1610 note) is amended by inserting before the semicolon the following: ", any asset or property that in any respect is subject to any prohibition, restriction, regulation, or license pursuant to chapter V of title 31, Code of Federal Regulations (including parts 515, 535, 550, 560, 575, 595, 596, and 597 of such title), or any other asset or property of a terrorist party".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of the Terrorism Risk Insurance Act of 2002, to which such amendment relates.

Mr. ALLEN. Mr. President, I rise with my colleague, Senator HARKIN of Iowa, to present amendment No. 1165 which simply clarifies the congressional intent of the Terrorism Risk Insurance Act passed last year by this Chamber. This amendment will finally allow American victims of terrorism the opportunity for justice and the compensation they deserve.

Unfortunately, despite repeated action taken by the Senate and by the Congress, many American victims are still debating with their own Government to seek compensation from states supporting terrorist activities.

Last year, the Senate approved an amendment that Senator HARKIN and I offered to the Terrorism Risk Insurance Act that was intended to permit victims of state-sponsored terrorism to satisfy their court-ordered judgments for compensatory damages. That amendment was resoundingly approved by a vote of 81 to 3.

We sent a clear message that we are committed to stand beside the U.S. victims of terrorism and make sure they attain justice to which they are entitled. Indeed, several hundred Americans successfully satisfied their judgment under last year's law under assets of terrorist nations that were held by our Government. However, some executive branch officials have attempted to prevent American victims of terrorism from using Iranian assets held by the U.S. Government to satisfy their judgments against Iran for their complicit terrorist activities.

Some misguided and apparently confused Government officials are under the impression that Iranian assets fall outside the definition of "blocked assets" and, therefore, cannot be used to satisfy judgments awarded to American victims.

For some reason, there are some in the State Department who have found that the assets of terrorist states, such as Libya, Sudan, North Korea, and Cuba, are blocked but assets specific to Iran are merely regulated, and therefore not eligible for American victims to receive awards.

This maladroit bureaucratic interference is once again preventing these funds from being used to compensate American victims who have brought lawsuits in our Federal courts. The cases have been heard. The evidence has been presented. They have won their cases and they have secured court-ordered judgments. They are real human beings, such as Edwina Hegna of Virginia. In the 1980s, Mrs. Hegna's husband, Charles Hegna, was an employee of the United States Agency for International Development. In 1984, he was on a commercial airplane flight from Kuwait City to Karachi, Pakistan. That plane was hijacked by Hezbollah, an Iranian-backed organization. The terrorists demanded that all Americans reveal themselves. Mr. Hegna stepped forward. The terrorist then beat and tortured him.

Upon landing, they forced him to kneel. In testimony, witnesses talked about hearing Mr. Hegna praying for his life. He was then shot in the stomach and thrown 20 feet to the tarmac below. He was still alive, though, on that tarmac. Although many bones were broken in his lower body, he did not die. He laid in agony on the tarmac for over an hour. An ambulance finally arrived. The terrorists, when seeing the ambulance coming, leaned out of the airplane door and shot him repeatedly. He died in that ambulance at the age of 50.

He is survived by his wife and their four children. The Hegna family currently has been awarded a compensatory judgment but is unable to receive any compensation from Iran's estimated $237.5 million of net assets reported in this year's Treasury Department report on terrorist assets.

The Senate and Congress must restate the congressional intent, and we must restate it a second time so the Hegna family and all victims—whether they are in Iowa, New York, New Hampshire, all across our Nation—ought to be compensated from the blocked or regulated assets of terrorist nations, and their sponsors must be held responsible and accountable for their vile acts. However, since Congress enacted legislation covering these assets, mistaken bureaucratic interpretations maintain those assets are not subject to the provisions in the Terrorism Risk Insurance Act passed last year.

Let's stop playing games. Let's allow these victims and their devastated families the right to get after these assets.

Let me be clear with my colleagues about what this amendment does not do because we possibly will hear some arguments on this. What this amendment does not do, No. 1, it does not in any way change or expand the definition of blocked assets as defined in the Terrorism Risk Insurance Act, which this amendment was passed last year, 81 to 3. The definition has always intended to include these so-called regulated assets.

No. 2, it does not expand the scope of entities which could be held liable. To the contrary, existing law is broad enough and already ensures that all agencies and instrumentalities of state sponsors of terrorism are subject to the terms of the Terrorism Risk Insurance Act. Nothing in this amendment changes that definition.

No. 3, it does not eliminate or make any changes to the executive branch's flexibility or managing of sanctions. The amendment simply prevents bureaucrats from undermining the intent of the Terrorism Risk Insurance Act.

Lastly, this amendment does nothing to change the policy established by the provisions of the Terrorism Risk Insurance Act and the Harkin-Allen amendment passed last year by an 81-to-3 vote. We must send a clear message that, regardless of confused bureaucracy, we are going to stand strong for justice and hold terrorists responsible for their vile actions. Therefore, I respectfully ask my colleagues to stand with these victims of state-sponsored terrorism, stand with their families and allow them to get some kind of satisfaction, compensation, and proper recourse to justice. I urge my colleagues to support this amendment.

After Senator HARKIN speaks on this amendment, I will ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Virginia for his statement and his persistence. I remember him pushing this amendment last year. I was privileged to cosponsor the amendment. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I compliment my colleague from Virginia for his efforts.

Mr. ALLEN. Mr. President, I thank my colleague from Oklahoma. It means a great deal to our efforts to have his leadership and support behind this amendment.

Seeing that my colleague from Iowa, the cosponsor of this amendment, has not yet arrived, and in the effort to have things move along, I yield the floor but reserve for him 5 minutes. Then, at the conclusion of his statement, I will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Virginia for offering his amendment. As the Senator from Oklahoma has said, he has been persistent on behalf of the victims.

The administration has proposed a comprehensive program for addressing compensation for all U.S. victims of terrorism. I have introduced that proposal, by their request, as S. 1275. The Committee on Foreign Relations will hold hearings on the proposal on July 17. I hope our committee will have the benefit of considering the proposal, deliberating on it, and offering its best advice to the Senate.

Senator BIDEN and I are prepared to accept the amendment. We would like to do so at this stage as opposed to having a rollcall vote, or a voice vote for that matter.

Mr. ALLEN. I certainly would not object to a voice vote. I ask my chairman, Senator LUGAR, if we could have a voice vote. I think it is important we have a voice vote to make sure those in the bureaucracy best understand the intent.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask sometime that Senator HARKIN be recognized for up to 10 minutes to speak on the amendment. He is in the Chamber, and that is fine. I ask if Senator HARKIN would have any objection to our passing the amendment and then he be recognized to speak on the amendment that is approved. We have a UC we are trying to get through.

Mr. HARKIN. That is fine.

Mr. LUGAR. If the Chair would proceed to the question.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1165.

The amendment (No. 1165) was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that the following Senators be recognized to speak prior to the sequence of votes: Senator HARKIN for 5 minutes, Senator NICKLES for 10 minutes, Senator MURRAY for 5 minutes, Senator KENNEDY for 5 minutes, and that following the debate the Senate proceed to the vote on the Reid amendment to be followed by a vote in relation to the Murray amendment No. 1170; provided that there be 2 minutes equally divided in the usual form for debate prior to each of the two votes.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I remind everyone that Senators CLINTON and WYDEN have already been recognized in a previous order to speak for up to 10 minutes. They will each take 5 minutes. I also ask that the Senator from Maryland be recognized for 5 minutes. He has called and wishes to speak. I also ask that there be no second-degree amendment in order prior to a vote on or in relation to the amendment offered by the Senator from Washington. Part of this consent, if everyone uses their time, would bump up the vote for a few minutes but not much.

Mr. NICKLES. Reserving the right to object, and I shall not object, I believe the Senator from Iowa, Mr. GRASSLEY, may wish to speak. I am not positive about that but I reserve 5 minutes for him since this deals with the committee of which he is chairman.

Mr. REID. We would accept that.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I compliment and commend my friend and colleague from Virginia for his unrelenting efforts to make sure victims of terrorism and their families are duly compensated for the acts of terrorism done to them and to their families by various government entities abroad. Senator ALLEN has been in the forefront of this fight. I am proud to join him as a cosponsor of this amendment to again reinforce our commitment to the American victims of State-sponsored terrorism.

We are united as Americans to meet the threat of terrorism. Even as we track down the terrorists and defend America, we must never forget that terrorists acts are ultimately stories of human tragedy. We must never forget the victims, victims such as Kathryn Koob from Waverly, IA, who sought to build cross-cultural ties between the Iranian people and the American people, only to be taken hostage in the U.S. Embassy in Tehran and held captive for 444 nightmarish days in Iran.

This amendment by Senator ALLEN and myself and others will enable American victims of terrorism to receive compensation from blocked or frozen assets of foreign governments that sponsored the attacks upon them.

Despite repeated provisions passed by Congress and enacted by the President most recently as part of the Terrorism Risk Insurance Act of 2002, again the amendment on which both Senator ALLEN and I had worked, American victims of terrorism continue to be denied court-awarded compensation.

Last year, Congress passed this amendment that Senator ALLEN and I cosponsored 81 to 3 as part of the Terrorism Risk Insurance Act. This law required that compensation to American victims of Iran-sponsored terrorism be made from all blocked Iranian assets. Unfortunately, the State Department has decided to play semantics in order to get around the law, saying Iranian assets held by the United States are "regulated," not "blocked."

This amendment offered today by Senator ALLEN and myself and others makes explicitly clear the meaning of "blocked."

> Regulated, frozen, seized, held, licensed, restricted or anything of similar meaning, no matter by what specific legal authority Iranian funds are held by the U.S. Government.

So this should clear it up. It is a matter of fairness to the victims. It is also a matter of fairness for the American taxpayer. The executive branch of the Government actively opposes the use of blocked or frozen assets to pay court-ordered compensation but calls, instead, for compensation to be paid with U.S. tax dollars. I believe this is backwards. State sponsors of international terrorism, not the American taxpayer, must be compelled to pay these costs first and foremost.

I don't know how Congress can make itself more clear. But let's try to make it clear again that we will continue to speak on the Senate floor about this issue until all American victims of State-sponsored terrorism receive the compensation they were awarded from those who perpetrated the attacks upon them.

I am honored to join Senator ALLEN and others today and to send a strong message to State sponsors of terrorism that they will pay for what they have done, and an equally strong message to American victims of terrorism that their country supports them.

I ask unanimous consent I be added as a cosponsor to the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I notify my colleagues I plan to offer another amendment later today that will be dealing, again, with aspects of reconstruction in Iraq regarding people with disabilities having access to places being rebuilt.

Finally, I compliment my friend and colleague from Virginia, again, for his untiring, unrelenting effort to make sure that victims of terrorism are awarded compensation. These are not people who just get the money; they have to go to court. They have to prove their case. If they are successful, then they will be awarded compensation from the countries that sponsor this State-sponsored terrorism. I am proud to join as a cosponsor.

Mr. ALLEN. I say to my colleague from Iowa, I know the Senator's passionate leadership on this issue has been truly a key in propelling this forward. It is a pleasure to work together. It is good to see somebody who cares strongly about justice. And as with so many efforts in the Senate, we need bipartisan leadership. I very much appreciate your vigor, your strength, your courage. You keep us going. You are a good captain of this team. We will keep fighting for those victims and against those terrorist states.

Mr. HARKIN. I thank the Senator for his kind words.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, under the earlier unanimous consent request

I was given 5 minutes and Senator CLINTON was given 5 minutes to address the matter of competitive bidding for Iraqi reconstruction contracts. I ask unanimous consent I be allowed that full 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1171 AND 1172, EN BLOC, TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send to the desk two amendments, one by Senator LEAHY and one by Senator BIDEN, that have been agreed to by both sides, and I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. LEAHY, proposes an amendment numbered 1171.

The Senator from Indiana [Mr. LUGAR], for Mr. SANTORUM, for himself and Mr. BIDEN, proposes an amendment numbered 1172.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1171

Purpose: To ensure that eligibility for assistance under the Millennium Challenge Account includes a demonstrated commitment to the sustainable use of natural resources

On page 250, line 4, insert the following before the semi-colon; and the sustainable use of natural resources

AMENDMENT NO. 1172

(Purpose: To make a technical correction to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003)

At the appropriate place, insert the following:

SEC. ___. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (No. 1171 and 1172) were agreed to.

AMENDMENT NO. 1171

Mr. LEAHY. Mr. President, I want to thank the managers of the bill for accepting this amendment, and I also want to thank the White House for its support.

This is an amendment of few words—only seven, in fact, but they are important words. The Millennium Challenge Account, MCA, authorized in this bill, provides for a determination by the Millennium Challenge Board of eligibility of candidate countries for assistance. The Board is to determine whether such a country has demonstrated a commitment to several things, including "just and democratic governance," "economic freedom," and "investments in the people of such country." I support this. It is long overdue for our foreign assistance to be linked to concrete benchmarks like these. Too often, we have squandered U.S. taxpayer dollars on corrupt, autocratic governments that do not share our values or a commitment to democratic and economic reform.

However, as orignally drafted, the criteria for MCA eligibility do not include a country's commitment to protect the environment. Many governments of developing countries have turned a blind eye or even participated in the wholesale destruction of the timber, mineral and fossil resources that are among a country's greatest source of wealth. In Indonesia and parts of South America, the forests and wildlife are being destroyed at an astounding rate. In Angola, billions of dollars in oil revenues have been stolen by corrupt officials, and this continues today. Other countries are rapidly depleting their scarce water resources, or poisoning their rivers and lakes with toxic pollutants. Fisheries are being mismanaged, and valuable arable land is being lost to erosion.

Economic development cannot be sustained without the sustainable management of a country's natural resources, yet few developing countries have adopted laws or policies which adequately reflect the irrevocable link between economic growth and environmental protection. And some countries that have such laws or policies do not enforce or implement them. My amendment addresses this issue by ensuring that in order to qualify for assistance under the MCA, a country must have demonstrated a commitment to "the sustainable use of natural resources."

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, for some time now a bipartisan group of Senators expressed concern about the letting of billions of dollars in Iraqi reconstruction contracts without competitive bidding. We have worked very closely with the chair of the Armed Services Committee, Chairman WARNER, and with Senator COLLINS, who chairs the Governmental Affairs Committee. We have been able to attach an amendment to the Defense authorization bill requiring the disclosure of awards that involve closed-bid or no-bid accounts.

But the fact is, as the legislative process goes forward, too much money is now moving out of public coffers into private hands with too little assurance that those hands have won their contracts fairly.

As a result, today Senator CLINTON and I are requesting the immediate public disclosure of all documents relating to USAID's decision to exempt Iraqi contracting from full and competitive bidding. In addition, Senator CLINTON and myself are asking Defense Secretary Rumsfeld for explanations regarding particularly troubling contracts that have recently come to light and have been awarded by his Department.

Recently, a number of Senators have returned from Iraq. Every one of them I have heard discussing their trip, Democrats and Republicans alike, have concluded that the U.S. military will be spending more time in that country than originally calculated. The work to rebuild that ravaged nation will be more difficult rather than less so. Certainly, the billions of dollars of costs to the American people seem only to be going up.

This week, Civil Administrator Paul Bremmer said that just over the next 6 months, Iraqi oil revenues will be $2 billion short of what will be needed to finance occupation and reconstruction. U.S. taxpayers are being asked to fund the difference. They are being asked to fund the difference for the 6 months and presumably for the foreseeable future. Yet the rationale behind much of this cost remains unknown to the American people and even to the Congress. Companies have been given contracts for work in Iraq with little or no competition and no explanation.

The history of this, documented by the General Accounting Office, is such that this is a very unwise approach. The General Accounting Office has repeatedly said sole source or limited source contracts are not the best buy. They found that military leaders have often simply accepted the level of services given by a contractor without once asking if it could be done more efficiently or at a lower cost. Yet these noncompetitive contracts now seem to be the rule rather than the exception when it comes to Iraqi reconstruction.

In my view, when Federal agencies employ a process that may expose taxpayers to additional costs, the need for explanation increases manifold.

There is a crying need for transparency in how these billions of dollars are being spent. On April 19 of this year, a $50 million policing contract was awarded through closed bidding. On the same day it was reported that an $8 million contract for personnel services had been awarded nearly a month before the war began.

Think about that—awards actually before the conflict began. By the time the end of hostilities was officially declared in May, billions of dollars of contracts had already been awarded.

Fortunately, the news media has helped to get out the word about some of these issues. Right now the media is the American people's only source, apparently, for insight into these contracts. The more we learn about this, the more troubling the pattern is. Just recently the New York Times ran a feature-length article describing the letting of a multimillion dollar oil field contract to Kellogg Brown & Root.

I ask unanimous consent that important article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, June 22, 2003]

NATION BUILDERS FOR HIRE

(By Dan Baum)

The huge effort to restore Iraq's oil industry begins every day two hours south of the Iraq-Kuwait border, at the lavish Crowne Plaza Hotel in Kuwait City. No sooner does the lobby restaurant open at 5 a.m. than a line of middle-aged men in jumpsuits, golf shirts and identical tan caps forms at the breakfast buffet, eschewing the mezzeh and labneh for French toast, home fries and beef bacon. Outside, a couple of dozen silver S.U.V.'s are lined up, and after a quick breakfast the men are off in a swift northbound convoy, each car marked with the sideways V of duct tape that designates American and British vehicles. The road knifes across a packed pebble desert as flat as a griddle, with hardly a plant or a rock gentling the view to a hazy 360-degree horizon. But nobody's minding the scenery.

The men in the S.U.V.'s are all talking at once, handing clipboards and calculators back and forth, trying to make 10,000 impossible things happen in Iraq's oil fields in exactly the right order. A couple are getting in last-minute calls to headquarters in Houston before leaving Kuwaiti cellphone coverage. Though they speak with the drawling soft consonants of the Texas-Oklahoma oil patch, these are truly citizens of the world—or at least the petroleum-producing corners of it.

For they are the legions of Kellogg Brown & Root, subsidiary of the oil-services giant Halliburton, which in March won an open-ended Army contract to restore Iraq's oil fields to working order. Most have spent years toiling in the raw, scraped and sometimes violent places where oil lurks, and each hews to the oilie's ethic: no place is a hardship. How were your 12 years in Algeria? "Not bad." Your six years at Prudhoe Bay? "Not bad." Your 14 years in Nigeria? "Not bad." Southern Iraq—searing, bleak, lawless—is an assignment like any other. Also, they are very well paid.

At the border, where for most Kuwaitis formalities can take an hour, the KBR S.U.V.'s barely slow down. Each man presses his U.S. Department of Defense Contractor ID to the window, and the Kuwaiti guards wave them through. Nobody's controlling the Iraqi side. An hour later, the S.U.V.'s reach an abandoned gas station in the middle of nowhere. In the shade of crumbling walls a company of British soldiers is squatting in the sand, eating packets of weenies-and-beans from their boxed rations. They're a mixture of Royal Engineers, R.A.F. ground troops and 7th Armored Brigade—the famous Desert Rats who fought Rommel in North Africa. As the Brits brew tea on their folding tin stoves, Jim Koockogey, a muscular security coordinator for KBR, stands with clipboard and shouts into the hot wind.

"Tuba Tango: we need two shooters. Arthur power station: two shooters. GOSP Three Romeo: four shooters. . . . " From Kuwait City to here the S.U.V.'s were safe enough in their long silver convoy, but now, traveling singly, they'll need armed guards. The British soldiers toss aside the trash from their rations and drape themselves with weapons and long, glinting belts of ammunition. As the KBR cars roar off toward their daily appointments with Iraqi oil, the soldiers, many of whom fought the hard battles for Basra and Umm Qasr, pile into Land Rovers and fall in behind.

When Dwight Eisenhower warned in 1961 of the "military-industrial complex," he never imagined the regimental descendants of Monty's boys at El Alamein tenting in the desert to baby-sit corporadoes earning $10,000 tax-free a month. This, however, is modern might. The military has become the industrial, and vice versa.

Representative Henry Waxman, a Democrat from California, is in high dudgeon lately, suggesting that Vice President Dick Cheney's former chairmanship of Halliburton gave KBR the inside track on the Iraqi oil-fields contract, which could be worth as much as $7 billion. But the reality is subtler: KBR didn't need any help. It is by now so enmeshed with the Pentagon that it was able essentially to assign the contract to itself.

KBR was founded in 1919 as Brown & Root, and quickly acquired a reputation for taking on the kinds of projects that tend to recall the building of the pyramids. It constructed the gigantic Mansfield Dam in Texas, New Orlean's 24-mile Lake Pontchartrain Causeway, Colorado's Eisenhower Tunnel and the Johnson Space Center, among many other mega-projects. Halliburton acquired it in 1962, and in 1998 merged it with the petrochemical company M. W. Kellogg to form Kellogg Brown & Root. KBR now accounts for almost half of Halliburton's annual $12.5 billion annual revenue.

The Army says KBR got the Iraqi oil-field contract without having to compete for it because, according to the Army's classified contingency plan for repairing Iraq's infrastructure, KBR was the only company with the skills, resources and security clearances to do the job on short notice. Who wrote the Army's contingency plan? KBR. It was in a position to do so because it holds another contract that is poorly understood yet in many ways more important, and potentially bigger, than the one to repair the oil fields: the Logistics Civil Augmentation Program, or Logcap, which essentially turns KBR into a kind of for-profit Ministry of Public Works for the Army. Under Logcap, which KBR won in open bidding in 2001, KBR is on call to the Army for 10 years to do a lot of the things most people think soldiers do for themselves—from fixing trucks to warehousing ammunition, from delivering mail to cleaning up hazardous waste. K.P. is history; KBR civilians now peel potatoes, and serve them, at many installations. KBR does the laundry. It fixes the pipes and clean the sewers, generates the power and repairs the wiring. It built some of the bases used in the Iraq war.

Writing the oil-field contingency plan was only one of a thousand things KBR did for the Army last year under Logcap. (KBR has a similarly broad contract with the Navy, under which it built, among other things, the cages for suspected terrorists at Guantánamo Bay.) The technical term for Logcap is "cost-reimbursement, indefinite-delivery/indefinite quantity," or "cost-plus," meaning KBR spends whatever it believes necessary to get a job done, then adds from 1 to 9 percent as profit. There's practically no limit on how lucrative Logcap can be, and as the awarding of the Iraqi oil-field contract—by KBR, to KBR—demonstrates, Logcap can become a generator of yet more contracts. Nothing like it exists elsewhere in government. That KBR wrote the oil-field plan wasn't considered by the Army a disqualifying conflict of interest—in fact, just the opposite. "They were the company best positioned to execute the oil-field work because of their involvement in the planning," said Lt. Col. Gene Pawlik, an Army spokesman.

The military has relied on civilian contractors ever since George Washington hired farmers to haul supplies for the Continental Army, and the use of mercenaries is as old as time. But the KBR-style blending of corporations into the fabric of the military is relatively recent. Its genesis is one of the unsung but seminal ideological documents of the Reagan era, a revolution-on-paper that goes by the dry title Circular No. A–76. Issued in 1983 by the budget director, David Stockman, A–76 mandates that government should "rely on commercial sources to supply the products and services the government needs."

Circular No. A–76 wasn't written specifically for the Defense Department, and the military was slow to adopt the approach. It took the end of the cold war for the Pentagon to discover the benefits of outsourcing. The times demanded that the military shrink—remember all the talk about a "peace dividend"? Oddly, though, the end of the cold war uncorked a froth of conflicts from Africa to the Balkans that the military had to monitor and, in the case of the former Yugoslavia, fight. By one count, the Army has deployed soldiers more than three times as often in the 14 years since the cold war ended than in the cold war's four-decade history, even though it is today down to only two-thirds the size of its cold war peak.

Downsizing the military not only meant doing more with less; it also meant that a lot of former soldiers, sailors, airmen and officers were suddenly on the street looking for the kind of work for which their particular skills would be valuable. The Pentagon still needed those skills. So the downsized warriors joined a constellation of corporations that sold those skills—everything from data processing to interrogation to bomb disposal—back to the military at private-sector prices.

In 1992 the Defense Department, under Dick Cheney, hired Brown & Root to write a classified report detailing how private companies could help the military logistically in the world's hot spots. Not long after, the Pentagon awarded the first five-year Logcap—to Brown & Root. Then Bill Clinton won the election, and Cheney, in 1995, became C.E.O. of Halliburton, Brown & Root's parent company. A lot of Halliburton's business depends on foreign customers getting loans from U.S. banks, which are in turn guaranteed by the government's trade-promoting Export-Import Bank. In the five years before Cheney took the helm, the Ex-Im Bank guaranteed $100 million in loans so foreign customers could buy Halliburton's services; during Cheney's five years as C.E.O., that figure jumped to $1.5 billion.

"Clearly Dick gave Halliburton some advantages," a Hilliburton vice-president, Bob Peebler, told The Chicago Tribune in 2000. "Doors would open."

Doors continue to swing freely between the corporate boards of companies like KBR, whose livelihood depends on U.S. energy and military policy, and the upper echelons of government, where those policies are set. In addition to its connection to Dick Cheney—who as vice president continues to be paid “less than $180,000 a year” in deferred compensation by Halliburton, according to a company spokeswoman—Halliburton has on its board former Secretary of State Lawrence Eagleburger, who also sits on the board of Phillips Petroleum alongside a former chairman of the Senate Select Committee on Intelligence, David Boren. Among the vice presidents of Booz Allen Hamilton—another does-everything company that has received millions in military contracts—is the former Director of Central Intelligence James Woolsey. Of the 30 members of the Defense Policy Board—the influential Pentagon advisory panel from which Richard Perle was recently forced to resign—at least nine are directors or officers of companies that won $76 billion in defense contracts in 2001 and 2002, according to the Center for Public Integrity. Lieut. Gen. Jay Garner, who served as chief civilian administrator of Iraq, ran a subsidiary of L-3 Communications that makes missile systems used in the Iraq war; and L. Paul Bremer III, who took over from Garner, was plucked from a new unit of the insurer Marsh & McLennan that was created a month after 9/11 to profit from the new concern over catastrophic risk.

I am unabashedly an admirer of outsourcing,” Army Gen. Barry McCaffrey told The Dallas Morning News three years ago. “There's very few things in life you can't outsource.” McCaffrey now serves on the boards of the weapons makers Raytheon Aerospace and Integrated Defense Technologies, among others.

It's a relatively small club that has both guided U.S. military, energy and Middle Eastern policies over the past three decades and then run the corporations that benefit from those policies. And it's a club that had a long history with Saddam Hussein. A sheaf of declassified 1980's State Department cables demonstrate that in 1983 Secretary of State George Shultz—former president of Bechtel—sent Donald Rumsfeld to meet personally with Saddam Hussein several times, in part to promote an oil pipeline to the Red Sea port of Aquaba. (The accompanying State Department photo of the two men warmly shaking hands is startling, given the recent vitriol between them.) In the midst of negotiations with Rumsfeld, Hussein used poison gas against the Iranian Army. While cables demonstrate the State Department discouraged this, a memo to Eagleburger, then the under secretary of state, noted it may have been American firms that sold Hussein the gas, and outlined the need “to avoid unpleasantly surprising Iraq” with public statements.

By July 2000, Cheney claimed on ABC's “This Week” that neither Halliburton nor its subsidiaries dealt with Iraq at all. “Iraq's different,” Cheney said at the time. “I had a firm policy that wouldn't do anything in Iraq, even arrangements that were supposedly legal.” But in fact from 1997 to 2000, when Cheney was running Halliburton, two of its subsidiaries sold Saddam Hussein's government a total of $73 million in oil-field supplies. The deal didn't violate U.S. sanctions because the subsidiaries, Dresser-Rand and Ingersoll Dresser Pump Company, were foreign.

KBR/Halliburton, then, has rounded the bases when it comes to Iraq. It got rich doing business with Iraq, it got rich preparing to destroy Iraq and it's now getting rich rebuilding Iraq.

Proponents of contracting make the point that as the overall size of the military shrinks, the “tooth” needs to increase relative to the “tail,” or, as one analyst put it, “You want the 82nd Airborne training to kill people and blow things up, not cleaning latrines or trimming hedges.” They also argue it's cheaper to hire contractors to do short-term work rather than have the military maintain full-time capabilities it needs only briefly.

A good example is Camp Arifjan, a U.S. Army base about 90 minutes southwest of Kuwait City. Six months ago, this was nothing but a small collection of buildings that was supposed to be a training base. On Oct. 11—the day Congress gave President Bush authority to wage war on Iraq—someone in the Pentagon picked up a phone and told KBR it had nine weeks to run Arifjan into a full-blown Army base for 7,000 people. The job went to Robert (Butch) Gatlin, a wizened 59-year-old Tennessean who served 32 years in the Army Corps of Engineers before coming to perform the same work, at much greater pay, for KBR.

“When we got here, there was no power or water,” Gatlin said as we stepped from the air-conditioned trailer that is KBR's Arifjan headquarters into the blinding desert sun. Within about 72 hours of the Pentagon's call, Gatlin had a handful of KBR specialists—electricians, carpenters, plumbers—on planes headed here. Most of the rest were hired locally. “I had a thousand people working here in 24 hours,” he said. “The Army can't do that.”

KBR essentially took an entire Army base out of containers and made it rise in the middle of the Kuwaiti desert two days ahead of schedule: air-conditioned tents complete with 110-volt outlets for the soldiers' boom boxes, male and female shower blocks, kitchens, a laundry, Pepsi machines, a Nautilus-equipped health club with an aerobics room (“Latin Dance Thurs & Sat!”), a rec center with video games and a stack of Monopoly sets, a Baskin-Robbins and a Subway sandwich shop. (No beer, though; alcohol is illegal in Kuwait.) To conjure Camp Arifjan in a twinkling amid one of the most hostile environments on the planet was by any measure a stunning logistical achievement. And now, as at many bases in the U.S., it's KBR civilian employees, not soldiers, who cook, do the laundry, shuttle supplies and control the airspace overhead. KBR does everything but fight. Though it looks like an Army base, Camp Arifjan effectively is a subsidiary of Kellogg Brown & Root. The Army is merely—to use Gatlin's term—the “client.”

The advantage to the Pentagon of using contractors goes beyond logistics. Had the Army tried to build Camp Arifjan itself last October, it would have had to mobilize reservists, said Lt. Col. Karen LeDoux, the Logcap commander at Arifjan. Activating reservists means disrupting families and businesses and generating TV coverage of men and women leaving home in uniform. In October, the war was still being debated at the United Nations and in the streets. “It's a political decision to use contractors,” LeDoux said. “The Army can get a delicate job done quietly.”

Outsourcing military missions also lets the Pentagon do things Congress might not approve. Congress, for example, has said the military can have only 400 U.S. soldiers in Colombia, an oil-rich country destabilized by guerrillas and the cocaine trade. But for years, civilian pilots employed by DynCorp, a KBR competitor, have been flying what amount to combat missions in Colombia under contract to the State Department, spraying coca crops with defoliant and occasionally getting shot at. Representative Janice Schakowsky, Democrat of Chicago, has been trying to put a stop to this kind of end run around Congressional oversight, but in the bellicose post 9/11 atmosphere on Capitol Hill, she can't get traction. Congress would never authorize the U.S. military to perform such a politically explosive mission as the Colombian spraying, Schakowsky argues, and if an American soldier was killed in Colombia it would be Page 1 news.

“Is the U.S. military privatizing its missions to avoid public controversy or embarrassment—to hide body bags from the media and shield the military from public opinion?” she asks. Iraq, Schakowsky says, is no different. “We talk a lot in Congress about how many U.S. troops are there and for how long, but not at all about the contractors,” she said. “They don't have to follow the same chain of command, the military code of conduct may or may not apply, the accountability is absent and the transparency is absent—but the money keeps flowing.”

The General Accounting Office and several watchdog groups say it's not yet even clear that Pentagon contractors are cheaper in the long run than a larger military; the experiment is still too young. And there are other concerns, first among them the uncomfortable fact that the military can find itself dependent in wartime on people it doesn't control. Often, the only people who know how to run the military's new high-tech gear are the geeks of the company that makes it, so the soldiers manning, say, an Abrams tank don't necessarily know how to fix it if it breaks. After visiting Arifjan I met a reserve Air Force colonel in the lobby of the Kuwait Hilton who told me the communications gear on which his job depends is entirely maintained by civilian employees of the manufacturer (he wouldn't tell me which). “We had a problem in the middle of the night and called down for the contractor; they told us he doesn't come in until 9 a.m.,” the officer told me. “We're fighting a war, and the contractor doesn't come in until 9 a.m.!” And really, there's no guarantee the contractor will be there at all if things get ugly. Soldiers have to stay put when the shells start falling or face punishment for desertion; contractors who decide the high pay isn't worth the risk can simply leave. As the Defense Department itself put it in a 1991 report, “D.O.D. Components cannot ensure that emergency-essential services performed by contractors would continue during crisis or hostile situations.” And that was before the big increase in Pentagon contracting.

From the public's point of view, the increasing use of contractors makes it harder to know what the military is really doing. The Pentagon has lots of maddening rules that citizens have to follow if they want information, but while the Pentagon has secrets, it also fundamentally recognizes that it is a public institution. Not so the contractors, whose first allegiance is to their shareholders and who have little incentive to share information about how they operate. Take salaries. An Army sergeant with four years' service earns $48,292.03 a year, a captain with two years' service earns $60,500.47 and a lieutenant colonel with six years' service earns $87,299.81; the salaries are even posted on the Internet. But when I asked a KBR spokeswoman how much her people were earning for their hard, beerless months in the desert, she said, “We absolutely don't discuss salaries.”

“Why not?” I asked. “You're paying them with taxpayer money.”

“We absolutely don't discuss salaries,” she repeated. (Later, a KBR manager told me on the sly that because he and his colleagues have all their expenses paid by KBR and Americans abroad pay no income tax on the first $80,000 they earn annually, they expect to net $120,000.)

At Camp Arifjan, Butch Gatlin spoke of the good old days of the late 90s, when he had signing authority for any purchase up to half a million dollars. Then came the U.S. involvement in Bosnia and Kosovo from 1995 to 2000, when one of every seven Pentagon dollars passed through KBR and both the company and the Pentagon got dinged by the General Accounting Office for overspending. The G.A.O. said it found “no evidence that cost was taken into consideration.” Last year, KBR paid $2 million to settle federal fraud charges that it inflated the cost of an Army contract in California and “in doing so, it increased its profits at the government's expense.”

Now when Gatlin wants to buy anything over $2,500—which is almost everything—he has to get a signature from an Army officer living at Arifjan. “He signs a lot,” Gatlin sighed. Cost-plus contracting offers the Army maximum flexibility; in an emergency or a politically sensitive moment, KBR can quietly throw as much money as necessary at a problem. But the more KBR spends, the more it earns.

Bechtel, another hydra-headed American giant, won what's often called the “mother contract” from the U.S. Agency for International Development to revive Iraq's water, power and electricity and the port of Umm Qasr. Unlike KBR, which fills the Crowne Plaza with a huge regiment of Texans who actually turn wrenches, Bechtel keeps fewer than 50 engineers and managers quartered at the Kuwait Sheraton. Bechtel's client is USAID, not the military, so none of its work is classified, and that makes it easier to hire its muscle locally. So while the lobby of the Crowne Plaza feels like a particularly high-rent sergeants' club—noisy and smoky, men clumping in work boots across the faux-Persian carpets—the cool marble lobby of the Sheraton plays the role of officers' billet to the reconstruction campaign. On the Sheraton's black leather sofas, British businessmen perch primly in no-wrinkle blazers, sample cases ready, watching for the company golf shirt of a Bechtel executive to emerge from the elevators.

Robert Sedgbeer, who works for a smallish British company that makes cellphone towers, was fighting jet lag to stay awake. “If I can just get these into the right hands, my trip will be worth it,” he said, fingering a stack of company literature and craning his neck for a Bechtel exec. Stephen Thomas, whose achingly polite Oxbridge manner belies his 15 years in Oman (“not bad”), said he hopes to sell Bechtel his company's food-service and telecommunications skills. Like Sedgbeer and everybody else in the lobby, he lowered his voice when saying “Bechtel,” lest he risk offending the keepers of the golden keys. “We don't often get the chance, in our lifetimes, to see a country with such tremendous oil wealth and virtually no civilian commercial infrastructure get a whole new blueprint,” Thomas said eagerly.

The revolving door that spins at the top of the military-industrial ziggurat spins at the bottom too. On my way out of Arifjan, I looked more closely at the heavily armed soldiers guarding the gate and found they weren't soldiers at all, but rather civilian employees of something called Combat Support Associates, a joint venture of three obscure American companies that provide the Army with security, logistics, “live-fire training” and maintenance. In southern Iraq I ran into four big men in full combat gear and Robocop sunglasses whom I also took to be soldiers until I noticed the tape over the left shirt breasts; instead of US ARMY, it said EODT. That stands for “Explosive Ordnance Disposal Technology,” not an Army unit but a company based in Knoxville, Tenn. The Web site says EOD Technology “applies leading-edge geophysical technologies to provide documented efficient solutions to environmental challenges,” and what that translates to is: these guys dig up minefields for a living. Their challenge the day I saw them was an unexploded American artillery round that had crashed through an oil pipeline and was buried who-knew-where underneath. All four used to be soldiers; now they do the same work at private-sector wages.

It's an article of faith among KBR's people that they will be in Iraq only a short while. KBR's top client, Brig. Gen. Robert Crear of the U.S. Army Corps of Engineers, is the man in charge of Team RIO (Restore Iraqi Oil) and on a walking tour of the Basra oil refinery he insisted that the Army's role—and by extension KBR's—is temporary. “This is an Iraqi operation,” he said several times. “The oil belongs to the Iraqi people. We are only support, and only until the infrastructure is up and running.”

But neither he nor anybody else was able to say what “up and running” means. Depending on how that question is answered, companies like KBR will be in Iraq for months and will make millions, or years, and make billions. Decades of war and sanctions have left the wellheads, drills, pumps, and pipelines so inefficient and unsafe that, by some estimates, it will take $50 billion and a decade to fix them.

There is no question that companies like KBR are up to the job. What isn't clear is whether there will come a day, anytime soon, when the United States says, “O.K.; good enough,” and goes home—leaving the Iraqi oil fields patched together and its equipment semi-safe. Or does the effort to “assist the Iraqi people” require a decadelong, oil-financed bonanza for oil-service companies like KBR/Halliburton? If anybody has the answer to that question, he or she is not saying. “That's way above my pay grade,” says General Crear.

What's certain is that as long as the Army is in Iraq, KBR will be there with it. In Baghdad every morning, a crowd of desperate job seekers gathers at dawn at the back gate of the old Republican Palace compound, which is now U.S. Army headquarters. At about 7, a Humvee full of KBR men roars up, and like doorkeepers at the old Studio 54 they select a dozen or so grateful men and women for menial tasks on the base. Nobody objected to my watching this scene, but later, when a photographer took out a camera, an Army public-affairs officer walked up with his hand outstretched. “The authorities in charge have decided not to allow access at this time,” he said. When asked if those “authorities” were the Army or KBR, the officer sighed and said, “To be honest, the lines get a little blurred sometimes.”

Mr. WYDEN. Mr. President, the reason that article is so important is because it indicates Kellogg Brown & Root essentially wrote the specs for the U.S. Government with respect to an oil field restoration effort. What that article shows is that the process basically allowed an incumbent contractor to identify the criteria for a multibillion dollar contract and virtually ensured that company would be awarded the contract without competition. If the news reports are correct, the potential for sole-source, custom-crafted contracts is basically guaranteed now by the Kellogg-Brown agreement. Senator CLINTON and I have asked the Defense Department to provide within 30 days answers to some of the serious questions that involve contracting processes that seem to be used as of today.

The Department of Defense recently announced, for example, that they had some concerns about the original agreement. That is fine, but we want to know whether there are other contracts that are being let in this fashion. We want to know whether the Department of Defense intends to continue the practice where it has not been discovered by the news media.

The reason we are so concerned is if individual contractors are customarily setting the criteria for the work they plan to pursue, there are conflict-of-interest issues that ought to be resolved by our Government today. When you consider the Kellogg Brown & Root contracts are so-called cost-plus contracts, this arrangement becomes even less acceptable. Cost-plus contracts let the companies spend what they think is necessary, and then on top of it they tack on a percentage fee to make a profit. The more taxpayer dollars the company spends, the more profit they are able to bring home. A number of Iraqi reconstruction contracts, not just Kellogg-Brown's, have been designed in this way.

My view is, if the Federal Government is going to spend my constituents' money in this way, my constituents deserve an explanation.

I was at a town meeting in a small Oregon community on the Oregon coast this last weekend, where they could not afford money to have their port dredged. It may take upwards of $100 billion under some of these plans to rebuild Iraq. When our country can't afford the money to make sure our small ports get help quickly, there is no place for waste in these reconstruction matters.

Finally, to just highlight the immediacy of this concern, questions have been raised as to how MCI, a company that does no wireless service in the U.S. and never has, could end up winning the contract from the Defense Department to set up a wireless telecommunications network in Iraq.

That is the kind of question we want to see answered. That is why we are sending these letters today, calling for immediate public disclosure of these contracts so we can see whether the American people are getting their money's worth. We come to the Senate floor today because these are new concerns that have come to light. Chairman WARNER, Senator COLLINS, and others have worked with us in a very constructive way with bipartisan legislation that I hope will be passed quickly. But I don't think we ought to allow the outsourcing of accountability over billions of dollars of contracts for Iraq to continue one day longer. That is why I come to the floor today to announce this effort, to try to bring some sunshine to Iraqi contracting. I have always felt sunshine is the best disinfectant. It sure looks like we need some of that right now.

I yield the floor.

Mrs. CLINTON. Mr. President, I join Senator WYDEN in expressing concern over the process regarding the awarding of reconstruction contracts in Iraq. As Senator WYDEN has pointed out, this is an issue that impacts the spending of hundreds of millions of taxpayer dollars. After the magnificent performance of our U.S. military in Iraq, we are now faced with the task of rebuilding Iraq's infrastructure. Huge contracts are being awarded in support of these efforts. However, many of these contracts are being awarded without fair and open competition and with no public oversight.

This week, Senator WYDEN and I sent a letter to the administrator of the U.S. Agency for International Development, Andrew Natsios, requesting that he make public all documents related to USAID's decision to exempt contracts for reconstruction of Iraq from full and open competition. As the letter points out, sole-source and limited-source contracts seem to be the rule, not the exception, for rebuilding Iraq.

However, as the U.S. General Accounting Office has reported, sole-source or limited-source contracts usually are not the best value for the taxpayers. With $100 million in taxpayer funds projected for rebuilding Iraq, it is critical that we ensure that this money is being spent wisely.

Certainly, there may be times that contracts need to be awarded outside the normal contract award process. But in those cases, it is particularly important that we ensure that those contracts undergo full disclosure to avoid unnecessary expenses for the taxpayers.

As our letter makes clear, both the GAO and the USAID Inspector General have raised questions about the processes used to award reconstruction contracts in Iraq. It is the responsibility of Congress to ensure that the funds we appropriate for reconstruction in Iraq are spent in a fair and open manner.

Earlier this year, I joined Senator WYDEN, Senator COLLINS, Senator BYRD and others in introducing the Sunshine in Iraq Reconstruction Contracting Act. The bill provides an element of accountability so that Congress and the American people can have a full understanding of how these contracts are being awarded. It would require that when contracts are awarded without a full and open competition, the awarding agency would have to publicly explain why.

We were able to get similar language inserted into the Department of Defense Authorization bill which would require that Iraq reconstruction contracts be subject to these reporting requirements. However, until that provision becomes law, we are calling upon USAID to voluntarily make these documents public.

As I have said before, it would be unfortunate if, in our effort to set an example of open government and democratic principles abroad, we undermined those principles here at home. I hope that the rest of my colleagues join me in asking USAID to make these documents public.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent I be permitted to speak for 5 minutes following the last speaker in the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Reserving the right to object, is the Senator speaking against the Murray amendment?

Mr. SANTORUM. I will offer an amendment on Syria and speak on it and then I will be withdrawing the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. SARBANES. I understood the Senator from Oklahoma was lined up to go next. If he wishes to defer, I would be happy to go now, if that is acceptable to him.

Mr. NICKLES. For the information of colleagues, I don't believe the UC had an order. It lists Senators. I can't do it right now.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, as I understand it, I am recognized for 5 minutes under the unanimous consent?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1170

Mr. SARBANES. Mr. President, I rise in very strong support of the Murray amendment. I commend the very able Senator from the State of Washington for coming forward with this initiative. It is a critical issue for millions of Americans across the country, and I know how concerned she has been about this issue. I am very happy to join in supporting it as a co-sponsor.

This, historically, has been a bipartisan issue. Unemployment insurance benefits were extended four times during the Reagan administration and three times during the Bush administration. The recent unemployment figures offer very strong support for acting on the Murray amendment.

Last week it was reported that the unemployment rate rose to 6.4 percent in June. This is the highest unemployment rate in over 9 years. We have to go back to April of 1994 for a higher rate. Mr. President, 9.4 million workers are unemployed, the most since December of 1992. This, of course, doesn't account for those who are so discouraged that they are not looking for work. Were we to count them, the unemployment rate would be well above 7 percent.

The economy has lost 394,000 jobs since January. We have lost jobs each of the past 5 months. Since this administration took office, private sector employment has fallen by more than 3 million.

Two million workers have been unemployed for more than 26 weeks, which is the period covered by regular unemployment insurance benefits. This morning, the Labor Department reported that an additional 439,000 workers filed initial unemployment insurance claims. More than 400,000 workers have been filing initial unemployment insurance claims for 21 consecutive weeks. The last time there was a longer streak of initial unemployment insurance claims over 400,000 was in September of 1992, more than 10 years ago.

Furthermore, the number of continuing claims is at its highest level in 20 years. You have to go back to February of 1983 to find continuing claims at the level which we are now experiencing.

There are over 1 million Americans who have exhausted all of their unemployment insurance benefits and are still not able to find a job, not because they don't want to work but because there are not jobs to be had.

Under current law, extended unemployed insurance benefits last only 13 weeks for most workers. Those in high unemployment States receive 26 weeks. This amendment would provide an additional 13 weeks to those who have already exhausted their benefits in most states and a further 7 weeks for those in high unemployment States.

It is not as though this proposal is excessive historically. In previous recessions, we have passed extensions comparable or, indeed, beyond what is contained in this amendment. When we had a recession from July of 1990 to March of 1991, we extended unemployment benefits until April of 1994. At the program's peak, benefits were available for 26 to 33 extra weeks. That was in the previous Bush administration.

It is bad enough to get this level of unemployment in these administrations. That is a breakdown in policy. But it is even worse not to provide these benefits to help people go through the period of unemployment that they are experiencing, as the Senator from Washington so aptly stated in detailing the problems.

Let me make one final point. We build up an unemployment insurance trust fund in good times to fund the benefits when we encounter an economic downturn. The cost of this amendment, as I understand it, is $2.5 billion.

I ask the Senator from Washington if that is correct.

Mrs. MURRAY. The Senator is correct.

Mr. SARBANES. There is $19 billion in the trust fund specifically collected for the purpose of paying unemployment insurance benefits in an economic downturn. This amendment would take less than 15 percent of that trust fund balance in order to expend these benefits.

We are facing a very serious situation. We need to recognize it here. We recognized it when we had a downturn under the Reagan administration. We recognized it when we had a downturn in the first Bush administration. We ought to recognize it once again and make benefits possible for these families who are experiencing tremendous difficulties and burdens. We ought to help carry them through this economic downturn until we start getting substantial job restoration.

I commend the Senator from the State of Washington for offering this amendment. She has followed this issue very closely. I think it is imperative that the Murray amendment be agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I understand there are 5 minutes reserved for Senator KENNEDY.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I am told by his staff that Senator KENNEDY is unable to be in the Chamber due to other commitments. He has yielded his time to me on this amendment. I thank Senator KENNEDY for yielding me this time. I ask to be recognized at this point for those 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, Senator KENNEDY has been a great leader on this issue. I know he wanted to speak on Senator MURRAY's amendment, but he could not be here at this time.

We have been debating for the last few days the medical malpractice bill. We moved off it. But I think there is another, more pressing issue we need to address. It is what I call "President Bush's economic malpractice." The victims are working Americans.

As has been stated, unemployment has continued to climb; at 6.4 percent, it is the highest level since 1994. That is 9.4 million people looking for work who can't find any. Under President Bush's misguided leadership, we have lost 3.1 million private sector jobs. This is the first time since Herbert Hoover's administration we have had an administration with a net loss of jobs. What a record.

Again, the numbers don't reflect the millions of workers who were laid off and had to take jobs that paid far less. In fact, the unemployment rate, in addition to the unemployed, would include part-time workers who want to work full time but can't find it and discouraged workers no longer seeking jobs. This rose to 10.3 percent in June. We are still losing jobs every month—33,000 last month alone.

The economy is limping along. Our national deficit continues to balloon and will reach about $400 billion by the end of this year. Again, that is why I accuse this administration of "economic malpractice."

I don't think any illustration is better than this cartoon in the Pittsburgh Post Gazette. Here is a man holding a cup of coffee. He says: "I tried to get angry with Bush for attempting to take away my overtime pay, but then I remembered I don't have a job."

Later on, I am going to have an amendment also dealing with overtime pay because not only do we have people who are unemployed who need an extension, as Senator MURRAY says in her amendment, but now they want to take away overtime pay for those who are working. It is sort of a double hit on the workers of America.

In May, after weeks of Democratic efforts, Congress extended the unemployment benefits for 2.5 million Americans who had been laid off. But our Republican colleagues refused to include assistance for the 1.1 million Americans hit the hardest by the economic crisis—those long-term unemployed who have already run out of their unemployment benefits.

It is unconscionable to provide billions of dollars in tax breaks for the wealthiest of Americans and refuse to provide an average of $260 a week for the recession's first and hardest hit victims. That is what the Murray amendment does. This amendment provides up to a 13-week additional benefit for these 1.1 million long-suffering Americans.

I might add that I looked at the figures. There are 9,800 in my State of Iowa alone. This would give them 13 weeks of additional benefits, and it would provide 7 additional weeks of benefits for those who have received the 26 weeks of benefits but who are out of it and who live in those States hardest hit by the recession.

It occurred to me when I looked at the amendment offered by the Senator from Washington that it really is unconscionable that this Congress proposed these tax breaks for the wealthiest but won't come down and help those who are unemployed.

I ask a rhetorical question: The tax breaks we provided for the wealthiest in our country, did we limit them to 26 weeks? Did we limit them to 13 weeks so they can get the tax breaks, but they are only for 26 weeks and once the 26 weeks are over, they snap back again and they have to pay the tax rate they paid before? No. It is unending. It goes on and on. From now on, they continue to get those tax breaks. But for hard-hit Americans out of work, our colleagues on the other side of the aisle are saying 26 weeks, that is enough; you are out. I don't believe that is fairness in our society.

I commend and compliment my friend and colleague from Washington State for addressing this issue and for pointing out that these hardest hit Americans deserve and need to have this extension.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise in opposition to the Murray amendment. I urge our colleagues to vote no on the amendment.

Just for the information of our colleagues and the sponsor of the amendment, I will make a budget point of order. Not only does it violate the budget, but it also violates, I am going to say, the spirit of the Senate.

We are supposed to be working on a State Department authorization bill. Every Senator knows this amendment does not belong on this bill. Yet some people say: Oh, we are going to put it on this bill. It is ridiculous. It is not like we have not voted on this before. Just last May we passed an extension of unemployment compensation that takes us through the end of the year. It costs about $7 billion. We passed it overwhelmingly. It is a clean extension.

We have passed clean extensions in the past, but it seems like, for the last year and a half, a lot of colleagues say: Well, we don't want to pass a clean extension of unemployment benefits. And by that I mean a Federal unemployment assistance, which is temporary. Most States provide 26 weeks of benefits. I believe Massachusetts has 30 weeks, but most States have 26 weeks of unemployment comp. And then there is a Federal program of 13 weeks that is temporary. The Murray amendment would make that 26 weeks for certain people. It would double the Federal temporary assistance. That is very expensive. It costs billions of dollars. I have opposed that and the Senate has opposed it.

As a matter of fact, we voted on it four times this year. We voted on it on January 22, March 25, May 15, and then May 23. We have defeated doubling this program. Yet here we are again trying to double it on a State Department reauthorization bill. It does not belong on this bill. It violates the budget. Some States even get more than 52 weeks, including the State of Washington. Most States get 26 weeks of State aid, 13 weeks Federal. And high unemployment States—and there are a few—get another 13 weeks of federal aid. So a few States already get 52 weeks. Some States that really have high unemployment, including the State of Washington, get another 13 weeks. That is a total of 65 weeks. That is over a year.

It is almost like no matter what program we have, we have to have more. This is a lot of money. I believe I heard my colleague say that benefits average about $260 per week. That is correct. Some States are up to $500-plus per week. And, yes, in some cases it might be paid for over a year.

In this amendment, it will all be paid for by the Federal Government. I think there has to be a limit. That is why we have budgets. This would break the budget. But more important than that, it does not belong on this bill. This is the fifth time we are going to vote on this. Maybe people think they are scoring political points on this issue. I don't know. It does not belong on this bill.

At the appropriate time, I will make a budget point of order and urge my colleagues not to agree to this amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise to talk about a piece of legislation that Senator BOXER and I introduced last year and reintroduced this year which has 63 cosponsors. I understand the Senator from California may be offering this amendment after these two votes and speaking on that amendment; and then my understanding is she intends to withdraw that amendment. But I think it is important that both of us have an opportunity to talk about the importance of this issue; and that is the Syrian Accountability Act.

Many in this Chamber—obviously, 63—have very serious concerns about the role Syria is playing in the Middle East and in the world community. Syria is, unfortunately, being treated differently than other countries that have been listed as sponsors of terrorism. There are a couple handfuls of states that sponsor terrorism. Syria is one of them. Yet it is treated fundamentally differently than all of the other state sponsors of terrorism.

Yet arguably—maybe with the exception of Iran—it may be one of the most egregious violators of international law, one of the worst in terms of sponsoring terrorism, and one of the most disruptive to peace in the Middle East and the Palestinian-Israeli peace process.

In addition, even since we introduced this legislation last year, we have seen Syria's horrendous actions with respect to the support for Saddam Hussein and his regime during the recent operation in Iraq. So there are even additional reasons for Syria to be held accountable for their actions, which are against the security interests of the United States of America.

We had Under Secretary Bolton just recently over at the Department of State talking about how Syria has a stockpile of nerve agent, sarin gas, and is trying to conduct research and development on nerve toxins like VX. So not only are they a sponsor of terrorism, disruptive to the Middle East process—and one thing I did not mention, which is as egregious as any, is their occupation and manipulation of the country of Lebanon. So they are, in a sense, occupying with a puppet government where they have terrorist camps which provide great disruption in the region. They are developers of weapons of mass destruction. They aided a country that we were at war with, at the time we were at war with them. They are an underminer of the peace process. The list can go on and on and on.

There are very few countries that you can say as many negative things about as far as their impact on the world stage as the country of Syria. Yet this country treats Syria better than all of the other terrorist states that we have listed. I find that to be very troubling. Senator BOXER and I have introduced a piece of legislation which just wants the United States to treat Syria the way we treat all the other rogue nations in the world—no worse but certainly no better, given their record of disruption and instability in that region and their threat to the national security of this country.

This legislation would require the President to prohibit the export to Syria of any items on the U.S. munitions list or any item on the commerce control list. In addition, under the Boxer-Santorum amendment, the President would be required to impose two or more of a menu of five other sanctions, including a ban on all exports to Syria, except food and medicine; a ban on U.S. businesses operating or investing in Syria; a reduction of diplomatic contacts with Syria; restrictions on travel by Syrian diplomats in the United States; and the blocking of all transactions in Syrian property. It does provide, as all these kinds of legislation provide, the President's ability to waive sanctions if he determines that waiving is in the national security interests of the United States.

So I believe this is a vitally important measure for the U.S. Congress and our country, to go on record and say Syria—maybe one of the worst offenders and most destabilizing countries not just in the region but in the world—should be treated no better—not worse than but no better—than other state sponsors of terrorism.

Senator BOXER and I talked to the chairman and ranking member about this legislation. We had a very good discussion yesterday about it. The chairman, who I see is in the Chamber, assured us this was of great interest to him, and he understands the concern of Senator BOXER and myself and the other cosponsors about this issue. If the chairman would like to make a comment, I think we have come to some sort of agreement as to how we might handle this situation.

I yield to the chairman.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Let me respond to the distinguished Senator from Pennsylvania by saying, we will have a hearing on Syria in the Foreign Relations Committee. We take the issue seriously, as the Senator does, and Senator BOXER, who is a member of our committee. We look forward to that hearing.

Mr. SANTORUM. I thank the chairman for his assurance that the issue of Syria and the Syrian Accountability Act will be taken seriously by the committee. We hope, as a result of that, we can move forward with some productive legislation in the Senate to give our country a stronger hand in dealing with terrorism in the Middle East.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1170

Mrs. MURRAY. Mr. President, how much time remains under the agreement before the vote?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mrs. MURRAY. How much time does the other side have?

The PRESIDING OFFICER. Senator GRASSLEY has 5 minutes, Senator NICKLES has 6½ minutes.

Mrs. MURRAY. Mr. President, I would ask the Senator from Oklahoma if he intends to use all his time.

Mr. President, I know many Senators are waiting to vote. I will just make a few more comments. I know Senator NICKLES intends to raise a budget point of order.

Let me say in response to the comments made in opposition to the Murray amendment that we will be voting on shortly, that we on this side, Democrats, have brought this issue up time and again.

That is because our economy is struggling. That is because we have families at home who have been laid off, who have run out of unemployment insurance. We would love to have a debate on how to increase jobs. Democrats believe investing in transportation that provides infrastructure and new jobs is critical. Democrats believe investing in education, getting our economy going again is an important way to provide jobs for people. And there are other investments we believe would be helpful in providing jobs. We have not had the debates. We have been thwarted at every turn.

As a result, we have people at home who have been laid off. In the last 5 consecutive months we have lost jobs. We cannot continue to ignore those people at home who are out of work, who have run out of unemployment insurance, who cannot pay their mortgage, put food on the table, are becoming even more of a drag on our economy because they can't contribute back. We believe by extending unemployment benefits we will at least help them in the temporary.

We welcome a debate on getting jobs and the economy going again. We have been waiting for that discussion. We have had time to have a tax cut debate. We have seen that has not produced the kinds of jobs we need. In fact, 3.5 million Americans have lost their jobs since this President took office. We want to have a jobs program. But at this point that has not occurred.

What we now have is more than 1 million Americans who have run out of their unemployment insurance. The time is right. We hear this violates the Budget Act. I welcome my colleagues to go home and say to a young family whose father or mother has lost their job, who are struggling every single day with tears in their eyes, that this violates the Budget Act or this is not the right time or the right bill. We can do this, and we can do it now.

I urge my colleagues to support the amendment.

I tell our colleagues on the other side as long as this economy struggles, as long as people are losing unemployment insurance benefits, we are going to continue to bring this issue back to the floor. We would like to have a jobs program. We would like to see jobs increased. We want to have the debate. Right now we need to deal with the immediate.

I ask unanimous consent that Senators CANTWELL and DAYTON be listed as cosponsors of the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am willing to yield back the remainder of my time, if all sides are, and proceed to the votes.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Mr. NICKLES. I raise a budget point of order against the amendment offered by the Senator from Washington, Mrs. MURRAY. It increases mandatory spending and, if adopted, would cause an increase in the deficit in excess of the level permitted in the most recently adopted budget resolution. Therefore, I raise a point of order against the amendment pursuant to section 505 of House Concurrent Resolution 95, the Concurrent Resolution on the Budget for fiscal year 2004.

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the vote on the Reid amendment No. 1164, followed by a vote in relation to the Murray amendment No. 1170, with 2 minutes equally divided in the usual form prior to each of the votes.

AMENDMENT NO. 1164

Mr. REID. Mr. President, since 9/11 we have had to refocus on the issue of national security. The amendment before the Senate deals with our national security in a very direct way. This amendment deals directly with our neighbor with whom we share a 2,000-mile border, Mexico. This amendment would help the poorest of the poor in rural Mexico. The four components of the amendment are, No. 1, it would establish a microcredit lending program; No. 2, it would establish programs to assist rural Mexican small businesses; No. 3, it would assist small rural farmers; No. 4, it would establish a system of private property ownership. This is not a typical aid package, not a handout, but a commitment to a free market society to spur economic development. This is $1 for every Mexican. It doesn't sound like too much to me. Mexico is our friend, our neighbor. They deserve our support. Anyone who votes against this amendment should never ever again complain about illegal immigration.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I oppose the Reid amendment. I ask Members to vote no. I do so mindful of the fact that Mexico is our friend and that we are going to have $67.5 million of foreign assistance in the budget as we now have it that may be of assistance to our friends. The ideas presented by the distinguished Senator from Nevada are good ones, but they are ones that I believe require further discussion either in committee or on the floor. Clearly, $100 million, which is the request for authorization in his amendment, is well outside the budget we have adopted. That $100 million must be subtracted from some other part of State Department foreign assistance at some other point. The Senator has made the point the appropriators might very well do that. Indeed, they might. But I believe it is irresponsible to push that responsibility onward knowing the $100 million is not there, is not a part of the parameters of our foreign assistance. Therefore, I ask Senators to oppose the Reid amendment.

Mr. REID. Irresponsibility is not helping our neighbor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 1164. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Stevens
Wyden

NAYS—43

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Crapo
Dole
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Graham (FL)
Lieberman
Miller

The amendment (No. 1164) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1170

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Is the order now to have a rollcall vote on the Murray amendment?

The PRESIDING OFFICER. That is correct, 2 minutes equally divided on the Murray amendment, followed by a vote.

Mr. LUGAR. I yield to Senator NICKLES.

Mr. NICKLES. Mr. President, the bill we are trying to amend is the State Department authorization bill. The amendment Senator MURRAY has offered is an unemployment compensation amendment. One that, I might add, we have not marked up or had a hearing on in the Finance Committee. I might also add, one that we have already voted on four times this year. We have defeated it every time.

In May, we passed an unemployment compensation extension that costs about $7 billion. We continued the current program. It lasts through the end of the year. Senator MURRAY's amendment wants to double the program from 13 weeks of Federal temporary assistance to 26 weeks. Her State already gets 65 weeks of combined State and Federal benefits, and has maximum benefits of about $500 per week.

There is a budget point of order because it breaks the budget and spends billions of dollars. I made that budget point of order and I urge my colleagues not to waive the budget point of order.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, 30,000 jobs were lost in the month of June alone. We have lost jobs in the last 5 consecutive months. A million people have now lost additional compensation under UI. This amendment is extremely important.

I yield the remainder of my time to Senator KENNEDY.

Mr. KENNEDY. Mr. President, we passed an extended unemployment in May but that was to only take care of the recently unemployed. The Murray amendment will take care of 1.1 million Americans who were fully employed 2 years ago. Every one of them was employed. Every one of them was working. They want to work. Now they are completely cut off by the abbreviated amendment we passed last spring.

We ought to provide the $2 billion included in the unemployment compensation fund. That fund has $20 billion. This will only use $2.5 billion. These workers have paid into it; they are entitled to it; they need it; and they ought to be provided for. That is what the amendment does.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act on the Murray amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Graham (FL)
Kerry
Lieberman
Miller

The PRESIDING OFFICER. The yeas are 48, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. LUGAR. Mr. President, I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1173 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. KYL, proposes an amendment numbered 1173.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Requirement for report on the role of North Korea in the trafficking of illegal narcotics)

On page 90, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR REPORT ON THE ROLE OF NORTH KOREA IN THE TRAFFICKING OF ILLEGAL NARCOTICS.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes the role of North Korea, since January 1, 2000, in the trafficking of illegal narcotics.

(b) CLASSIFIED REPORT.—If the President submits the report in a classified form, the President shall also submit an unclassified version of the report.

(c) CONTENT.—The report shall—

(1) address each aspect of North Korea's role in the trafficking of illegal narcotics, including any role in the cultivation, sale, or transshipment of such narcotics;

(2) identify the origin and destination of all narcotics that are transshipped through North Korea;

(3) provide an estimate of the total amount of income received by the Government of North Korea each year as a result of such trafficking and the currencies in which such income is received;

(4) describe the role of North Korean government officials and military personnel in such trafficking, including any use of diplomatic channels to facilitate such trafficking; and

(5) include an assessment of whether the leadership of the Government of North Korea is aware and approves of such trafficking activities in North Korea.

Mr. LUGAR. Mr. President, the amendment requires a report on the role of North Korea in trafficking of illegal narcotics. It has the support of both sides. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1173) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I have a unanimous consent request.

I ask unanimous consent that Senator BINGAMAN be recognized to offer an amendment related to AIDS, provided that Senator BINGAMAN be in control of 40 minutes and Senator LUGAR be in control of 20 minutes and, following that debate, Senator REID be recognized to speak for up to 15 minutes as if in morning business; finally, I ask that following that, the Senate proceed to a vote in relation to the Bingaman amendment, with no second degrees in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 1174 TO AMENDMENT NO. 1136

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. HARKIN, Mrs. CLINTON, and Mr. CORZINE, proposes an amendment numbered 1174.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on funding for assistance to combat AIDS globally)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. SENSE OF CONGRESS ON FUNDING FOR COMBATTING AIDS GLOBALLY.

(a) FINDINGS.—Congress makes the following findings:

(1) With the President's support, Congress overwhelmingly and expeditiously approved the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25; 22 U.S.C. 7601 et seq.), indicating the gravity with which Congress considers the pandemic of HIV and AIDS infection.

(2) The Act, which was supported and signed into law by the President, authorized the appropriation of a total $15,000,000,000 for fiscal years 2004 through 2008. Specifically, the Act authorized $3,000,000,000 to be appropriated in fiscal year 2004 for HIV/AIDS and related programs, of which up to $1,000,000,000 was authorized to be made available for the United States contributions to the Global Fund.

(3) In contrast to the amounts authorized to be appropriated in the Act, the President's budget for fiscal year 2004, includes only $1,900,000,000 for HIV/AIDS and related programs, of which only $200,000,000 is for the United States contribution to the Global Fund.

(4) Approximately 5,000 people contract HIV each day.

(5) In Africa, more than 17,000,000 people have died from AIDS, another 28,000,000 are infected with HIV, including 1,500,000 infected children, and 11,000,000 children have been orphaned by AIDS.

(6) The United Nations Development Programme Annual Report for 2003 states, "HIV/AIDS is a catastrophe for economic stability [and] may be the world's most serious development crisis.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels contained in the Concurrent Resolution on the Budget for Fiscal Year 2004 (H. Con. Res. 95, 108th Congress, 1st session).

(c) DEFINITIONS.—In this section:

(1) ACT.—The term "Act" means the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25; 22 U.S.C. 7601 et seq.).

(2) GLOBAL FUND.—The term "Global Fund" means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

Mr. BINGAMAN. Mr. President, this is an amendment I am offering on behalf of myself, Senator DASCHLE, Senator LEAHY, Senator DURBIN, Senator LAUTENBERG, Senator FEINSTEIN, Senator HARKIN, Senator CLINTON, and Senator CORZINE.

This year in his State of the Union Address, President Bush announced a new global AIDS initiative which would provide $15 billion in U.S. funding over the next 5 years. Unfortunately, when the time came for the President to submit his budget and to stand behind that commitment to $15 billion, the budget did not reflect that commitment.

In the fiscal year 2004 budget request, the President asked Congress to appropriate at least $1 billion less than what he had spoken of in this new initiative. Rather than requesting that Congress appropriate $3 billion for these issues, the President effectively said in his budget that less funding was good enough this year.

This chart points out, in the bottom line, the President's budget request. As you can see, it is a total of $1.9 billion for the next fiscal year. The other line on this chart is the level at which we have authorized funding, which is consistent with what the President asked for in his State of the Union speech.

Using the most liberal of calculations, the President's budget asks for $1.9 billion for this AIDS effort. This includes $200 million pledged to the global fund in fiscal year 2004.

What makes this reduction even more difficult to swallow is that at the same time we were asking for less than we promised as a nation with regard to AIDS funding, we also saw in the budget of the administration requests for reductions in funding for critical global health issues in other areas as well.

I am very proud to say that this May, the Congress chose to realize the President's original vision when it authorized, over the next 5 years, the $15 billion the President asked for in his State of the Union speech. This was legislated as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

Within this $3 billion, we provided that $1 billion could be directed to the global fund. So Congress did authorize what the President talked about in his State of the Union speech.

The President is now, of course, in the midst of a tour through Africa. He is meeting with the leaders of those countries. Many of those countries have suffered from the ravages of these diseases. Of course, he is discussing, as he should, the fight against HIV/AIDS, against tuberculosis, against malaria.

The morning news report that I saw in the New York Times I think sums it up well. It has quotations. The President said yesterday in Botswana:

> The people of this nation have the courage and resolve to defeat this disease and you will have a partner in the United States of America.

He went on to say:

> This is the deadliest enemy Africa has ever faced, and you will not face this enemy alone.

There is another article I have from the New York Times that speaks of the President's trip to South Africa yesterday. It indicates the following: He talked about his AIDS proposal. He did not mention that a House subcommittee is likely to cut funds for the first year of the $15 billion 5-year program below the $3 billion sought by legislation that Mr. Bush signed this spring. The program would provide help to 14 countries. Twelve of those countries are in Africa.

The question for us in the Congress is whether we will vote now to fully realize the President's stated intentions or will we succumb to political expediency and essentially go along with taking credit for a $15 billion commitment while in fact doing substantially less than that. I believe a promise made should be a promise that is kept.

The amendment I am offering today, along with Senator LEAHY and Senator DASCHLE, simply states that we will appropriate the amounts Congress and the President have pledged to commit to these programs, and that we will do so without reducing our funding commitments to other important global health programs.

The urgency behind our promise is borne out in a report that was released this week in which the United Nations finds that the greatest impediment to development in poor countries around the world today is HIV/AIDS.

In 1990, 10 million people were infected with HIV. Today, in 2003, there are 42 million people who are infected with HIV. To date, this disease has killed 25 million people. It has created over 14 million orphans. In the next 10 years, it is estimated that a full 25 percent of sub-Saharan Africans could die from HIV/AIDS.

Most of the victims of HIV/AIDS are children and young adults. It is a disease that cuts lives short before they ever reach their full potential. Because of this, it creates a generational vacuum in countries where it is most prevalent. The President today is in Botswana. That is the country with the highest rate of HIV/AIDS of any country in the world. So this generational vacuum I referred to means there will not be leaders for tomorrow. It means the ideas and energy that youth carries with it will not have an opportunity to express themselves as cultural, societal, and governmental forces. It means the development of nations is seriously jeopardized and the doors of opportunity for fanaticism and terrorism are thrown wide open.

In 1998, Zambia lost 1,300 teachers to HIV/AIDS. In a country that is able to train only 1,900 teachers in a full year, it is not hard to imagine the depth of the devastation that is being created.

To date, over 17 million Africans have died from AIDS and another 28 million are infected with HIV. This includes 1.5 million children who are infected with HIV. Experts estimate that in less than 25 years, there will be 110 million cases of HIV/AIDS in India, 70 million in China, 13 million in Russia. The magnitude of the health resources that will be required in these countries is mind-boggling.

Looking beyond the health service demands of these diseases, it becomes apparent that domestic productivity, the continued growth and development of these nations, will be significantly impaired.

I could go on at length about the extent of the problem we face. I think all of us in the Senate have become aware that this is a serious issue. By providing the promised $3 billion each year, in an effort to fight HIV/AIDS and TB and malaria, we would prevent a minimum of 2.3 million additional people from contracting the HIV virus. I say that is a minimum because by fully funding our promise, we can leverage more resources from the other countries as well.

The question we are faced with is whether Congress is going to step up and do what it has promised to do. It is not enough to say some year in the future we will get around to doing this. We have authorized $3 billion per year. We should appropriate $3 billion per year.

Our amendment answers that question and makes it clear that the Congress is committed to keeping its promise and this Nation's promise in this regard. It also makes clear we are committed to doing that not at the expense of other global health programs. The funding cuts in the President's budget seem to rest on an underlying assumption that because we are going to up the ante for funding HIV/AIDS, TB, and malaria, we do not need to do as much in the areas of poverty and disease and malnutrition and development of democracy abroad in other respects. The reality is, the confluence and the interaction of these factors in Third World nations contradict that assumption.

By choosing to focus intensely on one of these issues, we are not then free to ignore others. The effective model for helping nations that are less wealthy than ours requires an appreciation of the interdependence of the issues of poverty, disease, early mortality, famine, and poor education.

I do not believe that in order to fund efforts directed against HIV/AIDS and TB and malaria, other efforts to help these countries should suffer. Unfortunately, in the President's budget, other essential international programs are cut anywhere from 5 percent to 63 percent. Programs that help vulnerable children, children who are blind, who suffer mental disabilities, who have physical disabilities, those are cut 63 percent in that budget request. Immunizations, therapeutic and surveillance programs for infectious diseases are proposed for cuts of 32 percent. Child survival and maternity programs will be cut by 12 percent. So we need to address this issue.

The amendment I have sent to the desk is a sense of the Congress, but it is one that will make it clear to the rest of the world, as well as to all who are concerned about this issue, that we will make good on this promise. The Congress needs to choose between this funding and other items. The Congress needs to make a decision. The amendment we are offering today simply states that we are committed to putting the money behind our promises when it comes to fighting HIV/AIDS. We will provide the funds we promised. We will do so without cutting funding to other vitally important health needs.

Let me just read the very short "resolved" sentence out of this amendment I am offering. It says:

> It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act. . . .

That refers, of course, to the United States Leadership Against HIV/AIDS Act.

> [We] should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels contained in the Concurrent Resolution on the Budget. . . .

In my view, this is a statement that needs to be made, particularly this week as the President is traveling on the continent of Africa. I urge my colleagues to join me in helping to ensure that our commitment to fight HIV/AIDS is made a reality.

I yield up to 10 minutes to my colleague and a person who has been a very strong leader on this issue, Senator LEAHY from Vermont.

Mr. BYRD. Will the Senator yield briefly for an inquiry?

Mr. LEAHY. Yes.

Mr. BYRD. Mr. President, how much time remains?

Mr. LEAHY. The Senator from New Mexico yielded me up to 10 minutes. I don't think I will take quite that long.

The PRESIDING OFFICER (Mr. BUNNING). There are a total of 26½ minutes.

Mr. BYRD. I ask unanimous consent that upon the conclusion of the remarks by Mr. LEAHY I be recognized out of order, without the time being charged against either side, on another matter.

The PRESIDING OFFICER. For how much time?

Mr. BYRD. Not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and I thank the Senator.

Mr. LEAHY. Mr. President, I thank my good friend from New Mexico. I commend him for his amendment. What the Senator from New Mexico has pointed out is the reality behind the rhetoric; perhaps, to some extent, the honesty behind the headlines.

Like so many others, I have read with interest and a little frustration the press articles, the letters to the editor, the other expressions of view by various people about how Congress needs to "step up to the plate" and fund the President's global HIV/AIDS initiative. Of course, we should fund it. This is far more than a Presidential initiative. It is the culmination of years of work by Members of Congress, both Democrats and Republicans, and the White House and many private groups to significantly increase funding to combat the spread of AIDS.

When I talk about the reality behind the rhetoric and the honesty behind the headlines, I recall how right up until the end of last year the White House was actively opposing efforts by Senators, particularly Senator DURBIN, to provide emergency funding for this purpose. In fact, the White House refused many times to declare AIDS an emergency.

This January in his State of the Union Address the President announced a 5-year, $15 billion global AIDS initiative. The President received a lot of praise for that announcement. He should have. In fact, I am one of those who did praise him for it. And he deserves credit for speaking out more than any previous President about the need to combat AIDS. I commend him for going to Africa, and for calling for greater efforts to fight AIDS, which has ravaged those countries.

But whether he intended it or not, the President's State of the Union announcement created the expectation that the administration would provide $3 billion toward this initiative in 2004, a reasonable expectation when you consider that there are 15,000 new HIV infections every single day. In 40 days, that is an amount equal to the entire population of my own State of Vermont.

The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, which passed last month—and we all recall, with very strong support from the President—reinforced this expectation because it authorized up to $3 billion for these programs in 2004.

I support that funding. In fact, while it represents a significant increase over the current level of funding, it is way short of what a country as wealthy as ours, the wealthiest Nation in history, should be spending to fight the worst public health crisis that history has ever known. But let's look at what has happened since then.

After the headlines were over, after the meetings at the White House were over, after all the photo ops were over, the President did not include $3 billion to fight AIDS in his 2004 budget. He provided $2 billion, not $3 billion.

In fact, depending upon who you ask in the administration, it is not even $2 billion. It is somewhere between $1.65 and $2 billion.

Let's assume it is the full $2 billion. That is $1 billion less than what he promised. And then when the Republicans in the House Appropriations Committee met, they provided in their allocation for foreign assistance, which includes funding to fight AIDS, an amount which cut the President's $18.8 billion foreign assistance budget by $1.8 billion. The Senate cut it by $800 million.

So what happened is, the President underfunded his own AIDS initiative by one-third when he actually sent his proposal to the Congress, and then the Republican-controlled Congress cut his budget even more. So now we are faced with the impossible task of finding $3 billion in a total budget that is considerably less than the President's budget which was already too little.

I am growing weary of hearing in the press: Now it is up to the Democrats to find the $3 billion to back up the President's promise. First off, it was not his initiative. It was a joint initiative of many. Secondly, he didn't include the money in his budget. And even with the amount of money that he did include in his budget, the Members of his own party cut it even deeper. Actually, if the Members of the President's party agree with the promise he and they made, they ought to be offering this amendment themselves, at least vote for this amendment.

The amendment says we want the President's promise to be fulfilled because if the Members of the President's party don't vote for this, what they will have done, as so often happens here, is pass a big authorization bill, pat themselves on the back, have the photo ops, accept the praise about finally getting serious about fighting AIDS and then, when the cameras have gone home and it comes time to appropriate the money, they say no.

Let's find the $3 billion. One easy way would be for the President to send up a budget amendment that actually asks for the amount of money that he promised. And then the Congress needs to declare AIDS an emergency, which we all agree it is, and appropriate the additional $1 billion.

I commend the Senator from New Mexico for his amendment.

And I take the President at his word, that he does feel strongly about the AIDS crisis and that he intends to do something about it. But words won't prevent AIDS. Words will not provide treatment to those suffering from it. Words are not enough to fight the worst epidemic in recorded history. It is going to require money, too.

The President has said the right things but now it is sort of like "the check is in the mail." He has to write the check and he has to tell members of his own party who have voted for the President's budget, which actually cuts his promise substantially: Look guys, I made this promise; we have to stand up and vote for it. I think he would be doing a very good thing if he did. We are not going to cure AIDS overnight. We are not going to stop every new case. But we know how to slow it considerably.

We are going to see civil strife and conflict especially in Africa, and calls for the United States to send troops. And when you look to the root causes, it will be AIDS that is part of the problem.

We have been blessed in this Nation with the most wealth of any people in history. We should ask ourselves: Don't we have a moral responsibility to do everything we can to help those who are less blessed?

Mr. President, I reserve the remainder of Senator BINGAMAN's time and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for up to 25 minutes.

Mr. BYRD. Mr. President, on August 22, 1920, an article written by former LTC Thomas Edward Lawrence appeared in one of the great newspapers of London, the Sunday Times. This legendary British military officer—better known as Lawrence of Arabia—began his commentary with a sharp warning about his country's occupation of ancient lands in the Middle East:

> The people of England have been led in Mesopotamia into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information. The Baghdad communiques are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. It is a disgrace to our imperial record, and may soon be too inflamed for any ordinary cure. We are today not far from a disaster.

Colonel Lawrence concluded with an equally sharp question:

> How long will we permit millions of pounds, thousands of Imperial troops, and tens of thousands of Arabs to be sacrificed on behalf of colonial administration which can benefit nobody but its administrators?

Mr. President, it seems that history does have a way of repeating itself. These were the observations some 83 years ago of a British soldier who had studied the history of the Middle East, fought alongside Arabs in the Great War, and understood the anger of those who lived under the administration of a distant power. How prescient were those words—then and now.

His observations, which might have been considered academic in the months before U.S. and British troops began their recent advance into Iraq, now appear, as I say, prescient. As violence in the streets of Baghdad increases, as our troops are being killed and wounded by guerrilla attacks, as progress toward creating a new Iraqi Government stagnates, the American public is only just now beginning to come to grips with the enormity of the task that we have before us in Iraq.

A clear picture had never been painted for the American public by the "powers that be." Oh, we heard rosy scenarios about instant liberty and flowers to the troops. The Vice President talked about flowers that would be bestowed upon our troops by those people in Iraq who would be liberated by us, the liberators. That was the talk of the day.

But now reality has emerged and it is harsh. And seeing the enormity—the enormity, I say—of the task before us and the increasing dangers to the loved ones who serve in uniform, the American people out there who are watching this Senate forum are beginning to ask. How long must our troops remain in those distant hot sands? How long? They are asking that in the mail I receive from the people back home. How long must they patrol the dangerous streets of Najaf and Fallujah? When will our troops be coming home?

Weeks ago, the President gave vague assurances about the timely withdrawal of our troops. He said:

> We will stay as long as necessary to get the job done, and then we will leave.

Those were his remarks at Santa Clara, CA, on May 2 of this year. But I say, Mr. President, such words are without substance; they are "doublespeak." They do nothing but feed the hopes of the American people, as well as the people of Iraq, that our troops will soon return from Iraq, while avoiding any real indication of when that might happen.

The fact is, the Bush administration has carefully avoided telling the American people when it expects our occupation of Iraq to conclude. So far, this administration has yet to even estimate how soon it will be able to hand over Iraq to the Iraqi people. In short, it appears that we have no exit strategy, and we have had none from the beginning.

The word "quagmire" is starting to be used by the media. Clearly, many people are very worried about our situation in Iraq. The death toll keeps mounting.

Last week, the President actually taunted those forces who are murdering our troops in the streets of Iraq. He dared the violent militants by saying: "Bring 'em on." One can hardly think of a more inappropriate comment for a President to make when Americans are under siege in Iraq and being asked to deal with the treacheries of urban guerrilla warfare with no end in sight. Chest thumping should have no place in such a situation.

This was the same President who went to the trouble to put on a flight suit, land on an aircraft carrier, and with great fanfare tell the American people that major combat operations in Iraq have ended, while overhead there was a banner stream which said: "Mission accomplished." But British and American soldiers are still dying in Iraq. Now the President is saying: "Bring 'em on." What are we to believe?

The President has backed away from earlier suggestions of a foreseeable end to U.S. peacekeeping efforts in Iraq. He warns of the return of tyranny if our troops begin returning home.

Judging by the President's statements, our armed forces have become the thumb in the dike—the only obstacle that prevents the return of a repressive dictatorship in Iraq.

How did it come to this? Members of Congress were told that our forces would be greeted as liberators. We will be going in not as occupiers but as liberators. Iraqi citizens were supposed to eagerly embrace democracy and serve up Saddam Hussein on a silver platter the moment they sipped from the cup of freedom. We should have known that the burden of democratizing Iraq would be no easy task. The Administration should have been more forthcoming about the difficulty of that task, about the time it would take to execute it, and about the cost to the taxpayer.

To be sure, the Defense Department is now scrambling to scrape up as many as 20,000 foreign troops to join our forces in occupying Iraq by the end of September. I applaud these efforts. But it would be folly to believe that a deployment of 10,000, 20,000, or even 30,000 foreign troops would significantly reduce the dangers to the scores of thousands of Americans who are now in Iraq.

The failure of this Administration to adequately plan for postwar Iraq has become painfully evident. Before the war, I said: Where is the plan? What is the plan? At yesterday's Armed Services Committee hearing, Secretary of Defense Donald Rumsfeld said he did not know if the United States had made any formal request for assistance from NATO or the United Nations since the beginning of the war in Iraq. The deployment of experienced peacekeepers from our friends and allies would go a long way to relieving the strain on our troops. And, Mr. President, it is simply shocking that our Secretary of Defense would be unaware of efforts by the administration, if there are any, to make a formal request to NATO and the United Nations to provide these troops.

The tragic failure of the Administration's efforts to build international support before launching its impatient rush towards war against Iraq is now bearing its bitter, bitter fruit.

The Secretary of Defense tells the Senate Armed Services Committee to be patient. Well, the administration was not all that patient before launching its rush toward war against Iraq.

The difficulty in finding just 20,000 peacekeepers to patrol Iraq is evidence that White House efforts to assemble 49 nations into a "coalition of the willing" was merely an exercise in rhetoric, meant to cover the lack of significant military or financial contributions from dozens of nations, save for those of Britain, Australia, and Poland.

Has the lack of a plan for postwar Iraq needlessly cost American lives? If we had not been so convinced that Iraqis would greet our armies with flowers and smiles, could we have better anticipated the chaos and lawlessness that broke out in the days after the war?

If we had not been so cocksure about our ability to neatly decapitate the leadership of the Iraqi regime, could we have fashioned a better plan to deal with the collapse of civil order as our tanks rolled into Baghdad?

Perhaps this White House should have listened to the advice of some senior military leaders who foresaw the need for several hundred thousand troops to stabilize postwar Iraq. Perhaps it should have contemplated the consequences of a Saddam Hussein driven into hiding but still potent and dangerous. Perhaps, perhaps, perhaps.

The Administration appears quite ready now to dedicate our military to a long-term occupation of Iraq. War-weary soldiers will continue to patrol the areas around Baghdad. The citizen-soldiers of the National Guard and the Reserves will be kept from returning to their homes, their jobs, and their families.

Senators, read your correspondence from back home. See what those families of guardsmen are saying. Read your letters. You are receiving them. My office is not unique in that respect.

The citizen-soldiers of the National Guard and the Reserves will be kept from returning to their homes, their jobs, and their families. Thousands of American families will continue to worry about the fate of their loved ones.

Ah, the sleepless nights that are spent by mothers, by wives, by husbands of guardsmen who have already been in Iraq for weeks and weeks and who are not told when they will be coming home but were told we will be there for a long time. Think of the tears that are spilled by mothers and wives and children for the husbands, the sons, the fathers who are away and who are not told when they will be coming home.

And in spite of the heavy commitment that this Administration has made to the most ambitious policy of nation-building in more than half a century, it appears to be on the verge of sending unknown numbers of U.S. troops to yet another peacekeeping mission in Liberia.

In my home state, there is a growing sense of disenchantment with these foreign adventures. Every day, more letters come to my office from West Virginians asking when their family members will be coming home. How long will it be? How long must we wait? When will they be coming home? My letters contain details about National Guard and Army Reserve units with unclear missions and open-ended deployments. I have received word that some units are without mail service—we are not told that by this administration—others must wait weeks between phone calls home to their families. One unit had to ration water to just 20 ounces per day because of supply shortages. I suspect that other Senators are experiencing a similar phenomenon in the content of their mail from families of the Guard and Reserve.

These part-time soldiers are proud to serve in our nation's military, but they know that they are also full-time members of their communities. Our nation's reservists have important duties in their civilian lives, serving their cities and towns as police officers, business men and women, doctors, teachers, and laborers. Members of the Guard and Reserves proudly joined to serve their country in times of crisis, and they have demonstrated that pride and done well, but not to be a permanent constabulary force in the Middle East. Nobody told them that.

Our brave and professional fighting men and women are awesome on the battlefield, but they must not be expected to carry out the role of peacekeepers or nation-builders in an open-ended mission, whether it take place in Lebanon, Somalia, Bosnia, Afghanistan, Liberia, or Iraq. Our American soldiers are not Iraqi bureaucrats. Our Armed Forces are trained to win wars, not run countries. Putting our men and women in such an untenable situation is a misuse of our military and a disservice to our military personnel.

This Administration should think hard about whether we have the manpower—do we?—to sustain a large commitment of troops in Iraq for the long term. They better think about it. We currently have overseas commitments in South Korea, Japan, the Balkans, and Afghanistan. I have heard we have our military forces spread so thinly around the world, in 136 countries, I recently saw. Keeping tens or hundred of thousands of troops in Iraq for as many as ten years may demand more troops than our voluntary armed forces can muster. Think about it.

This Administration should think hard about whether we have the money to single-handedly pay for the occupation and reconstruction of Iraq. The Department of Defense has reported that we are spending $3.9 billion each month to occupy Iraq. That is a billion dollars a week. How much is a billion dollars? A billion dollars is $1 for every minute that has passed since Jesus Christ turned the water into wine in the city of Caanan.

So the Department of Defense has reported that we are spending $3.9 billion a week. They had not said that until yesterday. Pulling that information from the Secretary of Defense was like pulling teeth. It was hard to do.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. One minute and thirty-eight seconds.

That is in addition to the $950 million we are spending each month for our mission in Afghanistan. At a time when the United States is running record-breaking deficits of $400 billion each year, the Administration has not even included these $58 billion in occupation costs in its budget. In sharp contrast to the 1991 Persian Gulf war, where our allies contributed $54 billion of the $61 billion cost of that war, the American taxpayer is virtually alone in bearing the burden for the staggering cost of this most recent war with Iraq.

Americans have good cause to be proud of the men and women who unselfishly serve our country in uniform. They have carried out their duty in Iraq admirably. But what is the next step? The last thing we want to do is repay the services our troops have given to our country by committing them indefinitely to a fuzzy reconstruction mission of uncertain duration.

Iraq is fast becoming an urban guerilla shooting gallery with U.S. troops as the targets. It is time to go to the United Nations and work to deploy a trained multinational peacekeeping force to cope with the perils of the occupation of Iraq. Before there is a disaster to cope with, before there is a major loss of life, before there is a crisis, we must read the tea leaves.

This White House cannot further presume on the patience of the public. The American people must be given an exit strategy for our troops. We must ask the international community for help in Iraq.

I yield the floor.

Mr. DURBIN. Will the Senator from West Virginia yield for a question?

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. My time has expired.

The PRESIDING OFFICER. The time has expired.

The minority leader.

Mr. DASCHLE. Mr. President, I will use my leader time to yield to the Senator from Illinois for whatever question he may want to ask of the Senator from West Virginia.

Mr. DURBIN. I thank the Democratic leader for the time.

I rise for a brief moment in tribute to my colleague from West Virginia. Over the last 6, 8, or 10 months, the United States has been making critical and historic foreign policy decisions which have reversed values and traditions that have guided this country for decades. One Senator has come to this floor time and time again to turn that bright, glaring light on America that is our responsibility to do, and the Senator from West Virginia has done it again today. I thank him for being that voice time and again in the Senate, and I hope that many of us will join in this chorus to accept our congressional responsibility to the people we represent, to stand up and ask the hard questions that Congress must ask of every President, regardless of party, particularly at a moment in time when over 100,000 of our best and brightest in service to this country are risking their lives. My tribute and thanks to the Senator from West Virginia.

Mr. BYRD. Mr. President, my thanks to the senior Senator from Illinois who has added his voice and his vote in support of his conscience on this matter.

Mr. DASCHLE. Mr. President, I will use the remainder of my leader time to make a couple of remarks with regard to the Bingaman amendment, but I, too, want to join the Senator from Illinois in expressing our gratitude to the Senator from West Virginia for his outspokenness, his candor, the strength and conviction with which he has once again articulated the views of so many of the people of this country, as well as the members of our caucus. I thank him once again for his contribution.

Mr. BYRD. Mr. President, I thank the distinguished leader.

AMENDMENT NO. 1174

Mr. DASCHLE. Mr. President, I express my strong support for the amendment offered by the Senator from New Mexico. It is very straightforward. It says as clearly and as succinctly as it can that the United States must keep its promise when we consider the appropriations bill later this month, that we will fully fund the $3 billion promised in the fight against global AIDS. That is all it says.

The Senator from New Mexico has laid it out very clearly. I applaud him and thank him for his leadership and the compelling arguments that once again he has articulated with regard to the urgency as well as the need to do this as we consider the appropriations bill later on.

The President early this year laid out a very ambitious proposal. Unfortunately, for whatever reason, the President did not fund that proposal when he submitted his budget to the Congress. We are now responsible to fill that hole, to address that vacuum, to make that commitment. That is, in essence, what the Senator from New Mexico is saying with this amendment. Let's acknowledge the commitment, let's acknowledge our determination at the appropriate time, in the appropriations bill, to send a clear message.

Why is it important now? It is important now because the focus of the world media is on Africa. The President today is in Botswana. I happened to be in Botswana last August. It is a beautiful country with remarkable natural beauty. They have a dedicated democratic government, one of the most successful in all of Africa. It has the fastest growing economy in the world over the last three decades.

However, if there is any hope of economic survival, if there is any chance this economy will continue to flourish, they must grapple effectively with a very serious matter. Forty percent of all Botswanans today are infected. Consider that 4 in 10 people in Botswana today have HIV. We opened an AIDS testing and counseling center when we were in Botswana. The townspeople turned out for that ceremony with a joy and excitement that I had not expected in a country where 40 percent may have that disease. They were joyful for one reason: They knew we could now begin to address this incredible problem.

If we fully fund our promise, if we fully ensure that centers such as the one we opened in Botswana last August can test, can treat, can care, can provide the outreach, then indeed we will have fulfilled our commitment. We will have recognized the critical nature of this crisis.

The world has never known a pandemic as brutal as this AIDS pandemic. But the world has never known a country as strong and giving and caring as America. So this is our moment to prove that the commitments made in the past are no less and no more than the commitment we make now to address this pandemic in a meaningful way, to send a clear message to the Botswana people Botswana who are listening today and who want to believe what they heard in the commitment given earlier this year is one that will not erode, that will be there, not only with words but with deeds, not only with promises but with resources.

That is what the Bingaman amendment does. That is why I rise so strongly in support of it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico has 16 minutes and 20 seconds.

Mr. BINGAMAN. Mr. President, I thank Senator DASCHLE, the leader, for his strong support for this effort.

I had the good fortune to be with him in Botswana last August and underscore and emphasize the very points he made about the enormous need that exists in that country and throughout the African continent.

I yield all but 2 minutes of the remaining time to my colleague from Illinois. I reserve 2 minutes to summarize at the end.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 14 minutes.

Mr. DURBIN. Perhaps I will not use all of the time and will yield back to the sponsor of this amendment.

Mr. President, I thank the Senator for focusing the attention of the Senate on an issue of such moral gravity. As the President of the United States said in Africa yesterday, that continent has never been challenged as greatly as it is challenged today by the AIDS epidemic. I might add parenthetically, the world has never been challenged in a way we are being challenged today by this world AIDS epidemic.

I sit on the Democratic side of the aisle and am proud of my party loyalty, but when I went to the State of the Union Address with President Bush just a few months ago and he said the United States of America was going to lead the world with a $15 billion commitment over 5 years to fight the global AIDS epidemic, this Democrat stood up and applauded as loudly as he could. And ever since, every opportunity I have had, I have given this President credit for leading our Nation in the right direction on the global AIDS epidemic.

I add, as well, I am happy this President has joined two of his predecessors in visiting sub-Saharan Africa. We have overlooked this continent far too long. There is great potential in sub-Saharan Africa, a great potential for economic growth and a great potential for building democracy, building a market economy.

But as President Bush has learned and everyone who visits Africa learns, this whole continent is consumed with this epidemic. You can go to Africa looking for any issue you are interested in; I guarantee what you will find is the AIDS epidemic. Whether you are interested in food, AIDS, or economic development, whether microcredit or education, your first concern will be the AIDS epidemic.

How can you teach children in school when school teachers are dying at an alarming rate? How do you keep up with the health care needs with so many AIDS orphans and so many infected people? What is the economic future of a country where you cannot predict what next month's workforce will look like? All of these issues, whatever they may be, all point to the one central concern: Fighting and conquering this epidemic.

We applauded President Bush on both sides of the aisle for the $15 billion over 5 years. What Senator BINGAMAN is doing today is saying to the Senate, don't let the applause die down. Let's give the President a chorus of support, not just a chorus of applause. Let's make certain those who did stand up and laud the President for his leadership will be here doing our part.

It is inexcusable to say we can only spend $2 billion this year to fight the global AIDS epidemic. The United States can do more and must do more. If we do not, more people will become infected, more people will die, more AIDS orphans will populate the poor countries around the world which means the challenges in the later years will be even more substantial.

How much money is needed at this point? Here is an estimate that has been given from the United Nations agency about the need to fight the global AIDS epidemic. If you look at the next fiscal year, 2004, $8 billion is needed on a global basis. The United States AIDS spending is substantial but, unfortunately, it makes up only a small part of this global need. Frankly, when you look at what the President has proposed, if we could increase our spending to a $3 billion level it could make a significant difference.

This year about $4.7 billion will be spent worldwide fighting the global AIDS problem; $1.6 billion of international bilateral assistance country to country of which the United States puts up about $640 million; $1 billion in multilateral AIDS groups like the Global Fund, which I support; $1 billion by the governments of infected countries, and $1.1 billion by the families of those infected countries—about $4.7 billion. And the need is $8 billion.

What Senator BINGAMAN brings to the Senate today is an amendment asking the Senate to put the money where the promise has been made. The President has toured South Africa, Botswana, countries like Senegal. In visiting these countries he has said the United States is committed to $15 billion. With the Bingaman amendment, we will make certain that commitment is more than just passing rhetoric.

I say to my colleagues in the Senate who have had a chance to travel overseas and not visited Africa, if you want to be a convert on the urgency of this issue, visit Africa. Meet the people who are infected today and are trying, every single day, just to survive.

Go to Soweto Township in South Africa, as I did just a few months ago with Senator FEINGOLD of Wisconsin, and meet women who are infected with HIV who have small children and will never be able to have access to antiretroviral therapy which could keep their lives stronger and longer than otherwise would be the case. The best they could hope for is one nutritional meal a day, to give them strength to ward off infection.

Come to the streets of South Africa. Come see in Cape Town the AIDS orphans roaming those streets, AIDS orphans—I saw this with my own eyes—who are sniffing glue, stealing, living on the streets. Their families are gone. It is repeated over and over, thousands of times, millions of times, in sub-Saharan Africa.

Come to Uganda and find those battling with the AIDS epidemic with very little money but great resolve, preaching abstinence and fidelity and condoms if necessary to protect themselves. These are people winning this battle every single day, waging the battle every single day, surviving for another day. But they need our help.

The richest nation on Earth should put $3 billion on the line this year, this next year, as the President has promised—in 2004. By keeping that promise, we will say to the world, we are not only trying to meet our moral obligation, we are urging you to do the same.

This money has a multiplier effect. Mr. President, $3 billion from the United States will multiply into more and more money being spent on the global AIDS crisis. But, likewise, our failure to do so, our failure to keep our word—what the President said in the State of the Union Address—that is going to be noted as well.

We have a lot more we can do. It is not just a matter of humanity and compassion; it is a matter of global security. These countries that are devastated by AIDS are fragile societies which, if they fall, if they cannot maintain their civil structure, will become vacuums, and in those vacuums we know we will find havens for terrorism, laboratories and experiments for the worst possible political outcomes. We don't want that to happen.

We need to stand together with the President. I don't think we should be making excuses or coming up with alternatives. Let's put our money where the President promised it would be. Let this President, traveling in Africa, receive word within an hour that the Senate is standing behind him. The promises he is making to the continent of Africa are promises which both political parties in the Senate are going to stand behind. That is the best possible message.

Senator BINGAMAN, Senator LEAHY, Senator DASCHLE, I, and others want to make certain $3 billion will be available next year to combat this pandemic across the world.

I stand in strong support of this amendment, and I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. There remain 7½ minutes.

Mr. BINGAMAN. I will yield to the Senator from California who had a question or two she wanted to ask at this point.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Yes, I wish to address a couple of questions to my friend, Senator BINGAMAN.

First, I thank you so much for bringing this amendment to the floor. We have a situation where President Bush is in Africa. I want to make sure I am right on how I read your amendment. He is there saying he has committed, over a 5-year period, $15 billion. Is that correct?

Mr. BINGAMAN. That is exactly the commitment the President has made.

Mrs. BOXER. As I understand my friend, what has happened is that the President's own budget, instead of giving $3 billion for this effort, which would be $3 billion this year and $3 billion each year for 5 years to meet his commitment, has underfunded his own request and has underfunded where the authorizing bill said this ought to be at $3 billion.

Am I correct in saying when the President says he is waiting for Congress to act, essentially his own budget has undercut his commitment?

I just want to make sure I understand that what the Senator is doing today is sending a signal to the people of the United States of America, and to the people who are suffering from AIDS worldwide, that this amendment would bring the amount up to the amount that was promised in the President's own authorizing legislation but that he has underfunded in his own budget and that this bill is underfunding.

What you are doing is keeping the promise made by the President himself, in correcting what was a terrible mistake, it seems to me, in the fact that this bill, as it currently stands, without my colleague's amendment, underfunds that account for AIDS.

Mr. BINGAMAN. Mr. President, in response to the question, let me just say that is the thrust of the amendment. The amendment is a sense of the Congress. It is the sense of the Congress that when appropriations bills do come to the floor of the Senate, we will agree to fully appropriate the money needed to meet this $3 billion per year commitment. That is not the amount the President has asked for. He has asked for substantially less. It is not what early indications are the House Subcommittee on Appropriations is likely to provide.

We are also concerned, of course, about the availability of those funds in our own Appropriations Committee.

So this would make it clear to the whole world, we are committed to providing these funds, even if it is outside the bounds of the budget resolution—which it may well have to be. But we will provide the funds necessary to meet the commitment the President has made and continues to make on this trip to Africa.

I would like to reserve the remainder of my time. I know Senator LUGAR wishes to reserve the remainder of his time so we can have short statements. We will not use the full amount of time reserved.

At this point, Senator REED is here wishing to speak so I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, the Senator from Rhode Island is recognized for up to 15 minutes.

Mr. REED. Mr. President, over the past few weeks the entire world has witnessed the images emanating from Liberia of chaos and carnage and a people who are bedeviled by a civil war that has lasted too long. This is a country that is in turmoil, a country with which we have a deep historic relationship. It is a country I do believe we must assist.

The trouble in Liberia is not of the last few days or few months. It has extended at least for a decade. But at this time we have the opportunity, and I believe also the responsibility, to assist the people of Liberia to find a better way, a way without violence, a way that will guarantee a democracy that works and an economy that provides for the people of Liberia.

Liberia has a special relationship to the United States. In 1822, a group of freed slaves from America began to settle the west coast of Africa. They were provided assistance by private philanthropists but at the insistence and encouragement of the U.S. Government. This was, at that time, a response to the prevailing system of slavery in the United States, a humanitarian approach.

By 1847, these settlers had established the Republic of Liberia, the first independent country in Africa. It was modeled after the United States. In fact, even today, 5 percent of the population trace their heritage directly back to these American slaves who were freed and repatriated to Liberia.

The Liberians modeled their Constitution on the United States Constitution. The Liberian flag closely resembles the United States flag. The capital of Liberia is named Monrovia, after President James Monroe.

Before 1990, before the beginning of this civil war, Liberia's leading trading partner was the United States, and the United States was a major source of assistance to the country of Liberia.

Our histories have been inextricably linked since 1822. Without the attempt of the United States in a small way to work its way through the problem of slavery and the creation in this country of private philanthropy, Liberia would not exist.

I argue that these close historical ties are very important influences that should govern our decision today as we seek to help the people of Liberia.

At the core of the problem today in Liberia is the behavior and the conduct of the President of Liberia, Charles Taylor. Taylor is 55 years old. He is the son of an American father and a Liberian mother who was a direct descendent of American slaves.

During the 1970s, he worked in Boston, MA, while earning an economics degree at a Massachusetts college. He returned to Liberia in 1979, having spent a significant part of his life here in the United States. In 1979, the Government of Liberia was at that time taken over by Samuel Doe. President Taylor worked briefly for Samuel Doe. When he was accused of embezzling over $1 million from that Government, he left Liberia. He fled to some place with which he was very familar, Massachusetts. He was arrested there but he managed to escape from jail and made his way to Libya where he trained at a camp run by Qadhafi, a guerrilla training camp.

In 1989, he led a small band of irregular forces that overthrew the Samuel Doe government, and he effectively became leader. Then, through an election, he became the President.

But his Presidency has been marred not only by the decline of Liberia but by the instability throughout west Africa, spawned by his policies and his practices. Between 150,000 and 200,000 people have been killed and over 1 million people have been dispossessed in Liberia during the Taylor reign.

Monrovia, the capital of Liberia, a city of more than 1 million people, is the only African capital that has no electricity, no running water, and no telephone service. Tens of thousands of people live in the ruins of bombed-out buildings. There are only two functioning hospitals in the entire country. Only a handful of flights each week leave Monrovia in small planes and go to adjacent west African countries. There is no direct connection between this country and the capitals of the world.

In the past decade, in response to this violence, this chaos, and this collapse, the United Nations has passed seven resolutions seeking to halt the destabilizing force of the Liberian Government—seeking to halt it from its policies of encouraging rebel groups in adjacent countries and trying to induce it to fully abide by numerous Security Council resolutions to end the internal conflict in Liberia.

The United Nations-backed Special Court in Sierra Leone is investigating war crimes that have taken place in Sierra Leone. These crimes include mass rapes, kidnapping, murder, amputation of limbs of civilians, and recruitment and use of child soldiers.

Last month, the Court unsealed an indictment against Charles Taylor for "bearing the greatest responsibility for war crimes, crimes against humanity and serious violations of international humanitarian law within the territory of Sierra Leone since November 30, 1996."

Taylor has deliberately assisted rebel forces in Sierra Leone and has provided resources for and is a willing party to the atrocities which I mentioned—the atrocities which have led to his indictment by the Court in Sierra Leone. He did it for diamonds. He did it for power. But the results have been devastating to that country.

It is quite clear that Taylor has not only destroyed his own country but he has also helped to undermine and destabilize adjacent countries, such as the Ivory Coast and Sierra Leone.

One of the problems with countries such as Liberia and adjacent countries is when there is a government that does not work or simply works for the benefit of the party in power or the person in power, those countries are likely breeding grounds for terrorist activity and terrorism that will spread beyond their borders. In fact, in today's world, it could spread worldwide.

As a CRS report noted, "For more than a decade, cycles of conflict in Liberia have generated a range of effects that have undermined the national security, political stability, and economic prosperity of its neighbors, and had secondary negative repercussions in the wider sub-region. Among the most serious of such effects are the spread of small arms; the diffusion of violence-based social norms, often with commercial underpinnings; and increasing amounts of mercenary activity in the region; the deployment of diverse, often state-assisted rebel groups along regional borders; rampant human rights abuses; and the creation of aggrieved refugees and internally displaced populations."

That has been the record of Charles Taylor.

I believe the United States has an obligation to Liberia based on history, based upon the chaos that is obvious in the country, based upon the policies and practices of President Taylor that has ruined his own country and harmed his neighbors. We must act for the security of west Africa and possibly even for the security of the United States.

I should also point out that our British allies intervened in Sierra Leone to ensure stability because of their historic ties with Sierra Leone. The French have intervened in the Ivory Coast. In fact, a month ago it was the French forces that evacuated Americans who were in danger in Liberia itself.

I believe we have to take several steps. First, the United States should organize a robust multinational force endorsed by the United Nations Security Council to support the cease-fire and to restore order in Liberia.

We all recognize that this is a decision for the President of the United States. But the Department of Defense must give the President of the United States all the options he needs and which he requires for the movement of troops—troops that could, with the President's order, intervene in Liberia. Without timely orders and giving troops notice of movement and beginning the movement process, we could find ourselves with other ugly episodes of violence in Liberia in the next few days, or weeks, or months. Finding the President being moved to act, it could take days to put our forces in place to operate.

With respect to not only organizing our response, we also should seriously begin marshaling the forces necessary to intervene if and when the President of the United States gives such an order.

Our involvement should not be contingent on Charles Taylor's decision to leave.

I have already described the record of Mr. Taylor. It is a record that lacks credibility. And his decision should not represent a veto of our policy. The President has said that he would consider the use of force or international forces if Taylor left. I think we should make it quite clear that if the situation deteriorates sufficiently and there is a prospect of using force for positive change for the Liberian people, then Charles Taylor should not decide by his presence or his absence whether we commit forces or assist with these international forces.

The United States should also seek Security Council approval of chapter VII authority to further support the Sierra Leone Special Court and its indictment of Taylor for crimes against humanity.

Presently, although the Special Court is backed by the United Nations, only Sierra Leone is bound by its decision. We should use our diplomatic influence to ensure that Taylor answers the indictment, in the event he does leave Liberia, or in the event that he comes into international custody in Liberia.

Finally, we should support a U.N. mission for Liberia, in consultation with the Economic Community of West African States, or ECOWAS, and the International Contact Group for Liberia, to provide for an interim government and ultimately a democratic transition.

The world, and particularly the people of Liberia, are waiting for our leadership. We should provide it.

There is another aspect of the issue of Liberia that is important to consider. It is not with respect to those Liberians who are in that country but actually with respect to Liberians who are here in the United States and who have been here in the United States for more than a decade.

When the Liberian civil war broke out, many Liberians began to flee to the United States. The chaos began to be obvious to our political leaders and in March of 1991, the then-Attorney General recognized their plight, and granted to these people temporary protective status, or TPS. This was back under the administration of President George Herbert Walker Bush.

Under TPS, nationals of a country may stay in the United States without fear of deportation because armed conflict or extraordinary conditions make it unsafe for these people to return home.

To obtain TPS, persons must register with the Bureau of Citizenship and Immigration Services—formerly known as INS, before its reorganization—pay a processing fee, and apply for an authorization to work. They must have a passport from the country from which they have fled. And they cannot be granted TPS if they have any criminal convictions.

Persons with TPS in the United States must pay taxes, but they do not qualify for benefits such as welfare or food stamps, and not a single day spent in this country under TPS counts toward the residency requirement for permanent residency.

As required by statute, the Attorney General reviews the situation in the country each year and then decides whether to extend TPS.

In the case of Liberia, the civil war has raged on and on for more than a decade, prompting Attorneys General of the first Bush administration, the Clinton administration, and the present Bush administration to annually review the status of Liberians in the United States.

In 1996, 1998, and again in 2002—this time under the present Bush administration—the Attorney General found that the situation in Liberia had deteriorated to such an extent that TPS was not only granted but there was a "redesignation."

What does that mean? It means that people who had fled the country after 1991, or who had returned to Liberia and then returned to the United States, were also included in the protected category of TPS. So we have had a situation going over a decade in which annually Attorneys General have looked at the issue and have granted protective status to these people.

There was one brief period, from 1999 to 2001, where the conflict seemed to be ebbing. In that period, TPS was not granted. However, the Attorney General and the administration determined that it was still inappropriate to return these people to Liberia.

The PRESIDING OFFICER. The 15 minutes allocated to the Senator from Rhode Island have expired.

Mr. REED. Mr. President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

During this period of time, the Attorney General, therefore, granted a different form of relief known as deferred enforced departure, which was used to shelter the population of Liberians in the United States from immediate deportation.

But I think the point is, it is quite clear we have recognized the legal right of these people to stay in the

United States because of the turmoil in Liberia for more than a decade.

That turmoil today is even worse. It is reaching a crisis proportion, so much so that the President of the United States is actually contemplating the use of American forces or certainly American support for an international peacekeeping mission.

Now, I have given this long and complicated history to suggest that we have a population that each year waits anxiously for a decision by the Attorney General whether to be sent back to a very difficult environment.

We are talking about 15,000 people in the United States. There is a human face to this. They cannot tell an employer they can take a job for 2 years. They do not know if their children can go off to college for 2 or 3 years because you cannot give those assurances. They pay taxes, but they do not qualify for benefits. And many of these Liberians have lived in the country longer than the 5 years of residency required for citizenship.

What I have done for several years is introduce legislation to allow these individuals to become permanent residents as a step towards citizenship. I have been supported by my colleagues, Senators CHAFEE, KENNEDY, CORZINE, DURBIN, and HAGEL because we believe—and particularly at this moment we believe—it is appropriate to give these Liberians in America a sense of permanency.

Let me say, this would not be a unique occasion. We have, in many other instances, extended coverage like this to other nationals. We have had situations in which we have allowed people staying in our country to adjust to permanent residency status.

For example, in 1998 Congress passed a law allowing four national groups, who were in similar situations, staying in the United States at the discretion of the Attorney General to adjust to permanent residency status: 4,996 Poles, 387 Ugandans, 565 Afghanis, and 1,180 Ethiopians.

In the 102nd Congress, we passed a law that allowed 52,968 Chinese nationals with deferred enforced departure to apply for permanent residency and then citizenship because they were victims of Tiananmen Square.

In the 105th Congress, we passed the NACARA legislation. Under this law, 150,000 Nicaraguans, 5,000 Cubans, 200,000 El Salvadorans, and 50,000 Guatemalans were given the chance to reach permanent residency status.

In 1999, we passed a bill allowing 2,000 Syrian Jews to accede to permanent residency en route to citizenship.

My legislation would not set a precedent, but it would provide support and comfort, and I think long overdue justice, to 15,000 Liberians in this country.

Mr. President, I hope we can work together in the near future to make this legislation law.

I thank my colleagues for listening to this speech about Liberia. We have two functions: One, to provide assistance internationally to help the people struggling there; and then to provide a sense of permanency to those Liberians who are here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will give a short speech as part of the 20 minutes allocated to me at this time.

My understanding is, my colleague Senator BINGAMAN will speak on the AIDS legislation that he has proposed with many cosponsors, and then we will proceed to a rollcall vote on the Bingaman amendment.

Let me say at the outset that during our debate today on these authorization bills, we have heard from Senators on very important foreign policy issues. The distinguished Senator from Rhode Island, who just spoke on Liberia, is an excellent example of one who has spent time and effort in analyzing that issue.

We heard from the distinguished Senator from West Virginia, Mr. BYRD, earlier on with regard to his apprehensions on Iraq. Other Senators likewise have taken this forum.

Although that means perhaps our debate has been more extended on the authorization bills, this is a good time for Senators who are focusing on foreign affairs to speak and to enlighten their colleagues and the public in this important body.

On the AIDS question, let me simply say that I indicated early on to Senator BINGAMAN and the sponsors that we would be prepared to accept that amendment. I did so simply because I think it is important, with the President in Africa, that there be clarification, in a bipartisan way, that we support the initiative he has given to the world. It is an extraordinary initiative. It has large impact. Hopefully, it will have good results on the ground with medical services, pharmaceutical products, other practices that are initiated by the various states that may be recipients as well as individual persons.

I come to the floor simply to say I hope Senators will support the amendment, that we understand the President has made a very large offer. Now, authorizers and appropriators are going to have to work their way through that situation, along with the White House, in responsible ways for the next 5 years or so. That will take some doing, as most speakers today have pointed out.

There has been, at least with some of those who have spoken on the issue, some skepticism about whether the President either understood the enormity of the task, whether he or his staff have in fact asked for the amounts of money that are required to get the job done, to follow the plan. And, in fact, some have suggested even a photo op followed by a lack of activity and followthrough that would be disastrous both to the credibility of the proposal as well as to the recipients.

My own view is that our President, George Bush, is very sincere about this project. I say that from personal conversations with the President and the opportunity to work with him. The occupant of the Chair, as a distinguished member of the Foreign Relations Committee, is well aware that our committee took up the AIDS legislation issue. Senator BIDEN and I, in a bipartisan way, formulated, with the aid of many Senators on both sides of the aisle on our committee, an initiative that we believed was most appropriate in following through on that.

In due course, colleagues in the House of Representatives, led by HENRY HYDE of Illinois and others, formulated a piece of legislation that was a strong piece of legislation, in our judgment. It was the hope of the President and the leadership of the Senate that we could all turn to, in unity with our colleagues in the House, and pass an AIDS bill prior to the President going to the G–8 to lay before the European states and Japan and others the full benefits that would come to the world if they were willing to sign up likewise and work with us and follow our leadership.

And in a very late night session, the Chair will recall, we did pass that legislation. The President promptly signed it in the early days of the following week, as soon as it reached his desk, and proceeded to Europe with that initiative. He proceeds to Africa with that initiative now.

It is very meaningful, as he visits in countries, even as we speak, that have a very high incidence of AIDS. It is important with the President in Africa on the ground speaking to this issue that we speak in one voice likewise. This is why I will propose to Senators that we in fact support the amendment.

I am advised my colleague from Pennsylvania would like to have a few minutes. I am prepared to yield to him. I have 20 minutes. How much time would the Senator desire?

Mr. SANTORUM. Two minutes.

Mr. LUGAR. I yield 3 minutes to my distinguished colleague from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to echo the chairman's comments that this body in a very late session, under his leadership and that of Senator BIDEN, was able to pass this historic measure providing the President the fodder he needed to go to Europe and the G–8 and make a pitch that the United States is behind trying to take on this scourge that has enveloped a continent, the subcontinent of Africa, and he was able to do that. As a result, he has been able to get the European Union to make a substantial commitment to participating in this project.

I don't know if it has been said yet, but not only did we believe it was necessary to provide the appropriate leverage for our comrades in Europe to participate, but it worked. It was successful. They have come to the table and we are grateful for that. I think Senator BINGAMAN's amendment, as the chairman suggested, is just further evidence of our commitment to funding.

My belief is we should come forward with the necessary funds. I don't necessarily agree with Senator BINGAMAN that we need to put $3 billion in the appropriations process in the pipeline right now. The commitment was $2 billion plus $1 billion in matching funds. The President said he would put up $200 million in good faith. So that puts us at $2.2 billion which is what I believe is the number that is necessary to meet the commitment the authorization requires. I don't think it is necessary for us to appropriate $1 billion without having the match in place for that $1 billion. I think we can always come back, as we are maybe even this week, with supplementals throughout the course of the year to fulfill the commitment.

Our commitment in the Congress was $2 billion plus $1 billion if other countries match it. So we need to put in $2 billion. We have $1.9 billion, as the Senator from New Mexico said. So we are not that far off. But the President did say he would put $200 million forward, whether or not it is matched, as a good faith effort. And so I think to comport with that, we should do our best, within the appropriations process, to come up with $2.2 billion. But I think anything beyond that, candidly, is unnecessary, under the authorization is unnecessary. And I hope we do what is required and candidly sit back and wait and see what kind of commitments we will get from the rest of the world before we start ponying up real dollars in the appropriations process when those dollars are contingent upon other countries coming through with their contributions.

While I agree in principle with what the Senator from New Mexico said and will certainly support his amendment—I encourage Senators to support this amendment—I do so with the caveat that really full funding, under the understanding on this floor the night we passed it as well as the President's initiative, is, in my mind, $2.2 billion. And then we can go from there subsequently, depending upon the kind of support we get from other countries around the world.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes and 46 seconds remaining, and the Senator from Indiana has 10 minutes and 20 seconds.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator STABENOW be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Let me begin by thanking the Senator from Indiana for his willingness to support the amendment and urge others to. That is very important. It is important we pass this amendment by a large bipartisan vote. He indicated he believes the President is sincere in his commitment to provide this $15 billion over 5 years. I certainly agree. I believe the President is sincere as well. I believed that when he said it in his State of the Union speech. I still believe it.

Unfortunately, the fact we are faced with is we have authorized the $15 billion to be spent consistent with what the President asked for. But as we all know, there is a difference between what is authorized and what is appropriated. And the early indications are the appropriation may not be that generous or that robust.

That is the reason for my amendment.

The early indications I am referring to are the President's own budget request. In his request to the Congress, the President did not ask for $3 billion this first year. He asked for, perhaps in a most generous reading of his budget request, $1.9 billion; $200 million of which would be committed to this global AIDS fund. We had authorized $3 billion, $1 billion for the global AIDS fund, $2 billion on other bilateral programs and AIDS initiatives. All I am saying is, we need to step in and, as is appropriate under the Constitution, appropriate the funds the President is talking about in Africa, that we have authorized to be spent.

I believe that is the least we can do. This amendment is a sense of the Congress that we are committed to that when the appropriations bills come to the floor later this year. We will all have a chance at that point to look at those bills and see whether or not the funding is present.

If it is, fine; if it is not, we can add funding at that time before we complete action on those bills. I do not subscribe to the view that the President's commitment of $15 billion is contingent upon all sorts of other things. I think it is a commitment this country has made. I commend the President for it. I commend him for taking this trip to Africa. I know those countries have desperate needs for which that funding could be used. And this pandemic that we are seeing worldwide, but most particularly on the African Continent, is something that deserves our top priority. I urge my colleagues to join me in passing this sense-of-the-Congress amendment and then, of course, I will urge them to support following through when the appropriations bills actually come to the floor. That is when the real decision point comes. This is a great indication that the Senate is standing behind the President, behind its commitments, and that is exactly what we should do.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I yield back the remaining time that I have, and I commend the amendment to Senators. I hope there will be strong support.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—78

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Frist
Graham (SC)
Hagel
Harkin
Hatch
Hollings
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith
Specter
Stabenow
Voinovich
Warner
Wyden

NAYS—18

Allard
Allen
Bond
Cornyn
Ensign
Enzi
Fitzgerald
Grassley
Gregg
Hutchison
Lott
Nickles
Sessions
Snowe
Stevens
Sununu
Talent
Thomas

NOT VOTING—4

Graham (FL)
Kerry
Lieberman
Miller

The amendment (No. 1174) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1182, 1183, 1184, 1185, 1186, AND 1187, EN BLOC, TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, at this point I wish to send to the desk a packet of agreed-upon amendments and ask for their consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. LUGAR. These amendments include a chairman's amendment regarding Pakistani debt reduction; a chairman's amendment that will provide technical fixes of the State Department's Fellowship of Hope Program; an amendment by Senator FRIST to authorize the United States-Russian Interparliamentary Group; an amendment by Senator FRIST to authorize the United States-China Interparliamentary Group; an amendment by Senator WARNER to strike section 206 of the pending State Department authorization bill relating to security capital cost sharing; an amendment by Senator ENSIGN regarding the level of U.S. funding for the United Nations peacekeeping operations; an amendment by Senator VOINOVICH to require the Annual Report on Religious Freedom to include a section on anti-Semitism; an amendment by Senators INOUYE and AKAKA to authorize additional appropriations for the Center for Cultural and Technical Interchange Between East and West.

I ask unanimous consent these amendments be agreed to en bloc.

Mr. REID. Reserving the right to object, Senator BIDEN is not on the floor. His staff has said Senator BIDEN has not had a chance to look all these over.

Mr. LUGAR. Very well, I will withdraw my motion. I will attempt to consult with the Senator.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, just as soon as the list has been reviewed more carefully by our distinguished ranking member, I am sure we will be in a position to work with the chair to accommodate his unanimous consent request.

We have a number of Senators who have been working with the managers. I think they may be in a position to offer their amendments with the understanding they would not require rollcall votes.

I know Senator DODD and Senator CLINTON and SCHUMER, at least, are in that position, maybe others.

I have just shared with the majority leader a list of amendments that may not be finite but is almost officially finite. We are hopeful we can continue to work with our managers in accommodating those Senators who wish to offer amendments but with a recognition that in most cases they will not require a good deal of time. In some cases they will not be offered at all.

We have only been on the bill for about a day—full—and we were reminded it has been since 1985, which was the last time we actually brought up successfully the State Department authorization bill.

We are very desirous of completing the work on all three pieces of it. We will continue to work with the distinguished majority leader and chair to figure out a way to accommodate the successful conclusion and consideration of the legislation. As I say, this list is not necessarily finite, but I do not expect it to grow. In fact, I think there are amendments on the list that will probably not be offered. So we will go from here.

In the meantime, perhaps, if we could dispose of the amendments that will not require rollcalls, we will expedite this process even more.

Mr. REID. Will the distinguished Senator yield for a question?

Mr. DASCHLE. Yes, I will be happy to.

Mr. REID. The Senator indicated we have spent basically a day, a half day yesterday and so far today, on the State Department authorization. All Democrats want to finish this bill. I think the leader would acknowledge that. We had our policy meeting today and our caucus luncheon Tuesday. I remind the leader—the majority leader is in the Chamber also—we spent 2 days this week on a bill that everyone knew, when it came up, was going nowhere. We all believe this bill is going somewhere—has the opportunity to go somewhere. I hope the two leaders would work to move it forward.

I know the Democratic leader feels that way. I think it would be a shame, for lack of a better description, after all the work we have done on this—as the Democratic leader has announced, we have a list that is a good list, nearly complete. We could complete this legislation. We can't complete it in a matter of hours, but I think we could complete it in a matter of a day or so.

Mr. DASCHLE. I will comment and then yield the floor. It was reported to me the last time we took up the bill in 1985 we took a couple of weeks to pass it. We certainly do not expect to spend a couple of weeks on the bill in this session of Congress. But I think it does, again, remind us that there are very important issues involving foreign policy, the State Department, and other issues—whether or not they are directly relevant to the State Department—that are meritorious and deserve consideration. I know of no one, on this side at least, who would require a good deal of time, an inordinate amount of time, for their amendment to be considered.

We will work with our Republican colleagues in the hope we can accommodate this list, expedite the consideration of the bill, and move to a successful conclusion.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I am very pleased that the Democratic leader agrees we can complete this very important piece of legislation. The fact it has been such a long time since we have carried out our real responsibility in this authorizing legislation, trying to do what we are doing in a very systematic, orderly way, rather than throwing it on appropriations which, in the past, historically, has been done, I hope reflects my intent and the intent of all of us working together to go about this in an orderly way, the way that is most appropriate.

We have a lot of work to do. We have made a lot of progress this week. We knew at the outset of the week we were setting out an ambitious agenda, in the sense that it is really what I believe our responsibility is to do. We tried not to rush things too much and consider amendments, some of which are not germane to the underlying bill. It is the right of every U.S. Senator to offer those. Those amendments have come from the other side of the aisle. I know every effort is being made to focus on the bill itself.

We will be in session today. We will be in session late tonight. We will be in session tomorrow. We will be in session, voting, tomorrow. My goal remains to be to finish this bill. We will do legislative appropriations. We can discuss when to do that that is most appropriate on both sides of the aisle. We are going to bring that to the floor. We can do it tonight. We can do it tomorrow. We can do it tomorrow afternoon.

My goal would be to be able to complete that bill and go to military construction as well. We can talk among ourselves.

The Democratic leader stressed the importance of getting amendments forward. We just talked through a list from the other side of the aisle. I just talked to Chairman LUGAR. We have really just two or three amendments. So for the first time we have sort of a finite list of amendments with which we can work. I ask that the chairman and ranking member do their very best to cull through the amendments. As the Democratic leader said, if they do not need a rollcall vote, let's try to work through this in an orderly way.

I do want our colleagues to know, for scheduling, just as I said last Monday, Tuesday, Wednesday, Thursday—today, I am saying it again, we are going to go through these next three bills. If we can complete this bill in a few hours, which the Democratic leadership said we cannot do—and I respect that if we really can't. I hope we could. Talking to Chairman LUGAR, he says he thinks we can. But if you believe it is absolutely impossible, then it may be that later tonight we will set this aside and we will begin the other two bills, which we will be addressing. We will be voting on them with rollcall votes. I will talk to Chairman STEVENS in a few minutes and see what he thinks is best, in terms of that overall schedule.

If there were any chance we could systematically go through this bill and complete the work—and again the chairman and ranking member have done a great job in terms of considering the whole range of amendments thus far, but if we can complete that bill and get started on legislative appropriations, and military construction, if we can do that tonight we wouldn't even have to vote tomorrow at all.

I know we just heard that is not going to be possible in terms of the range of amendments as we go forward. We are voting today, tonight, we will stay on this bill a while longer, and we can talk. If you believe we need to set it aside so we can go to the appropriations, we can come back to this as soon as we finish this appropriation.

The PRESIDING OFFICER. It is the Chair's understanding the chairman has sent to the desk a series of amendments which he wishes to be considered en bloc. Is that correct?

Mr. LUGAR. That is correct. I would like to amend my proposal to eliminate an amendment by Senator WARNER to strike section 206, and an amendment by Senator ENSIGN regarding the level of U.S. funding. I had listed eight of these. These two should be omitted from that list.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. No, I do not object.

Mr. REID. Mr. President, we on this side have worked with the ranking member of the committee, and we have a list of Democratic amendments we want to go in order.

I would like to announce those for the benefit of the Senate.

Mr. LUGAR. Mr. President, if the Senator would yield for just a moment, if I could complete the action with regard to the six amendments.

Mr. REID. I apologize. I thought that had been done.

Mr. LUGAR. Mr. President, I ask unanimous consent that those six amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 1136

(Purpose: To authorize Economic Support Fund assistance for Pakistan)

At the end of section 2123, add the following:

(d) ASSISTANCE FOR PAKISTAN.—

(1) IN GENERAL.—Of the funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2004, $200,000,000 may be made available for assistance for Pakistan, of which up to $200,000,000 may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan.

(2) TREATMENT OF CERTAIN ASSISTANCE.—The amount made available under paragraph (1) for the cost of modifying direct loans and guarantees shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(3) LIMITATION.—The authority provided by paragraph (1) shall be subject to the requirements of section 634A of the Foreign Assistance Act of 1961.

AMENDMENT NO. 1183

(Purpose: To grant the consent of Congress to the receipt by employees of a designated entity or designated country of salary and benefits from such entity or country while they serve in offices of profit or trust within the Department of State)

On page 31, between lines 23 and 24, insert the following:

"(c) For the purposes of the program authorized by subsection (a), Congress consents to employees of a designated country or designated entity continuing to receive payment of salary and benefits from such designated country or designated entity while they serve in offices of profit or trust within the Department of State.

AMENDMENT NO. 1184

(Purpose: To authorize a United States-Russia Interparliamentary Group)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Senators so appointed shall be referred to as the "United States group" of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

AMENDMENT NO. 1185

(Purpose: To authorize a United States-China Interparliamentary Group)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the "United States group" of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

AMENDMENT NO. 1186

(Purpose: To require the Annual Report on International Religious Freedom to include a section on anti-Semitism)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

"(i) acts of anti-Semitic violence that occurred in that country;

"(ii) the response of the government of that country to such acts of violence;

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

"(iv) societal attitudes in that country toward people of the Jewish faith; and

"(v) trends relating to such attitudes in that country.".

AMENDMENT NO. 1187

(Purpose: To authorize certain additional appropriations for the Center for Cultural and Technical Interchange Between East and West)

At the appropriate place, insert the following:

SEC. . AUTHORIZATION FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Of the amounts authorized in this Act under Section 102 for United States Educational, Cultural, and Public Diplomacy Programs up to $4 million is authorized to be appropriated, in addition to such funds authorized under Section 102(a)(3), in support of the Center for Cultural and Technical Interchange Between East and West.

AMENDMENT NOS. 1184 AND 1185

Mr. FRIST. Mr. President, I have two amendments to establish legislative exchange programs on behalf of the United States Senate.

These two amendments will authorize funds necessary to create formalized, cooperative relationships between the U.S. Senate and the Federation Council, the upper house of the Russian Parliament, as well as between the United States and the National People's Congress of the People's Republican of China.

The genesis of these initiatives is the hard work and deep interest that two of our colleagues have shown in pursing a deeper relationship with our counterparts in those two bodies.

Senator LOTT, during a visit to Russian 2 years ago, began a very fruitful dialogue with members of the Federation Council that has continued at many levels since. I myself had the opportunity earlier this year to meet with the Mr. Mikhail Margelov, Chairman of the Foreign Relations Committee of the Federation Council, Senator LUGAR's counterpart, and I look forward to playing host this fall to my counterpart, Mr. Sergei Mironov, the Chairman of the Federation Council. At that time it is our joint intention to sign a memorandum of agreement that will formalize a regularized relationship between our two legislative bodies.

U.S.-Russian relations are at a point today that would have been unimaginable even a decade ago. We are joined in a growing exchange of trade and investment, the open travel of tourists and the business community, and cooperation on the central threat facing our two nations—the scourge of global terrorism. We have our disagreements, but for the most part these are the normal disagreements that exist between any friendly nations. It is my firm belief that as part of our relationship with Russia, we should establish an institutional relationship with our counterparts in the Federation Council to examine our mutual interests and craft solutions that reflect our shared interests.

In the case of the National People's Congress of the People's Republic of China, I would like to credit Senator TED STEVENS for his initiative in pursuing a more regularized relationship. It is my intention to invite my counterpart, Mr. Wu Bangguo, the Chairman of the National People's Congress, to visit the United States later this year or early next year.

As an aside, I have the privilege to lead a delegation of eight Senators to China earlier this year. This delegation was hosted by Chairman Wu during our 3-day stay. He was a gracious host and provided us with an outstanding schedule of appointments during our stay. But beyond this, we also had very candid and complete conversations about the challenge and opportunities in the U.S.-China relationship. I will not suggest that there are not problems, but it was remarkable how openly Chairman Wu was willing to discuss these issues in an attempt to understand our perspective, if not find common ground.

I detect on both sides an optimism about U.S.-Chinese relations that has not existed in well over a decade. By deepening our relationship with the National People's Congress, I am confident we can fortify that optimism and create real potential to solve some of the problems that have plagued our relationship in the past.

I urge immediate adoption of these two amendments.

AMENDMENT NO. 1186

Mr. VOINOVICH. I rise today to introduce an amendment that would require the State Department to include in its annual report on international religious freedom a section highlighting the issue of anti-Semitism abroad.

As many of my colleagues are aware, we have seen a disturbing trend in the increase of anti-Semitic violence abroad, with growing reports of incidents in countries that have traditionally been among Europe's strongest democracies, including France and Germany. I remain deeply concerned with these reports, and I believe it is absolutely essential that we do all that we can to take action to combat this problem, both at home and overseas.

Last month, former New York City Mayor Rudy Giuliani led the U.S. Delegation to the first conference of the Organization for Security and Cooperation in Europe, OSCE, dedicated solely to the issue of anti-Semitism. The conference took place in Vienna, Austria, during the period of June 19–20, 2003, bringing together parliamentarians, officials, and private citizens from all 55 OSCE participating states.

As a member of the Helsinki Commission, I strongly encouraged the State Department to make this conference a priority of the U.S. government. Last October, a number of my colleagues joined me in a letter to Secretary of State Colin Powell urging him to call on the OSCE to schedule this meeting. With the support of Secretary Powell, Undersecretary of State Marc Grossman, and our Ambassador to the OSCE, Stephan Minikes, I was very pleased that the chair-in-office of the OSCE did in fact agree to put this meeting on the calendar. It is an important step in the right direction.

Work to highlight this alarming trend began in earnest last year. In May 2002, the Helsinki Commission conducted a hearing to examine reports of increased anti-Semitism. During that hearing, I called on the Organization for Security and Cooperation in Europe, OSCE, to conduct a separate session on anti-Semitism during the annual meeting of the OSCE Parliamentary Assembly in Berlin last July. I was pleased that this did, in fact, take place. Delegates to the meeting unanimously passed a resolution calling attention to the danger of anti-Semitism, which I cosponsored. The conference held last month was a product of much of the work done during the past year.

As we discuss the need to address this issue, I could not agree more with a statement made by Mayor Giuliani just before he left for the Vienna conference, in which he remarked, "The conference represents a critical first step for Europeans, who have too frequently dismissed anti-Semitic violence as routine assaults and vandalism. Anti-Semitism is anything but routine. When people attack Jews, vandalize their graves, characterize them in inhumane ways, and make salacious statements in parliaments or to the press, they are attacking the defining values of our societies and our international institutions."

While we are headed down the right path, it is critical that we take action to follow up on the successful beginning found at the conference in Vienna. This amendment aims to ensure that the U.S. Government pays close attention to the issue of anti-Semitism internationally, with the hope that it will encourage our friends, allies, and partners abroad to do the same. The amendment requires the inclusion of the following information on the subject of anti-Semitism for each foreign country: acts of anti-Semitic violence that occurred in that country; the response of the government of that country to such acts of violence; actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith; societal attitudes in that country toward people of the Jewish faith; and trends relating to such attitudes in that country.

The promotion of human rights worldwide is a central aspect of U.S. foreign policy, and consistent with this goal, the Senate has acted to condemn anti-Semitism abroad. I believe this amendment is a necessary step as we look to combat anti-Semitism at home and abroad.

I urge my colleagues to join me in support of this amendment.

Mr. LUGAR. I thank the Chair. I thank the Senator.

Mr. REID. Mr. President, the amendments offered on this side are amendments by Senator BIDEN, Senator SCHUMER, Senator KENNEDY, Senator STABENOW, Senator DORGAN, Senator HARKIN, and Senator DODD, in that order. So everyone understands—we have a lot of people shuffling around—that will be the order of amendments by Democratic Senators.

It is Clinton and Schumer. I apologize for that.

The PRESIDING OFFICER. The Senator from Delaware sought recognition.

Mr. BIDEN. I yield. Apparently the Senator from New York has a question.

Mr. SCHUMER. Mr. President, the amendment Senator REID mentioned after Senator BIDEN's amendment is a different amendment. Senator CLINTON and I have an amendment. Those two amendments we will do en bloc. We would not have a vote. The majority and minority have agreed. It affects matters in New York City. We would like to do those very quickly before we begin this order, if I may ask that we do that.

Mr. REID. Following the Biden amendment?

Mr. SCHUMER. One minute.

Mr. REID. Right now?

Mr. SCHUMER. Two minutes of debate right now.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. SCHUMER. Will the Senator yield?

Mr. BIDEN. Yes. I am happy to yield, not that I have the floor.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the pending amendments be set aside and that I call up amendment No. 1142 and another amendment at the desk by Senator SCHUMER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 1142 AND 1188 TO AMENDMENT NO. 1136

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 1142 and an amendment numbered 1188 to amendment No. 1136.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1142

(Purpose: To increase the authorization of appropriations for protection of foreign missions and officials for fiscal year 2004, and to make an authorization of appropriations for expenses related to such protection that were incurred prior to October 1, 2003)

On page 10, strike lines 17 through 19 and insert the following:

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $21,000,000 for the fiscal year 2004, and $55,900,000 to be available for expenses related to protection of foreign missions and officials incurred prior to October 1, 2003.

AMENDMENT NO. 1188

(Purpose: To impose an economic sanction on foreign countries that owe property taxes to Washington, D.C. or New York City)

At the appropriate place, insert the following new section:

SEC. . PENALTY FOR UNPAID PROPERTY TAXES.

(a) IN GENERAL.—Subject to subsection (b), an amount equal to 110 percent of the total amount of unpaid property taxes owed by a foreign country to the District of Columbia and New York, New York as reported by the District of Columbia and New York, New York, respectively, shall be withheld from obligation for such country from funds that are—

(1) appropriated pursuant to an authorization of appropriations in this Act; and

(2) made available for such foreign country under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) PAYMENT.—Funds withheld from obligation for a country under subsection (a)(2) shall be paid to the District of Columbia or New York, New York, as appropriate, to satisfy any judgment for unpaid property taxes against such foreign country.

(c) CERTIFICATION.—The withholding of funds under subsection (a) shall apply with respect to a foreign country until the Secretary of State certifies to the designated congressional committees that the total unpaid property taxes owed by such country have been paid in full.

(d) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term "designated congressional committees" means the Committees of Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) JUDGMENT.—The term "judgment" means a judgment, order, or decree, including a judgment rendered by default or nonappearance of a party, entered in favor of the District of Columbia or New York, New York in a court of the United States or any State or subdivision thereof, arising from a proceeding regarding unpaid property taxes.

(3) UNPAID PROPERTY TAXES.—The term "unpaid property taxes" means the amount of the unpaid taxes, and interest on such taxes, that have accrued on real property under applicable laws.

Mrs. CLINTON. Mr. President, the U.S. State Department is legally obligated to provide security protection for the United Nations and its missions. Under a longstanding arrangement, the City of New York has provided this police security for the United Nations and its missions, and then it has been reimbursed by the State Department.

Long ago, the State Department decided the best way to do this was to have the city provide the service and then provide a reimbursement.

Since September 11, the security needs of the United Nations have increased to about $18.5 million annually in New York alone. Then there have been additional events, such as the U.N. General Assembly and the Millennium Summit alone cost almost $20 million. Thus, the authorization for the program entitled "Protection of Foreign Missions and Officials" must be increased so that the City of New York can receive adequate reimbursement.

I thank the chairman for his understanding and his cooperation in making this possible. I thank the ranking member as well.

This program has been authorized at $10 million over the last several years. It will provide reimbursement not only for New York but also Los Angeles and Chicago. The annual figure will be increased $21 million to cover all three cities' expenses; plus an authorization of $55.9 million is included to reimburse the cities for back claims accumulated over the last several years.

I thank the chairman and the ranking member for accepting this amendment.

I would like to yield to my colleague, Senator SCHUMER, on a second amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you, Mr. President. I thank the chairman and ranking member for their courtesy.

We have two amendments. Senator CLINTON has explained the first one. That deals with reimbursement for police expenses. We always had that in New York City. This simply raises the amount, given the 9/11 situation.

The second amendment is a little different. It very simply says that diplomatic scofflaws have to pay their property taxes. We have a whole lot of missions in New York. A handful of them don't pay their property taxes.

This amendment is very simple. When they don't pay their property taxes, this gives authorization for them to be taken from their foreign aid. It is only fair. It is only right.

We did this for parking tickets a few years ago. It was very successful. We want to do it for property taxes.

It is mind-boggling to know, but there is $214 million in outstanding property taxes from these missions. This amendment will go a long way to collecting it.

I ask unanimous consent that both amendments be agreed to by voice vote.

The PRESIDING OFFICER. The Senator's request is not in order. Does the Senator request unanimous consent that the amendments be agreed to?

Mr. SCHUMER. I ask unanimous consent that both amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1142 and 1188) were agreed to.

Mr. BIDEN. Mr. President, I suggest that we move out of order to Senator DODD. The chairman and I have accepted a modified Dodd amendment. Rather than have him wait all this time, I would like to suggest he be recognized to speak and that we move on his amendment.

AMENDMENT NO. 1189 TO AMENDMENT NO. 1136

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1189.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit MCA monies from being used to fund projects that could displace US jobs or production, or pose an environmental hazard)

On page 247, strike the period at the end of Section 3102(a) and add the following:

", except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(i) cause the substantial loss of US jobs, or the displacement of US production, or

(ii) pose an unreasonable or major environmental, health or safety hazard."

Mr. DODD. Mr. President, this amendment reflects the language and my discussion with the chairman of the committee which adds the word "substantial" to the first paragraph of the first (i) clause—the substantial loss of U.S. jobs. And the rest of the amendment will read as it is presently printed.

Let me, first of all, thank the distinguished chairman and ranking member for allowing me to offer this amendment and for accepting it. This language conforms to existing law with the Overseas Private Investment Corporation, the Export-Import Bank, and other foreign aid programs and takes into consideration job loss on environmental issues.

I think it fits into the Millennium Account category. I am a strong supporter of the Millennium Account. I thank the chairman and others who have been involved. I think it will be a wonderful opportunity for us to provide education and needed assistance to others around the world.

This amendment would add a proviso to Division C of the bill—Millennium Challenge Assistance—to ensure that Millennium Challenge monies authorized in this legislation do no inadvertently fund projects that result in the loss of American jobs, or the transfer of U.S. production facilities abroad, or pose a threat to public health or the environment.

Why is this amendment necessary? Aren't U.S. foreign assistance laws already on the books that prevent U.S. foreign aid monies from being used in ways that can hurt American families or damage the environment? The answer is yes such laws exist but the bill before us today would exempt the Millennium Challenge Corporation set up in Division C of this bill from this and other restrictions currently in law.

The Millennium Challenge Account has been provided with substantial resources in this bill—more than $8 billion over three years with virtually no legislative strings attached.

Clearly there was a rationale for giving the corporation flexibility to try a new approach to helping countries help themselves climb the development ladder. I am certainly willing to give this "experiment" a chance to see if it produces better results than our normal foreign assistance programs.

Having said that, none of us in this body would support the use of American taxpayer dollars being used to displace American jobs or U.S. production or to pose an environmental or health hazard.

There is also ample legislative history to suggest that restrictions of this kind are not unduly burdensome.

USAID programs are already subject to somewhat similar restrictions as are U.S. Export/Import Bank and OPIC programs. None of these organizations have alleged that these restrictions impair their ability to carry out their activities.

Opponents of this amendment suggest that this provision is unnecessarily restrictive and difficult to implement. I find that rather hard to accept. We clearly know that there are a number of sectors in this country that are particularly sensitive to foreign competition—steel, textiles to name a few. Over the last three years more than 2.3 million American manufacturing jobs have been lost. We must not unknowingly make matters worse by providing ill conceived subsidies to foreign competitors.

My colleagues I am sure know that there is a U.S. government entity—the International Trade Commission—which is charged with monitoring the impact that foreign production is having on U.S. industries and jobs in this country.

Clearly there are enormous U.S. resources and information that will be readily available to the corporation to ensure that U.S. taxpayer dollars aren't being used to, in effect, subsidize the export of American jobs and production. So I don't accept the argument that this amendment is too difficult or draconian for the corporation to implement.

Is this amendment more difficult to implement than a provision already in this bill which requires the corporation to make the judgement that a particular government is "committed to just and democratic governance" in order for it to be eligible for assistance from the Millennium Challenge Account? I don't believe it is.

There is no reason to believe that the corporation should find this restriction any more burdensome.

Frankly, I would think that the Administration would welcome this amendment because it will sensitize officials of the corporation that they must always be mindful that nothing that the corporation undertakes or supports should be injurious to American workers—the folks footing the bill for this experimental approach to helping poor countries lift themselves out of poverty.

Some may argue that this provision is unnecessary, that the members of the corporation will be too smart to ever do anything to hurt U.S. workers or production.

I would say to my colleagues that the conditions that currently exist in law with respect to this matter came about because U.S. agencies frankly weren't paying attention to the domestic effects because that wasn't in their "job descriptions".

Moreover, the surest way for support to be eroded for the MCA is for it to become known that in its zeal to help MCA eligible countries, it has ignored the negative implications that ill conceived projects could have on American workers and production facilities. With this statutory red flag, it is less likely that such mistakes will be made.

I urge my colleagues to support this amendment.

Let me lastly say, aside from this particular amendment, how deeply proud I am of the chairman and the ranking member. When I was a member of committee, I think I had a full head of black hair the last time we had a State Department authorization bill on the floor of the Senate.

This is not an accident. The last time we were on the floor and it was brought up, the Senator from Indiana was chairing the committee. I am proud to be a member of this committee and proud to be affiliated and associated with the two distinguished Senators, the chairman and the ranking member. They do a fabulous job on this committee.

I hope we get this bill finished. This is important, not only for what it includes but also the statement it makes about how important we consider the role of the State Department, the aid programs which we administer, and the assistance provided to people all over the globe.

My compliments to the chairman and the ranking member for a job tremendously well done.

Mr. LUGAR. Mr. President, I thank the Senator for his generous comments. I thank him for his amendment and for his cooperation in working to strengthen the MCA, and likewise at the same time indicate our concern about loss of jobs in this country and the environmental damage by the modifiers of "substantial loss of U.S. jobs," and the language already, "unreasonable or major environmental health, or safety hazard."

The Senator has made a very good contribution.

Mr. BIDEN. Mr. President, I, too, thank the Senator from Connecticut for his kind comments. As they say, he uses overly formal language. He is a valued member of their committee. He is more than that. He is more than that. He is one of the engines of the committee. I thank him for his comments. I respect and reflect his comments relative to the chairman.

This is an important bill. As my grandfather used to say: With the grace of God, the good will of the neighbors, and the creek not rising, we may get this finished.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. DODD. Mr. President, I think we have to ask unanimous consent that the Dodd amendment be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1189) was agreed to.

Mr. DODD. I thank the chairman.

AMENDMENT NO. 1190 TO AMENDMENT NO. 1136

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. LEVIN, and Mr. DASCHLE, proposes an amendment numbered 1190.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

SEC. . In appreciation of our armed forces and regarding restoring stability and security in Iraq.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States Armed Forces, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks;

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis and these efforts are further complicated by the absence of effective communication with the Iraqi people;

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities;

(4) Approximately 145,000 U.S. troops are currently deployed in Iraq, meaning that American troops comprise roughly 90% of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85% of Coalition forces;

(5) Maintaining the existing force level in Iraq currently requires $3.9 billion each month;

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers;

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal police functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist and jointly patrol with the existing Iraqi police force;

(8) President Bush has noted that "The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking," and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States;

(9) Secretary Rumsfeld testified that "We certainly want assistance from NATO and from NATO countries" and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops; and

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) It is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government.

(2) The President should request formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq.

(3) The President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

Mr. BIDEN. Mr. President, I thank my friend from Indiana for his tolerance. I don't usually send to the desk, in the 30-plus years I have been here, sense-of-the-Senate resolutions. But this is a sense-of-the-Congress resolution. I don't send those, either. But I want to explain, before I explain what this resolution does, why I am doing this.

I am of the view—and I am not suggesting the chairman shares my view, or anyone else does—that the President's attitude as to how to proceed on Iraq from this moment on is in play and being influenced by two very important elements of his administration. I am of the view, speaking for myself, that Mr. CHENEY and Mr. Rumsfeld, and others in the administration—who are referred to, not in a negative sense but straightforwardly, as the so-called neoconservatives of the administration in foreign policy—are importuning the President on one course of action.

I am of the view that the Secretary of State—and I do not speak for the Secretary of State; I do not suggest he has represented to me what I am about to say—but I believe the Secretary of State and a lot of the uniformed military are suggesting the President take another course of action, not drastically different but different relative to the issue of post-Saddam Iraq: How do we win the peace?

So it is my hope and my view that this is an appropriate place for the Senate to weigh in on what I believe to be an ongoing debate. I know it is an ongoing debate within the administration on a matter on which I do not believe the President has fully made up his mind. That is not a criticism. That is not meant to be a criticism. It is an observation because a lot of these issues are in play.

Let me illustrate what I mean by that.

The President bought on to a position proffered by the Secretary of Defense, prior to us going into Iraq, that in a post-Saddam Iraq we would have a general, named Garner, who would move in, and along with General Franks, he, General Garner, would put together the political, economic, and reconstructive pieces of this; that he would set up an Iraqi Government very quickly; that there would be in place an infrastructure of a bureaucracy; a significant element of an army that had been beheaded of the Baathist Party elements; and that a police force would be up and standing, once you took out the Baathist elements; and there would be something to work with.

Well, we held hearings, as did my friend, Senator KENNEDY, in the Armed Services Committee, and that was not what the experts told us prior to us going into Iraq. But that is what Mr. Rumsfeld, and others, convinced the President would be the case. So right afterwards, Mr. Chalabi landed in southern Iraq. General Garner was in there shortly after that. We started down a course that was based upon that recommendation. It became obvious, almost instantly, that it was not a very well-thought-out or likely-to-succeed initiative. So what happened?

The President, importuned again by others in his administration, immediately corrected course, I think correctly so, and to his credit. He very shortly pulled out General Garner. He came along and put in an ambassador named Bremer, who is a first-class guy, put in a different team, brought in public information officers from the military, and did other things which literally changed the course that was planned.

Now look, again, not a criticism. I am complimenting the President because he realized the first course set out was not likely to succeed and he changed course. That is what good leaders do when faced with an object in their way that is not able to be surmounted by the game plan they have in place.

If anybody thinks I am exaggerating this, remember what Ambassador Bremer had to say: We are not going to hold elections right away. We are not going to move forward and set up an Iraqi Government. We are not going to have Mr. Chalabi running the show, et cetera. I happen to think these were correct decisions.

My point is, the President saw the unlikely prospects of the first course of action succeeding and he changed course. That is good.

Now, there are other things that are now in play—in my view, if he does not change course, we are going to reap the whirlwind in Iraq. We are starting from an incredibly difficult situation. I said in Iraq, when we were last there with the chairman, Senator LUGAR—and have said since—that if the Lord Almighty came down and stood in the well of the Senate and said: "I have told the President the right answers to the next 15 decisions he has to make on Iraq"—we would still only have a 65- or 70-percent chance of getting it right in Iraq because there are another 30 decisions to follow.

This is a complicated problem. This is a country that really isn't a country.

This is not a country in a way most Americans think of it. This is the idea of the Brits. After 1919, they put together three desperate elements—two Arab, one Indo-European—into the borders that now constitute Iraq, in a circumstance that is difficult, at best, to make work. The only way it has worked, quote, unquote and been held together since then, is with either an outside power or an authoritarian ruler.

So what are we doing now? The President is saying he wants to establish a democracy there. I, quite frankly, think that is a bridge too far. If we establish a participatory government that is a republic, that takes into consideration in its constitution each of the major elements of that country, in a way that gives them representation but falls short of a liberal democracy, I will be happy. I will be happy. I will consider that a success.

So the point I am making is, this is very difficult.

What are the immediate obstacles we are facing now? I do not have to tell anybody in this Chamber. All my colleagues are well-informed women and men. The first obstacle is, it has proven to be incredibly difficult to stand up the infrastructure of Iraq.

We were there. We did a press conference. I think it was literally about 120 degrees. At another press conference there, it was 114 degrees. That I know for certain. My point is, it is hot there. Guess what. Failure to have refrigeration, failure to have lighting, failure to have air-conditioning "ain't" like failing to have it even on a steamy day in Washington.

What happens when it gets to be 95 degrees in Washington, DC, or Wilmington, DE? We send out social service agencies to go out to every area we know of, or people with meals on wheels, to make sure their windows are up and their air-conditioning working, because people die.

I want to put this issue in perspective. Not having air-conditioning, not having lighting, not having electricity in a country where it is not unusual to have 125 degree temperature for a long stretch of time is more than an inconvenience.

Now, we are doing everything possible. The Corps of Engineers is in there. We have private contractors in there. We have let contracts, even contracts I have criticized. Bechtel gets a contract without even a bid. But the point is, we are moving as fast as we can.

But we have a second problem. The second problem is: the expectations of the Iraqi people. They think we are the Second Coming. They cannot believe that we, the United States of America, within roughly 4 weeks were able to topple this guy they thought was invincible.

We were able to take this several-hundred-thousand-person army and decimate it and have it evaporate, to take the thought-to-be-12-foot-tall Republican Guard, and vanquish it. What do they think? They think we can do anything. So they don't believe now, many of them, that their failure to have these amenities is because we can't get it done quickly enough. They believe we don't want to do it because if we did, we could snap our fingers. We are the United States.

There is a third piece here. They don't understand because we are not broadcasting it, in my view, sufficiently well, that when we do stand up a power grid, the Iraqis, whether it is the fedayeen, whether it is the left over remnants of the Baathist Party, whether it is the Sunni in the so-called Sunni triangle, whether it is the Shia who are angry—whoever it is—they don't understand that Iraqis are blowing up the grids. We get it done; they go blow it up guerrilla warfare style—blowing up the oil fields, the pipelines. So what do we do about that? That is our first big problem, a perception and a reality of not sufficiently quick movement.

There is a second big problem we have, among many others, although I am sure the chairman would rather I not be bringing up this sense of the Senate. I will not state where I know he and I agree, and you should not imply we agree; you should not infer from what I say that we agree on this. Many people believe, on both sides of the aisle, that we have to internationalize this effort from the standpoint of the military.

There are two reasons for that. People like me believe we don't have enough firepower there because this is a big country. Let me overstate the point. Let's assume we had 250,000 people there instead of 140,000. We don't have the ability to do that, practically speaking. We would be able to guard more pipelines. We would be able to guard more electric grids. We would be able to have a better chance.

I am not proposing we add American forces. I am proposing we call upon our NATO allies and the coalition of the willing in earnest to provide significant increases in the number of forces we have, allowing us in the near term to draw down some of our forces. We have 10 divisions. Seven of them are tied down in Afghanistan, Iraq, Bosnia and Kosovo. We only have three divisions left.

It seems to me—speaking for myself, but I am confident I speak for a significant number of Republicans and Democrats—this is the time to, as they used to say when my sons were younger, "get over it." Ask NATO. Ask them: Please, come help. Make this a NATO operation with a U.S. commander with a U.S. helmet, with us in charge, but get more firepower in there.

There is a debate about that. Mr. Rumsfeld is saying: We don't need any more. We were over in Iraq. Without identifying their ranks, a number of officers with whom I met—and I suspect the chairman and Senator HAGEL and the delegation from the Armed Services Committee that went over had similar experiences—all thought, we have to change the board here. And the rumors were rife, including on an Air National Guard plane that took us into Iraq that happened to be the Delaware Air National Guard.

Those guys were saying: The rumors are, we are going to get down to 30,000 forces over here by January.

That is foolish. That is absolutely beyond comprehension unless we are saying we are just pulling out; we are just giving up on what we say our objectives were.

I found fascinating—it is almost on point—Secretary Rumsfeld's testimony yesterday about the number of troops needed and whether or not NATO has been asked to participate. Again, I defer to my friend from Massachusetts who was at that hearing. I wasn't at the hearing. But this is actually a news report of it:

When first asked whether the administration had asked France and Germany, whose leaders vigorously opposed the invasion of Iraq, to contribute to postwar peacekeeping, Rumsfeld said, "I'll have to ask." After checking during the break in the hearing, he said that they been asked at least once, last December, which was before the French and German opposition to the war became a major disruption in transatlantic relations. And when asked if a request had been made since then, he said, "I have no idea."

This is the Secretary of Defense.

"I'd be happy to run around and try to find out the answer to that."

As they say in my neighborhood: Give me a break. The Secretary of Defense doesn't know whether or not on his watch, NATO, the French, the Germans have been asked to contribute.

On the same trip only 10 days ago or thereabouts, we started off at a conference, appropriately, at the Dead Sea in Jordan. It was sponsored by the World Economic Forum. I met with a guy we all know well, a guy who has been my friend and acquaintance for almost 20 years, the head of NATO, the Secretary General, Lord Robertson. I pulled him aside. I said: Let me ask you a question: Has NATO been asked to make a significant contribution, other than providing logistical support for the Polish forces going in? Would they go in?

He said: Joe, you have to ask.

Here is the Secretary of Defense who says he doesn't know whether we have asked NATO. And the Secretary General of NATO is saying: You have to ask.

What happens if I ask, George?

He said: They will go.

So the reason I give you that background is, the President, I am confident, is being told by some in his administration: Don't ask the French and don't ask the Germans. They weren't with us in the first place. Don't ask.

I am confident some are further saying: Don't make this a NATO operation. With us, remember, we run the show in NATO, in practical terms and, on the ground, in specific terms.

I am also positive there are other high-ranking administration officials saying: Ask. Ask. Get NATO involved.

So why am I doing this sense of the Congress? I want Congress to go on record weighing in on the side of the administration and saying: Ask.

Is the President still in play? To the best of my knowledge—and I am not a confidant of the President, although he is kind enough to speak to me whenever I ask to speak to him, and occasionally he asks to speak to me when I don't ask—it is my impression that the President is in play on this. He has not made up his mind, in my view—maybe he has—which course to take. I think it is a profoundly important decision he has to make, not only in terms of relieving pressure on American military fighting women and men and providing additional military capacity, but for a second reason. I know my friend agrees with this because he and I started talking about it separately and collectively back in September of last year: It makes a difference whether we are viewed as occupiers or liberators, whether we are the only guys in town. It is kind of hard for extremists to make the case in the Arab world that we are occupiers if there is truly a genuine multinational force headed by Americans as opposed to an American force with a few multinational people helping out.

Remember, we were told that 40 nations were a part of this war effort. Well, maybe a couple sent observers, but there were really only four nations involved—England, Australia, the U.S., and Poland. There were another 36 or so nations that said they supported us, and if they allowed an overflight of American forces, then they were part of the war effort.

That is not what I am looking for. I want, when Iraqis go down the street, to see not just an American soldier at the checkpoint. This is going to sound tough and maybe even unfair, but I don't want every kid that is blown up at a checkpoint being an American soldier. This is the world's problem, not just ours. I want to give the French—as mad as the administration might be at them—the honor and the opportunity to do the same thing as our young men do. I said before this war began—and I supported this war and I voted for it and I helped shape the resolution that allowed it—if we did not internationalize this rapidly, somewhere between 2 and 10 body bags a week would come home for the indefinite future. Unfortunately, it is one of the prophesies I made on this floor and in other places that I wish had never turned out to be correct.

The fact is, we will get a lot more support from the Iraqis who will be a lot less suspect of us if we are not the only game in town. That is the second reason to internationalize.

There is a third piece of this resolution that says it is in the national interest of the United States to remain engaged in Iraq in order to assure a peaceful, stable, and unified Iraq with a representative government.

Look folks, I believe the President has been missing in action in explaining to the American people why it is important that we stay in Iraq. He needs to go on national television just as definitively as he did in making the case to go into Iraq, and explain why it is critically important that we stay in Iraq until it is stable, unified, and has a representative government. The President must explain that to the American people.

The reason he must is the fear that a number of our military had in Qatar when I visited them with Senator HAGEL in November or December before the war. We had over 100 generals in one room. When I was asked by General Franks if I would speak to them, I asked why. He said just answer their questions. They wanted to know whether or not the American public would be supporting them—not during the war or immediately in the aftermath, but whether they would stick with them in the long haul. These are smart men and women. They knew they were going to be locked down there for a long time.

My answer to them then was very straightforward. I said the one thing I hope we have all learned from the Vietnam experience—whether you were for or against the war and you went to Canada—there is only one thing I know everybody agrees on: a foreign policy, no matter how well thought out, will not and cannot be sustained without the informed consent of the American people before it is initiated. There has been no informed consent. By "informed," I mean the people are not even, to this moment, being told what the administration knows to be true: One, we are going to be there for a long time. We are going to be there with tens of thousands of troops for a long time. Johnny and Jane are not going to come marching home from Iraq any time soon. That is not a criticism on my part, that is the reality. We knew that before we went in. But we did not tell the American people.

The second thing the American people have not been told since the war ended is why it is important to stay in Iraq. I am assuming the reason the President won't go on television and say that is because, if he does, he has to say, prior to that, that we are going to stay in Iraq and have a lot of people stay in Iraq. The chairman called a hearing just after the war. We had expert testimony from the White House that said it costs $2 billion a month to maintain troops there. We had a second hearing and they said it is going to cost $3 billion a month. This is a matter of a week.

At the third hearing, yesterday, they said $3.9 billion. I have been agreeing with the chairman that we should hold more hearings, but I am not sure we should because it may go up to $5 billion. I am not sure I want to hear the answer.

But the truth is that the American people still think Iraqi oil revenues are going to pay for this. Not a shot. Not a shot. When we were in Iraq, we met with a first-rate oil man who was picked by the administration to come over and handle the oil interests of Iraq for the Iraqi people and to get it up and running. He sat with us in the only air-conditioned room I am aware of in probably all of Baghdad. By the way, our people don't work in air-conditioning either. He said: Look, if everything goes well and things don't get sabotaged, Iraq may generate $5 billion worth of profit—in effect, revenues—in 2003. Next year, if everything goes swimmingly well, that number will be $14 billion. Hear that? From now through the whole next calendar year, the next year and a half, there may be, if all goes well, about $19 billion in revenue to reconstruct Iraq. It is going to cost us almost $4 billion a month just to keep American forces in Iraq at the present levels.

I have heard administration witnesses before us. The last administration witness before the Foreign Relations Committee got his skin ripped off by our good friend Senator HAGEL when asked how many folks are going to be needed. He said, "I have no idea." No idea? Everybody has an idea. The idea is that General Shinseki was a heck of a lot smarter than Secretary Rumsfeld and a heck of a lot closer to what the number is likely to be. So at $4 billion a month, we are going to be spending about $70 or $80 billion in the next year and a half just to keep American troops there. Just putting this into perspective, there will be—maybe—$19 billion worth of Iraqi oil reserves in that period.

By the way, we are not going to spend a penny of that to maintain American forces. That is the Iraqi people's money the President said, and rightly so. The World Bank is coming in, and others, to give an estimate of the cost of reconstructing Iraq. But I would bet my life it is going to be more than $19 billion.

Again, why do I mention this? The President has to come forward because I do not want to be on this floor and be one of only several people, along with the chairman and others, who continue to vote whatever is needed to get the job done with my constituents back home saying: What are you doing that for? Why aren't you putting more money in education? Why aren't you putting more money in tax cuts? Why aren't you putting more money in taking care of my roads? Why aren't you putting more money in—whatever. Because the President does not have the political vision and the willingness to go before the American people and say straightforwardly: This is going to cost us tens of billions of dollars beyond what we are spending now. It is going to take tens of thousands of forces, which I support. This is not a cry to pull forces out. It is a cry to say: Please, Mr. President, level with the American people.

The third part of this resolution—I won't go on much longer and I note this is the only time I have spoken on this bill—is also a sense of the Congress:

The President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

There are two pieces I have not spoken to yet. I think there is continuing debate within the administration and I would like the Congress to weigh in to try to persuade the President the right way and to reject the suggestions being made by those who have been operating the policy in post-conflict Iraq so far. I do not mean the people in Iraq, I mean here in Washington.

We sat out at a police training academy. I think I have made a dozen visits over 10 years to Bosnia and Kosovo. I believe I have spent more time in those two countries before, during, and after those wars than any Member of Congress. I could be wrong, but I think I have. My son, who is at the Justice Department, got sent over to Bosnia to be the Justice Department coordinator in a Republican administration, not by me, and over to Kosovo to help them set up a criminal justice system and a police force.

We have learned a lot from our experience in setting up and maintaining public order in Bosnia, and we improved it in Kosovo and in Afghanistan. The people who are over there now, appointed by President Bush, are top notch—such as former New York City Police Commissioner Kerik who is respected by everyone. His top people have extensive experience in both Bosnia and Kosovo and we should be proud of the team we have. I just wish the folks in Washington would listen to them.

We spent more than an hour, I believe, at the police academy. And we were told by these first-rate pros that it is going to take at least 1 year to recruit and train a police force of 40,000 people, which they argue would provide only minimal police functions, and 5 years to build a force back up to 75,000 people.

I asked a guy who has extensive experience, in front of my colleagues and in front of all the military there: Who is in charge of the prison system? He said: There is no prison now. There is not a prison in all of Iraq that we would call a prison—maybe the equivalent of a dungeon, but not a prison.

I turned to him and said: If you had all the resources you needed, all the help you wanted, and all the personnel you needed, how long would it take you to set up a prison system in Iraq from this day on? He said 3 years.

It is going to take 3 years minimum to set up, with all the resources, a prison system. It is going to take, according to our own administration experts on the ground, a year to minimally train 40,000 police, and 5 years to build a force up to 75,000.

Then came the kicker. What do you need? They said: We need right away, in addition to the MPs we have, which are stretched beyond limit—because most of the MPs are reserve officers and can you ask Reserves who have been there 6 months to stay another year, year and a half?—we need 5,500 trained, hardnosed European police officers, carabinieri, now to take over these functions and help us train the Iraqi police force.

I might add parenthetically, our intelligence was abysmal on this point. The 78,000 police officers and the 10,000 or 20,000 member quasi-military—they weren't trained by what we call a trained police officer. An example was given: If there was murder in an apartment building, the police did not go to the apartment building to investigate the murder. They sent a notice to the apartment, and everybody emptied out of the apartment building and went down to the police station.

There is no police force as we think of it. There were none as we think of them in Iraq. So the fact that somebody in the intelligence community did not tell the President that their police force is not our idea of a police force that could help maintain order is an abysmal failure. We have to deal with it.

The third part of this resolution, to promote stability and security, is to have a civilian police force and to ask for the use of diplomacy with our French friends, our German friends, our Spanish friends, our Italian friends who are already sending some police there: Help us now.

There is more to say. If we continue to comprise 80 to 90 percent of our forces on the ground, be sure we will get at least 80 or 90 percent of the blame for everything that happens in Iraq. If it is an American police officer, an American MP, an American soldier who is the one attempting to settle whatever the dispute is, just remember, we are going to take the blame. I would like to share the responsibility a little bit beyond what we have now.

All I have suggested is not prescriptive in the literal sense. It does not require the President to actually find 5,500 police. It does not require him to do anything. But this is for us to weigh in on the side of the voices within the administration that say: We have to get smarter about how we are doing this.

The last point I will make is, we now, in a physical sense, control Iraqi television. We are told by those with whom we visited—and two senior staff members, one Republican and one Democrat, who stayed behind for another week or so in Iraq confirmed this—that what we basically have 4 hours of television a day with Americans talking on it. They're trying to explain our position on television and, though they do not mean it to be, it sounds as if it is propaganda.

With Al-Jazeera in Iraq, with Iranian television flooding in, with all the slant that these guys have, why we do not have the Board of International Broadcasting, why we do not have USI, why we do not have somebody in there setting up that television quickly, finding Iraqi newspeople, Iraqi personalities, explaining what happened, why the lights are not on, why the group of Iraqis under Saddam's former sway have blown up a pipeline or the reason why the grid went out in southern Baghdad is beyond me.

Granted, it is hard to get all of this going, and I end by saying the very prescriptions I have offered, the very proposals or the direction I think we should be going may very well change. It is a fluid situation. One thing I am confident of right now, we do not have enough police to stand up a real force to restore order within the time we need.

We are going to lose the support of the Iraqi people to the extent we have it but, more importantly, and what worries me more, we are going to lose the support of the American people. The American people are going to start to say to us, and maybe even some people who are watching this right now in person or on television are going to say, why is Biden saying we should stay there? We had two more kids killed today, nine kids killed yesterday and four kids the day before—not kids but soldiers, warriors. I do not want to stay there. Bring them home.

The President has to go on the air and say if we bring them home, we will inherent the wind, because if the American people understand why it is critical to stay there, they will be prepared to come up with the money, the time, and the risk to stay there.

The President has to ask them. He has to ask the American people. He has to ask the French, the Germans, NATO. I hope those who are counseling him not to are not doing it out of false pride.

My dad, who passed away a little while ago, used to say, only a big man can bend a considerable distance. We are the big man. We should act like it. Not in terms of taunts, bring them on, but in terms of saying, come on, help us, it is in your interest as much as it is ours.

The President is very popular. He has done some very good things. In my humble opinion, he should use some of that stored-up popularity to make what I acknowledge is an unpopular case: My fellow Americans, we must stay in Iraq because if we do not the following will happen, and if we stay in Iraq, it means this is what I am going to be asking of you, this is the sacrifice I am going to be asking of you, and, by the way, I am asking the rest of the world in a real sense to help us.

I am waiting for that speech. I am waiting for that to happen. If it does not happen, I fear we will lose support in Iraq very quickly, we will lose it at home very shortly, and we will lose it in fact in the near term. That is not why I voted to go into Iraq. That is not why I voted to go into Iraq.

By the way, I sent this amendment up on behalf of myself, Senator LEVIN, and Senator DASCHLE. I now ask unanimous consent that Senator KENNEDY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, as I said, this is a sense-of-the-Congress resolution. It is meant, quite frankly, as the only way I know how to weigh in on the debate that is going on at the White House; to add another collective voice from another branch of the Government as to how we should proceed. It is not meant as a criticism of the President. It is not meant as a criticism of his policy. It is an observation. Just as he stated his initial game plan was not workable and he changed it, I respectfully suggest that unless we change the game plan here, we are going to be in for some real trouble.

I yield the floor.

AMENDMENT NO. 1190, AS MODIFIED

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, could I inquire of the Senator if he would be prepared to modify his amendment in two ways? In the-sense-of-Congress section, the second sentence, "the President should request formally and expeditiously," would the Senator use the word "consider," "the President should consider formally and expeditiously," and in the second one, "the President should consider calling on the United Nations"? I modify it in that way in that the Senator has suggested the President is weighing these options. We have offered at least some ideas as to what he ought to weigh, clearly for the reasons stated earlier.

My own view is if the Senator would be prepared to modify his sentences in that way, to use the word "consider" rather than "request," I would be prepared to accept the amendment and proceed with the Senator at least in a bipartisan statement with which I generally agree.

Mr. BIDEN. Quite frankly, I am much less wedded to the particular verbiage of this resolution than I am to staying bipartisan, because that is what the chairman and I have been trying to do throughout. So I ask unanimous consent that my amendment be modified on page 2, paragraph 2, to say that "the President should consider requesting," adding the word "consider," and I ask unanimous consent to modify my amendment to say "the President should consider calling on the United Nations."

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 1190), as modified, is as follows:

At the appropriate place insert:

SEC. . In appreciation of our armed forces and regarding restoring stability and security in Iraq.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks;

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essentially public services for Iraqis and these efforts are further complicated by the absence of effective communications with the Iraqi people;

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities;

(4) Approximately 145,000 U.S. troops are currently deployed in Iraq, meaning that American troops comprise roughly 90% of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85% of Coalition forces;

(5) Maintaining the existing force level in Iraq currently requires $3.9 billion each month;

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers;

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal policy functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist and jointly patrol with the existing Iraqi police force;

(8) President Bush has noted that "The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking," and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States;

(9) Secretary Rumsfeld testified that "We certainly want assistance from NATO and from NATO countries" and it is clear that involving the North Atlantic Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops; and

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that

(1) It is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) The President should consider requesting formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq.

(3) The President should consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

Mr. BIDEN. Mr. President, I ask my friend whether or not he would object, because a number of people on my side, including the major sponsor who helped on this, Senator LEVIN, wanted to have a rollcall vote. Does he have an objection to a rollcall vote on this?

Mr. LUGAR. In response to the Senator, my preference would be that we would not have a rollcall vote; that it could proceed by voice vote. I say this advisedly, but I presume many Members on both sides will generally agree with this. This is very complex language and analysis. I think there is general feeling that the chairman and ranking member have been through this experience, have gone through this together, and our opinions are fairly well understood. I do not want to see a result in which there are a fair number of people who feel constrained because it is requesting the President to consider these things that it might be considered criticism of him or undermining in any way his consideration of this amendment.

Mr. LEVINE. Mr. President, I rise this afternoon in support of the Biden, Levin, Daschle amendment.

The initial military phase of Operation Iraqi Freedom appears to have been thoroughly planned and brilliantly executed. Unfortunately, the transition to post-conflict stability operations and the conduct of those operations appear to be far less so. We must succeed in this endeavor and we need to understand the strategy for ensuring that success. Part of that strategy hopefully would be the attempt to internationalize the security and nation-building efforts. To achieve that end, it is critically important to seek NATO and United Nations support and endorsement. This would facilitate the recruitment of their member nations to our effort—in terms of providing troops, resources, expertise and international legitimacy.

The whole world has a stake in the stability of Iraq. It is a mystery to me why the Administration has not reached out to NATO and to the U.N. as institutions. Their support could bring significant additional forces, such as German and French forces through NATO, and Indian and Egyptian forces through a U.N. endorsement.

At a hearing before the Armed Services Committee yesterday and in response to my question as to whether the administration has formally requested NATO assistance in Iraq, Secretary of Defense Donald Rumsfeld, stated:

> whether the Department of State has instructed the U.S. Ambassador to NATO . . . to issue some sort of a formal request, I don't know.

This is too important an issue for that answer to be acceptable.

We should also end the feud with Germany and France. Those countries are major participants with us in Afghanistan and Bosnia and Kosovo. They should be asked to join with us in Iraq. We are going to be in Iraq a long time and a large number of troops are going to be needed as the President finally acknowledged last week.

When I asked Secretary Rumsfeld if Germany and France were on the list of 70 to 90 countries that he said the Department of State had issued requests to provide forces for Iraq, he said "I'll have to ask. I would suspect they are." That is also an unacceptable answer.

There are a number of advantages to having a significant number of additional forces from other countries join in the stability operations in Iraq. First, some U.S. forces, including Reserves, have seen extended combat and other exhausting duty in Iraq and, with U.S. forces stretched thin around the world, increasing the number of non-U.S. forces who can substitute for us in Iraq, would reduce the numbers of and the burden on U.S. forces. As of now, the number of troops of other countries that will be present on the ground will increase from the present number of 12,000 to a total of only about 20,000 to 22,000 by the end of the summer; an increase of a mere 8,000 to 10,000 troops out of about 165,000.

At the hearing before the Armed Services Committee yesterday and in response to my question, General Tommy Franks, who was the commander who led U.S. and coalition forces in Iraq until earlier this week, said that the current force level or "footprint" of 145,000 U.S. troops in Iraq would likely remain at that level "for the foreseeable future." That troop level will be difficult to sustain.

Second, I would hope that internationalization would serve to reduce the threat to U.S. forces in more ways than reducing the quantity of our forces on the ground. Up until now, we have been the main target of those Baathists who stand to lose most when democracy is established in Iraq, because the United States is principally the country, along with Britain, which brought down Saddam's regime which provided privileged status to the Baathist minority. It would be harder for those Saddam loyalists to sustain attacks on forces wearing NATO or U.N. patches on their shoulders, because it would be dramatized to the people of Iraq that this is not a U.S.-British occupation, but an international effort to bring stability to the nation and the region.

That is why we are offering this amendment, which expresses the sense of Congress that the United States should remain in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government; that the President should request formally and expeditiously that NATO raise a force for deployment in Iraq and the Congress urges NATO allies and other nations to provide troops and police to coalition efforts in Iraq; and that the President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq.

The United States has taken upon itself the daunting task of nation building in both Iraq and Afghanistan. The administration and Congress must work together to ensure success in those endeavors. I hope that all of my colleagues will vote for this amendment and that the President will follow through with NATO and the United Nations. It appears that both of those institutions would be responsive to a formal request for assistance and that a number of their member states would provide military forces and civilian police to help the U.S.-led Coalition bring stability and security to Iraq so that reconstruction can take place.

Mr. BIDEN. Mr. President, if my colleague will yield, if he would permit me to go into a quorum call for 3 minutes to confer with the major sponsor of this amendment, I would like to do that and see if we can resolve this quickly. Is that appropriate?

Mr. LUGAR. That would be appropriate. I respond further, part of my thought, likewise, is the hope we might finish the bill.

Mr. BIDEN. I am with you there. I promise this quorum call will not be as long as the vote.

Mr. LUGAR. But, at the same time, the additional debate and the vote will be time consuming.

Mr. BIDEN. I agree.

Mr. LUGAR. I am hopeful we will be able to proceed.

Mr. BIDEN. I tell my colleagues I will be back asking for the quorum call to be lifted within 5 minutes.

Mr. LEVIN. Will the Senator withhold?

Mr. BIDEN. Surely.

AMENDMENT NO. 1192 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, before a quorum call is placed, let me ask that the amendment be temporarily laid aside in order that I propose an amendment on behalf of Senator ENSIGN on which there has been agreement on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. ENSIGN, proposes an amendment numbered 1192.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fulfill the Administration's request to move towards the goal of achieving a 25 percent UN peacekeeping assessment rate without incurring arrears)

Strike Section 401 and insert the following:

SEC. 401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING.

(a) IN GENERAL.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by amending subparagraph (B), added by Section 402 of P.L. 107–228 (FY 2003 Foreign Relations Authorization Act), to amend subparagraph (iv) as follows and add subparagraph (v) at the end:

"(iv) For assessments made during calendar year 2004, 27.1 percent.

"(v) For assessments made during calendar year 2005, 27.1 percent."

Mr. ENSIGN. Mr. President, I rise today in support of an amendment concerning our U.N. peacekeeping assessment rate. This amendment is very simple. It supports the President's plan to move toward having the U.S. share of U.N. peacekeeping costs fall to 25 percent without incurring arrears.

This history of our financial commitment to U.N. peacekeeping should be a cautionary tale. For instance, from 1988 to 1994, U.N. peacekeeping spiraled out of control as the number of operations more than tripled and costs soared from $268 million to $3.5 billion.

Finally, in 1994 the Democrat-controlled Congress and President Clinton enacted legislation unilaterally reducing the U.S. share of the U.N. peacekeeping budget from 31 percent to 25 percent. This produced arrears, but it also produced badly-needed reforms.

Indeed, combined with the disastrous U.N. peacekeeping operations in Somalia and Bosnia, this drastic action finally helped get the attention of other member states. For instance, the U.N. finally set up a 24-hour-a-day command and control center where military officers participating in peacekeeping operations could call in to discuss the situations in the field. Results were positive.

The annual U.S. peacekeeping bill fell from almost $1 billion to around $300 million in 1997.

With the historic Helms-Biden U.N. agreement we managed to clear up our fair share of arrears in exchange for much needed reforms. Congress later agreed to a glide-path in our peacekeeping assessment rate, still maintaining the 25 percent cap in law but permitting higher authorized levels as we work to achieve that goal.

This amendment continues the glide-path. It authorizes an assessment level of 27.1 percent for the next 2 years, which is the exact level the Bush administration says we need in order to fully fund our obligations.

To permanently raise the cap to 27.4 percent, as the underlying bill seeks to do removes all pressure to reduce the U.S. assessment level and reform U.N. peacekeeping. That is unhealthy for the U.S., which paid $794 million in U.N. peacekeeping costs last year, and unhealthy for the U.N. which is overly reliant on one nation—the U.S.—for financial support.

Let's fully fund the President's request for U.N. peacekeeping and let him keep the necessary tools he needs to ensure that U.N. peacekeeping is as effective as it can be.

One of those tools is the 25 percent assessment rate in current law.

The White House Statement of Administration Policy calls section 401 of this bill, which permanently raises the peacekeeping cap to 27.4 percent, a significant provision that restricts the President's ability to conduct and manage foreign policy. So I hope that my colleagues will join the White House and State Department in supporting my amendment to this bill.

Mr. LUGAR. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment?

The amendment (No. 1192) was agreed to.

Mr. LUGAR. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table is agreed to.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1190

Mr. KENNEDY. Mr. President, I strongly support this amendment. I commend my friend and colleagues, the Senator from Delaware and Senator LUGAR, and Senators DASCHLE and LEVIN, for their support on this amendment.

To minimize the strain on American troops and ensure the stabilization of Iraq, we need to internationalize the presence in Iraq. Today, our policy toward Iraq is adrift and American troops and their families are paying the price. President Bush declared an end to major hostilities on May 1. Since then, more than 70 American service men and women have been killed. For them and their families the war is not over. We have options and we need not go it alone. We have NATO; we have the United Nations. It is time to mend the fences with our allies and work together in order to stabilize Iraq, in order to bring the promise of democracy and to minimize the strain on our own troops. We should ask NATO as an institution to join this extremely important effort.

I welcome the opportunity for the Senate to go on record in support of that request.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I say to my friend from Indiana, I don't have anyone else on this side who wishes to speak to the amendment. I have checked with my leadership, giving people an opportunity to know we will have a vote. I ask unanimous consent we move to a vote on this at 20 minutes of so people have a little bit of notice there will be a vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. I ask unanimous consent the vote on the Biden-Levin amendment begin at 20 minutes to 5 p.m. with no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, is there an order for a rollcall vote at this time?

The PRESIDING OFFICER. There is an order for a rollcall vote.

The question is on agreeing to amendment No. 1190, as modified. The yeas and nays have been ordered.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that if present and voting, the Senator from Florida (Mr. GRAHAM) would vote "yea."

The PRESIDING OFFICER. (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Graham (FL)
Lieberman
Miller

The amendment (No. 1190), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, earlier today I spoke about the serious threat to U.S. forces that remain engaged in a volatile situation in Iraq. The same troops that fought and won the war against Iraq are now performing a peacemaking mission with no end in sight.

The United States entered this war virtually alone. But the United States, alone, cannot be expected to carry the burden of providing the vast majority of troops and the nearly endless amounts of funds that will be required to get Iraq back on its feet. We need the help of the international community, and we need it now.

The administration has the obligation to look out for the welfare of our troops by engaging NATO and the United Nations in order to raise a large peacekeeping force that will share the burdens of occupation with the other nations of the world. There are many countries that have the capability to assist in a peacekeeping mission in Iraq, but first the President must make the unambiguous call to NATO and the U.N. to appeal for foreign troops and financial contributions.

I compliment Senator BIDEN for his efforts in introducing the amendment, but the amendment only calls for the President to "consider" the issue of whether to appeal to NATO and the U.N. to raise an international peacekeeping force.

I have very strong reservations about another provision in this amendment. The amendment states the sense of Congress that "it is the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government." Engaged for how long? Surely it is not in the national security interests of the United States to retain a permanent presence as a peacekeeping force in Iraq. This particular statement could well lead us down the path to mission creep.

Moreover, contrary to the assertions by the President of the United States and others in his administration, I have never believed that it was in the "national security interests" to go to war with Iraq to begin with. Subsequent events thus far have not shown that Iraq constituted an imminent threat to the security of our country. Tragically, the American people were deceived into believing otherwise.

I voted for this sense of Congress amendment because it draws attention to a critical issue, but the Senate must not wash its hands of internationalizing the occupation of Iraq by passing a nonbinding resolution which does not actually call on the President to do anything.

AMENDMENTS NOS. 1193 THROUGH 1196, EN BLOC, TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send to the desk a packet of agreed-on amendments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes amendments numbered 1193 through 1196, en bloc.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. These include an amendment by Senator WARNER to strike section 206 of the pending State Department authorization bill relating to security capital cost sharing; an amendment by Senator FRIST to commend the people of Colombia on the third anniversary of Plan Colombia; an amendment by Senator SCHUMER to express the sense of the Senate regarding reports to Congress on the National Commission on Terrorist Attacks upon the United States; and an amendment by Senators DURBIN, MIKULSKI, and LANDRIEU regarding the Millennium Challenge Act.

I ask unanimous consent that these amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1193

(Purpose: To strike section 206, relating to security capital cost sharing)

Strike section 206.

AMENDMENT NO. 1194

(Purpose: To commend the leadership and people of Colombia on the third anniversary of Plan Colombia)

On page 242, between lines 12 and 13, insert the following:

SEC. 2522. COMMENDATION OF THE LEADERSHIP AND PEOPLE OF COLOMBIA ON THE SUCCESSFUL IMPLEMENTATION OF PLAN COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) July 13, 2003, marks the third anniversary of the enactment of legislation providing initial United States assistance for the Plan Colombia initiative. Since then, the United States has provided over $3 billion in support of Plan Colombia.

(2) During this period, the Government of Colombia, with United States support, has made progress in the eradication and seizure of illegal drugs.

(3) According to reports—

(A) the total area of coca cultivation in Colombia has declined 59.9 percent from 163,289 hectares in 2000 to 102,071 at the end of 2002, with a further additional 65,000 hectares to be sprayed with herbicides in 2003;

(B) 3,300 hectares of poppy crop have been sprayed with herbicides in 2002, and an additional 1,658 hectares to be sprayed in 2003; and

(C) between January 2002 and May 2003, 100 tons of pure cocaine and 850 kilos of heroin have been seized, with a street value of approximately $3,000,000,000.

(4) The armed forces of Colombia have 60 percent more combat-ready troops than in 1999, including three United States-trained counterdrug brigades and five riverine brigades.

(5) The armed forces of Colombia are taking steps against the drug traffickers and terrorists in Colombia, as demonstrated by the capture, as of July 2003, of some 3,553 guerrillas and 1,336 members of paramilitaries and the surrender of an additional 1,138 members of illegal groups, the destruction of more than 1,000 coca laboratories, the confiscation of solid and liquid chemicals used for manufacturing cocaine, and the seizure of weapons from guerrillas and drug traffickers.

(6) In the past several years, the Government of Colombia has extradited 78 persons to the United States to face trial on narcotics and terrorism charges.

(7) The Government of Colombia is working to establish law and order in Colombia—

(A) homicides have reportedly declined in Colombia during the first months of 2003, as compared to the same period in 2002; and

(B) kidnappings have reportedly declined during the first months of 2003, as compared to the same period in 2002.

(8) The Government of Colombia is training and equipping during 2003, thousands of new police officers who will be stationed in hundreds of rural towns where there is little or no police presence.

(9) The Government of Colombia plans to increase defense spending from 3.5 percent of its gross domestic product in 2002 to 5.8 percent of its gross domestic product by 2006, and to enlarge its armed forces by 126,000 troops.

(10) It is in the national interests of the United States to continue to support the efforts of President Alvaro Uribe Velez of Colombia, and the Government and people of Colombia, to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

(b) COMMENDATION.—The Senate—

(1) commends President Alvaro Uribe Velez of Colombia and the Government and the people of Colombia on the third anniversary of Plan Colombia and for their efforts in fighting illegal drugs and terrorism; and

(2) supports and encourages the efforts of President Uribe and the Government and people of Colombia to preserve and strengthen democracy, protect human rights, and provide economic opportunity in Colombia.

AMENDMENT NO. 1195

(Purpose: To express the sense of the Senate that President Bush should require all executive agencies to provide full and timely cooperation with the National Commission on Terrorist Attacks Upon the United States so that the Commission can provide the best possible analysis of how the Nation can prevent future acts of terrorism)

At the end of title VIII, add the following:

SEC. 815. SENSE OF SENATE ON EXECUTIVE BRANCH COOPERATION WITH THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 15, 2002, Congress passed legislation by a wide bipartisan margin to establish the National Commission on Terrorist Attacks Upon the United States to determine the facts surrounding the attacks of September 11, 2001, and to help the Nation prevent any future terrorist attacks. On November 27, 2002, President Bush signed the legislation into law as title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2408; 6 U.S.C. 101 note).

(2) There was broad bipartisan consensus that the work of the Commission was of national importance and of particular significance to the families of the victims of the attacks of September 11, 2001.

(3) The work of the Commission is essential to discovering what weaknesses and vulnerabilities were exploited to successfully perpetrate the deadly attacks of September 11, 2001.

(4) The Commission is required to "ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks" and to complete its work by May, 2004.

(5) Both the Chairman and Vice Chairman of the Commission have recently announced that many of the relevant agencies—most notably the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency—have failed to provide the bulk of the documents the Commission has requested and some of those agencies have prevented the Commission from conducting independent interviews with officials who may have important information about the tragic events of September 11, 2001.

(6) Members of the Commission have also acknowledged that if this cooperation is not forthcoming in the next several weeks, the Commission will not be able to meet the May 2004 statutory deadline to conclude its investigation and report its findings to Congress and the President.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) President Bush should immediately and publicly require all executive branch agencies, especially the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency, to provide their fullest and most timely cooperation to the Commission, and permit the Commission unfettered access to agency officials for interviews, so that the Commission can complete its mission in the time allotted by law;

(2) the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency should submit to Congress, by August 15, 2003, and quarterly thereafter for the life of the commission, a report on the actions taken by each such department or agency to comply with the requests of the Commission; and

(3) the Commission should submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report assessing the compliance of each department and agency referred to in paragraph (2) with the requests of the Commission.

AMENDMENT NO. 1196

(Purpose: To ensure that the benefits under the Millennium Challenge Assistance program are available for the intended beneficiaries, including women and girls)

On page 250, line 19, strike "Such" and insert "In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved".

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator STEVENS be added as a cosponsor to amendment No. 1185 which establishes a parliamentary exchange program with the People's Republic of China.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1194

Mr. FRIST. Mr. President, I rise to introduce an amendment to the foreign assistance authorization bill regarding Colombia.

Colombia is one of the oldest democracies in our hemisphere. It is under threat by narcotics traffickers, leftwing guerrillas and rightwing paramilitaries. We have been working with the government for several years to combat the twin threats of narcotics and terrorism and to strengthen democracy.

President Uribe and the Republic of Colombia have made great strides in implementing Plan Colombia, eradicating the production of illegal drugs, providing alternatives to coca and poppy cultivation for impoverished Colombians, establishing law and order, and taking steps to protect human rights and to administer justice.

The total area of coca cultivation in Colombia has declined markedly in the past 3 years, while drug seizures are up. The armed forces of Colombia are better trained than four years ago. Colombia is also training and equipping 78,000 new police officers who will be stationed in hundreds of rural towns where there is currently little or no police presence.

The Armed Forces are defeating the narcotics traffickers and terrorists in Colombia by capturing to date a total of 3,553 guerillas and 1,336 members of paramilitaries; destroying more than 1,000 coca laboratories; confiscating billions of gallons of solid and liquid chemicals used for manufacturing cocaine; and seizing more than 4,000 weapons from guerillas and traffickers.

Colombia has extradited 78 individuals to the United States to face trial for narcotics and terrorist charges.

The government of Colombia has made progress in combating crime; during the first months of 2003, homicides have declined 20 percent and kidnappings by 40 percent when compared to the same period in 2002.

The government of Colombia is committed to increased defense spending from 3.5 percent of GDP in 2002 to 5.8 percent by 2006, thereby enlarging the armed forces by 126,000 troops.

The government of Colombia is taking steps to protect the human rights of the people of Colombia by establishing the national early warning system to prevent forced displacement and human rights violations; and by providing protection for 2,731 human rights workers, labor leaders, journalists, and local government officials.

The government is establishing a judge advocate general center and Military Penal Justice Corps with U.S. assistance. It is also creating human rights units under the Colombian Attorney General's Office, the armed forces, and the national police.

The government of Colombia is taking steps to ensure the fair administration of justice in Colombia by establishing 31 Casas de Justicia that have handled 1.6 million cases to date; by creating 19 oral trial courtrooms and training 3,400 judges to administer justice; and by training Colombian law enforcement personnel judges, and prosecutors in anticorruption, money-laundering, and antikidnapping measures.

The United States should continue its strong support of the efforts of President Uribe, the government, and people of Colombia to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

AMENDMENT NO. 1196

Mr. DURBIN. Mr. President, I thank the chairman and ranking member for accepting my amendment, cosponsored by Senators MIKULSKI, LANDRIEU, SNOWE, and HUTCHISON, regarding the Millennium Challenge Account and considering the role of women and girls in the development process.

The Millennium Challenge Account has great potential to make a significant difference in some of the poorest countries of the world by incorporating the best practices that are known to accelerate economic development. The account will create incentives for countries to engage in these practices, and builds them into the design of development projects.

According to the bill before us, the Millennium Challenge Corporation will use indicators to see which poor countries meet criteria on good governance, economic freedom, and investing in health care and education. My amendment adds consideration of the role of women and girls in those indicators.

Why is this important? Why should women be singled out?

One of the strongest lessons we have learned over the last 30 years is that when development efforts address the different needs of women and the specific barriers they face, countries are more likely to succeed. When the needs of women are not addressed, development assistance projects are more likely to fail. It is one of the core lessons of development effectiveness.

Women are the vast majority of the world's poor. We cannot succeed in reducing poverty unless we ensure that women are fully integrated into our efforts. Around the world, social, economic, and political barriers inhibit women's access to opportunities. If we address these barriers, we can unleash women's potential to contribute to their families, their communities, and their economies.

Empowering women is a smart investment because it will help us achieve many of our other goals. Research has shown that: HIV infection rates are higher when the gap between men and women in literacy is larger. In agriculture, women have less access to education and to labor, fertilizer, and other inputs than men do in developing countries. When women receive equal access to these inputs, their yields for food such as maize, beans, and cowpeas increases by 22 percent. According to the World Bank, increased progress in closing the gap between men and women in schooling would accelerate economic growth. Increases in women's education accounted for 43 percent of the total reduction in child malnutrition in developing countries. In Egypt, increasing the education level of mothers from none or less than primary, to completion of primary school reduces the proportion of the population below the poverty line by 33.7 percent. The probability that a child will survive in urban Brazil is almost 20 times greater when women accumulate income rather then men.

Lack of understanding of women's roles lowers returns on development investments. Women participate directly or indirectly in virtually every sector of life in developing countries, from agricultural production to high-tech manufacturing, but their roles can be "invisible". For example, women in rural Africa are responsible for 80 percent of agricultural production. However, research shows that, even where we can show that women perform the majority of agricultural labor and are responsible for the most food production, agriculture extension services seldom reach women. According to a study in Kenya, yields among women farmers could increase 7 percent if they were given the same tools, training, and education as male farmers.

One of the greatest successes in recent years is microcredit programs, which have targeted women. People in the microcredit movement realized that many poor women have creative ideas and the willingness to work hard to improve their economic well-being. What they do not have is access to credit to make those ideas happen. When women cannot own property, or travel outside of their villages, they cannot access credit from banks. Microcredit programs bring credit to women, and they have worked. Most microcredit programs have over 95 percent repayment rates and have helped many women change their own lives and those of their families. Unless we ensure that this type of thinking is part of the MCA, we will not succeed.

Secretary of State Colin Powell has said that countries that treat women with dignity and afford them a choice in how they live their lives, give them equal access to essential services and an equal opportunity to contribute to public life are the countries that are the most stable and viable.

The amendment that I have proposed is modest, but it addresses an important gap to ensure that the MCA achieves its overall purpose. We must address the different needs, roles, barriers, and potential of women in our development interventions.

My amendment would create incentives to developing countries to do so by taking into account and assessing the role of women in eligibility criteria.

We must ensure that we are doing what we know works to create a better, more stable world. Unless we ensure that women's roles, as well as men's, are fully integrated into the design of the Millennium Challenge Account from the outset, we will not succeed.

AMENDMENT NO. 1197 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send an amendment authored by Senator DURBIN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. DURBIN, Mr. ROBERTS, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. WARNER, Mr. LOTT, Ms. SNOWE, Mr. CHAMBLISS, Mr. HAGEL, Mr. DEWINE, Mr. LUGAR, Mr. LEVIN, and Mr. BOND, proposes an amendment No. 1197.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on an investigation into assertions that Iraq attempted to obtain uranium from Africa)

On page 94, between lines 17 and 18 insert the following new section:

SEC. 815. SENSE OF CONGRESS ON AN INVESTIGATION INTO ASSERTIONS THAT IRAQ ATTEMPTED TO OBTAIN URANIUM FROM AFRICA.

(a) FINDINGS.—Congress makes the following findings:

(1) In the State of the Union address in January 2003, the President asserted that "[t]he British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa".

(2) It has been determined that the claim regarding the efforts of Iraq to obtain uranium from Africa cannot be substantiated.

(3) In May 2003, the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate requested that the Inspector General of the Department of State and the Inspector General of the Central Intelligence Agency work jointly to investigate the handling and characterization of the underlying documents behind the assertions regarding the efforts of Iraq to obtain uranium from Africa.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress supports the thorough and expeditious joint investigation by the Inspector General of the Department of State and the Inspector General of Central Intelligence Agency into the documents or other materials that the President relied on to conclude that Iraq had attempted to obtain uranium from Africa;

(2) the findings and conclusions of the joint investigation should be completed not later than September 12, 2003; and

(3) such findings and conclusions should be unclassified to the maximum extent possible, while fully protecting any intelligence sources or methods.

(4) the findings and conclusions of the joint investigation should be sent to the House and Senate Select Committees on Intelligence and the Senate Foreign Relations Committee and the House International Relations Committee.

Mr. LUGAR. Mr. President, the amendment has been cleared on both sides. I ask unanimous consent that it be passed.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1197) was agreed to.

Mr. DURBIN. Mr. President, in his State of the Union message in January of this year, the President discussed the threat posed by Iraq's nuclear weapons development program. The President went on to make the following statement: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

After numerous concerns being raised about the veracity of this last statement, the administration has recently acknowledged that the President should not have made this claim. In a statement authorized by the White House, a senior Bush administration official said on Monday, July 7: "Knowing all that we know now, the reference to Iraq's attempt to acquire uranium from Africa should not have been included in the State of the Union speech."

In May of this year, Chairman PAT ROBERTS and Vice Chairman JAY ROCKEFELLER of the Senate Select Committee on Intelligence requested that the Inspectors General of the Department of State and the Central Intelligence Agency work jointly to investigate the handling and characterization of the underlying documents behind the President's statement.

I would note that earlier this year, the International Atomic Energy Agency, IAEA, determined that some of the intelligence documents provided to it by the United States are forgeries. These documents were provided to the IAEA as evidence of Iraqi efforts to procure uranium from the Republic of Niger. In March of this year, Senator ROCKEFELLER requested that the FBI investigate this issue as well.

I want to thank the bill managers for accepting the amendment I planned to offer today a "Sense of the Congress" amendment to the State Authorization Bill which, 1, expresses support for the thorough and expeditious joint investigation into this matter by the Inspectors General of the Department of State and the CIA; 2, that the findings and conclusions of this joint investigation should be completed by September 12, 2003; and, 3, that the findings and conclusions of this joint investigation should be unclassified to the fullest extent possible, consistent with the protection of intelligence sources and methods.

I am a member of the Senate Select Committee on Intelligence which is conducting a review of pre-war intelligence on the existence of, and the threat posed by, Iraq's weapons of mass destruction, WMD, as well as other matters related to pre-war intelligence reporting related to Iraq.

The reported existence of Iraq's WMD and support for international terrorism, al-Qaida in particular, were the primary justifications put forward for military action against Iraq by the Bush Administration to the Congress, the American public and the international community.

There is no more serious undertaking for our government than to take our

Nation to war. Such a momentous decision must be made on the basis of the best intelligence available—and intelligence analysis must be objective and not influenced by policymakers or other outside pressures.

As this issue demonstrates, the administration's intelligence-derived assertions about Iraq's level of WMD-related activity raises increased concerns about the integrity of the U.S. intelligence community and the credibility of the U.S. Government—both here and around the world. These concerns are all the more troubling because of the administration's new national strategy of military pre-emption—which places a premium on timely, accurate and non-political intelligence assessments of the threats to our country.

Mr. LUGAR. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1198 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send an amendment on behalf of Senator DORGAN to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. DORGAN, proposes an amendment numbered 1198.

Mr. LUGAR. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY FOOD AID FOR HIV/AIDS VICTIMS.

(a) FINDINGS.—The Senate finds the following:

(1) Whereas the Centers for Disease Control and Prevention found that "For persons living with HIV/AIDS, practicing sound nutrition can play key role in preventing malnutrition and wasting syndrome, which can weaken an already compromised immune system.".

(2) Whereas there are immediate needs for additional food aid in sub-Saharan Africa where the World Food Program has estimated that more than 40,000,000 people are at risk of starvation.

(3) Whereas prices of certain staple commodities have increased by 30 percent over the past year, which was not anticipated by the President's fiscal year 2004 budget request.

(4) The Commodity Credit Corporation has the legal authority to finance up to $30,000,000,000 for ongoing agriculture programs $250,000,000 represents a use of less than 1 percent of such authority to combat the worst public health crisis in 500 years.

(b) COMMODITY CREDIT CORPORTATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to provide an additional $250,000,000 in fiscal year 2003 to carry out programs authorized under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) to assist in mitigating the effects of HIV/AIDS on affected populations in sub-Saharan Africa and other developing nations, and by September 30, 2003, the Administrator of the United States Agency for International Development shall enter into agreements with private voluntary organizations, non-governmental organizations, and other appropriate organizations for the provision of such agricultural commodities through programs that—

(A) provide nutritional assistance to individuals with HIV/AIDS and to children, households, and communities affected by HIV/AIDS; and

(B) generate funds from the sale of such commodities for activities related to the prevention and treatment of HIV/AIDS, support services and care for HIV/AIDS infected individuals and affected households, and the creation of sustainable livelihoods among individuals in HIV/AIDS affected communities, including income-generating and business activities.

(2) REQUIREMENT.—The food aid provided under this subsection shall be in addition to any other food aid acquired and provided by the Commodity Credit Corporation prior to the date of enactment of this Act. Agricultural commodities made available under this subsection may, notwithstanding any other provision of law, be shipped in fiscal years 2003 and 2004.

Mr. LUGAR. The amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1198) was agreed to.

Mr. LUGAR. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1135

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment, which I believe is the Lautenberg amendment No. 1135, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1135) was agreed to.

Mr. BIDEN. I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I submit to the desk a list of pending amendments.

The PRESIDING OFFICER. Is the Senator asking that these amendments be called up?

Mr. LUGAR. I am asking that this be the finite list of amendments. I understand that clerical work is being done as I speak. For the moment——

Ms. LANDRIEU. Reserving the right to object.

Mr. HARKIN. Reserving the right to object, what is the list?

Ms. LANDRIEU. Reserving the right to object, I just need to clarify something.

The PRESIDING OFFICER. No consent has been asked for.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1199 TO AMENDMENT NO. 1136

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1199.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 131, after line 2, insert the following:

"(d) CLINTON SCHOLARS.—Of the amounts authorized to be appropriated under section 532(a) of the Foreign Assistance Act of 1961 (as amended by this act), $3,000,000 is authorized to be appropriated for scholarships to Palestinians who are future private and public sector leaders and managers for Graduate-level education in the United States. Such program shall be known as the "Clinton Scholarship Program."

Mr. BIDEN. Mr. President, I will briefly explain the amendment. It provides for $3 million for a Palestinian scholarship program referred to as the Clinton Scholarship Program. Inadvertently, it was dropped from the bill. I believe there is no objection on the part of the chairman. I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1199) was agreed to.

Mr. BIDEN. I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent to make a modification to a previously agreed to amendment that I offered, amendment No. 1158. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 1158), as modified, is as follows:

AMENDMENT NO. 1158, AS MODIFIED

On page 182, line 16, insert "**AND THE UNITED KINGDOM**" after "**AUSTRALIA**".

On page 182, beginning on line 22, strike "The requirements" through "into force." on page 183, line 4, and insert the following:

"(A) AUSTRALIA.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.

"(B) UNITED KINGDOM.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i) and (2)(A)(ii) of this subsection shall not apply to the bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act, or any other form of agreement between the United States Government and the Government of the United Kingdom to gain an exemption from the licensing requirements of this Act.".

On page 183, between lines 9 and 10, insert the following:

(c) ADDITIONAL CERTIFICATIONS FOR THE UNITED KINGDOM AND AUSTRALIA.—Not later than 14 days before authorizing an exemption from the licensing requirements of the Arms Export Control Act in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778)(j), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will advance the non-proliferation and export control interests of the United States;

(2) does not adversely affect the ability of the licensing regime under the Arms Export Control Act to provide consistent and adequate controls for items not exempt under such agreement from the licensing regime; and

(3) will not adversely affect the duties or requirements of the Secretary under such Act.

(d) REPORT ON ISSUES RAISED IN CONSULTATIONS PURSUANT TO BILATERAL AGREEMENTS WITH AUSTRALIA AND UNITED KINGDOM.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of the bilateral agreement with Australia, or under the terms of the bilateral agreement or any other form of an agreement with the United Kingdom, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain detailed information—

(1) on any notifications or consultations between the United States and the United Kingdom under the terms of the agreement with the United Kingdom, or between the United States and Australia under the terms of the agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) listing all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of the agreement with the United Kingdom or the agreement with Australia;

(3) on consultations or steps taken pursuant to the agreement with the United Kingdom or the agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) on provisions and procedures undertaken pursuant to—

(A) the agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) the agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to the agreement with the United Kingdom or any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of these agreements;

(7) on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and the agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on June 30, 2003; and

(8) on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of the bilateral agreements between such country and the United States or of any other form of agreement between the United Kingdom and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(e) SPECIAL REPORTS ON UNAUTHORIZED END-USE OR DIVERSION.—The Secretary shall notify the appropriate congressional committees, in a manner consistent with ongoing efforts to investigate and bring civil or criminal charges regarding such matters, not later than 90 days after receiving any credible information regarding the unauthorized end-use or diversion of United States exports made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

(1) a description of the good or service;

(2) the United States origin of the good or service;

(3) the authorized recipient of the good or service;

(4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(5) any enforcement action taken by the Government of the United States; and

(6) any enforcement action taken by the government of the recipient nation.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the substitute amendment, as amended, be agreed to and be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, I want to clarify that the amendments that were adopted, including the Reid amendment this morning, would be included as part of this text. Is that the understanding?

Mr. LUGAR. Yes.

Mr. DASCHLE. Again, I ask if my understanding is his as well.

Mr. LUGAR. That is my understanding.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1136), as amended, was agreed to.

ISLAMIC YOUTH EXCHANGE PROGRAM

Mr. KENNEDY. Mr. President, one of the important steps we took in the aftermath of September 11 was to encourage the Muslim and American worlds to do more to understand each other.

The State Department initiated a new academic year high school students exchange program between the United States and the Islamic world to do so, and initial funding was provided in the Fiscal Year 2002 Supplemental Appropriations Act. The program will bring 138 Muslim students to the United States this fall for an academic year of study, and 365 more students are expected next fall.

The program is modeled on the highly successful program for students in the former Soviet Union, and Senator LUGAR and I worked together to create the new program for students from Islamic countries. I understand that my distinguished colleague has current information on its progress.

Mr. LUGAR. Mr. President, it is clear, especially in the aftermath of the war in Iraq, that we have to redouble our efforts to improve perceptions about America in the Islamic world. Addressing this urgent priority should be high on the State Department's public diplomacy agenda.

We have heard reports that the program is off to an excellent start. Despite the many cultural and political obstacles, recruiting for the first year has proceeded successfully. Substantial applicant pools appeared even in countries where difficulty in attracting applicants was expected. Students are currently being recruited in 12 countries: Indonesia, Egypt, Turkey, Nigeria, Tunisia, Lebanon, Morocco, Jordan, Kuwait, Yemen, United Arab Emirates, Syria, and in West Bank/Gaza as well. Six additional countries—Algeria, Afghanistan, Bangladesh, Malaysia, Nigeria, and Saudi Arabia—will be added to the program next year. From an applicant pool of 3,000 in Indonesia, 20 have been selected. In Turkey, 200 students applied and 20 were chosen. Over 300 applications have been received in Jordan. Gender distribution varies by country, but we expected that as many as 40 percent of the program participants will be female.

Mr. KENNEDY. Unfortunately, although the State Department requested $10 million in its fiscal year 2004 budget to continue the program, I understand that the Office of Management and Budget did not include that request in the administration's final budget. Would the chairman agree that this program should be a high priority for the State Department?

Mr. LUGAR. Absolutely. It is vital that once this program gets underway, it proceed with adequate funding to continue its outreach and education efforts. This funding will allow for program growth by expanding participation to other priority countries and by increasing access from the large applicant pools we expect from countries who are already participating. Most importantly, sustainable funding will allow the program to set realistic growth benchmarks, conduct meaningful evaluation of outcomes, and add program improvements.

There are no better representatives of American values than Americans themselves, and student exchange programs are no effective means of reaching out of the next generation of leaders. I look forward to working with the Administration to ensure that this program will receive strong continued support.

Mr. JEFFORDS. Mr. President, I am pleased to note that the Foreign Relations Committee has included a very important provision on global climate change in S. 925, as reported. This provision, section 813, expresses the sense of Congress that the United States should take responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors. I strongly support this provision. Its inclusion in this legislation should be a signal to all the conferees on this bill and to the world that the Senate strongly supports such reductions.

The findings preceding the articulation of the sense of Congress in section 813 are also very important. They clarify that it is Congress' position that evidence continues to demonstrate that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

This assertion is supported by reports from the National Academy of Sciences, the International Panel on Climate Change, and testimony before various Senate committees, including the Senate Environment and Public Works Committee of which I am the ranking member. We have heard repeatedly that increasing greenhouse gas emissions increase the risks associated with global climate change and warming.

I believe it is prudent and practicable to manage these risks now by reducing our emissions as swiftly as possible. Based on the work of many highly respected scientists, I believe we must endeavor to prevent a doubling of atmospheric concentrations of carbon. That means dramatic changes in the way we use, produce and consume fossil fuels in the next 10 to 15 years.

Nearly every single climate expert and scientist believes that the facts require us to take prudent actions now to reduce emissions and thereby reduce the risks of climate change. In a December 2002 resolution, the American Geophysical Union said the following: "AGU recommends the development and evaluation of strategies such as emissions reduction, carbon sequestration, and adaptation to the impacts of climate change. AGU believes that the present level of scientific uncertainty does not justify inaction in the mitigation of human-induced climate change and/or the adaptation to it."

As much as some people would like to continue debating whether or not global warming is occurring and whether or not man-made emissions are contributing to that warming, there is not a real debate on this matter in the scientific community. They have moved on, as Congress and the Administration should, to trying to define the magnitude of the probable disruption to earth and human systems, and to designing emissions reductions and adaptation programs to avert the negative effects of that disruption to our quality of life, the environment, and the economy.

I ask unanimous consent that four short documents be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADING CLIMATE SCIENTISTS REAFFIRM VIEW THAT LATE 20TH CENTURY WARMING WAS UNUSUAL AND RESULTED FROM HUMAN ACTIVITY

WASHINGTON.—A group of leading climate scientists has reaffirmed the "robust consensus view" emerging from the peer reviewed literature that the warmth experienced on at least a hemispheric scale in the late 20th century was an anomaly in the previous millennium and that human activity likely played an important role in causing it. In so doing, they refuted recent claims that the warmth of recent decades was not unprecedented in the context of the past thousand years.

Writing in the 8 July issue of the American Geophysical Union publication Eos, Michael Mann of the University of Virginia and 12 colleagues in the United States and United Kingdom endorse the position on climate change and greenhouse gases taken by AGU in 1998. Specifically, they say that "there is a compelling basis for concern over future climate changes, including increases in global-mean surface temperatures, due to increased concentrations of greenhouse gases, primarily from fossil-fuel burning."

The Eos article is a response to two recent and nearly identical papers by Drs. Willie Soon and Sallie Baliunas of the Harvard-Smithsonian. Center for Astrophysics, published in Climate Research and Energy & Environment (the latter paper with additional co-authors). These authors challenge the generally accepted view that natural factors cannot fully explain recent warming and must have been supplemented by significant human activity, and their papers have received attention in the media and in the U.S. Senate. Requests from reporters to top scientists in the field, seeking comment on the Soon and Baliunas position, lead to memoranda that were later expanded into the current Eos article, which was itself peer reviewed.

Paleoclimatologists (scientists who study ancient climates) generally rely on instrumental data for the past 150 years and "proxy" indicators, such as tree rings, ice cores, corals, and lake sediments to reconstruct the climate of earlier times. Most of the available data pertain to the northern hemisphere and show, according to the authors, that the warmth of the northern hemisphere over the past few decades is likely unprecedented in the last 1,000 years and quite possibly in the preceding 1,000 years as well.

Climate model simulations cannot explain the anomalous late 20th century warmth without taking into account the contributions of human activities, the authors say. They make three major points regarding Soon and Baliunas's recent assertions challenging these findings.

First, in using proxy records to draw inferences about past climate, it is essential to assess their actual sensitivity to temperature variability. In particular, the authors say, Soon and Baliunas misuse proxy data reflective of changes in moisture or drought, rather than temperature, in their analysis.

Second, it is essential to distinguish between regional temperature anomalies and hemispheric mean temperature, which must represent an average of estimates over a sufficiently large number of distinct regions. For example, Mann and his co-authors say, the concepts of a "Little Ice Age" and "Medieval Warm Period" arose from the Eurocentric origins of historic climatology. The specific periods of coldness and warmth differed from region to region and as compared with data for the northern hemisphere as a whole.

Third, according to Mann and his colleagues, it is essential to define carefully the modern base period with which past climate is to be compared and to identify and quantify uncertainties. For example, they say, the most recent report of the Intergovernmental Panel on Climate Change (IPCC) carefully compares data for recent decades with reconstructions of past temperatures, taking into account the uncertainties in those reconstructions. IPCC concluded that late 20th century warmth in the northern hemisphere likely exceeded that of any time in the past millennium. The method used by Soon and Baliunas, they say, considers mean conditions for the entire 20th century as the base period and determines past temperatures from proxy evidence not capable of resolving trends on a decadal basis. It is therefore, they say, of limited value in determining whether recent warming in anomalous in a long term and large scale context.

The Eos article started as a memorandum that Michael Oppenheimer and Mann drafted to help inform colleagues who were being contacted by members of the media regarding the Soon and Baliunas papers and wanted an opinion from climate scientists and paleoclimatologists who were directly familiar with the underlying issues.

Mann and Oppenheimer learned that a number of other colleagues, including Tom Wigley of the University Corporation for Atmospheric Research (UCAR) in Boulder, Colorado; Philip Jones of the University of East Anglia's Climatic Research Unit in Norwich, United Kingdom; and Raymond Bradley of the University of Massachusetts in Amherst were receiving similar media requests for their opinions on the matter. Their original memorandum evolved into a more general position paper jointly authored by a larger group of leading scientists in the field.

Mann says he sees the resulting Eos article as representing an even broader consensus of the viewpoint of the mainstream climate research community on the question of late 20th century warming and its causes. The goal of the authors, he says, is to reaffirm support for the AGU position statement on climate change and greenhouse gases and clarify what is currently known from the paleoclimate record of the past one-to-two thousand years and, in particular, what the bearing of this evidence is on the issue of the detection of human influence on recent climate change.

CLIMATE CHANGE AND GREENHOUSE GASES—ADOPTED BY AMERICAN GEOPHYSICAL UNION COUNCIL DECEMBER, 2002

Atmospheric concentrations of carbon dioxide and other greenhouse gases have substantially increased as a consequence of fossil fuel combustion and other human activities. These elevated concentrations of greenhouse gases are predicted to persist in the atmosphere for times ranging to thousands of years. Increasing concentrations of carbon dioxide and other greenhouse gases affect the Earth-atmosphere energy balance, enhancing the natural greenhouse effect and thereby exerting a warming influence at the Earth's surface.

Although greenhouse gas concentrations and their climatic influences are projected to increase, the detailed response of the system is uncertain. Principal sources of this uncertainty are the climate system's inherent complexity and natural variability. The increase in global mean surface temperatures over the past 150 years appears to be unusual in the context of the last few centuries, but it is not clearly outside the range of climate variability of the last few thousand years. The geologic record of the more distant past provides evidence of larger climate variations associated with changes in atmospheric carbondioxide. These changes appear to be consistent with present understanding of the radiative properties of carbon dioxide and of the influence of climate on the carbon cycle. There is no known geologic precedent for the transfer of carbon from the Earth's crust to atmospheric carbon dioxide, in quantities comparable to the burning of fossil fuels, without simultaneous changes in other parts of the carboncycle and climate system. This close coupling between atmospheric carbon dioxide and climate suggests that a change in one would in all likelihood be accompanied by a change in the other.

Present understanding of the Earth climate system provides a compelling basis for legitimate public concern over future global- and regional-scale changes resulting from increased concentrations of greenhouse gases. These changes are predicted to include increases in global mean surface temperatures, increases in global mean rates of precipitation and evaporation, rising sea levels, and changes in the biosphere. Understanding of the fundamental processes responsible for global climate change has greatly improved over the past decade, and predictive capabilities are advancing. However, there are significant scientific uncertainties, for example, in predictions of local effects of climate change, occurrence of extreme weather events, effects of aerosols, changes in clouds, shifts in the intensity and distribution of precipitation, and changes in oceanic circulation. In view of the complexity of the Earth climate system, uncertainty in its description and in the prediction of changes will never be completely eliminated.

Because of these uncertainties, there is much public debate over the extent to which increased concentrations of greenhouse gases have caused or will cause climate change, and over potential actions to limit and/or respond to climate change. It is important that public debate take into account the extent of scientific knowledge and the uncertainties. Science cannot be the sole source of guidance on how society should respond to climate issues. Nonetheless, scientific understanding based on peer-reviewed research must be central to informed decision-making. AGU calls for an enhancement of research to improve the quantification of anthropogenic influences on climate. To this end, international programs of research are essential. AGU encourages scientists worldwide to participate in such programs and in scientific assessments and policy discussions.

The world may already be committed to some degree of human-caused climate change, and further buildup of greenhouse gas concentrations may be expected to cause further change. Some of these changes may be beneficial and others damaging for different parts of the world. However, the rapidity and uneven geographic distribution of these changes could be very disruptive. AGU recommends the development and evaluation of strategies such as emissions reduction, carbon sequestration, and adaptation to the impacts of climate change. AGU believes that the present level of scientific uncertainty does not justify inaction in the mitigation of human-induced climate change and/or the adaptation to it.

HOT WORDS—A CLAIM OF NONHUMAN-INDUCED GLOBAL WARMING SPARKS DEBATE

(By David Appell)

In a contretemps indicative of the political struggle over global climate change, a recent study suggested that humans may not be warming the earth. Greenhouse skeptics, pro-industry groups and political conservatives have seized on the results, proclaiming that the science of climate change is inconclusive and that agreements such as the Kyoto Protocol, which set limits on the output of industrial heat-trapping gases, are unnecessary. But mainstream climatologists, as represented by the Intergovernmental Panel on Climate Change (IPCC), are perturbed that the report has received so much attention; they say the study's conclusions are scientifically dubious and colored by politics.

Sallie Baliunas and Willie Soon of the Harvard-Smithsonian Center for Astrophysics reviewed more than 200 studies that examined climate "proxy" records—data from such phenomena as the growth of tree rings or coral, which are sensitive to climatic conditions. They concluded in the January Climate Research that "across the world, many records reveal that the 20th century is probably not the warmest nor a uniquely extreme climate period of the last millennium." They said that two extreme climate periods—the Medieval Warming Period between 800 and 1300 and the Little Ice Age of 1300 to 1900—occurred worldwide, at a time before industrial emissions of greenhouse gases became abundant. (A longer version subsequently appeared in the May Energy and Environment.)

Scientists skeptical of human-induced warming applaud the work. "Soon et al. have done a service to the science community," remarks Gary Sharp of the Center for Climate/Ocean Resources Study in Monterey Bay, Calif., "which is in serious threat of losing all credibility via the IPCC's media management and oversell of the dangers of global warming."

In contrast, the consensus view among paleclimatologists is that the Medieval Warming Period was a regional phenomenon, that the worldwide nature of the Little Ice Age is open to question and that the late 20th century saw the most extreme global average temperatures. Many of these scientists argue that Soon and Baliunas produced deeply flawed work—and they have criticized it in unusually strident language. "The fact that it has received any attention at all is a result, again in my view, of its utility to those groups who want the global warming issue to just go away," comments Tim Barnett, a marine physicist at the Scripps Institution of Oceanography, whose work Soon and Baliunas refer to. Similar sentiments came for Malcolm Hughes of the Laboratory of Tree-Ring Research at the University of Arizona, whose work is also discussed: "The Soon et al. paper is so fundamentally misconceived and contains so many egregious errors that it would take weeks to list and explain them all."

Rather than seeing global anomalies, many paleoclimatologists subscribe to the conclusions of Phil Jones of the University of East Anglia, Michael Mann of the University of Virginia and their colleagues, who began in 1998 to quantitatively splice together the proxy records. They have concluded that the global average temperature over the past 1,000 years has been relatively stable until the 20th century. "Nothing in the paper undermines in any way the conclusion of earlier studies that the average temperature of the late twentieth century in the Northern Hemisphere was anomalous against the background of the past millennium," wrote Mann and Princeton University's Michael Oppenheimer in a privately circulated statement.

The most significant criticism is that Soon and Baliunas do not present their data quantitatively—instead they merely categorize the work of other primarily into one of two sets: either supporting or not supporting their particular definitions of a Medieval Warming Period or Little Ice Age. "I was stating outright that I'm not able to give too many quantitative details, especially in terms of aggregating all the results," Soon says.

Specifically, they define a "climate anomaly" as a period of 50 or more years of wetness or dryness or sustained warmth (or, for the Little Ice Age, coolness). The problem is that under this broad definition a wet or dry spell would indicate a climatic anomaly even if the temperature remained perfectly constant. Soon and Baliunas are "mindful" that the Medieval Warming Period and the Little Ice Age should be defined by temperature, but "we emphasize that great bias would result if those thermal anomalies were to be dissociated" from other climatic conditions. (Asked to define "wetness" and "dryness," Soon and Baliunas say only that they "referred to the standard usage in English.")

Moreover, their results were nonsynchronous: "Their analysis doesn't consider whether the warm/cold periods occurred at the same time," says Peter Stott, a climate scientist at the U.K. is Hadley Center for climate Prediction and Research in Bracknell. For example, if a proxy record indicated that a drier condition existed in one part of the world from 800 to 850, it would be counted as equal evidence for a Medieval Warming period as a different proxy record that showed wetter conditions in another part of the world from 1250 to 1300. Regional conditions do not necessarily mirror the global average, Stott notes: "Iceland and Greenland had their warmest periods in the 1930s, whereas the warmest for the globe was in the 1990s."

Soon and Baliunas also take issue with the IPCC by contending·that the 20th century saw no unique patterns: they found few climatic anomalies in the proxy records. But they looked for 50-year-long anomalies; the last century's warming, the IPCC concludes, occurred in two periods of about 30 years each (with cooling in between). The warmest period occurred in the late 20th century—too short to meet Soon and Baliunas's selected requirement. The two researchers also discount thermometer readings and "give great weight to the paleo data for which the uncertainties are much greater," Stott says.

The conclusion of Soon and Baliunas that the warming during the 20th century is not unusual has engendered sharp debate and intense reactions on both sides—Soon and Baliunas responded primarily via e-mail and refused follow-up questions. The charges illustrate the polarized nature of the climate change debate in the U.S. "You'd be challenged, I'd bet, to find someone who supports the Kyoto Protocol and also thinks that this paper is good science, or someone who thinks that the paper is bad science and is opposed to Kyoto," predicts Roger Pielke, Jr., of the University of Colorado. Expect more of such flares as the stakes—and the world's temperatures—continue to rise.

[From the Atlanta Journal-Constitution, June 1, 2003]

Nonprofits Push Controversial Climate Study

(By Jeff Nesmith)

WASHINGTON.—Nonprofit organizations with ties to energy interests are promoting a controversial climate study as proof that prevailing views of global warming are wrong.

The scientists who authored the new study contend that the global warming of recent decades is not without precedent during the past 1,000 years, as other scientists have claimed. In fact, they say the Earth was even warmer during what is known as the "medieval warm period" between 900 and 1300 A.D.

The paper has touched off a worldwide storm of e-mail among climate scientists, some of whom have proposed organizing a research boycott of two journals that published the study.

The links among authors of the new study, the nonprofit groups and the energy interests illustrate a three-way intersection of money, science and policy. Energy interests underwrote the study and help finance the groups that are promoting it.

The study also illustrates a strategy adopted by some energy companies in the late 1980s to attack the credibility of climate science, said John Topping, president of the Climate Institute.

"They saw early on that what they had to do was keep the science at issue," said Topping, a former Republican congressional staffer who founded the institute in 1986.

By relying on the news media's inclination to include both sides of a story, the industries were able to create the impression that scientists were deeply divided over climate change, Topping said.

"It was all very shrewdly done," he added.

The Climate Institute takes the position that climate change threatens the global environment and promotes international cooperation on the issue. Less then 1 percent of its funding has come from oil industry sources, Topping said, with the rest coming from foundations.

To measure long-term climate patterns, scientists rely on "proxy" indicators, such as the content of air bubbles trapped centuries ago under the ice packs in Greenland and Antarctica, the chemical makeup of ancient ocean sediments, and the relative widths of old tree rings.

These natural records have been used to portray a global climate that has been largely stable until the late 1980s, when temperatures started rising sharply.

A millennium of these temperature records presents what has been called a "hockey stick" graph, depicting centuries with little relative change, then a sharp and sudden rise during the past two decades.

Most climate scientists think the rise results from the atmosphere buildup of heat-trapping "greenhouse gases," especially carbon dioxide released by the combustion of fossil fuels such as coal and petroleum.

Industry-backed groups claim the new study challenges the validity of this view by presenting evidence of global warming at a time when fossil fuels were not being burned in appreciable quantities.

The new study, "Reconstructing Climatic and Environmental Changes of the Past 1,000 Years: A Reappraisal," was published several weeks ago in a British scientific journal, Energy and Environment.

The authors contend in the 65-page paper that their reanalysis of data from more than 200 previous climate studies provides evidence of global temperature shifts that are more dramatic than the current one, including during the "medievel warm period."

The research was underwritten by the American Petroleum Institute, the trade association of the world's biggest oil companies.

Two of the five authors are scientists who have been linked to the coal industry and have received support from the ExxonMobil Foundation.

Two others, who are affiliated with the Harvard-Smithsonian Center for Astrophysics, also have the title of "senior scientists" with a Washington-based organization supported by conservative foundations and ExxonMobil Corp.

The organization, the George T. Marshall Institute, is headed by William O'Keefe, a former executive of the American Petroleum Institute.

O'Keefe also was at one time the president of the Global Climate Coalition, a now-defunct organization created by oil and coal interests to lobby against U.S. participation in climate treaties, such as the Kyoto Protocol.

"Statements made about the warming trend of the 20th century and the 1990s do not withstand close scrutiny," O'Keefe declared at a recent luncheon held in the Dirksen Senate Office Building here.

The purpose of the luncheon was for Willie Soon, a physicist and astronomer with the Harvard-Smithsonian Center, to present a summary of the new research.

Promotion of the scientists' arguments began with a news release issued by the public affairs office of the Harvard-Smithsonian Center shortly after the paper was published. Headlined "20th Century Climate Not So Hot," the release declared that the scientists had "determined" that the current warming trend is neither the hottest nor the most dramatic change in the past 1,000 years.

DIDN'T PUBLISH THE RELEASE

Major news organizations failed to publish the news release. However, it was picked up by the Discovery Channel Online, which declared that the 20th century may have been "just another bump in the climate road."

The Discovery Channel Online article was immediately copied and distributed by the staff of the Senate Environment and Public Works Committee, headed by Sen. James Inhofe (R-Okla.), an outspoken skeptic about climate change.

The committee also circulated a statement by the Committee Enterprise Institute declaring that "the hockey stick theory has effectively been dismanted" and "the margin of error is so large that nearly any temperature trend could be drawn to fit within it."

The principal target of the paper by Soon and his co-authors was Michael Mann of the University of Virginia, whose landmark compilation of thousands of "proxy" indicators led to the conclusion that the last two decades have been unusually warm and to the first depiction of the "hockey stick" graph.

Mann said last week that the Soon study does not even attempt to reconstruct global average temperatures but simply highlights anecdotal evidence of isolated warming trends.

In a statement issued jointly with environmental scientists Michael Oppenheimer of

Princeton University, Mann said that when all of these indicators are compiled and averaged, the "medical warming period" fits within the long-range global trend. He said this was done not only in his study but also in nearly a dozen that have followed it.

Soon acknowledged during a question period at the Senate luncheon that his research does not provide such a comprehensive picture of the Earth's temperature record. He questioned whether that is even possible, and said he did not see how Mann and the others could "calibrate" the various proxy records for comparison.

"Then he needs to educate himself on several decades of very careful, painstaking research," Mann snapped.

The energy industry provides significant funding for groups that employ some of the authors or promote their new study.

Soon's four co-authors were Sallie Baliunas, also from the Harvard-Smithsonian center; Sherwood Idso and his son, Craig Idso, both of Tempe, Ariz.; who are the past president and the current president of an organization called the Center for the Study of Carbon Dioxide and Global Change; and David R. Legates, a climate researcher of the University of Delaware.

The Idsos, who have previously been linked to Western coal interests, do not reveal the sources of financial support for their center, which on its Web site presents summaries of scientific studies purporting to raise questions about prevailing climate change theories.

The center had a budget of nearly $400,000 in 2001, the most recent year for which nonprofit statements to the Internal Revenue Service are available.

It operates from a post office box and offices in the homes of Craig and Sherwood Idso and a second son of Sherwood Idso, Keith Idso.

Identities of the four donors who provided the organization's $397,000 contributions in 2001 are blanked out of the Internal Revenue Service filing, and Sherwood Idso declined to name them.

"We generally do not stay anything about our funding," he said. "The feeling is that what we produce there should be evaluated on its own merit, not where any funding comes from."

Records filed with the IRS by ExxonMobil Foundation show that it provided a grant of $15,000 to the Arizona center 2000. These records and others show that ExxonMobil Foundation and ExxonMobil Corp. also have contributed $160,000 to the George T. Marshall Institute in the past three years and more than $900,000 to the Competitive Enterprise Institute.

In a telephone interview, Soon declined to say how much he is paid to serve as a "senior scientist" with the George T. Marshall Institute. Both he and Baliunas have that title.

The institute was organized in the 1980s and is chaired by Robert Jastrow, a retired scientist from the National Aeronautics and Space Administration who was an early and vocal supporter of former President Reagan's "Star Wars" missile defense initiative.

OTHER BOARD MEMBERS

Other members of the organization's board include O'Keefe; Baliunas; techno-suspense novelist Thomas Clancy Jr.; newspaper columnist Charles Krauthammer; Dr. Bernadine Healy, former director of the National Institutes of Health; and Frederick Seitz of Rockefeller University in New York, a former chairman of the National Academy of Sciences.

O'Keefe declined to identify the Marshall Institute's funding sources, but acknowledged it received money from ExxonMobil and the Sarah Scaife Foundation, headed by conservative Pittsburgh billionaire Richard Mellon Scaife.

He volunteered that it also receives funds from the Bradley Foundation, a large Milwaukee foundation known for its support of conservative causes.

Ross Gelbspan, once a Boston Globe reporter and editor whose 1997 book, "The Heat Is On," details industry efforts to discredit climate change science, said conclusions that greenhouse gases are causing the planet to heat up are the result of "the largest and most rigorously peer-reviewed scientific collaboration in history."

"The contradictory statements of a tiny handful of discredited scientists, funded by big coal and big oil, represent a deliberate—and extremely reckless—campaign of deception and disinformation," Gelbspan declared.

Mrs. BOXER. Mr. President, I highlight an important provision in the State Department Authorization bill that is now before the Senate. It is a provision that resulted from an amendment I offered in the Senate Foreign Relations committee to insure the inclusion of women in the reconstruction of Iraq.

The Boxer amendment states that it is the policy of the United States to ensure the full and active participation of women in the reconstruction of Iraq. It specifically states that the U.S. should work to promote the involvement of women in all levels of the Government of Iraq and decision-making bodies; the planning and distribution of assistance, including food aid; and job promotion and training programs.

Three years ago, the U.N. Security Council passed Resolution 1325 which reaffirmed the important role of women in peace-building and called attention to the special needs of women during post-conflict resolution. Iraqi women are among the most highly educated in the region and should play a significant role in rebuilding Iraq.

The head of the U.N. Development Fund for Women recently wrote that, "As groups of Iraqi people meet to prepare for the creation of an interim Iraqi authority, it is essential to know that a way to achieve consensus and compromise, amid the divisive complexities of Iraqi society, is to ensure the extensive participation of women. Indeed, the perspectives of women offer the best promise of meaningful reconstruction and the development of a working democracy."

My amendment is designed to ensure that the perspectives of women are taken seriously as we work to help Iraq rebuild. I appreciate the support of my colleagues on this issue and hope that this provision is included in the final version of the bill.

Mr. ENZI. Mr. President, the managers' amendment includes a provision that will help solidify the strong friendship that exists between the United States and the United Kingdom. The provision is a result of a great deal of work between the chairman, the ranking member of the Foreign Relations Committee, and the Department of State. They are to be commended for helping to strengthen the partnership between our two countries, a partnership we have relied on for many years.

The provision will allow the U.S. to finalize a bilateral agreement with the United Kingdom and provide a licensing exception to the UK for certain defense-related items. Such an agreement will pave the way for enhancing both our defense capabilities as it promotes cooperation with our coalition partners, especially on matters of defense.

Enhancing our defense capabilities and the industrial and economic cooperation that exists between our two nations is critical if we are to continue to have the ability to promote peace, freedom and democracy throughout the world. As we have seen for many years, and through many international conflicts, the United States and the United Kingdom are steadfast allies who have come to the aid of each other whenever it was necessary to preserve the peace. Our troops fought together in the deserts of Iraq and the United Kingdom has demonstrated time and time again that we can always count on them in a time of crisis.

Another important objective of this agreement is the improvement of the industrial cooperation between our countries. Industries of all types are consolidating in the face of economic downsizing and globalization so that research and development of new products and new technologies can be pursued. This consolidation has only further highlighted the need for effective export control measures.

The United States must now work with our Allies, especially our friends in the United Kingdom, to improve the flow of information and increase the level of cooperation in the areas of export control reform, multilateral control regime participation, and improvements in licensing procedures.

I thank the distinguished chairman and ranking member for working with me on this issue during both the committee markup and in recent days. This provision means a great deal to both our long-term interests and to our continued friendship with the United Kingdom.

The United Kingdom has consistently proved their support for our common cause of peace. Most recently, by their efforts in Iraq. Prime Minister Tony Blair took a great deal of heat for his position, but he held fast to it because our cause was just. We will recognize him for his efforts when he speaks at a Joint session of Congress on July 17. I believe our action here today is also a strong and very welcome show of support for his and his country's efforts.

Mr. ALEXANDER. I rise to speak in support of the managers' amendment and its inclusion of the President's proposal for Millennium Challenge Accounts, or MCA.

MCA is a new approach for foreign aid. Instead of providing aid based solely on need, as is largely the approach under our current system, Millennium Challenge Account assistance will go only to those countries which meet certain criteria for good governance, free markets, and educational and health support. MCA will not replace foreign aid to countries in need; need-based assistance will continue. Nor will MCA be a subsidy for wealthy democracies—it will only go to poorer nations that qualify.

MCA, once implemented will be the first time foreign aid is provided based on a country's efforts to improve itself. This is important for two reasons. First, by investing in countries that are already showing a commitment to sound development principles, MCA assistance is far more likely to make a positive difference in improving conditions in that county. Second, by clearly delineating the criteria used for selecting countries to receive MCA funding, the proposal will provide strong incentive for other countries to make changes so they will also qualify.

I am particularly excited about another aspect of the MCA proposal: how the funds will be used. Because a limited number of countries will qualify for MCA assistance, the aid will go a long way. The Millennium Challenge Corporation, or MCC, which will manage the accounts, will work with government and citizens in the recipient country to ensure funded projects will make a significant contribution toward helping a country move to a new level in its economic growth.

I hope recipient governments, in working with the MCC, will select projects that emphasize their strengths. By focusing on their strengths, recipient countries will not only improve their comparative advantage economically, but also strengthen and build new institutions, and cultivate national pride.

When I was Governor of my State, that was the approach we took to helping cities grow economically. In Chattanooga, for example, the people and local government chose to focus on one of their strengths: the riverfront. State government joined in this effort which resulted in major renovations including a new aquarium that is the envy of the region. In Memphis, State government joined with citizens and local government to focus on improving Beale Street—the home of the Blues. Again, the area became a major attraction and highlight of the city. In both cases, the projects resulted not only in economic growth but a renewed sense of pride in their homes for both Memphians and Chattanoogans.

I also want to take this opportunity to commend Chairman LUGAR, Senator BIDEN, and Senator HAGEL for the compromise language reached in the managers' amendment for authorizing the Millennium Challenge Corporation. My distinguished colleagues have worked out an approach for authorizing a separate agency, as the President proposed, but having it report to the Secretary of State—much as USAID does—in order to maintain continuity in our Nation's foreign policy. This is an excellent compromise, and I am fully supportive of it.

Millennium Challenge Accounts represent the most significant change in our approach to foreign aid in years, perhaps ever. I urge all my colleagues to support it and look forward to watching its implementation, particularly with African countries in my role as chairman of the Subcommittee on African Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to address the Millennium Challenge Account and the importance of providing full funding for foreign assistance initiatives.

I had intended to offer an amendment to the State Department authorization bill to authorize an additional $300 million to the Millennium Challenge Account, MCA, to match the President's request of $1.3 billion for fiscal year 2004.

I believe it is critical for the United States to provide full funding for the MCA at its inception to demonstrate our commitment to those in the developing world who seek a better life and our fellow citizens at home who deserve a safe and secure future free from terror.

Nevertheless, I understand Senator LUGAR has worked closely with Senator BIDEN on a bipartisan bill and that an amendment to increase funding for the MCA is not appropriate at this time. I will not offer an amendment, but I want to take this time to emphasize the need for the United States to take a leadership role in combating global poverty and provide the necessary resources to do so.

Let us not forget that 1.2 billion people live on less than $1 a day and nearly 3 billion live on less than $2 a day; 1.2 billion people lack access to safe drinking water, 2.9 billion have inadequate access to sanitation, and 1 billion people in developing nations are unemployed or underemployed.

In March, 2002, the President announced an initiative to increase foreign aid by $5 billion over the next 3 years through the creation of the Millennium Challenge Account.

These funds would be available on a competitive basis to a few countries based on their records in three areas; ruling justly, investing in people, and pursuing sound economic policies.

Over the past few years, I and several of my colleagues have worked hard to raise awareness about the importance of a robust international affairs budget as a central component of advancing the U.S. foreign policy agenda and protecting our national security interests. We simply can not afford to rely on our military might alone to fight terror and provide safety and security for our citizens.

The fiscal year 2004 Defense authorization bill passed by the Senate authorized $400.5 billion for national defense.

Over the past 10 years, the Defense appropriations bill has risen from $261 billion in fiscal year 1994, to $355 billion in fiscal year 2003, to $400 billion this year.

Given the multitude of threats our country faces and the commitments of our troops all around the world, I fully support giving the men and women of our Armed Forces the tools they need to do their job at the highest level.

On the other hand, in fiscal year 1994, the foreign operations appropriations bill totaled $17.9 billion falling to $16.3 billion in fiscal year 2003. This authorization provides for $15.3 billion for foreign operations for fiscal year 2004 and $1 billion for the MCA. The United States spends less than 1 percent of our budget on foreign aid which is barely 0.1 percent of GDP.

Thus, I applauded President Bush's initiative to begin to restore the foreign aid budget to the high water mark of the cold war years and increase foreign assistance spending by $5 billion over the next 3 years.

The fiscal year 2004 budget resolution passed out of the Budget Committee, however, cut $1.1 billion—including $1 billion to the MCA—from the President's request for the International Function 150 Account. So, Senator LUGAR and I introduced, and the Senate passed, an amendment to restore those funds.

National security is not just about ensuring we have the most advanced weapons and the best trained personnel. We must make the same commitment to our international affairs budget and use all the tools at our disposal to prevent terror and avoid more costly military interventions in the future.

I, for one, believe that we should provide additional resources beyond the President's request; $5 billion over 3 years is a good start but, in my view, not near enough.

But I felt we should at least match what the President himself has requested for his own initiative in its first year of existence. Now is not the time to take steps backwards or shy away from larger commitment.

In addition, we should provide full funding for our existing foreign aid programs which have been proven to reduce poverty and increase economic development. Many countries will fall outside the bounds of the MCA, and we can not afford to leave them behind.

I believe the MCA and our overall international affairs budget will help us attack the conditions that foster terrorism in the developing world: poverty, hunger, illiteracy, and illness.

Terrorists prey on the hopelessness, anger, fear, and alienation of the poor and provide an easy way out of the misery of the developing world. The MCA and the international affairs budget, by providing education, health care, shelter, and food, will help promote tolerance, understanding, and political stability.

We send the wrong message when we devote billions of dollars for national defense but fail to provide the resources for a new, significant foreign assistance initiative.

We must demonstrate to the world that the United States is serious about reducing global poverty through a robust and substantive foreign aid budget. I urge my colleagues to join with me in making full funding for all of our foreign assistance initiatives a priority.

Mr. NELSON of Florida. Mr. President, the Senate Foreign Relations Committee included in S. 925 an authorization for $2 million for the Dante B. Fascell North South Center.

The Dante B. Fascell North South Center at the University of Miami is a public policy studies center that is dedicated to the analysis of complex global problems, with special emphasis on the Western Hemisphere. The center's research encompasses key areas such as trade and economic policy, migration, democratic governance, security, corruption, the environment, and information technology. Since its inception in 1984, the Center has become a valuable national and hemispheric resource, a focal point for cooperative study and an adept coordinator of international projects. It will remain so, and I hope it will continue to be a prominent focal point of Western Hemisphere studies.

Congressman Fascell dedicated his career to improving relations with countries in the Western Hemisphere, lifting the people of these nations up. He understood how the culture of South America, Central America and the Caribbean is embedded in Florida culture, and embraced it. It is in this spirit that we honor his memory by providing resources to this Center.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, the leadership on both sides of the aisle have been in conversation. For the benefit of our colleagues, so they can plan for tonight and I guess begin to plan for tomorrow, I will state where we are.

It is important that we move to the appropriations bills. The intent was to do everything possible to finish the bill we have been on for the last 2 days, but we have not been successful, although very close. We plan on moving to the legislative branch appropriations bill shortly. We have been working over the last hour to put together—which we have done successfully—a finite group of amendments from both sides of the aisle. We have them written on a piece of paper and have made a decision to work off that list once we return to the bill we have been discussing today.

The intent very shortly is to set the current bill aside, go to the legislative branch appropriations bill—Chairman STEVENS will be doing that shortly—followed by the military construction appropriations bill. Following that, we will return to the State Department authorization.

In terms of voting tonight, we likely will be voting later tonight, although until we get on the legislative branch appropriations bill, I cannot say for certain that we will. The intent is to be voting tonight to complete that bill and to go on to military construction tonight as well. That is the intent.

For planning purposes, over the next 2½ hours we expect to have no rollcall votes and ask people to stay in touch with their respective sides in terms of plans after about 8:30 tonight for rollcall votes.

I do hope we will be able to return to the State Department authorization bill as soon as we complete the other two. Until we address the issues and see how many amendments we have on legislative branch and military construction, I cannot say with certainty whether or not we will be returning to that tomorrow, but that is the intent. The intent will be to finish that bill tomorrow.

That is the general understanding as to what the plan will be tonight.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. First, with regard to the State Department authorization bill, I think we have made a lot of progress this afternoon. In defining more explicitly the list of amendments that are likely to be offered, it is not a lengthy list and I think we can work through them. I appreciate the cooperation of so many of our Senators.

I will repeat what I have indicated to the majority leader, that many of our colleagues who have submitted their amendments for this list do so with an expectation that they will have an opportunity to have a vote on or in relation to their amendment. Obviously, we are going to have to attempt to accommodate that expectation as we work through the list.

I think this is a wise decision and a wise course of action with regard to setting the bill aside temporarily because I know the time constraints under which the Appropriations Committee is working.

I will say we have very significant reservations on the part of some of our colleagues—I know Senator BYRD has expressed more than once on the Senate floor his frustration with late night sessions and votes, and I am sure, were he here, he would express that frustration again. I do believe we have to continue our work, and perhaps we can arrange ways in which to address that concern.

As I understand it, we have a handful of amendments to be offered to the legislative appropriations and supplemental bill. I think definitively there are four amendments at this point. So we ought to be able to work through those reasonably quickly. I know of no amendments to the military construction bill at this point.

So we ought to be able to work through these, perhaps even stacking the votes for tomorrow morning.

In any case, I hope that Senators who have amendments will come to the floor to accommodate the consideration of these bills in a timely way. We want to finish our work so that we can move on.

I appreciate the work that has been done and the effort that has been made to get us to this point. I hope we can have a productive evening.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to review, the plan will be to shortly go to legislative branch appropriations. We will not have any rollcall votes over the next 2½ hours.

Mr. STEVENS. Will the majority leader yield for a question? Could we get an agreement now that the amendments that are to be presented to the legislative branch bill be presented tonight, the debate finish tonight, and we will vote tomorrow on them—not have any rollcall votes tonight but have all the amendments be brought before us tonight and the arguments start and we will schedule the votes for tomorrow morning?

I know there are several Members who have talked to me and they have other events. This is sort of a surprise. We are trying to get the bill finished by tomorrow. If the leader would agree, we would get consent that all amendments must be filed and we will debate them tonight—however late it takes—and vote on them tomorrow.

Mr. DASCHLE. Mr. President, I am quite sure we would be able to enter into such an agreement, but I want to check with those Senators who have amendments to offer. That is a very wise course of action and with a little checking, I think we can enter into such an agreement, but we would have to check.

I also note I have been asked the question, Will there be votes tomorrow morning? I assume there will be votes tomorrow morning, so Senators should be prepared to come tomorrow. I defer to the majority leader for a definitive answer to that question.

Mr. FRIST. Mr. President, as I have said since Monday, our intention is to vote tomorrow morning. As you can tell from the comments in the last few minutes, there are a lot of people who do not want to vote tonight. They do not want to vote tomorrow. We have a lot of work to do. The appropriations bills are critical to address. The plan will be to vote tomorrow for sure. I don't know how late in the day it will be. The intention would be to finish as soon as reasonable tomorrow.

With that, in terms of the request, we will consider as to whether or not we would be able to lay over the votes tomorrow morning and have all the debate tonight. We will consider that. I don't want to commit to that although I will commit to having no votes in the next 2½ hours. We will work together, and if at all possible be able to stack those votes in the morning.

Ms. LANDRIEU. Will the leader yield for a question?

Mr. FRIST. I am happy to yield.

Ms. LANDRIEU. There was a very important discussion that took place earlier today on the emergency appropriations bill. The chairman has been very cooperative in working through some of the amendments we might have. I know we are on short time and we want to move the bills.

Is it the leader's understanding we will get an opportunity to debate and offer amendments on the emergency appropriations bill, perhaps not voting tonight, but in the morning?

Mr. FRIST. That would be the intention for tonight. We will be able to continue tonight, and as to whether or not we will be voting in the morning we will discuss among ourselves.

Ms. LANDRIEU. And perhaps even in the morning because there is an issue very important to Louisiana that needs to get resolved.

Mr. FRIST. We will work with both sides of the aisle. My objective is to get to the supplemental as soon as possible so we can address these issues. Once we get to it, no commitments have been made at this juncture in terms of the number of amendments and as to whether or not we will finish all debate tonight, which would be nice, so we can vote in the morning, or continue debating tomorrow.

Ms. LANDRIEU. I thank the leader.

Mr. SESSIONS. Will the majority leader yield for a question? I don't know where we are on what is being propounded before I got here, but I am concerned about the supplemental; some of the items that have been made part of that I do not think qualify—in my judgment, at least—as emergency. Will we have opportunities with any proposal being floated here that would eliminate the opportunity to have votes on that matter?

Mr. FRIST. No, we will not and there is no unanimous consent being propounded. We have had discussions and we will have.

Right now my only intent is to move off the State Department authorization and get to the bill the Senator is concerned about. We can have discussions about that.

Now, so we can move off of the State Department authorization, we have a statement?

Mr. DASCHLE. I know Senator DORGAN has been waiting patiently to make some comments with regard to an amendment he had offered. I think that is the only remaining piece of business we have on the State Department authorization bill today.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1198

Mr. DORGAN. Mr. President, earlier we cleared an amendment on the State Department authorization bill that I want to talk about briefly. The reason I want to do it is I especially want to read some passages from the Wall Street Journal today, an article by a man named Roger Thurow. We are deeply indebted to the article he has written about famine in Africa.

The amendment passed today provides the requirement for the Commodity Credit Corporation to authorize another $250 million, which the Senate had previously done, incidentally, on the supplemental bill previously. We authorized $500 million in food aid to Africa to respond to the desperate famine that is occurring there. That was cut in conference to the $250 million. This additional $250 million will reach, then, the same level that we previously agreed to in the Senate.

It will mean additional food, grain will move from America's family farms to Africa, to those in desperate need of food. I think it is very important to do this. It does respond to famine, to starvation, to the needs of people who are in desperate straits, and does so by using what is an asset in this country, something of significant value, food that is produced on our family farms.

We are told these days as farmers drive their trucks to the elevator with a load of wheat, barley, or other grain, that food has no value; prices are collapsing. In a hungry world, it has substantial value. We ought to be using the Commodity Credit Corporation to help respond to the famine and starvation that is occurring in Africa.

I will read just a part of this article. There are some 11 million people at risk at this point who do not have enough to eat, who go to bed with an ache in their belly, some of whom are dying every day. Let me read part of this article because it is such a gripping firsthand description of what it is we are trying to do. Myself, Senator DASCHLE, and Senator LEAHY offered the amendment that was accepted just a bit ago. I say thanks to the chairman and the ranking member for doing so because I think it addresses this in a very real way.

The article begins:

[From the Wall Street Journal, July 10, 2003]

(By Roger Thurow)

Their father died in 1999, their mother in 2000, both of them from what social workers and village officials believe were complications from AIDS. Since then, Makhosazane Nkhambule, now 16 years old, has been caring for her four younger brothers and sisters in their one-room mud-brick shack.

They sweep the floor of the house and the dirt yard with homemade straw brooms. They try to patch holes in the thatched roof and plug cracks in the mud walls. They fetch water from a well nearly a mile away. They scavenge wood for the fire. They go to an informal school in a neighbor's house.

Makhosazane says they can do everything they need to do, except feed themselves. "I would like to plant corn and vegetable, but we have no money to buy seeds or tools," she says. Her parents' cattle could have helped with plowing, but they have also died. The garden beside the hut and the two-acre field behind it haven't been planted since their mother died.

For two years, the orphans scrounged what they could, asking neighbors for scraps of food and waiting for relatives in distant villages to bring something to eat. Last year, the United Nations' World Food Program came to Swaziland to distribute food to those suffering from the drought that has gripped southern Africa. Although the Nkhambule children had no crops to be killed by drought, they began receiving the food aid. So, too, did thousands of other households where the adults who had been tending the fields have died. Most of the victims likely died of HIV/AIDS, which, according to government estimates, infects more than one-third of adults in this tiny, hilly kingdom.

The Nkhambule siblings, barefoot and wearing dirty, shabby clothes, embody what is being called an entirely new variety of famine. It breaks the historical mold of food crises, according to people who are studying it. It isn't caused by weather, war, failed government policy or crop disease, all of which prevent or discourage farmers from bringing in a harvest. Rather, this is a food shortage caused by a disease that kills the farmers themselves. Recovery won't come with weather improvement, new government policies, a peace treaty or improved hybrid crops. Once the farmers die, there is no rain that will make their empty fields grow. * * *

Now, I have heard testimony of people who have been to this part of the region who say they find old ladies, old women, climbing trees to forage for leaves to eat because it hurts to be hungry. People are dying every single day. The question is, What can we do about it?

Every day, as more and more die, with 11 million people at risk, 11 million orphans currently living in Africa at risk of severe malnutrition, even as people die, our farmers are told the food they produce in such abundance has no value. That is why the Commodity Credit Corporation has the authority for $30 billion worth of food to be moved to places in the world where it is needed.

This amendment would simply provide for less than 1 percent of it to be added to that which is already on the way, to provide some assistance and relief to those who are suffering.

It is easy, I suppose, for some to ignore this. But when millions of people face famine and illness, the world—and especially our country—cannot turn its head. We know what we produce in great abundance has value. It has value to help people around the world who are starving.

Again, thanks to Roger Thurow, a reporter who is in Swaziland, for telling us specifically about the ravages of this famine, what it is doing.

We just talked about AIDS in legislation we passed recently. President Bush is in Africa talking about AIDS. The fact is, this famine relates directly to AIDS. These children are hungry. These children are starving—not because it didn't rain but because they have nothing to eat. Their parents are dead. The cattle are dead.

So if we can do this small amount through this amendment I have offered for myself, Senator DASCHLE, and Senator LEAHY, if we can add to this $500 million, half of which was taken out in conference—if we can add the money to make that whole once again, there will be bags of food going to these villages to feed hungry people and our country will do something, again, that not only makes us proud but represents the best of this great country of ours.

I thank Senator LUGAR and Senator BIDEN and my colleagues, Senators DASCHLE and LEAHY. We deeply appreciate this amendment being accepted by the Senate today.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 2004

Mr. CAMPBELL. Mr. President, I ask unanimous consent we turn to consideration of H.R. 2657, the legislative branch appropriations bill; that the text of the bill relating solely to the House remain; that all other parts of the text be stricken; and the text of the Senate bill, S. 1383, be inserted; and that no points of order be waived by this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

Mr. CAMPBELL. Mr. President, I am pleased to bring to the full Senate the legislative branch spending bill for fiscal year 2004. I appreciate the support of the Full Committee Chairman Senator STEVENS and Ranking Member Senator BYRD, and assistance of my ranking member, Senator DURBIN, in this process.

This is my first year as chairman of this subcommittee, and I believe Senator DURBIN and I have done our best to craft this bill to meet the highest priorities of the legislative branch with an allocation that is $190 million below the request level. Chairman STEVENS knows I am not complaining about the allocation—he has been very generous in this allocation given the very tight constraints the committee faces.

The bill totals the allocation level of $3.6 billion in budget authority.

Most agencies and programs have been kept to current staffing levels, with full funding recommended for normal pay and price level increases.

Increases above the current level have been provided in a few key areas, particularly security.

I would like to review the highlights of the bill for my colleagues. For the Capitol Police, funding totals $240 million. The amount recommended would enable them to have on board by the end of the year 1,771 police officers, in keeping with security recommendations made by law enforcement experts. I believe this is prudent and necessary to ensure adequate security for the Capitol complex.

Having been in law enforcement myself, I am keenly interested in making the U.S. Capitol Police the premiere law enforcement agency in this country, and the funds we have recommended help move them in this direction with resources directed at not only increasing the force size, but improving the administrative infrastructure of the agency to ensure it is managed properly, and adding important new programs such as a mounted horse unit.

For the Architect of the Capitol, funds total $358 million, which is $89 million below the request, owing to the deletion of several major projects which should be deferred until completion of the Capitol Visitor Center—the highest Architect of the Capitol priority at this time.

Our recommendation includes $47.8 million for the Capitol Visitor Center, which represents the General Accounting Office's estimate—in conjunction with an independent consultant with expertise in construction cost estimating—of the cost to complete the project.

Some have called for cutting corners on the project rather than appropriating the funds needed to get the job done right. I don't agree. I am new to this project but I am a big supporter. It promises to enhance security for the Capitol complex, while also ensuring a much better educational experience for visitors who come to the Capitol.

This Visitor Center was planned and preliminary work was done before 9/11. No one could have predicted that changes would have to be made after 9/11 because of an increase in the security requirements.

While there have been some problems with this project to date, and some cost overruns due to unforeseen site conditions and unexpected costs related to utility work, we plan to monitor the project closely to ensure that costs are kept under control, the schedule is adhered to, and quality is not jeopardized.

Moving on to the Library to Congress, there is a total of $523 million included in the bill, $19.6 million above the FY03 level but $17 million below the request. Funds are reduced from several program areas slated for increases, owing to budget constraints, but the Veterans History Project is fully funded at the increased level of $1.3 million and no program is cut below current levels.

For the Senate, a total of $718 million is recommended, $27.9 million below the request. Reductions are primarily from the Sergeant at Arm's projects which can be deferred until FY05.

To my knowledge, there have been no amendments filed on either side of the aisle for titles I and II.

Mr. STEVENS. Mr. President, we are awaiting the Senator from Nevada.

Let me state for the Senate that it would be my intention to move to close debate and consideration of any further amendments to title I and title II following the statements of the two managers of the bill. We have no notice of any amendments by any Member wishing to offer to title I or title II. Title III is the portion of the bill that contains the supplemental provisions and that will be open to debate.

We will later ask consent that all amendments and all motions to title III be offered tonight and debated tonight with the votes to occur on any matters which will be brought to a vote tomorrow morning. That is not the agreement yet but that is the agreement we will seek.

I yield the floor.

Mr. REID. Mr. President, I would be happy to agree to that at this time. I agree that titles I and II be closed and I be allowed to give a statement in support of the bill itself with no amendments in order to titles I and II.

Mr. STEVENS. Mr. President, if the distinguished Senator from Nevada would allow us, we just put out the hotline on both sides. I want to make sure no one has objections until we get final consent.

Mr. REID. Mr. President, one of the most pleasurable times of my Senate career was the 4 years that I served as chairman of the Appropriations Subcommittee on Legislative Branch. Working with Senator NICKLES and Senator SLADE GORTON of Washington, we were able to accomplish that which really had a meaningful impact on this body.

When Senator DURBIN, who is tied up, as he should be, in the most important asbestos legislation now before the Judiciary Committee, asked me if I would cover this bill for him today, I am doing it with pleasure because it brings back memories of working on this bill.

We did good things for the Library of Congress. I still have a very close personal relationship with Jim Billington as a result of what we were able to accomplish in some very difficult times for the Library of Congress.

The Library of Congress is the greatest library in the history of the world. Today, the Library of Congress is the greatest library in the history of the world. It is as a result of what we as a Congress did. We provide money for that.

The General Accounting Office, which is funded through this bill, is the watchdog of Congress for the American people. It has done remarkable things. It is a nonpartisan organization that does so much good. Yet we have cut back the money I think they need. I wish we had more money to give them.

Much of the work is done directly through the committee chairman and the subcommittee chairman. Previously, it was effectively by all Members of Congress.

I think the work I was able to do with my counterparts for the Capitol Police was very important. I don't know, there may be another Member of Congress who was a Capitol policeman. I don't know of one. But I was a Capitol policeman. I worked a swing shift. I came at work at 3 or 4 in the afternoon. I worked 6 days a week. I went home after midnight every night. That is how I put myself through law school. I acknowledge that I wasn't as well trained and the times were not as difficult as they are now. But I was still a Capitol policeman. I am proud to have in my office up on the third floor in the Capitol my badge, No. 236. But I am very proud to be an alumni of U.S. Capitol Police Force.

I am pleased to do this for my friend, the distinguished Senator from the State of Illinois, who is such a good Senator and who has done a remarkably good job in his tenure on this committee, this his second go-around as chairman of this committee.

I echo the thoughts of the chairman of the Subcommittee on Legislative Branch, my friend from the State of Colorado, Senator CAMPBELL.

The bill before us today is comprehensive, thorough, and fair, especially in light of the tight funding constraints we are under this year. This is one of the 13 subcommittees. I wish we had more money. It could be used. There are many things that we need to do that we are not able to do.

As has been pointed out, there are a number of things that this subcommittee is doing and has done.

I want the RECORD to reflect and I want the chairman of the subcommittee to know how much I support the work on the Visitor Center. The record is quite clear that I started supporting this when I was chairman of the Legislative Branch Subcommittee. I am sorry to say, I, alone, was unable to get this done. The real impetus for accomplishing this was the tragic death of two Capitol Police officers. But for their deaths, we would not have been able to be in the position we are now in with this Capitol Visitor Center. But we are here.

We have had complaints from some of my friends, as a matter of fact, who serve in the Congress of the United States, who complain about the funding for this not being adequate, the original number. Well, any one of us who drives through here sees the tremendous engineering feat that is taking place in the front of this historic building. It is a huge job. I go out at least once a week and watch them. I suggest every Member of Congress go out and watch what they are doing out there.

Why are they doing it? To make this Capitol safer than it was before this facility began to be built. To make it more convenient for people who want to visit the Capitol. In the summer and winter, when people want to come to this building, they stand outside. There is no place for them to go to the bathroom. There is no place for them to get a drink of water or have a snack.

The Visitor Center is going to provide that. It will also allow security checks to be made so people don't come into the Capitol carrying things they shouldn't carry and doing bad things to people they shouldn't do.

So I want the chairman of this subcommittee to know that I am on board. I will defend, in any way I can, the work that is being done in front of this building. It is important for our country.

When I first got this subcommittee, I could not believe the east front of the Capitol of the United States was a parking lot, a blacktop parking lot. We were able to do a few things and get the cars moved off slowly but surely. That was a struggle. But I will do whatever I can to make sure this Capitol Visitor Center is completed and is as nice as the Capitol itself. We want the Visitor Center to be as nice as the Capitol itself.

If the people in charge—namely, the Architect of the Capitol—are allowed to go forward, it will be as nice as the rest of the Capitol. It will be something of which we can all be proud. And people coming here, who will be able to walk into this beautiful Capitol, will be able to see films of the Capitol itself. They will be able to pick up tour guides there. There will be a place for them to go to the bathroom or have a sandwich, if they want one, buy souvenirs. And they will not be asking: The Capitol of the United States, this ugly blacktop with cars parked all over it? That is going to change. So I am happy to lend my voice as a cheerleader for the Capitol improvement we will have out front.

I am glad to see this bill includes $33 million over last year's level for the Capitol Police. Again, that probably isn't enough, but by the end of fiscal year 2004, the Capitol Police will have 500 more officers than they did on September 11, 2001—not enough but certainly a step forward.

So, Mr. President, I am talking far longer than I should have. But I really do have some sentimental attachment to this bill. It is not often I think of it, but the subway we ride from the Hart Building over to here is something I was able to work on when I was chairman of this Legislative Subcommittee. And we did not do it all at once. In fact, we put a little bit here and a little bit there, and pretty soon we had enough money to take care of the subway. It was $16 million.

The reason I worked so hard on that: I can remember the old cars you can still see going to the Russell Building. A man in a wheelchair tried to get in that old subway car. He couldn't do it. They brought him up there and put his legs—he was having spasms in his legs. They couldn't do it. They couldn't put him up there, no matter how hard they tried. Now someone in a wheelchair just moves into the subway car, no problem at all.

So, again, Mr. President, I have talked too long on this most important legislation we have before us. But I am proud of the years I spent working on the Legislative Branch Subcommittee. And I say to my friend from Colorado, he has been a member of the Appropriations Committee for some time, and I know he has been involved in other subcommittees, and there have been some changes made, and this is the first year he has been chairman of this subcommittee.

I say to the Senator, I hope you will look back on your service on this subcommittee with feelings as I have for what I really believe is the good that comes from this subcommittee. It was—I repeat for probably the third time—a joy to work on this subcommittee. I look back with such fond memories at the time I was able to spend on it. And, frankly, I am kind of glad Senator DURBIN was tied up so I could reflect on my service as a Senator working on this subcommittee.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Let me say, in closing, I certainly appreciate my friend's support. We have a great deal in common. We both have sports backgrounds. We are both westerners. We both have law enforcement backgrounds. So we have worked on a good number of things together. And his voice in support of this bill is really appreciated.

I guess he recognizes, as I do, that although many people in America do not know very much about this bill, everyone who comes to the United States Capitol, sooner or later, is affected by the money that is in this bill.

I know, as my friend knows, there were many times we came to the Capitol—before that hole was in the ground out there—in the wintertime, with drizzling rain, drizzling freezing rain, and there would be people lined up out on the tarmac, the blacktop, shivering, freezing, just waiting for a chance to get in to watch these proceedings. That is not right.

When we get done with this Capitol Visitor Center, as my friend and colleague from Nevada said, they are going to have a place to learn a lot more about their Capitol and the institution in which we now serve. I think we will all be better served by finishing this Visitor Center.

I just want to tell the Senator from Nevada how much we appreciate his support.

I have no further comments, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have not had any response to the request concerning title I and title II. So at this time, I ask unanimous consent that title I and title II be considered closed and not be available for amendments or motions or points of order or any action at all as we consider the rest of this bill. That leaves title III which is the supplemental portion available completely for consideration of the Senate.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, without objection, it is so ordered.

Mr. STEVENS. Mr. President, I call to the attention of the Members of the Senate that in this bill we have before us now—the House bill, as amended by the Senate bill—we have title III which deals with supplemental emergency appropriations for 2003.

In this bill is $1.550 billion for the Department of Homeland Security for disaster response. It is estimated that the disaster relief fund will exhaust its current funding by the end of this month, July 2003, in part due to the higher than expected costs for disaster relief, including funding for tornadoes and winter storms. These additional resources are needed to continue to provide necessary emergency assistance.

There is also a NASA provision that provides an additional $50 million for the National Aeronautics and Space Administration. These funds will cover additional and unanticipated costs associated with the recovery and investigation of the Space Shuttle Columbia accident, such as collection and reconstruction of the orbiter Columbia, and computer analyses of potential failure scenarios and impact testing of space shuttle wing components.

We also have an amount in this bill for firefighting. We ask the Senate to provide an additional $253 million to the Forest Service for wildland fire suppression and emergency rehabilitation of burned areas to ensure sufficient funding for the 2003 fire season.

We also ask for an additional $36 million for the Bureau of Land Management for wildland fire suppression and emergency rehabilitation of burned areas to assure that sufficient funding is available for the 2003 fire season.

These funds will bring the total fiscal year 2003 funding available for wildlife suppression to a level equal to the 10-year average, which includes the severe 2002 fire season.

I am on notice there are several amendments we will be considering. I ask my friend and colleague from West Virginia if he has any opening statement to make concerning the supplemental request in this bill?

Mr. BYRD. I have none.

Mr. STEVENS. I thank the Senator.

I know the Senator from Nevada has an amendment I join in offering. I remarked today at the hearing that we had in the Appropriations Committee on the Interior appropriations bill, 2.2 million acres of my State burned last year. We have a series of very devastating fires going already. One of the worst problems we have is the infestation of insects in trees that now have been dead for a couple of years. If a fire starts in those areas now, we will have a catastrophe of unknown size. I join the Senator from Nevada in offering an amendment to provide additional funds to deal with fire prevention as well as the firefighting amendments we have in the bill already.

I yield to the Senator from Nevada.

The PRESIDING OFFICER. The assistant Democratic leader.

AMENDMENT NO. 1201

Mr. REID. Mr. President, the distinguished President pro tempore of the Senate is very kind. I send an amendment to the desk on behalf of Senators STEVENS and REID for Senator FEINSTEIN and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. FEINSTEIN, Mr. DASCHLE, and Mr. STEVENS, proposes an amendment numbered 1201.

The amendment is as follows:

(Purpose: To appropriate an additional $25,000,000 for emergency actions to reduce the threat to human safety arising from the threat of catastrophic fire in dead and dying trees)

At the appropriate place, insert the following:

SEC.   . (a) ADDITIONAL AMOUNT FOR COOPERATIVE FORESTRY ASSISTANCE.—The amount appropriated by title   of this Act under the heading "   " is hereby increased by $25,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title   of this Act under the heading "   ", as increased by subsection (a), $10,500,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees including—

(1) clearing of evacuation routes;

(2) clearing around emergency shelter locations;

(3) clearing around emergency communication sites; and

(4) clearing buffer zones around highly populous communities in order to prevent fire sweeping though such communities.

Mr. REID. Mr. President, I am confident and hopeful that the committee can work something out on this matter before final passage. Senator FEINSTEIN is heavily engaged. She is an important member of the Judiciary Committee. She has been involved in that every step of the way. This is legislation that involves so many very important issues. It really would have been very hurtful to the committee and the movement of that legislation not to have Senator FEINSTEIN come over here and offer this amendment. As a result of that, during the last vote, she spoke to Senator DASCHLE and me and asked if we would cover her. This is something I am very happy to do, knowing how strongly she feels about this and the difficult problems that exist in California with the beetle problem. Senator STEVENS has indicated that exists all over the country. This amendment will maybe not take care of everything but will take care of a lot of it. I hope the committee would strongly consider the amendment prior to final passage of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Nevada for sending the amendment of Senator FEINSTEIN at my suggestion. The amendment will make money available for a fund that is depleted. That fund is available under this amendment to fulfill the request or attempt to fulfill the request of the Governor of any State to deal with the trees that are dead or dying because of infestation of these beetles. They are not all the same types of beetles but the result is the same. Dead timber is nothing but fuel for an enormous fire, if one gets started in the area of that. That happened in what we call the Millers' Reach fire north of Anchorage. I personally watched it from a helicopter. The sinuosity of that fire just followed right through the dead areas. Then it came back to burn the whole area. Once it started, the fire just kept burning out.

I think the answer is to try to deal with the dead trees as quickly as possible and protect particularly the developed areas as much as possible from these areas. This amendment will allow Governors of any State to request funds to deal with that. Again, this is 2003 money. We are not talking about an enormous sum. This is money for the balance of this year. We hope the bills for 2004 that will come before the Senate later will adequately cover all those items. I join the Senator from Nevada and hope the Senate will approve this amendment. I ask for its consideration.

The PRESIDING OFFICER. Is there further debate?

The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, Mr. President, I want to be very helpful here on Senator FEINSTEIN's amendment because I am sure it is going to a very worthy cause. But I want to ask the chairman, since it is attempting to put money into an account that is depleted, the amendment I am going to be offering will also put money into an account that is depleted, that is empty, for a different purpose but for the same effort, because there is a real problem of levee rates in Louisiana. I hesitate to object to the amendment or to even oppose it, because I don't oppose what we are trying to do. But I do oppose adding money to a depleted account when we don't seem to be able to add money for an account that is depleted.

Mr. STEVENS. If the Senator would check with her staff, I have already cleared her amendment with regard to moneys to go into that account in a similar way we have done for this beetle problem.

Ms. LANDRIEU. I thank the Senator.

Mr. STEVENS. I ask for adoption of the amendment.

Mrs. FEINSTEIN. Mr. President, there are now as many as 415,000 acres of dead and dying trees on the San Bernardino and Cleveland National Forests and surrounding private lands as the result of drought, decades of fire suppression, and a bark beetle infestation.

Jack Blackwell, the Regional Forester for California, has described this situation as an unprecedented threat to public safety.

There are large mountaintop communities with over 90,000 people total, communities that are completely surrounded by thousands and thousands of deed trees. In addition, the only escape routes are narrow winding mountain roads which are themselves surrounded by dead and dying trees.

The result is that thousands of lives are at risk.

There is some good news, in that San Bernardino National Forest and California Department of Forestry staff agree on the four highest priority tasks to reduce the threat to public safety.

First, they want to clear evacuation routes from the mountain communities. This involves clearing a corridor on either side of major escape roads so people can escape from their communities without being blocked by fallen trees, or the radiant heat of the fire.

Second, they want to clear trees around safety zones like elementary schools and camps. This gives people a place to go if they can't get out of the community.

Next they want to clear brush around communication sites in the forest to communicate with the public and emergency responders.

Finally, they want to clear buffer zones around populous communities, protecting thousands of lives.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1201) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1200, AS MODIFIED

Mr. HARKIN. Mr. President, I call up amendment No. 1200 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 1200, as modified.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To transfer education funds that would otherwise lapse to the Title I Grants to LEAs program)

At the appropriate place, insert the following:

Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed $4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: *Provided*, That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer.

Provided further, Any amounts transferred to the Education for the Disadvantaged account pursuant to the previous paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: *Provided further*, That the Secretary of Education shall use these additional funds to increase those States' allocations under that subpart up to the amount they received under that subpart for fiscal year 2002: *Provided further*, That each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: *Provided further*, That the Secretary shall not take into account the funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

Mr. HARKIN. Mr. President, this is a very simple, fully offset amendment that will restore a cut in title I funding to three States without harming or hurting any other State.

The fiscal year 2003 Labor-HHS appropriations bill that Congress passed in February included a 13 percent increase for title I, the most important Federal program in the No Child Left Behind Act. At the time the Congressional Research Service projected every State would receive a sizable increase over the previous year. But 4 months after the bill was passed, new data from the 2000 census showed that three States would actually get less title I money in fiscal year 2003 than they did in fiscal year 2002. Those three States are Iowa, Maryland, and Michigan. Their total cut in title I funding is $4.4 million.

The Congress did not intend for any State to get a cut in title I. I recently had a meeting with Secretary Paige about this matter. We had a full and frank discussion. He agreed to find an offset from Education Department funds that would otherwise lapse at the end of the fiscal year. Again, let me make it clear, none of the title I money in this amendment will come from any other State. It is fully offset by Education Department funds that will not otherwise be spent. Secretary Paige has signed off on the amendment. So has Senator SPECTER, chairman of the Labor-HHS Appropriations Subcommittee. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am informed this amendment has been discussed with the Department of Education and at this time, the best I can say is I am willing to accept the amendment and take it to conference. This is the first time we have seen the amendment, and it is somewhat complicated. But it goes to a point I understand Secretary Paige has discussed with the Senator from Iowa and it does affect three States. I cannot commit that it will absolutely come out of conference, but I will do my best to hold it. Right now, not having any further information than I have just received, I believe it is worthy of the Senate adopting the amendment so we can take it to conference. And we will work with the Senator from Iowa if there are any comments that come from the administration in the meantime.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. I urge that the amendment be accepted.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1200), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous to speak as in morning business to pay tribute to some Californians who were killed in Iraq. It will probably take no more than about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask the managers if I may speak for a moment about pending amendment. I don't want to call it up at this point. I would like to talk about it for a few minutes.

The PRESIDING OFFICER. The Senator has a right to discuss any matter she wants to.

Ms. LANDRIEU. Mr. President, as we are still working on the amendment, I hesitate to call it up at this point. I want to talk for a moment about why this amendment is so important. I think what the Senator from Alaska is doing is extremely important, and I commend the administration for putting forth a bill that really helps to address some very serious problems in our Nation because the emergency accounts are depleted.

There are many emergencies occurring in our Nation, from fires to tornadoes. People's lives and homes are at risk. If the Federal Government doesn't act and do it quickly and appropriately, tremendous hardships and difficulties can result. So I am 100 percent supportive, and so are the people in my State, just as is every State that suffers from natural disasters.

I am having a difficult time understanding why there is some hesitation—and the chairman has been very cooperative—to fund or to ask for money to fund the emergency fund—not a nonemergency fund, but an emergency fund that is completely empty. There is no money left in this account. It is a very important account not just for Louisiana, but for Mississippi, Alabama, Florida, Georgia, California, and for all the States in the Union. It is the only account in the Federal Government that allows the Corps of Engineers to fix the levees when they are damaged in anticipation of a great storm that might come, and to prevent the loss of property damage. So we can save money in the bill by providing a little bit of maintenance on these levees. This account is empty.

I am asking for whatever the chairman and the Members of the Senate think we can afford—whether it is $20 million, $30 million, $40 million—to get us through the end of the year so we are prepared when the storms come. And they will come, hurricanes will come.

We just had a pretty tough storm last weekend. There is one out in the gulf as we speak. If I had time, I could put up a chart that shows where it is. There will be storms, and it is predicted to be a very difficult season. We hope and pray and prepare. But the account that helps us to prepare is empty. There is not a dime in this account. Let me repeat. The account that helps the Corps of Engineers prepare levee systems for the whole country—not just Louisiana—is empty.

We are getting ready to pass a bill to protect us from emergencies. Yet this account is empty. I am asking the Senate to not pass this bill without putting some money into this account so that we can build up the levees in anticipation of storms—not after a storm has come through and wreaked hundreds of millions of dollars of damage, but before the storm hits, to be able to repair the levees that have been weakened by rain or by storms that are not hurricanes, tropical storms, or storms that don't rate to be a hurricane, and to prepare the levees to prevent the taxpayers from having to pick up a bigger tab.

That is why I want to spend a few minutes talking about this issue and asking the Senate for its attention. If we can find $25 million to help fund disasters that occur because of dead trees, I think we can find at least half of that money somewhere to preserve the levy system in the country that protects billions and billions of dollars of infrastructure everywhere, not just in Louisiana.

As the chairman and staff are considering what to do, I hope we can find a certain amount of money to make sure we get through the end of the fiscal year or get through a period where on another bill, perhaps energy and water appropriations, we can add some money.

Whether $10 million or $20 million is enough, I do not know. Perhaps the Corps of Engineers which is engaged in this debate can give us some idea, based on weather predictions and patterns, determine what amount will be enough to help us.

This is a huge issue for Louisiana, and it is a big issue for all the States. My people are afraid. They are frightened. The phone has been ringing off the hook because of the storm from last week. When I called the Corps of Engineers, which I typically do after a storm, and said, Could you please send some crews to help us with the levees, the people are very frightened, they said to me: Senator, there is no more money. We would love to send the crews, but there is no money in the account.

I said: Do not worry about it; there is a bill coming through the Senate for this exact purpose—only to find out maybe the bill is not for this purpose. That is why I am going to offer this amendment in a few minutes, sometime tonight, and hopefully we can get it resolved.

The Senator from Nevada, because he is the ranking member on the Energy and Water Development Subcommittee which funds the Corps of Engineers, knows how important this particular fund is for the regular maintenance of a levee system, not after the Governor calls it a disaster. This is for maintaining the levees before the storms hit to prevent damage, to minimize damage, and save people's lives and property.

There are other accounts that kick in once something is declared an emergency. That is not what I am talking about. There is no money in the account right now as we speak to prevent and repair the levee.

The Senator from Alabama on the floor. I know he is going to speak on another subject. But there is no money to repair levees in Alabama, which is a coastal State, or any State. The account is zeroed out.

I yield the floor and reserve the right to offer my amendment later tonight.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, there is still $330,000 left in this account. It is a strange account. There has been extraordinary activity in this account because of the tornadoes that hit the Midwest this year. That is why it is now depleted. There is $60 million in the 2004 bill which will be coming before the Senate next week.

We are dealing with a question of how much money might be needed for prevention in the period between the time this bill is enacted and signed, which we hope will be sometime before the end of this month. At most, we are dealing with 8 weeks of money that might be called upon on the basis of a Governor's request and a Presidential declaration of disaster in taking preparatory steps to prevent further damage.

Again, I am on notice that at least two other Senators intend to ask for similar money. I am told by the people who handle this money that the most that could be used is $10 million. I am prepared to offer an amendment—I will do it or ask the Senator from Louisiana to offer it—that will put $10 million in this fund to remain available for expenditure. That means, if it is not used in 2003, it will carry over to 2004.

Right now there are no demands, obviously, because there is still some money in the account. In order to be safe, we are willing to ask for an additional amount of $10 million for this fiscal year, 2003.

I inquire, does the Senator want to offer an amendment for $10 million or shall I offer it?

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am happy to let the Senator offer that amendment. I will support the amendment, but the last telephone call I made to the Corps emptied their fund of $600,000, and if there was $300,000 in that account this morning, it should be empty now because the money is heading to Louisiana to fix some levies.

I thank the Senator for his help.

AMENDMENT NO. 1206

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1206.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Making emergency appropriations to the Corps of Engineers for emergency assistance)

At the appropriate place, insert the following:

": *Provided further*, That for an additional amount for "Flood Control and Coastal Emergencies," for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 USC 701n), $10,000,000, to remain available until expended:"

Mr. STEVENS. Mr. President, this is for the Corps of Engineers flood control and coastal emergencies fund. It will be available immediately upon the signature of the President.

This bill does have a clause that makes funds in this bill, title III, immediately available to the President for disbursing.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 1206) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, while the Senator from Louisiana is here, I say to her, I think she did the right thing. I am the ranking member on the Energy and Water Development Subcommittee. The President requested $75 million for this account this year. Senator DOMENICI and I are going to mark that bill up and pass it out shortly.

As the Senator from Alaska said, if, in fact, there is an emergency, we have this money in there, of course. Also, if anything goes wrong within the next 60 days before the 2004 bill passes, money can always be used from FEMA if there is an emergency. For the people of Louisiana, I hope there is no natural disaster but if there is, it is not as if there is no way of helping them.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1202

Mr. SESSIONS. I thank the Chair. Mr. President, I appreciate the opportunity to make some remarks. I thank Senator STEVENS for his courtesy in allowing me to have this time.

I ask that the pending business be set aside, and that the amendment I previously filed, No. 1202, be called up for debate.

The PRESIDING OFFICER. There is no amendment that needs to be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1202.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the additional amount for programs under the National and Community Service Act of 1990)

In title III, strike the following: "*Provided further*, That for an additional amount for 'Corporation for National and Community Service, National and Community Service Programs Operating Expenses', for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the 'Act') (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), $100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended:".

Mr. SESSIONS. Mr. President, the amendment I have offered will remove the $100 million that is contained in the emergency supplemental section. I think it is wrong to include it in the emergency supplemental appropriations bill. It apparently is not an emergency, and I wish to talk about that a little bit. It is certainly not good public policy for us to do this.

There are people in this Congress who support AmeriCorps and there are those who oppose it. My concern at this point deals with how this money has been added and whether or not it should be properly added.

The emergency supplemental that has been made part of the legislation moving forward tonight involves the expenditure of Federal money outside the budget we approved. I serve on the Budget Committee. We worked hard to develop a budget of which we felt proud and on which we could agree. Frankly, with the deficits we are facing, I thought the budget was a little higher than I would have liked to see but it had a modest growth across the board in all areas.

We agreed on it, and it passed in this Senate. We understand that legitimate emergencies occur during the year. We understand that when those emergencies occur, it is appropriate for Congress to appropriate emergency funding for them. This emergency funding agreement has some valuable items in it. We have a number of emergencies today but there has been a tendency—and I would say it is not a good tendency—to add to the emergency supplemental general items of appropriation that people would like to see be passed and be paid for.

I remember talking with a senior member of the House of Representatives. We wanted to get a bill passed that would help Alabama. I talked to him about how we might do this. He said: Jeff, we need to look for a supplemental.

I said: Well, good.

He said: Do you know why?

I said: No.

He said: The reason you want a supplemental is it does not count against the deficit.

Well, I thought that was kind of amusing. I said: What do you mean it does not count against the deficit? It is money we spend.

He said: I do not know. It is just money that does not get counted against the deficit.

What he really meant was it does not count against the budget. If you spend something extra, under a normal appropriations bill and you exceed the budget, or you should stay within your budget, the appropriators try to do so and if they spend money on one item they have to save money on something else. They have more requests than they can fund so they take the money and they reduce it to fund what they want. Some things do not get funded. One great way to get something done that one wants done in their district, that they believe in, that is easy to do, that requires no offsets, no competing against any other appropriations, is to tack it on to an emergency supplemental. Of course, it does add to the deficit. It adds to our debt. It increases our debt. It is real money and it is a real expenditure. It just circumvents the budget process and the integrity of the budget process.

Frankly, a lot of these supplementals ought to be offset anyway. We could find $1.9 billion to offset these emergencies we are funding. I know we did not. We do not have to. This is the kind of emergency bill that we normally face and we normally pass without offsetting. So that is the circumstance we are in.

I would like to go into that a little bit further. I want to say this before we get into the details of this amendment: Tomorrow is cost of government day. Cost of government day is a day in the calendar year when Americans have paid their share of Federal, State, local tax, and regulatory burdens. This year cost of government day is 4½ days later than last year. This means that from the beginning of this year, Americans have been working for the Government and will not stop working for the Government to pay their taxes until tomorrow. That is a big deal.

One of the best ways we have to maintain some control over spending is the budget process. This supplemental is outside the budget process. So I am concerned about it. So $100 million, that makes us work just a little bit longer this year than we would have otherwise. By passing this amendment, we work a little less for the Government this year than would otherwise be the case.

I will go a little further. The AmeriCorps appropriation does not belong in title III to an emergency bill. Let me say why. Look at the bill itself. Here are the legitimate emergency fundings that are in this bill: $1.55 billion for disaster relief and emergency assistance for fires and those kinds of events. That is important. That is a legitimate emergency, I think. At least historically we have considered it so. There is $50 million to cover expenses for responding to the Space Shuttle *Columbia* accident. NASA has incurred some substantial costs as a result of that. This will not fully reimburse them for that but it will be a help. There is $289 million for wildlife fire suppression and emergency rehabilitation activities. So I can understand those. Those are legitimate designations. While I would like to see us have offsets for that within the budget, that is not going to happen.

However, during the markup of this supplemental, without any real debate the committee agreed to an amendment to provide $100 million in emergency supplemental funds for AmeriCorps not requested by the President. The President requested emergency funding for these other items. His budget people reviewed them carefully. The funds and numbers they asked for were subject to some scrutiny there. So in this emergency category, we have disaster relief, space shuttle accident, wildfires, and AmeriCorps. I do not think it belongs on this list.

I see the value in AmeriCorps but I have been concerned about it for some time as not being a well run agency. I have not led a fight against it on the Senate floor but I have had some serious concerns. They have been shared by a very knowledgeable person who cares about AmeriCorps and who cares about helping people in need.

I want to read from a press release from Congressman JIM WALSH, who is chairman of the House Appropriations Subcommittee on VA/HUD and Independent Agencies with oversight over AmeriCorps, the national service program.

This is a committee where this ought to be dealt with. It ought to be dealt with in our appropriations bill from our committee that deals with these very agencies. I want my colleagues to listen to the extraordinary comments that Congressman WALSH makes. Frankly, when I raised my objection to this addition to the emergency bill, it was based primarily on the process concerns and my generalized concern about the efficiency of AmeriCorps. I did not realize AmeriCorps had misbehaved as badly as it has. This is what Congressman WALSH said:

> I have been a strong and consistent supporter of the AmeriCorps program throughout my tenure in the United States Congress. Hundreds of volunteers have accomplished some amazing things in communities across my home State of New York. As a returned Peace Corps volunteer—

He is talking about himself—

> I recognize and appreciate the value of this service program for local communities, program participants and our Nation at large. In fact, I was a supporter of its mission and opportunity the day the program was signed into law by President Clinton, and remain a steadfast supporter today.

Now I would like to share the concerns of this strong supporter. He says this:

> However, AmeriCorps has been sadly plagued by poor management and weak financial oversight by program managers in Washington since its inception. Repeatedly, AmeriCorps administrators have overestimated capacity and underestimated available resources. This Congress has repeatedly instructed AmeriCorps to reform its management and to improve its accounting procedures, all the while working to live up to the commitments to its current participants.
>
> Most recently, just two months ago this Congress appropriated an additional $64 million in supplemental funding to close another budget gap, this time to cover agency overspending of funds clearly designated to cover existing volunteers' educational stipends.

So he says just 2 months ago we appropriated another $64 million to cover overspending by this program. Why do we need extra money? Because they overspent. They mismanaged and they came back 2 months ago and got $64 million. That is not enough. They want another $100 million.

Quoting Congressman WALSH, this supporter of AmeriCorps:

> In the fiscal year 2003 bill—

That is the bill we are operating under this year—

> Congress provided necessary funding to cover the enrollment of 50,000 volunteers nationwide. Federal law set that as the enrollment limit, and AmeriCorps administrators agreed to it. In response, those same administrators went out and contracted with grantees and local agencies for 70,000 volunteers without the money or the authorization to do so.

I am just quoting Congressman WALSH.

He goes on to say:

> My opposition to the Senate's supplemental AmeriCorps appropriation proposal comes down to an issue of accountability. We shouldn't reward an agency that violates federal law and mismanages taxpayer dollars by providing additional funding until clear and consistent reforms have been enacted. Should these requested funds be appropriated, I have little faith that the existing operation could get the funding out of Washington to local community grantees effectively or equitably by the end of this fiscal year on September 30th.
>
> The positive impact AmeriCorps volunteer programs have across the country makes this a difficult decisions to make, but I truly believe that this action is necessary if true reform is to occur and the agency's long-term stability secured.
>
> At the same time, I look forward to constructing an FY '04 appropriations bill that adequately meets the growing role AmeriCorps volunteers have been asked to play by increasing ranks and expanding opportunities should agency leaders be able to demonstrate their commitment to improving management practices, reforming financial operations, and strengthening grant procedures.

So we are being asked to tack on to an emergency bill an AmeriCorps supplemental of $100 million in addition to the $64 million in supplemental funding added to close another budget gap earlier this year, and we still do not have reform and an understanding that we are going to fix the out-of-control agency. This is an important matter.

I note that Mr. Thomas Schatz, the president of Citizens Against Government Waste, has written. He strongly supports this amendment. He notes that:

> . . . striking anomaly about AmeriCorps is that it is not a volunteer program at all. Rather, it recruits college-age students for paid positions and then uses taxpayer dollars to subsidize the organizations that hire these recruits. Those hired by AmeriCorps participants cost taxpayers a bundle. An August 1995 GAO audit of 93 AmeriCorps grantees found that programs operated by nonprofit, state, and local agencies received about $25,800 in cash and in-kind contributions per participant.

I don't know whether the program is worth it in the long run or whether it can be affirmed in the long run, but what I would say is that it is unlikely the money can be gotten out before the next fiscal year. Why not have the money go through the normal legislative process and be in next year's budget? It is really for scholarships for these people who work; they promise to give them scholarships in the future. They won't be drawing the scholarships down for 2 years more. I don't think we have to do it this year.

The situation with their management is worse than I thought. It should not be on this emergency bill.

If we are going to get serious about spending, this is the kind of thing on which we all ought to be agreed. This is the kind of thing to which we have to say no. If we have to give more to AmeriCorps, let's do it in the appropriations account where we have a budget cap and it will compete against other items in that cap. If it merits additional funding, so be it. If it does not merit it, so be it. Let us not tack it on to the debt. This will be paid for in no other way but by increased debt. I don't think we ought to do it. I feel strongly about it.

I thank the Chair and I yield the floor.

Mr. STEVENS. Mr. President, I shall in a moment make a motion to table the Senator's motion to strike. I want to make sure, before the Senator leaves, that we have an understanding that after having made that motion to table, I shall move to set that motion aside until tomorrow morning, at which time I will ask for 10 minutes equally divided on my motion to table, to be divided in the usual form, which would mean that the Senator from Alabama would have half that time.

Mr. SESSIONS. I thank the distinguished chairman for his courtesies, as always.

Mr. STEVENS. I do not make that motion yet because the Senator from Maryland wishes to speak.

Ms. MIKULSKI. First to the chairman of the Appropriations Committee, will I have time tomorrow morning?

Mr. STEVENS. There would be 5 minutes. I am opposed, so I would be in control of 5 minutes, and I would be sure to allow the Senator from Maryland to have a portion. I would think Senator BOND might have a portion. I would have a minute, and you each would have 2 minutes. You can speak at length tonight.

Does the Senator wish more than that time tomorrow morning?

Ms. MIKULSKI. Of course, I first of all thank our colleague from Alabama for offering this amendment earlier this evening. I would like about 3 minutes.

Mr. STEVENS. We will assure the Senator has 3 minutes.

Ms. MIKULSKI. But I want to make sure my reform-minded colleague, Senator BOND, can speak.

Mr. STEVENS. We will do that.

Ms. MIKULSKI. I understand my colleague from Alabama, who offered this amendment, is in an armed services conference. I say to the Senator I appreciate the demands on his time. I will say some things and have a more elaborate statement, but I thank the Senator for leaving the conference and I thank the Senator for offering this amendment earlier in the evening.

Mr. SESSIONS. I thank the Senator for her comments. I will have to depart.

Ms. MIKULSKI. I state to the Senator from Alabama some facts. First of all, the reason this is being declared an emergency is that if this $100 million is not in this appropriation, 20,000 volunteers will lose their slots. I want to speak about the debacle and the bureaucratic boondoggle at the national corporation.

I say to my colleague from Alabama, he is absolutely right, but what he should know is that the VA-HUD subcommittee chaired by Senator BOND has been in the forefront of reform. I say to our colleague that our April 15 hearing was when we found out that AmeriCorps, National Corporation, had enrolled 70,000 volunteers when we had given them money for 50,000 volunteers. I want the Senator to know that we went ballistic. Also, the Senator should know we called the board the Enron corporation of nonprofits. I later wrote to the President asking for more money, a better board and the resignation of Mr. Lenkowsky.

The criticisms are there, but when you talk about the need for accounting reform and transparency and all of the excellent things, the Senator should know that our colleague, Senator BOND from Missouri, chairman of the committee, has been a leader in shaking up the agency and I have been his very able partner. We have insisted on a new CFO. We have insisted on better procedures. We have been doing this, and I might add, we were doing it, sir, when the House wasn't paying one bit of attention.

It was our oversight hearing that found under this rock were a lot of other rocks, and under those rocks were worms.

We know that. We agree with that. What we do not want to do, though, is punish these volunteers and the communities they serve because of the overenrollment. In all honesty, what you should know is that if this supplemental does not occur, 20,000 volunteers will lose their slots, like in Teach America. There will be 395 in my State. I am sure my colleague will see them in his State.

So while we want to really throttle the bureaucracy—throttle the bureaucracy—we do not want to punish the volunteers and the communities we serve.

We are at a pivotal point—actually a crisis point. So that is why this is in the supplemental. The Senator is well within his rights to raise some of the questions he does. But from the standpoint of the communities and these 20,000 volunteers, this is a pivotal point.

I could go on and tell you about the merits of AmeriCorps. I will not keep you. I will have more things printed in the RECORD. I am very mindful of your time.

But I wanted to say to my colleague from Alabama, his call for reform? We issued it even years ago. We have really been pressing. Actually, I think with this new CFO, you would like him very much.

But I really have to defend Senator BOND's efforts in moving for administrative reform. I want to say these administrative problems also predate President Bush's time. I do not know if the Senator would like to comment on that. My next set of remarks will be about AmeriCorps and the consequences of this. But I wanted to share those facts with the Senator.

Mr. SESSIONS. I thank my colleague. The Senator from Maryland is one of our exemplary Members. She manages details and watches things better than most. I am glad she made some strong efforts to reform this program.

I have two concerns about it. My original comments, when I saw the supplemental on this bill, went to the fact I did not think it should be on this bill. I did not realize the program had really gotten as far off course as it has, and been mismanaged as badly as the Senator just has stated. So it seems to me what we are doing is, by having this on the emergency supplemental, as the subcommittee in charge of oversight over the program that admits it has been out of control, that subcommittee will be able to get extra money to finance that mismanagement without it coming out of its appropriated, allocated amount by shifting it purely to debt, which is what the supplemental is going to be funded by, additional debt. I think it would be better frugal management if we could put it on next year's bill that you probably are already beginning to work on. That would be accountable under the budget.

I am delighted the Senator is working on accountability. I know there is no Senator here who has a deeper commitment to integrity in the process than the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would say on a bipartisan basis we were working for very strong administrative management and fiscal reform. We have worked. It was our committee that uncovered this fiasco in April. We have been, since, working with OMB on management improvement as well as accounting flexibility to get them over the hump. Remember, it is volunteers who will be penalized. It will be volunteers and communities that will be penalized, not the bureaucracy. The bureaucracy gets to keep their jobs. They get to move papers around. It is the volunteers who are going to be punished.

So we have a difference of opinion about how you can get reform. But we did move in accounting flexibility, when this Senate passed it 100 to nothing. We did it in 1 day, the House the next day. The President was able to sign it. But flexibility without funds was a hollow victory. So we need the $100 million to cover the rest of the quarter so these 20,000 volunteers do not lose their slots.

That is why this is in this supplemental. It was our original intent, Senator KENNEDY and I were going to offer this amendment on the floor. But we understood there was sympathy for our position at the White House no commitments, no guarantees, but sympathy. I must say, the President, in his State of the Union, called for a spirit of voluntarism. The outpouring has been tremendous. What happened was they ended up overenrolling. But we are now going to snuff out the spirit of America, snuff out the call to service the President himself requested. We are going to trample on the very ideals these young people want to bring to their communities.

We cannot trample on their idealism. We should not snuff out this opportunity because there is a bureaucratic boondoggle. The "boon" ought to go to the "dogglers," not to the volunteers.

So we believe this modest amount of money, in the overall trillion dollar budget, would be a bridge to get AmeriCorps over troubled waters and would ensure these volunteers would have their jobs.

In Maryland, 395 volunteers would be cut from civic work which remodels and rehabilitates homes, tutors kids, works in a variety of ways in these very poor neighborhoods. I personally know what they have done to rehabilitate boarded-up houses.

The Baltimore Reads program, the Teach America program—I could list them. But it is not about programs; it is about people helping.

I am going to tell you the story of a young man named Mark who was an AmeriCorps volunteer who came to Baltimore and went into one of our poor schools where kids were performing at the 25th percentile. When he left after his 3-year stint, they were performing at the 70th percentile. And, because of the voucher he had earned, he was able to pay down his student debt and therefore be free to get a master's in teaching, and he is now a full-time teacher in Baltimore schools because he so loved what he had come to, the sense of accomplishment that had come from being a volunteer in Teach America.

We believe this is $100 million in an emergency supplemental that will help these volunteers do what they want. They will answer the call for service of our own President. The communities and the volunteers will not be punished for bureaucratic mismanagement. We have worked on reform. The reform efforts have been a bipartisan effort. The leadership for greater accountability has been led by our colleague from Missouri and we think we have real momentum now. The White House is watching over this program. The board is now engaged. I believe a new CEO is on the way. We have the right CFO to help us with the financing accountability. There needs to be this bridge to get these 20,000 volunteers over the troubled waters. This is why I believe it should stay in the supplemental and I hope the majority of the Senate would concur with that.

Mr. NICKLES. Will the Senator from Maryland yield for a question?

Ms. MIKULSKI. To the Senator? Of course.

Mr. NICKLES. I thank my friend from Maryland. I am looking at the language. It says the funds for AmeriCorps, on page 54:

> . . . with the funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended. . . .

Correct me if I am wrong. Almost none of this money will be spent in 2003, and this basically is an appropriation for 2004. Why don't we do this in the 2004 bill instead of now? It doesn't seem to me to fit into the definition of assistance. We only have 2½ months left in fiscal year 2003. I don't know why we are doing this amendment on this urgent supplemental. I don't think it fits that definition.

Could you tell me, is any of this money going to be spent in 2003, and why isn't this really an appropriation for 2004?

Ms. MIKULSKI. I see what the Senator is saying: "To remain available until." That means if for some reason they don't use this, it would expire. That doesn't mean it begins in 2004. It means that it will be available through 2004.

Mr. NICKLES. Madam President, I want to make a statement, if my colleague from Maryland is finished. I want to speak on the amendment.

Ms. MIKULSKI. Let me doublecheck this. We have a little disagreement. I will be right here.

Mr. NICKLES. Madam President, I inform my colleague from Maryland that CBO estimates that there will be zero money spent in 2003.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to compliment my colleague, Senator SESSIONS from Alabama, for raising this amendment. I urge our colleagues to support it.

I tell my friend and colleague, the chairman of the Appropriations Committee, that I understand the publicity that AmeriCorps has received because it has not been managed properly. But this does not belong in this bill. The urgent supplemental for 2003 is to help pressing needs which has to be done now and that can't wait until the 2004 appropriations process.

I have great confidence that the Senator from Alaska and our colleagues in the House are going to finish appropriations bills on time. They will be done by the end of September.

But this particular provision says there is $100 million and it will be available to be spent through the end of 2004.

Incidentally, the educational awards granted after people provide voluntary paid services—kind of a contradiction in terms—but after they provide their public service, they are entitled to reap educational awards equaling about $5,000 per year; that is, for future—that should be dealt with in the 2004 bill. It shouldn't be dealt with now. It doesn't belong on this bill.

In April, we gave AmeriCorps $64 million. There has been some mismanagement, obviously. But we knew about that in April. We gave them $64 million in April. How much is enough?

If this is not going to be spent in 2003 and the Congressional Budget Office, which is our budget arm, says this money isn't going to be spent in 2003—they say most of it won't be spent in 2004.

I think what has happened is some people have read some articles and got excited, saying we will be able to slip this in and we will have an extra $100 million to spend for next year and we will do it under the guise of an emergency. That requires 60 votes. We just gave them $64 million additional money in April. If we find out that this money is available to be spent anytime up through the end of next year, it is really a 2004 appropriation. It doesn't belong in a 2003 urgent supplemental bill that we use for fire, for FEMA, and for real emergencies. It doesn't fit that definition. It wasn't requested by the administration.

I will make a couple of other comments on the program.

When we talk about wanting to encourage and help volunteers, this program costs about $18,000 per year per participant. That is a lot of money. When we talk about volunteers, we are talking about a cost that is very high. It has payments to the individual, it has payments for daycare, it has payments for health care, and it has educational assistance of about $1,000 per year. It ranges from $20,000 to $18,000 per person. That is a lot of money to be paying for "volunteers" to do a lot of services that, frankly, most people do for free or most people donate for charity. Most people volunteer and are not paid.

I just make these comments. This is a program that has run amuck and that has not been well managed. Now we are rewarding that poor management and doing it under the guise of emergency in 2003 when we only have 2½ months left in this fiscal year and we are going to add $100 million. CBO estimates that every single dollar of this will be spent not in 2003 but in 2004 or 2005 or later.

To try to stick it in under the guise of emergency for 2003 is very inappropriate. I think it violates the whole spirit of what we call an "emergency."

I urge my colleagues to vote for the amendment of Senator SESSIONS.

I might also mention this jeopardizes some things. I want us to be very frugal when we use emergency designations because we shouldn't be doing that.

When we say it is an emergency, we are saying that basically the budget doesn't fly, we don't need a budget, and we are going to have emergencies. But we have a higher threshold of 60 votes for emergency spending. This is thrown in the same category of emergencies, FEMA and firefighting. I don't think that is correct. I don't think that is right.

The best way to solve it would be to adopt Senator SESSIONS' amendment. I urge our colleagues to do so when we vote on his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I now move to table the motion to strike filed by the Senator from Alabama. I ask unanimous consent that my motion be temporarily set aside and that the Senate resume consideration of my motion on Friday at a time to be determined by the majority leader after consultation with the Democratic leader.

I further ask unanimous consent that there then be 15 minutes for debate equally divided in the usual form with not less than 3 minutes of that time being available to the Senator from Maryland and that there be no other amendments in order.

I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. STEVENS. Madam President, I know of no future amendments, unless there is one that has come from the other side. I inquire if there are any other amendments to be filed this evening.

The inquiry is, Why can't we finish tonight? We can't finish tonight because we have a large number of Senators involved in the Judiciary Committee consideration of the asbestos problem. We have been asked not to have the votes. But we have agreed to have them tomorrow morning as early as possible. That would be determined by the leader.

Mr. REID. Madam President, I have been dealing with military construction. Are we about finished with this bill?

Mr. STEVENS. We are at the place where I am inquiring whether there are any further amendments to be offered.

AMENDMENT NO. 1201, AS MODIFIED

Mr. REID. Madam President, I ask unanimous consent that amendment No. 1201 offered by Senator FEINSTEIN be modified. When the chairman and I corrected it, we put the number only in one place and we need to put it in two places.

Mr. STEVENS. I saw that myself. I was about ready to do that.

Mr. REID. I ask unanimous consent that it be modified with the language that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1201), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. (a) ADDITIONAL AMOUNT FOR COOPERATIVE FORESTRY ASSISTANCE.—The amount appropriated by title III of this Act under the heading "Department of the Interior, Bureau of Land Management, Wildland Fire Management" is hereby increased by $25,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title III of this Act under the heading "Department of the Interior, Bureau of Land Management, Wildland Fire Management", as increased by subsection (a), $25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees including—

(1) clearing of evacuation routes;

(2) clearing around emergency shelter locations;

(3) clearing around emergency communication sites; and

(4) clearing buffer zones around highly populous communities in order to prevent fire sweeping though such communities.

Mr. REID. Madam President, I have an amendment also for the Senators from Utah, Idaho, and Nevada dealing with the problem that I talked to the Senator from Alaska about. Crickets have eaten up parts of their States.

Mr. STEVENS. Madam President, it is my understanding that the amendment is offset completely and it would be appropriate to consider it at the present time.

Mr. REID. That is true.

AMENDMENT NO. 1210

Mr. REID. Madam President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1210.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the use of funds of the Commodity Credit Corporation for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho)

At the appropriate place, insert the following:

SEC. ___. MORMON CRICKET CONTROL.

The Secretary of Agriculture shall use $20,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Madam President, it is my understanding that this amendment is offset by transferring money from the Commodity Credit Corporation.

Mr. REID. That is true.

Mr. STEVENS. I have no objection.

Mr. REID. Madam President, Mormon crickets eat nearly anything in their path. They can grow to 3 inches long and travel a mile a day as they eat sagebrush, lawns and crops.

Over the course of the last several years, Mormon cricket infestations have doubled each year in Nevada, and have seen similar rapid growth in Utah and Idaho.

More than 2 million acres of northern Nevada were crawling with these pests last year, the worst infestation in the State for 40 years.

It was an even larger infestation than the 1990–91 infestation that briefly shut down I–80 as the crickets made the road greasy and caused car accidents.

This year, the crickets are hatching three weeks earlier than normal and could more than double from last year's record-setting infestation in Nevada.

While some Federal funding to try to control Mormon crickets has been made available, it falls far short of what is needed.

While State officials understandably spend funds to try to control existing outbreaks, little funding is available to take preventive measures necessary to end this plague of the Great Basin.

My amendment would provide $20 million to be equally divided among Nevada, Utah and Idaho to get this plague under control and eradicated.

The funds would be provided from the Commodity Credit Corporation and would remain available until spent.

Mr. NICKLES. Madam President, I take this opportunity to inform the members of this distinguished body about S. 1383, the Legislative Branch Appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

The pending bill provides $3.7 billion in new budget authority and $3.1 billion in new outlays for fiscal year 2004 to fund the operations of the Senate and House of Representatives; the Architect of the Capitol; the U.S. Capitol Police; and the Library of Congress. With outlays from prior years and other completed actions, the Senate bill totals $3.7 billion in budget authority and $3.7 billion in outlays.

For discretionary spending, which represents the bulk of the funding in this bill, the Senate bill is $37 million below the subcommittee's 302(b) allocation for budget authority, and it is $43 million in outlays below the 302(b) allocation. The Senate bill is $227 million in BA and $0.9 billion in outlays below the President's budget request.

In addition to providing appropriations for fiscal year 2004 for the legislative branch, the committee-reported bill contains various supplemental appropriations for fiscal year 2003. The fiscal year 2004 concurrent resolution on the budget, H. Con. Res. 95, established levels for fiscal year 2003 and provided an allocation (pursuant to section 302(a) of the Congressional Budget Act of 1974) to the Committee on Appropriations for fiscal year 2003 in the joint explanatory statement accompanying the resolution, see page 103 of H. Rpt. 108-71.

The committee has designated all the appropriations for fiscal year 2003 as an emergency requirement pursuant to section 502 of H. Con. Res. 95. As a result, these emergency appropriations do not count against the committee's allocation.

As a point of information, I would like to call my colleagues' attention to section 302(c) of the Congressional Budget Act. Section 302(c) provides that it is not in order to consider a bill making appropriations for a fiscal year until the Committee on Appropriations has made the sub allocations required by section 302. It appears that the Committee on Appropriations has yet to file 302(b) allocations for 2003. This point of order may be waived, or a ruling of the Chair appealed, with 60 votes.

The fiscal year 2003 supplemental funding in this bill includes $1.889 billion requested by the President as an emergency requirement, and an additional $100 million added by the Senate appropriations committee. I am concerned that very little of the President's request or the additional $100 million is worthy of the emergency designation provided for in section 502 of the H. Con. Res. 95, the fiscal year 2004 budget resolution. The criteria for designation as an emergency are that the funding is 1. necessary, essential, or vital (not merely useful or beneficial); 2. sudden, quickly coming into being, and not building up over time; 3. an urgent, pressing, and compelling need requiring immediate action; 4. unforeseen, unpredictable, and unanticipated; and 5. not permanent, temporary in nature.

While some of this funding may be necessary, it is not "sudden" or "urgent." The President requested and Congress approved a $78.5 billion fiscal year 2003 supplemental just 3 months ago, and there is no reason why these requests could not have been considered at that time. Further, the Congressional Budget Office reports that only $37 million of the $2.0 billion in emergency budget authority in this bill will actually be spent in the 3 months remaining in this fiscal year. All of this $37 million is attributable to the budget authority provided for wildfire suppression and the space shuttle. Thus, the balance of this funding could instead be addressed in the regular fiscal year 2004 spending bills.

Therefore, I strongly urge the President and the conferees on this legislation to consider carefully if all of this emergency supplemental funding should be retained in the final version of this bill.

I ask unanimous consent that two tables displaying the Budget Committee scoring of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CURRENT STATUS OF FY 2003 APPROPRIATIONS

[Fiscal year 2003, in millions of dollars]

	General purpose	Mandatory	Total
Enacted to date:			
Budget authority	844,986	391,344	1,236,330
Outlays	846,706	378,717	1,225,423
Emergencies in the Senate-reported Legislative Branch Bill: [1]			
Budget authority	1,989	....	1,989
Outlays	37	....	37
Total that counts against 302(a) allocation to Appropriations Committee:			
Budget authority	844,986	391,344	1,236,330
Outlays	846,706	378,717	1,225,423
302(a) allocation to Appropriations Committee: [2]			
Budget authority	844,986	391,344	1,236,330
Outlays	846,706	378,717	1,225,423
Difference between total and 302(a) allocation:			
Budget authority	....	....	....
Outlays	....	....	....

[1] Section 502(c)(2) of H. Con. Res. 95, the Concurrent Resolution on the Budget for FY 2004, states that any provision designated as an emergency requirement shall not count for purposes of section 302 of the Congressional Budget Act of 1974 and section 504 (relating to discretionary spending limits in the Senate) of H. Con. Res. 95.

[2] H. Con. Res. 95, the 2004 Budget Resolution, set out budgetary aggregates not only for 2004, but for 2003 as well. As a result, the joint statement of the conference committee on H. Con. Res. 95 (page 130 of H. Rpt. 108–71) included the allocations that are required by law (section 302 of the Congressional Budget Act) for 2003 to the Committee on Appropriations.

S. 1383, LEGISLATIVE BRANCH APPROPRIATIONS, 2004—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill: [1]			
Budget authority	3,575	109	3,684
Outlays	3,637	109	3,746
Senate Committee allocation:			
Budget authority	3,612	109	3,721
Outlays	3,680	109	3,789
2003 level:			
Budget authority	3,468	104	3,572
Outlays	3,332	103	3,435
President's request:			
Budget authority	3,802	109	3,911
Outlays	4,495	109	4,604
House-passed bill:			
Budget authority	3,480	109	3,589
Outlays	3,599	109	3,708
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	(37)	....	(37)
Outlays	(43)	....	(43)
2003 level:			
Budget authority	107	5	112
Outlays	305	6	311
President's request:			
Budget authority	(227)	....	(227)
Outlays	(858)	....	(858)
House-passed bill:			
Budget authority	95	....	95
Outlays	38	....	38

[1] This total includes an adjustment for House-only items (from the House-passed bill) that were not considered in the Senate. In accordance with Section 502(c)(2) of H. Con. Res. 95, the Concurrent Resolutions on the Budget for FY 2004, this total also excludes $714 million in emergency outlays from the FY 2003 supplemental appropriations in Title III of the bill.

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MITIGATION FROM DEVASTATING FLOODS IN WEST VIRGINIA AND THE UPPER PENINSULA OF MICHIGAN

Mr. LEVIN. Madam President, Senators BYRD, STABENOW, and I would like to engage in a colloquy with Senator REID, the ranking member of the Energy and Water Development Subcommittee and TED STEVENS, Chairman of the Full Committee.

Mr. BYRD. In West Virginia, torrential flooding is becoming an annual event—since 1993, the State has had 11 federally declared disasters. In this year alone, the State has had two federally declared disasters. In the latest round of devastating flooding in the State last month, 12 counties were declared Federal disaster areas. Homes were damaged or destroyed, and the severe impact on the infrastructure in the southern part of the State—from roads, bridges, water and sewer, to power sources—has brought a normal way of life to a screeching halt once again.

Ms. STABENOW. In May of this year, unusually heavy rainfall occurred in four countries of the Upper Peninsula of Michigan causing rivers and streams throughout the area to swell out of their banks, inflicting severe and widespread damages. The greatest damages occurred in Marquette County where an earthen dike at Silver Lake Basin failed, sending and estimated 8 billion gallons of water cascading downstream through the city of Marquette toward Lake Superior.

The floodwaters destroyed or damaged numerous public and private structures and caused unprecedented environmental and ecological damage within the Dead River Basin and into Lake Superior in Marquette County.

Two power generation facilities were damaged. One of the power generation facilities, the Presque Isle plant in the city of Marquette, resulted in shutdown for more than 30 days.

Without power, two iron ore mines, which produce about 20 percent of our Nation's annual iron ore output, were shut down, idling 1,200 workers. Dozens of other area businesses, institutions and private homeowners were also seriously impacted. Three of the four counties affected are impoverished, with a majority of the population over 65 years of age. Local governments simply do not have the capital to pay for the public damages. Without an infusion of Federal aid, Marquette and the other three counties will have a difficult, if not impossible, task of recovering from this disaster.

Mr. LEVIN. Normally, our States would be able to rely on the operations and maintenance account for the corps to help repair damages to public facilities, such as obstructive deposits in flood control streams, bank erosion threatening public facilities, damages to other public infrastructure such as water and sewer facilities. Additionally, funds provided will allow the Army Corps to repair weather-related damages that have occurred to Federal infrastructure. However, it is our understanding that the fund has been depleted for this year.

Mr. REID. Unfortunately, your understanding is correct.

Mr. BYRD. It is our hope that you and Senator DOMENICI, when drafting the Fiscal Year 04 Energy Water Development Act will be able to address these emergencies in these two States, as well as others that have experienced massive flooding in this exceptionally wet spring.

Mr. REID. Senator DOMENICI and I will be marking up the Energy and Water Development Act for Fiscal Year 04 next week in both subcommittee and full committee. We recognize the needs of both States for flood mitigation, including stream and river restoration, bank stabilization, infrastructure repair and restoration, water and sewer repairs, and fresh drinking water in some areas. We will do everything we can to address these needs in the Fiscal Year 04 bill.

Mr. STEVENS. I, too, will do everything I can to support this critical work as we draft the Fiscal Year 04 Energy and Water Development Act.

Mr. LEVIN. We thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1210) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, at this time, I think that completes the amendments we know exist for this bill. And I ask the bill be temporarily set aside now so we may move to——

Mr. REID. If the Senator will yield, the only amendment we know of——

Mr. STEVENS. Madam President, I do ask unanimous consent that no further amendments be in order to the pending bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that the bill be temporarily set aside so we may proceed to the consideration of the military construction bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 2004

Mr. STEVENS. Madam President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 177, H.R. 2559, a bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measure.

Mr. STEVENS. Madam President, I ask unanimous consent that all after the enacting clause be stricken, the text of Calendar No. 176, S. 1357, the Senate committee-reported bill, be inserted in lieu thereof, and the bill, as amended, be considered as original text for the purpose of further amendment, and that no points of order be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Madam President, I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I am very pleased to join with my ranking member of the Military Construction Appropriations Subcommittee, Senator FEINSTEIN of California, in bringing forward for the Senate's consideration the fiscal year 2004 military construction appropriations bill. This is a bipartisan bill which received the unanimous approval of the Committee on Appropriations.

I want to take a moment to say Senator FEINSTEIN is in the Judiciary markup. She is the best ranking member a chairman could ever have. We have a great relationship. We work together well. We see things the same way. And our priorities are the same. So this is very much our bill together, and it would not have been nearly as easy without her wonderful cooperation.

This is a bill that does focus on quality of life for our troops because both Senator FEINSTEIN and I believe it is very important at a time like this, when we are asking so much from our troops, that we do right by them. This bill provides $9.196 billion for military construction, military family housing, and base realignment and closure costs.

This bill is $79 million above the President's budget request, but $1.5 billion below the amount appropriated last year. The budget constraints under which we all are laboring this year did force us to make difficult choices about our spending priorities, but I believe we have crafted a bill that attends both to the President's most pressing requirements and the concerns of Senators.

The bill provides $4.6 billion for military construction, $3.95 billion for military family housing, and $370 million for base realignment and closure.

Our military forces have been severely strained by the extraordinary burdens they have been asked to shoulder in the last several years. They have undertaken nearly 2 years of continuous combat operations in harsh conditions, endured long deployments and reserve activations. They have had to deal with severe disruptions to family life resulting from lengthy separations.

We have asked much of our service personnel and their families; and, for that reason, we have paid special attention in this bill to military construction projects that promote our troops' quality of life.

For example, the bill provides $1.1 billion for 40 new, modern barracks projects; $166 million for the design and construction of new hospital and medical facilities; and $16 million for child development centers to serve our military families.

The intense demands of the past few years have extended well beyond our Active-Duty forces, and no component has borne a heavier burden in that time than our Guard and Reserve Forces who have met the call to duty with a high degree of professionalism.

Unfortunately, military construction for the Guard and Reserve continues to be severely underfunded. The administration's fiscal year budget request for Reserve components was $370 million, a little more than half of what was appropriated last year. This is just inadequate for the task we are asking these components to perform. As a result, this bill increases funding for the Guard and Reserve by 87 percent to $691 million.

This bill differs from the administration's request in only one significant way, and that is in the area of military construction overseas. The budget request included over $1 billion for military construction at U.S. installations outside the United States, much of it destined for facilities constructed for the cold war. For several years, Congress has expressed its concern that our overseas basing structure has not been updated to reflect the realities of the post-cold-war world. Our Nation is dealing with new threats, new strategies, new force structure, new deployment concepts, and new geopolitical realities. Yet a basing structure designed for the cold war endures.

We have questioned the wisdom of continuing to expend taxpayer dollars on overseas facilities that may not be appropriate to the Nation's future military needs. The Defense Department continues to study this issue and has under way an overseas basing and presence study that will lead to, among other things, recommendations for a major overhaul of the U.S. overseas basing structure. That study is not yet complete. But in testimony before the Military Construction Subcommittee in April, two of the combatant commanders, General James Jones, Supreme Allied Commander Europe, commander of U.S. European Command, and General Leon LaPorte, commander of U.S. Forces Korea, presented their visions for military basing in their respective areas of responsibility. General Jones described a concept for Europe that features fewer large bases, several smaller, more austere bases in forward locations, and greater use of rotational forces in and out of these facilities rather than permanent stationing of large forces with the attendant support infrastructure.

General LaPorte described a vision for Korea in which U.S. forces are consolidated at a greatly reduced number of facilities located further south on the Korean peninsula than at present.

We have been impressed by the combatant commanders' boldness and creativity in reassessing basing needs, and we believe their respective visions hold great promise for a more efficient and effective basing structure that will enhance the ability of the United States to meet new threats.

When fully developed, this vision will provide a sound basis on which Congress and the administration will be able to determine the future of our overseas basing structure. However, at this point the vision has not yet been developed into a comprehensive plan on which decisions to pursue new construction initiatives can prudently be based.

The overseas basing and presence study involves far more than military facilities. According to public statements of Defense Department officials, it will result in a dramatic change in the disposition of U.S. forces abroad, including where they are based, how they operate, how they move to and from their theaters of operation, and even the number of forces deployed in specific theaters.

In various press accounts, administration officials have acknowledged considering new bases in Australia; Navy ships ported in Vietnam; increased U.S. presence in Malaysia and Singapore; bases in Algeria, Morocco, and Tunisia, as well as Senegal, Ghana, Mali, and Kenya; bases on territory of the former Soviet Union; a rotational model for deploying forces overseas; significant reductions to force levels in Germany; a major relocation and possible reformation of forces in the Republic of Korea. Summarizing the extent of the changes under consideration, the Under Secretary of Defense for policy, Douglas Feith, stated:

> Everything is going to move everywhere.

If the sweeping changes under consideration are to be implemented, they will require extensive diplomatic efforts both in the nations in which the United States seeks a new presence and in those where it will reduce or reshape its presence. Because a comprehensive plan is not yet developed, we are unwilling to recommend undertaking extensive new military construction projects that would begin the implementation of a plan without a thorough and deliberate review by Congress. We have been particularly concerned about proposed projects in Europe and Korea.

For example, the budget request includes a number of projects in areas in Germany that, according to public statements of the Army and other Department of Defense officials, are likely to see significant force level reductions.

In a June 23 letter updating the status of planning Europe, General Jones said:

> We have made considerable progress in determining the installations required to support theater goals and the force structure needed to implement our strategy. It is an arduous process but a necessary one. While I realize fully the importance of our progress on these matters, the timeliness, and the effect these decisions will ultimately have on our fiscal year 2004 military construction projects, I must tell you candidly that we have not reached the end point of this process. The changes we are proposing represent the most significant undertaking to realign forces and basis in theater in the past 50 years. The decisions made in the coming weeks will have broad and far-reaching implications; therefore, it is imperative that we get it right.

General Jones is absolutely right. I appreciate his candor. His statements underscore our concern that we are not yet ready to begin implementing the restructuring of our overseas bases in Europe. We have similar concerns about proceeding too fast in Korea.

In the budget amendment received May 1, the administration proposed moving some $213 million in military construction projects to a single base, Camp Humphreys. However, nearly half of that construction is to occur on land that the United States does not yet control. Although the Korean National Defense Minister has pledged to try to buy the land for our use, he is far from clear that this can occur for these projects to be fully executed in fiscal year 2004. According to a July 7 article in the Korea Times, there is fierce local opposition to the expansion of U.S. presence at Camp Humphreys.

The budget amendment also asked to move a $40 million barracks project from an airfield to Camp Humphreys, but then that was reversed.

There are other examples, but I think this is making it clear that we don't really have a fully thought out and reviewed plan from which we can base the needs in Korea. Evaluated against a backdrop of uncertainty about fundamental aspects of a revised overseas basing structure which the department has not yet proposed, the Defense Department's overseas basing and presence plan is not yet sufficiently mature to enable the Senate to commit to extensive new construction. The failure to fund these projects at this time does not indicate dissatisfaction with the general direction in which the Department is headed. We support the direction. But we do believe that Congress should know the extent of the restructuring and the price tag before we determine our Nation's priorities. It would be premature to begin new construction at this time in these areas. We look forward to receiving and evaluating the Department's full recommendations once they become available and taking the time to consider these changes.

Reflecting our continuing concern about this issue, our bill includes a provision establishing an independent commission to thoroughly study the structure of our overseas military facilities and advise Congress on its conclusions. This commission, proposed by

Senator FEINSTEIN and myself, would provide Congress with an independent view of the Nation's overseas basing requirements to help inform our decisions about the restructuring of our facilities.

The report accompanying this bill also directs the Defense Department to submit several reports that will aid Congress in its oversight role, including a report on the feasibility of privatization and the use of commercial building practices in barracks construction, a study of the impact of privatized housing on local school districts, and a report on the Department's activities related to perchlorate, a chemical used in solid rocket propellant that has been found in drinking water supplies in 29 States. Senator FEINSTEIN has more to say on perchlorate, but I want to say, this is a concern of mine as well.

While a national standard for perchlorate levels has not yet been established, it is important that the Department of Defense be prepared to deal with this containment at defense installations once a standard is agreed upon.

All of the projects added to the bill have been carefully vetted by the military services. All are top priority for installation commanders, and all are included in the services' future years defense plan.

Madam President, the bill before the Senate is a bipartisan product that was approved by the Appropriations Committee on a vote of 29 to 0. I am pleased to offer it for the Senate's consideration.

Mrs. FEINSTEIN. Madam President, I am pleased to join my chairman, Senator HUTCHISON, in recommending the 2004 military construction bill to the Senate.

This has been a very challenging year. The President's budget request for military construction was $1.5 billion below last year's enacted level, a nearly 15 percent reduction in a program that is chronically underfunded. And this year, because of across-the-board constraints on appropriation allocations, we had little room to maneuver beyond the ceiling imposed by the President's budget submission.

The bill that we bring to the Senate provides $9.2 billion for military construction and family housing programs for fiscal year 2004. Within that allocation, we had to shoehorn funding for a large number of critical programs and projects that were not adequately funded in the President's budget request.

In addition to tight budget constraints, we were faced with another challenge this year in determining how to deal with overseas military construction programs at a time when the Defense Department is proposing what has been described as the most sweeping change in America's military presence overseas since World War II.

The President's budget request included more than $1 billion for overseas military construction. Less than 3 months after the budget was submitted, the Defense Department unveiled preliminary plans for a major restructuring of forces in Europe and Korea, and sent Congress a budget amendment to rescind or delete more than half a billion dollars in overseas military construction programs from fiscal year 2003 and the Fiscal Year 2004 request.

It became clear to Senator HUTCHISON and me that the Department was far from finalizing its global realignment plans, and indeed, we continue to read almost daily about different proposals for moving U.S. forces here and there overseas. For this reason, we are recommending a pause in funding a number of proposed construction projects in Europe and Korea until the Defense Department completes its overseas basing review and presents a comprehensive plan to Congress. The overseas basing commission that Senator HUTCHISON and I are proposing in this bill will provide another important layer of oversight to this process.

In Europe, central questions include how many troops will remain permanently stationed there, what basing structure will be needed to support them, and where and what type of forward operating bases and forward operating locations will be needed to support rotational and transitory forces.

In Korea, the issue of where the forces will be realigned has apparently been settled—the U.S. is planning to withdraw troops from Seoul and the Demilitarized Zone and move them to south central South Korea. However, the details of that realignment have yet to be presented to Congress, nor has the Korean government provided the land needed for the realignment.

I am aware that the administration would prefer to bank all of the proposed funding for the realignment of forces in Korea to keep pressure on the South Korean government to transfer the required land to the U.S. military. However, I believe that withholding this funding until the U.S. has actually secured the land is an equally effective incentive for the Korean government if, in fact, it is serious about wanting United States military forces to move out of Seoul.

Moreover, in a year when the administration has slashed the military construction budget by nearly 15 percent, it is unrealistic for the Defense Department to turn around and ask Congress to wager hundreds of millions of dollars that are urgently needed elsewhere on the Korean Government's uncertain timetable.

We have given this matter a great deal of consideration, and I commend Senator HUTCHISON for laying out the position of the subcommittee so clearly and completely in the report accompanying our bill. This explanation should leave no doubt in anyone's mind that the Military Construction Subcommittee understands the importance of maintaining strong military ties to our allies overseas and supports the Defense Department's efforts to ensure that our overseas basing structure reflects the international realities of the post-cold-war environment. We look forward to helping implement the construction elements of the new overseas basing structure once the Defense Department completes its review.

There is another item in the Military Construction bill that is extremely important to me, and that is the environmental clean up of military installations. The fiscal year 2004 bill includes just $370 million for Base Realignment and Closure, BRAC, environmental cleanup. This is a significant drop from last year's funding, and it is a level of funding that I accept only reluctantly, and only because the Defense Department is embarking on a new and ambitious program to raise revenue for environmental cleanup at BRAC sites through land sales. The Navy's BRAC budget, for example, includes $68 million above the appropriated amount in anticipated revenue from land sales, and the Navy anticipates that additional land sales revenue could significantly increase the amount of money available in fiscal year 2004 for environmental cleanup.

I believe that the Defense Department has the responsibility to complete, to the maximum extent possible, the cleanup of military installations closed or realigned through previous BRAC rounds before embarking on a new BRAC round in 2005. I am hopeful that self-financing through land sales will be sufficient to supplement appropriated amounts, but I intend to keep a close watch on this program to ensure that we do not sacrifice momentum by relying too heavily on land sale revenue.

Madam President, I also want to comment on an issue that I have been fighting since this last winter. It is the problem of perchlorate contamination in our country's drinking water. This topic is relevant to the Department of Defense and Military Construction Appropriations as Defense, along with the National Aeronautics and Space Administration, uses 90 percent of the perchlorate produced in the United States.

Perchlorate, a chemical used in solid rocket propellant, explosives and munitions has been identified by the Environmental Protection Agency (EPA) as an unregulated toxin. No national standard exists for perchlorate. Perchlorate contamination has been found in drinking water supplies in 29 States, including Arizona, California, Texas, Colorado, Maryland, Massachusetts, Nevada, and New Mexico. More than 300 groundwater wells in California alone are contaminated with perchlorate, as is the Colorado River, which supplies drinking water to more than 15 million people in the Southwest.

I am alarmed about the potential impact of perchlorate contamination at installations that have been closed through the BRAC process as well as at active and inactive Defense sites or where perchlorate has migrated off of current and former Defense or contractor properties to threaten public water supplies.

I am also very disappointed that the Department of Defense has been unresponsive to requests to take a positive leadership role in addressing the concerns of the public and the immediate needs of water agencies large and small as perchlorate is detected in more and more locations. It is also distressing that the Department is resisting the obvious need to test for the presence of perchlorate at BRAC properties or other Defense sites.

The Department of Defense has a moral obligation to the public to address the problem now as the water agencies that have to close wells, or treat their water supplies, are faced with a real problem today. This problem is a result of the activities of the Department or its contractors.

The language I worked to include in the Military Construction Subcommittee report moves the Department of Defense toward addressing the perchlorate problem. This language directs the Department to submit to the Congressional Defense Appropriation Committees the following:

A report on the activities of the Interagency Perchlorate Steering Committee and the activities of the Department on perchlorate as described in the Memo of January 24, 2001 from the Under Secretary of Defense for Environmental Security to the Secretaries of the military departments and the Defense Logistics Agency.

Identification of sources of perchlorate contamination at BRAC properties and to develop a plan to remediate perchlorate contamination on BRAC sites that can be implemented rapidly once state or Federal perchlorate standards are set.

Finally, I want to address an issue covered in the report where I believe the report language was not wholly accurate, and which I intend to attempt to clarify in conference.

The existing language says, "The Committee recognizes that, absent a state or Federal standard for perchlorate, the Department of Defense is under no obligation to remediate perchlorate contamination at defense sites."

It is more accurate to say that absent a State or Federal standard for perchlorate, there is uncertainty as to the level of perchlorate cleanup that would be required at each site, but there still is a legal obligation to remediate perchlorate contamination under Federal and State statutes including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and California's Carpenter-Presley-Tanner Hazardous Substance Account Act. Remediation would then proceed on the basis of a site-specific risk assessment or other criteria such as an Applicable, Relevant and Appropriate Requirement.

Madam President, as I stated earlier, this has been a challenging year. Senator HUTCHISON and I were faced with a difficult set of circumstances and a series of hard choices. We were able to develop a military construction program that comes within the constraints of the budget resolution, but I hope that the administration understands the importance of infrastructure as a key element of readiness and quality of life, and will present Congress with a more realistic budget request next year.

I thank the members of my Appropriations Committee staff, Christina Evans, and B.G. Wright, and to Chris Thompson of my personal staff for their hard work on this bill. Also, I wish to express my appreciation to Dennis Ward, of Senator HUTCHISON's staff for his cooperative and bipartisan effort throughout this process.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. As I said earlier today, the work Senator DURBIN has done on the legislative appropriations bill is, of course, exemplary, as was Senator FEINSTEIN's, the ranking member of the subcommittee.

As the Senator from Texas knows, last year I made a statement on the floor about the great work these two fine Senators had done on the military construction appropriations bill. My feelings have not changed. I think they have done an excellent job.

I had the honor of also chairing the subcommittee in years past. It is an extremely interesting subcommittee. It does so many important things for the men and women representing this country.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I rise briefly to make a few remarks about the military construction appropriations bill, and, uncharacteristically, I commend the Appropriations Committee—especially Chairman STEVENS and Chairperson HUTCHISON, as well as the other members of the committee—for reporting out a bill with the lowest number of earmarks I have seen in a long time.

The military construction appropriations bill for fiscal year 2004 has $80 million of unrequested and unauthorized military construction projects. Obviously, that is a lot of money. But I point out, to the great credit of the sponsors of this legislation on both sides of the aisle, it is far less than what was added last year, which was $900 billion.

What is egregious and objectionable in this year's military construction appropriations bill that I have not seen to this degree in previous years is the extent to which the appropriators earmarked projects in the unspecified minor construction accounts—totaling $80 million. The authorization committee, once again, was circumvented and the President's budget was not requested. But the fact is that this is a much smaller number than before.

In an effort to contain the wasteful spending inherent in member-requested construction projects, I sponsored, and the Senate adopted, merit-based criteria for evaluating member adds as a part of the fiscal year 1995 Defense Authorization Act. The criteria are:

One, the project is in service's future years defense plan.

Two, the project is mission essential.

Three, the project can be put under contract in the current fiscal year.

Four, the project doesn't conflict with base realignment proposals.

Five, the service can offset the proposed expenditure within that year's budget request.

These criteria have been useful in our efforts to determine programs of merit or nonmerit.

Regarding the reduction in the amount of member adds in this legislation, there are, of course, a couple we have found that I found at least somewhat entertaining. While some of our soldiers and sailors have been on food stamps, we have found a way to provide $1.4 million to replace a working dog kennel. It is good to see that Fido has not been left out of this year's military construction appropriations.

Having said that, I am grateful to my friends on both sides of the aisle, including the chairman of the Appropriations Committee and the chairperson of the Military Construction Subcommittee, for their arduous work on the bill and their continued unequaled support for our men and women in the military. Their attention and commitment to supporting only necessary projects that are high priorities of the services is exemplary this year, in my view.

I ask unanimous consent to have printed in the RECORD a list of the projects that were add-ons—not leaving out the replacement of the working dog kennel.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alaska:	
Army:	
Fort Wainwright:	
Chapel Expansion	1.5
Gymnasium Addition	1.5
Fort Richardson Replace Ship Creek Bridge	1.5
Donnelly Training Area Unmanned Aerial Vehicle Maintenance Facility	1.5

Air Force:	
Elmendorf AFB:	
Repair Alaska Command Headquarters	3.0
Replace Working Dog Kennel	1.4
Army National Guard:	
Angoon, White Mountain Federal Scout Readiness Center	1.0
Manokotak, Toksook Bay Napaskiak Federal Scout Storage Facilities	0.2
Air National Guard:	
Kulis Mobility Storage Warehouse Addition	1.0
California:	
Air Force:	
Travis AFB Air Mobility Operations Group [AMOG] Global Reach Deployment Center	1.4
Army National Guard:	
Sacramento Readiness Center	0.3
Air Force Reserve:	
March Air Reserve Base Upgrade Utilities	1.4
Colorado:	
Defense Wide:	
Denver DoD Hospital [Tricare]	4.0
Florida:	
Navy:	
Pensacola NAS Blue Angels Hanger	1.4
Hawaii:	
Navy:	
Pacific Missile Range Facility Range Operations Complex	1.3
Defense Wide:	
Honolulu Tripler Army Hospital, Biomedical Center	4.6
Idaho:	
Army National Guard:	
Gowen Field TASS Barracks	1.1
Illinois:	
Army National Guard:	
Marseilles Pistol Range Replacement	1.1
Iowa:	
Army National Guard:	
Camp Dodge Readiness Center	1.5
Iowa City Readiness Center/Maintenance Shop	0.8
Kentucky:	
Army	
Fort Knox Dining Facilities Renovation	0.2
Fort Campbell	
Urban Assault Course	0.2
Conversion of Former Officer's Club	1.5
Louisiana:	
Air Force Reserve:	
Barksdale AFB Squadron Operations Center	0.4
Maryland:	
Navy:	
Craderock Naval Special Warfare Center Engineering Management and Logistics Facility	1.5
Indian Head Naval Special Warfare Center Joint Explosive Ordnance Disposal Technology Support Facility	1.2
Mississippi:	
Army National Guard:	
Monticello Readiness Center	0.5
Pascagoula Readiness Center	0.4
Missouri:	
Army National Guard	
Whiteman AFB Aviation Support Facility	1.8
Montana:	
Air Force:	
Malstrom AFB	
Addition/Alteration to Fitness Center	0.7
Corrosion Control Facility	0.5
Nebraska:	
Army National Guard	
Grand Island Aviation Support Facility	1.6
New Hampshire:	
Navy:	
Portsmouth Naval Shipyard Structural Shop Consolidation	1.5
Norfolk Naval Shipyard Suspect Cargo Handling Facility	1.4
New Jersey:	
Army:	
Fort Monmouth Battery Test Facility	0.2
Air Force:	
Lakehurst Combat Offload Ramp	0.4
New Mexico:	
Air Force:	
Holloman AFB War Reserve Material Storage Facility	1.0
New York:	
Army National Guard	
Rochester Aviation Support Facility	1.6
Nevada:	
Army:	
Hawthorne Army Depot Water Treatment Facility	3.0
North Dakota:	
Air National Guard:	
Fargo Repair Maintenance Shop	1.4
Ohio:	
Army National Guard:	
Hamilton Organizational Maintenance Shops	1.5
Air Force:	
Wright-Patterson AFB Fire Crash Rescue Station	1.0
Oregon:	
Air National Guard:	
Klamath Falls Munitions Administration Facility	1.4
Pennsylvania:	
Air Force Reserve:	
Pittsburgh Air Reserve Station Headquarters Building, 911th Airlift Wing	0.7
Rhode Island:	
Army National Guard:	
Kingston, Aviation Support Facility	2.0
South Carolina:	
Air Force:	
Charleston AFB Child Development Center	0.5
South Dakota:	
Army National Guard:	
Watertown Readiness Center	1.2
Sioux Falls Unit Training Equipment Site	0.8
Texas:	
Army:	
Fort Bliss:	
Chaffee (Main) Gate	0.9
Robert E. Lee (Main) Gate	1.2
Tactical Equipment Shop	0.6
Red River Army Depot Wheeled Vehicle Rebuild Facility	2.9
Air Force:	
Lackland AFB Addition/Alteration to Training Annex Fire Station	1.0
Elevated Basic Military Training [BMT] Troop Walk at Carswell Avenue	0.8
Laughlin AFB:	
Fire Department Addition	0.5
Squadron Operations Facility	0.2
Goodfellow AFB Fitness Center	1.5
Utah:	
Air Force:	
Hill Air Force Base Consolidated Software Support Facility	1.7
Washington:	
Air Force:	
Fairchild AFB Mission Support Complex	1.2
Vermont:	
Army National Guard:	
Colchester, Camp Johnson Information Systems Facility	0.5
Air National Guard:	
Burlington Air Mobilization Facility	0.4
West Virginia:	
Defense Wide:	
Bridgeport Biometrics Training Center	1.4
Air National Guard:	
Martinsburg C-5 Upgrades	5.0
Wisconsin:	
Army Reserve:	
Eau Claire Reserve Center	0.6

BUY AMERICA

SEC. 108. Prohibits the procurement of steel unless American producers, fabricators, and manufacturers have been allowed to compete.

SEC. 112. Establishes preference for American contractors for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in the Arabian Sea.

TOTAL MEMBER ADDS—$80.1 million

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I thank the kinder and gentler Senator from Arizona. I am very pleased that he looked at our bill and found that we did meet the criteria because that is exactly what we intended to do.

The kennel is for dogs at an Air Force base. The dogs are security dogs, and they do need a place to stay.

Mr. McCAIN. Might I ask where that is located?

Mrs. HUTCHISON. At Elmendorf Air Force Base. I think the Senator knows that is in Alaska. Dogs in Alaska need a place to stay, too. Maybe it is cold up there and they need shelter. I think it is certainly legitimate.

With that, we did work hard to make the priorities that we thought were right for our military personnel. No one deserves better treatment right now than the military personnel of our country. I thank the Senator from Arizona for his continuing interest in assuring that our military personnel have a quality of life. That has been his hallmark here.

I thank, once again, the chairman of the committee, Senator STEVENS, and Senator INOUYE, the ranking member, Senator BYRD, Senator FEINSTEIN, my ranking member, and our respective staffs. I am very proud of the work we did on the bill, and I do hope our military personnel do see better health care facilities, better barracks, better living quarters, and from this legislation I think they will.

Mr. REID. Madam President, I wonder if the Senator from Arizona has looked over the managers' package on this bill including 15 different items.

I am only kidding.

Mrs. HUTCHISON. Madam President, to clarify the record, and before the Senator from Arizona turns into the "Incredible Hulk," there was no managers' amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, when the Senators brought this bill to the full committee—Senators HUTCHISON and FEINSTEIN—I was totally astounded at the consensus on this bill. This is a fairly difficult bill and there are difficult decisions in which the House may not concur. But the two Senators managing the bill proposed decisions for the Senate to which not one Senator has objected. I think that is really a milestone in dealing with this bill.

I congratulate the Senator from Texas and the Senator from California not only for their work product but for their work ethic, working together as a bipartisan team on a very difficult subject. I hope we can bring the bill back from the conference as it stands. I am not sure we can, but it certainly is an extremely good work product dealing with a whole myriad of subjects that affect our bases at home and abroad, and I congratulate the Senators for a marvelous job.

Madam President, we are close to wrap-up. I ask unanimous consent we temporarily set aside the pending business, and Senator DAYTON be allowed to make a statement about Iraq for 15 minutes while we prepare the wrap-up for this evening.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, before we move off this bill, I so appreciate the chairman's remarks. We could not have done it without our excellent staff work. On the majority staff, Dennis Ward has done an incredible job of research. He is the most thorough person we could have on the committee. I appreciate him very much.

Also, Christina Evans and B.G. Wright on Senator FEINSTEIN's staff, without their working relationship being so good, we could not have done so well. I wanted to add that to the record before we moved away from the bill.

Mr. STEVENS. Madam President, for the information of the Senate, I am informed we will open the Senate tomorrow at 9:15 a.m. We will have 15 minutes of debate and then proceed to the three votes that will be stacked at that time.

I renew my request to permit the Senator to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

IRAQ

Mr. DAYTON. Madam President, I thank the senior Senator from Alaska for making possible my opportunity to speak tonight on a trip to Iraq I took last week with several of our colleagues as members of the Senate Armed Services Committee and Senate Intelligence Committee, led by the chairman of the Senate Armed Services Committee, JOHN WARNER, who is an extraordinary leader of the committee. I do not know if his age is classified or not, but at his age, the kind of energy, the kind of determination, the kind of enthusiasm and leadership he showed was just extraordinary. It was a privilege to be on this adventure with him and CARL LEVIN, our ranking member, who celebrated a birthday as we were traveling over there. The two of them set a sterling example for the rest of us to follow.

Then we met with the real superstars who are in Iraq: the men and women of our Armed Forces. I cannot say enough about the respect and admiration I have for those mostly young men and women from all over this country. They have performed superbly well. They have redefined the words "patriotism" and "courage" for this Senator. I am truly in awe of their skill and their performance under the greatest of danger, and their resolve, which continues to this day.

They are proud of what they have accomplished, as they should be. They achieved a tremendous military victory in 3 weeks' time, and now they are doing their utmost to preserve that victory while these other factors get resolved, and that is what I wish to address my remarks to this evening.

Stalwart as they are, those men and women pretty much asked all of us one question: "When are we coming home?" I did not have the answer. The military command with whom we met in Iraq did not have the answer. The Secretary of Defense yesterday did not have that answer. And that uncertainty, as well as the demands that are placed upon them—the risks, the dangers, and the pressures in this god-awful environment with temperatures 115 degrees in the afternoon, sweltering heat, and soldiers dressed in flack jackets, heavy helmets, patrolling, doing what they must do, knowing they are now increasingly targets of Iraqi resistance. It is a gruesome situation they are enduring on behalf of our country and on behalf of the commitments they have undertaken. As I say, they are performing them incredibly well.

When we met in Baghdad with U.S. Ambassador Bremer and with the commanding general of the U.S. forces, General Sanchez, we asked what they thought was the course that had to be followed, and they both said independently the same thing: The United States had to stay the course in Iraq and keep its presence there until success was achieved.

We asked, What constitutes success? They each said three things. First, that Saddam Hussein and his sons must be found and removed permanently from Iraq.

Second, that law and order must be restored to that country.

And third, that a successor government, an Iraqi government, hopefully a democratically reelected Iraqi government, will be able to replace the U.S. civilian command and begin to run that country successfully.

The first objective, the elimination of Saddam Hussein and his two sons, should have been accomplished already. It must be accomplished very soon, and I believe it will be accomplished very soon. It is impossible to overstate the terror he strikes in the souls of the people of Iraq. People literally quiver when his name is even mentioned. They refuse to say anything about him. They do not even want to mention his name or respond to questions about him.

The new local leaders we met with in Kirkuk talked softly, and when his name came up, they talked so softly they were barely audible. It is as if they wanted to recede into the woodwork and become invisible, rather than be subjected to this man's cruelty and tyranny.

We heard stories about unspeakable cruelty orchestrated by him or his two sons, such as the soccer games played in their Olympic stadium where the members of the losing team would be taken below and tortured and then executed for losing a soccer game. Or even if someone scored the winning goal and it cost one of the son's his bet, that player could be taken down below and tortured and executed. To think of living one's life under those kinds of horrific circumstances at the whim of this insane, cruel, and demonic man and his sons.

We visited a mass grave site where a couple thousand bodies have been exhumed, the ones not identified and taken away by their Iraqi brothers and sisters. There are thousands of those grave sites, we are told, all over the country.

There is reason to believe that when those three men are permanently gone, unmistakably gone, identified clearly by the Iraqi people as bodies that are never again to rule Iraq, that more and more of the citizenry will come forward and will be willing to take that crucial first step toward allegiance with the United States but, more importantly, allegiance with their own future, with their own autonomous Iraq that they can create and run themselves.

After that first goal has been achieved, the other two, bringing law and order to this country and installing a successor government that is going to be viable over the months that will follow, is going to be even more challenging. Right now, U.S. forces are seeking out and training, putting into place some 60,000 to 70,000 police officers all over Iraq.

This is a monumental undertaking of its own, to screen out the wrong elements, those who were involved before in the Baath Party or secret police, and put them now in charge of law and order all over that country, law and order that is desperately needed because right now it is the U.S. troops who are required to patrol to reconstruct the peace, guarding public property which, we are told, if something has any value at all and is not being guarded, it will be quickly stolen, looted. While our troops are standing guard or patrolling, they are exposed targets. Increasingly, they are the targets of murderers who are seeking vengeance and trying to drive out our forces.

In fact, the day after we left Baghdad, a Minnesota soldier was killed, PFC Edward Herrgott from Shakopee, MN. He was 20 years old. He was killed, murdered really, by a sniper as he stood guarding the Baghdad Museum. Some of that hostility is being orchestrated by forces, some rumored to be by Saddam Hussein himself trying to retaliate against the United States military for the victories that were achieved, but some of it is also said to be caused by the lack of improvements that have failed to be made in the basic services upon which Iraqi citizens depend.

There is an article in yesterday's New York Times and I ask unanimous consent that it be printed in the RECORD at the completion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DAYTON. Let me read a couple of excerpts because this is really the crux of where I think we have fallen behind in our effort and where, until we do make up that effort and start showing some visible success, our troops are going to have an increasingly difficult time and increasingly become targets of hostility and reaction and where they are going to be bound to that country longer than they would need to be.

It describes the city of Abu Ghraib which is just west of Baghdad. It says:

> The constituents' woes came down to the essentials. They had no power, and thus no clean water. Their local elected leader was besieged with all of these requests for basic necessities of life.
>
> Mr. Dari could do nothing for the man who, lacking electricity, stayed up all night fanning a sick child, nothing for the 5-year-old child who was left legless by unexploded ordnance that detonated, a sight that caused him to weep. He could do nothing for the multitudes complaining of cars, weapons or relatives taken by American forces, other than give their names to the Americans. He could do nothing for those lacking drinking water or waiting for food rations.
>
> "What do you tell the people—have more patience?" he asked rhetorically. "Till when?"

This local Iraqi leader went on to say:

> "Conditions have never been worse," he said bluntly. "We've never been through such a long bad period."

The city has had only 1 to 3 hours of power a day in recent weeks. Drinking water cannot be pumped without electricity so people have to take their water from dirty canals. As I said before, when we were there, the temperatures in the afternoon were 115 degrees. I was told a couple of days before we arrived it had reached 130 degrees. If there is no electricity for air conditioning and other cooling, there are serious problems.

Crime, rare under the old government, is rampant. The leader said that when he first met with the Americans he told them that they did not have much time to meet the expectations of the citizenry, and that he believes time is almost up. Yet, as of the other day, neither he nor the American colonel in charge of the troops there had ever had contact with the American-led civilian administration ostensibly governing Iraq, even though this man, Mr. Dari, oversees an area that is home to 900,000 people.

It is an impossible situation for our service men and women to be trying to uphold civil order in a foreign country with virtually no interpreters available to communicate with citizens, when they are in that state of frustration and agitation.

We met yesterday with the Secretary of Defense in the Armed Services Committee, who pointed to progress that has been made in this respect. I am sure that there has been progress in certain areas, but there is not enough progress being made in these nonmilitary efforts. They are not occurring in enough places in the country to take hold among the citizenry. And where they are occurring, at least from what we saw on our trip, it is the U.S. and British troops who are performing these nonmilitary services.

For example, in Kirkuk, which is north of Baghdad, U.S. forces conduct raids at night against what are believed to be enemy cells of resistance, and then by day they are hauling away thousands of tons of accumulated garbage, old garbage, and repairing rundown schools. The British troops with whom we met in Basra, in southern Iraq, are rebuilding a hospital. They are doing wonderful work, but that is not what they are there to do.

To ask them to be engaged in military activities, policing the streets of these cities, doing repair work or hauling away old accumulated garbage in their spare time, which they have done, is just really senseless. It is overburdening them. It is unfair to them, and it means that not enough of these nonmilitary projects, economic rehabilitation, social rehabilitation programs, are underway or visible anywhere in Iraq for the citizens of that country to see that they have hope for a better future.

They expect the United States of America, which they view as omnipotent because we came in and swept their military aside and occupied those cities and the country, to deliver services as basic as electricity or running water, and when we cannot do so and when the conditions are markedly worse than they were under Saddam Hussein, we have a very serious problem with the reception there. Our troops, our young men and women, are literally going to pay for these failures with their lives.

I was recently told about a story of a company in Ohio that makes hospital surgical beds. They were willing to send as many of these surgical tables over to Iraq as could be used—such as for the 5-year-old legless boy who needed surgery—to save lives and be recognized as having come over from the United States of America to help dress the wounds, literally and figuratively, that exist there. The company is still waiting to hear back from the Deputy Secretary of Defense's office regarding that offer to donate and transport, at their expense, these hospital facilities.

If the United States can bring in, as we have because we must, tent cities with electric generators, with sewage disposal systems, with portable toilets, why can't electric generators be brought in that will produce some of the electricity that these cities need so that they can again appreciate the benefits of what we have brought to them, not only the liberation of spirit and soul and body, but also the ability to function as they must and move forward as they must?

I urge the administration that the same efforts be made, with the same intensity of effort, the same—not quite the same funding but considerable effort be made—to bring about this renovation.

Ultimately, that reconstruction is going to take decades. It is the responsibility of the Iraqi people to undertake it and to pay for it, but in the short run, in the immediate sense, those projects are not going to occur unless the United States is the initiator, provides the leadership, and provides the initial financial resources. If we do not see a plethora of those kinds of improvements overall, if we do not see children who are outside playing with soccer balls donated by American children who sent them over there, we do not establish that basic connection, then we are going to be there far longer than we should be and longer than anybody over there now wants us to be. We are going to suffer casualties far greater than we should.

So I implore the President and the administration to undertake this effort with the same magnitude of skill and American know-how that succeeded so wonderfully militarily so we can bring our folks home.

I yield the floor.

Exhibit 1

[From the New York Times, July 9, 2003]

For a Town Council in Iraq, Many Queries, Few Answers

(By Amy Waldman)

Abu Ghraib, Iraq, July 5.—On a recent morning, the Abu Ghraib town council was hearing the usual litany of complaints, offering its usual mix of help and, mostly, impotence in return. Overhead, a fan turned, but the air did not.

The constituents' woes came down to the essentials. They had no power, and thus no clean water—could they get generators? They had no security—could they get weapons permits?

If anyone could help them, it should have been the man at the center of the scene, Dari Hamas al-Dari. In April, he was selected by the local tribes to lead Iraq's first freely formed town council after the fall of Saddam Hussein. Since then, he has sat at a desk in a white robe and headdress, in a room lined with men in tribal robes and Western dress all looking to him for answers. He has not had many.

Mr. Dari could do nothing for the man who, lacking electricity, stayed up all night fanning a sick child, nothing for the 5-year-old child who was left legless by unexploded ordnance that detonated, a sight that caused him to weep. He could do nothing for the multitudes complaining of cars, weapons or relatives taken by American forces, other than give their names to the Americans. He could do nothing for those lacking drinking water or waiting for food rations.

"What do you tell the people—have more patience?" he asked rhetorically. "Till when?"

If America has natural allies in Iraq, they are men like Mr. Dari. He attended the American Jesuit school in Baghdad, then university in Frankfurt. He has lived in Europe and speaks excellent English. He maintained his independence throughout Mr. Hussein's rule, shunning the material blandishments with which Mr. Hussein bought the loyalty of many tribal sheiks.

A part-time farmer and businessman, he is a member of the sizable Zobaa tribe, which his brother leads. He welcomed the Americans and has worked closely with their military commanders in his area.

So the impatience creeping into his voice and the frustration lining his handsome face bode poorly for the fate of the American-led occupation here—even if American officials succeed in drawing Iraqis into a new national leadership. There is no indication that Mr. Dari, who is 64, would turn on the Americans. He is simply losing faith in them.

"Conditions have never been worse," he said bluntly. "We've never been through such a long bad period."

Abu Ghraib—a largely agricultural area just west of Baghdad that is also home to Iraq's most notorious prison—has had only one to three hours of power a day in recent weeks. Drinking water cannot be pumped without electricity, so people take water from dirty canals.

The food ration system that functioned smoothly under Saddam Hussein is breaking down, out here at least. Trucks leave Baghdad laden with food, but it mysteriously gets offloaded at markets along the way.

Crime, rare under the old government, is rampant. Mr. Dari's car was taken from him at gunpoint in Baghdad recently. Four of his council members have been the victims of carjacking attempts. And while the criminals are well-armed, the Americans are disarming the victims, taking weapons while the weapons licenses they insist on are in short supply.

"People here feel naked without their pistols," Mr. Dari said, putting his own in a holster.

In a time of rising discontent, Mr. Dari is the buffer between occupier and occupied. It is a role that, historically, has earned little appreciation. Recent attacks on Iraqis cooperating with the Americans suggest that this chapter will be no different.

"We are stuck between the Americans and our people," Mr. Dari said of the council, which sits, for no salary, from 8 a.m. to 2 p.m. daily. "And there were so many promises from one side."

Some people are calling the council members "America lovers" and traitors, he said, because they are working with the Americans.

"He's caught in the middle," one of his American partners, Lt. Col. Jeff Ingram of the First Armored Division, acknowledged. "He defends us a lot."

These days, Mr. Dari is warning the American more than he is defending them. When he first met with them, he said, he told them that they did not have much time to meet people's expectations. That time is almost up, he believes.

"I'm not threatening you with another Vietnam—God forbid," he said. "I'm just trying to get help for the people before something happens."

Something is already happening, of course. Out here, as across much of Iraq, the attacks on Americans are stepping up. Colonel Ingram said his company is being attacked at least once a day, fortunately by men who are not very good shots.

Colonel Ingram blames the Iraqis for most of the area's problems, saying it is they who have torn down the power lines he fixed, they who are robbing one another. "The U.S. is not the problem, it's the solution," he said.

But he too wonders about the slow pace of rebuilding. "I would have expected the U.S., the biggest country in the world, to say here's the water purification system, here's the big generator," he said.

As of the other day, neither Mr. Dari nor Colonel Ingram had ever had any contact with the American-led civilian administration ostensibly governing Iraq, although Mr. Dari oversees an area that is home to 900,000 people.

So they soldier on alone, often seeking progress in vain. The council tried to distribute generators found at a Republican Guard camp to villages, but found that many of the village "representatives" were driving out of the camp and selling the generators. Others were being set upon by angry mobs wanting the generators for themselves.

American soldiers were deployed to keep order, but in the heat and chaos their tempers frayed. They broke windshields and cursed at Iraqis, further shrinking the reservoir of good will.

Mr. Dari said he received 10 to 12 complaints a day about weapons, cars or relatives taken by the Americas. One man came to report that American soldiers had taken away his deaf relative a month ago for having a picture of Saddam Hussein in his house, and that he had not been seen since. Officials from an Islamic charity said the Americans had confiscated their car and raided their office—the left both unsecured, giving looters free rein.

Then there are the small problems. The woman who is illegally squatting in a government building (American soldier told Mr. Dari they could not evict her unless she threatened someone; property rights were not their "purview.") The two council members whom the council dismissed for corruption. The effort to find the American commander with the authority to sign a contract for garbage collection.

Mr. Dari is just old enough to remember when the British had an air base just west of here. They told Iraqis they had come to liberate them from the Ottomans, he recalled, and they stayed 40 years.

"I hope history isn't repeating itself," he said, and pressed his temples as if hoping to make the impatient men at both elbows disappear.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. I ask unanimous consent that following the vote in relation to the Sessions amendment, which is amendment No. 1202, the legislative branch appropriations bill be read a third time and the Senate then proceed to a vote on the passage of the bill with no intervening action or debate; provided further that immediately following that vote the Senate proceed to vote on the passage of the military construction appropriations bill, again with no further intervening action or debate; provided further that no further amendments or motions or points of order be in order to either bill.

I further ask unanimous consent that following the votes on passage of the two bills, the Senate then insist on its respective amendments, request conferences with the House, and the Chair be authorized to appoint conferees on the part of the Senate for both bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Madam President, I have been trying to get some time to pay tribute to some of my constituents, military personnel, who were killed in Iraq since the war was officially declared over. I wanted to tie that into my vote for the Biden amendment on the State Department bill, which called for the President to consider asking NATO and the United Nations to share the burden with our troops on the ground. I was hoping it would be a little stronger because I believe that is what ought to happen. I have said that for a very long time now. At least, it is a step in the right direction.

We are losing too many of our people. I want to honor and remember 14 young Americans who were from California, or were based in California, and who have died since the war was declared over by President Bush.

We are losing too many of our people. Today, I want to honor and remember 14 young Americans who were from California or were based in California and who have died since the war officially ended.

Marine PFC Jose F. Gonzalez Rodriguez, age 19, died May 12 in Iraq. He was assigned to the 1st Force Service Support Group, Camp Pendleton, California. He was from Norwalk, California.

Marine CPL Jakub H. Kowalik, age 21, was killed May 12 in Iraq. He was assigned to the 1st Force Service Support Group, Camp Pendleton, California. He was from Schaumburg, Illinois.

Marine CPL Douglas Jose Marencoreyes, age 28, was killed on May 18 in Iraq. He was assigned to the 4th Marine Division, Camp Pendleton, California. He was from Chino, California.

Marine CPT Andrew David Lamont, age 31, was killed on May 19 in a helicopter accident in Iraq. He was stationed at Camp Pendleton, California, and was from Eureka, California.

Marine LCpl Jason William Moore, age 21, was killed on May 19 in a helicopter accident in Iraq. He was assigned to the 3rd Marine Aircraft Wing, Camp Pendleton, California. He was from San Marcos, California.

Marine 1LT Timothy Louis Ryan, age 30, was killed on May 19 in a helicopter accident in Iraq. He was assigned to the 3rd Marine Aircraft Wing, Camp Pendleton, California. He was from Aurora, Illinois.

Marine SSgt Aaron Dean White, age 27, was killed on May 19 in a helicopter accident in Iraq. He was assigned to the 3rd Marine Aircraft Wing, Camp Pendleton, California. He was from Shawnee, Oklahoma.

Marine Sgt Kirk Allen Straseskie, age 23, was killed on May 19 during an attempt to rescue victims of a helicopter accident in Iraq. He was assigned to the 4th Marine Regiment, Camp Pendleton, California. He was from Beaver Dam, Wisconsin.

Marine Sgt Jonathan W. Lambert, age 28, died on June 1 as a result of injuries sustained in an accident on May 26 in southern Iraq. He was assigned to the 1st Marine Division, Camp Pendleton, California. He was from New Site, Mississippi. He is survived by his wife, a 2-year-old daughter, his parents, a sister, and two grandparents.

Army Sgt Atanacio Haro Marin Jr., age 27, was killed by enemy fire on June 3 in Iraq. He was attached to the 16th Field Artillery Regiment at Fort Hood, Texas. He was from Baldwin Park, California. He joined the National Guard after he graduated from high school. Following his service with the National Guard, he transferred to the Army.

Marine PFC Ryan R. Cox, age 19, was killed on June 15 in Iraq. He was stationed at Twenty-nine Palms, California. Hew was from Derby, Kansas.

Army SP Paul T. Nakamura, age 21, was killed on June 19 when his ambulance was struck by a grenade in Iraq. He was from Sante Fe Springs, California. He was attached to the 437th Medical Company, based in Colorado Springs, Colorado.

Army SP Andrew Chris, age 25, was killed on June 25 in Iraq. He was assigned to Company B, 3rd Battalion, 75th Ranger Regiment, Fort Benning, Georgia. Before he joined the Army, he lived for several years in California, most of them in the San Diego area. He planned to teach high school history when he completed his military career.

Marine Cpl Travis J. Bradachnall, age 21, was killed on July 2 near the city of Karbala, Iraq. He was assigned to the Combat Service Support Group 11, Camp Pendleton, California. He was from Oregon.

Mr. President, 55 individuals who were from California or based in California have died while serving our country in Iraq.

The people of California, as well as all Americans, mourn their loss. May these beautiful young Americans rest in peace. I also continue to pray for those who have been wounded in this conflict. I wish them the very best as they recuperate from their injuries.

I hope that all of our brave young women and men serving abroad will return home safely. They deserve to be relieved soon. Many have been there much longer than they anticipated. Their families need them.

They face an extremely dangerous situation. Many say they are more fearful now than they were in the height of the war.

I agree with those who are calling for the peacekeeping troops to be an international force. That would ease the burden on our men and women in uniform and would also make them less of a target.

There is no reason that this shouldn't be done as soon as possible so that I and others do not have to come to the Senate floor for the purpose of delivering painful and heartbreaking eulogies.

Thank you, Mr. President. I yield the floor.

IN MEMORIAM OF EUGENE AUGUSTINE JENKINS, JR. OF MARYLAND

Mr. FRIST. Madam President, I would like to notice the passing this week of Eugene Augustine Jenkins, Jr. of Maryland, a loyal Senate staff member and legal counsel to several senators over the course of almost four decades. Gene Jenkins came to the Senate in 1953 after serving in the Air Force as an Assistant Judge Advocate General from 1951 to 1953, and after receiving bachelor and law degrees from Georgetown University. He worked for Senators J. Glenn Beall and Charles McC. Mathiais of Maryland, Senator Winston Prouty of Vermont and Senator Roman Hruska of Nebraska.

During his long years of service, Gene Jenkins garnered a reputation not only as a fine lawyer but also as the most meticulous historian and archivist that a Senator could hire to prepare their historical records and papers. A Senator who hired Gene Jenkins would have to hide the fact by hiding Jenkins' office because Jenkins' reputation was so well known that if a Senator had hired him, it clearly signaled that the Senator was about to retire.

A member of the family that once owned Jenkins Hill, which we now call Capitol Hill, Gene Jenkins not only served the Senate modestly but he was a public servant and good citizen in the truest sense, dedicating himself to numerous voluntary organizations, including his beloved Society of the Cincinnati and the Stewards of Georgetown. He was devoted to his church and volunteered for many years with Mother Theresa's Sisters of Charity. He will be buried this coming Monday at St. Joseph' Parish in southern Maryland, one of the oldest Roman Catholic churches in North America, near his family home in Pomfret where the Jenkins family has been buried for generations—a final resting place befitting a historian. May he rest in peace.

PATIENTS FIRST ACT

Mr. CHAFEE. Mr. President, earlier this week, I voted in favor of invoking cloture on the motion to proceed to S. 11, the Patients First Act of 2003. My vote was not an endorsement of S. 11 as it was introduced in the Senate. In fact, I have concerns about various aspects of the bill—including the $250,000 cap on noneconomic damages—and I anticipate supporting amendments to S. 11 if the Senate has an opportunity to fully debate this legislation.

However, I do believe that reform of the medical liability system should be part of a comprehensive response to surging medical malpractice premiums that endanger Americans' access to quality medical care by causing doctors to leave certain communities or cease practicing medicine altogether.

For this reason, I voted for cloture on S. 11 in an effort to move the debate forward.

I commend Senator FEINSTEIN of California for working with the majority leader to craft a bipartisan proposal for reform, and I am hopeful that they will revive their discussions in the near future.

SYRIA ACCOUNTABILITY ACT

Mrs. BOXER. Madam President, I wish to discuss S. 982, the Syria Accountability Act. Senator SANTORUM and I introduced this legislation on May 1. In just over 2 months, this bill has received 63 cosponsors.

After discussing this issue with Senator LUGAR, the chairman of the Senator Foreign Relations Committee, Senator SANTORUM and I have decided against offering this legislation as an amendment to the State Department authorization bill.

Senator LUGAR has agreed to hold a hearing in his committee on the issue of Syria in the near future. I am very grateful for his cooperation. The Syria Accountability Act would expand U.S. diplomatic and economic sanctions against Syria unless a certification can be made that Syria no longer supports terrorism, has withdrawn from Lebanon, and has ended its pursuit of weapons of mass destruction.

The legislation does not in any way advocate the use of force against Syria. The goal is to give the President and the Secretary of State the ability to exert economic and political leverage on Syria because of the serious policy concerns we have with the Syrian government.

It is well known that terrorist organizations like Hizballah, Hamas, and the Popular Front for the Liberation of Palestine maintain offices, training camps, and other facilities on Syrian territory and in areas of Lebanon occupied by the Syrian armed forces. This bill addresses this issue by confronting the Government of Syria in a diplomatic way that shows the seriousness of our concerns.

The Syria Accountability Act of 2003 would impose various sanctions on Syria, including a prohibition on the export of defense and dual-use items. In addition, the act requires the President to impose two or more of the following sanctions: 1, prohibiting the export of products of the U.S. other than food and medicine to Syria, 2, prohibiting U.S. businesses from investing or operating in Syria, 3, restricting Syrian diplomats in Washington, DC and at the United Nations to travel only within a 25-mile radius of Washington, DC or the United Nations, respectively, 4, reducing U.S. diplomatic contacts with Syria, and 5, blocking transactions in any property in which the Government of Syria has any interest.

The President is authorized to waive any or all of these five sanctions if it is in the national security interest of the United States. It is imperative that we hold all nations that are responsible for the proliferation of international terrorism and regional instability in the Middle East fully accountable for their actions. If we do not, the credibility of our antiterrorism efforts diminishes, along with our chances for victory over terrorism and for truly positive change in the Middle East. I thank the Chairman of the Foreign Relations Committee for his assistance.

HONORING OUR VIETNAM VETERANS ON JULY FOURTH

Mr. DURBIN. Madam President, I rise today to recognize and applaud VFW Post 2164 of Wheaton, IL for sponsoring the Moving Wall in Wheaton during its Independence Day celebrations from June 30 to July 6 this year. I had the honor of marching in the Wheaton July 4th parade last Friday and viewing the Moving Wall. I was especially impressed by the community's tribute to fallen Vietnam veterans that was delivered at the parade reviewing stand.

The Moving Wall is a half-sized replica of the Vietnam Veterans Memorial here in Washington. The Memorial was dedicated in 1982 in honor of the men and women of the Armed Forces of the United States who served in the Vietnam War. The black granite wall, engraved with the names of those who gave their lives and those who remain missing, serves as a somber reminder of the costs of war in American lives and treasure.

The idea of a moving wall was conceived by Vietnam veteran John Devitt while attending the Vietnam Veterans Memorial dedication in 1982. Devitt's idea was deeply personal. He had been out of work when the wall was dedicated and had made the trip with financial help from family and friends. "There were millions of people who would never be able to come to Washington," he later explained: "I wanted them to be able see and feel what I had." Mr. Devitt accomplished his mission as millions of people in hundreds of American communities have visited the Moving Wall during its 20 years of existence.

The Moving Wall was built by Devitt, Norris Shears, Gerry Haver and other Vietnam veterans, and was displayed for the first time in Tyler, TX in October of 1984. Currently, there are two Moving Walls, which crisscross the country from April to November each year.

The 462-strong VFW Post 2164, commanded by Korean War veteran Sonny Carson, and the citizens of Wheaton, IL are to be commended for raising the $26,000 required to bring the Wall to Wheaton. The Wall's presence in Wheaton was a particularly poignant event as the names of 14 of its sons are engraved upon the Wall's granite face, including a Medal of Honor recipient, James Howard Monroe.

The goal of bringing the Moving Wall to Wheaton was to help close old wounds, and to educate the community about the war in Vietnam and its profound effect on our Nation and our veterans. It is my pleasure to congratulate the members of VWF Post 2164 and the citizens of Wheaton for achieving that goal, and for helping the rest of us honor and remember those who made the ultimate sacrifice for our country.

LAOS

Mr. FEINGOLD. Madam President, I rise today to express my concern over recent events in Laos. As a member of the Subcommittee on East Asian and Pacific Affairs of the Senate Committee on Foreign Relations, I have consistently monitored the human rights situation in Laos and other East Asian nations. Recent news reports indicate that the human rights situation continues to deteriorate in Laos, specifically for the Hmong ethnic group.

As many of you may know, two European journalists and their translator, a Hmong-American pastor from Minnesota, were captured by the Lao government on June 4, 2003 and sentenced to 15 years of prison. After serious diplomatic negotiations between the governments of Belgium, France, the United States and Laos, they were released from prison on Wednesday. While I am relieved that the Lao government has freed these people, I remain concerned about the continuous allegations of human rights violations by the Lao government. Amnesty International reports that Lao nationals who accompanied the journalists remain in detention without legal representation and are being tortured with sticks and bicycle chains, which I find horrifying. I also find troubling reports by the freed journalists regarding the "sham" trials they experienced.

In addition, Time magazine has recently released two articles that accuse the government of waging a war against the Hmong ethnic community within Laos. The articles state that the Lao government attacked a Hmong village in October, killing 216 people and has threatened to "eradicate" the population of Hmong. Time magazine also claims that "no political dissent has been allowed in [Laos for] 28 years, nor any right of assembly. Scores of political prisoners and youths have been detained for years in dark cells without trial; many have been tortured."

While I cannot confirm the specific allegations of the article, many of my Hmong constituents have raised similar concerns about the human rights conditions in Laos and the welfare of their families and friends who are living there. I strongly believe that the

United States cannot ignore violations in Laos. I have consistently supported efforts to promote human rights and democracy in Laos, and in the 106th Congress, sponsored a resolution calling upon the Government of Laos to recognize and to respect the basic human rights of all its citizens, including ethnic and religious minorities.

Once again, I ask the Lao government to allow international humanitarian organizations to have access to areas in which Hmong and other ethnic minorities have resettled, to allow independent monitoring of prison conditions, and to release prisoners who have been arbitrarily arrested because of their political or religious beliefs. These violations must not continue.

THE WEISS REPORT

Mr. McCONNELL. Madam President, during consideration of the motion to proceed to S. 11, I took exception with several findings included in the Weiss Report on Medical Malpractice Caps that I believed misinterpreted the data of the Medical Liability Monitor and the National Practicioner Data Bank. Following the vote on the motion to invoke cloture, I received a report supporting my conclusions from the Physicians Insurance Association of America as well as a statement from the Division of Practicioner Data Banks. I ask unanimous consent that these documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WEISS RATINGS REPORT ON MEDICAL MALPRACTICE CAPS—PROPAGATING THE MYTH THAT NON-ECONOMIC DAMAGE CAPS DON'T WORK

On June 3, 2003, Weiss Ratings, Inc. published a report regarding the performance of the medical malpractice insurance industry entitled Medical Malpractice Caps The Impact of Non-Economic Damage Caps on Physician Premiums, Claims Payout Levels, and Availability of Coverage. The major recommendation of the report is that "Legislators should put proposals involving non-economic damage caps on hold until convincing evidence can be produced to demonstrate a true benefit to doctors in the form of reduced med mal costs." Unfortunately, the Weiss report is ill conceived, and misleads the reader by falsely demonstrating that non-economic damage caps have not worked. Both of the data sources used by Weiss have gone on record disagreeing with the report's methodology, as described herein.

The conclusions drawn by Weiss are opposite of those previously published by reputable entities, such as the Congressional Budget Office, US Department of Health and Human Services, Joint Economic Committee of the United States Congress, Standard & Poors, American Academy of Actuaries, Tillinghast, and Milliman, USA, to name a few (see Appendix A). Unlike Weiss, all of these highly respected organizations have considerable experience and acceptance by government and industry for their knowledge and analytical product.

The purpose of this document is to evaluate Weiss' use of the data and analytical process. In short, Weiss misuses published industry data in an effort to demonstrate that non-economic damage caps enacted by several states have not been effective in reducing medical malpractice premiums in those states as compared to states without caps. Weiss underestimates the "average" claim costs for the two groups of states by employing inappropriate analytical technique to represent the burden on insurers. This is an error that is readily obvious to those who work with medical malpractice claims data, and it misleads the reader to an inappropriate conclusion.

WHAT DID WEISS DO WRONG?

Grouping the States

Weiss has grouped 19 states as having caps on non-economic damages, and 32 others (including the District of Columbia) as not having caps. Unfortunately, states with effective caps, such as California with a $250 thousand cap, are considered the same as states having various levels of caps up to and including $1 million. In fact, only 5 of the 19 states have a $250 thousand dollar cap similar to that being proposed under current legislation. Eleven of the states have caps of $500 thousand or greater. No attempt has been made to evaluate the effectiveness of caps at various levels, they have simply been lumped together. The American Academy of Actuaries has testified that caps are a key element of tort reform, and must be set at a level low enough, such as $250,000, to have an effect. Any comparison chosen to demonstrate the effectiveness of non-economic damage caps should be sensitive to the level of caps in the various states and to their individual effectiveness.

In addition, as clearly shown on Appendix 1 of the Weiss report, more than half of the states enacting non-economic damage caps had not done so prior to the baseline date of 1991. Weiss compares premiums and claims costs for only two years, 1991 and 2002. The caps enacted in 10 states were not in place in 1991, and thus, these states should not be included in the "cap states" category for this analysis. Two other states had only adopted their caps in 1990, and the beneficial effects of these laws may not have been recognized in the data by 1991 due to constitutional challenge and uncertainty about the ultimate effects of the caps.

Measuring the Premiums

Weiss uses the annual insurance rate surveys published by Medical Liability Monitor (MLM) for three medical specialties as the source of insurance premium data. He calculates median average premiums by state and then calculates a median premium for 1991 and 2002 for the two groups of states.

For example, Alabama had two insurers listed in the 2002 study, each with a premium for the three specialties. Weiss simply ranks the premiums from least to most, and then selects the middle value (or mean average of the two middle values when there is an even number of rates) as the median average value, as shown below.

MEDICAL LIABILITY MONITOR RATE SURVEY DATA
ALABAMA

Insurer	Specialty	1991 rate	2002 rate
FPIC	Internal Med	N/A	$6,043
ProAssurance	Internal Med	$5,008	6,806
FPIC	Gen Surgery	N/A	19,286
ProAssurance	Gen Surgery	25,629	27,694
FPIC	OB/GYN	N/A	36,506
ProAssurance	OB/GYN	45,368	38,873
Median		25,629	[1] 23,490

[1] Calculated as the mean average of $19,286 and $27,694.

Alabama was selected for this discussion simply because it is alphabetically the first state. However, these data demonstrates many reasons why the use of the median is improper:

Data for different insurers are used for the two comparison years.

The median value is representative of only general surgery rates because general surgery rates are always higher than internal medicine and lower than OB/GYN.

Because two carriers are represented in 2002 and only one in 1991, the median value chosen by Weiss (the average of the two general surgery rates) is actually lower than the 1991 rate. However, the actual general surgery rates for the only carrier shown for both years increased—the opposite of Weiss' result.

The premiums shown are not adjusted for various discounts or surcharges, and do not reflect any dividends which may have been paid back to policyholders, thus reducing their total outlay. Medical malpractice insurers paid substantial dividends in the 1991 era, which had been largely reduced by 2002 due to industry losses.

Using the product of this calculation to represent insurance industry revenues is flawed for many additional reasons. First, there is no certainty that any of the table rates listed in MLM are actually charged. Carriers may have a premium filed in a given state (or in multiple territories in states), but may not write much business there. Weiss' analysis gives no weight to the actual amount of insurance sold by the various companies in any state, nor does it reflect discounts or surcharges which are routinely applied to standard premiums. In addition, many insurers pay policyholder dividends, which in effect reduce the annual premiums paid.

MLM has objected to Weiss' misuse of its data. In a July 7, 2003 email to Senate Majority Leader Frist, MLM Editor Barbara Dillard states "We believe it is misleading to use median annual premiums compiled with data from Medical Liability Monitor to demonstrate the effect of non-economic damage limits on liability rates."

The Weiss analysis only includes premium data for three medical specialties, thus ignoring the experience for all of the rest. Even more glaring is the fact that the MLM data does not exist for seven of the capped states and five of the non-capped states for 1991. But, this did not stop Weiss from irresponsibly including these states in the analysis (see Weiss's Appendix 1 and 2).

An analysis using actual premiums as reported to the National Association of Insurance Commissioners (not medians) is helpful in evaluating differences between states having effective damage caps throughout the period of Weiss' analysis and those without. Such premiums include surcharges and discounts which may have been applied to standard rates.

The four states having a $250,000 cap prior to 1991 (CA, CO, IN, KS) saw their total premiums increase by 28.0 percent between 1991 and 2001 (2002 data not available yet). States not having the $250,000 non-economic damage cap experienced a collective 47.7 percent increase in premiums, over 70 percent greater. See Appendix B for details. This wide gap in premiums actually collected compares inversely to Weiss' faulty conclusion that annual premiums in states with caps increased by 48.2 percent as compared to 35.9 percent in states without caps.

Measuring Claim Costs

In order to evaluate the difference in claim costs between the two groups of states, Weiss analyzes median claim payments by state for

1991 and 2002 as reported to the National Practitioner Data Bank (NPDB). The NPDB provides the only readily available source of medical malpractice insurance indemnity payments by state. However, in order to use these data effectively, one must understand the nature of the claim payment values reported, and the shortcomings from that which might be normally expected (see Appendix C for a discussion of the NPDB claim payment data).

The use of the median claim payment value greatly compromises the accuracy of Weiss' analysis. While the median (or middle value of the claim payment distribution) might be an effective descriptor of what a plaintiff might receive as payment (before paying almost half to his/her lawyer), it cannot be used to measure the claim payment burden on insurers. The use of total claim payments reported by state shows a much larger differential result than Weiss' reported payout increase of 83.3 percent for capped states as compared to 127.9 percent for non-capped states.

The increase in total claim payments for the four states having a $250,000 non-economic damage cap during the period of the Weiss analysis is 52.8 percent, compared to 100.1 percent for all other states—an 89.6 percent difference (See Appendix D). Thus the experience in the capped states is almost twice as good as that for states without effective non-economic damage caps prior to 1991. Using his faulty median calculation, Weiss would have us believe that the difference is only 53.5 percent (127.9/83.3).

The NPDB has gone on record opposing Mr. Weiss' methodology, saying that "Although the statistical median, is usually the best measure of the 'average' malpractice payment received by claimants, it does not show the 'burden on insurers.' The 'burden on insurers' is the total amount of dollars paid, not the 'average' or median payment." (see Appendix E for NPDB statement).

Investment Performance

In addition to inappropriate analysis of premium and claims data, the Weiss report comments on the investment performance of medical malpractice insurers. Being a long tail line of insurance, medical malpractice insurers routinely utilize the investment income generated by the premiums they collect and hold for the payment of claims in the future. It is no secret that bond yields have declined over the past decade, and are now at historically low levels.

In spite of the fact that medical malpractice insurers are 80 percent invested in bonds and have less than 10% invested in the stock market, Weiss still concludes that stock market losses are responsible for insurers' poor performance. While the fall in interest rates has reduced the interest income available to offset premiums, Weiss fails to mention that when rates go down, bond values go up, and insurers have been able to book capital gains to bolster their investment income.

The total return on investments for the industry has remained fairly stable, and does not explain why rates are rising. Rates are rising because of increasing claim costs.

CONCLUSION

The Weiss report recommends that ". . . legislators must immediately put on hold all proposals involving non-economic damage caps until convincing evidence can be produced to demonstrate a true benefit to doctors in the form of reduced med mal cost." This information exists, as reported herein and by many other reputable sources, and now is the time for the enactment of effective federal health care liability reform.

APPENDIX A—REPUTABLE SOURCES KNOW THAT MICRA'S CAP REINS IN PREMIUMS

Congressional Budget Office—"CBO's analysis indicated that certain tort limitations, primarily caps on awards and rules governing offsets from collateral-source benefits, effectively reduce average premiums for medical malpractice insurance. Consequently, CBO estimates that, in states that currently do not have controls on malpractice torts, H.R. 5 would significantly lower premiums for medical malpractice insurance from what they would otherwise be under current law. . . . premiums for medical malpractice insurance ultimately would be an average of 25 percent to 30 percent below what they would be under current law."

[CBO Cost Estimate of H.R. 5, the HEALTH Act, March 10, 2003.]

U.S. Department of Health and Human Services—"States with limits of $250,000 or $350,000 on non-economic damages have average combined highest premium increases of 12–15 percent, compared to 44 percent in states without caps on non-economic damages."

[Confronting the New Health Care Crisis: Improving Health Care Quality and Lowering Costs by Fixing Our Medical Liability System, U.S. Department of Health and Human Services, July 24, 2002]

Joint Economic Committee of the United States Congress—"Tort reforms would reduce overall spending on healthcare, saving between $67 and $106 Billion over ten years."

[Florida] Governor's Select Task Force on Healthcare Professional Liability Insurance (Report and recommendations submitted January 29, 2003)—"The Task Force believes that a cap on non-economic damages will bring relief to this current crisis. Without the inclusion of a cap on potential awards of non-economic damages in a legislative package, no legislative reform plan can be successful in achieving the goal of controlling increases in healthcare costs, and thereby promoting improved access to healthcare. Although the Task Force was offered other solutions, there is no other alternative remedy that will immediately alleviate Florida's crisis of availability and affordability of healthcare. The evidence before the Task Force indicates that a cap of $250,000 per incident will lead to significantly lower malpractice premiums."

American Academy of Actuaries—"Before MICRA's adoption in 1975, California's percentage of loss payments was significantly higher than its proportion of physicians. By 1981, California's loss payments had dropped and were about even with its percentage of physicians. Since that date, California has continued to benefit from MICRA: Costs continue to drop as a percentage of the U.S. total, even as the percentage of physicians remains stable. Although other factors affect these . . . However, the California data show that premiums declined as losses declined . . . Although year-to-year fluctuations do occur, premiums have fallen in proportion to the decline in losses."

[Federal Budget Savings Through Medical Liability Reform, Physician Insurers Association of America]

Tillinghast-Towers Perrin—"We would expect that a $250,000 cap on non-economic damages will produce some savings, perhaps in the 5 percent to 7 percent range for physicians. If the number of large malpractice claims is trending upward rapidly, a $250,000 non-economic cap may also help to flatten out the rate of increase in the number of claims."

[Letter to Mr. Ray Cantor from James Hurley Tillinghast-Towers Perrin, January 7, 2003]

Milliman, USA—"California law prescribes a $250,00 cap on non-economic damages and malpractice losses per physician are much lower than the countrywide average (i.e., about 50 percent of the countrywide average from 1991 to 2000). Thus, there appears to be clear evidence that a cap would be effective in reducing the cost of medical malpractice claims."

[Milliman USA, Florida Hospital Association, Medial Malpractice Analysis, November 7, 2002]

Standard & Poor's—"The U.S. medical malpractice industry in 2003 is likely to face a continued rise in loss severity, stemming from litigation, as it waits for meaningful tort reform . . . If tort reform is unsuccessful, ultimately this would affect the ability of doctors to continue practicing, said Standard & Poor's credit analyst Alan Koerber. If severity trends continue to escalate in the absence of effective tort reform, we could arrive at a point where the whole industry structure is in peril . . . In California—where the state has placed a cap on non-economic damages (punitive damages, or awards for pain and suffering) at $250,000—insurance rates have not shown the sharp increases experienced in other states."

[Waiting for Tort Reform, U.S. Medical Malpractice Industry Battles Loss Severity Strain, Standard & Poor's Ratings Direct, June 6, 2003]

APPENDIX B

STATES WITH CAPS OF $250,000 IN PLACE PRIOR TO 1991

State	91 Total premium	01 Total premium	% change
CA	$529,056	$644,598	21.8
CO	65,543	97,668	49.0
IN	34,174	58,693	71.7
KS	32,544	45,804	40.7
Total	661,317	846,763	28.0

STATES WITHOUT CAPS OF $250,000 IN PLACE PRIOR TO 1991

State	91 Total premium	01 Total premium	% change
AK	$13,731	$13,226	−3.7
AL	84,979	123,351	45.2
AZ	107,812	135,597	25.8
AR	23,135	39,727	71.7
CT	103,224	120,543	16.8
DE	20,068	17,215	−14.2
DC	37,612	30,893	−17.9
FL	241,421	604,014	150.2
GA	134,604	200,600	49.0
HI	16,066	30,092	87.3
ID	14,837	21,840	47.2
IL	289,811	399,142	37.7
IA	44,120	58,831	33.3
KY	58,212	81,826	40.6
LA	50,850	82,000	61.3
MD	107,893	155,433	44.1
MA	31,127	182,898	487.6
MI	169,347	177,045	4.5
MO	112,915	119,300	5.7
MT	16,613	17,348	4.4
ME	28,883	27,055	−6.3
MN	62,903	56,147	−10.7
MS	22,132	44,522	101.2
NE	17,972	22,359	24.4
NV	25,250	57.293	126.9
NH	10,253	19,296	88.2
NJ	241,892	290,103	19.9
NM	15,161	29,940	97.5
NY	699,493	888,290	27.0
NC	91,687	158,764	73.2
ND	12,764	12,887	1.0
OH	246,063	300,057	21.9
OK	59,666	63,526	6.5
OR	48,144	56,534	17.4
PA	228,266	335,491	47.0
RI	7,927	21,681	173.5

STATES WITHOUT CAPS OF $250,000 IN PLACE PRIOR TO 1991—Continued

State	91 Total premium	01 Total premium	% change
SC	8,542	23,587	176.1
SD	9,862	10,543	6.9
TN	118,135	250,361	111.9
TX	214,757	422,003	96.5
UT	24,858	37,152	49.5
VA	76,537	141,345	84.7
VT	12,593	6,891	−45.3
WA	104,323	134,009	28.5
WI	74,812	64,060	−14.4
WV	34,595	76,937	122.4
WY	8,118	10,594	30.5
Total	4,170,234	6,159,122	47.7
Total	8,340,468	12,318,244	47.7

Total premiums earned 1991–2001 PIAA.
NAIC 2002 data not yet available.

Appendix C—General Comments About NPDB Payment Values

The National Practitioner Data Bank (NPDB) was designed to collect information on health care providers which would allow credentialling entities to identify individuals who had accumulated a "bad track record" and who may move to a new geographic location to start anew. While some of the data fields in the data base are useful, it was not designed as a medical malpractice research data base. The data are not well suited for measuring the actual payment values of verdicts or settlements in a malpractice case, as described below.

The Health Care Quality Improvement Act requires insurers to report the first indemnity payment (check written) made on behalf of any provider within 30 days of the date of payment. It is this value which appears in the numeric field in the NPDB data base, and which appears in the NPDB public use file. This payment value must be analyzed in light of the following:

A. The data reported to the NPDB is on a provider (doctor) basis, and represents payments made on behalf of only one provider. The Data Bank has no way of linking payments made on behalf of multiple individual providers to aggregate the total amount of the settlement or jury award. Thus, the total value of settlements or jury awards made for the plaintiff against multiple providers cannot be determined.

B. Insurers may make more than one indemnity payment on behalf of a provider. Only the first payment is required to be reported, and reporting entities are directed to explain any anticipated future payments in a non-machinable paragraph of description.

C. In cases involving continuing care (such as long term medication), the provider may have been insured by more than one primary insurance carrier, each of which may have made a payment for any individual claim.

D. In cases where excess carriers or state-run compensation funds make an excess payment (usually amounts over $1mil) in addition to the primary insurer payment, two reports are sent to the Data Bank, which then look like two smaller payments for two separate claims instead of one larger payment.

E. In many cases, insurers do not apportion payments made on behalf of multiple defendants, such as in a case where $300,000 is paid on behalf of three doctors. In this instance, the Data Bank instructs the reporting entity to file a report for each doctor, each of which will have $300,000 in the payment field. There is a separate field which should indicate that a payment was made on behalf of three practitioners. For these data records, the $300,000 must be divided by 3 to get an accurate average payment amount for each of the three data records.

F. The Data Bank estimates that they are only getting 50% compliance with reporting entities. They have done quite a bit of work looking at insurers reports, and have uncovered little non-compliance. Thus, the problem may lie in self-insured plans, etc., if the non-compliance does in fact exist. In any event, the total amounts reported may not be complete.

Appendix D

STATES WITH CAPS OF $250,000 IN PLACE PRIOR TO 1991

State	91 Total payment	02 Total payment	% change
CA	$167,057,855	$245,695,565	47.1
CO	12,766,034	47,346,789	270.9
IN	9,403,230	12,381,153	31.7
KS	24,557,394	21,153,550	−13.9
Total	213,784,513	326,577,057	52.8

STATES WITHOUT CAPS OF $250,000 IN PLACE PRIOR TO 1991

State	91 Total payment	02 Total payment	% change
AK	$2,976,192	5,036,632	69.2
AL	9,662,216	32,632,538	237.7
AZ	28,873,130	84,213,842	191.7
AR	7,567,795	24,988,884	230.2
HI	1,434,373	13,089,167	812.5
ID	3,300,506	6,903,966	109.2
CT	26,348,067	90,520,944	243.6
DE	6,658,001	29,206,312	338.7
DC	22,199,687	15,437,950	−30.5
FL	129,236,245	311,539,387	141.1
GA	40,712,086	116,301,797	185.7
IL	179,429,302	266,647,177	48.6
IA	15,868,786	28,037,027	76.7
KY	12,752,049	49,043,250	284.6
LA	23,507,975	46,669,001	98.5
MA	59,139,301	104,680,958	77.0
MD	30,065,789	85,903,788	185.7
ME	6,090,688	15,946,958	161.8
MI	85,142,892	92,333,909	8.4
MN	18,600,625	24,181,892	30.0
MO	65,472,456	61,868,283	−5.5
MS	7,400,134	39,598,854	435.1
MT	4,712,949	13,164,568	179.3
NE	7,440,991	17,447,940	134.5
ND	2,715,134	5,338,875	96.6
NM	11,594,337	10,997,782	−5.1
NV	11,616,548	38,994,264	235.7
NH	6,284,067	16,745,000	166.5
NJ	100,284,888	242,389,131	141.7
NY	328,102,491	640,812,015	95.3
NC	31,731,491	85,032,981	168.0
OH	80,370,391	150,743,405	87.6
OK	20,210,459	34,392,805	70.2
OR	18,050,981	34,278,386	89.9
PA	182,563,738	402,757,919	120.6
RI	12,274,927	13,684,082	11.5
SC	8,143,410	40,855,294	401.7
SD	1,207,251	3,406,750	182.2
TN	29,032,250	48,950,050	68.6
TX	167,034,605	252,306,549	51.1
UT	8,413,623	22,920,619	172.4
VA	21,037,767	66,040,922	213.9
VT	1,651,109	2,077,715	25.8
WA	21,775,473	77,739,921	257.0
WI	45,242,041	54,299,009	20.0
WV	26,823,084	40,899,280	52.5
WY	2,958,895	7,293,550	146.5
Total	1,930,735,003	3,863,314,696	100.1

NPDB total payouts by PIAA state 1991–2002.

Appendix E—Statement of the Division of Practitioner Data Banks, Health Resources and Services Administration, U.S. Department of Health and Human Services, Concerning Use of Medians of Malpractice Payments Reported to the National Practitioner Data Bank for Analysis of the Impact of Caps on Malpractice Payments, July 2, 2003

The Weiss Ratings, Inc. report "Medical Malpractice Caps: The Impact of Non-Economic Damage Caps on Physician Premiums, Claims Payout Levels, and Availability of Coverage" mentions data from the National Practitioner Data Bank in its discussion of the relationship between caps on medical malpractice payments and medical malpractice insurance premiums. The report states on page 7:

Caps do reduce the burden on insurers—Using data provided by the National Practitioner Data Bank, we compared the median payouts in the 19 states with caps to those in the 32 states without caps for the period between 1991 and 2002, with the following results:

Payments reduced. In states without caps, the median payout for the entire 12-year period was $116,297, ranging from $75,000 on the low end to $220,000 on the high end. In states with caps, the median was 15.7 percent lower, or $98,079, ranging from $50,000 to $190,000. Since caps in many states were not imposed until late in the 12-year period, this represents a significant reduction.

Growth in payouts slowed substantially. The median payout in the 32 states without caps increased by 127.9 percent, from $65,831 in 1991 to $150,000 in 2002. In contrast, payouts in the 19 states with caps increased at a far slower pace—by 83.3 percent, from $60,000 in 1991 to $110,000 in 2002.

In short, it's clear that caps do accomplish their intended purpose of lowering the average amount insurance companies must pay out to satisfy med mal claims.

Although the statistical median is usually the best measure of the "average" malpractice payment received by claimants, it does not show the "burden on insurers." The "burden on insurers" is the total amount of dollars paid, not the "average" or median payment.

Statistically, the median is the payment amount in the middle of a rank-ordered list of all payments. Thus in a set of 101 payments, 50 of which were for $1,000, 1 of which was for $25,000, 49 of which were for $100,000, and 1 of which was for $1,000,000, the median payment would be $25,000. Arguing that the burden of payments on insurers is low because the median payment is $25,000 is misleading. The total amount paid cannot be determined through use of the median. The burden on insurers would be better measured by examining the total of all payments by insurers.

ADDITIONAL STATEMENTS

U.S. INSTITUTE OF PEACE'S 2003 NATIONAL PEACE ESSAY CONTEST WINNER

• Mrs. FEINSTEIN. Madam President, on Wednesday, June 25, Granite Bay Student Kevin Kiley visited my office as part of the U.S. Institute of Peace's 2003 National Peace Essay Contest, NPEC, Awards Week in Washington.

Mr. Kiley had been selected by the Institute as the California State winner as well as the national award winner for his essay, "Kuwait and Kosovo: The Harm Principle and Humanitarian War." The U.S. Institute of Peace has sponsored the essay contest annually since 1986 in the belief that expanding the study of peace, justice, freedom, and security is vital to civic education.

I am proud of Mr. Kiley's exemplary essay, commend his dedication to this studies, and congratulate his teachers at Granite Bay High School. This young man, who is thoughtful and mature beyond his years, will be a leader in his future endeavors in peace studies.

I would like to bring to my colleaguess' attention a copy of Mr. Kiley's first place essay. I ask that it be printed in the RECORD.

The essay follows.

KUWAIT AND KOSOVO: THE HARM PRINCIPLE AND HUMANITARIAN WAR

War causes harm; of this there is no doubt. In determining the justification of war, the question hence becomes: when is it justified to cause harm? The only morally acceptable answer is that causing harm is justified if it prevents further harm. Thus, in general terms, the only justifiable reason to go to war is to minimize harm—if war is the lesser of two evils.

Underlying the issue of just and unjust war is the concept of sovereignty, for declaring war on a nation is a direct violation of its right to self-government. This adds another element to the harms calculation involved in justifying war. Even the United Nations accepts the view that sovereignty has inherent value, stating in a 1970 Declaration, "Every state has an inalienable right to choose its political, economic, social, and cultural system, without interference in any form by another state." Waging war against a sovereign nation constitutes a direct violation of this "inalienable right."

In determining what circumstances justify violating a nation's sovereignty, the laws governing the conduct of individuals provide a useful analogy. In On Liberty, John Stuart Mill establishes the Harm Principle, a criterion for when it is justified to violate an individual's sovereignty. Mill writes, "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others." Mill's aphorism can be taken a step further; it applies with equal force to sovereign nations. Just as an individual's freedom must be restricted if it harms other individuals, so too must a nation's freedom be restricted if it harms other nations. This principle, however, does not simply govern the relationship between two warring nations, for today's complex world is one of political interdependence. With the North Atlantic Treaty Organization, the United Nations, the Arab League, and other alliances, even those wars that are relatively limited in scope are becoming "world wars." Therefore, in applying the Harm Principal to the realm of nation states, any just war standard must specify what circumstances justify intervention by an international coalition. International intervention in Kuwait and Kosovo illustrate the success and failure of meeting just war criteria.

In 1990, Iraq sent shockwaves around the world by invading Kuwait, its small but wealthy neighbor. Within twelve hours of the invasion, "all of Kuwait . . . was under Iraqi control." Following Iraqi dictator Saddam Hussein's overwhelming victory, the resolve of U.S. President George Bush quickly became apparent; he immediately declared that the invasion "will not stand," that "no nation should rape, pillage, and brutalize its neighbor." In the five months between Iraq's invasion of Kuwait and the dropping of the first U.S. bomb, Bush tried to convince the American people, along with the international community, that intervention was a moral responsibility.

At the time of the invasion, the depth of Hussein's motives was unclear. Was he a power-hungry despot—another Hitler—or was he simply trying to claim the territory he felt was rightfully his? Would he stop with Kuwait, or did he have his sights set on hegemony in the Middle East? While Hussein's territorial ambitions remained uncertain, there were more tangible consequences of appeasing Iraq's territorial gains. Western oil interests in the region—and the fate of these interests if Hussein were to gain control of OPEC—were undoubtedly a weight on the scale. Moreover, beyond these utilitarian considerations, the fact remained that Kuwait's sovereignty had been violated, and according to the Harm Principal, a military response was justified on this basis alone.

When the war was over, the stated objectives of the United States and its allies had been achieved: "Kuwait was liberated, Saudi sovereignty assured, Persian Gulf oil secure." Given these results, the ejection of Iraq from Kuwait was a just end, but a just end is only half of the just war equation. For a war to be justified, the benefits must outweigh the costs—the harm of action must be less than the harm of inaction. Whether this was possible in the Persian Gulf was a matter of much speculation. As with any war, the loss of American lives was a foremost concern. This concern led some—including General Collin Powell—to suggest that economic sanctions might be a viable alternative to war. In late 1990, however, it became increasingly clear that sanctions would do little more than starve the Iraqi people. According to a PBS Frontline report, "the CIA was telling President Bush it could take years for sanctions to drive Saddam from Kuwait." Furthermore, it also became clear that U.S. technology could enable the U.S. to fight a relatively painless war, one with few U.S. lives lost and minimal civilian casualties. And this optimistic outlook became a reality, as the U.S. and its allies waged one of the most flawless military campaigns in history. Thus, the Gulf War meets the criteria of a just war: It achieved a just end and minimized harms.

While the involvement of the United States in the Gulf War demonstrates the validity of Mill's Harm Principle as a justification for war, a key distinction must be made between the Principle's applicability on an individual level and on a national level. The constituent parts of an individual have no inherent worth; it is only the individual himself that is of value. Nations, conversely, are comprised of individuals. Thus, the constituent parts of the nation are themselves valuable. While Mill holds that morality demands the individual be completely sovereign in his sphere—that no just law could prevent him from harming himself—this is not the case with nation states. For if the actions of a government cause harm to its citizens, the sovereignty of the nation and the sovereignty of the individuals conflict. And on this basis, a case can be made for humanitarian war—military intervention that prevents a nation from harming its citizens, its constituent parts.

In the last decade, the most vivid example of humanitarian intervention was the crisis in Kosovo, a "paradigmatic instance of humanitarian intervention in the very name of humanity itself." There was little doubt, in 1999, that Slobodan Milosevic's ethnic cleansing of Albanians constituted a crime against humanity. While Milosevic's actions did not directly harm another sovereign nation, they so egregiously harmed his own people—so "shocked the conscience of mankind"—that international action was deemed necessary. The end of saving Albanian lives was certainly justified. In fact, the moral responsibility espoused by U.S. President Bill Clinton was perhaps even greater than that Bush spoke of in 1990. And aside from war, there existed no viable option for fulfilling this responsibility. The means employed by the Clinton Administration and NATO, however, were inconsistent with just war principles.

The history of the Kosovo crisis is replete with "collateral damage" to civilians. According to Jean Elshtain, "once we had exhausted the obvious military targets, we degraded the infrastructure on which civilian life depends." Largely as a result of high altitude bombing by NATO forces, 2,000 civilians were killed and 6,00 wounded, and countless others would suffer and die because of infrastructure destruction. This "collateral damage" can be directly attributed to the "no-cost" strategy employed by NATO troops, which refused to risk American and European lives even as the welfare of the Serbian people hung in the balance. In the end, this overemphasis on some lives and devaluation of others undermined the moral authority of NATO's crusade. In "War and Sacrifice in Kosovo," Paul W. Kahn sums up this contradiction well when he writes of the "incompatibility between the morality of the ends, which are universal, and the morality of the means, which seem to privilege a particular community."

The incompatibility Kahn speaks of not only caused unnecessary civilian causalties, but also expedited the very atrocities NATO forces had entered Kosovo to prevent. According to Elshtain, NATO attacked Milosevic to halt ethnic cleansing, but "our means speeded up the process, as the opening sorties in the bombing campaign gave Milosveic the excuse he needed to declare marital law and move rapidly in order to complete what he had already begun." As a tragic consequence, an estimated 20,000 Kosovo Albanians were murdered by Serbs in the first eleven weeks of bombing, compared with some 2,500 people that had died before the bombing campaign. Thus, the just end NATO entered Kosovo to achieve was not merely tainted, but completely undercut by unjust means.

The United States' crusade to liberate Kuwait, along with NATO's effort to free the Albanians from the torturous grip of Milosevic, demonstrate two separate, but equally justifiable criteria for waging war. In the case of Kuwait, the Harm Principal criterion was met, as one sovereign nation had harmed another, and a successful war minimized costs. But in the case of Kosovo, a righteous cause was rendered unjust by immoral means. The conflicts in Kuwait and Kosovo demonstrate two situations in which sovereignty can be justifiably violated and illustrate the necessity of just means in waging war.•

FUNERAL OF WILLIAM GRAY REYNOLDS, JR.

• Mrs. DOLE. Mr. President, when word of Bill's passing came last Wednesday, I was with my 102-year-old mother in Salisbury, NC. Mother had met Bill on many occasions, and she shared in my great grief at losing such a cherished friend. As I expressed frustration over the unfairness of Bill's death at such an early age, mother said, "Elizabeth, it isn't how long you live, it's how you live."

Today we pay tribute to a remarkable individual who will always stand for me as a shining example of how a truly good life should be lived.

Each of us here probably has a different word we would use to describe Bill. Words like: Kind. Thoughtful. Caring. Humble. Strong. Courageous. But perhaps the word that best captures Bill is one we hear all too infrequently these days. That word is "gentleman." Gentle man.

Webster's defines a gentleman as "a courteous, gracious, and honorable man." I will always define a gentleman as Bill Reynolds.

I first became acquainted with this gentleman when we were young lawyers in the Nation's capital and found ourselves on opposite sides of the courtroom. Bill was an assistant United States attorney, and I was taking cases for indigents—those who could not afford a lawyer.

The Washington, DC criminal court of those days was straight out of a Damon Runyon novel, with colorful personalities like Racehorse Mitchell, a criminal who brought new meaning to the term "recidivist," and Judge Buddy Beard, a jurist who brought new meaning to the word "irascible." As I watched Bill navigate and operate in this world, it didn't take me long to appreciate his honesty, his integrity, his legal skills and the ever present smile on his face and twinkle in his eye.

Bill and I became fast friends, and our experiences in the courtroom provided us with a lifetime of stories and smiles. I especially remember the night I was unexpectedly assigned by Judge Beard to my first case, a man accused of petting a lion at the zoo, a Greek immigrant who spoke no English. Mr. Marinas, after climbing into the lion's cage, was charged with the crime of violating a Federal law that says you are not to annoy or tease the animals at the National Zoo. Since he would have skipped town, I had to go to trial that very night—a trial I somehow won by arguing that without the lion there as a witness, how in the world could you know whether he was annoyed or teased? Bill's friend, Lee Freeman, the prosecuting attorney and first in my class at Harvard Law School, yelled, "But your Honor, this man was found in the antelope cage just 3 weeks ago!" I thought, uh-oh, take your victory and run! Bill was in the back of the courtroom providing moral support, and neither of us could drive by a zoo after that experience without a lot of laughter.

Outside of work, Bill and I visited each other's hometowns, and I had the true privilege of becoming acquainted with his parents, brother, sisters and extended family—and traveling with the family on many weekend trips. How wonderful it was to see the love that Bill's family had for one another, the joy they took in each other's company, and the commitment they shared to use their resources to help those in need.

As I continued my career in Washington and Bill returned to Richmond to help lead Reynolds Metals Corporation, his family business, the time we spent together decreased, but the admiration and respect I held for him only increased. I watched with pride as Bill earned a reputation as a respected and effective leader of his industry, and as a wise and most generous philanthropist.

As president of the American Red Cross, I was privileged to lead an organization that boasts over a million volunteers and I can't think of a one who took more joy in volunteering—and in fundraising—than Bill. If there is anyone here today Bill didn't recruit to play in the annual Red Cross Golf Classic he founded, then you must have been hiding from him! And just 3 weeks ago, 3 weeks ago, he attended the Golf Classic Dinner. I am told he was given a hero's welcome—though he modestly tried to discourage it—and that everyone was so proud to tell how he knew Bill, about experiences they had shared. What a testimonial to the love in that room for Bill. What a testimonial to his grit! If Bill Reynolds had an enemy, it might only be someone he had put in prison. Brother Randy tells of a deep-sea fishing trip off the coast of Florida. One of the crew on the boat said, "Mr. Reynolds, you don't remember but you sent me to jail in DC!" Even he felt no resentment, though Bill felt a little nervous the rest of the fishing trip!

The Bible tells us that God loves a cheerful giver—and Bill was truly that—a cheerful giver.

Joe Dippell shared with me something very typical of Bill. When Joe's son, Allen, was 7 years old and the family was visiting Bill here in Richmond, young Allen wanted everything he saw—he wanted this toy, he wanted that toy. Joe kept saying "No, Allen, no, no, no." Later on, as they left to go play golf, Bill said "Joe, follow me in your car." And suddenly Joe noticed son Allen had jumped in with Bill. Soon they pulled up to a store—Bill and Allen went in and came out loaded with boxes. Yes, I bet you have guessed it—Bill, with his heart of gold, had bought Allen every toy he wanted.

As an officer of the Missionary Emergency Fund, just recently Bill instigated efforts to refurbish the Reynolds Lodge in my home state—in Montreat, NC, a part of the religiously based Montreat Conference Center, and there are so many more examples.

What guided Bill to do so much and to give so much to so many others? I believe it was love: The love Bill had for God and for his fellow man. In the Bible we learn that the greatest commandment is to love God with all one's heart, mind, soul and strength—and secondly, to love others as oneself.

1st Corinthians, Chapter 13, ends with the words "Now abideth faith, hope, and love, these three, but the greatest of these is love."

I always thought that faith would be the greatest, but I have come to realize that faith is just the means to love, because, as the Bible says, God is love and love is the only thing that lasts.

I believe Bill knew this. Whether it was law or business or athletics, he excelled and succeeded in everything he put his mind to. There were many accomplishments Bill never told me about, though I got to know him soon after they occurred. The obituary in the Richmond Times Dispatch mentioned all-State honors in three sports as a high school athlete; captain of the University of Pennsylvania tennis and squash teams; student body president at the University of Pennsylvania; student body president at UVA Law School; recipient of the Red Cross Philos Award—Philanthropist of the Year. Yes, I saw the extent of Bill's humility and modesty only after his death.

But he knew that it is not the honors or the prestige or the accomplishments that really matter. Those don't go with us into eternity; rather, it is the acts of love, kindness, caring, compassion—because God is love, those go with us.

There is a little book I often carry in my briefcase by Henry Drummond, who lived in the 1800's, in Scotland. It is called "The Greatest Thing in the World"—Love.

In it, Drummond writes that "just as you have seen a man of science take a beam of light and pass it through a crystal prism, as you have seen it come out the other side of the prism broken up into its component colors red, blue, yellow, violet, orange, and all the colors of the rainbow," so, too, in First Corinthians does the Apostle Paul pass love through a prism, and it comes out the other side broken up into nine ingredients. As we celebrate Bill's life, think about these components listed in 1st Corinthians: Patience. Kindness. Generosity. Humility. Courtesy. Unselfishness. Good temper. Guilelessness. Sincerity. Those, the Bible tells us, are the nine ingredients of love. And I know we can all agree—those are characteristics Bill Reynolds exhibited each and every day of his life.

Just as Bill provided us with an example of how to live, he also provided us an example of how to die. Throughout his battle with cancer, there were no complaints, no bitterness, no pity parties. Typically, Bill was more concerned about others, and when the course of his illness became clear, Randy tells me Bill apologized to his sister, Louise, that he would not be there to help her on projects and missions they shared.

I especially recall a visit with Bill in Richmond last November, soon after my election to the Senate. Instead of discussing his battle, Bill wanted to talk politics—he loved politics—and he peppered me with questions about my campaign, providing me with his keen insight into the issues of the day. It was a time I will always remember, and the meal we shared just a few months ago in Washington, where he attended the Fentriss wedding. How his family and friends will miss his wisdom, his smile, and the warmth of his friendship. How this community will miss his leadership. How all of us are better off for having known this good and faithful gentleman.

The Greek poet Sophocles wrote, "One must wait until the evening to see how splendid the day has been."

Although the evening of Bill's life came much too soon, it is my hope that we who loved him will take solace in the fact that in his final days, Bill could look back at a life filled with accomplishment, a life filled with family and friends, a life filled with love, and know without a doubt that the day had indeed been splendid.●

IN HONOR OF THE CITY OF LATHRUP VILLAGE

● Mr. LEVIN. Mr. President, on Saturday July 12, 2003, in my home state of Michigan, residents of the city of Lathrup Village will gather to celebrate the city's 50th anniversary.

The city of Lathrup Village is a small residential community in southern Oakland County, just north of Detroit. Its quiet, tree-line streets which are full of modest brick homes are the result of considerable foresight and vision by the city's founder, Louise Lathrup Kelley who in 1923 acquired 1,000 acres of land in Southfield Township.

This area, originally known as Lathrup Townsite, was incorporated as the City of Lathrup village in 1953. Since then, the residents and the city have carried on Louise Lathrup Kelley's vision for community-oriented small city living.

What Lathrup lacks in square miles, it makes up for in heart and a strong sense of community. This is evident through the success of events such as Lathrup's Summer Concerts in the Park series, which the city hosts for residents throughout the summer months. Residents have also created the Children's Garden in the city park, where children learn a wide range of skills including how to grow vegetables and the delicate art of raising butterflies.

From July 11th to 13th of this year, the Lathrup Village community will be commemorating the city's 50th anniversary with a weekend full of celebration. It is sure to be a wonderful series of events that will further solidify the feeling of community that residents there have enjoyed for over five decades.

I know my Senate colleagues will join me in congratulating the city of Lathrup Village on this important milestone. I am proud to represent this spirited city, and wish them many more years of success and prosperity.●

MESSAGE FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 438. An Act to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education.

H.R. 2211. An Act to reauthorize title II of the Higher Education Act of 1965.

H.R. 2657. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 438. An act to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2211. An act to reauthorize title II of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2658. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2657. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3090. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board Strategic Plan for the years 2003 through 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–3091. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, the report of the Commission's Annual Report for calendar year 2001; to the Committee on Rules and Administration.

EC–3092. A communication from the Chair of the Federal Election Commission, transmitting, pursuant to law, the Commission's report on the impact of the National Voter Registration Act of 1993 on the administration of elections for federal office during the 2002 election cycle; to the Committee on Rules and Administration.

EC–3093. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Electronic Benefits Transfer (EBT) Systems Interoperability and Portability" (RIN0584-AD17) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3094. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02-01; to the Committee on Appropriations.

EC–3095. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Management Report to the Inspector General's Semiannual Report for the period October 1, 2002 to March 31, 2003; to the Committee on Governmental Affairs.

EC–3096. A communication from the Acting Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2003; to the Committee on Governmental Affairs.

EC–3097. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–3098. A communication from the Auditor of the District of Columbia, transmitting a report entitled "Mismanagement, Noncompliance, and Ineffective Internal Controls Exposed School System Funds to a Significant Risk of Fraud, Waste, and Abuse"; to the Committee on Governmental Affairs.

EC–3099. A communication from the Auditor of the District of Columbia, transmitting a report entitled "Examination of the Commission on Mental Health Services' Financial Operations Under Court-Ordered Receivership Revealed Ineffective Management Accountability and Inadequate Financial Controls"; to the Committee on Governmental Affairs.

EC–3100. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Parts 831 and 842 of Title 5, Code of Federal Regulations" (RIN3206-AJ82) received on July 7, 2003; to the Committee on Governmental Affairs.

EC–3101. A report from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Organization of the Government for Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection for Temporary and Term Appointments Outside the Register, Examining Systems, and Training" (RIN3206-AJ) received on July 7, 2003; to the Committee on Governmental Affairs.

EC–3102. A communication from the Chairman of the Inland Waterways Users Board, transmitting, pursuant to law, the Annual Report of the Board for the calendar year 2002; to the Committee on Environment and Public Works.

EC–3103. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting a report entitled "Policy on Listed Mixed Ownership Mine or Mill Sites Created as a Result of the General Mining Law of 1872 on the Federal Agency Hazardous Waste Compliance"; to the Committee on Environment and Public Works.

EC–3104. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for Santa Barbara, California" (FRL#7515-3) received on July 8, 2003; to the Committee on Environment and Public Works.

EC–3105. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to State Implementation Plan" (FRL#7524-6) received on July 8, 2003; to the Committee on Environment and Public Works.

EC–3106. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emamectin; Pesticide Tolerance" (FRL#7316-6) received on July 8, 2003; to the Committee on Environment and Public Works.

EC–3107. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting a report entitled "RCRA Civil Penalty Policy"; to the Committee on Environment and Public Works.

EC–3108. A communication from the FHWA Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Designation of Dromedary Equipped Truck Tractor-Semitrailers as Specialized Equipment" (RIN2125-AE94) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3109. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's report on orders issued to protect safeguards information; to the Committee on Environment and Public Works.

EC–3110. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Nitrogen Oxides Budget Trading Program" (FRL#7523-2) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3112. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Regional Haze Rule to Correct Mobile Service Provisions to Optional Program for Nine Western States and Eligible Indian Tribes Within that Geographic Area" (FRL#7522-7) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3113. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa" (FRL#7523-4) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3114. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Water Quality Standards for Kansas" (FRL#7522-5) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3115. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference of ASME, BPV, and OM Code Cases" (RIN3150-AG86) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3116. A communication from the President, Chief Executive Officer, and Senior Vice President, Chief Financial Officer, Federal Home Loan Bank of Pittsburgh, transmitting jointly, pursuant to law, the Bank's Annual Report for the calendar year of 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3117. A communication from the President, Chief Executive Officer, and Executive Vice President, Chief Financial Officer, Federal Home Loan Bank of New York, transmitting jointly, pursuant to law, the Bank's Annual Report for the calendar year of 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3118. A communication from the Chairman and President, Export Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–3119. A communication from the President, Chief Executive Officer of the Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's Annual Report for the calendar year of 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3120. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Consolidated Obligations—Definitions of the Term "Non-Mortgage Assets" (RIN3069-AB10) received on July 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3121. A communication from the Chief Operating Officer, President, The Resolution Funding Corporation and The Financing Corporation, transmitting, pursuant to law, the Corporations' Financial Report for the calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3122. A communication from the Managing Director, Office of Finance, Federal Home Loan Banks, transmitting, pursuant to law, the management reports of the twelve Federal Home Loan Banks , Resolution Funding Corporation, and the Financing Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–3123. A communication from the President, Chief Executive Officer and Senior Vice President, Chief Financial Officer and Treasurer, Federal Home Loan Bank of Boston, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3124. A communication from the President, Chief Executive Officer and First Senior Vice President, Chief Financial Officer, Federal Home Loan Bank of Topeka, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3125. A communication from the President, Chief Executive Officer and Senior Vice President, Controller, Federal Home Loan Bank of Cincinnati, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3126. A communication from the President, Chief Executive Officer and Senior Vice President, Federal Home Loan Bank of Chicago, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3127. A communication from the President, Chief Executive Officer and Senior Vice President, Controller, Federal Home Loan Bank of Indianapolis, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3128. A communication from the President and Senior Vice President, Treasurer, Federal Home Loan Bank of Dallas, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3129. A communication from the President, Chief Executive Officer and Senior Vice President, Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3130. A communication from the President, Chief Executive Officer and Senior Vice President of Operations, Federal Home Loan Bank of Des Moines, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3131. A communication from the Assistant General Counsel, Banking and Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Part 50—Terrorism Risk Insurance Program" (RIN1505-AA96) received on July 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3132. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Secretary's report assessing the progress on the implementation of the Organization for Economic Cooperation and Development, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and addressing other related matters; to the Committee on Banking, Housing, and Urban Affairs.

EC–3133. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export Administration Regulations: Encryption Clarifications and Revisions" (RIN0694-AC78) received on July 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3134. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Periodic Report to Congress on the National Emergency Regarding Proliferation of Weapons of Mass Destruction"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3135. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Periodic Report on the National Emergency With Respect to Libya"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3136. A communication from the Deputy Congressional Liaison, Board of the Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulation Y (Bank Holding Companies and Change in Bank Control)" (doc. no. R-1146) received on July 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3137. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Depositary Compensation Securities" received on July 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3138. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–3139. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a license for the export of defense services, technical data and defense articles abroad in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–3140. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment and defense articles in the amount of $25,000,000 or more to Denmark; to the Committee on Foreign Relations.

EC–3141. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–3142. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3143. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more to Ecuador; to the Committee on Foreign Relations.

EC–3144. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–3145. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense services, technical data and defense articles in the amount of $100,000,000 or more to NATO AEW&C Programme Management Organization (NAPMO), including Belgium, Canada, Denmark, Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, and Turkey; to the Committee on Foreign Relations.

EC–3146. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Fifty First Annual Report to the Congress on United States Contributions to International Organizations; to the Committee on Foreign Relations.

EC–3147. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Annual Report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act for the fiscal year of 2002; to the Committee on Foreign Relations.

EC–3148. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the Secretary of the Department's determination and Memorandum of Justification relative to financial assistance to the Palestinian Authority; to the Committee on Foreign Relations.

EC–3149. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et. al." (FCC03-127) received on July 10, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2555. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-86).

By Mr. STEVENS, from the Committee on Appropriations:

Report to accompany S. 1382, An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-87).

By Mr. CAMPBELL, from the Committee on Appropriations:

Report to accompany S. 1383, An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-88).

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 1391. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-89).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 140. A resolution designating the week of August 10, 2003, as "National Health Center Week".

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 764. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 1280. A bill to amend the Protect Act to clarify certain volunteer liability.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary:

Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

Robert C. Brack, of New Mexico, to be United States District Judge for the District of New Mexico.

Samuel Der-Yeghiayan, of Illinois, to be United States District Judge for the Northern District of Illinois.

Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Lonny R. Suko, of Washington, to be United States District Judge for the Eastern District of Washington.

Earl Leroy Yeakel III, of Texas, to be United States District Judge for the Western District of Texas.

Karen P. Tandy, of Virginia, to be Administrator of Drug Enforcement.

Christopher A. Wray, of Georgia, to be an Assistant Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1386. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. CORNYN:

S. 1387. A bill to amend the Immigration and Nationality Act to authorize the establishment of guest worker programs, to provide for the adjustment of status of certain aliens unlawfully present in the United States to the status of a non-immigrant guest worker, and for other purposes; to the Committee on the Judiciary.

By Mr. McCAIN (for himself and Mr. FEINGOLD):

S. 1388. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. McCAIN (for himself and Mr. HOLLINGS):

S. 1389. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 2004 through 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself and Mr. ALEXANDER):

S. 1390. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 1391. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HARKIN:

S. 1392. A bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Mr. CRAPO, and Ms. STABENOW):

S. 1393. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for 20 years; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 202

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 253

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 377

At the request of Ms. LANDRIEU, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 377, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 465

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 465, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 573

At the request of Mr. FRIST, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 573, a bill to amend the Public Health Service Act to promote organ donation, and for other purposes.

S. 595

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 656

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 687

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 687, a bill to amend title 10, United States Code, to prohibit the concurrent deployment to combat zones of both military spouses of military families with minor children, and for other purposes.

S. 722

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 722, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements submit to the Food and Drug Administration reports on adverse experiences with dietary supplements, and for other purposes.

S. 764

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 780

At the request of Mr. LOTT, the names of the Senator from Utah (Mr. HATCH) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1035, a bill to amend title

10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1238

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1238, a bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve women's health, and for other purposes.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1263

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1263, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1381

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. CON. RES. 2

At the request of Mr. CORZINE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue commemorative postage stamps honoring Americans who distinguished themselves by their service in the armed forces.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. CON. RES. 53

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

S. RES. 169

At the request of Mrs. CLINTON, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Indiana (Mr. BAYH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

AMENDMENT NO. 1135

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1135 proposed to S. 925, an original bill to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1386. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

Mr. KERRY. Madam President, today I introduce a bill that would help give our most highly honored veterans a medal more worthy of their bravery and sacrifice by requiring the use of 90 percent gold in the Congressional Medal of Honor instead of gold-plated brass, as is currently used.

The Congressional Medal of Honor is the highest award our country bestows for valor in action against an enemy force. These are ordinary soldiers who performed extraordinary deeds in battle, often giving what President Lincoln termed "the final full measure" in doing so.

This is the medal won by Marine Corps pilot, Captain Joe Foss, who in less than 30 days of combat over Guadalcanal, shot down 23 enemy planes, three in one engagement, and is credited with turning-back an entire Japanese bombing mission before it could drop a single bomb.

This is the medal won by Army Private Edward Moskala who set aside his personal safety one night on the Island of Okinawa to assault two machine gun nests, provide cover for his unit as it withdrew, and rescue fallen comrades amidst a hail of enemy fire before finally suffering a mortal wound.

This is the medal won by Pharmacist's Mate First Class Francis Pierce, Jr., who on the island of Iwo Jima exposed himself repeatedly to enemy fire to save the lives of Marines he accompanied, traversing open terrain to rescue comrades and assaulting enemy positions that endangered his wounded comrades.

This is the medal won by Marine Corps Second Lieutenant Robert Dale Reem, who on the night of November 6, 1950, after leading three separate assaults on an enemy position in the vicinity of Chinhung-ni, Korea, threw himself on top of an enemy grenade that landed amidst his men.

This is the medal won by Air Force Captain Hilliard A. Wilbanks who made repeated strafing runs over an advancing enemy element near Dalat, Republic of Vietnam on February 24, 1967. Captain Wilbanks' aircraft, it should be noted, was neither armed nor armored. He made the assaults by sticking his rifle out the window and flying low over the enemy. His action saved the lives of friendly forces, but it cost him his own.

The feats that earned these medals are the stuff of legend. But they are not legends. They are actual deeds that inspire humility and gratitude in all of us. In bestowing the Congressional Medal of Honor, the president enrolls the recipient in a sacred club of heroes.

Regrettably, the medal itself, though gold in color, is actually brass plated with gold. It costs only about $30 to craft the award itself. I will be the first to tell you that the value of the Congressional Medal of Honor is not in the metal content of the award, but in the deeds done to earn it. But if you compare the $30 we invest in this, our Nation's highest award for valor, with the

$30,000 Congressional medals presented to foreign dignitaries, famous singers, and other civilians, you will agree that we can do better.

Put simply, this legislation will forge a medal more worthy of the esteem with which the nation holds those few who have earned the Congressional Medal of Honor through valor and heroism beyond compare.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objections, the bill was ordered to be printed in the RECORD, as follows:

S. 1386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOLD CONTENT FOR MEDAL OF HONOR.

(a) REQUIREMENT FOR GOLD CONTENT.—Sections 3741, 6241, and 8741 of title 10, United States Code, and section 491 of title 14, United States Code, are each amended by inserting "the metal content of which is 90 percent gold and 10 percent alloy and" after "appropriate design,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any award of the Medal of Honor after the date of the enactment of this Act.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 1388. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCAIN. Madam President, last year, Congress took the important step of restoring the health and integrity of our campaign finance system when it enacted the Bipartisan Campaign Reform Act of 2002, BCRA. However, the Federal Election Commission, FEC, has continually acted as a bureaucratic barrier to reform of the system. Time and time again, these unelected officials of the FEC have thwarted the enforcement of the Nation's campaign finance laws in deference to the partisan wishes of those who have appointed them.

Along with Senator FEINGOLD, I rise today to introduce legislation entitled the Federal Election Administration Act of 2003. This legislation creates a new independent agency, the Federal Election Administration, FEA, which replaces the Federal Election Commission in order to create a new system that finally enforces Federal campaign finance laws.

Although it was set up to administer and enforce the Federal campaign finance laws, the FEC has not been doing its job. The FEC is a weak and failing agency, structured by Congress to be slow and ineffective, composed of commissioners whose appointments are tightly controlled by the Members of Congress and political parties they regulate, and has been impeded by a continual lack of resources. This legislation replaces the current system with a more effective campaign finance enforcement system.

In its current form, the FEC has been faced with three major problems. The first problem has been that the FEC was structured by Congress to be ineffective.

Prior to the creation of the FEC, Members of Congress feared that this proposed enforcement agency ran the risk of becoming too powerful. To ease these fears, Congress structured an agency designed to fail from the start. The FEC has six members, no more than three of whom can be members of the same political party. In practice, this has meant that there have been three Republicans and three Democrats as commissioners. Only stalemate and inaction on key issues have resulted. On important issues the votes have often been cast on a partisan basis, resulting in 3-3 deadlocks. Furthermore, the affirmative votes of four members are necessary for the FEC to act. Therefore, 3-3 ties have led to inaction.

Partisanship has encroached upon nearly every major decision the FEC's six commissioners make. These partisan standoffs have stopped the FEC from enforcing actions against politicians and special interest groups, even when the FEC's general counsel has recommended that such enforcement proceed. FEC votes have been politicized to the point where commissioners of both parties have banded together to reject their staff's enforcement recommendations to serve the special interests of both parties.

The FEC has lacked important powers. The FEC cannot make its own findings that a violation occurred, cannot seek court injunctions to stop illegal activity, and cannot conduct random audits of campaigns. The FEC cannot directly impose penalties, except in very minor matters. In short, the FEC can do little to enforce the law. Compounding this problem is that the FEC has sole jurisdiction over all enforcement of campaign finance laws. No matter how slow the FEC's proceedings are, no one can seek civil enforcement of the law through the courts. All complaints must be filed with the FEC and only the FEC has the authority to act on them.

This legislation addresses this first problem. First, the new Federal Election Administration will consist of only three members to remove the possibility of deadlocked votes. There is a Chairman and two additional members, all of whom are appointed by the President with the advice and consent of the Senate. The Chairman will serve a term of ten years and will have broad powers to manage and administer the agency, including the power to hire the staff director and general counsel, and to set the budget for the agency. The two other members will each serve six-year terms and cannot come from the same political party.

In the FEA, enforcement proceedings for violations of campaign finance laws will be conducted before impartial administrative law judges, similar to those in agencies such as the SEC and the EPA. An administrative law judge, ALJ, will conduct an enforcement proceeding after the three-member FEA, by majority vote, makes an initial determination to pursue an enforcement action. The FEA general counsel will represent the FEA in enforcement proceedings. The ALJ will have the authority to make findings of fact and reach conclusions of law. The general counsel and any respondent will have the right to appeal an ALJ decision to the FEA. The decision of the FEA regarding such an appeal will constitute final agency action and be subject to judicial review. By using ALJs, a system would be established for real enforcement not subject to partisan pressure.

An ALJ will have the authority to find that violations of law have occurred, and to impose civil penalties and issue cease and desist orders, subject to an appeal to the FEA. The decision by the FEA regarding such an appeal will be final agency action and be subject to judicial review. The FEA will have the authority to apply to a federal district court for a temporary restraining order or preliminary injunction to prevent violations of law that would result in substantial harm to the public interest. The FEA will also have the authority to conduct a limited number of random audits of campaign committees.

Unlike the FEC, the FEA will have real authority to act in a timely and effective way to function as a real enforcement agency.

The second problem with the FEC is that the commissioners appointed to the FEC have been chosen based on their political allegiances rather than their qualifications and commitment to administer and enforce the law. As a result of this process, the FEC is a highly politicized agency beholden to the interests of federal officeholders and party leaders who name the commissioners and the campaign finance community the agency is supposed to regulate.

FEC commissioner nominations are supposed to originate with the President and be confirmed by the Senate, but Congress really has the control over who is nominated. Nominees to the FEC are selected by party leaders in Congress and made official by the White House. Where the President has objected to a choice promoted by Congress, the congressional leaders have insisted on their nominees, and have usually won. Another issue is that few FEC commissioners have a background in enforcing laws. Most have come from the community that the FEC oversees—Congress, the political parties, and those in the campaign finance system.

An example of the disproportionate control Congress has over FEC appointments was shown by the appointment of Bradley A. Smith in 2000 as a commissioner. The Smith case showed that an avowed opponent of the campaign finance laws—someone who had called the laws unconstitutional and urged their repeal—could be forced onto the FEC by his Senate sponsors over the objection of the President, who nevertheless nominated him. Despite resistance, President Clinton named Smith to the FEC after Senate Republican leaders insisted on the nomination. The further inappropriateness of Smith serving on the FEC was shown when in February 2002 he actively participated in the efforts in the House of Representatives, by reform opponents to kill campaign finance reform legislation. Smith joined with another FEC member who also opposed campaign finance laws. The two commissioners inserted themselves into the fight during House consideration of the Shays-Meehan campaign finance reform bill by helping House Republican leaders work to defeat the bill.

Clearly, the fact that FEC commissioners have become so publicly partisan in the policy debates on the election laws places in doubt the FEC's ability to credible enforce the law when its own commissioners openly denigrate the validity of those laws.

This legislation addresses this second problem by the following means. An individual may not be appointed to the new Federal Election Administration if he or she is serving or has served as a member of the FEC subject to a term limit or during the four previous years, was a candidate or elected officeholder, an officer, employee or attorney of a candidate, officeholder or political party, or employed in certain executive branch positions. Such strict criteria on who may be appointed to the FEA would provide the best opportunity for obtaining highly qualified and publicly credible and unbiased individuals to effectively and impartially enforce the campaign finance laws.

The last major problem with the FEC is that Congress has constantly abused its budget and oversight authority over the FEC. Time and time again, Congress has cut its budget. This legislation addresses this problem by having the budget of the new Federal Election Administration established by Congress based on a budget request prepared by its chairman and submitted directly to Congress. The General Accounting Office, GAO, will conduct periodic studies of the funding for the new FEA and submit recommendations to Congress on the level of funding necessary to provide adequate resources for the FEA to fulfill its duties. Unlike the FEC, the new agency will have the means to ensure that it will receive the adequate resources to effectively enforce the campaign finance laws.

In conclusion, the fact that FEC commissioners were never able to find significant campaign finance violations by federal candidates and their political parties in the Democratic and Republican campaign finance abuses that occurred in the 1996 elections—especially in the abuses of President Bill Clinton, his campaign officials and his political party—is the classic example of the problems with the FEC. Furthermore, when Congress enacted the Bipartisan Campaign Reform Act of 2002, BCRA, the FEC undermined this new law by issuing regulations to implement BCRA that seriously weakened the law's main provisions. Both examples highlight the FEC's history of failure as an oversight and enforcement agency and the need for its overhaul. Effective enforcement is essential for laws such as BCRA to work in the long run, and achieving that requires the establishment of a new system to enforce campaign finance laws.

With the establishment of this new Federal Election Administration to replace the FEC as a more effective enforcement agency, the campaign finance laws will now finally be taken seriously by candidates, parties, donors, and the public. Once this new agency is set up, the regulated community will comply with campaign finance laws because those laws can no longer be violated without punishment.

Mr. FEINGOLD. Madam President, I am pleased to join with my partner in reform, the senior Senator from Arizona, to introduce the Federal Election Administration Act of 2003. When the Bipartisan Campaign Reform Act was signed into law, Senator McCAIN and I and Representatives SHAYS and MEEHAN said we would continue our partnership to make sure that the law we passed is properly enforced. Much of what we tried to do in BCRA was caused by failures of the Federal Election Commission to enforce the law. In particular, the soft money loophole was created by FEC rulings in the late 70s and early 80s, and exacerbated by failures to stop the wholesale evasion of the law in the 90s.

We wanted to give the FEC a fair chance to implement the new law. In BCRA itself, we provided deadlines for promulgating regulations so parties, candidates, and outside groups would know and understand the new rules of the game by the time the new law went into effect the day after the last election. We participated in those rulemakings throughout last summer and fall, giving the FEC our very best effort to answer questions that were raised about the meaning and effect of BCRA.

The FEC met the deadlines, but not our expectations. Time after time, the FEC opened loopholes or potential loopholes rather than trying to faithfully discern the intent of the law. It acted as a super legislature, substituting its policy judgments for those of the Congress.

So the seeds of the bill that we are introducing today were sown in the weeks and months following enactment of the McCain-Feingold/Shays-Meehan bill. After careful consideration, it is our judgment that the current structure of the FEC cannot meet the challenges of enforcing the election laws in the 21st century. A new start is needed, and this is a good time to do it, with the recent enactment of BCRA and a presidential election just around the corner.

In this bill, we replace the FEC with a new agency, the Federal Election Administration. The FEA will continue performing the reporting and disclosure function of the FEC in largely the same way. With respect to enforcement, we have followed the model of other successful regulatory agencies such as the EPA, the NLRB, and the SEC. The new Federal Election Administration will have a strong Chair and a corps of Administrative Law Judges to adjudicate complaints that the Administration's professional staff will bring. The new agency will have the power to determine violations of the election laws and assess penalties, subject, of course, to judicial review.

Our bill envisions a smaller body than the FEC, three members instead of six, with an odd number of members to try to avoid the gridlock that the current equal number of Democratic and Republican Commissioners allows and even encourages. The Chair will have a ten-year term to encourage independence. The other members of the FEA will have staggered six-year terms. Our hope is that the new agency will not be the captive of the political parties, but instead, led by a strong and independent Chair, will be the respected watchdog that the American people want to see.

It is sad when the agency charged with enforcing the election laws is jokingly referred to as the Failure to Enforce Commission. The American people urged Congress to enact the Bipartisan Campaign Reform Act and they support it now. They want to see candidates and parties abide by it and be punished if they don't. This new agency will provide a new and better structure for achieving that goal. I want to thank my friend Senator McCAIN for all of his work on campaign finance reform over the last eight years, and I look forward to working closely with him again to pass this bill.

By Mr. McCAIN (for himself and Mr. HOLLINGS):

S. 1389. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 2004 through 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senator HOLLINGS in introducing a bipartisan bill to reauthorize the Surface Transportation Board, STB, for five years.

The STB is an independent agency established January 1, 1996, as the successor to the Interstate Commerce Commission. It is responsible for the economic regulation of interstate surface transportation, primarily railroads. The STB's mission is to ensure that competitive, efficient, and safe transportation services are provided to meet the needs of shippers, receivers, and consumers. The agency has remained unauthorized since the end of fiscal year 1998, despite efforts by the Senate Commerce Committee to pass reauthorization legislation.

The Surface Transportation Board Reauthorization Act of 2003 would reauthorize the STB for fiscal years 2004 through 2008 and provide sufficient resources to ensure the Board is able to continue to carry out its responsibilities. Specifically, the legislation would authorize $20.5 million for fiscal year 2004, rising to $23.5 million in fiscal year 2008. In fiscal year 2006, the legislation would authorize a higher appropriation, totaling $23.8 million, to cover the estimated costs that will be incurred to physically relocate the STB's offices. The legislation also proposes that the Board's Chairmanship position be subject to Senate confirmation, similar to other Boards and Commissions throughout the federal government, including the National Transportation Safety Board, the Commodity Futures Trading Commission, the Export-Import Bank, and the Consumer Product Safety Commission.

I know that some of my colleagues, including several members of the Senate Commerce Committee, are interested in considering more sweeping legislation to amend the Staggers Rail Act, the landmark 1980 legislation that partially deregulated the freight railroads. As I have stated on numerous occasions, rail service and rail shipper issues warrant serious consideration. These matters have been the subject of many hearings before the Senate Commerce Committee, and Senator HUTCHISON will chair a Subcommittee hearing on captive shipper issues in the coming weeks. If a consensus is reached on other reforms needed to protect shippers and the public, additional legislation may be forthcoming from the Commerce Committee.

I look forward to working with my colleagues in moving this bill through the legislative process in the weeks ahead. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49.

(a) SHORT TITLE.—This Act may be cited as the "Surface Transportation Board Reauthorization Act of 2003".

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. AUTHORIZATION LEVELS.

There are authorized to be appropriated to the Surface Transportation Board $20,516,000 for fiscal year 2004, $21,215,000 for fiscal year 2005, $23,770,000 for fiscal year 2006, $22,564,000 for fiscal year 2007, and $23,488,000 for fiscal year 2008.

SEC. 3. CHAIRMAN DESIGNATED WITH SENATE CONFIRMATION.

Section 701(c)(1) is amended by striking "President" and inserting "president, by and with the advice and consent of the Senate,".

Mr. HARKIN:

S. 1392. A bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Mr. CRAPO, and Ms. STABENOW):

S. 1393. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Madam President, no one can doubt that kids today face tremendous obstacles to eating right and making healthy choices.

Every day, they are bombarded with dozens of advertisements enticing them to eat more and more unhealthy foods. Tens of billions of dollars are spent each year to convince our kids to buy the products. In the face of this advertising and marketing power, our efforts to help kids eat healthier are more important than ever.

This is no less the case in our schools than elsewhere in society. Even in our schools, it's getting harder and harder to ensure that kids get healthy food. The sale of soda pop, candy, foods high in fat and low in nutritional value, commonly called junk food, has become an accepted, but still unacceptable, reality in American schools. Ballooning sales of soft drinks and candy in our schools undercut the $15 billion dollar investment our nation makes in child nutrition every year.

I still believe that, given the chance, our kids can and will make good choices about the foods they eat. We just don't give them these choices.

To test this hypothesis that, given the opportunity, kids would make good choices about the food they eat, I proposed and got adopted in the Farm Security and Rural Investment Act of 2002 a pilot program that provides grants to schools for the simple purpose of allowing them to use the money to purchase fresh fruits and vegetables for their students. Some schools use the grants to deliver bins of fruits and vegetables to their classrooms every day. Others set up kiosks in the halls. A few schools even put free fruits and vegetables in their vending machines.

Not long ago the Department of Agriculture released its assessment of the pilot program. Not surprisingly, it received high marks. Schools reported that 98 percent of students were interested in the program. Schools also reported that, over the course of the program, 71 percent of students grew more, not less, interested in the program. Most importantly, students told program evaluators that the pilot made them much more conscious about the junk food that they eat.

Over the course of the year my staff and I visited numerous schools in Iowa that participated in the pilot program. These visits simply confirmed what USDA reported in its report on the pilot program. The enthusiasm was incredible. Students loved it. Teachers loved it. Administrators loved it. Parents loved it. When I visited Harding Middle School in Des Moines at the end of May, just as the pilot program was coming to an end, they gave me one message loud and clear—"keep the fruits and vegetables coming."

Today I am introducing legislation, S. 1392, to do just that and to expand the program to all 50 States.

Under this legislation, the pilot program would expand from its current 4 states and tribal schools and 60,000 students to 50 states and over 1 million children. It would also expand the pilot to ensure that additional Indian tribal schools are able to participate in the program.

It would do this at a reasonable price tag—only $75 dollars per student per year. This means that at a cost of just over $75 million per year, we can make fresh fruits and vegetables a constant presence in the life of over 1 million American schoolchildren. It is difficult for me to imagine a more effective use of taxpayer dollars.

Today I am also introducing companion legislation, S. 1393, to the fruit and vegetable pilot program expansion. The first piece of legislation seeks to provide kids with healthier food, and the second complements that by improving the overall nutritional environment of American schools. It seeks to give kids more choices and the ability to choose healthy foods.

Despite the fact that we invest over $15 billion annually in child nutrition, our nation's children still too often do not get good nutrition at their schools. Meals provided through the National

School Lunch Program and the School Breakfast Program must meet nutritional standards. But there is far too much competition and interference with these balanced meals. Vending machines, school snack bars, and a la carte sales routinely provide kids with a wide variety of less healthy choices.

A recent GAO report found that 43 percent of elementary schools, 74 percent of middle schools, and 98 percent of high schools have vending machines, snack bars, canteens, and other places where students can readily obtain foods that defeat the sound and balanced nutrition that children and adolescents need.

We talk about the importance of giving our kids lots of choices, but as junk foods become the norm and displace more nutritious choices, are we giving kids more choices or less? I believe we should always provide kids with good-tasting and healthy alternatives to the foods that provide almost no nutritional benefits. The bills that I'm introducing today provide schools and students with more choices, not less. I want to make sure that the kids in Iowa schools and other schools across the country will be able to choose foods that both taste great and are great for their health and nutrition.

The omnipresence of junk food is one of the reasons that our society is confronting a lethal threat—obesity. Obesity is even more pronounced among our children. According to the Centers for Disease Control, in the year 2000, 64 percent of all Americans were classified as either overweight or obese. Of these, 30 percent were actually obese. Among kids, the problem of obesity is exploding. In the last 20 years, the number of overweight kids tripled.

This is nothing short of a public health crisis. It's past time to get serious about fighting obesity and we must fight obesity first at its root—childhood—where children learn habits that stay with them for life.

A recent article in the journal Health Affairs estimated the cost of obesity to our nation at $93 billion annually. That is nearly a tenth of annual health care spending. Incredibly, obesity costs our society about as much as smoking.

In response to the health threats our kids face at schools, many schools across the country are taking matters into their own hands. Some are providing healthier choices in their vending machines, school snack bars, and a la carte sales. In Iowa, with support from the milk industry, selected schools are working to replace soft drinks with milk. The results are encouraging. Schools report that students are enthusiastic about these changes. It just goes to show that not only are students willing to accept healthier choices like fresh fruit and vegetables and milk, but that they actively want them.

We also know that schools have benefited financially and nutritionally from expanding the choices available to their children.

Faced with alarming statistics about childhood overweight and obesity rates, North Community High School in Minneapolis reevaluated the school's beverage vending practices. With the support of the administrative team, the principal contacted the district's Coca-Cola representative, who was willing to work with North to provide healthier choices. As a result, the school increased the number of machines from four to 16, stocked 13 machines with water or 100 percent fruit/vegetable juice, stocked two machines with sports drinks, and limited soda to one machine with limited hours of sale. They also instituted a competitive pricing system, selling water for $.75, sports drinks and 100 percent fruit/vegetable juices for $1.00, and soda and fruit drinks, e.g., Fruitopia, for $1.25. The water machines are strategically placed in high traffic areas and students are now allowed to drink water in the classroom. Soda sales are down, but vending profits increased by almost $4,000 and the total number of cases of beverages has more than doubled from the previous school year, with water being the best seller.

These are the kinds of efforts and innovations that we need to encourage and support. That is why the second bill that I am introducing today creates a competitive incentive grant program to schools to improve the overall nutritional atmosphere in schools. Under this program, the Secretary of Agriculture makes competitive grants to schools so that they can provide healthier vending alternatives, improve the nutritional quality of their school meals, promote the consumption of fruits and vegetables, and provide nutrition education.

With this support, other schools can follow in the footsteps of schools like North Community High School and institute practices that are good for the school and good for the students.

Because we know that success in this area requires the leadership and commitment of a broad range of stakeholders, this bill gives a preference to schools that can demonstrate a multi-sectoral approach and engage the efforts of parents, businesses, and anyone else with a vested interest in the nutrition and educational success of our students. It also gives priority to applications that include a plan for continued success once their federal grant money has been expended.

Finally, the legislation uses sound science, not special interests, to determine what kinds of nutritional standards our elementary, middle schools, and secondary schools should institute. To achieve this, my legislation directs the Secretary of Agriculture to enter into an agreement with the Institute of Medicine at the National Academy of Sciences, one of the premier scientific institutions in this country. The Institute of Medicine is directed to study the issue of children's nutritional needs at school and to make recommendations to the Secretary of Agriculture regarding appropriate standards for the sale of all foods in our schools.

Based upon the recommendations of the Institute of Medicine, the Secretary is directed to promulgate regulations that will provide appropriate and adequate safeguards for the nutrition of our children at school.

Taken together, the two pieces of legislation that I am introducing today represent a new chapter in our nation's efforts to provide for the health and safety of our kids. This body has a long history of bipartisan efforts on child nutrition and, with our child nutrition programs up for reauthorization this year, I have every reason to believe that these efforts will continue this year. Having served on the Senate Committee on Agriculture, Nutrition, and Forestry, I know that the issue of child nutrition knows no partisan boundaries. Democrats and Republicans alike have joined together over the years. I invite my colleagues on both sides of the aisle to join me in co-sponsoring this legislation to give kids the healthy choices they want and deserve and to safeguard the nutrition of our nation's children. If ever our children have been in greater need of this support, I cannot remember it, and so I invite my colleagues to join me in this effort.

I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NUTRITIONAL IMPROVEMENT FOR CHILDREN SERVED UNDER CHILD NUTRITION PROGRAMS.

(a) IN GENERAL.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

“(h) HEALTHY SCHOOL NUTRITION ENVIRONMENT INCENTIVE GRANTS.—

“(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall make competitive grants to selected elementary and secondary schools—

“(A) to create healthy school nutrition environments; and

“(B) to assess the impact of the environments on the health and well-being of children enrolled in the schools.

“(2) SELECTION OF SCHOOLS.—In selecting schools to receive incentive grants under this subsection, the Secretary shall—

“(A) ensure that not less than 75 percent of schools selected to participate in the program established under this subsection are schools in which not less than 50 percent of the students enrolled in each school are eligible for free or reduced price meals under this Act;

“(B) ensure that, of the schools selected to participate in the program, there is appropriate representation of rural, urban, and suburban schools, as determined by the Secretary;

"(C) ensure that, of the schools selected to participate in the program, there is appropriate representation of elementary, middle, and secondary schools, as determined by the Secretary;

"(D) ensure that schools selected to receive a grant under this subsection meet the requirements of paragraph (3);

"(E) give priority to schools that develop comprehensive plans that include the involvement of a broad range of community stakeholders in achieving healthy school nutrition environments;

"(F) give priority to schools that develop comprehensive plans that include a strategy for maintaining healthy school nutrition environments in the years following the fiscal years for which the schools receive grants under this subsection;

"(G) select only schools that submit grant applications by May 1, 2004; and

"(H) make grant awards effective not later than July 15, 2004.

"(3) REQUIREMENTS.—

"(A) INPUT.—Prior to the solicitation of proposals for grants under this subsection, the Secretary shall solicit input from appropriate nutrition, health, and education organizations (such as the American School Food Service Association, the American Dietetic Association, and the National School Boards Association) regarding the appropriate criteria for a healthy school environment.

"(B) CRITERIA FOR HEALTHY SCHOOL ENVIRONMENTS.—The Secretary shall, taking into account input received under subparagraph (A), establish criteria for defining a healthy school environment, including criteria that—

"(i) provide program meals that meet nutritional standards for breakfasts and lunches established by the Secretary;

"(ii) ensure that all food served (including food served in participating schools and service institutions in competition with the programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)) on school grounds during regular school hours is consistent with the nutritional standards for breakfasts and lunches established by the Secretary;

"(iii) promote the consumption of fruits and vegetables;

"(iv) provide nutrition education to students and staff; and

"(v) meet other criteria established by the Secretary.

"(C) PLANS.—To be eligible to receive a grant under this subsection, a school shall submit to the Secretary a healthy school nutrition environment plan that describes the actions the school will take to meet the criteria established under subparagraph (B).

"(4) GRANTS.—For each of fiscal years 2005 through 2008, the Secretary shall make a grant to each school selected under paragraph (2).

"(5) EVALUATIONS.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of a representative sample of schools that receive grants under this subsection.

"(B) CONTENT.—The evaluation shall measure, at a minimum, the effects of a healthy school nutrition environment on—

"(i) overweight children and obesity;

"(ii) dietary intake;

"(iii) nutrition education and behavior;

"(iv) the adequacy of time to eat;

"(v) physical activities;

"(vi) parental and student attitudes and participation; and

"(vii) related funding issues, including the cost of maintaining a healthy school nutrition environment.

"(C) REPORTS.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

"(i) not later than December 31, 2005, an interim report on the activities of schools evaluated under this subsection; and

"(ii) not later than December 31, 2007, a final report on the activities of schools evaluated under this subsection.

"(6) FUNDING.—

"(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection—

"(i) on October 1, 2003, $10,000,000; and

"(ii) on October 1, 2004, and each October 1 thereafter through October 1, 2006, $35,000,000.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

"(C) AVAILABILITY OF FUNDS.—Funds transferred under subparagraph (A) shall remain available until expended.

"(D) EVALUATIONS.—Of the funds made available under this paragraph, the Secretary shall use not more than $5,000,000 to conduct evaluations under paragraph (5).".

(b) COMPETITIVE FOODS IN SCHOOLS.—

(1) IN GENERAL.—Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(A) in subsection (a), by striking ", including" and all that follows through "Lunch Act"; and

(B) by striking subsection (b) and inserting the following:

"(b) COMPETITIVE FOODS IN SCHOOLS.—

"(1) IN GENERAL.—The regulations under subsection (a) may include provisions that regulate the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (referred to in this subsection as 'competitive foods').

"(2) REGULATIONS.—The regulations promulgated under paragraph (1)—

"(A) shall apply to all school grounds during the duration of the school day;

"(B) shall not supersede or otherwise affect State and local regulations on competitive foods that, as determined by the Secretary, conform to the nutritional goals of the regulations promulgated by the Secretary;

"(C) shall require that the proceeds from the sale of competitive foods in schools be used for the benefit of the schools or of organizations of students approved by the schools, if those sales are allowed by the regulations;

"(D) shall take into account the differing needs of—

"(i) elementary schools;

"(ii) middle schools and junior high schools; and

"(iii) high schools; and

"(E) shall implement the recommendations of the Institute of Medicine made under paragraph (3).

"(3) INSTITUTE OF MEDICINE RECOMMENDATIONS.—

"(A) IN GENERAL.—The Secretary of Agriculture shall offer to enter into an agreement with the Institute of Medicine of the National Academy of Sciences under which the Institute of Medicine, based on sound nutritional science, shall make recommendations to the Secretary regarding the regulation of competitive foods (as defined in section 10(b)(1) of the Child Nutrition Act of 1966 (as amended by paragraph (1)(B))).

"(B) REGULATIONS.—Not later than 1 year after the date of receipt of final recommendations from the Institute of Medicine, the Secretary shall promulgate regulations to carry out section 10(b) of the Child Nutrition Act of 1966 (as amended by paragraph (1)(B)) in accordance with the recommendations of the Institute of Medicine.

"(C) REPORT.—Not later than 1 year after the date of receipt of final recommendations from the Institute of Medicine, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the actions of the Secretary under subparagraph (B).

S. 1393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRUIT AND VEGETABLE PILOT PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (g) and inserting the following:

"(g) FRUIT AND VEGETABLE PILOT PROGRAM.—

"(1) IN GENERAL.—For each of the school years beginning July 2003, July 2004, July 2005, July 2006, and July 2007 the Secretary shall carry out a pilot program to make free fresh and dried fruits and free fresh vegetables available, throughout the school day in 1 or more areas designated by the school, to—

"(A) students in the 25 elementary or secondary schools in each of the 4 States, and in the elementary or secondary schools on the reservation, authorized to participate in the program under this subsection (as in effect on the day before the date of enactment of this subparagraph);

"(B) to the maximum extent practicable, an additional 10,000 students in each State authorized to participate in the program under this subsection (as in effect on the day before the enactment of the this subparagraph);

"(C) to the maximum extent practicable, 20,000 students enrolled in schools in each of the States not participating in the program under this subsection on the day before the date of enactment of this subparagraph, as selected by the Secretary; and

"(D) to the maximum extent practicable, 20,000 students enrolled in schools operated by tribal organizations.

"(2) SELECTION OF SCHOOLS.—

"(A) IN GENERAL.—In selecting schools to participate in the pilot program, the Secretary shall—

"(i) to the maximum extent practicable, ensure that not less than 75 percent of students selected are from schools in which not less than 50 percent of students are eligible for free or reduced price meals under this Act;

"(ii) solicit applications from interested schools that include—

"(I) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

"(II) a certification of support for participation in the pilot program signed by the school food manager, the school principal, and the district superintendent (or their equivalent positions, as determined by the school); and

"(III) such other information as may be requested by the Secretary; and

"(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act.

"(B) Lottery.—

"(i) Schools with substantial free or reduced price meal eligibility.—Subject to clauses (iii) and (iv), the Secretary shall randomly select, from among the schools in a participating State determined under subparagraph (A)(iii) to have at least 50 percent of students eligible for free or reduced price meals under this Act, schools to participate in the program under this subsection so as to ensure, to the maximum extent practicable, that the aggregate number of students represented by those schools in the State meets the requirements of this subsection.

"(ii) Other schools.—Subject to clauses (iii) and (iv), the Secretary shall randomly select, from among the schools in a participating State determined under subparagraph (A)(iii) to have less than 50 percent of students eligible for free or reduced price meals under this Act, schools to participate in the program under this subsection so as to ensure that the aggregate number of students represented by those schools, plus the aggregate number of students from schools selected under clause (i), in the State meets the requirements of this subsection.

"(iii) Insufficient applications.—If, for any State, the Secretary determines that the number of schools described in subparagraph (A)(i) is insufficient to meet the requirements of this subsection, the Secretary may randomly select such additional applications from schools submitting applications under this subsection as are necessary to meet the requirements.

"(iv) Applicability to existing participants.—

"(I) In general.—Except as provided in subclause (II), the schools, States, and reservation authorized to participate in the pilot program under this subsection (as in effect on the date before the date of enactment of this subparagraph) shall not be subject to this subparagraph.

"(II) New students.—Subclause (I) shall not apply to students authorized to participate in the program under paragraph (1)(B).

"(3) Notice of availability.—To participate in the program under this subsection, a school shall widely publicize within the school the availability of free fresh and dried fruits and free fresh vegetables under the pilot program.

"(4) Reports.—

"(A) Interim reports.—Not later than September 30 of each of fiscal years 2004, 2005, 2006, and 2007, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the activities carried out under this subsection during the fiscal year covered by the report.

"(B) Final report.—Not later than December 31, 2007, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program under this subsection.

"(5) Per student grant.—

"(A) In general.—For each school year during which a school participates in the program under this subsection, the Secretary shall provide to the school $75 for each student, as adjusted under subparagraph (B).

"(B) Adjustment.—The amount of the grant for each student under subparagraph (A) shall be adjusted on July 1, 2004, and each July 1 thereafter, to reflect changes in the Consumer Price Index of the Bureau of Labor Statistics for fresh fruits and vegetables, with the adjustment—

"(i) rounded down to the nearest dollar increment; and

"(ii) based on the unrounded amounts for the preceding 12-month period.

"(6) Funding.—

"(A) Existing funds.—The Secretary shall use to carry out this subsection any funds that remain under this subsection (in effect on the day before the date of enactment of this subparagraph).

"(B) New funds.—The Secretary shall use such funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) as are necessary to carry out this subsection (other than paragraph 4).

"(C) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds made available under this paragraph, without further appropriation.

"(D) Availability of funds.—Funds made available under this paragraph shall remain available until expended.

"(E) Reallocation.—The Secretary may reallocate any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.".

By Mr. HATCH:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for 20 years; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the "Equal Opportunity to Govern" Amendment, which would amend the Constitution to permit any person who has been a United States citizen for at least 20 years to be eligible for the Office of President. The Constitution, in its current form, prohibits a person who is not a native born citizen of the United States from becoming President.

The purpose of the native born citizen requirement has long passed, and it is time for us—the elected representatives of this Nation or immigrants—to remove this impediment. While there was scant debate on this provision during the Constitutional Convention, it is apparent that the decision to include the natural born citizen requirement in our Constitution was driven largely by the concern that a European monarch, such as King George III's second son, the Duke of York, might be imported to rule the United States.

This restriction has become an anachronism that is decidedly un-American. Consistent with our democratic form of government, our citizens should have every opportunity to choose their leaders free of unreasonable limitations. Indeed, no similar restriction bars other critical members of government, including the Senate, the House of Representatives, the Supreme Court, or the President's most trusted cabinet officials.

Ours is a Nation of immigrants. The history of the United States is replete with scores of great and patriotic Americans whose dedication to this country is beyond reproach, but who happen to have been born outside of Her borders. These include former secretaries of state Henry Kissinger and Madeleine Albright; current Cabinet members Secretary of Labor Elaine L. Chao and Secretary of Housing and Urban Development Mel Martinez; as well as Jennifer Granholm, the Governor of Michigan and bright young star of the Democratic party. As our Constitution reads today, none of these well-qualified, patriotic United States citizens could be a lawful candidate for President.

Perhaps most disturbing is that the scores of foreign-born men and women who have risked their lives defending the freedoms and liberties of this great nation who remain ineligible for the Office of President. More than 700 recipients of the Congressional Medal of Honor—our Nation's highest decoration for valor—have been immigrants. But no matter how great their sacrifice, leadership, or love for this country, they remain ineligible to be a candidate for President. This amendment would remove this unfounded inequity.

Today I ask the members of this body if we desire to continue to invite these brave men and women to defend this Nation's liberty, to protect Her flag, to be willing to pay the ultimate sacrifice, and yet deny them the opportunity to strive for the ultimate American dream—to become our President? I respectfully submit that we should not.

My proposal to amend the Constitution is not one I take lightly. As our founding fathers envisioned, our Constitution has stood the test of time. It has remained largely intact for more than 200 years due to the careful, deliberative, and principled approach of the framers. This is truly an extraordinary achievement. On a few appropriate occasions, however, we have generated the will to surmount the cumbersome, but no doubt necessary, hurdles to amend the Constitution. I believe the time has now come to address the antiquated provision of the Constitution that requires our President to be a natural born citizen. It has long outlived its original purpose.

I ask my colleagues to join me in supporting the Equal Opportunity to Govern Amendment.

AMENDMENTS SUBMITTED & PROPOSED

SA 1150. Mr. LUGAR (for Mr. BIDEN (for himself and Ms. MIKULSKI)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1151. Mr. LUGAR (for Mr. BREAUX) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1152. Mr. LUGAR (for Mr. COLEMAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1153. Mr. LUGAR (for Mr. DASCHLE) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1154. Mr. LUGAR (for Mrs. FEINSTEIN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1155. Mr. LUGAR (for Mr. BIDEN (for himself, Mrs. FEINSTEIN, and Mr. AKAKA)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1156. Mr. LUGAR (for Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1157. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1158. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1159. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1160. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1161. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1162. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1163. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1164. Mr. REID (for himself, Mr. DASCHLE, Mrs. BOXER, Mr. BINGAMAN, and Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1165. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1166. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1167. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1168. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1169. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1170. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, Mr. REED, Ms. CANTWELL, Mr. DAYTON, and Mr. HARKIN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1171. Mr. LUGAR (for Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1172. Mr. LUGAR (for Mr. SANTORUM (for himself and Mr. BIDEN)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1173. Mr. LUGAR (for Mr. KYL) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1174. Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. HARKIN, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Ms. MIKULSKI, Mr. LEVIN, Mr. SARBANES, and Mr. LIEBERMAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1175. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1176. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1177. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1178. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1179. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1180. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1181. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1182. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1183. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1184. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1185. Mr. LUGAR (for Mr. FRIST (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1186. Mr. LUGAR (for Mr. VOINOVICH) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1187. Mr. LUGAR (for Mr. AKAKA (for himself and Mr. INOUYE)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1188. Mrs. CLINTON (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1189. Mr. DODD proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1190. Mr. BIDEN (for himself, Mr. LEVIN, Mr. DASCHLE, and Mr. KENNEDY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1191. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1192. Mr. LUGAR (for Mr. ENSIGN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1193. Mr. LUGAR (for Mr. WARNER (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1194. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1195. Mr. LUGAR (for Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. REID)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1196. Mr. LUGAR (for Mr. DURBIN (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Ms. SNOWE, Mr. CORZINE, and Mrs. HUTCHISON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1197. Mr. LUGAR (for Mr. DURBIN (for himself, Mr. ROBERTS, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. WARNER, Mr. LOTT, Ms. SNOWE, Mr. CHAMBLISS, Mr. HAGEL, Mr. DEWINE, Mr. LUGAR, Mr. LEVIN, and Mr. BOND)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1198. Mr. LUGAR (for Mr. DORGAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1199. Mr. BIDEN proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1200. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

SA 1201. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2657, supra.

SA 1202. Mr. SESSIONS proposed an amendment to the bill H.R. 2657, supra.

SA 1203. Mrs. BOXER (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table.

SA 1204. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1205. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2657, supra; which was ordered to lie on the table.

SA 1206. Mr. STEVENS (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2657, supra.

SA 1207. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, supra; which was ordered to lie on the table.

SA 1208. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, supra; which was ordered to lie on the table.

SA 1209. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, supra; which was ordered to lie on the table.

SA 1210. Mr. REID (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 2657, supra.

TEXT OF AMENDMENTS

SA 1150. Mr. LUGAR (for Mr. BIDEN (for himself and Ms., MIKULSKI)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert following new section:

SEC. 815. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) Article 4 of the Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in Resolution 48/104 on December 20, 1993, proclaims that "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.".

(2) Paragraph 124 of chapter IV of the Platform for Action, which was adopted along with the Beijing Declaration by the Fourth World Conference on Women on September 15, 1995, states that actions to be taken by governments include condemning violence against women and refraining from invoking any custom, tradition, or religious consideration as a means to avoid the obligations of such governments with respect to the elimination of violence against women as such obligations are referred to in the Declaration on the Elimination of Violence against Women.

(3) The United States has supported the Declaration on the Elimination of Violence Against Women and the Beijing Declaration and Platform for Action.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to condemn violence against women and should urge states to refrain from invoking any custom, tradition, or practices in the name of religion or culture as a means to avoid obligations regarding the elimination of violence against women as referred to in Article 4 of the Declaration on the Elimination of Violence against Women.

SA 1151. Mr. LUGAR (for Mr. BREAUX) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. AUTHORIZATION FOR PASSENGER CARRIER USE BY THE CHIEF OF PROTOCOL.

Section 1344(b)(4) of title 31, United States Code, is amended by inserting "the Chief of Protocol of the United States," after "abroad,".

SA 1152. Mr. LUGAR (for Mr. COLEMAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. REAUTHORIZATION OF RELIEF FOR TORTURE VICTIMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there is authorized to be appropriated to the President to carry out section 130 of such Act $11,000,000 for fiscal year 2004.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there is authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $6,000,000 for fiscal year 2004.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 2004, there is authorized to be appropriated to carry out subsection (a) $20,000,000 for fiscal year 2004.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

SA 1153. Mr. LUGAR (for Mr. DASCHLE) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriation for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of title VIII, insert the following new section:

SEC. 815. ANNUAL REPORT ON SAUDI ARABIA'S COOPERATION IN THE WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORT.—Not later than May 1, 2004, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the cooperation of the Government of Saudi Arabia in the war on terrorism.

(b) CONTENT.—Each report shall include—

(1) a description of the efforts of the Government of Saudi Arabia to combat terrorism and to counter efforts to foment intolerance in Saudi Arabia;

(2) an assessment of the cooperation of the Government of Saudi Arabia with United States antiterrorism efforts, including—

(A) efforts of law enforcement in Saudi Arabia to disrupt suspected terrorist networks and apprehend suspected terrorists; and

(B) diplomatic and law enforcement efforts of Saudi Arabia to stop the financing of terrorists and terrorist organizations; and

(3) an assessment of the efforts of the Government of Saudi Arabia to investigate terrorist attacks against citizens of the United States, including—

(A) a description of the status of efforts to investigate such attacks; and

(B) a list of individuals convicted in Saudi Arabia of committing such attacks.

SA 1154. Mr. LUGAR (for Mrs. FEINSTEIN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. ANNUAL REPORT ON SMALL ARMS PROGRAMS.

Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report—

(1) describing the activities undertaken, and the progress made, by the Department or other agencies and entities of the United States Government in prompting other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small

arms and light weapons, and describing to what degree the failure to cooperate affects the national security of such state, its neighbors, and the United States; and

(3) recommending incentives and penalties that may be used by the United States Government to prompt states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

SA 1155. Mr. LUGAR (for Mr. BIDEN (for himself, Mrs. FEINSTEIN and Mr. AKAKA)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of subtitle B of title XXII, add the following:

SEC. 2241. TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS.

(a) EXPORTS UNDER THE ARMS EXPORT CONTROL ACT.—

(1) LETTERS OF OFFER.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended by inserting after "such certification)." in the fourth sentence the following: "Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the letter of offer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.".

(2) LICENSES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting after the second sentence the following: "Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the license or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export."

(b) TRANSFERS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.—Subsection 516(f)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) for any proposed transfer of firearms listed in category I of the United States Munitions List that would require a license for international export under section 36 of the Arms Export Control Act (22 U.S.C. 2776)—

"(i) with regard to the proposed transfer, the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons; and

"(ii) a summary of any provision under the transfer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed transfer; and".

SA 1156. Mr. LUGAR (for Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place insert:

SEC. . REPORT.

Not later than 120 days after enactment, the Secretary, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees describing the progress the United States is making towards meeting the objectives set forth in paragraph 1 of S. Res. 368 (107th Congress) and paragraph 1 of H. Res. 604 (107th Congress), including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

SA 1157. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 2512.

SA 1158. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 182, line 16, insert "**AND THE UNITED KINGDOM**" after "**AUSTRALIA**".

On page 182, beginning on line 22, strike "The requirements" through "into force." on page 183, line 4, and insert the following:

"(A) AUSTRALIA.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.

"(B) UNITED KINGDOM.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i) and (2)(A)(ii) of this subsection shall not apply to the bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act, or any other form of agreement between the United States Government and the Government of the United Kingdom to gain an exemption from the licensing requirements of this Act.".

On page 183, between lines 9 and 10, insert the following:

(c) CERTIFICATION ON NONCONFORMING AGREEMENTS.—Not later than 14 days before the activation of an exemption from the licensing requirements of the Arms Export Control Act pursuant to any bilateral agreement made with the United Kingdom or Australia for that purpose that does not conform to the requirements applicable to such an agreement under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778)(j), the President shall certify to the appropriate congressional committees that—

(1) the nonconforming agreement is in the national interest of the United States;

(2) the nonconforming agreement does not in any way adversely affect the ability of the licensing regime under the Arms Export Control Act to provide consistent and adequate controls for items not exempt under such agreement from the licensing regime;

(3) the nonconforming agreement will not in any way adversely affect—

(A) the abilities of the Secretary to ensure, pursuant to section 2 of the Arms Export Control Act (22 U.S.C. 2752), effective controls over the sales, finances, leases, cooperative projects, and exports that are regulated under such Act; or

(B) any of the duties or requirements of the Secretary under such Act; and

(4) the nonconforming agreement will serve as an effective nonproliferation and export control tool.

(d) REPORT ON ISSUES RAISED IN CONSULTATIONS PURSUANT TO BILATERAL AGREEMENTS WITH AUSTRALIA AND UNITED KINGDOM.—Not later than one year after the date of the enactment of this Act and annually thereafter, the President shall submit to the appropriate congressional committees a report on any issues raised during the previous year in consultations conducted under the terms of the bilateral agreement with Australia, or under the terms of the bilateral agreement or any other form of an agreement with the United Kingdom, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain detailed information—

(1) on any notifications or consultations between the United States and the United Kingdom under the terms of the agreement with the United Kingdom, or between the United States and Australia under the terms of the agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) listing all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of the agreement with the United Kingdom or the agreement with Australia;

(3) on any consultations or steps taken pursuant to the agreement with the United Kingdom or the agreement with Australia concerning cooperation and consultation with either government on the effectiveness

of the defense trade control systems of such government;

(4) on all special provisions and procedures undertaken pursuant to—

(A) the agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) the agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) on any understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to the agreement with the United Kingdom or any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of these agreements;

(7) on any United States origin defense item for which the United States did not seek re-export or transfer authorization under the terms of the Memorandum of Understanding between the United States and the United Kingdom, and on any United States origin defense item for which the United States did not require re-export authorization under the terms of the agreement with Australia; and

(8) on any disagreement the Government of Australia or the Government of the United Kingdom may have with the United States Government concerning any aspect of the bilateral agreements between such country and the United States, and on any disagreement with the Government of the United Kingdom concerning any aspect of any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act.

(e) SPECIAL REPORTS ON UNAUTHORIZED END-USE OR DIVERSION.—The Secretary shall notify the appropriate congressional committees not later than 30 days after receiving any credible information regarding the unauthorized end-use or diversion of United States exports made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

(1) a description of the good or service;

(2) the United States origin of the good or service;

(3) the authorized recipient of the good or service;

(4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(5) any enforcement action taken by the Government of the United States; and

(6) any enforcement action taken by the government of the recipient nation.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SA 1159. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

In section 2403(2)(B), strike "and" after the semicolon.

In section 2403(2)(C), strike the period and insert "; and".

In section 2403(2), add at the end the following:

(D) is determined by the United States Government not to have an offensive biological weapons program.

In section 2403(3), strike "who is eligible to receive" and all that follows and insert "who—

(A) is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not currently or previously affiliated with or employed by a laboratory or entity determined by the United States Government to be involved in offensive biological weapons activities.

In section 2408(b)(3), strike "and" after the semicolon.

In section 2408(b)(4), strike "(4)" and insert "(5)".

In section 2408(b), insert after paragraph (3) the following:

(4) necessary to secure and monitor pathogen collections containing select agents; and

In section 2408(e), insert "monitor," after "secure,".

In section 2413(c), strike "90 days" and insert "120 days".

SA 1160. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 205.

SA 1161. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 205.

At the end of title III, add the following:

SEC. 313. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting "the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a))," after "considering"; and

(2) by striking "the grievant or" and inserting "the grievant, or".

SA 1162. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 815. MODIFICATION OF REPORTING REQUIREMENTS ON UNITED STATES PERSONNEL INVOLVED IN THE ANTINARCOTICS CAMPAIGN IN COLOMBIA.

Section 3204(f) of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 577) is amended—

(1) in the heading, by striking "BIMONTHLY" and inserting "QUARTERLY";

(2) by striking "60 days" and inserting "90 days"; and

(3) by striking "to Congress" and inserting "appropriate committees of Congress (as that term is defined in section 3207(b)(1) of this Act)".

SA 1163. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 2239.

SA 1164. Mr. REID (for himself, Mr. DASCHLE, Mrs. BOXER, Mr. BINGAMAN, and Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. SUPPORT REGARDING RURAL DEVELOPMENT CRISIS IN MEXICO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue working closely with the Government of Mexico to help minimize the impact of the current rural development crisis in Mexico; and

(2) that crisis creates a humanitarian, economic, and security imperative for the United States Government to support additional programs focused on the underfunded rural communities of Mexico.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $100,000,000 for programs in Mexico that promote the following:

(1) Micro credit lending.

(2) Small business and entrepreneurial development.

(3) Small farms and farmers that have been impacted by the collapse of coffee prices.

(4) Strengthening the system of private property ownership in the rural communities.

SA 1165. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 815. CLARIFICATION OF BLOCKED ASSETS FOR PURPOSES OF TERRORISM RISK INSURANCE ACT OF 2002.

(a) CLARIFICATION.—Section 201(d)(2)(A) of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297; 116 Stat. 2339; 28 U.S.C. 1610 note) is amended by inserting before the semicolon the following: ", any asset or property that in any respect is subject to any prohibition, restriction, regulation, or license pursuant to chapter V of title 31, Code of Federal Regulations (including parts 515, 535, 550, 560, 575, 595, 596, and 597 of such title), or any other asset or property of a terrorist party".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of the Terrorism Risk Insurance Act of 2002, to which such amendment relates.

SA 1166. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 4, insert the following before the semi-colon: and the sustainable use of natural resources

SA 1167. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 815. COUNTING TIME SPENT ABROAD AS SPOUSE OF ARMED FORCES MEMBER FOR NATURALIZATION.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following: "For purposes of this subsection, if an applicant resides abroad in marital union with a citizen spouse who, during the entire period of such residence, is serving honorably in the Armed Forces of the United States, such period of residence abroad shall be considered residence and physical presence by both spouses in the United States and in the State and district in which the applicant files the application.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to residence abroad occurring on or after June 1, 1998.

SA 1168. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) The term "eligible northern border entity" means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term "federally declined-referred" means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term "case disposition", for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years thereafter.

SA 1169. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 815. INTERNATIONAL MARRIAGE BROKERS.

(a) SHORT TITLE.—This section may be cited as the "International Marriage Broker Control Act of 2003".

(b) LIMIT ON CONCURRENT PETITIONS FOR FIANCÉ(E) VISAS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by inserting "(1)" before "A visa"; and

(2) by adding at the end the following:

"(2) A United States citizen or a legal permanent resident may not file more than 1 concurrent application for a visa under section 101(a)(15)(K)(i) in any 1-year period.".

(c) INTERNATIONAL MARRIAGE BROKERS.—Section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375), is amended to read as follows:

"SEC. 652. INTERNATIONAL MARRIAGE BROKERS.

"(a) FINDINGS.—Congress finds the following:

"(1) There is a substantial international marriage broker business worldwide. A 1999 study by the Immigration and Naturalization Service estimated that in 1999 there were at least 200 such companies operating in the United States, and that as many as 4,000 to 6,000 persons in the United States, almost all male, find foreign spouses through for-profit international marriage brokers each year.

"(2) Aliens seeking to enter the United States to marry citizens of the United States currently lack the ability to access and fully verify personal history information about their prospective American spouses.

"(3) Persons applying for fiancé(e) visas to enter the United States are required to undergo a criminal background information investigation prior to the issuance of a visa. However, no corresponding requirement exists to inform those seeking fiancé(e) visas of any history of violence by the prospective United States spouse.

"(4) Many individuals entering the United States on fiancé(e) visas for the purpose of marrying a person in the United States are unaware of United States laws regarding domestic violence, including protections for immigrant victims of domestic violence, prohibitions on involuntary servitude, protections from automatic deportation, and the role of police and the courts in providing assistance to victims of domestic violence.

"(5) Evidence indicates that a disproportionate number of women from foreign countries who meet their American husbands through international marriage brokers become victims of domestic violence.

"(b) DEFINITIONS.—In this section:

"(1) CLIENT.—The term 'client' means a United States citizen or legal permanent resident who makes a payment or incurs a debt in order to utilize the services of an international marriage broker.

"(2) CRIME OF VIOLENCE.—The term 'crime of violence' has the same meaning given the term in section 16 of title 18, United States Code.

"(3) DOMESTIC VIOLENCE.—The term 'domestic violence' means any crime of violence, or other act forming the basis for past or outstanding protective orders, restraining orders, no-contact orders, convictions, arrests, or police reports, committed against a person by—

"(A) a current or former spouse of the person;

"(B) an individual with whom the person shares a child in common;

"(C) an individual who is cohabiting with or has cohabited with the person;

"(D) an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs; or

"(E) any other individual;

if the person is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

"(4) FOREIGN NATIONAL CLIENT.—The term 'foreign national client' means an alien residing outside the United States who utilizes the services of an international marriage broker.

"(5) INTERNATIONAL MARRIAGE BROKER.—

"(A) IN GENERAL.—The term 'international marriage broker' means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, social referrals, or matching services between United States citizens or legal permanent residents and nonresident aliens by providing information that would permit an individual to contact a person, including—

"(i) providing the name, telephone number, address, electronic mail address, or voicemail of that person; or

"(ii) providing an opportunity for an in-person meeting.

"(B) EXCEPTIONS.—Such term does not include—

"(i) a traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries of the foreign national clients of such organization and the laws of the United States; or

"(ii) an entity that provides dating services between United States citizens and aliens, but not as its principal business, and charges comparable rates to clients regardless of the gender or country of residence of the client.

"(6) PERSONAL CONTACT INFORMATION.—

"(A) IN GENERAL.—The term 'personal contact information' means information that would permit an individual to contact a person, including—

"(i) the name, address, phone number, electronic mail address, or voice message mailbox of that person; and

"(ii) the provision of an opportunity for an in-person meeting.

"(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

"(c) OBLIGATIONS OF INTERNATIONAL MARRIAGE BROKER WITH RESPECT TO INFORMED CONSENT.—An international marriage broker shall not provide any personal contact information about any foreign national client, not including photographs, to any person unless and until the international marriage broker has—

"(1) provided the foreign national client with information in the native language of the foreign national client that explains the rights of victims of domestic violence in the United States, including the right to petition for residence independent of, and without the knowledge, consent, or cooperation of, the spouse; and

"(2) received from the foreign national client a signed consent to the release of personal contact information.

"(d) MANDATORY COLLECTION OF INFORMATION.—

"(1) IN GENERAL.—Each international marriage broker shall require each client to provide the information listed in paragraph (2), in writing and signed by the client (including by electronic writing and electronic signature), to the international marriage broker prior to referring any personal contact information about any foreign national client to the client.

"(2) INFORMATION.—The information required to be provided in accordance with paragraph (1) is as follows:

"(A) Any arrest, charge, or conviction record for homicide, rape, assault, sexual assault, kidnap, or child abuse or neglect.

"(B) Any history of a court ordered restriction on physical contact with another person, including any temporary or permanent restraining order or civil protection order.

"(C) Marital history, including if the person is currently married, if the person has previously been married and how many times, and how previous marriages were terminated and the date of termination.

"(e) ADDITIONAL OBLIGATIONS OF THE INTERNATIONAL MARRIAGE BROKER.—An international marriage broker shall not provide any personal contact information about any foreign national client, unless and until—

"(1) the client has been informed that the client will be subject to a criminal background check should they petition for a visa under section 101(a)(15)(K)(i) of the Immigration Nationality Act (8 U.S.C 1101(a)(15)(K)(i)); and

"(2) the foreign national client has been provided a copy of the information required under subsection (d).

"(f) CIVIL PENALTY.—

"(1) VIOLATION.—An international marriage broker that the Director of Homeland Security determines has violated any provision of this section or subsection (g) of the International Marriage Broker Control Act of 2003 shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $20,000 for each such violation.

"(2) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty imposed under paragraph (1) may be imposed only after notice and an opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

"(g) CRIMINAL PENALTY.—An international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates any provision of this section or subsection (g) of the International Marriage Broker Control Act of 2003 shall be fined in accordance with title 18, United States Code, or imprisoned for not less than 1 year and not more than 5 years, or both.

"(h) STUDY AND REPORT.—

"(1) STUDY.—Not later than 2 years after the date of enactment of the International Marriage Broker Control Act of 2003, the Attorney General, in consultation with the Director of the Bureau of Citizenship and Immigration Services within the Department of Homeland Security, shall conduct a study—

"(A) regarding the extent of compliance with this section and subsection (g) of the International Marriage Broker Control Act of 2003;

"(B) that assesses information gathered under this section and subsection (g) of the International Marriage Broker Control Act of 2003 from clients and petitioners by international marriage brokers and the Bureau of Citizenship and Immigration Services; and

"(C) that describes, based on the information gathered, the extent to which persons with a history of violence are using the services of international marriage brokers and the extent to which such persons are providing accurate information to international marriage brokers in accordance with this section and subsection (g) of the International Marriage Broker Control Act of 2003.

"(2) REPORT.—Not later than 3 years after the date of enactment of the International Marriage Broker Control Act of 2003, the Secretary of Homeland Security shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth the results of the study conducted pursuant to paragraph (1).".

(d) CRIMINAL BACKGROUND CHECK.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)), as amended by subsection (b), is further amended by adding at the end the following:

"(3) A petitioner for a visa under section 101(a)(15)(K)(i) shall undergo a national criminal background check prior to the petition being approved by the Secretary of Homeland Security, and the results of the background check shall be included in the petition forwarded to the consular office under that section.".

(e) CHANGES IN CONSULAR PROCESSING OF FIANCÉ(E) VISA APPLICATIONS.—

(1) IN GENERAL.—During the consular interview for purposes of the issuance of a visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)), a consular officer shall disclose to the alien applicant information in writing in the native language of the alien concerning—

(A) the illegality of domestic violence in the United States and the availability of resources for victims of domestic violence (including aliens), including protective orders, crisis hotlines, free legal advice, and shelters;

(B) the requirement that international marriage brokers provide foreign national clients with responses of clients to questions regarding the client's domestic violence history and marital history and inform the foreign national client that this information may not be accurate;

(C) the right of an alien who is or whose children are subjected to domestic violence or extreme cruelty by a United States citizen spouse or legal permanent resident spouse, to self-petition for legal permanent immigration status under the Violence Against Women Act independently of, and without the knowledge, consent, or cooperation of, such United States citizen spouse or legal permanent resident spouse; and

(D) any information regarding the client that was—

(i) provided to the Bureau of Citizenship and Immigration Services within the Department of Homeland Security pursuant to subsection (g); and

(ii) contained in the background check conducted in accordance with section 214(d)(3) of the Immigration and Nationality Act, as added by subsection (d), relating to any conviction for a crime of violence, act of domestic violence, or child abuse or neglect.

(2) DEFINITIONS.—In this section, the terms "client", "domestic violence", "foreign national client", and "international marriage brokers" have the same meaning given such terms in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375).

(f) INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103) is amended—

(1) in subsection (d)(2), by inserting "and the role of international marriage brokers (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375))" after "public corruption"; and

(2) by adding at the end the following:

"(f) MEETINGS.—The Task Force shall meet not less than 2 times in a calendar year.".

(g) BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES.—The Bureau of Citizenship and Immigration Services within the Department of Homeland Security shall require that information described in section 652(c) of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375(c)), as amended by subsection (b), be provided to the Bureau of Citizenship and Immigration Services by the client (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375)) in writing and signed under penalty of perjury as part of any visa petition under section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)).

(h) GOOD FAITH MARRIAGES.—The fact that an alien who is in the United States on a visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)) is aware of the criminal background of a client (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375)) cannot be used as evidence that the marriage was not entered into in good faith.

(i) TECHNICAL AND CONFORMING AMENDMENTS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

(j) PREEMPTION.—Nothing in this section, or the amendments made by this section, shall preempt any state law that provides additional protection for aliens who are utilizing the services of an international marriage broker (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375)).

SA 1170. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, Mr. REED, Ms. CANTWELL, Mr. DAYTON, and Mr. HARKIN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

After title IX, add the following:

TITLE —UNEMPLOYMENT COMPENSATION

SEC. . ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR EXHAUSTEES.

(a) ADDITIONAL WEEKS.—Section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended by adding at the end the following:

"(d) INCREASED AMOUNTS IN ACCOUNT FOR CERTAIN EXHAUSTEES.—

"(1) IN GENERAL.—In the case of an eligible exhaustee, this Act shall be applied as follows:

"(A) Subsection (b)(1)(A) shall be applied by substituting '100 percent' for '50 percent'.

"(B) Subsection (b)(1)(B) shall be applied by substituting '26 times' for '13 times'.

"(C) Subsection (c)(1) shall be applied by substituting '7 times the individual's average weekly benefit amount for the benefit year' for 'the amount originally established in such account (as determined under subsection (b)(1))'.

"(D) Section 208(b) shall be applied—

"(i) in paragraph (1), as if ", including such compensation payable by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section" were inserted before the period at the end;

"(ii) as if paragraph (2) had not been enacted; and

"(iii) in paragraph (3), by substituting "the date that is 21 weeks after the date of enactment of Energy Policy Act of 2003" for "March 31, 2004".

"(2) ELIGIBLE EXHAUSTEE DEFINED.—For purposes of this subsection, the term 'eligible exhaustee' means an individual—

"(A) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this subsection; and

"(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account, including amounts deposited in such account by reason of subsection (c)) before such date of enactment.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(2) TEUC–X AMOUNTS DEPOSITED IN ACCOUNT PRIOR TO DATE OF ENACTMENT DEEMED TO BE THE ADDITIONAL TEUC AMOUNTS PROVIDED BY THIS SECTION.—In applying the amendment made by subsection (a) under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 26), the Secretary of Labor shall deem any amounts deposited into an eligible exhaustee's (as defined in section 203(d)(2) of the Temporary Extended Unemployment Compensation Act of 2002, as added by subsection (a)) temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC–X amounts") prior to the date of enactment of this Act to be amounts deposited in such account by reason of section 203(b) of such Act, as amended by subsection (a) (commonly known as "TEUC amounts").

(3) REDETERMINATION OF ELIGIBILITY FOR AUGMENTED AMOUNTS FOR ALL ELIGIBLE EXHAUSTEES.—The determination of whether the eligible exhaustee's (as so defined) State was in an extended benefit period under section 203(c) of such Act that was made prior to the date of enactment of this Act shall be disregarded and the determination under such section, as amended by subsection (a) with respect to eligible exhaustees (as so defined), shall be made as follows:

(A) ELIGIBLE EXHAUSTEES WHO RECEIVED AND EXHAUSTED TEUC–X AMOUNTS.—In the case of an eligible exhaustee whose temporary extended unemployment account was augmented under such section 203(c) before the date of enactment of this Act, the determination shall be made as of such date of enactment.

(B) ELIGIBLE EXHAUSTEES WHO EXHAUSTED TEUC AMOUNTS BUT WERE NOT ELIGIBLE FOR TEUC–X AMOUNTS.—In the case of an eligible exhaustee whose temporary extended unemployment account was not augmented under such section 203(c) as of the date of enactment of this Act, the determination shall be made at the time that the individual's account established under section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28), as amended by subsection (a), is exhausted.

SEC. . TEMPORARY AVAILABILITY OF EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT FOR EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.

Section 2(c)(2) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)) is amended by adding at the end the following:

"(D) TEMPORARY AVAILABILITY OF EXTENDED UNEMPLOYMENT BENEFITS FOR EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an employee who has less than 10 years of service (as so defined), with respect to extended unemployment benefits, this paragraph shall apply to such an employee in the same manner as this paragraph applies to an employee who has 10 or more years of service (as so defined).

"(ii) APPLICATION.—Clause (i) shall apply to—

"(I) an employee who received normal benefits for days of unemployment under this Act during the period beginning on July 1, 2002, and ending on December 31, 2003; and

"(II) days of unemployment beginning on or after the date of enactment of the this subparagraph.".

SA 1171. Mr. LUGAR (for Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 250, line 4, insert the following before the semi-colon: and the sustainable use of natural resources

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SA 1172. Mr. LUGAR (for Mr. SANTORUM (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

SA 1173. Mr. LUGAR (for Mr. KYL) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 90, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR REPORT ON THE ROLE OF NORTH KOREA IN THE TRAFFICKING OF ILLEGAL NARCOTICS.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes the role of North Korea, since January 1, 2000, in the trafficking of illegal narcotics.

(b) CLASSIFIED REPORT.—If the President submits the report in a classified form, the President shall also submit an unclassified version of the report.

(c) CONTENT.—The report shall—

(1) address each aspect of North Korea's role in the trafficking of illegal narcotics, including any role in the cultivation, sale, or transshipment of such narcotics;

(2) identify the origin and destination of all narcotics that are transshipped through North Korea;

(3) provide an estimate of the total amount of income received by the Government of North Korea each year as a result of such trafficking and the currencies in which such income is received;

(4) describe the role of North Korean government officials and military personnel in such trafficking, including any use of diplomatic channels to facilitate such trafficking; and

(5) include an assessment of whether the leadership of the Government of North Korea is aware and approves of such trafficking activities in North Korea.

SA 1174. Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. HARKIN, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Ms. MIKULSKI, Mr. LEVIN, Mr. SARBANES, and Mr. LIEBERMAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. SENSE OF CONGRESS ON FUNDING FOR COMBATTING AIDS GLOBALLY.

(a) FINDINGS.—Congress makes the following findings:

(1) With the President's support, Congress overwhelmingly and expeditiously approved the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7601 et seq.), indicating the gravity with which Congress considers the pandemic of HIV and AIDS infection.

(2) The Act, which was supported and signed into law by the President, authorized the appropriation of a total $15,000,000,000 for fiscal years 2004 through 2008. Specifically, the Act authorized $3,000,000,000 to be appropriated in fiscal year 2004 for HIV/AIDS and related programs, of which up to $1,000,000,000 was authorized to be made available for the United States contributions to the Global Fund.

(3) In contrast to the amounts authorized to be appropriated in the Act, the President's budget for fiscal year 2004, includes only $1,900,000,000 for HIV/AIDS and related programs, of which only $200,000,000 is for the United States contribution to the Global Fund.

(4) Approximately 5,000 people contract HIV each day.

(5) In Africa, more than 17,000,000 people have died from AIDS, another 28,000,000 are infected with HIV, including 1,500,000 infected children, and 11,000,000 children have been orphaned by AIDS.

(6) The United Nations Development Programme Annual Report for 2003 states, "HIV/AIDS is a catastrophe for economic stability [and] may be the world's most serious development crisis.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels contained in the Concurrent Resolution on the Budget for Fiscal Year 2004 (H.Con.Res. 95, 108th Congress, 1st session).

(c) DEFINITIONS.—In this section:

(1) ACT.—The term "Act" means the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7601 et seq.).

(2) GLOBAL FUND.—The term "Global Fund" means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

SA 1175. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 815. CONDITIONS ON ANY SUSPENSION OF IMMIGRATION PROCESSING OF ALIEN ORPHANS.

(a) REQUIREMENTS OF THE DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall notify each House of Congress upon suspending the processing of petitions for classification of nationals of a country as alien orphans in accordance with subsection (h). The notification shall set forth the following:

(1) EXPLANATION.—Information, to the extent available, supporting the suspension, including the following:

(A) FAILURE TO OBTAIN BIRTH PARENT CONSENT.—Information indicating that in recent cases the consent of a birth parent to termination of parental rights or to the adoption was not obtained.

(B) FRAUD, DURESS, OR IMPROPER INDUCEMENT.—Information indicating that in recent cases the consent of a birth parent to termination of parental rights or to the adoption was obtained as a result of fraud, duress, or improper inducement.

(C) IMPROPER RELINQUISHMENT.—Information indicating that in recent cases birth parents have relinquished their children in return for improper reward.

(D) INADEQUATE SENDING COUNTRY ADOPTION PROCESS.—Information indicating that the system utilized by the sending country for the arrangement of international adoptions of alien orphans who are nationals of the sending country is inadequate and, as a result, the processing of cases according to the requirements of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is compromised.

(E) DEPARTMENT OF STATE INABILITY TO PROCESS.—Information indicating that the system of the Department of State in that country for the processing of petitions for the classification of nationals of that sending country as alien orphans is insufficient, and as a result, the Department of State is unable to make an informed determination under section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)).

(F) DEPARTMENT OF HOMELAND SECURITY INABILITY TO PROCESS.—Information indicating that the system of the Department of Homeland Security in that country for the processing of petitions for the classification of nationals of that sending country as alien orphans is insufficient, and as a result, the Department of Homeland Security is unable to make an informed determination under section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)).

(G) COMBINATION OF CONDITIONS.—Information indicating that a combination of the conditions listed in this paragraph exist, such that the Department of State or the Department of Homeland Security is unable to make an informed determination under section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)).

(H) OTHER CONDITIONS.—Information indicating such other conditions that justify a suspension of orphan processing, as appropriate.

(2) SUMMARY OF PRIOR ACTION.—Whenever applicable, a summary of recent actions taken in the sending country and information regarding previous efforts to address conditions articulated in paragraph (1).

(3) PLAN.—To the extent possible, a plan that includes—

(A) ways to remedy the circumstance or circumstances described in paragraph (1) justifying the suspension;

(B) a process to notify United States citizens who might be affected by the suspension; and

(C) a good faith estimate—

(i) of the time needed to remedy the circumstance or circumstances described in paragraph (1); and

(ii) that recognizes and addresses the degree to which resolution of the circumstance or circumstances described in paragraph (1) depend upon the cooperation of the sending country.

(b) EXEMPTIONS FROM SUSPENSION.—The Secretary of Homeland Security shall give consideration to exempting from the suspension those adoptions involving extraordinary humanitarian concerns in accordance with section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)).

(c) Ongoing Consultation.—Not later than 180 days after a suspension takes effect after the date of enactment of this Act, and every 180 days until the suspension is terminated, the Secretary of Homeland Security shall inform Congress that the circumstance or circumstances justifying the suspension still exist.

(d) Transition Provision.—Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress, for each country for which a suspension is in effect on the date of enactment of this Act, a report containing a summary of the evidence, plan, and estimate described in subsection (a).

(e) Statutory Construction.—Nothing in this section shall be construed to require the inclusion of information that—

(1) reasonably could be expected to adversely affect or compromise a civil or criminal enforcement proceeding or investigation; or

(2) would disclose techniques and procedures for law enforcement investigations or prosecutions.

(f) Limitation.—Under no circumstances shall a suspension issued under this section be longer than 18 months.

(g) Requirements of the Department of State.—Neither the Secretary of State nor any other official of the Department of State shall urge a foreign government to suspend the processing of international adoptions by United States citizens unless the Secretary of State provides notice in writing to each House of Congress, in accordance with subsection (h), of the intention of the Secretary of State to take such action.

(h) Submission of Notices to Congress.—The submission of a notice under subsection (a) or a notice under subsection (g) is satisfied if the notice, as appropriate, is submitted on the day the action is to be taken.

(i) Definitions.—In this section:

(1) Alien orphan.—The term "alien orphan" means an alien child described in subparagraph (F) or (G) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1) (F) or (G)).

(2) Sending country.—The term "sending country" means the country with legal authority to process the adoption of the child in question.

(3) Suspension.—The term "suspension" means, with respect to a country, the decision by the Secretary of Homeland Security to suspend the processing of petitions for classification of alien orphans who are natives of that country.

SA 1176. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. Lugar to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 815. VISA WAIVER PROGRAM.

(a) In General.—Section 217(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(1)) is amended by adding at the end the following: "Poland shall be designated as a program country under this subsection.".

(b) Effective Date.—The amendment made in subsection (a) shall take effect 60 days after the date of enactment of this Act.

SA 1177. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. Lugar to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, between lines 12 and 13, insert the following:

SEC. 2522. COMMENDATION OF THE LEADERSHIP AND PEOPLE OF COLOMBIA ON THE SUCCESSFUL IMPLEMENTATION OF PLAN COLOMBIA.

(a) Findings.—Congress makes the following findings:

(1) July 13, 2003, marks the third anniversary of the passage of legislation providing initial United States assistance for the Plan Colombia initiative.

(2) In the preceding years, the Government of Colombia has made significant progress in the eradication of the production of illegal drugs.

(3) Due to the efforts of the Government of Colombia—

(A) the total area of coca cultivation in Colombia has declined 59.9 percent from 163,289 hectares in 2000 to 102,071 at the end of 2002, with a further additional 65,000 hectares sprayed with herbicides in 2003;

(B) Colombia has sprayed 3,300 hectares of poppy crop with herbicides in 2002, and an additional 1,658 hectares in 2003; and

(C) between January 2002 and May 2003, the Government has seized 100 tons of pure cocaine and 850 kilos of heroin with a street value of approximately $3,000,000,000.

(4) The armed forces of Colombia are better trained (with 60 percent more combat-ready troops than in 1999, including three United States-trained counterdrug brigades and five riverine brigades) and have established and equipped the Tres Esquinas base for counterdrug operations in southern Colombia.

(5) The armed forces of Colombia are defeating the drug traffickers and terrorists in Colombia, as demonstrated by the capture, as of July 2003, of a total of 3,553 guerrillas and 1,336 members of paramilitaries and the surrender of an additional 1,138 members of illegal groups, the destruction of more than 1,000 coca laboratories, the confiscation of billions of gallons of solid and liquid chemicals used for manufacturing cocaine, and the seizure of more than 4,000 weapons from guerrillas and drug traffickers.

(6) The Government of Colombia has extradited 78 persons to the United States to face trial on narcotics and terrorism charges.

(7) The Government of Colombia has made progress in establishing law and order in Colombia, as demonstrated by the facts that—

(A) homicides have declined in Colombia by 20 percent during the first months of 2003, as compared to the same period in 2002; and

(B) kidnappings have declined by 40 percent, during the first months of 2003, as compared to the same period in 2002.

(8) The Government of Colombia is training and equipping during 2003, 78,000 new police officers who will be stationed in hundreds of rural towns where there is little or no police presence.

(9) The Government of Colombia is showing its commitment to fighting the scourge of illegal drugs by increasing defense spending from 3.5 percent of its gross domestic product in 2002 to 5.8 percent of its gross domestic product by 2006, and by enlarging its armed forces by 126,000 troops.

(10) The Government of Colombia is actively providing peasants with alternatives to coca development, including encouraging 22,829 families to abandon coca production and participate in development programs, supporting 24,549 hectares of legal crops with technical and agricultural assistance, and completing 349 community and social infrastructure projects such as roads, bridges, sewer systems, water treatment facilities, schools, and health clinics.

(11) The Government of Colombia is providing humanitarian assistance to internally displaced persons, including providing aid to 774,601 persons, training 31,721 individuals for new jobs, giving vocational and skill development training to 10,106 individuals, providing health care for 360,946 persons, improving access to education for 92,172 children, and assisting 13,820 individuals in returning to their homes.

(12) The Government of Colombia is taking steps to protect the human rights of the people of Colombia by establishing the national early warning system, with 13 regional offices, to prevent forced displacement and human rights violations, and by providing protection for 2,731 human rights workers, labor leaders, journalists, and local government officials.

(13) The Government of Colombia is taking steps to ensure military accountability—

(A) by establishing in its armed forces a Judge Advocate General center and Military Penal Justice Corps with United States assistance;

(B) by establishing human rights units under the Colombian Attorney General's office, the armed forces, and the national police; and

(C) by implementing procedures to prevent United States assistance from being distributed to any unit of the Colombian armed forces that has engaged in human rights violations.

(14) The Government of Colombia is taking steps to ensure the fair administration of justice in Colombia by establishing 31 Casas de Justicia that have handled 1,600,000 cases by July 2003, by creating 19 oral trial courtrooms and training 3,400 judges to administer justice, and by training Colombian law enforcement personnel, judges, and prosecutors in anti-corruption, money-laundering, and anti-kidnapping measures.

(15) It is in the national interests of the United States to continue to support the efforts of President Alvaro Uribe Velez of Colombia, and the Government and people of Colombia, to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

(b) Commendation.—The Senate—

(1) commends President Alvaro Uribe Velez of Colombia and the Government and the people of Colombia for their successful implementation of Plan Colombia and for their commitment to fighting illegal drugs and terrorism;

(2) supports the efforts of President Uribe and the Government and people of Colombia, and their commitment, to preserve and strengthen democracy, protect human rights, and provide economic opportunity in Colombia; and

(3) commemorates, and observes the third anniversary of, the enactment of legislation providing initial United States assistance for the Plan Colombia initiative.

SA 1178. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—Congress is authorized to appoint Members of Congress to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Members of Congress so appointed shall be referred to as the "United States group" of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1179. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—Congress is authorized to appoint Members of Congress to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Members of Congress so appointed shall be referred to as the "United States group" of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1180. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

"(i) acts of anti-Semitic violence that occurred in that country;

"(ii) the response of the government of that country to such acts of violence;

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

"(iv) societal attitudes in that country toward people of the Jewish faith; and

"(v) trends relating to such attitudes in that country.".

SA 1181. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 15, strike "$475,000,000" and insert "$521,600,000".

SA 1182. Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2123, add the following:

(d) ASSISTANCE FOR PAKISTAN.—

(1) IN GENERAL.—Of the funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2004, $200,000,000 may be made available for assistance for Pakistan, of which up to $200,000,000 may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan.

(2) TREATMENT OF CERTAIN ASSISTANCE.—The amount made available under paragraph (1) for the cost of modifying direct loans and guarantees shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(3) LIMITATION.—The authority provided by paragraph (1) shall be subject to the requirements of section 634A of the Foreign Assistance Act of 1961.

SA 1183. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 23 and 24, insert the following:

(c) For the purposes of the program authorized by subsection (a), Congress consents to employees of a designated country or designated entity continuing to receive payment of salary and benefits from such designated country or designated entity while they serve in offices of profit or trust within the Department of State.

SA 1184. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Senators so appointed shall be referred to as the "United States group" of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1185. Mr. LUGAR (for Mr. FRIST (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the "United States group" of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1186. Mr. LUGAR (for Mr. VOINOVICH) proposed an amendment to amendment SA 1136 proposed by Mr.

LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

"(i) acts of anti-Semitic violence that occurred in that country;

"(ii) the response of the government of that country to such acts of violence;

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

"(iv) societal attitudes in that country toward people of the Jewish faith; and

"(v) trends relating to such attitudes in that country.".

SA 1187. Mr. LUGAR (for Mr. AKAKA (for himself and Mr. INOUYE)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Of the amounts authorized in this Act under Section 102 for United States Educational, Cultural, and Public Diplomacy Programs up to $4 million is authorized to be appropriated, in addition to such funds authorized under Section 102(a)(3) in support of the Center for Cultural and Technical Interchange Between East and West.

SA 1188. Mrs. CLINTON (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. ___. PENALTY FOR UNPAID PROPERTY TAXES.

(a) IN GENERAL.—Subject to subsection (b), an amount equal to 110 percent of the total amount of unpaid property taxes owed by a foreign country to the District of Columbia and New York, New York as reported by the District of Columbia and New York, New York, respectively, shall be withheld from obligation for such country from funds that are—

(1) appropriated pursuant to an authorization of appropriations in this Act; and

(2) made available for such foreign country under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) PAYMENT.—Funds withheld from obligation for a country under subsection (a)(2) shall be paid to the District of Columbia or New York, New York, as appropriate, to satisfy any judgment for unpaid property taxes against such foreign country.

(c) CERTIFICATION.—The withholding of funds under subsection (a) shall apply with respect to a foreign country until the Secretary of State certifies to the designated congressional committees that the total unpaid property taxes owed by such country have been paid in full.

(d) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term "designated congressional committees" means the Committees of Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) JUDGMENT.—The term "judgment" means a judgment, order, or decree, including a judgment rendered by default or nonappearance of a party, entered in favor of the District of Columbia or New York, New York in a court of the United States or any State or subdivision thereof, arising from a proceeding regarding unpaid property taxes.

(3) UNPAID PROPERTY TAXES.—The term "unpaid property taxes" means the amount of the unpaid taxes, and interest on such taxes, that have accrued on real property under applicable laws.

SA 1189. Mr. DODD proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 247, strike the period at the end of Section 3102(a) and add the following:

", except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

"(i) cause the substantial loss of U.S. jobs, or the displacement of U.S. production, or

"(ii) pose an unreasonable or major environmental, health, or safety hazard."

SA 1190. Mr. BIDEN (for himself, Mr. LEVIN, Mr. DASCHLE, and Mr. KENNEDY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes, as follows:

At the appropriate place insert:

SEC. . IN APPRECIATION OF OUR ARMED FORCES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks;

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis and these efforts are further complicated by the absence of effective communications with the Iraqi people;

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities;

(4) Approximately 145,000 U.S. troops are currently deployed in Iraq, meaning that American troops comprise roughly 90% of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85% of Coalition forces;

(5) Maintaining the existing force level in Iraq currently requires $3.9 billion each month;

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers;

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal police functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist and jointly patrol with the existing Iraqi police force;

(8) President Bush has noted that "The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking," and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States;

(9) Secretary Rumsfeld testified that "We certainly want assistance from NATO and from NATO countries" and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops; and

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that

(1) It is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) The President should request formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq.

(3) The President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

SA 1191. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr.

SA 1178. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—Congress is authorized to appoint Members of Congress to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Members of Congress so appointed shall be referred to as the "United States group" of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1179. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—Congress is authorized to appoint Members of Congress to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Members of Congress so appointed shall be referred to as the "United States group" of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1180. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

"(i) acts of anti-Semitic violence that occurred in that country;

"(ii) the response of the government of that country to such acts of violence;

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

"(iv) societal attitudes in that country toward people of the Jewish faith; and

"(v) trends relating to such attitudes in that country.".

SA 1181. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 15, strike "$475,000,000" and insert "$521,600,000".

SA 1182. Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2123, add the following:

(d) ASSISTANCE FOR PAKISTAN.—

(1) IN GENERAL.—Of the funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2004, $200,000,000 may be made available for assistance for Pakistan, of which up to $200,000,000 may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan.

(2) TREATMENT OF CERTAIN ASSISTANCE.—The amount made available under paragraph (1) for the cost of modifying direct loans and guarantees shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(3) LIMITATION.—The authority provided by paragraph (1) shall be subject to the requirements of section 634A of the Foreign Assistance Act of 1961.

SA 1183. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 23 and 24, insert the following:

(c) For the purposes of the program authorized by subsection (a), Congress consents to employees of a designated country or designated entity continuing to receive payment of salary and benefits from such designated country or designated entity while they serve in offices of profit or trust within the Department of State.

SA 1184. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

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(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Senators so appointed shall be referred to as the "United States group" of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

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SA 1185. Mr. LUGAR (for Mr. FRIST (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

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(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the "United States group" of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

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SA 1186. Mr. LUGAR (for Mr. VOINOVICH) proposed an amendment to amendment SA 1136 proposed by Mr.

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"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

"(iv) societal attitudes in that country toward people of the Jewish faith; and

"(v) trends relating to such attitudes in that country.".

SA 1187. Mr. LUGAR (for Mr. AKAKA (for himself and Mr. INOUYE)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Of the amounts authorized in this Act under Section 102 for United States Educational, Cultural, and Public Diplomacy Programs up to $4 million is authorized to be appropriated, in addition to such funds authorized under Section 102(a)(3) in support of the Center for Cultural and Technical Interchange Between East and West.

SA 1188. Mrs. CLINTON (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. ___. PENALTY FOR UNPAID PROPERTY TAXES.

(a) IN GENERAL.—Subject to subsection (b), an amount equal to 110 percent of the total amount of unpaid property taxes owed by a foreign country to the District of Columbia and New York, New York as reported by the District of Columbia and New York, New York, respectively, shall be withheld from obligation for such country from funds that are—

(1) appropriated pursuant to an authorization of appropriations in this Act; and

(2) made available for such foreign country under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) PAYMENT.—Funds withheld from obligation for a country under subsection (a)(2) shall be paid to the District of Columbia or New York, New York, as appropriate, to satisfy any judgment for unpaid property taxes against such foreign country.

(c) CERTIFICATION.—The withholding of funds under subsection (a) shall apply with respect to a foreign country until the Secretary of State certifies to the designated congressional committees that the total unpaid property taxes owed by such country have been paid in full.

(d) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term "designated congressional committees" means the Committees of Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) JUDGMENT.—The term "judgment" means a judgment, order, or decree, including a judgment rendered by default or nonappearance of a party, entered in favor of the District of Columbia or New York, New York in a court of the United States or any State or subdivision thereof, arising from a proceeding regarding unpaid property taxes.

(3) UNPAID PROPERTY TAXES.—The term "unpaid property taxes" means the amount of the unpaid taxes, and interest on such taxes, that have accrued on real property under applicable laws.

SA 1189. Mr. DODD proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 247, strike the period at the end of Section 3102(a) and add the following:

", except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

"(i) cause the substantial loss of U.S. jobs, or the displacement of U.S. production, or

"(ii) pose an unreasonable or major environmental, health, or safety hazard."

SA 1190. Mr. BIDEN (for himself, Mr. LEVIN, Mr. DASCHLE, and Mr. KENNEDY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes, as follows:

At the appropriate place insert:

SEC. . IN APPRECIATION OF OUR ARMED FORCES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks;

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis and these efforts are further complicated by the absence of effective communications with the Iraqi people;

(3) Ultimately, maintaining law and order in Iraq and preserving it's territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities;

(4) Approximately 145,000 U.S. troops are currently deployed in Iraq, meaning that American troops comprise roughly 90% of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85% of Coalition forces;

(5) Maintaining the existing force level in Iraq currently requires $3.9 billion each month;

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers;

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal police functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist and jointly patrol with the existing Iraqi police force;

(8) President Bush has noted that "The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking," and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States;

(9) Secretary Rumsfeld testified that "We certainly want assistance from NATO and from NATO countries" and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops; and

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that

(1) It is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) The President should request formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq.

(3) The President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

SA 1191. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr.

CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 815. SENSE OF SENATE ON EXECUTIVE BRANCH COOPERATION WITH THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 15, 2002, Congress passed legislation by a wide bipartisan margin to establish the National Commission on Terrorist Attacks Upon the United States to determine the facts surrounding the attacks of September 11, 2001, and to help the Nation prevent any future terrorist attacks. On November 27, 2002, President Bush signed the legislation into law as title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2408; 6 U.S.C. 101 note).

(2) There was broad bipartisan consensus that the work of the Commission was of national importance and of particular significance to the families of the victims of the attacks of September 11, 2001.

(3) The work of the Commission is essential to discovering what weaknesses and vulnerabilities were exploited to successfully perpetrate the deadly attacks of September 11, 2001.

(4) The Commission is required to "ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks" and to complete its work by May, 2004.

(5) Both the Chairman and Vice Chairman of the Commission have recently announced that many of the relevant agencies—most notably the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency—have failed to provide the bulk of the documents the Commission has requested and some of those agencies have prevented the Commission from conducting independent interviews with officials who may have important information about the tragic events of September 11, 2001.

(6) Members of the Commission have also acknowledged that if this cooperation is not forthcoming in the next several weeks, the Commission will not be able to meet the May 2004 statutory deadline to conclude its investigation and report its findings to Congress and the President.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) President Bush should immediately and publicly require all executive branch agencies, especially the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency, to provide their fullest and most timely cooperation to the Commission, and permit the Commission unfettered access to agency officials for interviews, so that the Commission can complete its mission in the time allotted by law;

(2) President Bush should require the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency to submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report on the actions taken by each such department or agency to comply with the requests of the Commission; and

(3) the Commission should submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report assessing the compliance of each department and agency referred to in paragraph (2) with the requests of the Commission.

SA 1192. Mr. LUGAR (for Mr. ENSIGN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike Section 401 and insert the following:

SEC. 401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING.

(a) IN GENERAL.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by amending subparagraph (B), added by Section 402 of P.L. 107–228 (FY 2003 Foreign Relations Authorization Act), to amend subparagraph (iv) as follows and add subparagraph (v) at the end:

"(iv) For assessments made during calendar year 2004, 27.1 percent.

"(v) For assessments made during calendar year 2005, 27.1 percent."

SA 1193. Mr. LUGAR (for Mr. WARNER (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 206.

SA 1194. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 242, between lines 12 and 13, insert the following:

SEC. 2522. COMMENDATION OF THE LEADERSHIP AND PEOPLE OF COLOMBIA ON THE SUCCESSFUL IMPLEMENTATION OF PLAN COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) July 13, 2003, marks the third anniversary of the enactment of legislation providing initial United States assistance for the Plan Colombia initiative. Since then, the United States has provided over $3 billion in support of Plan Colombia.

(2) During this period, the Government of Colombia, with United States support, has made progress in the eradication and seizure of illegal drugs.

(3) According to reports—

(A) the total area of coca cultivation in Colombia has declined 59.9 percent from 163,289 hectares in 2000 to 102,071 at the end of 2002, with a further additional 65,000 hectares to be sprayed with herbicides in 2003;

(B) 3,300 hectares of poppy crop have been sprayed with herbicides in 2002, and an additional 1,658 hectares to be sprayed in 2003; and

(C) between January 2002 and May 2003, 100 tons of pure cocaine and 850 kilos of heroin have been seized, with a street value of approximately $3,000,000,000.

(4) The armed forces of Colombia have 60 percent more combat-ready troops than in 1999, including three United States-trained counterdrug brigades and five riverine brigades.

(5) The armed forces of Colombia are taking steps against the drug traffickers and terrorists in Colombia, as demonstrated by the capture, as of July 2003, of some 3,553 guerrillas and 1,336 members of paramilitaries and the surrender of an additional 1,138 members of illegal groups, the destruction of more than 1,000 coca laboratories, the confiscation of solid and liquid chemicals used for manufacturing cocaine, and the seizure of weapons from guerrillas and drug traffickers.

(6) In the past several years, the Government of Colombia has extradited 78 persons to the United States to face trial on narcotics and terrorism charges.

(7) The Government of Colombia is working to establish law and order in Colombia—

(A) homicides have reportedly declined in Colombia during the first months of 2003, as compared to the same period in 2002; and

(B) kidnappings have reportedly declined during the first months of 2003, as compared to the same period in 2002.

(8) The Government of Colombia is training and equipping during 2003, thousands of new police officers who will be stationed in hundreds of rural towns where there is little or no police presence.

(9) The Government of Colombia plans to increase defense spending from 3.5 percent of its gross domestic product in 2002 to 5.8 percent of its gross domestic product by 2006, and to enlarge its armed forces by 126,000 troops.

(10) It is in the national interests of the United States to continue to support the efforts of President Alvaro Uribe Velez of Colombia, and the Government and people of Colombia, to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

(b) COMMENDATION.—The Senate—

(1) commends President Alvaro Uribe Velez of Colombia and the Government and the people of Colombia on the third anniversary of Plan Colombia and for their efforts in fighting illegal drugs and terrorism; and

(2) supports and encourages the efforts of President Uribe and the Government and people of Colombia to preserve and strengthen democracy, protect human rights, and provide economic opportunity in Colombia.

SA 1195. Mr. LUGAR (for Mr. SCHUMER (for himself, Mrs. CLINTON, MR. LIEBERMAN, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. REID)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 815. SENSE OF SENATE ON EXECUTIVE BRANCH COOPERATION WITH THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 15, 2002, Congress passed legislation by a wide bipartisan margin to establish the National Commission on Terrorist Attacks Upon the United States to determine the facts surrounding the attacks of September 11, 2001, and to help the Nation prevent any future terrorist attacks. On November 27, 2002, President Bush signed the legislation into law as title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2408; 6 U.S.C. 101 note).

(2) There was broad bipartisan consensus that the work of the Commission was of national importance and of particular significance to the families of the victims of the attacks of September 11, 2001.

(3) The work of the Commission is essential to discovering what weaknesses and vulnerabilities were exploited to successfully perpetrate the deadly attacks of September 11, 2001.

(4) The Commission is required to "ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks" and to complete its work by May, 2004.

(5) Both the Chairman and Vice Chairman of the Commission have recently announced that many of the relevant agencies—most notably the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency—have failed to provide the bulk of the documents the Commission has requested and some of those agencies have prevented the Commission from conducting independent interviews with officials who may have important information about the tragic events of September 11, 2001.

(6) Members of the Commission have also acknowledged that if this cooperation is not forthcoming in the next several weeks, the Commission will not be able to meet the May 2004 statutory deadline to conclude its investigation and report its findings to Congress and the President.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) President Bush should immediately and publicly require all executive branch agencies, especially the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency, to provide their fullest and most timely cooperation to the Commission, and permit the Commission unfettered access to agency officials for interviews, so that the Commission can complete its mission in the time allotted by law;

(2) the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency should submit to Congress, by August 15, 2003, and quarterly thereafter for the life of the commission, a report on the actions taken by each such department or agency to comply with the requests of the Commission; and

(3) the Commission should submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report assessing the compliance of each department and agency referred to in paragraph (2) with the requests of the Commission.

SA 1196. Mr. LUGAR (for Mr. DURBIN (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Ms. SNOWE, Mr. CORZINE, and Mrs. HUTCHISON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 250, line 19, strike "Such" and insert "In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators where appropriate, take into account and assess the role of women and girls. The approved".

SA 1197. Mr. LUGAR (for Mr. DURBIN (for himself, Mr. ROBERTS, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. WARNER, Mr. LOTT, Ms. SNOWE, Mr. CHAMBLISS, Mr. HAGEL, Mr. DEWINE, Mr. LUGAR, Mr. LEVIN, and Mr. BOND) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18 insert the following new section:

SEC. 815. SENSE OF CONGRESS ON AN INVESTIGATION INTO ASSERTIONS THAT IRAQ ATTEMPTED TO OBTAIN URANIUM FROM AFRICA.

(a) FINDINGS.—Congress makes the following findings:

(1) In the State of the Union address in January 2003, the President asserted that "[t]he British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa".

(2) It has been determined that the claim regarding the efforts of Iraq to obtain uranium from Africa cannot be substantiated.

(3) In May 2003, the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate requested that the Inspector General of the Department of State and the Inspector General of the Central Intelligence Agency work jointly to investigate the handling and characterization of the underlying documents behind the assertions regarding the efforts of Iraq to obtain uranium from Africa.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress supports the thorough and expeditious joint investigation by the Inspector General of the Department of State and the Inspector General of Central Intelligence Agency into the documents or other materials that the President relied on to conclude that Iraq had attempted to obtain uranium from Africa;

(2) the findings and conclusions of the joint investigation should be completed not later than September 12, 2003; and

(3) such findings and conclusions should be unclassified to the maximum extent possible, while fully protecting any intelligence sources or methods.

(4) the findings and conclusions of the joint investigation should be sent to the House and Senate Select Committees on Intelligence and the Senate Foreign Relations Committee and the House International Relations Committee.

SA 1198. Mr. LUGAR (for Mr. DORGAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY FOOD AID FOR HIV/AIDS VICTIMS.

(a) FINDINGS.—The Senate finds the following:

(1) Whereas the Centers for Disease Control and Prevention found that "For persons living with HIV/AIDS, practicing sound nutrition can play a key role in preventing malnutrition and wasting syndrome, which can weaken an already compromised immune system.".

(2) Whereas there are immediate needs for additional food aid in sub-Saharan Africa where the World Food Program has estimated that more than 40,000,000 people are at risk of starvation.

(3) Whereas prices of certain staple commodities have increased by 30 percent over the past year, which was not anticipated by the President's fiscal year 2004 budget request.

(4) The Commodity Credit Corporation has the legal authority to finance up to $30,000,000,000 for ongoing agriculture programs and $250,000,000 represents a use of less than 1 percent of such authority to combat the worst public health crisis in 500 years.

(b) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to provide an additional $250,000,000 in fiscal year 2003 to carry out programs authorized under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) to assist in mitigating the effects of HIV/AIDS on affected populations in sub-Saharan Africa and other developing nations, and by September 30, 2003, the Administrator of the United States Agency for International Development shall enter into agreements with private voluntary organizations, non-governmental organizations, and other appropriate organizations for the provision of such agricultural commodities through programs that—

(A) provide nutritional assistance to individuals with HIV/AIDS and to children, households, and communities affected by HIV/AIDS; and

(B) generate funds from the sale of such commodities for activities related to the prevention and treatment of HIV/AIDS, support service and care for HIV/AIDS infected individuals and affected households, and the creation of sustainable livelihoods among individuals in HIV/AIDS affected communities, including income-generating and business activities.

(2) REQUIREMENT.—The food aid provided under this subsection shall be in addition to any other food aid acquired and provided by the Commodity Credit Corporation prior to the date of enactment of this Act. Agricultural commodities made available under this subsection may, notwithstanding any other provision of law, be shipped in fiscal years 2003 and 2004.

SA 1199. Mr. BIDEN proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 131, after line 2, insert the following:

"(d) CLINTON SCHOLARS.—Of the amounts authorized to be appropriated under section 532(a) of the Foreign Assistance Act of 1961 (as amended by this act), $3,000,000 is authorized to be appropriated for scholarships to Palestinians who are future private and public sector leaders and managers for Graduate-level education in the United States. Such program shall be known as the "Clinton Scholarship Program."

SA 1200. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed $4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: *Provided*, That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer.

Provided further, Any amounts transferred to the Education for the Disadvantaged account pursuant to the previous paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: *Provided further*, That the Secretary of Education shall use these additional funds to increase those States' allocations under that subpart up to the amount they received under that subpart for fiscal year 2002: *Provided further*, that each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: *Provided further*, that the Secretary shall not take into account the funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

SA 1201. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL AMOUNT FOR COOPERATIVE FORESTRY ASSISTANCE.—The amount appropriated by title III of this Act under the heading "Department of the Interior, Bureau of Land Management, Wildland Fire Management" is hereby increased by $25,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title III of this Act under the heading "Department of the Interior, Bureau of Land Management, Wildland Fire Management", as increased by subsection (a), $25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees including—

(1) clearing of evacuation routes;

(2) clearing around emergency shelter locations;

(3) clearing around emergency communication sites; and

(4) clearing buffer zones around highly populous communities in order to prevent fire sweeping though such communities.

SA 1202. Mr. SESSIONS proposed an amendment to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In title III, strike the following: "*Provided further*, That for an additional amount for 'Corporation for National and Community Service, National and Community Service Programs Operating Expenses', for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the 'Act') (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), $100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended:".

SA 1203. Mrs. BOXER (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE X—SYRIA ACCOUNTABILITY

SEC. 1001. SHORT TITLE.

This title may be cited as the "Syria Accountability Act of 2003".

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) United Nations Security Council Resolution 1373 (September 28, 2001) mandates that all states "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts", take "the necessary steps to prevent the commission of terrorist acts", and "deny safe haven to those who finance, plan, support, or commit terrorist acts".

(2) The Government of Syria is currently prohibited by United States law from receiving United States assistance because it is listed as a state sponsor of terrorism.

(3) Although the Secretary of State lists Syria as a state sponsor of terrorism and reports that Syria provides "safe haven and support to several terrorist groups", fewer United States sanctions apply with respect to Syria than with respect to any other country that the Secretary lists as a state sponsor of terrorism.

(4) Terrorist groups, including Hizballah, Hamas, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-General Command, maintain offices, training camps, and other facilities on Syrian territory and operate in areas of Lebanon occupied by the Syrian armed forces and receive supplies from Iran through Syria.

(5) United Nations Security Council Resolution 520 (September 17, 1982) calls for "strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese Army throughout Lebanon".

(6) More than 20,000 Syrian troops and security personnel occupy much of the sovereign territory of Lebanon, thereby exerting undue influence upon its government and undermining its political independence.

(7) Since 1990 the Senate and House of Representatives have passed seven bills and resolutions calling for the withdrawal of Syrian armed forces from Lebanon.

(8) Large and increasing numbers of the Lebanese people from across the political spectrum in Lebanon have mounted peaceful and democratic calls for the withdrawal of the Syrian Army from Lebanese soil.

(9) Israel has withdrawn all of its armed forces from Lebanon in accordance with United Nations Security Council Resolution 425 (March 19, 1978), as certified by the United Nations Secretary General.

(10) Even in the face of this United Nations certification that acknowledged Israel's full compliance with Resolution 425, Syria permits attacks by Hizballah and other militant organizations on Israeli outposts at Shebaa Farms, under the false guise that it remains Lebanese land. Syria also permits attacks on civilian targets in Israel.

(11) Syria will not allow Lebanon, a sovereign country, to fulfill its obligation in accordance with Security Council Resolution 425 to deploy its troops to southern Lebanon.

(12) As a result, the Israeli-Lebanese border and much of southern Lebanon is under the control of Hizballah, which continues to attack Israeli positions and allows Iranian Revolutionary Guards and other militant groups to operate freely in the area, destabilizing the entire region.

(13) The United States provides $40,000,000 in assistance to the Lebanese people through private nongovernmental organizations, $7,900,000 of which is provided to Lebanese-American educational institutions.

(14) In the State of the Union address on January 29, 2002, President George W. Bush declared that the United States will "work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction".

(15) The Government of Syria continues to develop and deploy short- and medium-range ballistic missiles.

(16) The Government of Syria is pursuing the development and production of biological and chemical weapons.

(17) United Nations Security Council Resolution 661 (August 6, 1990) and subsequent relevant resolutions restrict the sale of oil and other commodities by Iraq, except to the extent authorized by other relevant resolutions.

(18) Syrian President Bashar Assad promised the Secretary of State in February 2001 to end violations of Security Council Resolution 661 but this pledge has not been fulfilled.

(19) In direct violation of United Nations Sanctions, Syria has been importing 200,000 barrels of Iraqi oil on a daily basis since 2000, which has provided Iraq with up to $1,200,000,000 annually.

(20) There are reports that Syria is pursuing the development of chemical weapons, such as VX and Sarin, and is harboring fugitive Iraqi officials.

(21) On April 20, 2003, President Bush said there were positive signs that Syria will cooperate on the issue of harboring fugitive Iraqi officials.

SEC. 1003. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of Syria should immediately and unconditionally halt support for terrorism, permanently and openly declare its total renunciation of all forms of terrorism, and close all terrorist offices and facilities in Syria, including the offices of Hamas, Hizballah, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-General Command;

(2) in accordance with United Nations Security Council Resolution 520 (September 17, 1982), which calls for the strict respect for Lebanon's sovereignty and territorial integrity, the Government of Syria should immediately declare its commitment to completely withdraw its armed forces, including military, paramilitary, and security forces, from Lebanon, and set a firm schedule for such withdrawal;

(3) the Government of Syria should halt the development and deployment of short- and medium-range ballistic missiles and cease the development and production of biological and chemical weapons;

(4) the Government of Syria should halt illegal imports and transshipments of Iraqi oil and come into full compliance with United Nations Security Council Resolution 661 and subsequent relevant resolutions;

(5) the Governments of Lebanon and Syria should enter into serious unconditional bilateral negotiations with the Government of Israel in order to realize a full and permanent peace; and

(6) the United States should continue to provide humanitarian and educational assistance to the people of Lebanon only through appropriate private, nongovernmental organizations and appropriate international organizations, until such time as the Government of Lebanon asserts sovereignty and control over all of its territory and borders and achieves full political independence, as called for in United Nations Security Council Resolution 520.

SEC. 1004. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) Syria should bear responsibility for all attacks committed by Hizballah and other terrorist groups with offices or other facilities in Syria, or bases in areas of Lebanon occupied by Syria;

(2) the United States will work to deny Syria the ability to support acts of international terrorism and efforts to develop or acquire weapons of mass destruction;

(3) the Secretary of State will continue to list Syria as a state sponsor of terrorism until Syria ends its support for terrorism, including its support of Hizballah and other terrorist groups in Lebanon and its hosting of terrorist groups in Damascus, and comes into full compliance with United States law relating to terrorism and United Nations Security Council Resolution 1373 (September 28, 2001);

(4) the full restoration of Lebanon's sovereignty, political independence, and territorial integrity is in the national security interest of the United States;

(5) Syria is in violation of United Nations Security Council Resolution 520 (September 17, 1982) through its continued occupation of Lebanese territory and its encroachment upon its political independence;

(6) Syria's obligation to withdraw from Lebanon is not conditioned upon progress in the Israeli-Syrian or Israeli-Lebanese peace process but derives from Syria's obligation under Security Council Resolution 520;

(7) Syria's acquisition of weapons of mass destruction and ballistic missile programs threaten the security of the Middle East and the national interests of the United States;

(8) Syria has violated United Nations Security Council Resolution 661 (August 6, 1990) and subsequent relevant resolutions by purchasing oil from Iraq; and

(9) the United States will restrict assistance to Syria and will oppose multilateral assistance for Syria until Syria withdraws its armed forces from Lebanon, halts the development and deployment of weapons of mass destruction and ballistic missiles, and complies with Security Council Resolution 661 and subsequent relevant resolutions.

SEC. 1005. PENALTIES AND AUTHORIZATION.

(a) Sanctions.—Unless the President makes the certification described in subsection (d), the President shall take the following actions:

(1) Prohibit the export to Syria, and prohibit the issuance of a license for the export to Syria, of—

(A) any defense articles or defense services for which special export controls are warranted under the Arms Export Control Act (22 U.S.C. 2751 et seq.), as identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

(B) any item identified on the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations.

(2) Impose two or more of the following sanctions:

(A) Prohibit the export of products of the United States (other than food and medicine) to Syria.

(B) Prohibit United States businesses from investing or operating in Syria.

(C) Restrict travel of Syrian diplomats assigned to Washington, District of Columbia or the United Nations in New York, New York, to a 25-mile radius of Washington or the United Nations headquarters building, respectively.

(D) Reduce United States diplomatic contacts with Syria (other than those contacts required to protect United States interests or carry out the purposes of this title).

(E) Block transactions in any property in which the Government of Syria has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States.

(b) Waiver.—The President may waive the application of paragraph (2) of subsection (a) if—

(1) the President determines that it is in the national security interest of the United States to do so; and

(2) submits to the appropriate congressional committees a report that contains the reasons for such determination.

(c) Authority To Provide Assistance to Syria and Lebanon.—The President is authorized to provide assistance to Syria and Lebanon under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) (relating to development assistance), if the President—

(1) makes the certification described in subsection (d);

(2) determines that substantial progress has been made in negotiations aimed at achieving—

(A) a peace agreement between Israel and Syria; and

(B) a peace agreement between Israel and Lebanon; and

(3) determines that the Government of Syria is strictly respecting the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese army throughout Lebanon, as required under paragraph (4) of United Nations Security Council Resolution 520 (1982).

(d) Certification.—The President shall transmit to the appropriate congressional committees a certification of any determination made by the President that—

(1) the Government of Syria does not—

(A) provide support for international terrorist groups; and

(B) allow terrorist groups, such as Hamas, Hizballah, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-General Command to maintain facilities in Syria;

(2) the Government of Syria has withdrawn all Syrian military, intelligence, and other security personnel from Lebanon;

(3) the Government of Syria has ceased the development and deployment of ballistic missiles and has ceased the development and production of biological and chemical weapons; and

(4) the Government of Syria is no longer in violation of United Nations Security Council Resolution 661 or a subsequent relevant United Nations resolution.

SEC. 1006. REPORT.

(a) Report.—Not later than 6 months after the date of the enactment of this Act, and every 12 months thereafter until the President makes the certification described in section 1005(d), the Secretary of State shall submit to the appropriate congressional committees a report on—

(1) the progress made by the Government of Syria toward meeting the conditions described in paragraphs (1) through (4) of section 1005(d); and

(2) any connection between individual terrorists and terrorist groups that maintain offices, training camps, or other facilities on Syrian territory, or operate in areas of Lebanon occupied by the Syrian armed forces, and the attacks against the United States that occurred on September 11, 2001, and other terrorist attacks on the United States or its citizens, installations, or allies.

(b) Form.—The report submitted under subsection (a) shall be in unclassified form but may include a classified annex.

SA 1204. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FLOOD DAMAGE, UPPER PENINSULA, MICHIGAN.

The Secretary of the Treasury shall transfer to the Secretary of the Army $10,000,000 for use by the Corps of Engineers in remediating severe impacts on roads, bridges, water control structures, and utility infrastructure and remediating environmental and ecological damage to waterways in the State of Michigan resulting from, and carrying out such other projects as the Chief of Engineers considers necessary and advisable to recover from, flooding in the Upper Peninsula of that State in May 2003, to remain available until expended.

SA 1205. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for Flood Control and Coastal Emergencies, for emergency expenses for flood control, hurricane, and shore protection activities, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) (commonly known as the "Flood Control Act of 1941"), $60,000,000, to remain available until expended: *Provided*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th·Cong.).

SA 1206. Mr. STEVENS (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

"*Provided further*, That for an additional amount for "Flood Control and Coastal Emergencies," for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 U.S.C. 701n), $10,000,000, to remain available until expended:"

SA 1207. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $48,700,000: *Provided*, That the entire amount made available under this heading shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SA 1208. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $25,000,000: *Provided*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SA 1209. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $48,700,000: *Provided*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SA 1210. Mr. REID (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . MORMON CRICKET CONTROL.

The Secretary of Agriculture shall use $20,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 16, 2003, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, A Bill to Reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 10, 2003, at 10:00 a.m., in open session to consider the nominations of Thomas W. O'Connell to be Assistant Secretary of Defense for special operations and low intensity conflict; and Paul M. Longsworth to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 10, 2003, at 10:00 a.m., to conduct a hearing on "The Accuracy of Credit Report Information and the Fair Credit Reporting Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 10 at 10 a.m.

The purpose of the hearing is to discuss the reasons behind the high price of natural gas, its affect on the economy and to consider potential solutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, July 10, 2003, at 2 p.m., to review and make recommendations on proposed legislation implementing the U.S.-Singapore Free Trade Agreement and the U.S.-Chile Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judicary be authorized to meet to conduct a markup on Thursday, July 10, 2003, at 9:30 a.m. in SDG 226.

I. Continuation of S. 1125, Fairness in Asbestos Injury Resolution Act of 2003 ("The FAIR Act") markup.

II. Nominations: William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit; Allyson K. Duncan to be United States Circuit Judge for the Fourth Circuit; Robert C. Brack to be United States District Judge for the District of New Mexico; Samuel Der-Yeghiayan to be United States District Judge for the Northern District of Illinois; Louise W. Flanagan to be United States District Judge for the Eastern District of North Carolina; Lonny R. Suko to be United States District Judge for the Eastern District of Washington; Earl Leroy Yeakel III to be United States District Judge for the Western District of Texas; Karen P. Tandy to be Administrator of the Drug Enforcement Administration, United States Department of Justice; Christopher A. Wray to be Assistant Attorney General for the Criminal Division, United States Department of Justice; Michael J. Garcia to be Assistant Secretary, United States Department of Homeland Security; and Jack Landman Goldsmith III to be Assistant Attorney General, Office of Legal Counsel, United States Department of Justice.

III. Bills: S.J. Res. 1, A joint resolution proposing an amendment to the constitution of the United States to protect the rights of crime victims [Kyl, Chambliss, Cornyn, Craig, DeWine, Feinstein, Graham, Grassley]; S. 1280, A bill to amend the Protect Act to clarify the liability of the National Center for Missing and Exploited Children [Hatch, Biden]; S. Res. 140, A resolution designating the week of August 10, 2003, as "National Health Center Week" [Campbell, Biden, Durbin, Grassley]; S. 764, The Bulletproof Vest Partnership Grant Act of 2003; Proposed Free Trade Agreement with Chile; Proposed Free Trade Agreements with Singapore.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a Markup of the SBA Reauthorization Bill on Thursday, July 10, 2003, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 10, 2003, for a hearing to consider pending legislation regarding VA-provided benefits programs. The hearing will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

Bills Relating to Veterans' Disability Compensation Benefits: S. 257, the proposed "Veterans Benefits and Pensions Protection Act of 2003"; S. 517, the proposed "Francis W. Agnes Prisoner of War Benefits Act of 2003"; S. 1131, the proposed "Veterans' Compensation Cost-of-Living Adjustment Act of 2003"; S. 1133, the proposed "Veterans Programs Improvement Act of 2003"; S. 1188, the proposed "Veterans' Survivor Benefits Act of 2003"; S. 1213, the proposed "Filipino Veterans' Benefits Act of 2003"; S. 1239, the proposed "Former Prisoners of War Special Compensation Act of 2003"; and S. 1281, the proposed "Veterans Information and Benefits Enhancement Act of 2003".

Bills Relating to Veterans' Benefits: S. 249, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; S. 938, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; and S. 1132, the proposed "Veterans' Survivors Benefits Enhancements Act of 2003".

Bill Proposing to Amend The Soldiers and Sailors Civil Relief Act; S. 792, the proposed "Servicemembers Civil Relief Act"; S. 806, the proposed "Deployed Service Members Financial Security and Education Act of 2003"; and S. 1136, the proposed "Servicemembers Civil Relief Act".

Bills Relating to Other Matters: S. 978, the proposed "Veterans Housing Fairness Act of 2003"; S. 1124, the proposed "Veterans Burial Benefits Improvement Act of 2003"; S. 1199, the proposed "Veterans Outreach Improvement Act of 2003"; S. 1282, to require the Secretary of Veterans Affairs to establish national cemeteries for geographically underserved populations of veterans; and S. 1630, to amend section 7105 of title 38, United States Code, to clarify the requirements for notices of disagreement for appellate review of Department of Veterans Affairs activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 10, 2003, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families be authorized to meet for a hearing on CSBG Reauthorization during the session of the Senate on Thursday, July 10, 2003, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Michelle Curtis, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor during the pendency of S. 925.

The PRESIDING OFFICER. Without objection, it is so ordered.

RATIFICATION OF OTHERWISE LEGAL APPOINTMENTS AND PROMOTIONS IN COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 120, S. 886.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 886) to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 886) was read the third time and passed, as follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RATIFICATION OF CERTAIN NOAA APPOINTMENTS, PROMOTIONS, AND ACTIONS.

All action in the line of duty by, and all Federal agency actions in relation to (including with respect to pay, benefits, and retirement) a de facto officer of the commissioned corps of the National Oceanic and Atmospheric Administration who was appointed or promoted to that office without Presidential action, and without the advice and consent of the Senate, during such time as the officer was not properly appointed in or promoted to that office, are hereby ratified and approved if otherwise in accord with the law, and the President alone may, without regard to any other law relating to appointments or promotions in such corps, appoint or promote such a de facto officer temporarily, without change in the grade currently occupied in a de facto capacity, as an officer in such corps for a period ending not later than 180 days from the date of enactment of this Act.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel:

Thomas P. Golden, of Tennessee, vice Vincent Randazzo, resigned.

Mr. STEVENS. Parliamentary inquiry: I have been asked, is it still in order for Members to place statements in the RECORD, including colloquies, with regard to either bill we have just moved for a vote tomorrow morning. Is that correct?

The PRESIDING OFFICER. At this time, that is correct.

Mr. STEVENS. Anyone who wants to file a statement concerning either of those bills has that right.

ORDERS FOR TOMORROW

Mr. STEVENS. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Friday, July 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2657, the legislative branch appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Madam President, for the information of Senators, tomorrow morning following 15 minutes of debate, the Senate will vote on the motion to table the Sessions amendment regarding AmeriCorps. Following that vote, the Senate will vote on the passage of H.R. 2657, the legislative branch appropriations bill, which will be immediately followed by a vote on passage of H.R. 2559, the military construction bill. Therefore, the first vote in tomorrow's session will occur at 9:30 a.m., and that vote will be the first in a series of three consecutive votes.

Madam President, I ask that the second and third votes be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 9:15 A.M.

Mr. STEVENS. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:31 p.m., adjourned until Friday, July 11, 2003, at 9:15 a.m.

SENATE—*Friday, July 11, 2003*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Eternal God, before the mountains were brought forth and the Earth was formed, even from everlasting to everlasting, You are God.

Thank You, Lord, for all that crowns life with beauty and blessedness, for books and music that inspire us, for family and friends who sustain us.

May we remember how fragile and temporary are our lives.

Teach us to number our days and to find our peace and stability in You.

Help us never to surrender to our worst, making it difficult for others to live at their best.

Use us, Lord, to build a more decent and humane world.

In Your strong name we pray. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CHAMBLISS). Under the previous order, the leadership time is reserved.

LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2657, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Sessions amendment No. 1202, to eliminate the additional amount for programs under the National and Community Service Act of 1990.

The PRESIDING OFFICER. Under the previous order, there are now 15 minutes equally divided in the usual form on the Sessions amendment.

SCHEDULE

Mr. SESSIONS. Mr. President, on behalf of the leader, I note that in a few minutes the Senate will begin a series of three rollcall votes. With the completion of these three votes, the Senate will have passed two appropriations bills. The first of these votes will be on the Sessions AmeriCorps amendment. Following that vote, the Senate will vote on passage of H.R. 2657, the legislative branch appropriations bill, which will immediately be followed by a vote on passage of H.R. 2559, the military construction appropriations bill. The second and third votes in this series will be 10-minute votes. Therefore, Senators are encouraged to remain in the Chamber until all three votes have been completed. The majority leader will have more to say on the schedule following these votes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, there are 15 minutes on the motion of the Senator from Alabama to strike. He will have 7½ minutes, and the other 7½ minutes will be under my control.

First, I would like to see if the distinguished Democratic whip would like to make some comments. I do have a motion to make.

Mr. REID. I am here for the motion by the Senator.

FURTHER MODIFICATION TO AMENDMENT NO. 1201

AMENDMENT NO. 1206, AS MODIFIED

Mr. STEVENS. I ask unanimous consent that the modification I send to the desk to amendment No. 1201, offered by Senator REID and myself and Senator FEINSTEIN, previously agreed to, be modified pursuant to this amendment, and I ask unanimous consent that the following technical modification to amendment No. 1206, offered by myself and Senator LANDRIEU, be further modified by the language at the desk.

These amendments were modified on the floor, and last evening we discovered they had to be perfected, so I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The further modification to amendment No. 1201 is as follows:

On page 53, line 19, strike "$36,000,000" and insert "$61,000,000".

On page 53, line 20, insert before the colon the following:

"of which $25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees, including—(1) clearing of evacuation routes, (2) clearing around emergency shelter locations, (3) clearing around emergency communication sites, and (4) clearing buffer zones around highly populous communities in order to prevent fire sweeping through such communities"

Amendment No. 1206, as modified, is as follows:

(Purpose: Making emergency appropriations to the Corps of Engineers for emergency assistance)

At the appropriate place, insert the following: *Provided further,* That for an additional amount for "Corps of Engineer—Civil, Flood Control and Coastal Emergencies," for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 U.S.C. 701n), $10,000,000, to remain available until expended:"

Mr. STEVENS. The Senator has 7½ minutes.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator CORNYN of Texas be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this amendment would strike the $100 million for AmeriCorps that is contained in the emergency supplemental portion of this bill. The President did not request these funds. The administration does not support this appropriation as part of an emergency supplemental. These funds are not offset. In fact, every single penny that will be spent of this $100 million will go directly to the debt of the American people. It will increase the debt entirely, because we are in a deficit situation and emergency spending by definition is above our budget, and even our budget takes us into debt.

This is not an emergency. It is just one more typical bureaucratic failure in a governmental program that caused them to run short, and now they want the taxpayers to run up the debt to pay for the shortfall. I think it is just not the right thing to do.

It is suggested that we have to have this money now. But if you read the language in the legislation, it says the funds are to remain available until September 30, 2004. That means this could come up in the regular appropriations bill for VA-HUD, and they could put it within the budget and fund it through next year, fiscal year 2004. That is really what should occur, if they want to spend extra money to bail out the mismanagement of the AmeriCorps program which all Senators—even those who support this bill—are critical of and are trying to do something about.

In addition, it says the educational awards will remain available until expended. That means they could be spent over a period of years.

Why are we bringing it forward on this emergency supplemental bill? It is because it does not count against the budget allocation the appropriations subcommittee has for all of the programs within their venue.

If they have to come up with extra money for appropriations under the current law and under the budget, that means they may have to be tight across the board and find the money somewhere else, or maybe they will have to reduce what AmeriCorps would like to have.

Those are tough decisions. But that is what we get paid to do every day around here. By allowing them to tack this on top of the bill and add directly to the debt of the American people relieves the pressure that was caused by the mismanagement under these circumstances.

I note the chairman of the House VA-HUD Committee—a Peace Corps volunteer himself, and a strong supporter of the AmeriCorps program, Congressman JIM WALSH of New York—is very strongly opposed to this even though he supported AmeriCorps from the beginning. He issued a news release and full statement dealing with this issue. He makes a number of very important points—from a man who really cares about this program and doing the right thing.

For example, he said:

> My opposition to the Senate's supplemental AmeriCorps appropriations proposal comes down to an issue of accountability. We shouldn't reward an agency that violates Federal law and mismanages taxpayer dollars by providing additional funding until clear and consistent reforms have been enacted. Should these requested funds be appropriated, I have little faith that the existing operation could get the funding out of Washington to local community grantees effectively or equitably by the end of fiscal year on September 30.

He goes on to make other points.

I urge my colleagues to read this news release before they commit on how they intend to vote. The emergency bill has disaster relief, space shuttle, wildfires, and AmeriCorps. I would add that Citizens Against Government Waste has written in opposition to this legislation. They urge it to be defeated. I note they intend to score this legislation, as do other groups that care about mismanagement, including Citizens Against Government Waste, the National Taxpayers Union, Americans for Tax Reform, and others.

It is an important vote. We ought not to go around the budget we passed—and I served as a member of the committee—and tack on $100 million for a bureaucratic snafu and running that $100 million directly against the debt of the American people in violation of the Budget Act.

I yield the floor and reserve my remaining time.

The PRESIDING OFFICER. The Senator from Alaska controls 7½ minutes.

Mr. STEVENS. Mr. President, I yield 3 minutes to the Senator from Maryland, and 4 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. I thank the Senator.

I rise in vigorous opposition to the Sessions amendment and urge my colleagues to vote against it.

I offered the amendment in the Appropriations Committee to add $100 million for AmeriCorps in this urgent supplemental. It has strong bipartisan support. Senators STEVENS, BYRD, BOND, and many others support my amendment. But it is not about supporting my amendment. It is about supporting AmeriCorps at this very troubled time.

If we do not do this $100 million, there will be a cut of over 15,000 AmeriCorps volunteers right this minute. These cuts are being announced today.

How did this happen? There was a bureaucratic boondoggle. There was a bureaucratic snafu. They overenrolled 20,000 volunteers. Every year, the VA-HUD subcommittee funds 50,000 volunteers. But they overenrolled with 70,000. How did we know about it? Senator BOND chaired the subcommittee leading the fight for reform in fiscal responsibility, and uncovered it at the April 15 hearing. The House put out a press release. We put out performance. We found the mistake.

We worked on a bipartisan basis to correct the accounting. I called for new leadership. But that is not a substitute for the need for new funds.

This is an emergency today. Who are we going to punish, if we don't do the money? Not the bureaucracy, not the boondogglers, but the volunteers in our communities.

There is a question about why now. The law says funding for volunteers and the awards that help them pay off their student debt must be in the Federal checkbook when the volunteers begin their service. For many of them, they are going to begin their service now because they are going to be in school-based programs. Teach America, for example—which we all love—if this is not in there, 1,000 Teach America kids will not be in classrooms; and Jump Start, which works with Head Start and organizes and leverages other volunteers. When we look at what we are doing here, we need to know that if AmeriCorps does not get this funding now they will not be able to sign up volunteers right this minute for these programs.

This is to get AmeriCorps over the troubled waters. The President has announced a new CEO. Senator BOND has led the effort for a new chief financial officer. He has been the leader of the reform effort, and has had my utmost support.

We can't wait until next year. If we do, we are going to squander volunteer opportunities. The President has called for a new spirit of voluntarism. Young people have responded. We need to respond to the call to meet our responsibility and not punish these communities.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Alabama yield time?

Mr. SESSIONS. I yield such time as is remaining to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my colleague from Alabama for raising an important issue. I hope our colleagues will vote in favor of his amendment for a lot of different reasons.

First, this shouldn't be in the urgent supplemental. There is nothing emergency about it. Frankly, we gave AmeriCorps $64 million just last April.

Second, it wasn't requested by the administration. You would think if it was urgent it would have been requested. It was not.

Third, when you look at this, it is really funding for 2004. We only have 2½ months left in 2003. The Congressional Budget Office says zero money will be spent in 2003. Not one dime of it will be spent in 2003.

As a matter of fact, if you look at language in the bill, it says $100 million in funds and grants will remain available until September 30, 2004, and funds for educational awards will remain available until expended. So the net essence of this is we are helping out 2004 appropriations bills. This should be done in 2004.

If we want to have a wrestling match over mismanagement of AmeriCorps—and I don't doubt they have had mismanagement—this is a program that purports to be all volunteer, but we find out it costs $20,000 per year per volunteer. Actually, I think it has come down to $18,000 per year per volunteer. Congratulations.

It has been fraught with mismanagement from the get-go, and now we find out we are going to be basically funding a 2004 appropriations bill under the guise of an emergency so it will not be counted for 2003. I am willing to go along with some emergency spending, but I think this is an abuse of the process.

I compliment my colleague from Alabama. I do not think it should be included in the supplemental. I urge my colleagues to support his amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in strong support of the provision sponsored by my colleague, Senator MIKULSKI, the chairman, Senator STEVENS, and others in the Appropriations Committee, and I urge that we table the amendment.

This $100 million is something that is needed now to continue the President's strong commitment to assuring that we have a robust volunteer program in the United States. The President has spoken very eloquently about the need for volunteers, and I think all of us know how important volunteers are in our communities.

AmeriCorps is a means of providing assistance, and we need those funds now. There are some 20,000 slots ready for volunteers. In previous years they have committed to them. They overcommitted, no question about it. AmeriCorps has been fraught with mistakes and mismanagement, but there have been young people in America who have answered the call to volunteer. There are programs in America waiting for these volunteers. By making these funds available now, we can allow AmeriCorps to commit for the programs that begin with the new school year starting in September and to make sure there is not a hiatus in the programs.

There is no question about the mistakes of AmeriCorps, but we should not punish the young people of this country who want to give something back through community service. The volunteers are ready now, and we should not disappoint them or the communities they serve. This $100 million is necessary to keep the program moving.

As the Senator from Maryland has so eloquently described, we have spent 8 years on the VA–HUD Appropriations Subcommittee trying to straighten this program out. My colleague from Maryland rightly called the Corporation for National and Community Service to task for the continuing problems. We have demanded the administration take corrective action. They are taking that action. Thanks in large part to Senator MIKULSKI, I think we are getting a response from the Corporation that will fix the problems and restore the accountability. We, I assure you, will continue appropriate oversight. The commitment of my colleague from Maryland to this program is enduring and strong, and we will see that it gets the leadership it needs.

The concerns of the House chairman that were mentioned by my colleague from Alabama are being addressed by requiring the inspector general to audit the AmeriCorps program and defund those programs that have not performed. Further, I have led the congressional efforts of oversight through the GAO and IG audits. That is how we found out about the problems. And we authored the Strengthen AmeriCorps Program Act, which passed Congress in 2 days and was signed by the President last week, to correct the financial accounting problems.

I would not support these funds if I thought there were management problems that were not being corrected. They are. I urge my colleagues to table the amendment.

(At the request for Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Mr. President, I rise to voice my support for AmeriCorps. The $100 million added in the Appropriations Committee for AmeriCorps is vital to continuing the hard work that so many young people around the country are doing today. Stripping this funding out of the bill would leave thousands of AmeriCorps members in my State, and throughout the country, out in the cold. And it will leave communities without the contributions and hard work of thousands.

There are nearly 8,000 AmeriCorps volunteers in my State, working in 366 program sites. They are in communities from Anaheim to Westminster, helping children read, restoring our environment, and building homes for the needy. Their contributions to the quality of life in our cities and towns are immeasurable. The additional funding in this bill is desperately needed.

Some of my colleagues have argued that bureaucratic blunders by the Corporation for National and Community Service, the agency that runs AmeriCorps, should not be rewarded by giving the program additional funding. We all know, however, that the work of Senators MIKULSKI and BOND has gone far to correct many of the problems at the corporation. As the accounting reforms continue, AmeriCorps will flourish once again. This $100 million in this bill is a step in that direction.

I hope my colleagues will follow the lead of the distinguished chair and ranking member of the VA–HUD subcommittee, and vote to table this amendment.●

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in this effort to keep this promise of AmeriCorps and to support the amendment to add $100 million to the supplemental.

It is inspiring to see the good work that volunteers do every day, tutoring, mentoring, providing access to health care, and building stronger communities in so many different ways. Over 200,000 young men and women have dedicated a year of their lives to AmeriCorps and these activities. Their service has helped others in urgent need, expanded community-based organizations, and strengthened whole communities. They have transformed the lives of others, and transformed their own lives, too.

Yet, this successful program faces devastating cuts—not because of problems in the services they provide, but because of financial management problems at the Corporation for National Service. That is unacceptable. When mistakes are made inside the Beltway, people across America should not have to pay for those mistakes.

I hope our proposal will have strong bipartisan support and pass as it did in the Appropriations Committee, so that we can correct this situation before even more young volunteers who are ready, willing, and able to serve are denied the opportunity to serve.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute 15 seconds.

Mr. STEVENS. Mr. President, I regret deeply the necessity to move to table the motion of the Senator from Alabama. There has been a serious mistake in this program, and these young people were notified they would be enrolled in August and September.

The statements made on both sides are absolutely correct. Both sides have a point; that is, this should not have happened. But it did happen, and we felt compelled to keep the commitment to those people who were told they would be enrolled and to put up the money so they will be enrolled for the school year that starts in September.

I do hope the Senate understands we will do everything possible to prevent this from happening again. I commend the Senator from Maryland and the Senator from Missouri for their diligence in finding out what happened and for bringing this to our attention, but there is no other way than to keep the commitment we have made and to see to it that AmeriCorps does continue to enroll these people. The enrollment for next year, as I understand it, will be at the authorized level of 50,000. I think that is the problem, to make certain that does not happen again.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. Mr. President, I move to table the amendment. I believe the yeas and nays have been ordered; is that correct?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays at this time on the bill itself.

The PRESIDING OFFICER. That is in order.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the military construction bill which will later be before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I do ask for the yeas and nays on the military construction bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1202. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 21, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—71

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCain
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Warner
Wyden

NAYS—21

Allard
Allen
Brownback
Bunning
Cochran
Cornyn
Craig
Crapo
Ensign
Enzi
Fitzgerald
Graham (SC)
Hatch
Inhofe
Kyl
Lott
McConnell
Nickles
Sessions
Thomas
Voinovich

NOT VOTING—8

Boxer
Edwards
Graham (FL)
Hollings
Kerry
Lieberman
Miller
Murray

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered.

Mr. STEVENS. Mr. President, this will be a 10-minute vote; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. Lieberman), the Senator from Georgia (Mr. MILLER), and the Senator from Washington, (Mrs. MURRAY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 7, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS——85

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—7

Allard
Bunning
Ensign
Enzi
Inhofe
Nickles
Thomas

NOT VOTING—8

Boxer
Edwards
Graham (FL)
Hollings
Kerry
Lieberman
Miller
Murray

The bill (H.R. 2657), as amended, was passed, as follows.

H.R. 2657

Resolved, That the bill from the House of Representatives (H.R. 2657) entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendments:

(1) Page 2, after line 6, insert:

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $20,000; Majority Leader of the Senate, $20,000; Minority Leader of the Senate, $20,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $7,500; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $127,500.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $125,307,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,028,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $539,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $156,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $3,220,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,324,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $12,799,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,358,000 for each such committee; in all, $2,716,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $674,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,417,000 for each such committee; in all, $2,834,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $327,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $18,299,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $45,789,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,468,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $32,134,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,843,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,222,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $6,000; Sergeant at Arms and Doorkeeper of the Senate, $6,000; Secretary for the Majority of the Senate, $6,000; Secretary for the Minority of the Senate, $6,000; in all, $24,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97–601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $118,462,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,265,000, of which $500,000 shall be transferred to the Senate Preservation Fund and shall be available without fiscal year limitation.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $136,843,000, of which $30,835,000 shall remain available until September 30, 2006, and of which $4,255,000 shall remain available until September 30, 2008.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,425,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $310,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2003, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2003, increased by an additional $50,000 each.

SEC. 2. PAYMENT OF EXPENSES OF CONFERENCES OF MAJORITY AND MINORITY. (a) IN GENERAL.—Section 120 of Public Law 97–51 (2 U.S.C. 61g–6) is amended in the first sentence by striking "an amount, not in excess of $100,000," and inserting "such amount as necessary".

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 3. PROVISIONS RELATING TO SENATE COMMISSION ON ART. (a) AUTHORITY TO ACQUIRE AND DISPOSE.—

(1) IN GENERAL.—The Senate Commission on Art (referred to in this section as the "Commission") may—

(A) accept gifts of money; and

(B) acquire (by gift, purchase, or otherwise) any work of art, historical object, document, or material relating to historical matters, or exhibit, for placement or exhibition in the Senate Wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(2) ACCESSION OR DISPOSAL.—All works of art, historical objects, documents, or material related to historical matters, or exhibits, acquired by the Commission may, as determined by the Commission and after consultation with the Curatorial Advisory Board, be—

(A) retained for accession to the United States Senate Collection or other use; or

(B) disposed of by sale or other transaction.

(3) REPEAL.—Senate Resolution 95, 92d Congress, agreed to April 1, 1971, and enacted into law by section 901(a) of Public Law 100–696 (2 U.S.C. 2106) is repealed.

(b) ADVISORY BOARDS.—

(1) CURATORIAL ADVISORY BOARD.—There is established a Board which shall be chaired by the Senate Curator. The Curatorial Advisory Board shall provide advice and assistance to the Commission on the acquisition, care, and disposition of items for or within the United States Senate Collection, and on such other matters as the Commission determines appropriate.

(2) ADDITIONAL ADVISORY BOARDS.—

(A) IN GENERAL.—The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, may establish 1 or more additional advisory boards.

(B) TERM.—The term of existence for an additional advisory board—

(i) shall be specified by the Commission but no longer than 4 years; and

(ii) shall be renewable.

(C) PURPOSE.—The purpose of an additional advisory board shall be to provide advice and assistance to the Commission and to further the purposes of the Commission.

(3) APPOINTMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Curatorial Advisory Board and other advisory boards established by the Commission under paragraph (2) shall be composed of members appointed by the Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission.

(B) APPLICABLE RULES.—Members appointed under subparagraph (A)—

(i) shall be appointed from public and private life and shall serve at the pleasure of the Commission; and

(ii) in the case of individuals appointed to the Curatorial Advisory Board, shall be experts or have significant experience in the field of arts, historic preservation, or other appropriate fields.

Each member of the Commission may have appointed to an advisory board created by the Commission at least 1 individual requested by that member.

(4) MEMBERS.—A member of a board under this subsection—

(A) may, at the discretion of the Commission, be reimbursed for actual and necessary expenses incurred in the performance of the official duties of the board from any funds available to the Commission in accordance with applicable Senate regulations for such expenses; and

(B) shall not, by virtue of such member's service on the board, be deemed to be an officer, employee, or agent of the Senate and may not bind the Senate in any contract or obligation.

(5) TERMS FOR ADDITIONAL ADVISORY BOARD MEMBERS.—Members appointed to the other advisory boards created under paragraph (2) shall serve for terms as stated in their appointment, but no longer than a term of 4 years, except that any member may be reappointed upon the expiration of their term.

(6) REGULATIONS.—The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, in consultation with the Committee on Rules and Administration, may promulgate such regulations governing advisory boards established under this subsection as are necessary to carry out the purposes of this subsection.

(7) ASSISTANCE.—The Executive Secretary of the Commission shall provide assistance to an advisory board as authorized by the Commission.

(c) ESTABLISHMENT OF SENATE PRESERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the "Senate Preservation Fund" (in this section referred to as the "fund"), which shall consist of amounts deposited and credited under paragraph (3).

(2) PAYMENT OF COSTS.—The fund shall be available to the Commission for the payment of acquisition and transaction costs incurred for acquisitions under subsection (a), for official activities of any advisory board established under subsection (b), and for any purposes for which funds from the contingent fund of the Senate may be used under section 316(a) of Public Law 101–302 (2 U.S.C. 2107).

(3) DEPOSITS, CREDITS, AND DISBURSEMENTS.—

(A) DEPOSITS.—The Commission shall deposit in the fund amounts appropriated for use of the fund, gifts of money, and proceeds of transactions under subsection (a).

(B) CREDITS.—The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(C) DISBURSEMENTS.—Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the Executive Secretary of the Commission.

(4) INVESTMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals.

(B) TYPE OF OBLIGATION.—Each investment required by this paragraph shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to the principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

(C) COMMISSION APPROVAL.—In carrying out this subsection, the Secretary of the Treasury may make such purchases, sales, and redemption of obligations as may be approved by the Commission.

(5) SERVICES AND SUPPORT.—The Library of Congress shall provide financial management and disbursing services and support to the Commission as may be required and mutually agreed to by the Librarian of Congress and the Executive Secretary of the Commission.

(6) AUDITS.—The Comptroller General of the United States shall conduct annual audits of the Senate Preservation Fund and shall report the results of each audit to the Commission.

(d) ADMINISTRATIVE CHANGES.—

(1) SENATE COMMISSION ON ART.—Section 1 of Senate Resolution 382, 90th Congress, agreed to October 1, 1968, and enacted into law by section 901(a) of Public Law 100–696 (2 U.S.C. 2101) is amended—

(A) in subsection (b), by striking the first sentence and inserting "The Majority Leader and Minority Leader of the Senate shall be the chairman and vice chairman, respectively, of the Commission."; and

(B) by striking subsection (c) and inserting the following:

"(c) The Secretary of the Senate shall appoint a Senate Curator approved by the Senate Commission on Art. The Senate Curator shall be an employee of the Secretary of the Senate assigned to assist the Commission. The Secretary of the Senate shall assign additional employees to assist the Commission, and provide such other assistance, as the Commission determines necessary.".

(2) PURCHASE OF ART.—The first sentence of section 316(a) of Public Law 101–302 (2 U.S.C. 2107(a)) is amended by inserting after "in which incurred," the following: "for the purchase of art and historical objects for the United States Senate Collection, for exhibits and public education relating to the United States Senate Collection, for administrative and transitional expenses of the Senate Commission on Art, and".

SEC. 4. ORIENTATION SEMINARS. The first sentence of section 107(a) of the Supplemental Appropriations Act, 1979 (Public Law 96–38; 2 U.S.C. 69a) is amended by striking "$10,000" and inserting "$25,000".

SEC. 5. EXPENSE ALLOWANCES FOR CERTAIN OFFICERS OF THE SENATE. (a) IN GENERAL.—Section 119(a) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1982, and for other purposes", approved October 1, 1981 (2 U.S.C. 65c) is amended by striking "$3,000" and inserting "$6,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 6. CONSULTANTS. With respect to fiscal year 2004, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall be applied by substituting "nine individual consultants" for "eight individual consultants".

(2) Page 7, strike out all after line 5 over to and including line 17 on page 12 and insert:

For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2005

For all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2005, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2005, $1,250,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2005. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2004: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2005 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,988,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $8,112,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to 4 medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to 2 assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,566,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,236,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,511,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 70 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than 2 additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the 1st session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, and other applicable employee benefits, $207,000,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $33,000,000, of which $1,700,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2004 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2004 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. AUTHORIZATION OF WEAPONS. Section 1824 of the Revised Statutes (2 U.S.C. 1941) is amended—

(1) in the first sentence—

(A) by striking "The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "The Capitol Police Board"; and

(B) by striking all beginning with "payable out" through the period and inserting "payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police."; and

(2) in the second sentence—

(A) by inserting "or other arms as authorized by the Capitol Police Board" after "furnished"; and

(B) by striking "the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "the Capitol Police Board".

SEC. 1003. LEGAL REPRESENTATION AUTHORITY. (a) IN GENERAL.—

(1) AUTHORIZATION OF REPRESENTATION.—Any counsel described under paragraph (2) may for the purposes of providing legal assistance and representation to the United States Capitol Police Board or the United States Capitol Police enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof, without compliance with any requirement for admission to practice before such court.

(2) COUNSEL.—Paragraph (1) refers to—

(A) the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police;

(B) the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police;

(C) any attorney employed in the Office of the General Counsel for the United States Capitol Police or the Office of Employment Counsel for the United States Capitol Police;

(D) the counsel for, or any attorney employed by, any successor office of either office described under subparagraph (C); and

(E) any attorney retained by contract with either office described under subparagraph (C).

(b) LIMITATIONS.—

(1) DIRECTION FOR APPEARANCE.—Entrance of appearance authorized under subsection (a) shall be subject to the direction of the Capitol Police Board or the Chief of the Capitol Police.

(2) UNITED STATES SUPREME COURT.—The authority under subsection (a) shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2004, and each fiscal year thereafter.

SEC. 1004. EXTENDED CAPITOL POLICE JURISDICTION ZONE. (a) Section 9B of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946

(2 U.S.C. 1967) is amended by striking subsection (b) and inserting the following:

"(b) The area referred to in subsection (a)(4) of this section is that area bounded by the north curb of New York Avenue, NW and H Street, NW extending northeast along the north curb of H Street, NW extending east along the north curb of H Street, NE, to the intersection of H Street, NE and 13th Street, NE, extending south along the east curb to the intersection of 13th Street, SE and I Street, SE, running west along the south curb of I Street, SE to the intersection of I Street, SW and 7th Street, SW extending northwest along the Potomac river front to 14th Street, NW, extending north along the west curb of 14th Street, NW to the intersection of the north curb of New York Avenue, NW and the north curb of H Street, NW.".

(b) Effective Date.—This section will become effective upon the approval by the Capitol Police Board of written policy and procedures for implementing the truck interdiction program.

Sec. 1005. Retirement Treatment for Capitol Police Hazardous Materials Response Team Members. (a) Retirement Treatment.—

(1) In general.—For purposes of chapters 83 and 84 of title 5, United States Code, a hazardous materials response team member of the Capitol Police shall be treated as a member of the Capitol Police.

(2) Application.—This subsection shall apply to periods of service performed as a hazardous materials response team member of the Capitol Police on and after December 1, 2002.

(b) Treatment of Incumbents.—

(1) Definitions.—In this subsection, the term—

(A) "incumbent" means an individual who—

(i) is first appointed as a hazardous materials response team member of the Capitol Police before the effective date of this section; and

(ii) is employed as a hazardous materials response team member of the Capitol Police on that date; and

(B) "prior service" means any period of service performed by an incumbent as a hazardous materials response team member of the Capitol Police before the effective date of this section.

(2) Individual contributions.—

(A) In general.—An incumbent shall pay with respect to prior service an amount into the Civil Service Retirement and Disability Fund equal to—

(i) the difference between the individual contributions that were actually made for such prior service and the individual contributions that would have been made for such service if subsection (a) had then been in effect; and

(ii) interest computed on the amount under clause (i) based on section 8334(e) of title 5, United States Code.

(B) Effect of not contributing.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as treated under subsection (a), but the resulting annuity shall be reduced in a manner similar to that described under section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) Government contributions for prior service.—The Capitol Police shall pay with respect to prior service of each incumbent an amount into the Civil Service Retirement and Disability Fund equal to—

(A) the difference between the Government contributions that were actually made for such prior service and the Government contributions that would have been made for such service if subsection (a) had then been in effect; and

(B) interest computed on the amount under subparagraph (A) based on section 8334(e) of title 5, United States Code.

(c) Effective Date.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

OFFICE OF COMPLIANCE

Salaries and Expenses

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,255,000, of which $304,700 shall remain available until September 30, 2005: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $33,612,000: Provided, That this appropriation shall be available to finance an appropriate share of Federal Accounting Standards Advisory Board (FASAB) costs as determined by FASAB.

ARCHITECT OF THE CAPITOL

General Administration

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $71,697,000, of which $4,200,000 shall remain available until September 30, 2008.

Capitol Building

For all necessary expenses for the maintenance, care and operation of the Capitol, $27,777,000, of which $12,302,000 shall remain available until September 30, 2008.

Capitol Grounds

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,986,000, of which $685,000 shall remain available until September 30, 2008.

Senate Office Buildings

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $63,388,000, of which $17,433,000 shall remain available until September 30, 2008.

(3) Page 12, strike out all after line 22 over to and including line 18 on page 30 and insert:

Capitol Power Plant

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $88,979,000, of which $38,402,000 shall remain available until September 30, 2008: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2004.

Library Buildings and Grounds

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $41,620,000, of which $23,747,000 shall remain available until September 30, 2008.

Capitol Police Buildings and Grounds

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $3,308,000, of which $2,075,000 shall remain available until September 30, 2008.

Botanic Garden

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,239,000, of which $202,000 shall remain available until September 30, 2008.

Capitol Visitor Center

For an additional amount for the Capitol Visitor Center project, $47,800,000, to remain available until expended: Provided, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center without an obligation plan approved by the Committees on Appropriations of the Senate and of the House of Representatives.

Administrative Provisions

Sec. 1101. Acquisition of Space. (a) In General.—Funds appropriated to the Architect of the Capitol shall be available—

(1) for the leasing of space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds to meet space requirements of the United States Senate, United States House of Representatives, United States Capitol Police, and the Architect of the Capitol under such terms and conditions as the Committee or Commission referred to under subsection (b) may authorize; and

(2) to incur any necessary expense in connection with any leasing of space under paragraph (1).

(b) Conditions to Lease Space.—The Architect of the Capitol may lease space under subsection (a) upon submission of written notice of intent to lease such space to—

(1) the Committee on Rules and Administration of the Senate for space to be leased that is situated north of the United States Capitol Building;

(2) the House Office Building Commission for space to be leased that is situated south of the United States Capitol Building; and

(3) the Committees on Appropriations of the Senate and House of Representatives.

(c) Effective Date.—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

Sec. 1102. Alternate Computing Facility. (a) In General.—There are transferred into the account under the subheading "General Administration" under the heading "ARCHITECT OF THE CAPITOL" $54,000,000 for the purchase of an alternate computing facility, of which—

(1) $44,000,000 shall be transferred from unobligated funds transferred to "Architect of the Capitol", "Capitol Buildings and Grounds", "Capitol Buildings" (under the subheading "LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND (INCLUDING TRANSFER OF FUNDS)" under the heading "JOINT ITEMS" under the heading "LEGISLATIVE BRANCH" under chapter 9 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117)) from amounts made available in Public Law 107–38; and

(2) $10,000,000 shall be transferred from unobligated funds transferred to "Capitol Police Board", "Capitol Police", "General Expenses" under that subheading (relating to the Legislative Branch Emergency Response Fund) from amounts made available in Public Law 107–38.

(b) EFFECTIVE DATE.—This section shall take effect on September 30, 2004.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of 1 passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $367,539,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2004, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2004 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $11,596,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $905,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $4,000,000 shall remain available until expended for the purpose of teaching educators and librarians how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Adventure of the American Mind" project as approved by the Library: Provided further, That of the amount appropriated, $250,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $1,380,000 shall remain available until September 30, 2008 for the acquisition and partial support for implementation of a Central Financial Management System: Provided further, That of the total amount appropriated, $11,060,000 shall remain available until expended for support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, $2,762,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility: Provided further, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be transferred to the Knox College Abraham Lincoln Studies Center for exhibits relating to the Lincoln-Douglas Debates and the Underground Railroad and for other educational activities of the Center: Provided further, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be transferred to the Louisiana Department of Culture, Recreation and Tourism for activities relating to the Louisiana Purchase Bicentennial Celebration.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $48,290,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2003 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $6,343,000 shall be derived from collections during fiscal year 2004 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,664,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $91,726,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $51,706,000, of which $14,812,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1201. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2004, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $105,589,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2004, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "—SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1203. NATIONAL AUDIOVISUAL CONSERVATION CENTER. (a) ACQUISITION.—Section (1)(a) of the Act entitled "An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes" (2 U.S.C. 141 note; Public Law 105–144) is amended by striking paragraph (1) and inserting the following:

"(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucille Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.".

(b) LIBRARY BUILDINGS AND GROUNDS.—Section 11(d) of the Act entitled "An Act relating to the policing of the buildings of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167(j)), is amended by striking paragraph (1) and inserting the following:

"(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucille Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.''.

SEC. 1204. VOLUNTARY SEPARATION PAYMENTS. (a) IN GENERAL.—The Congressional Research Service may for such employees as it determines appropriate authorize a payment to employees who voluntarily separate before March 31, 2004, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

(b) LIMITATION.—No more than 40 employees may receive a voluntary separation payment under this section.

SEC. 1205. TRANSFER OF LIBRARY OF CONGRESS POLICE.—Section 1015(a)(3) of the Legislative Branch Appropriations Act, 2003, is amended by inserting '', or, if earlier, on February 20, 2005'' before the period.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $91,111,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $34,456,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for calendar years 2002 and 2003 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $10,000,000 for working capital. The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,189 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format.

ADMINISTRATIVE PROVISIONS

SEC. 1301. PAY OF PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER. (a) IN GENERAL.—Section 303 of title 44, United States Code, is amended to read as follows:

''SEC. 303. PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER: PAY

''The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level II of the Executive Schedule under subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level III of such Executive Schedule.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 1302. SURPLUS PROPERTY, ACCEPTANCE OF GIFTS, AND VOLUNTARY SERVICES. (a) IN GENERAL.—Chapter 3 of title 44, United States Code, is amended by adding after section 317 the following:

''SEC. 318. TRANSFER OF SURPLUS PROPERTY, ACCEPTANCE OF GIFTS, AND ACCEPTANCE OF VOLUNTARY SERVICES

''(a) The Public Printer may—

''(1) transfer or donate surplus Government publications and condemned Government Printing Office machinery, material, equipment, and supplies, to—

''(A) other Federal entities;

''(B) any organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of such Code; or

''(C) State or local governments;

''(2) accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Government Printing Office; and

''(3) accept voluntary and uncompensated services, notwithstanding section 1342 of title 31.

''(b) Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests to the Government Printing Office shall be deposited in the revolving fund and shall be disbursed upon order of the Public Printer. Property accepted under this section, and the proceeds from that property, shall be used as nearly as possible in accordance with the terms of the gift or bequest. For purposes of Federal income, estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or bequest to the United States.

''(c) Individuals providing voluntary and uncompensated services under subsection (a)(3) shall not be considered Federal employees, except for purposes of chapter 81 of title 5, with respect to job-incurred disability and title 28, with respect to tort claims.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 44, United States Code, is amended by inserting after the item relating to section 317 the following:

''318. Transfer of surplus property, acceptance of gifts, and acceptance of voluntary services.''.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of 1 passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $462,112,000: Provided, That not more than $4,806,200 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2004: Provided further, That not more than $1,200,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2004: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International

Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: Provided further, That this appropriation shall hereafter be available to finance an appropriate share of the Federal Accounting Standards Advisory Board costs.

ADMINISTRATIVE PROVISION

SEC. 1401. PAYMENT FOR AUDITS. (a) IN GENERAL.—At any time during fiscal year 2004 or thereafter, the Comptroller General may accept payment from the Securities and Exchange Commission for the performance of any audit of the financial statements of the Commission which is conducted by the Comptroller General.

(b) CREDIT TO ACCOUNT.—Any payment accepted under the authority of subsection (a) shall be credited to the account established for salaries and expenses of the General Accounting Office, and shall be available for obligation and expenditure upon receipt.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $14,000,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2004 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

TITLE III—FISCAL YEAR 2003 EMERGENCY SUPPLEMENTAL

For an additional amount for "Department of Homeland Security, Emergency Preparedness and Response, Disaster Relief Fund", to cover necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,550,000,000, and notwithstanding 42 U.S.C. 5203, to remain available until expended: Provided, That for an additional amount for "National Aeronautics and Space Administration, Human Space Flight", to cover necessary expenses for responding to the Space Shuttle Columbia accident, $50,000,000, to remain available until expended: Provided further, That for an additional amount for "Department of Agriculture, Forest Service, Wildland Fire Management", to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Forest Service, $253,000,000, to remain available until expended: Provided further, That for an additional amount for "Department of the Interior, Bureau of Land Management, Wildland Fire Management", to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Bureau of Land Management, $61,000,000, to remain available until expended, of which $25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees, including—(1) clearing of evacuation routes, (2) clearing around emergency shelter locations, (3) clearing around emergency communication sites, and (4) clearing buffer zones around highly populous communities in order to prevent fire sweeping though such communities: Provided further, That for an additional amount for "Corporation for National and Community Service, National and Community Service Programs Operating Expenses", for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), $100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended: Provided further, That the first proviso under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses" in Public Law 108–7 shall apply only to positions originally approved subsequent to March 10, 2003: Provided further, That the Inspector General of the Corporation for National and Community Service shall conduct random audits of the Corporation and the grantees that administer activities under the AmeriCorps programs and shall de-fund any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs: Provided further, That the Corps of Engineers shall immediately reprogram such funds as are necessary to cover $11,000,000 in contractual obligations and other expenses relating to the Grand Forks Flood Control Project, Grand Forks, North Dakota, authorized by section 137 of title I of division C of Public Law 105–277 (112 Stat. 2681–597): Provided further, That Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed $4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: Provided further, That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: Provided further, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer: Provided further, That any amounts transferred to the Education for the Disadvantaged account pursuant to this paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: Provided further, That the Secretary of Education shall use these additional funds to increase those States' allocations under that subpart up to the amount they received under that subpart for fiscal year 2002: Provided further, That each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: Provided further, That the Secretary shall not take into account the funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year: Provided further, That for an additional amount for "Corps of Engineers—Civil, Flood Control and Coastal Emergencies", for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 U.S.C. 701n), $10,000,000, to remain available until expended: Provided further, That the Secretary of Agriculture shall use $20,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States: Provided further, That these amounts for these specific purposes are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That this paragraph shall be effective immediately upon the enactment of this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes on the measure.

The Presiding Officer appointed Mr. CAMPBELL, Mr. BENNETT, Mr. STEVENS, Mr. COCHRAN, Mr. BOND, Mr. DURBIN, Mr. JOHNSON, Mr. BYRD, and Ms. MIKULSKI conferees on the part of the Senate.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, for the information of the Senate, it is my intention to ask the majority leader to bring the Defense appropriations bill before the Senate on Monday. That will be announced later, I hope. We hope we can have the Defense Appropriations Subcommittee bill, then the Labor appropriations bill, then the Homeland Security bill considered next week by the Senate.

I thank the Senate for their cooperation on this bill. This is another 10-minute vote; is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, let me just very briefly add to that.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Once we have this last vote, there will be no more rollcall votes today. We will be voting on Monday. We may have several votes on Monday but after 5 o'clock. We will be on Defense on Monday, and, again, we probably will have several votes Monday evening.

After this vote, we will be going back to State Department authorization. We would like to finish that bill. In order to do that, we would need to be considering amendments that have something to do with State authorization and not nongermane amendments. The intention is to attempt to finish that bill. We will not have any rollcall votes today. But again I make the plea with my colleagues to stay for amendments that are on State Department authorization as we go forward.

Again, this will be the last rollcall vote, this one right now, until after 5 o'clock on Monday.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2559, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2559), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, it seems that every week we discover additional drinking water sources that have been contaminated with perchlorate. More than 20 million Americans in at least 24 States drink water contaminated with perchlorate, including: Alabama, Arizona, California, Iowa, Kansas, Massachusetts, Maryland, Missouri, Nebraska, New Mexico, Nevada, New Jersey, New York, North Carolina, Pennsylvania, Texas, Utah, Washington, and West Virginia. In California alone, drinking water sources for up to 10 million people are contaminated with perchlorate. Perchlorate also contaminates much of the lower Colorado River, the main water source for 20 million people across the Southwest, including much of California, Arizona, and Nevada. Millions more eat produce grown with Colorado River water.

We know that perchlorate is the main ingredient in rocket fuel, which accounts for 90 percent of its use. It dissolves readily in many liquids, including water, and moves easily and quickly. There is general agreement that perchlorate is highly toxic and that even at low concentrations perchlorate poses a serious threat to human health, including thyroid cancer and mental and physical retardation. The greatest risks are to pregnant women, newborns, and children.

We also know that the Department of Defense (DOD) has long been not only the primary consumer of perchlorate but also intimately involved in its manufacturing. EPA believes that perchlorate may be present wherever rockets or rocket fuel was made—at least 162 sites in 36 States. The California Department of Health Services has detected perchlorate in 292 public groundwater wells, the majority of which are located near facilities operated by the Department of Defense or its contractors. Additional information provided to the Senate by DOD further confirms that perchlorate contamination is potentially widespread and pervasive at military installations.

The Defense Department has said that it is not willing to start cleanup of perchlorate until there is a national drinking water standard, but the Environmental Protection Agency indicates that it will further delay finalizing the standard for at least another 2 years. Our military has protected the American people for centuries. For this, we are grateful. DOD must reaffirm that this commitment extends to protecting citizens within the United States from threats to their public health that may arise from critical defense activities. DOD must not adopt a delay strategy while private parties and local communities, such as California's Inland Empire, San Gabriel Valley, and the Sacramento area, adopt costly measures to assure the purity of drinking water supplies.

DOD is legally obligated to clean up perchlorate and other hazardous waste contamination at its sites under a variety of State and Federal laws and regulations, including, for example, the Comprehensive Environmental Response, Compensation and Liability Act (Superfund), the Resource Conservation and Recovery Act, and State hazardous waste cleanup laws. Communities have already spent millions on priority actions to reduce the threat to Americans—and I urge the Defense Department to do so as well.

Perchlorate is a clear and present danger to California's, and the Nation's, public health. We cannot wait any longer to address this threat. DOD needs to get moving and protect our drinking water sooner rather than later.•

Mr. NICKLES. Mr. President, I rise in support of S. 1357, the military construction appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides $9.2 billion in new budget authority and $2.6 billion in new outlays in fiscal year 2004 for military construction, family housing, and base realignment and closure for the Department of Defense. With outlays from prior years and other completed actions, the Senate bill totals $9.2 billion in budget authority and $10.3 billion in outlays.

All funds provided in this bill are discretionary spending. The bill is at the subcommittee's 302(b) allocation for budget authority and $24 million in outlays below the 302(b) allocation. The bill provides $39 million less budget authority and $3 million more outlays than was in the President's budget request.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD at the conclusion of my remarks. I urge the adoption of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1357, MILITARY CONSTRUCTION APPROPRIATIONS, 2004, SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, dollars in millions)

Category	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	9,196	....	9,196
Outlays a/	10,273	....	10,273
Senate 302(b) allocation			
Budget authority	9,196	....	9,196
Outlays	10,297	....	10,297
2003 level:			
Budget authority	10,751	....	10,751
Outlays	10,059	....	10,059
President's request:			
Budget authority	9,235	....	9,235
Outlays	10,270	....	10,270
House-passed bill:			
Budget authority	9,196	....	9,196
Outlays	10,282	....	10,282

S. 1357, MILITARY CONSTRUCTION APPROPRIATIONS, 2004, SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

(Fiscal year 2004, dollars in millions)

Category	General purpose	Mandatory	Total
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority			
Outlays	(24)		(24)
2003 level:			
Budget authority	(1,555)		(1,555)
Outlays	214		214
President's request:			
Budget authority	(39)		(39)
Outlays	3		3
House-passed bill:			
Budget authority			
Outlays	(9)		(9)

Note.—Details may not add to Totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM) the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NOT VOTING—9

Boxer
Edwards
Graham (FL)
Hollings
Kerry
Lieberman
Miller
Murray
Thomas

The bill (H.R. 2559), as amended, was passed, as follows:

H.R. 2559

Resolved, That the bill from the House of Representatives (H.R. 2559) entitled "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2004, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,255,155,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $134,645,000, shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" in previous Military Construction Appropriation Acts, $183,615,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,195,659,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $77,283,000, shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" in previous Military Construction Appropriation Acts, $39,322,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,056,377,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $112,075,000, shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $712,567,000, to remain available until September 30, 2008: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $70,881,000, shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" in previous Military Construction Appropriation Acts, $32,680,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $304,085,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $221,013,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $73,979,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $34,742,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $57,426,000, to remain available until September 30, 2008.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $169,300,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $409,191,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Army" in previous Military Construction Appropriation Acts, $52,300,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $1,043,026,000, to remain available until September 30, 2005.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION)

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $184,193,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Navy and Marine Corps" in previous Military Construction Appropriation Acts, $3,585,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $852,778,000, to remain available until September 30, 2005.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $657,026,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" in previous Military Construction Appropriation Acts, $29,039,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $834,468,000, to remain available until September 30, 2005.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $350,000, to remain available until September 30, 2008.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,440,000, to remain available until September 30, 2005.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $300,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $370,427,000, to remain available until expended.

GENERAL PROVISIONS—MILITARY CONSTRUCTION

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be *necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.*

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification to the appropriate committees of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing herein precludes the Secretary concerned from using funds pursuant to 10 U.S.C. 2601.

SEC. 126. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 127. No funds appropriated in this Act under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2004 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 128. (a) COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.—(1) There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the "Commission").

(2)(A) The Commission shall be composed of 8 members of whom—

(i) 2 shall be appointed by the Majority Leader of the Senate;

(ii) 2 shall be appointed by the Minority Leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives; and

(iv) 2 shall be appointed by the Minority Leader of the House of Representatives.

(B) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) The Commission shall meet at the call of the Chairman.

(6) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) The Commission shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(2) In conducting the study, the Commission shall—

(A) assess the number of forces required to be forward based outside the United States;

(B) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(C) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(D) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

(E) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas; and

(F) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(3)(A) Not later than August 30, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

(c) POWERS.—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2)(A) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) Members and staff of the Commission may receive transportation on aircraft of the Military Airlift Command to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3)(A) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any employee of the Department of Defense, the Department of State, or the General Accounting Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—(1) Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

(g) FUNDING.—(1) Of the amount appropriated by this Act, $3,000,000 shall be available to the Commission to carry out this section.

(2) The amount made available by paragraph (1) shall remain available, without fiscal year limitation, until September 2005.

This Act may be cited as the "Military Construction Appropriations Act, 2004".

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes on this measure.

The Presiding Officer appointed Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Indiana.

MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that there now be a period of morning business until 12:45 with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

MINIMUM WAGE

Mr. KENNEDY. Mr. President, I pay tribute to our two floor managers of a very important bill that I intend to support when we have a chance to reach it, which I hope will be done in the not too distant future. I commend our floor managers for the work they have done in bringing this legislation before the Senate.

There were two issues I had hoped we would have an opportunity to present to the Senate. One was an increase in the minimum wage. Another was working with the Senator from Oregon, Mr. SMITH, on the hate crimes issue. We are hopeful to be able to address those during consideration of this legislation without taking a great deal of time.

I had intended to offer an amendment on the legislation now and was quite prepared to move ahead with a reasonable time period, up to an hour of time evenly divided. Then we could make a judgment with regard to hate crimes to enter into a similar kind of time agreement so that we would not delay the underlying legislation. But the problem we have is the leadership has decided we would defer action on the amendment until some future time. I regret that, but I understand it. It is the prerogative of the leadership. We will at that time have a chance to again raise this issue.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. I am glad to yield.

Mr. REID. Before the Senator starts his statement, I wondered if the Senator would acknowledge that after the vote on the military construction appropriations bill, automatically recurring in the Senate is the bill that we have been working on for 1 day—1 day—the State Department authorization. The Senator understands that bill has not passed since 1985, principally because of being held up by the distinguished Senator from North Carolina, Mr. Helms. Does the Senator acknowledge that and also acknowledge the fact that we only had a few amendments left, one of which was the minimum wage, and we could have completed this bill in a couple of days? Will the Senator also acknowledge because of his offering a minimum wage amendment, they simply took the bill down, and we are not now able to offer the amendments? Will the Senator acknowledge that?

Mr. KENNEDY. The Senator from Nevada is quite correct. As our deputy leader, he has an understanding of the amendments on our side. He has correctly stated the position; that is, speaking for this side of the aisle, we are prepared to move to final passage of the legislation, but there are a few amendments, one of which is the minimum wage which, under a short time limit, can be disposed of quite rapidly. But quite frankly, we have only had 1 day of debate on the State Department authorization, and we haven't had an opportunity to raise this issue for 7 years.

I know there are those who say, let's let this issue be deferred. It has been 7 long years since we have had an increase in the minimum wage. So those individuals who are at the lowest end of the economic ladder, working 40 hours a week, 52 weeks of the year, have been losing purchasing power day in and day out. We have not increased the minimum wage in 7 years.

With all due respect to other Members of this body, it is Friday at 11 o'clock. We are prepared to debate the issue and have a vote on it. People are entitled to have an indication of what the membership wants to do.

We take this issue very seriously because of the desperate situation affecting those on the lower end of the economic ladder. Quite frankly, historically this has not been a Democratic issue. It has been a bipartisan issue.

The long history of increases in the minimum wage has been basically bipartisan. It was enacted by Franklin Roosevelt in 1938; increased by Harry Truman; increased by Dwight Eisenhower in 1955 by $1; increased by President John Kennedy in 1961 by $2.35; increased by Lyndon Johnson; increased by a Republican, Gerry Ford; increased by Jim Carter; increased by George Bush No. 1; increased by Bill Clinton.

Republicans and Democrats have voted for an increase in the minimum wage since 1938. It has not been a partisan issue. We find in recent times that our Republican friends have been unwilling to both support it and give us the opportunity to debate the issue.

This chart shows the long history of increases in the minimum wage as well as the amounts. Even with those kinds of increases, if you look at the purchasing power of the minimum wage, as this chart indicates, it is now at perhaps its lowest level of purchasing power, $4.95. There was one other time when it was $4.35. It is $4.95 and continuing to drop, and it will reach the lowest level in terms of purchasing power since even before 1962, unless we take action.

With this amendment it would increase, in terms of purchasing power, to $6.40, which is well below what the minimum wage has been over the period of the last 40 years. So this is a very modest program. It would increase to $6.65 in today's dollars.

I want to share with the Senate what the minimum wage is in relation to the issues of poverty in the United States. Look at this chart. Here is the poverty level. Just $14,500 is the poverty level.. The blue indicator is what has happened to the minimum wage in relation to poverty.

Most Americans believe that if people are going to work hard 40 hours a week, 52 weeks of the year, they should not live in poverty. They should not live in poverty. In the wealthiest, most successful economy in the world, this is what is happening. We find that the minimum wage workers are well below the poverty level.

As a result, every day that we delay we see minimum wage workers falling further behind. All of the gains since the 1997 increase in the minimum wage already have been lost.

What are we talking about? We are talking about an increase of $1.50, 75 cents this year, 75 cents next year. What does that amount to? That amounts to $3,000 over the course of a year. Translated, it means 15 months of groceries, 8 months of rent, 7 months of utilities, and the full tuition for a child of the minimum wage worker. This is what we are talking about. We are talking about groceries; we are talking about rent; we are talking about utilities; we are talking about education at this time.

We have had a good deal of debate in terms of the tax cuts and what that will do for the wealthiest individuals. This is the kind of difference that this will make over the period of 1 year.

Let me just put this in some perspective about what the increase in the minimum wage will mean in terms of the total combined income for workers over the course of the year because you will hear the argument: Can we do this now because of the issues of inflation? I would like to anticipate that argument. And then: Can we afford to do it in anticipation of the problems of high unemployment?

First on the issue of an increase of $1.50 to workers, it is vital to minimum wage workers; it is a drop in the bucket in the national payroll. All Americans combined earn $5. 4 trillion a year. At a $1.50 minimum wage increase this will be less than one-fifth of 1 percent of the national payroll. The idea that we are contributing to inflation just does not carry.

I will take a moment of the Senate's time to look over what has happened, the increase in the minimum wage as to the issues of employment and unemployment. An argument will be made: Look the Democrats make a good deal about the unemployment that we are facing today. If we pass this increase in the minimum wage, are we going to increase unemployment? All you have to do is look at the various studies which I will speak to later in the presentation. But I would like to just look back over the history of the last increase in the minimum wage. If you look at 1996, the minimum wage was increased to $4.75. In 1996, we had unemployment just above 5.3 percent. So the increase in the minimum wage was going up during this time while the unemployment was coming down.

Then the second phase of the increase to the minimum wage which we passed was September 1997. That raised it from $4.75 to $5.15. The chart shows unemployment continuing to decline. Study after study indicates that this it virtually has no effect or impact on the unemployment rate.

Let me just say, the issue in the increase of the minimum wage is a women's issue because the great majority of the people who receive the minimum wage are women. This increase in the minimum wage is a children's issue because a many of the women who are receiving the minimum wage have children. And it is about their quality of life and that of their families. It is a civil rights issue because forty percent of those individuals who earn the minimum wage are men and women of color.

Finally, this increase in the minimum wage is a fairness issue. Americans understand fairness. They understand if you are going to work hard 40 hours a week, 52 weeks of the the year, you should not live in poverty.

That is the case. This is a no brainer. We do not have to spend a lot of time in debate. We voted on this. It is as old an issue as 1938. We can vote on this. It is a simple issue of whether this institution believes in fairness and decency for some of the hardest working men and women in our country. And it is about time that we do it.

From our point of view as the proponents, we are prepared to vote at any time that the other side will give us the opportunity to do so.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. DURBIN. I thank the Senator from Massachusetts for continuing to raise this issue, sadly, for 7 years. Unfortunately, we have not done our part to raise the minimum wage, but I would go to the point that the Senator from Massachusetts raised.

Last week I went to a summer feeding program for children who ordinarily get school lunches. These are struggling families in my city of Chicago. I sat down at a table with a young African American girl, second grader, named Sharya, and I said to her: "What did you have for dinner last night?" She said: "Well, my mom was working late and she got home after I went to sleep. I had a bowl of cereal for dinner."

The point I am making to the Senator, and I ask him if he would return and tell us the impact, here is a young girl being raised by a mother who is probably working two jobs because we will not increase the minimum wage. The point being made by the Senator from Massachusetts is, we are not talking about welfare recipients; we are talking about working people who get up and go to work every day to sometimes two jobs. Sometimes they are invisible to our lives. These are the people who are washing the dishes in the kitchens, busing the tables, and cleaning our rooms.

I ask the Senator from Massachusetts, is this not first and foremost a family issue in terms of dignity for working families and people who are trying to keep their kids well fed and clothed and keep them together? I ask the Senator from Massachusetts, how in this great nation, when we are giving away trillions of dollars in tax cuts to the weathiest people in this country, can we not afford 50 cents or a dollar an hour for people who are struggling to try to keep their families together?

Mr. KENNEDY. The Senator has put his finger on one of the key factors and legitimate reasons for the increase in the minimum wage, because this is a family issue—the number of minimum wage workers working two jobs, some even three jobs, the testimony that we have had where the only times that young parents see their children together may be for a few hours on a Sunday morning.

The PRESIDING OFFICER. The Senator's time in morning business has expired.

Mr. KENNEDY. I ask unanimous consent for 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. Let me continue, if I may. So this is a family issue. It is about, as the Senator knows, the numbers of mothers and fathers who have to look into the eyes of their children and say, "No, you can't get a little birthday present," or, "No, you can't go to the skating party where all the other children are going." "No, you can't do this because we haven't got the resources." That is happening every day. These are hard-working men and women. It is the family issue.

As the Senator has mentioned, who are these minimum wage workers? These minimum wage workers are teacher's aides.

We say we care about education. We know the challenges we are facing on education. We know the particular stress that is taking place in the States on education. These workers are teacher's aides. We say we care about our senior citizens, men and women who have sacrificed. They ought to have their golden years in peace and dignity. These are workers in nursing homes. They are the recipients. They are taking care of the parents and the grandparents in this country.

These are the men and women who clean the great facilities where the American enterprise continues to grow and strive throughout this country. As the Senator points out, these are hard-working men and women. This is a family issue. These are decent, hard-working fellow Americans, and they have seen their purchasing power fall and fall.

If my colleagues look over at this chart, it indicates where the disparity has been going in the United States over the past years. As we all know, the wealthy are getting wealthier and the hard-working Americans who are at the lower rung of the economic ladder are falling further behind.

We know we have the earned-income tax credit that assists families with children, and that is important. But if one is talking about a single parent with a single child, the minimum wage makes all the difference in the world.

Mr. DURBIN. May I ask the Senator one other question. Is it not part of an interesting pattern that when we talk about the economy, jobs, and growth, we talk about tax breaks primarily for wealthy people, but when we talk about struggling working families, we cannot seem to find an increase in the minimum wage, we cannot find a child tax credit for people in lower income categories? Why is it that this administration, this Government, turns a blind eye to the people who are struggling with the lower income jobs, the middle-income jobs, really the backbone of America's economy, people who need the help the most? Does not this minimum wage issue tell us the same story?

There is absolutely no recognition or sensitivity by this administration and the White House to these people. Here we stand, 2½ years into this administration, and I ask the Senator from Massachusetts, has President Bush suggested at any point in those 2½ years any increase in the minimum wage to help people who are struggling to survive in this tough economy?

Mr. KENNEDY. The Senator is quite correct. There has been no mention of this by this administration. We have had other administrations that at least advocated some increase, and eventually we were able to work out an accommodation over a period of time. This administration, as the Senator has pointed out, has not only not mentioned the increase in the minimum wage and not only has resisted the tax credit for children but also put in new rules and regulations on the earned-income tax credit that are going to make it more difficult for the same individuals at the bottom end of the economic ladder who have children, who are working hard, playing by the rules, to be able to participate in this program.

The Senator is quite correct that the neediest Americans, the ones who are working trying to make a living for themselves, trying to bring up children, facing the most serious economic challenges of our time, are basically shunted aside and ignored by this administration.

Mr. REID. Will the Senator yield for four questions?

Mr. KENNEDY. Yes.

Mr. REID. No. 1, the Senator has mentioned, and I want to ask if the Senator will emphasize this, that the minimum wage is a program in which 40 percent of the people who draw minimum wage are women; is that true?

Mr. KENNEDY. Sixty-three percent of those who receive the minimum wage are women.

Mr. REID. It is 20 percent more than my statistics indicate, and I am sure the Senator is right. For the majority of those women, that is the majority of the money they get for themselves and their family. Do they depend on that totally, is what I am trying to ask.

Mr. KENNEDY. The Senator is correct. More often than not, they not only work at one minimum-wage job, they work probably at two. So they are working not only 40 hours a week but more often 80 hours a week.

Mr. REID. I ask the Senator from Massachusetts, also, is it not true that we, the Democrats, have tried for 7 years to get an increase in the minimum wage? Is that true?

Mr. KENNEDY. The Senator is correct. We have not been able to get a vote on this issue of an increase in the minimum wage over that period of time. I must say if it had not been for the persistence of our Democratic leaders, Senator REID and Senator DASCHLE, we would not have gotten a vote on it this time. If it had been up to the other side, they would have said, no, we only want the relevant amendments and we can wait for consideration of an increase in the minimum wage. These workers cannot wait. They do not need to wait.

During this period of time, we have found the opportunity to raise our own salaries on five different occasions. We have not found the time to raise the minimum wage, but we have raised the Senate salaries on five different occasions.

I think that is something the American people can understand as well. We are doing something for these Members—and I do not begrudge it, and I voted for those increases—but the fact is we should not leave these people behind.

Mr. REID. Will the Senator also acknowledge that even during the years President Clinton was President, which includes part of the 7 years, we were stopped by the Republicans through procedural measures from having an up-or-down vote on the minimum wage? Is that a fair statement?

Mr. KENNEDY. Well, the Senator probably remembers, we had to file cloture on this in order to try to get a vote, and during that period of time we were able always to get a majority of the Senate, some Republicans and Democrats, but we were blocked because we could not get the 60 votes. We were required to get the 60 votes for the consideration, and we were denied that opportunity.

The Senator remembers very well, as I do, that we were effectively blocked from taking action on the minimum wage.

Mr. REID. The final question I ask my friend from Massachusetts: The minimum wage, I am confident the Senator would acknowledge, is not some wild-eyed idea that someone came up with in the last 5 or 10 years. It is true, is it not, that the minimum wage legislation was initiated during the Great Depression? We have had a minimum wage, and it has been increased, for approximately 70 years. Is that a fair statement?

Mr. KENNEDY. The Senator is quite correct. Absolutely correct.

Mr. REID. So for approximately a tenth of that time, we have been blocked from giving these hard-working men and women, who are not drawing welfare, they are not out being bums and in gangs, they are people of all ages who want to work for a living and are doing the best they can, they are working at minimum wage, and what we want to do, and we are prevented from doing because of the majority, is simply have a vote to allow these people to have a raise in their minimum wage, their basic wage that these people depend on to make it through life.

Mr. KENNEDY. Well, the Senator has made the compelling case on this. We have heard these arguments against it, that it adds to inflation, adds to unemployment, that it works to the disadvantage of minority youth. We had that argument. We can show the statistics that that is not true.

They say, well, what we really need is not an increase in minimum wage but we need an increase in the training wage. We have said, fine, we will add an increase in the training wage. We are prepared to meet any legitimate argument, but we do believe that people who have been working, and working hard and playing by the rules and have waited 7 years and have seen the reduction in terms of the purchasing power, are entitled to at least an accounting in the Senate. That is what we want to find out.

This is not an issue that takes a great deal more discussion and debate. Members knew about the minimum wage before they were elected to the Senate. It is an old issue, older than most of us in this Chamber. People are familiar with it. They have heard the arguments. It is not a new issue, but it is an issue of fairness and decency. It is an issue that should be acted on.

To reiterate, millions of minimum wage workers are suffering because of the continuing weak economy. For years, they have not had any wage increase at all, because Congress continues to refuse to raise the minimum wage.

Even in this troubled economy, Congress has not hesitated to raise its own pay. It is only fair that we raise the minimum wage, too.

That is why I am proposing this amendment to enact a long-overdue increase in the minimum wage. My amendment will raise the current minimum wage of $5.15 an hour by 75 cents this year and another 75 cents next year, bringing it up to $6.65 an hour.

We know that poverty has doubled among full-time, year-round workers since the late 1970s. Nearly 33 million people live in poverty today in this country, and an unfairly low minimum wage is a large part of the problem.

Congress has not acted to raise the minimum wage in 7 years. Minimum wage employees working 40 hours a week, 52 weeks a year, earn only $10,700 a year. That's $4,500 below the poverty line today for a family of three.

The current minimum wage fails to provide enough income for minimum wage workers to afford adequate housing in any area of this country. A worker earning the minimum wage in Georgia or Illinois, or many other areas of the country, would have to work more than 100 hours a week to afford a two-bedroom apartment.

Every day the minimum wage is not increased, it continues to lose value, and workers fall farther and farther behind. Minimum wage workers have lost all of their gains since we last raised the minimum wage in 1997. Today, the real value of the minimum wage is $3.00 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be more than $8 an hour today, not $5.15.

It is shameful that Members of Congress have raised their own pay by $21,000 in the last 7 years—almost twice what a minimum wage workers makes in a year—without giving the Nation's lowest paid workers any increase at all.

Nearly 7 million workers would directly benefit from the proposed minimum wage increase, and many of them are parents and the sole breadwinners in their families.

The minimum wage is an economic issue, but it is also a woman's issue. Sixty-three percent of the workers who would benefit from minimum wage increase are women and one-third of those women are mothers.

The minimum wage is also a civil rights issue. An increase in the minimum wage boosts the wage levels of people of color—who are often segregated into low-paying jobs. Millions of African American and Hispanic workers will benefit from an increase in the minimum wage.

Raising the minimum wage is a family issue, too. It is so low that many workers must work long hours to make ends meet. The increase in work hours has a damaging impact on every aspect of life: on families, on personal time, and on employers. At least one in five workers has a work week that exceeds 50 hours.

According to the Families and Work Institute, three out of the top four things that children would most like to change about their working parents are these: They wish their parents were less stressed out by work; they wish they were less tired because of their work; and they wish they could spend more time with them.

Employers as well pay a high price for overworked employees. Productivity suffers, and so does turnover. Overworked employees are more susceptible to illness. They need more sick days, and they are less productive on the job.

Raising the minimum wage obviously will not solve all these problems. But a higher minimum wage may mean that employees can work a little less, and have a few more hours a week of family time and personal time.

Minimum wage earners are forced to make impossible choices—between paying the rent and buying groceries or between paying the heating bill and buying new clothes.

It has been too long since Congress last acted. History clearly shows that raising the minimum wage has not had a negative impact on jobs, employment, or inflation. In the four years after the last minimum wage increase, the economy had its strongest growth in three decades. Nearly 11 million new jobs were added, at a rate of more than 200,000 per month.

A fair increase in the minimum wage is long overdue. How can Congress keep saying no, when more and more workers cannot make ends meet? Can't we all at least agree on this basic principle—that no one who works for a living should have to live in poverty?

HATE CRIMES LEGISLATION

Mr. SMITH. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. SMITH. I ask the Senator, on the other issue he raised, to put a bipartisan cast to the conversation, is it not true that the Senator and I are the cosponsors——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. If I could have 30 more seconds on this. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I see my friend and colleague, Senator SMITH, who hopefully will address another issue of hate crimes legislation, for which we have had support and we are also very hopeful of getting a vote on as well.

I see my friend and colleague from New Jersey, Senator CORZINE, and my friend and colleague from Louisiana, as well. I understand my time on morning business has expired.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. I will not be long. I was mindful Senator KENNEDY was speaking to the issue of hate crimes. I was going to ask him the question that I think he would agree with. We acknowledge at a surface level the argument could be made that hate crimes do not belong on a State Department authorization bill. That is the case at a surface level, but it is also true that our foreign policy should reflect the values of the American people. The values of the American people say the war on terrorism is waged not just abroad but here at home.

Our country is plagued with hate crimes. Some people will say all crimes are hateful, but what Senator KENNEDY and I are focusing on are those crimes which target a community of vulnerable people—whether race, religion, gender, disabled, and additionally those whose sexual orientation is different from the majority.

It is an incredible tragedy that the Federal Government has not been allowed to participate in the hate crimes prosecution in places where sometimes local police departments are overwhelmed by national media, or places where the prosecutions do not occur as they ought to.

Senator KENNEDY and I are proposing as part of this bill we take up the issue of hate crimes. This institution has passed this issue before by large majorities. We ought to do so again.

Many in this country have strong feelings on the issue of gay and lesbian rights—some for, some against—but it is my position that we all ought to be opposed to hate crimes and be prepared to do something about it. I will never forget the enormous tragedy of the murder of Matthew Shepherd and the impact that had on me when I considered the Federal Government was not permitted to help the Laramie police department that was overwhelmed by national media; the Federal Government had to be silent because we had no statutory authority—not to take over State or local effort—to help them in this effort. As a moral principle the Federal Government ought to show up in the prosecution and pursuit of those who commit hate crimes. These are happening far too often.

Sometimes those on my side will say: This is not consistent with a family value. There is nothing about hate crimes that represents a legitimate family value. Some of the things that are held up as family values are phony values. Marriage is one of those that is a very real family value. We ought to have a debate on that, too. But when it comes to hate crimes, public protection for all of our citizens, we need to act.

Senator KENNEDY and I have both said to the managers of this bill we would rather not bring it up on this bill. It is a fact this authorization is probably one of the few that will make it through in the balance of this session of Congress. We do not think this should wait any longer. We think terrorism abroad, our foreign policy opposing terrorism, ought to be reflected by the values of the American people who oppose terrorism at home. Hate crimes are a very real form of terrorism. We ought to do something about it. The Federal Government ought to show up to work and we ought to come together around a real family value which is the opposition to hate crimes.

I have said before, if you want to talk to me about sin, come with me to church. If you want to talk with me about public policy for all of us sinners, let's go to the Senate and make sure we provide protection for all of America's children. Hate crimes is the vehicle.

The majority leader is working with Senator KENNEDY and I to get us the opportunity before the August recess to have a period of debate—it need not be long—and a straight up-or-down vote so we can get this moving in the process, consistent with America's values abroad so we are consistent at home fighting terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend my friend from Oregon who has been steadfast in his support on the hate crimes legislation and has really provided extraordinary leadership both in the Senate and nationally in helping us to get to the point where we will have a real opportunity to take action. His involvement and work has been enormously important and added a very significant dimension to the movement of the legislation.

Senator SMITH has just stated very eloquently the fundamental reasons for this legislation and has also talked about why this is related to the current measure before the Senate, the State Department authorization.

The challenge we are facing around the world in terms of terrorism and violence is rooted in hatred and bigotry. The same kind of hatred and bigotry are rooted in these crimes of hate. You do not go very far between potential terrorists and potential perpetrators of hate crimes. They are brothers and sisters—maybe in different locations physically, but they are very much against everything this Nation stands for and believes in.

As the Senator has pointed out, hate crimes are so particularly objectionable and heinous because they focus on a particular class of people. The reason and the motivation for that is bigotry and hate. The idea that the Federal Government is not putting the full force of its support in rooting out and assaulting these crimes has been a great failure.

The good Senator from Oregon and I believe very deeply that we as a society and as a nation ought to be using the full resources of the Federal Government to attack heinous crimes.

Briefly, this chart shows the FBI hate crime statistics, showing the ever-increasing total incidence of hate crimes taking place in the United States. My next chart demonstrates the FBI hate crimes based on sexual orientation, showing the dramatic escalation and increase in hate crimes based on sexual orientation. The terrible tragedy of Mr. Shepherd in Wyoming still resonates in the minds of all Americans, as well as the other hate crimes that have taken place in our Nation.

We have seen since September 11 the dramatic increase in hate crimes against Muslims; hate crimes against American Arabs have escalated dramatically.

We believe, not unlike the outcome we saw when we brought to bear the full resources of the Federal Government in fighting the church burnings primarily in the South 8 to 10 years ago, once we pass legislation in the House and in the Senate to bring the FBI into these investigations, they virtually halt. People in these local communities who were involved in these church burnings knew this country was serious about church burnings. That had a dramatic impact.

Senator SMITH and I believe we should bring the full resources of the Federal Government to focus on these hate crimes—whether it is on the basis of sexual orientation, gender, religiously motivated, anti-Semitic, the whole range of different activities resulting in hatred against groups in our society.

Even Attorney General Ashcroft has said criminal acts of hate run counter to what is best in America, our belief in the quality of freedom.

This is not a Democratic issue; it is not a Republican issue; it is an American issue. I am very hopeful we can get an opportunity to take action. I think it is completely consistent with the overall objectives, in the highest form and sense, of the State Department authorization and is something that needs to be done.

I again thank my friend from Oregon for all of good work and leadership.

Mr. SMITH. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. SMITH. Senator KENNEDY has heard opponents of this legislation suggest all crime is hateful and this is unnecessary. But isn't it a fact that for 30 years America has had a hate crimes law, most States have hate crime laws? These have been vetted constitutionally, and even William Rehnquist, the Chief Justice, one of the great conservatives who ever served on the Court, was the author of the opinion that said hate crime laws are constitutional because crime always consists of elements, and hatred is one of the motives of determining whether this fits in the category of a hate crime. Aren't they constitutional? And isn't it a great moral principle for America to say, in terms of new categories of Americans who are demonstrably more vulnerable, that they should now be included in these very old statutes of the United States?

Mr. KENNEDY. The Senator is exactly correct in reminding the Senate about the holding of the Supreme Court, the holding 6 to 3, a very powerful statement by the Supreme Court in terms of the support for this legislation.

As the Senator has pointed out, we have had hate crimes but we have had limitations and restrictions, particularly with regard to Federal hate crimes, which has limited the ability of the Federal Government to involve itself unless the actual hate crime occurred on Federal property. Therefore, the Federal Government has been unable, really, to become involved the way it should.

But, on the broader point about aren't all crimes basically hate crimes, the Senator has stated very clearly that every crime is tragic and harmful in its consequences but not all crime is based on hate. Hate crimes are based on bigotry and prejudice, and hate crimes occur when a perpetrator selects a victim because of who the victim is. Like acts of terrorism, the hate crimes have an impact far greater than the impact on individuals and their families. They are crimes against entire communities, the entire Nation, against the fundamental ideals of liberty and justice for all, on which this country was founded.

That is why it is so important we take action.

Mr. President, although there was a significant overall reduction in violent crimes during the 1990's, the number of hate crimes continued to grow. As this chart shows, according to the Federal Bureau of Investigation, 9,730 hate crimes were reported in the United States in 2001. That's over 26 hate crimes a day, every day.

More than 83,000 hate crimes have been reported since 1991. According to the F.B.I., even though overall crime increased by only 2.1 percent from 2000 to 2001, the number of reported hate crimes increased dramatically—by more than 20 percent.

Sadly, these F.B.I. statistics only show part of the problem. A recent Justice Department report confirmed that many hate crimes go unreported. Another report by the Southern Poverty Law Center, a nonprofit organization that monitors hate groups and extremist activity, estimated that the real number of hate crimes committed in the United States each year is closer to 50,000.

Hate crimes based on sexual orientation continue to be a serious danger, constituting 14 percent of all hate crimes reported. As you can see on this next chart, hate crimes based on sexual orientation are increasing at an alarming rate. Hate crimes based on sexual orientation increased by 7.2 percent from 2000 to 2001, with nearly 1,400 reported for the year.

Each person's life is valuable, and even one life lost is too many. It is not the frequency of hate crimes alone that makes these acts of violence so serious. It is the terror and intimidation they inflict on the victims, their families, their communities, and, in some cases, the entire nation.

The need for an effective national response to the problem of hate crimes is as compelling as it has ever been. As is clearly demonstrated in this chart, hate crimes against Arabs and Muslims rose dramatically in 2001, after the terrorist attacks of September 11th. These hate crimes included murder, beatings, arson, attacks on mosques, shootings, and other assaults. In 2001, anti-Islamic incidents were the second highest-reported type of hate crimes based on religion—second only to anti-Jewish hate crimes. Los Angeles and Chicago reported a massive increase in the number of anti-Arab and anti-Muslim crimes after 9/11.

Over 550 hate crimes were committed against Muslims in 2001—that is fifteen times more than in 2000, and almost six times more than 1998, 1999, and 2000 combined. Almost 900 hate crimes against Arab-Americans, or those perceived to be Arab-American, took place in 2001—eight times the number in 2000.

The backlash following the September 11th attacks has been shameful. Congress cannot sit silent while this hatred spreads. It is long past time for us to do more to end hate motivated-violence.

The Local Law Enforcement Enhancement Act will strengthen the ability of Federal, State, and local governments to investigate and prosecute these vicious and senseless crimes. Our legislation is supported by over 175 law enforcement, civil rights, civic, and religious organizations.

The current Federal law on hate crimes was passed soon after the assassination of Dr. Martin Luther King, Jr. Today, however, it is as generation out of date. It has two significant deficiencies. It does not cover hate crimes based on sexual orientation, gender, or disability. And even in cases of hate crimes based on race, religion, or ethnic background, it contains excessive restrictions requiring proof that the victims were attacked because they were engaged in certain "federally protected activities."

This "federally protected activity" requirement is outdated, unwise, and unnecessary. There is no reason why the Justice Department should have to prove that someone was engaging in a "federally protected activity" before a case can be brought. This requirement severely limits the ability of the Justice Department to respond to hate crimes against Catholics, Jews, Muslims, and other religious groups. And it hamstrings the Department in its effort to respond to hate crimes motivated by the victim's race or ethnic background.

Our bill is designed to close these substantial loopholes. It has six principal provisions:

No. 1, it removes the "federally protected activity" barrier.

No. 2, it adds sexual orientation, gender and disability to the existing categories of race, color, religion, and national origin.

No. 3, it protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case.

No. 4, it offers Federal assistance to State and local law enforcement officials to investigate and prosecute hate crimes in any of the Federal categories.

No. 5, it offers training grants for local law enforcement.

No. 6, it amends the Federal Hate Crime Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability.

These much needed changes in current law will help ensure that the Department of Justice has what it needs to combat the growing problem of hate-motivated violence more effectively.

Nothing in the bill protects or punishes speech, expression, or association in any way—even "hate speech." It addresses only violent actions that result in death or injury. The Supreme Court has ruled repeatedly—and as recently as this year, in the cross-burning decision Virginia v. Black—that a hate crimes statute that considers bias motivation directly connected to a defendant's criminal conduct does not violate the First Amendment. No one has a First Amendment right to commit a crime.

A strong Federal role in prosecuting hate crimes is essential, because crimes have an impact far greater than their impact on individual victims. Nevertheless, our bill fully respects the primary role of State and local law enforcement in responding to violent crime. The vast majority of hate crimes will continue to be prosecuted at the State and local level. The bill authorizes the Justice Department to assist State and local authorities in hate crimes cases, but it authorizes Federal prosecutions only when a State does not have jurisdiction, or when it asks the Federal Government to take jurisdiction, or when it fails to act against hate-motivated violence. In other words, the bill establishes an appropriate back-up for State and local law enforcement, to deal with hate crimes where states request assistance, or cases that would not otherwise be effectively investigated and prosecuted.

Working cooperatively, State, local and Federal law enforcement officials have the best chance to bring the perpetrators of hate crimes to justice. Federal resources and expertise in the identification and proof of hate crimes can provide invaluable assistance to State and local authorities without undermining the traditional rule of States in prosecuting crimes. As Attorney General Ashcroft has said of current law, "Cooperation between federal agents and local law enforcement officers and between Justice Department prosecutors and local prosecutors has been outstanding." And it will continue to be so, and be even more effective, when this legislation is enacted into law.

Now is the time for Congress to speak with one voice and insist that all Americans will be guaranteed the equal protection of the laws. Now is the time to make combating hate crimes a high national priority. The Local Law Enforcement Enhancement Act is a needed response to a serious problem that continues to plague the nation. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Iowa.

MINIMUM WAGE

Mr. HARKIN. Mr. President, I compliment Senator KENNEDY on the statement he made regarding the minimum wage. I wanted to engage in a colloquy about that, but I was called off the floor on other matters.

I think Senator KENNEDY has made it quite clear that, rather than this being one of the throwaway issues that maybe we will address as we go through the year, increasing the minimum wage for the people of this country ought to be No. 1 on our agenda. We ought to be doing this right now.

We had the medical malpractice bill up earlier this week. We spent a couple of days on it. Everyone knew it was not going to go anywhere. Even by their own admission, some Republicans, in the newspapers at least, said it was a political exercise—according to some, in the newspapers. Whether it was or not, everyone knew it wasn't going to go anywhere. Yet here so many Americans are making the minimum wage which, I am sure was pointed out, is now less than the poverty level. It is about $4,000-some less—I think $4,500 below the poverty level for a family of three.

It is unconscionable that over the last 7 years, the Congress—the Senate and the House together—has raised its own salaries, our salaries, by $21,000 a year. We have done that in the last 7 years. Yet a minimum wage in this country today is $10,500 a year, less than half of what we just increased our own salaries by over the last 7 years. That is what is unconscionable.

These are working people; they are not on welfare. They are working. They are getting the minimum wage. Yet they are earning less than poverty level in this country. If nothing else, at least the minimum wage ought to get you above the poverty level. That is what we ought to be about.

So I compliment Senator KENNEDY for bringing this to the floor. I hope we can have this amendment on a bill here very soon, so we can express ourselves in a realistic way.

Another myth on the minimum wage I hear all the time is that so many of the people making minimum wage are just part-time earners; they are young kids just starting out, on and on. I hear that all the time.

The fact is that 70 percent of those affected by the minimum wage are adults, working adults; 35 percent—one out of three—are their family's sole earner. As Senator KENNEDY pointed out, almost two-thirds of the time these are women. These are single mothers; they are working; they are making the minimum wage; and they are the sole supporter of their family. So these are not just young kids getting a minimum-wage job to supplement the family income. As I said, more than 60 percent are women, one-third are mothers of children.

So I thank Senator KENNEDY for bringing this issue to our attention. I just find it unexplainable. How do you explain to people of this country we took all this time this year, we had this big tax break for the most wealthy in our country, yet we cannot even take a half a day, 2 hours to debate and pass an increase in the minimum wage?

President Bush has spent a lot of time talking about tax breaks, getting his tax break bill through—which helps mostly the most wealthy in this country, yet not one peep from this President in almost 3 years about increasing the minimum wage, not even one peep from this President on it.

So I am hopeful sometime before we break in August we can bring this up and pass it and get it to the President's desk. I know that is probably wishful thinking but hope springs eternal. I think that is what we ought to be doing here in the month of July.

One other thing: I said earlier we had the medical malpractice bill up. Really, what we ought to be talking about is the economic malpractice of this administration. That is what I call it—President Bush's economic malpractice. The victims of this malpractice are working Americans.

I just talked about the minimum wage and the need to increase that. Look at the unemployment rate. It is now 6.4 percent, the highest level since April of 1994. That amounts to 9.4 million people looking for work who cannot find any. Under President Bush's leadership, we have lost 3.1 million private sector jobs.

This week the Senator from Washington, Mrs. MURRAY, offered an amendment to extend emergency unemployment assistance to the 1.1 million long-term unemployed. These are people who have been laid off since the recession began—early last year. They made futile searches for jobs that were not there, and then, unfortunately, we lost the job assistance amendment Senator MURRAY offered.

We are still losing jobs every month; 33,000 last month.

The economy is limping along. Now we are going to have a $400 billion deficit facing us this year.

I read in the paper this morning that we now have some estimates on what it is costing us in Iraq—$4 billion a month; $4 billion a month. I have to tell you, if history shows us anything, those figures are lowballed. If this administration—I say it about any administration—comes up with figures like this, you know they are lowballing it. I bet you when the facts are in and when all the costs are in, by the end of the year when we look back at the cost of our being in Iraq, it will approach $5 billion a month. That is somewhere between $50 billion and $60 billion this year. That is not counting Afghanistan. Afghanistan is costing us somewhere over $1 billion a month.

Again, I think that is lowballing it. I think it is probably a lot more than this.

When you take Afghanistan and Iraq and put them together, you are talking about somewhere in the neighborhood of between $60 billion and $75 billion this year on top of a $400 billion deficit.

What is the administration's response? Don't increase the minimum wage, pass record tax cuts for the wealthiest, and then they push through a sham Medicare prescription drug bill that is going to force seniors to pay more out of their pockets before they can get their prescription drugs.

Right now there is a rule being written and proposed by this administration that will take money out of the pockets of hard-working Americans. This has to do with the issue of overtime pay.

This spring, the Labor Department proposed a regulation that would exempt perhaps up to 8 million workers from overtime pay. Overtime pay means up to 25 percent of a worker's annual income. Who are we talking about? We are talking about nurses, police officers, firefighters, emergency medical technicians, retail managers, journalists, medical therapists, paralegals, managers of fast food restaurants, among others who will now be put in a different category. Just by a new regulation they are going to be put into a new category so they will not be paid overtime pay.

Last week, 43 Senators sent a letter to the Secretary of Labor asking that the administration back off of this proposal. What does this proposal do? It expands the overtime exemptions by making it easier for employers to reclassify hourly workers and make them salaried workers, and then dramatically lowering the bar on which salaried workers are exempt from overtime pay protection. The result is millions of Americans earning—get this—more than $22,100 year—we are not talking about people making $100,000 $200,000 a year. We are talking about people making $22,100 a year and currently eligible for overtime who will be denied overtime pay under the proposed changes. What it means is the end of the 40-hour workweek. It means workers will spend more time away from their families because they will be forced to work longer hours.

But guess what. They won't be compensated for it. At least now, if someone is spending over 40 hours a week working and they are away from their family, they get time and a half overtime and compensated, which may help make up for a little bit of time they spend away from their families. Now they will be working more than 40 hours away from their families, and they will not be compensated for that.

It is not only bad economic policy, it won't create one new job. But it will also harm families by keeping the breadwinner away from their family for longer periods of time without giving them adequate compensation.

According to the U.S. Department of Labor estimates, the proposed rule changes would mean between 2.1 million and 3.3 million workers would face unpredictable work schedules because of an increased demand for extra hours for which the employers would not have to pay time and half. It just makes sense.

If you are an employer and the people working for you work over 40 hours, they are paid time and a half. You have to think about this. Does that justify keeping them on at time and a half? However, if by a little stroke of the pen you can reclassify them from hourly wage earners to salaried wage earners, you can get them to work 45 hours a week and not have to pay them one red cent more.

Again, with one stroke of a pen, I can get them to do more work and not have to pay them one additional penny.

Why wouldn't you do that? Of course, you would do that.

This regulation will open the floodgates for employers to help their bottom line by getting more work out of employees without paying them any more money. That is why we passed the 40-hour workweek. We are actually turning the clock back.

Senator KENNEDY pointed out this morning that we passed the minimum wage bill in 1938. By exempting these people from overtime pay we are turning the clock back even pre-1938 in terms of working conditions.

According to the GAO study, employees exempt from overtime pay—understand this—are twice as likely to work overtime as those covered by overtime pay. That is a GAO study. There you go. It makes sense. You are covered by overtime, and maybe you won't get that overtime. But if you are not covered by overtime, why not work a few hours extra every week because you are not being paid for your labor?

Yesterday, in the House of Representatives there was an amendment by Congressman OBEY of Wisconsin that would block the administration's proposal to deny millions of Americans overtime pay. Sadly, that lost by three votes. I was watching the vote last night. I noticed that they held the vote open. Actually, the proposal by Congressman OBEY won. The vote was held open, and I saw some switches being made. Finally, they got three people either to switch or something. So the vote, if I am not mistaken, was 213 to 210.

The proposal to block the administration from making these changes failed by three votes in the House.

I think one of the reasons it lost was there was a lot of misinformation about what the amendment would do. I have an amendment that is almost a mirror image of what Congressman OBEY offered in the House. I will be offering it at the first opportunity we have to do so on the Senate floor.

Basically, my amendment would prohibit the administration from exempting more workers from overtime pay who are currently eligible under the law. That is it. It is very simple and very straightforward. I look forward to offering this amendment to protect the 40-hour workweek, and to protect hard-working Americans who sometimes are caught between whether they want to spend more time with their family or maybe work overtime. At least if they work overtime they get compensated for it. This amendment would protect them and their families.

The administration's proposal will not, as I said, create one additional job. It will not do anything to put money back into the pockets of working Americans.

Couple that with their intransigence on raising the minimum wage, and what you have is what I call "President Bush's economic malpractice"—economic malpractice on hard-working Americans.

We need a real job growth plan in this country. We need to increase the minimum wage. We need to provide a real Medicare prescription drug benefit. We need to provide real incentives for businesses to create new jobs—not these kinds of incentives that will not create additional jobs but will allow employers to work employees longer than the 40-hour workweek without giving them just compensation. It is bad policy. It is economic malpractice.

I look forward to offering this amendment at the earliest possible time so the Senate can speak on this issue, and hopefully we will have enough votes in the Senate so the administration will back off this ill-timed and ill-advised proposal.

I would like to know who really came up with this idea that somehow we are just going to, with the stroke of a pen, exempt people from overtime pay who are now getting it; we are just going to reclassify them. Well, I would like to know who that misguided "genius" was behind that decision. And whoever it is ought to have no place in this Labor Department or in this administration or anywhere in government.

So I hope we can take this amendment up as soon as possible, and I hope the Senate will approve it.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

INACCURATE INTELLIGENCE INFORMATION

Mr. DURBIN. Mr. President, there has been a great deal of debate in Washington, DC, about the circumstances leading up to the invasion of Iraq earlier this year. No one has come to the defense of Saddam Hussein, nor should they. He was a tyrant who oppressed his people. The fact that he is out of power is in the best interest of not only the people in Iraq but in the Middle East and the world.

But leading up to our invasion of Iraq were a series of statements and events from the administration justifying our role and our leadership. They were hotly debated on the floor of the Senate last October, leading to a vote on the use of force resolution—a vote which 23 of us opposed, believing that if we were going to be engaged in Iraq, it should be on an international basis, using the United Nations and other countries to join us in a coalition that would not only lead to a successful military invasion but also to a successful peace afterward, stability in Iraq for years to come.

The prevailing view, the majority view in the House and the Senate, was otherwise, giving the President the authority to go forward with this military invasion of Iraq. And so, for the months that followed between October and the ultimate invasion, the administration came forward with additional evidence, additional statements, and additional rationalization for our role and our leadership.

One of the key moments in the development of this case against Iraq and support by the American people was President Bush's State of the Union Address. It is a historic gathering each year, where a joint session of Congress comes together in the House Chamber, joined by the President's Cabinet, the Supreme Court, the diplomatic corps, and scores of people in the balconies, as the President comes and speaks from his heart to the American people. It is probably the most closely watched and covered Presidential speech of any year, and should be, because the President really tries to outline where America is and where it is going.

So we listened carefully to each word. And many times during the course of that speech, President Bush made his case for the United States invasion of Iraq. One of the statements he made during the course of that speech has taken on quite a bit of controversy. It was a statement that the President made, attributing to British intelligence sources, which suggested that from the African country of Niger there was a sale or shipment of uranium which could be used for nuclear weapons in Iraq. President Bush said those words in his State of the Union Address. And, of course, this was growing evidence of our concern about the increased militarization of Saddam Hussein and his threat not only to his people and the region but to other nations as well.

This was one of many elements in the President's case against Iraq, but it was an important one because there was the belief that if Saddam Hussein had moved beyond chemical and biological weapons and now could threaten the world with nuclear weapons, he had to be viewed in a different context, as a much more dangerous leader than ever before. So people listened carefully to President Bush's statement.

But then, after that State of the Union Address—within a matter of days—questions were being raised as to the truthfulness of the President's statement, whether or not it was accurate to say that uranium or any type of nuclear fissile material had been sent from an African nation to Iraq. The debate ensued for many months, even as the invasion started.

Last night, CBS issued a special report based on statements coming out of the Central Intelligence Agency. Those statements are very troubling. Those statements indicate that America's intelligence agencies came to the White House before the State of the Union Address and told the National Security Council there was no credible evidence linking Niger or any African nation with providing nuclear fissile materials to Iraq, and despite that statement from the CIA to the National Security Council, and to the White House, decisions were made in the White House for the President to go forward with his speech saying exactly the opposite, carefully wording it so that it attributed that information to British intelligence sources, carefully making certain that the President did not allude to the fact that American intelligence sources thought that was not a credible statement.

So where do we stand today? The President said earlier this week that he apologizes, that that was an unsubstantiated remark and it was not accurate. And now, with this release of information from our intelligence agencies, reporters, who are traveling with the President and his group in Africa, are asking the leaders of the White House who made this decision, who decided to go forward with the statement in the President's State of the Union Address which was not accurate, which was misleading.

Condoleezza Rice, the President's National Security Adviser, insists that George Tenet of the CIA approved this information that was included in the President's speech. George Tenet, in a press report, said he did not, he was not involved in making that statement to the White House. Two of the highest officials in the Bush administration are at odds as to who was responsible for that information. That question has to be asked and answered, and it has to be done so immediately.

I can think of nothing worse than someone at the highest level of leadership in the White House deliberately misleading the President or deliberately misleading the American people about something as essential as whether or not nuclear materials were being sent into Iraq before our invasion.

What was at stake, of course, was not just another foreign policy debate. What was at stake was an invasion of military force, largely led by the United States, putting American lives on the line.

The case was being made in that State of the Union Address for the American people to rally behind the President, rally behind the troops, and invade Iraq. And now we know that one of the elements—one of the central elements—in that argument was, at best, misleading—that in fact we knew better. We knew, based on our own investigation, based on a visit by former Ambassador Joe Wilson, based on the evidence of forged documents, that uranium and other fissile materials were not in fact transported from Niger to Iraq. Despite that, in the State of the Union Address, exactly the opposite was said.

Yesterday, on the State Department authorization, I offered an amendment, a bipartisan amendment, joined in by several of my Democratic colleagues and many of my Republican colleagues, calling on the inspectors general in the Department of State and the CIA to get to the bottom of this, and do it immediately. I believe the American people deserve an answer. We need to know what White House official decided to distort the intelligence information and give the President a statement which was in fact misleading.

I want to make it clear that there is no evidence whatsoever that the President knew this information was inaccurate. I do not make that accusation, nor will I. But someone knew. Someone in the White House knew the National Security Council had been briefed and told that this information was not accurate, and yet it was still included in the State of the Union Address. It really calls into question the leadership of the White House and our intelligence agencies. And I can tell you, now, more than ever, we need to have the best intelligence sources in the world.

You cannot successfully wage a war on terrorism without the very best military intelligence, without the best information about those threatening the United States. It has to be credible evidence. The people in the intelligence agency have to have a sound working relationship with the White House and the Congress. What we saw in the State of the Union Address was a breakdown of that relationship. That does not make America safer. It makes us more vulnerable.

Secondly, this is a Nation now pledged to a policy of preemption. We are prepared, according to this President, to invade a nation that may threaten us, even if they do not apparently pose any imminent danger to us at the time. How do you reach the conclusion that a nation threatens us? Clearly from intelligence information. Clearly, the intelligence coming out of the CIA, the Defense Intelligence Agency, the National Security Agency, and others has to be delivered to the National Security Council and to the President in a credible fashion. Yet we have clear evidence that the chain of communication which we count on for the security of our Nation broke down when it came to the President's State of the Union Address.

The credibility of our President is on the line. I believe he should move forward as quickly as possible to call for a full investigation. We should be able to point to those people responsible for putting this misleading language in the State of the Union Address. They should be held accountable, and they should be dismissed. That is inexcusable conduct by someone at that level of government to mislead the President or allow him to mislead the American people.

It is interesting to me that this issue is gaining ground and velocity as the President travels overseas. I certainly wish that were not the case. It would be better for him to be home because he has an important mission in Africa and a message that now will not be as clear because of this surrounding controversy. It is incumbent on us in Congress in our oversight role, and it is incumbent on the press corps in America to stand up to their responsibility to ask the hard questions and, in asking those questions, find out who should be held accountable for this misleading statement in the President's State of the Union Address. We owe it to the American people to give them the answers, to tell them that in the war on terrorism our intelligence sources are credible, that they have a good linkage and dialog with the White House and that the linkage will make America a safer place.

Someone made a decision to twist and distort this information for reasons which have yet to be disclosed. As we led to the buildup to the invasion of Iraq, that was one of the things the American people believed because they heard it from their President. The President in the State of the Union Address speaks from the heart to the American people. He should be believed. In that situation, he needs to have the very best advisers and staff near him giving him accurate information. We now know that the President has been embarrassed by information which he said and has now had to say to the American people was not true. That has to change. People have to be held accountable. That should be done immediately.

If Congress cannot force this investigation, the President, as our leader, as the person responsible for the executive branch, should initiate this investigation on his own, find those responsible, hold them accountable, and dismiss them from the Federal Government.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for up to 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I come to the Chamber to speak about a very important subject, one we will be debating more vigorously next week when we return. Hopefully, we will be back on the subject of energy independence and energy policy for the Nation. The Chair and I serve on a subcommittee with responsibility in that regard, and we both work closely with Senator DOMENICI and Senator BINGAMAN on fashioning energy policy. We will soon be back on that. I wanted to make a couple of comments regarding several important aspects of the energy legislation.

Before I do, I would be remiss if I did not associate myself with the remarks of the Senator from Illinois. He raises a very important point, a critical point, one that deserves the full attention of the Congress and the administration.

As most Americans are well aware, we are going to be conducting war in a very different way than we have conducted it in the past. The visions we all have growing up, and some of us even from personal experience in fighting in World War I or World War II or Vietnam of Korea, are going to be very different than what we face in the future. Wars are not necessarily going to be fought nation against nation, army against army, air force against air force, but they are going to be fought by our military and our homeland security apparatus and our intelligence, along with multinational intelligence against terrorist cells, some of which are not state-supported. Some cells are very difficult to find, as we know from experience because we have yet to find the leaders of two of the worst terrorist organizations in the world.

Intelligence has always been so essential to war, having the generals on the battlefield know more about the enemy than the enemy knows about us. Intelligence has been critical in winning in times past, and there is no substitute. No amount of manpower or womanpower, no sophistication of weapons systems, no strategic battle plans can take the place now in the wars we are going to face, because it is a war against terror, than complete excellence through and through at every level in our intelligence apparatus.

It does not have to be only American intelligence. We have to have an international intelligence network with our allies that is the most superior ever in the world if we are going to protect the American people and act in their best interest, to use our resources wisely and to win the war against terror.

This is not something in which I like to engage, not only as a Senator but as a mother. I am not engaging in a war on terrorism so this is going to be a permanent situation. I engage in the war against terror to provide for a world where my children, who are now 11 and 6, don't have to engage. We want to win the war and win it in 5 or 10 or 15 years. It is incomprehensible to the American people that we would be engaged in such a war over the next 50 or 60 years. We want to win. We want to show the world a better way. To do that, we have to have the very best intelligence we can. The Senator from Illinois raises a very important point. While there might not have been purposeful manipulation, while no one here wants to accuse the President in any way, there are clearly some problems right now, based on the information we are receiving about who knew what and what reports were adhered to, what were pushed to the side, what information was provided and what was not.

For the overall credibility of our intelligence, the credibility of our military, the credibility of our Government, this information must be investigated more fully. The truth must come to light. The appropriate actions must be taken so we can move on to improve the current situation, which is extremely difficult.

I associate myself with the comments of the Senator from Illinois regarding our intelligence personnel.

ENERGY

Ms. LANDRIEU. Mr. President, I commend the majority leader from Tennessee who told us in no uncertain terms this week that the Senate will not be going to an August break until we have an energy policy adopted by the Senate. I thank him for his leadership, thank him for his vision, and thank him for basically drawing the line so that we in the Senate can get focused on bringing this important piece of legislation to a close, tying up some loose ends. There are some three or four major amendments that still need to be debated and discussed on the Energy bill, but we are close to the end under Senator DOMENICI's leadership, with Senator BINGAMAN. I have been proud to be a part of that effort. I look forward to closing out the debate in the Senate with a very fine bill, a bill that is balanced, that encourages more production, encourages more conservation, and sets a framework for an energy policy for this Nation that we can be proud of, and equally important, if not more important, that can grow jobs, that can get the job growth trend moving back in the right direction. Not that this could do it all by itself, but having a strong, clear energy policy for this Nation could be a big boost in terms of getting jobs recreated in America and giving business the certainty they need so they can make good and wise decisions for their shareholders and stockholders and begin to increase the vibrancy of this economy.

I rise to talk about a very compelling presentation made by Chairman Greenspan yesterday on this subject. He shared a couple of his thoughts, and I thought it would be a good idea for me to try and express some of what he said in a way by adding my own thoughts and comments, because I think what he said and what he showed was quite compelling.

The energy situation is a hard subject for a lot of us to grasp. We cannot exactly see electricity. It is not like it is on every street corner. We know about schools and we can deal with health care, because there are hospitals and there are schools and we all have personal experiences. The energy issue is a lot harder for us even to grasp as policymakers and for our constituents to grasp because we cannot see big pieces of it. So it is a policy that takes extra time and focus, which Senator DOMENICI and Senator BINGAMAN have given.

I thought this chart would be helpful. This was a chart that was shown in the energy hearing yesterday with Chairman Greenspan, and I think more than any other chart it shows one of the major dilemmas facing the Nation right now in terms of energy policy.

We can see clearly that up until about 1996, we were generating capacity for electricity by fuel type in a variety of different ways: Petroleum in the dark purple color; hydrogen in blue; nuclear in green; gas in a fuschia color; and coal in black. We can see with one glance that it was a pretty interesting and balanced mix of what we were using to produce electricity in this country.

Then all of a sudden something pretty extraordinary happened, and one does not need a Ph.D. or an MBA or even be on the Energy Committee to understand this chart, and that is that in 1996 the world changed. All of the capacity, or virtually all of it, started to be built in anticipation of using natural gas. People say to me, Senator, why did this happen? Did the Congress mandate that everyone do this in the country? Was there major legislation?

The answer is, there was not one thing. It was not a Presidential Executive Order. We do not order our industries in that way. It was not one congressional act. It was a confluence of things that had to do with a couple of big policy decisions the Congress made.

One policy was we must begin to clean up our air. Our air is too dirty. We need to clean it up. We have all of these coal-fired plants that, prior to clean coal technologies, were polluting our air. Our children were getting asthma. People were complaining, rightfully so, about some of the air pollution issues.

So Congress acted, and with the Clean Air Act of 1990, and then in 1996 when some rules and regulations came out, the industry said, let's move to a fuel source, natural gas, that meets these clean air standards, that helps to reduce air pollution. They began building, in anticipation of this regulatory mode and public demand for cleaner air, natural gas.

Although we do not produce a lot of coal in Louisiana, I am mindful of

States such as West Virginia and Pennsylvania that do. Meanwhile, work has gone on in research to clean up the coal and we will anticipate in the future having coal become more of a mix, but it will be cleaner, it will be better, and it will be far less polluting than what was happening back in 1965, 1970, 1975, and 1980.

Great thanks goes to Senator DOMENICI, who almost singlehandedly can claim credit—he is too modest, but I can most certainly say he can almost singlehandedly claim credit for the revitalization of the nuclear industry. While it has its critics and while there are people who still do not believe in nuclear power, it is becoming clear, based on science and fact, not myth and fear, that as we begin to deal with the waste issue of nuclear power, just like gas, nuclear power produces energy in a way that does not pollute our environment and helps us to keep the air as clean as possible in the United States and, for that matter, in North America and the world, to clean up our Nation's air.

When our bill passes, nuclear will become a part of this mix. So we hopefully will see a little more black, a little more green, and petroleum will probably remain steady. We can see it is a very minor portion of our electricity.

We use petroleum to drive our cars and buses. It is used more in the transportation sector. But when we are talking about electricity, which underlies all of our economy, our manufacturing, our agriculture, everything, it is basically produced by natural gas.

What is the problem, then? The problem is that the prices of natural gas have tripled in the last 18 months. Whether one is in Oregon, California, or a State such as Louisiana, New York, Illinois, or New Jersey, believe me, our businesses are suffering. They are closing, consolidating, and laying off workers. Any businesses that rely in large measure on natural gas to produce their products, whether it is petrochemical or fertilizer or ammonia, are feeling the brunt of prices doubling and tripling.

Why are prices doubling and tripling? Because the capacity has been built up, but there is not an adequate supply. At the same time, we have had policies promoting the use of natural gas at the very same time, in the very same Congress, we have then implemented policies that discourage the production of natural gas because we put moratoria down around the country. We cannot drill even though we know there is a lot of gas. Billions and trillions of cubic feet of natural gas on the Outer Continental Shelf, in the interior, in Alaska, are off limits from drilling. We are not encouraging as aggressively as we should the importation of liquefied natural gas, again based on myth and misinformation about the dangers or benefits of such a transfer, which brings me to what Alan Greenspan said.

Alan Greenspan said he is not an energy expert, but he knows something about jobs, he knows something about the economy, and he says we cannot sustain this imbalance. We cannot sustain the imbalance between the demand for natural gas and our lack of willingness to supply it because the supply and demand is so out of kilter that these high prices will damage the recovery of our economy and we need to increase the supply of natural gas.

He said two things. He said he would prefer to increase the supply of natural gas by domestic production.

But he realizes, based on all sorts of concerns—political and environmental—that in a short time that is unlikely. So the chairman, wisely—and I agree—said we should pursue a policy of importing liquefied natural gas production, but not just a plant, not to take the place of domestic production, but to complement it.

The people in Louisiana would think it is a reasonable policy. We first say let's open up areas of natural gas production. Louisiana already opened up much of its land, both offshore and onshore. We say over and over again we are happy to host the industry. We recognize we have made some environmental errors in the past. But today, these rigs are not your grandfather's oil rigs. They are run by computers. They are much more safe for the operators of the rigs—for their personal safety, as well as the safety of the environment.

In fact, there was a front-page article—and I will submit it for the RECORD—several weeks ago in New Orleans, where they claim—and I believe it because I have experienced this myself—some of the best fishing in the world is around the rigs in the Gulf of Mexico. Why? Because the rigs themselves create artificial reefs. You cannot have good fishing and the growth of marine life without good reefs. Coral begins to grow on and attach to these reefs as artificial reefs are created that are really increasing the health of the marine life in the gulf. A lot of people don't want to believe that because they want to believe that everything associated with oil and gas is terrible and damaging, and actually the facts are the opposite.

So while Louisiana remains a promising place, and in Texas and Mississippi, and off the Continental Shelf, I must say there are many reserves in Florida and in other places in the Outer Continental Shelf that need to be pursued. Now, whether we decide to drill, that would have to be left up to the political establishment, the political framework. But we should have an inventory of where those reserves are. We should at least know what our reserves are, which is part of what is in the bill.

Chairman Greenspan agreed that we cannot sustain—if we want new jobs for the Nation, we cannot sustain this out of balance. How do we fix that?

Let me show another chart that is pretty startling. One of the ways is to ask every State and region to just pull their own weight. It is not a new concept in America. Our country was founded on a very simple principle: Those who work get to eat; those who produce should consume; those who are unwilling to work or do their part, unwilling to produce, and if they are able, should go without. All able-bodied men and women should pull their own weight. It is just a fundamental value and principle in America. Our country cannot operate on any other value. We do that pretty well in some areas, but we are not doing very well in the area of energy production.

You can see from this chart, which is colorful and easy to understand, that these States, starting with California and New York, and going all the way down to Louisiana and Wyoming—I should say all the way up in this case, as this is positive and this is more negative. These are the States that are consuming more than they are producing. This is the energy deficit in the Nation.

We talk a lot about deficits and budget deficits. We talk about health care deficits. But the energy deficit is very important to discuss and understand.

The United States imports more energy than we consume. Why is that? It is because some States and some regions are not producing nearly what they consume. We are relying on just a few States to be net exporters of energy. Those States are Utah, Colorado, North Dakota, Montana, Oklahoma, Kentucky, New Mexico, Alaska, West Virginia, Louisiana, and Wyoming. They are all net exporters of energy. We produce a lot of energy from a variety of different sources—maybe it is hydro, maybe it is coal, maybe it is oil and gas, or maybe it is nuclear. But we don't consume as much as we use, and then we send out our excess to other States.

You can see that Wyoming gets the prize. They are the top State for producing energy, consuming little and sending out 8,000 trillion Btu's in excess to be used by their neighbors and the rest of the Nation. One of the reasons is Wyoming is a relatively unpopulated State, with only about 450,000 people. They have a large landmass, and they are blessed with a lot of natural resources. They have a fairly pro-production mindset in Wyoming. So they produce all that they consume and then they help the rest of the States with their very difficult situations.

Louisiana, which is also a net producer, could also win first prize in the sense that not only do we have 4.5 million people, we produce enough for our own consumption, but we are also a highly industrialized State. Most of the petrochemicals, fertilizers, and many plastics are produced in Louisiana. Not only do we produce enough energy for our residents, but for the industry in our State, which sends their products into the country and the world. On top of that, we still send out electricity for everyone else. It is the same thing for West Virginia, which is more like Wyoming. They are not an industrial State, but they are blessed with a lot of natural resources. And there is also New Mexico, et cetera.

Let me talk about this part of the chart for a minute. They are big States. California is blessed with natural resources, and New York, Ohio, and Florida consume a tremendous amount of energy. Yet because of policies that their States have enacted, and maybe because of a lack of understanding about how much they actually are consuming, they basically refuse to produce any energy—or enough energy. Year after year, decade after decade, they consume and consume, and they refuse to produce. What happens, then, is because of that, the Nation has an energy deficit and we have to import oil or import liquefied natural gas from other places—sometimes places that are not friendly, sometimes places that are quite dangerous, sometimes countries that we would prefer not to be dealing with, except for the fact that they have the resources we need.

This has to change. Senators from these States would come to me and say: Senator, just because you want to drill for oil and gas in Louisiana doesn't mean we have to.

Well, they are right. If they don't want to do it, that is fine. But I say you have to produce it in some way. They can put up a nuclear powerplant, or two, or three, or four, or five, or dam some of their rivers to generate hydro power, or they can find some coal reserves and dig for some of their coal, or they can come up with alternatives, such as putting up windmills.

Interestingly enough, in one of the States—Massachusetts—which consumes more than it produces—there are some communities that are opposing the putting up of windmills offshore because people don't want to look at them. They don't like the way they look. They don't like the way oil rigs look or the way windmills look.

While they have a right to that opinion, I am not sure it is good policy for us just to completely eliminate sources of energy because some people might not like the way these structures look. They think "not in my backyard." But everybody wants to walk into a room and turn on the lights; everybody wants not one cell phone but several; everybody wants a laptop; they may want to own a business where they can use the energy sources and pay a little bit of money for that use, but they don't want to produce. It cannot sustain itself. We will either become more vulnerable to outside sources or we will drive businesses away from the United States and the North American Continent to other places where they can get an adequate supply of energy for cheaper prices. It will cost jobs in your State, in my State, or in New York or California.

When we lose jobs, we lose income from taxes. When we lose taxes for local government, the police force gets cut, the fire departments get cut, schools close. We have communities, perhaps in the State of the Presiding Officer, with 4-day school weeks. Who ever heard of such a thing? Four days of school? My children would like that, but I don't think for a nation trying to develop a skilled workforce we can afford to go to 3- and 4-day school weeks.

When we lose jobs, we lose income, the economy gets sluggish, we lose tax revenues, schools close, hospitals close, and it is a ferocious cycle.

Will fixing this fix everything? No. But fixing the energy deficit in this Nation will go a long way. It can be done if we come to grips with the facts.

Let me be clear because I don't want anyone saying the Senator's answer is for everyone to start drilling for oil and gas in their State. If some States or some regions do not want to drill for oil and gas, although they might have a lot of it, they need to think about what they will do. Will they dig for coal? Will they put up windmills? Will they construct nuclear powerplants? Will they use more hydro? Will they allow the damming of some rivers—not all rivers—to create the kind of energy they need?

What is not fair is to put these States in the position of having to produce all the energy for all the rest of the States and for these States to jeopardize the security of this Nation both from a national security aspect and an economic aspect because their policies will not be in line.

If any one of these States thinks they could enact within their States enough conservation to take up this slack, more power to them. If these States—whether it is Wisconsin, Pennsylvania, Georgia, or Florida—think, fine, we decided we do not want to produce anything, we do not like the idea of producing, we do not want to produce any energy, we will conserve, then fine. They can go to all their businesses and tell them you can only use electricity between the hours of 8 in the morning and 12 noon and close your business and come back the next day. If they think they could politically get away with that, that is a solution they also have—or coming up with alternative sources.

I am not trying to be unreasonable; I think the American people understand it. I don't know about the policymakers, but I promise people in Louisiana, people in Florida, people in California understand they have to produce energy if they are going to consume it. They can either produce more or conserve more. But to just put your head in the sand and say, A, we do not have a problem, or, B, we can get ourselves out of it by conservation only, that is the wrong way to lead.

Sometimes I am accused of wanting to bend or modify environmental laws or regulations. The reason I feel so strongly is I believe in clean air standards. I want to keep the air clean. If we can produce more natural gas, if we can produce more nuclear, if we can continue, as this bill proposes, to invest in clean coal technology, we could increase the supply of energy and clean up our environment. I want to move in that direction. I don't want to have to back up from those environmental standards we have set for ourselves. I hope we can do this.

We have an energy deficit. It is a national natural gas crisis. Chairman Greenspan has said he believes one of the solutions is to increase the supply of natural gas domestically and to try to create a framework in this bill to at least make it optional to import liquefied natural gas not only from other nations but Alaska, which is a rich source of natural gas. However, we must do something not only as a nation but as regions.

This chart shows the U.S. census regions and divisions. The Pacific West is represented, and then the Mountain States, the West North Central, the Texas and Louisiana region, and then the Northeast. This is not in the bill as drafted at this moment, but I will work on language that would begin to help these regions focus on energy independence.

I am not pulling this concept out of the sky because I met with some leaders from Canada. Much to my amazement, Canada has developed quite a different way than the United States. Each of our States has acted, of course, independently. We are the United States of 50 States acting independently. Canada has developed its electricity and energy system on a regional basis. They have six distinct regions and each region is self-sufficient. They each generate enough energy in their region—which makes a lot of sense—based on the natural resources in the region. One region has a lot of nuclear power because that is what their region decided. Another region produces a lot from hydro because they have the ability to do that. Other regions have gas.

And then they have the mix of supply. When, say, there is a drought in an area with the hydro and they do not have enough water, the other regions are able to meet the demand of that region because they have nuclear or they have gas. Say the price of natural gas goes up. That region, then, says no, we will not buy your gas; it is too expensive. And they get inexpensive hydro or less expensive nuclear. That competition is good. It helps everybody keep the price low and stable, which is the point. Canada operates in a very model way.

We are far from that model. We need to get closer to that model and eventually get Mexico in that model. Then we will have quite a robust North American model.

What we have now are individual States, and we are trying to break our States down a little bit, recognizing State rights and trying to work with the States but encouraging them to break up into regions and think about regional independence so Florida and Georgia and South Carolina can no longer say, we just want to consume, we want to get all of our power from Louisiana, or we want to get all of our power from Mississippi. This region should think, how are we going to sustain our region and come up with regional plans.

It will not be simple. It will not happen overnight. But this is a view of what potentially could be done.

Another chart demonstrates RTO, regional transmission organizations, which is happening now. This is not something in the far distance. This is underway now through regulation and through congressional bills and amendments we are passing, encouraging the development of these regional transmission organizations for the purpose of transmitting electricity.

On the same concept, we should be producing regionally a balance, so that no State should be allowed to simply consume and not produce. No region should be allowed to simply consume and not produce.

Different people say to me: Senator, some States produce wheat; your State does not produce wheat. But some States produce all the wheat and ship it to you and not every State has to produce wheat. That would be a pretty good argument except that people do not object to having wheatfields in their backyards. People want to grow crops; they want agriculture to be there. So we manage, as a nation. I grow a lot of wonderful cotton and sugar and soybean. We ship it up to the Midwest. They produce wheat and ship it down to us. That system is working fine because there are no environmental efforts to undermine the growing of our crops. But there are misguided environmental efforts to undermine the production of energy and electricity in this country, forcing some States to basically say: Not in my backyard, not today, not tomorrow, not anything—not oil, not gas, not coal, not nuclear, not windmills, not anything. And, by the way, we are not going to conserve very much. We conserve a little, but we still want to use all that we want, 24 hours a day.

It is not going to work. It never has worked in the history of the country, and it is not going to work today. So we have a problem. This bill we are going to adopt, thanks to the leadership of many on the Senate floor, will begin to solve some of these problems. For Louisiana and for the Gulf Coast States I think it will be quite a victory because we have done more than our share of production. We are happy to do it. We want to be more fully and equally compensated for that production. We want to share in the taxes that are generated from the production so we can invest in our infrastructure, in our environment, in saving our wetlands that are somewhat damaged by the drilling.

But it is not the primary culprit. The primary culprit in our case, which you cannot see here—Louisiana through the Mississippi River drains more than 40 percent of the continental United States. It also serves as a river for commerce for the whole Nation. Where we dam this river, the Mississippi River, and as we have tried to tame it, which is an ongoing process over the last 200 years, so this country could grow and expand, we now do not allow the river to overflow and to replenish the marsh. So we are losing a lot of this extraordinary wetland in the southern part of the State. It is not due primarily to oil and gas drilling. It is due to the commercialization and the leveeing and dredging of the greatest river system in the world.

So the country has an obligation to help us. We have a plan, and with good help, in this Energy bill we will begin to solve our wetlands problems, maintain good commercial navigation for the international trade that benefits not only our State but the whole Nation, and hopefully begin to get this country on a more commonsense approach to energy production and electricity use.

A national energy policy must address the regional challenges that confront our country. It must call for each region to use wisely the resources it can access in order to supply its particular demand for energy. For too long, individual States have prevented regions of our country from producing the energy needed, creating an energy deficit, all the while continuing to consume the majority of that region's energy. This bill must address the national gas crisis and the emerging energy crisis in America.

I need to make this one final point. It is the subject of a whole other speech, but I don't want to finish without saying this about another consequence of relying on outside sources of energy. California says we don't want to drill, not on our State, offshore, Outer Continental Shelf. Florida says we don't want to drill; we don't want to produce. Illinois and others say the same. What happens is, because we refuse to regulate our consumption or reduce it substantially—because, frankly, we can reduce some through technology and through alternatives, but we just can't restrict consumption because we will restrict economic growth, which we do not want to do.

But what happens, then, is we begin importing from other countries, countries that have lower environmental standards than we do, countries that have less capacity to enforce the meager regulations they have on the books, countries that are more desperate for jobs. Although we want them, there are countries desperate for them. So, inadvertently, we end up increasing pollution, damaging the world environment because we refuse to adopt commonsense principles, which are to extract national resources and develop energy on our own soil, off our own continental shelf, and minimize the degradation internationally.

If anybody wants to come to the Senate floor and debate that with me, I will be more than happy to debate it because I am scrambling for information. Perhaps I have gotten information incorrectly.

I am very concerned because America consumes so much oil and so much gas. I know a lot of that production comes from the Mideast. But now we are asking it of Venezuela and now we are asking countries in Africa. They want to, of course, because if they ship oil to us, their countries make money. They put their people to work. I understand that. We produce a lot of oil and gas.

But I am also well aware, as a producer, of the environmental degradation that can occur if we do not have strong rules and regulations, strong court systems, and a mature political system that can monitor it.

I say to the leaders in our country, when we force production off of our shore, we damage the international environment. It is not right. If some environmental organizations want to challenge that comment, then please do it. I urge them to send mail to me or send e-mails to me and tell me why I am wrong; that we can easily and clearly and without damage drill in other places of the world.

I don't believe it because I know what we went through in the Louisiana Legislature over 20 years ago, led by a group of very great legislators, to try to bring good rules and regulations to the industry. Now the industry is doing much better. But 30 and 40 years ago, people were not too interested in environmental rules and regulations. So I know what can occur when the rules and regulations are not there.

I wonder how the people of California or Florida might feel about the fact that, because they refuse to produce, somebody is producing somewhere for them, in places that do not have rules and regulations like they do, in places they cannot be enforced.

What about the children who live in those areas? What about the families who are struggling with meager incomes? What environmental legacies are we leaving in Third World countries around the globe?

For all the reasons—for independence, for national security, for jobs, for the economy, and for making this world a more beautiful place than we found it when we got here—I urge this Senate to take seriously the bill that is being put forward by both Senators from New Mexico, the chairman, and the ranking member, to pass an Energy bill before we leave for the August break. I will stand with them. The people of Louisiana support this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in San Jose, CA. On September 14, 2001, a young Muslim university student was forcibly elbowed out of line in a coffee shop. After pushing the young student, the man then told the clerk, "I'm an American, serve me first."

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, in 1994 I supported legislation which President Clinton signed into law a banning of the production of certain semiautomatic assault weapons and high-capacity ammunition magazines. The 1994 law banned a list of 19 specific weapons as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The 1994 assault weapons ban prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and accept a detachable magazine. Pre-existing military-style semiautomatic weapons were not banned. This law is scheduled to sunset on September 13, 2004.

Earlier this year, Senator FEINSTEIN introduced the Assault Weapons Ban Reauthorization Act, which would reauthorize this important piece of gun safety legislation. I am a cosponsor of this bill because I believe it is critical that we keep these weapons off the streets and out of our communities. Senator FEINSTEIN's bill also includes a provision that would ban the importation of large capacity ammunition feeding devices. This provision passed the Senate 59 to 39, as an amendment to the 1999 Juvenile Justice bill, and passed the House by unanimous consent. However, the 106th Congress never passed the Juvenile Justice bill because it got stuck in conference, and thus the import ban never became law.

Studies have shown that the assault weapons ban legislation works. According to National Institute of Justice statistics reported by the Brady Campaign to Prevent Gun Violence, gun trace requests for assault weapons declined 20 percent in the first calendar year after the ban took effect, dropping from 4,077 in 1994 to 3,268 in 1995. This indicates that fewer of these weapons were making it onto the streets.

If the law is not reauthorized, the production of assault weapons can legally resume. Restarting production of these weapons will increase their number and availability and inevitably lead to a rise in gun crimes committed with assault weapons. The Congress should act this year to reauthorize the ban.

PRESCRIPTION DRUG AND MEDICARE IMPROVEMENT ACT OF 2003

Mrs. LINCOLN. Mr. President, I rise today to reflect on the recently passed Prescription Drug and Medicare Improvement Act of 2003, S.1. I am pleased to support this bipartisan effort both in the Senate Finance Committee and here on the floor. I believe this bill represents a positive compromise and a good start for America's senior citizens and individuals with disabilities who have relied on the Medicare Program for generations. I hope that the conferees act deliberately and fairly in the coming weeks to embrace what is good about this bill and to retain its bipartisan spirit. This process has been a long road for many of us who have worked on this issue for years but it has been an even longer road for America's seniors, who have watched drug prices escalate while Washington failed to act. Like all legislative products, this bill is not perfect. I have worked to improve this bill for Arkansas seniors in many ways, and I am committed to correcting any problems with it as it is implemented.

Despite its shortcomings, which I will detail later, S. 1 is much better for Arkansans than the plan President Bush proposed earlier this year. First and foremost, S. 1 gives all Medicare beneficiaries access to a prescription drug benefit. Under President Bush's proposal, Arkansas seniors who wanted a drug benefit would have been forced to drop out of traditional Medicare and enroll in a private HMO instead, even though such a plan may not have been available in their area. Under the President's plan, seniors who remained in traditional Medicare would have received nominal discounts on prescriptions and a limited catastrophic benefit if they had extremely high drug expenses. I have said all along that it is simply unfair to deny a prescription drug benefit to beneficiaries in traditional Medicare. All 442,000 Medicare beneficiaries in Arkansas are currently enrolled in traditional Medicare with no access to Medicare+Choice because private insurance companies found the profit margin of health care insurance in rural areas to be too small. That is why Medicare needs to be there as a safety net. That is why prescription drug coverage must be a part of traditional Medicare. That is why the guarantee in S. 1 that traditional Medicare will pick up the slack where private insurers decline to operate needs to remain in the final version of this new policy.

Second, I helped ensure that S. 1 provides special assistance to our State's most vulnerable seniors—those with low incomes. Over 40 percent of Medicare beneficiaries in Arkansas have incomes below 160 percent of the Federal Poverty Level—in 2003, $14,368 for a single and $19,392 for a couple—and simply cannot afford to fill their prescriptions. These are the seniors who struggle to pay for food, heat, and other necessities in order to afford their lifesaving drugs, and I hear from them often. I fought in the Senate Finance Committee to ensure that seniors under 160 percent of poverty would get special assistance with their premiums, deductibles, and cost-sharing. Those with very low incomes who also qualify for an assets test would receive more generous help. I helped improve the low-income provisions even more on the Senate floor by working with Senators BINGAMAN and DOMENICI to increase the asset test levels from $4,000 to $10,000, adjust these levels yearly for inflation, and reduce the paperwork burden for eligible seniors. Because this amendment passed, many more seniors in Arkansas will receive help with the cost-sharing imposed under this bill. Today, lower income seniors only fill about 20 prescriptions per year, compared to an average of 32 for those with prescription drug insurance. These provisions will help ensure that lower-income beneficiaries will be able to afford to fill their prescriptions, keeping them healthier and helping them live longer.

I succeeded in including in S. 1 a number of other provisions that will improve the Medicare Program for Arkansans for many years to come. Two such provisions are based on legislation I introduced earlier this year, the Geriatric Care Act, S. 387. My first provision would provide for a 3-year demonstration project in Arkansas and five other sites on complex, chronic care management. Once this demonstration project is completed, S. 1 allows the Secretary of Health and Human Services, HHS, to use its findings to add this service as a part of traditional Medicare from 2009 to 2013 as long as it costs no more than $6 billion.

More than 80 percent of Medicare dollars are spent on Medicare beneficiaries with three or more chronic conditions like Alzheimer's disease, cancer, or diabetes. Better care management for these seniors should improve patients' overall quality of life and reduce the need for expensive hospitalizations for chronic conditions. It is my hope that this further, more extensive study of chronic care management provided by geriatricians and their health care teams will prove this. We in Arkansas are blessed to have the Donald W. Reynolds Department of Geriatrics and the Center on Aging at the University of Arkansas for Medical Sciences, whose geriatric specialists have vastly improved the care for seniors across our State. These provisions will make it easier for our medical school and others across the country to better care for patients with chronic conditions while also training more physicians in geriatrics. The other provision included in S. 1 provides the Secretary of HHS with the authority to clarify that geriatric training programs are eligible for 2 years of fellowship support under Medicare. This change would help maintain incentives for fellows to continue into second-year training, a critical pathway to careers in academics and geriatric research.

S. 1 also allows the Secretary of HHS to cover preventive benefits that aren't currently covered under traditional Medicare between the years 2009 to 2013. I have long fought to add new preventive services to Medicare, such as cholesterol screening, medical nutrition therapy services for beneficiaries with cardiovascular disease, counseling for cessation of tobacco use, and diabetes screening. These benefits are especially important for women, who are the majority of Medicare recipients and who make up 71 percent of the Medicare population over 85 years of age. By encouraging women to get screened for diseases like heart disease, osteoporosis, and breast cancer, we can save and improve lives.

I also succeeded in including my legislation, S. 1114, to provide Medicare coverage for kidney disease education services. Each year, some 80,000 people are diagnosed with chronic kidney failure—also known as end-stage renal disease (ESRD). Patients with ESRD require regular kidney dialysis treatments or a transplant to survive, and most are entitled to have this care paid for by the Medicare Program. Unfortunately, many of these renal patients are never informed that, prior to kidney failure, there are a number of steps they can take to improve their chances of having better outcomes with dialysis. Medicare currently requires that ESRD patients receive education on treatment options—but not until after the patient is already under the care of a dialysis clinic. Unfortunately, by then it is essentially too late to take advantage of much of the information. My provision makes counseling available to patients before dialysis is initiated to help patients understand all the therapies available for the treatment of ESRD. My amendment will save money and improve patient care.

I also succeeded in including an important amendment to ensure Medicare coverage for insulin syringes. Before my amendment, S. 1 provided no coverage for insulin syringes although it did provide coverage for insulin. Roughly 40 percent of the senior population with diabetes, or 1.8 million seniors, use syringes to inject insulin into their bodies to control their diabetes every day. Without coverage, syringe purchases—which can be especially expensive for seniors on fixed incomes—would not count towards cost-sharing and yearly maximum out-of-pocket expenses. My amendment changed that. Now, the bill ensures coverage for syringes and other necessary medical supplies associated with administering insulin as determined by HHS. Providing coverage for insulin syringes will help diabetic seniors who take insulin keep their disease under control. Syringe coverage will help seniors manage or prevent long-term complications of diabetes like kidney failure, blindness, and amputations by helping to keep blood glucose levels in a normal range.

I was also able to include a 3-year, 5-site demonstration project to determine the merits of allowing Medicare beneficiaries direct access to physical therapists' services within the Medicare Program, as authorized by State law. Currently, some 37 States, including Arkansas, allow direct access to physical therapist services. While non-Medicare patients can directly access such services in these States, Medicare beneficiaries are restricted from such access by the requirement that they obtain a referral from another practitioner. Requiring a referral is unnecessary and limits access to timely and medically necessary physical therapist services. This demonstration, which is designed to be budget neutral, will determine if direct access does in fact improve patient care and save Medicare money.

I also worked with Senator CRAIG THOMAS to include a bill we sponsored together, S. 310, to provide Medicare coverage of licensed professional counselors and marriage and family therapist services. Although the rate of suicide among seniors is higher than for any other age group, fewer than 3 percent of seniors report seeing mental health professionals for treatment. Lack of access to mental health providers is one of the primary reasons why older Americans don't get the mental health treatment they need. Not surprisingly, this problem is exacerbated in rural areas. Licensed professional counselors are often the only mental health specialists available in rural communities. This is true in Arkansas, where 91 percent of Arkansans reside in a mental health professional shortage area. This provision will significantly increase the number of Medicare-eligible mental health providers in Arkansas, providing better access for patients.

I was successful in working with Senator CANTWELL on an amendment that will restrict pharmacy benefit managers (PBMs), and require the Department of Justice and the Health and Human Services Inspector General to review PBM financial practices for any potential collusion between PBMs and drug manufacturers on drug pricing and availability. I also supported an amendment with Senator ENZI to ensure that pharmacists have the option of offering 90-day prescriptions when they are also offered by mail order.

I sponsored an amendment with Senator JOHN ENSIGN to repeal the $1,590 cap on outpatient physical therapy, occupational therapy, and speech-language pathology. The current therapy cap discriminates against the most vulnerable of Medicare beneficiaries. While the majority of enrollees will not exceed an annual $1,590 limitation on rehabilitation services, approximately 13 percent of seniors and individuals with disabilities covered by Medicare will be forced to pay for medically necessary services out of pocket. This is a particularly burdensome situation for beneficiaries living in rural communities. Most likely to be harmed are beneficiaries who have experienced a stroke or hip fracture or who have Parkinson's disease or other conditions that require extensive rehabilitation following injury or illness. Before Senator ENSIGN and I withdrew our amendment to repeal this cap, we discussed the amendment on the floor with the chairman of the Finance Committee, Senator GRASSLEY, who promised to work in the conference committee to enact a moratorium on the therapy cap.

I also succeeded in including a number of my amendments during debate of the bill in the Senate Finance Committee. The committee adopted my amendment to waive temporarily the late enrollment penalty for military retirees and their spouses who sign up for Medicare Part B and to permit year-round enrollment so that retirees can access the new benefits immediately. Currently, military retirees and their spouses who do not join Medicare Part B when initially eligible can only do so during the annual open enrollment season. This amendment was needed because many retired beneficiaries previously saw no value in enrolling in Medicare Part B because they believed they were promised lifetime health care in military treatment facilities, many of which were subsequently closed due to base realignment and closure.

The committee also adopted my amendment to establish an adult day services demonstration project for home health beneficiaries. A bill I introduced earlier this year, S. 1238, would give Medicare beneficiaries the option to receive their Medicare home health services in an adult day setting. This would be a substitution, not an expansion, of services and is designed to be budget neutral. The option of Medicare home health services in an adult day location has a number of important advantages for beneficiaries and their families, including: increased social interaction, therapeutic activities, nutrition, health monitoring, medication management, and enabling family caregivers to continue working, since care would be provided all day. More than 22 million families nationwide, or nearly one in four families, serve as caregivers for aging seniors, providing close to 80 percent of the care to individuals requiring long-term care. Nearly 75 percent of people providing care for aging family members are women who also maintain other responsibilities, such as working outside of the home and raising young children. The average loss of income to these caregivers has been shown to be over $650,000 in wages, pension, and Social Security benefits. The loss of productivity in U.S. businesses ranges from $11 to $29 billion a year. The services offered in adult day care facilities provide continuity of care and an important sense of community for both the senior and the caregiver. This important demonstration project will benefit women of all ages.

The bill also includes my amendment to ensure that Medicare Quality Improvement Organizations (QIOs), can assist providers, practitioners, benefit administrators and plans to improve the quality of care under the new Medicare drug benefit system. This will be consistent with the role that QIOs already play in ensuring quality health care.

These initiatives, among others, will dramatically improve the Medicare Program. I am also pleased that S. 1 includes a number of provisions that I have cosponsored over several years that will significantly help rural health care providers in Arkansas keep their doors open to Medicare beneficiaries. By correcting a disparity in the way the Medicare physician fee schedule values physician work, practice expenses, and professional liability insurance, Medicare will pay rural physicians more fairly for treating Medicare patients. Also, the bill contains several provisions contained in my bill with Senators CONRAD and THOMAS, S. 816, to correct the disparities in Medicare payments to rural hospitals. Rural physicians and hospitals in Arkansas will receive millions of dollars of extra Medicare reimbursements under this bill.

And now that I have discussed some of the positive aspects of this bill, I would like to focus on some of my concerns regarding other provisions.

I am concerned that private, drug-only plans may not provide the stability or predictability that seniors want and need. The insurance companies have told me they don't want to offer a prescription drug-only plan. The administrator of the Centers for Medicare and Medicaid Services has said such a plan "doesn't exist in nature." And, quite frankly, I believe we have proven through the Medicare, Medicaid, and Veteran's program that the Government can do it in a more cost-effective manner.

That is why I am glad the bill contains a Medicare guaranteed drug plan—or safety net—called the fallback. However, the fallback is that it is available for seniors for only 1 year at a time. That means if private insurers decide to test whether they want to offer the benefit in a community, seniors lose access to the fallback plan, even if the new plan is significantly more expensive for them or more restrictive. I offered an amendment to S. 1 that would have provided more stability for seniors by giving the fallback a 2-year contract instead of one. This would prevent seniors from having to switch plans from year to year with no end in sight. Although my amendment failed on a narrow margin, I will continue to try to improve the stability of the drug benefit by enacting this small, but important change to the fallback before the benefit starts in 2006.

I am also concerned about the fact that drug plans will vary throughout the country, meaning that seniors in Arkansas may have different premiums, cost-sharing, and formularies than seniors in other States. And, even worse, these plans can change their premiums, cost-sharing, and formularies every other year. I voted for many amendments to make the prescription drug benefit less volatile for seniors. For example, to reduce the variance in premiums across the country, I supported an amendment to limit variations in the amount seniors have to pay in premiums to only 10 percent above the national average, no matter where they live. I felt that we should give seniors some assurance that their premiums will not vary or increase unreasonably. Currently, all Medicare beneficiaries pay a $58.70 premium for physician services no matter where they live. Seniors should have this same stability in the drug benefit. I am concerned that under S.1, seniors in rural areas, who are often older and sicker, will pay higher premiums than seniors in urban areas. Unfortunately, this amendment to stabilize the premium was defeated. However, I succeeded in the Senate Finance Committee in passing an amendment with Senator SNOWE to encourage the Secretary of Health and Human Services to geographically adjust payments to plans to account for differences in drug utilization across service areas so that premiums wouldn't vary as much.

I voted for many other amendments to strengthen the drug benefit in this bill but they failed. I voted to make the drug benefit more attractive to seniors by closing the "coverage gap" that exists in S. 1. This gap may penalize sick seniors. Once a senior's total drug spending reaches $4,500 for the year, the benefit shuts down until her total drug expenditures reach at least $5,813, unless the senior qualifies for low-income protections. I voted to allow employer-sponsored retiree health plans contributions to count in this gap. I voted to eliminate the coverage gap altogether. I voted to prevent seniors from paying premiums when they are in the coverage gap. Unfortunately, all these amendments were defeated. I will seek to work with my colleagues to close this coverage gap before the benefit starts.

I also voted for amendments to contain the skyrocketing costs of prescription drugs. One measure that I supported, which passed, seeks to increase access to more affordable and equally effective generic drugs. I also voted for an amendment, which failed, to help consumers better compare the cost-effectiveness of prescription drugs. Finally, I voted for a successful amendment to allow wholesalers and pharmacists to import prescription drugs from Canada, which will provide substantial savings to consumers while ensuring their safety.

Another concern I have about S. 1 is its $6 billion experiment that starts in 2009 to test whether private insurance plans are more efficient and less costly than Medicare. To me and many others, the evidence we have already speaks to the fact that Medicare is more efficient. The Congressional Budget Office, the General Accounting Office, and outside experts all agree that private, preferred provider organizations and managed care plans cannot achieve the efficiencies Medicare can due to their need to make profits. Given these findings, I wonder how much of the "savings" this demonstration project seeks to achieve will come from privatization and how much will come from shifting more costs to seniors and health care providers? More importantly, I wonder why we couldn't have used the $6 billion to reduce drug costs to seniors by making the benefit better?

Medicare provides health care for a special population of Americans—millions of seniors, individuals with disabilities, and people with kidney failure—those who are uninsurable in the private market. Congress created Medicare in the first place because private insurance plans were failing to provide affordable health care coverage for this high-risk population. I wonder why we must turn back the clock and commit billions of taxpayer dollars to again test whether the private insurance market wants to insure this population.

In conclusion, much has been accomplished but more needs to be done. I look forward to the deliberations of the conference committee and urge my colleagues to engage with me and others in the Senate who are eager to get a good bill signed into law. I hope my friends on the conference committee will retain the Senate low-income assistance provisions, for they are far superior to those in the House bill. This low-income assistance is of special importance to our nation's older women. Of the 19.5 million female Medicare beneficiaries over age 65, 12.4 percent or 2.4 million enrollees live on incomes that are below 100 percent of the Federal Poverty Level. Another 3.2 million, 16 percent, live on incomes between 100 percent and 150 percent of poverty. Of senior men, on the other hand, only 7 percent are below poverty and another 11 percent are between 100 percent and 150 percent of poverty. Medicare seniors are disproportionately women and disproportionately poor, and will be far better served by the Senate's low-income provisions.

Our parents and grandparents are depending on us, and we must not let them down once again. I hope that partisan politics do not stand in the way of a drug benefit that is available to all seniors under traditional Medicare.

STROM THURMOND: POLITICIAN AND PATRIOT

Mr. ALLARD. Mr. President, I rise to pay tribute to our colleague and a friend, Strom Thurmond. We were all deeply moved by the recent passing of this gracious gentleman, and I would like to take a few minutes to reflect on his rich life and to honor his memory.

Strom Thurmond had a long and distinguished career. Over recent weeks we have heard many descriptions of the achievements of this remarkable man. But Senator Thurmond was distinguished for much more than the length of his Senate service or the number of "firsts" he achieved during his life. Rather, Senator Thurmond is distinguished by his love for America. For although Strom Thurmond was perhaps best known as a politician, he was first and foremost a patriot. His military service, his time as a governor, and his tenure in the U.S. Senate were all fueled by his deep and abiding love for America.

Just as deep as his love for America was his love for South Carolina and its residents. Senator Thurmond and his staff were well known for their accessability and outstanding constituent service. He believed in hard work and service, and never shied away from his convictions.

That same accessability and attitude of service carried over to his interaction with fellow members as well. I was honored to serve with Senator Thurmond on the Armed Services Committee, and I still remember the helpful guidance he gave me as a new member on the committee. His passion for our military members and his concern for their well-being was evident, and I hope that I can emulate that same care.

I also remember how generous Senator Thurmond was with his personal time. Obviously as a senior Member of the Senate and the Senate President pro tempore he had a number of responsibilities. However, he still made time to serve this member. Several years ago I was honored when he graciously agreed to speak at the Capitol Conference I hold for Colorado constituents each year. To this day I am deeply appreciative of the time that he spent making remarks, fielding questions, and taking photos with my constituents. Many of the participants later remarked on his wit and vitality, remarkable for any member, but especially for one of his years. Even in their short time with him they were able to see the courtesy and conviction that we witnessed each day.

I feel fortunate to have had the opportunity to get to know Strom Thurmond as the person behind the military hero and political legend. To see the small ways in which he expressed his interest in and appreciation for those around him, such as taking the Senate pages for ice cream. He also expressed personal concern about the health and well being of his staff and Members, which was perhaps necessitated in some part by the candy he was always handing out. I only hope that we can all learn from and retain some part of his charm, confidence, depth of conviction, and commitment.

Although Strom Thurmond may no longer be here with us physically, his legacy will live on. The United States Senate and America are better for his strength, service, and self-sacrifice.

Finally, I would like to take this opportunity to express my sincere condolences to Senator Thurmond's family and friends. He was a proud father, and recently, grandfather. His love for his family was well known, and our thoughts and prayers are with them. My wife Joan and I hope that they are able to find comfort and peace during these difficult days.

I am proud to have called Strom Thurmond my colleague and friend, and today I join the rest of America in honoring this great service and mourning his passing.

Mr. SESSIONS. Mr. President, I rise today as we remember the Honorable Senator from South Carolina, Strom Thurmond. The accomplishments of this man in his 100 years of life were truly amazing. All that he did for his State and our Nation make all Americans proud. He was a vigorous, positive person who unrelentingly worked for a better America.

Senator Thurmond was born on December 5, 1902 in Edgefield, SC. He received his undergraduate degree from then Clemson College, now Clemson University, in 1923. He studied law under his father, Judge William Thurmond and, in 1930, was admitted to the South Carolina Bar. For 8 years, from 1930 to 1938, he served as the Edgefield Town and County attorney, and during that time, from 1933 to 1938, he served as South Carolina State Senator, representing Edgefield County.

A true patriot, Senator Thurmond joined the U.S. Army Reserve as a 2nd lieutenant in 1924. He landed in Normandy on D-Day with the 82nd Airborne Division during World War II. For his military service, he earned 18 decorations, medals, and awards, including the Legion of Merit with Oak Leaf Cluster, Bronze Star for Valor, and the Purple Heart, among others.

His political ambitions flourished when, in 1947, Senator Thurmond was elected Governor of South Carolina. In 1948, he decided to run for President of the United States as the States Rights Democratic candidate. He carried 4 States and received 39 electoral votes, the third largest independent electoral vote in U.S. history. However, the most memorable moment for Senator Thurmond came in 1954, when he was elected to the United States Senate as a write-in candidate! To be elected to any position as a write-in candidate, much less to the United States Senate, is a true testament to one's political prowess. He was the first person to ever be elected to a major office in the United States by this method.

Senator Thurmond served on many committees during his service to America in the Senate. The duty and patriotism he displayed is a fine indication of all that he devoted to our Nation's military. It is quite fitting that Senator Thurmond served on the Senate Armed Services Committee and used his role to help enhance our military in every way possible. He served as chairman of this committee from January of 1995 to January of 1999 and was bestowed the great honor of being named chairman emeritus in 1999. The time I spent with Senator Thurmond on this committee was a wonderful learning experience for me and the Senate Armed Services Committee will miss Senator Thurmond. His military service provided him with an excellent background to understand the intricacies of our military and, without question, helped in his decision making ability for the betterment of America.

Additionally, I had the pleasure of serving with Senator Thurmond on the Judiciary Committee, where he was a member from 1967 until his retirement. He served as chairman of this committee from 1981 to 1987 and served as chairman of the Judiciary Subcommittee on Constitution, Federalism, and Property Rights from January to June of 2001. With a background as a judge and lawyer, Senator Thurmond cherished his role on this committee and always sought to ensure fairness on many issues, including that of appointing qualified judges to our Federal benches. I particularly remember his strong support for me when I was an unsuccessful judicial nominee in 1986. Senator Thurmond was a supporter, friend, and advisor.

To list the numerous honors and awards Senator Thurmond received would take hours. However, I would like to point out some of the accolades I find truly incredible. In addition to his undergraduate degree from Clemson College, he also holds 34 honorary degrees. In 1994, he was inducted into the U.S. Army Rangers Hall of Fame. In 1997, he was awarded the Department of Defense Medal for Distinguished Public Service. In 1998, he was awarded the Spirit of Hope award, named after Bob Hope, by the United Service Organizations. Last year, he was awarded the Washington Times Foundation American Century Award.

His life covered a time of monumental change in the South. His movement from a champion of racial segregation to one who promoted equal rights reflected the change that occurred throughout the region. His personal actions helped lead others to reject the impermissible policies of the past.

One of the great memories I have of spending time with Senator Thurmond is the time he asked me to accompany him on a trip to China in 1997, as I began my term as Senator. On this trip, we had some time to climb the Great Wall of China. As is custom, an assistant is typically assigned to older individuals as they make their journey along the wall. Senator Thurmond declined any help and, at the time, was the oldest person to ever climb the wall unassisted. The Senator's ability to put things in perspective is illustrated by the fact that when, upon reaching the top of the wall, stated "This is a big wall. Let's go."

As the leader of our delegation and President pro tempore of the Senate at age 97, he handled every occasion superbly. He was particularly elegant when we met with Chinese Premier Jiang Zemin. I remember he concluded his remarks with the words "China and the United States are friends. We want to be better friends."

It is almost impossible to travel anywhere in South Carolina and not find Senator Strom Thurmond's name on a street, building, lake, highway, or monument. All that he did for South Carolina and for our Nation is a true testament to the caliber of man that he was. The lives he touched and the people he has positively affected are numerous. I know that his service to our Nation is sorely missed. You simply cannot put a value on the role he played as a true public servant. Senator Thurmond will be missed by many, many individuals in Congress, in South Carolina, and in America. A true southerner, a true American, and a true patriot, Senator Strom Thurmond will forever be remembered as a man whose beliefs, ideals, and character remained unparalleled for an entire century.

FRANK BROWN

Mr. SPECTER. Mr. President, I rise today to bid farewell to a trusted member of my staff, Frank L. Brown. Frank is my legislative counsel for judicial nominations, minority outreach, immigration, civil rights and Department of Justice appropriations. He joined my staff on December 15, 1998.

Frank became a part of my staff after receiving his B.A. from Johnson C. Smith University and his J.D. from the University of South Carolina Law School. During his time with me, I have seen him grow into one of my most trusted advisers. He is a bright, articulate, and loyal young man with quite the personality. He has represented my office and the citizens of the Commonwealth of Pennsylvania in a most professional and caring manner. Unfortunately, the time has come for him to pursue other career objectives.

Frank is about to become the Assistant Director/Government Relations Specialist of Boys and Girls Harbor Inc. located in Harlem, NY. This organization is a non-profit that provides various educational services for over 7,000 low-income African-American and Hispanic-American children. I am confident that Frank will be a positive role model for those young people he will work with in New York City. Even though I regret his departure, I know that he will continue to be a part of the Arlen Specter staff family for many years to come. I wish him nothing but success in his future endeavors.

ADDITIONAL STATEMENTS

TRIBUTE TO THE HONORABLE M. ADELA EADS

• Mr. DODD. Mr. President, I rise to pay tribute to a distinguished public servant and friend, M. Adela Eads, who passed away on July 8 at the age of 83.

For years, Dell Eads was an indispensable member of the Connecticut General Assembly. She served for 4 years in the State House of Representatives, and then for 20 years in the Senate, including 2 years as President Pro Tempore—the first woman ever to be elected to that office for a full term.

If a casual observer walked onto the Senate floor in Hartford while Dell Eads was there, he might have been surprised to learn that the diminutive lady in the smart-looking suit and high heels was one of the chamber's most influential members. But for those 20 years, Dell Eads was indeed an imposing figure in Connecticut. She served her constituents, and her State, with commitment, distinction, and honor.

Dell Eads' life was devoted to working for the public good. Nowhere was that more evident than in her commitment to Connecticut's children. Before becoming a legislator, she chaired the Kent Board of Education for 26 years. She later served on the Connecticut Board of Education as well.

Many of her landmark legislative achievements were also devoted to helping children. Dell Eads was a chief architect of legislation which created our State's Office of the Child Advocate. Today, thanks to her efforts, there's an office in Connecticut's government where people fight for children who aren't able to fight for themselves.

She also was integral in the passage of the Education Enhancement Act, which raised the pay of Connecticut's public school teachers. Dell Eads recognized that if we want our best and brightest to commit themselves to teaching our children, we need to commit ourselves to paying them fairly.

Dell Eads always seemed to find the right balance of toughness and tact. In the political arena, where it's often hard to figure our exactly what people are saying, Dell Eads wasn't one to mince words. If she had something on her mind, you were going to hear it. But when she spoke, she did so with the courtesy, class, and congeniality that earned her the admiration and friendship of her colleagues.

Though a Republican, she was respected by both Democrats and Republicans alike. She was loyal to her party—yet Dell Eads would never hesitate to reach across the aisle if there was work to be done.

No one could question Dell Eads' commitment to the people of Connecticut. After all, this was a woman who, at the age of 76, slipped and broke her collarbone—and reported to work at the State Capitol the very next day. And she continued to serve in the State Senate until she retired three years ago at the age of 80.

Dell Eads was slight in stature, but she was great in spirit. Her service was an inspiration not only to her colleagues in the Connecticut General Assembly, but to all the people of Connecticut. Our state has truly lost a great citizen, and a remarkable person.

I offer my most heartfelt sympathies to Dell Eads' two sons, Manuel and Gregory Eads, to her brother Manuel Diaz, to her five grandsons, and her entire family.•

TRIBUTE TO BRYAN JONES

• Mr. COCHRAN. Mr. President, I wish to recognize Mr. Bryan Jones of Yazoo City, MS, for his distinguished service as president of Delta Council.

Delta Council is an area development organization representing the 18 Delta and part-Delta counties of Northwest Mississippi. Delta council was organized in 1935 to bring together the agricultural, business, and professional leadership of the region to confront the major problems facing the region at that time. Since then, the organization has expanded its role, under leaders like Bryan Jones, to include educational policy, water resource conversation, highway development, agricultural research, and flood control.

As president of Delta Council, Bryan Jones has served very effectively as a Delta leader during stressful economic times. He has used sound judgment and contributed to meaningful improvements in the quality of life in the region.

Bryan has led the Delta Council into new fields of endeavor such as health care and adult literacy. He has supported innovative land and water conservation programs. He has been a strong advocate for water resource developments that include improved environmental restoration. And, he has become well known throughout the region and among members of the Mississippi Congressional Delegation as an effective spokesperson on behalf of the Delta's largest industry, agriculture.

After graduating from the University of Mississippi, Bryan Jones could have been placed in a senior executive position in almost any company located anywhere in the United States. However, because of his love for the Mississippi Delta, Bryan returned to the Delta region and his community to build a $1 billion statewide banking system. In addition to serving as the Chief Executive Officer of the Delta Division of BankPlus, Bryan operates a cotton, soybean, corn, and wheat farm in Holmes and Humphreys Counties.

Bryan is a member of the Second Presbyterian Church in Yazoo City and he and his wife, Sara, have three children. He is an enthusiastic outdoors man and a director of Delta Wildlife, which is a leading advocate for the enhancement of the Mississippi Delta's rich wildlife resources.

I am pleased to congratulate Bryan Jones for his contributions to the Mississippi Delta and the Nation, and I look forward to working with him and other Delta Council leaders in the future who share our goal of improving the quality of life for the people of this area.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:42 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for any other purposes, and asks for a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, Mr. LATOURETTE, Ms. HART, Mr. TIBERI, Mr. FRANK of Massachusetts, Mr. SANDERS, and Mr. FORD.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3150. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Automatic Identification System; Vessel Carriage Requirement (USCG-2003-14757)" (RIN1625-AA67) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3151. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Facility Security" (RIN1625-AA68 2003-0001) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3152. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Area Maritime Security (USCG-2003-14733)" (RIN1625 2003-0001) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3153. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Facility Security (USCG-2003-14732)" (RIN1625-AA43) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3154. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Belton, TX" (MB doc. no. 02-271, RM-10441) received June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3155. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment: Chiniak Gully Research Area Opening for the Groundfish Trawl Fisheries in the Gulf of Alaska" received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3156. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Catch Limit Adjustment" (ID#061103B) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3157. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Between the United States and Iraq; Removal [6/13-6-20]" (RIN2120-ZZ48) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3158. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Lower Deck Service Compartments on Transport Category Airplanes; docket no. FAA-2002-11346 [6-19/6-30]" (RIN2120-AH38) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3159. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Revision of Public Aircraft Definition Docket no. FAA-2003-15134 [5/13-6-30]" (RIN2120-ZZ48) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3160. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Compliance Times for Fuel Tank System Safety Assessments; Correction; Docket no. FAA-1999-6411 [6/25-6/30]" (RIN2120-AG62) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3161. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Relief for U.S. Military Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations; request for comments· Docket no. FAA-2003-15431" (RIN2120-AH98) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3162. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Commercial Space Transportation; Licensing Regulations; Technical Amendment [6/13/6-30]" (RIN2120-ZZ50) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3163. A communication from the Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Child Restraint Systems TREAD Act Final Rule" (RIN2127-AI34) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3164. A communication from the Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Tire Safety Information; Response in Part to Petitions for Reconsideration; Delay of Effective Date" (RIN2127-AI32) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3165. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Tires" (RIN2127-AI54) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3166. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Appropriations for Fiscal Year 2004 for Certain Maritime Programs of the Department of Transportation, and for Other Purposes"; to the Committee on Commerce, Science, and Transportation.

EC-3167. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Denison, IA; Docket no. 03-ACE-15 [2/28-6-23]" (RIN2120-AA66) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3168. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Implementation of National Maritime Security Initiatives (USCG-2003-14792)" (RIN1625-AA69) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3169. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Vessel Security (USCG-2003-14749)" (RIN1625-AA46) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3170. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fishing Vessel Permits; Charter Boat Operations; Temporary Rule" (RIN0648-AM91, ID#071299C) received on June 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3171. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule amending the NASA Grant and Cooperative Agreement Handbook to consolidate coverage regarding unsolicited proposals rewarded as grants or cooperative agreements (14 CFR Part 1260) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3172. A communication from the Acting Assistant Administrator, National Oceanic and Atmospheric Administration, National Ocean Service, transmitting, pursuant to law, the report of a rule entitled "Announcement of Funding Opportunity to Submit Proposals for the South Florida Ecosystem Research and Monitoring Program (SFP) FY04" (RIN0648-ZA79) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3173. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of discontinuation of service in acting role in the position of Director for the Bureau of Transportation Statistics, Department of Transportation, received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3174. A communication from the Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Tire Safety Information; Final Rule; correcting amendments" (RIN2127-AI32) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3175. A communication from the Chairman, Surface Transportation Board, Office of Proceedings, transmitting, pursuant to law, the report of a rule entitled "Railroad Consolidation Procedures—Exemption for Temporary Trackage Rights" (STB Ex Parte No. 282) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3176. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Annual Report for fiscal year 2002; to the Committee on Commerce, Science, and Transportation.

EC-3177. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 7 regulations) [CGD01-03-023] [CGD01-03-050] [CGD01-03-069] [CGD09-03-230] [CGD09-03-228] [CGD09-03-229] [COTP Charleston 03-105]" (RIN1625-AA00) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3178. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 6 regulations) [COTP San Diego 03-23] [CDG01-09-053] [COTP San Diego 30-015] [COTP San Diego 03-022] [CGD09-03-223] [CGD09-03-226]" (RIN1625-AA00) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3179. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mystic River, CT (CGD01-03-047)" (RIN1625-AA09) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3180. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; (Including 2 regulations) [CGD01-03-044] [CGD05-03-059]" (RIN1625-AA09) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3181. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Right to Appeal: Director, Great Lakes Pilotage (USG 2003-15137)" (RIN1625-AA71) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3182. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cherokee, IA; Docket no. 03-ACE-9 [4-8/5-19]" (RIN2120-AA66) received on May 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3183. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Call for Large Position Reports" received on July 8, 2003; to the Committee on Finance.

EC-3184. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's June 2003 report entitled "Variation and Innovation in Medicare"; to the Committee on Finance.

EC-3185. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Accounting Method Changes Relating to the Inventory Price Index Computation Method" (Rev. Proc. 2003-45) received on July 7, 2003; to the Committee on Finance.

EC-3186. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Outbound Liquidations Into Foreign Corporations" (RIN1545-BA79) received on July 7, 2003; to the Committee on Finance.

EC–3187. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Notice: Deadline for Allocating Private Activity Bond State Ceiling Among Issuing Authorities Under 146(e)" (Notice 2003-41) received on July 7, 2003; to the Committee on Finance.

EC–3188. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Reporting by Federal Agencies of Payments for Services" (Rev. Rul. 2003-66) received on July 7, 2003; to the Committee on Finance.

EC–3189. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 6038—Returns With Respect to Controlled Foreign Partnerships" (RIN1545-BA77) received on July 7, 2003; to the Committee on Finance.

EC–3190. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Substantiation of Incidental Expenses" (RIN1545-BB20) received on July 7, 2003; to the Committee on Finance.

EC–3191. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Entry Age Normal Method" (Rev. Rul. 2003-83) received on July 7, 2003; to the Committee on Finance.

EC–3192. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Depreciation of General Assets Owned by a Utility" (Rev. Rul. 2003-81) received on July 7, 2003; to the Committee on Finance.

EC–3193. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Methods for Valuation of Inventory Items" (Rev. Proc. 2003-51) received on July 7, 2003; to the Committee on Finance.

EC–3194. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Distributions of Interests in a Los Corporation From Qualified Trusts" (RIN1545-BB99; RIN1545-BC00) received on July 7, 2003; to the Committee on Finance.

EC–3195. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Relief for Misfiled Carryforward Elections of Unused Private Activity Bond Volume Cap Under 146(f) of the Internal Revenue Code" (Rev. Proc. 2003-46) received on July 7, 2003; to the Committee on Finance.

EC–3196. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Deadline for Issuing Authority to Assign Private Activity Bond Volume Cap to Another Issuing Authority Under Section 146" (Notice 2003-42) received on July 7, 2003; to the Committee on Finance.

EC–3197. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: Section 277—Membership Organizations" (Rev. Rul. 2003-73) received on July 7, 2003; to the Committee on Finance.

EC–3198. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Extraordinary Transaction Notice" (Notice 2003-46) received on July 7, 2003; to the Committee on Finance.

EC–3199. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bonus Depreciation, Relief for Late Elections" (Rev. Proc. 2003-50) received on July 7, 2003; to the Committee on Finance.

EC–3200. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Extension of Time to Elect Mid-quarter Convention Relief" received on July 7, 2003; to the Committee on Finance.

EC–3201. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Business Purpose Under Section 355—Fit and Focus—Management Purpose" (Rev. Rul. 2003-74) received on July 7, 2003; to the Committee on Finance.

EC–3202. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 42(d)(4)(C) Community Service Facility" (Rev. Rul. 2003-77) received on July 7, 2003; to the Committee on Finance.

EC–3203. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Reverse Morris Trust" (Rev. Rul. 2003-79) received on July 7, 2003; to the Committee on Finance.

EC–3204. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Transfers of Compensatory Options" (TD9067) received on July 7, 2003; to the Committee on Finance.

EC–3205. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "BLS-LIFO Department Store Price Indexes for May 2003" (Rev. Rul. 2003-87) received on July 7, 2003; to the Committee on Finance.

EC–3206. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Depreciation of Vans and Light Trucks" (RIN1545-BB06) received on July 7, 2003; to the Committee on Finance.

EC–3207. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Legally Mandated R&E Expenses" (list no. 861.08-17) received on July 7, 2003; to the Committee on Finance.

EC–3208. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2003-48) received on July 7, 2003; to the Committee on Finance.

EC–3209. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Commissioner of Internal Service, Internal Revenue Service, received on July 7 , 2003; to the Committee on Finance.

EC–3210. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Economic Policy, Department of the Treasury, received on July 7, 2003; to the Committee on Finance.

EC–3211. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Changes to Existing Law Required to Bring the United States into Compliance with Obligations Under the United States-Chile Free Trade Agreement"; to the Committee on Finance.

EC–3212. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Changes to Existing Law Required to Bring the United States into Compliance with Obligations Under the United States-Singapore Free Trade Agreement"; to the Committee on Finance.

EC–3213. A communication from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amelioration of Fruit and Agricultural Wines; Technical Amendments" (RIN1512-AC63) received on July 7, 2003; to the Committee on Finance.

EC–3214. A communication from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Seneca Lake Viticultural Area (99R-260P)" (RIN1512-AC70) received on July 7, 2003; to the Committee on Finance.

EC–3215. A communication from the Secretary, Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 1999: Annual Report"; to the Committee on Finance.

EC–3216. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Payment Bonds on Cost-Reimbursement Contracts" (DFARS Case 2002-D030) received on June 26, 2003; to the Committee on Armed Services.

EC–3217. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, a report entitled "Department of Defense Report on Combining Funding for and Delegation Authority With Respect to the Historically Black Colleges and Universities Program, Hispanic-Serving Institutions Program, and the American Indian Tribal Colleges Program, April 2003"; to the Committee on Armed Services.

EC–3218. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3219. A communication from an Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report relative entitled "Report to Congress on the Utilization of the Industrial Partnerships Within the National Nuclear Security Administration, Fiscal Year 2002"; to the Committee on Armed Services

EC–3220. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, the Board's Twelfth Annual Report; to the Committee on Armed Services.

EC–3221. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, a report entitled "Defense Infrastructure: Status of Extended Pilot Program on Sales of Manufactured Articles and Services at Army Industrial Facilities (D-2003-103)"; to the Committee on Armed Services.

EC–3222. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Reporting Requirements Update" (DFARS Case 2003-D002) received on July 7, 2003; to the Committee on Armed Services.

EC–3223. A communication from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled

“Deletion of Federal Prison Industries Clearance Exception” (DFARS Case 2003-D006) received on July 7, 2003; to the Committee on Finance.

EC–3224. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Under Secretary of Defense (Acquisition, Technology, & Logistics) received on July 7, 2003; to the Committee on Armed Services.

EC–3225. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the progress made by the Department in achieving the objectives and goals of the Environmental Technology Program and an overall trend analysis in research and development activities; to the Committee on Armed Services.

EC–3226. A communication from the Acting Secretary of the Navy, transmitting, notification of the intended transfer of the aircraft carrier ex-MIDWAY (CV 41) to the San Diego Aircraft Carrier Museum; to the Committee on Armed Services.

EC–3227. A communication from the President of the United States, transmitting, pursuant to law, the report relative to progress made towards achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina; to the Committee on Armed Services.

EC–3228. A communication from an Administrator, Agricultural Marketing Office, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Dried Prunes Produced in California; Changes in Reporting Requirements” (Doc. no. FV03-993-1 IFR) received on July 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3229. A communication from the Administrator, Agricultural Marketing Office, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tart Cherries Grown in the States of Michigan; et al.; Increased Assessment Rate” (doc. no. FV03-930-2 FR) received on July 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3230. A communication from the Administrator, Agricultural Marketing Office, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Irish Potatoes Grown in Colorado; Increase in Membership on the Area No. 2 Colorado Potato Administrative Committee” (doc. no. FV03-948-1 FR) received on July 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3231. A communication from the Administrator, Agricultural Marketing Office, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Changes in Fees for Federal Meat Grading and Certification Services” (doc. no. LS-02-06) received on July 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3232. A communication from the Director of the Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Douglas County Population of Columbian White-tailed Deer From the Federal List of Endangered and Threatened Wildlife” (RIN1018-AF43) received on July 9, 2003; to the Committee on Energy and Natural Resources.

EC–3233. A communication from the Director of Finance of the Capitol Historical Society, transmitting, the Society's audited financial statements for the year ended January 31, 2003; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 470. A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr (Rept. No. 108-90).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 490. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California (Rept. No. 108-91).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 499. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers (Rept. No. 108-92).

S. 546. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes (Rept. No. 108-93).

S. 643. A bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico (Rept. No. 108-94).

S. 651. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes (Rept. No. 108-95).

S. 677. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes (Rept. No. 108-96).

S. 924. A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes (Rept. No. 108-97).

S. 1076. A bill to authorize construction of an education center at or near the Vietnam Veterans Memorial (Rept. No. 108-98).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 255. A bill to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska (Rept. No. 108-99).

H.R. 1577. To designate the visitor center in Organ Pipe National Monument in Arizona as the “Kris Eggle Visitor Center”, and for other purposes (Rept. No. 108-100).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. SMITH, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. KERRY):

S. 1394. A bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. BROWNBACK):

S. 1395. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. REID, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH, Mr. CORZINE, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. WARNER, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. DURBIN, Mr. CHAFEE, Ms. COLLINS, and Mrs. BOXER):

S. 1396. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 877

At the request of Mr. BURNS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 894

At the request of Mr. WARNER, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 899

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1022

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1022, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1202 proposed to H.R. 2657, a bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. SMITH, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. KERRY):

S. 1394. A bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, Senator SMITH and I and others introduce the Money Follows the Person Act of 2003. This legislation is needed to truly bring people with disabilities and older Americans into the mainstream of society and provide equal opportunity for employment and community activities.

In order to work or live in their own homes, Americans with Disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Federal Medicaid policy, the deck is stacked in favor of living in an institution. The purpose of our bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

Under our legislation, the Medicaid money paid by States and the Federal Government would follow the person with a disability from an institution into the community. This legislation provides 100 percent Federal reimbursement for the community services that an individual needs during the first year that they move out of an institution or nursing home. By fully reimbursing the States, it gives them some additional resources to allow people with disabilities and older Americans to choose to live in the community.

President Bush first proposed the Money Follows the Person Rebalancing Initiative in his FY '04 budget and indicated that the demonstration project would provide full Federal reimbursement for community services for the first year that an individual moves out of an institution or nursing home. As of this date, the administration has not suggested legislative language to Congress or provided specific details regarding the implementation of the proposal. Working with the disability community, we have drafted this legislation and look forward to working with the administration and our colleagues to enact the Money Follows the Person concept into law.

We have a Medicaid system in this country that is spending 70 percent of its dollars on institutional care and only 30 percent on community services. This bill is an important step toward switching those numbers around.

It is shameful that our Federal dollars are being spent to segregate people, not integrate them. It has been 13 years since we passed the Americans with Disabilities Act, which said no to segregation. But our Medicaid program says yes and we need to change it. This is the next civil rights battle. If we really meant what we said in the ADA in 1990, we should enact this legislation.

The civil right of a person with a disability to be integrated into his or her community should not depend on his or her address. In Olmstead v. LC, the Supreme Court recognized that needless institutionalization is a form of discrimination under the Americans with Disabilities Act. We in Congress have a responsibility to help States meet their obligations under Olmstead. An individual should not be asked to move to another state in order to avoid needless segration. They also should not be moved away from family and friends because their only choice is an institution.

For example, I know a young man in Iowa, Ken Kendall, who is currently living in a nursing home because he cannot access home and community based care. Ken was injured in a serious accident at the age of 17 and sustained a spinal chord injury. With the help of community based services covered by his insurance company, Ken could live in his home in Iowa City. Remaining independent made a tremendous difference in his life.

However, several years ago, Ken lost his health insurance and after a time, he went onto Medicaid. As a Medicaid recipient, Ken was only given the option to live in a nursing home in Waterloo almost 2 hours from his friends and family in Iowa City. In the nursing home, Ken has become isolated. He is very far from his family and friends and does not have access to transportation. He had not been to a restaurant or a movie since he moved to the nursing home over 2 years ago. His life has dramatically changed from when he lived in his own apartment and hired his own attendants to care for him.

Recently Ken wrote to me that he finally went to dinner and a movie for his 30th birthday. He said "I was almost in tears. I felt like I had a real life again."

This bill would give people like Ken a real life and not just on their birthdays. People like Ken should not have to continue waiting to be able to live in the community and enjoy the opportunities that other Americans take for granted.

Federal Medicaid policy should reflect the consensus reached in the ADA that Americans with Disabilities should have equal opportunity to contribute to our communities and participate in our society as full citizens. That means no one has to sacrifice their full participation in society because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

This bill will open the door to full participation by people with disabilities and older Americans in our neighborhoods, our communities, our workplaces, and our American Dream, and I urge all my colleagues to support us on this issue. I want to thank Senator SMITH for his commitment to improving access to home and community based services for people with disabilities. I would also like to thank Senators KENNEDY, LAUTENBERG and

KERRY for joining me in this important initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Money Follows the Person Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In his budget for fiscal year 2004, President George W. Bush proposes a "Money Follows the Person" rebalancing initiative under the medicaid program to help States rebalance their long-term services support systems more evenly between institutional and community-based services.

(2) The President, by proposing this initiative, and Congress, recognize that States have not fully developed the systems needed to create a more equitable balance between institutional and community-based services spending under the medicaid program.

(3) While a few States have been successful at achieving this balance, nationally, approximately 70 percent of the medicaid funding spent for long-term services is devoted to nursing facilities and intermediate care facilities for the mentally retarded. Only 30 percent of such funding is spent for community-based services.

(4) As a result, there are often long waiting lists for community-based services and supports.

(5) In the Americans with Disabilities Act of 1990, Congress found that individuals with disabilities continue to encounter various forms of discrimination, including segregation, and that discrimination persists in such critical areas as institutionalization.

(6) In 1999, the Supreme Court held in *Olmstead v. LC* (527 U.S. 581 (1999)) that needless institutionalization is discrimination under the Americans with Disabilities Act of 1990, noting that institutional placement of people who can be served in the community "perpetuates unwarranted assumptions that persons so isolated are unworthy of participating in community life." (Id. at 600). The Court further found that "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment." (Id. at 601).

(7) Additional resources would be helpful for assisting States in rebalancing their long-term services support system and complying with the *Olmstead* decision.

SEC. 3. AUTHORITY TO CONDUCT MEDICAID DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED SERVICES AND SUPPORTS.—The term "community-based services and supports" means, with respect to a State, any items or services that are an allowable expenditure for medical assistance under the State medicaid program, or under a waiver of such program and that the State determines would allow an individual to live in the community.

(2) INDIVIDUAL'S REPRESENTATIVE; REPRESENTATIVE.—The terms "individual's representative" and "representative" mean a parent, family member, guardian, advocate, or authorized representative of an individual.

(3) MEDICAID LONG-TERM CARE FACILITY.—The term "medicaid long-term care facility" means a hospital, nursing facility, or intermediate care facility for the mentally retarded, as such terms are defined for purposes of the medicaid program.

(4) MEDICAID PROGRAM.—The term "medicaid program" means the State medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(6) STATE.—The term "State" has the meaning given such term for purposes of the medicaid program.

(b) STATE APPLICATION.—A State may apply to the Secretary for approval to conduct a demonstration project under which the State shall provide community-based services and supports to individuals—

(1) who are eligible for medical assistance under the medicaid program;

(2) who are residing in a medicaid long-term care facility and who have resided in such facility for at least 90 days; and

(3) with respect to whom there has been a determination that but for the provision of community-based services and supports, the individuals would continue to require the level of care provided in a medicaid long-term care facility.

(c) REQUIREMENTS.—A State is not eligible to conduct a demonstration project under this section unless the State certifies the following:

(1) With respect to any individual provided community-based services and supports under the demonstration project, the State shall continue to provide community-based services and supports to the individual under the medicaid program (and at the State's Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) reimbursement rate), for as long as the individual remains eligible for medical assistance under the State medicaid program and continues to require such services and supports, beginning with the month that begins after the 12-month period in which the individual is provided such services and supports under the demonstration project.

(2) The State shall allow an individual participating in the demonstration project (or, as appropriate, the individual's representative) to choose the setting in which the individual desires to receives the community-based services and supports provided under the project.

(3) The State shall identify and educate individuals residing in a medicaid long-term care facility who are eligible to participate in the demonstration project (and, as appropriate the individual's representative) about the opportunity for the individual to receive community-based services and supports under the demonstration project.

(4) The State shall ensure that each individual identified in accordance with paragraph (3) (and, as appropriate, the individual's representative), has the opportunity, information, and tools to make an informed choice regarding whether to transition to the community through participation in the demonstration project or to remain in the medicaid long-term care facility.

(5) The State shall maintain an adequate quality improvement system so that individuals participating in the demonstration project receive adequate services and supports.

(6) The State shall conduct a process for public participation in the design and development of the demonstration project and such process shall include the participation of individuals with disabilities, elderly individuals, or individuals with chronic conditions who are part of the target populations to be served by the demonstration project, and the representatives of such individuals.

(7) The Federal funds paid to a State pursuant to this section shall only supplement, and shall not supplant, the level of State funds expended for providing community-based services and supports for individuals under the State medicaid program as of the date the State application to conduct a demonstration project under this section is approved.

(d) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall conduct a competitive application process with respect to applications submitted under subsection (b) (taking into consideration the preferences provided under paragraph (2)) that meet the requirements of subsection (c). In determining whether to approve such an application, the Secretary may waive the requirement of—

(A) section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations;

(B) section 1902(a)(10)(B) of such Act (42 U.S.C. 1396a(a)(10)(B)) with respect to comparability; and

(C) section 1902(a)(10)(C)(i)(III) of such Act (42 U.S.C. 1396a(a)(10)(C)(i)(III)) with respect to income and resource limitations.

(2) PREFERENCE FOR CERTAIN APPLICATIONS.—In approving applications to conduct demonstration projects under this section, the Secretary shall give preference to approving applications that indicate that the State shall do the following:

(A) Design and implement enduring improvements in community-based long-term services support systems within the State to enable individuals with disabilities to live and participate in community life, particularly with respect to those practices that will ensure the successful transition of such individuals from medicaid long-term care facilities into the community.

(B) Design and implement a long-term services support system in the State that prevents individuals from entering medicaid long-term care facilities in order to gain access to community-based services and supports.

(C) Engage in systemic reform activities within the State to rebalance expenditures for long-term services under the State medicaid program through administrative actions that reduce reliance on institutional forms of service and build up more community capacity.

(D) Address the needs of populations that have been underserved with respect to the availability of community services or involve individuals or entities that have not previously participated in the efforts of the State to increase access to community-based services.

(E) Actively engage in collaboration between public housing agencies, the State medicaid agency, independent living centers, and other agencies and entities in order to coordinate strategies for obtaining community integrated housing and supportive services for an individual who participates in the demonstration project, both with respect to the period during which such individual participates in the project and after the individual's participation in the project concludes, in order to enable the individual to continue to reside in the community.

(F) Develop and implement policies and procedures that allow the State medicaid agency to administratively transfer or integrate funds from the State budget accounts that are obligated for expenditures for medicaid long-term care facilities to other accounts for obligation for the provision of community-based services and supports (including accounts related to the provision of such services under a waiver approved under section 1915 of the Social Security Act (42 U.S.C. 1396n)) when an individual transitions from residing in such a facility to residing in the community.

(e) PAYMENTS TO STATES.—

(1) IN GENERAL.—The Secretary shall pay to each State with a demonstration project approved under this section an amount for each quarter occurring during the period described in paragraph (2) equal to 100 percent of the State's expenditures in the quarter for providing community-based services and supports to individuals participating in the demonstration project.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the 12-month period that begins on the date on which an individual first receives community-based services and supports under the demonstration project in a setting that is not a medicaid long-term care facility and is selected by the individual.

(f) REPORTS.—

(1) IN GENERAL.—Each State conducting a demonstration project under this section shall submit a report to the Secretary that, in addition to such other requirements as the Secretary may require, includes information regarding—

(A) the types of community-based services and supports provided under the demonstration project;

(B) the number of individuals served under the project;

(C) the expenditures for, and savings resulting from, conducting the project; and

(D) to the extent applicable, the changes in State's long-term services system developed in accordance with the provisions of subsection (d)(2).

(2) UNIFORM DATA FORMAT.—In requiring information under this subsection, the Secretary shall develop a uniform data format to be used by States in the collection and submission of data in the State report required under paragraph (1).

(g) EVALUATIONS.—The Secretary shall use an amount, not to exceed one-half of 1 percent of the amount appropriated under subsection (h) for each fiscal year, to provide, directly or through contract—

(1) for the evaluation of the demonstration projects conducted under this section;

(2) technical assistance to States concerning the development or implementation of such projects; and

(3) for the collection of the data described in subsection (f)(1).

(h) FUNDING.—

(1) IN GENERAL.—There is appropriated to carry out this section $350,000,000 for each of fiscal years 2004 through 2008.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) for a fiscal year shall remain available until expended, but not later than September 30, 2008.

Mr. SMITH. Madam President, my job as a Senator is to help protect and defend the freedoms of all Americans. Among the most basic freedoms are those we most often overlook: the freedom to choose where we live—for example, among family and friends and not among strangers—the freedom to walk down your neighborhood street, and not in a restricted courtyard; and the freedom to be an active member in your community.

All too often, these basic freedoms are denied to older Americans and Americans with disabilities. I have noticed an alarming trend in this country: we are unnecessarily isolating people with disabilities from their communities, friends, families, and loved ones by placing them in institutional care facilities.

Many of these Americans should not be in a nursing home or other institutional setting. Many Americans with disabilities could be better served—and better integrated into their communities—by allowing them to live in community-based homes.

However, recent data indicates that 70 percent of Medicaid dollars are spent on institutional care and only 30 percent are spent on community services for the disabled. Because Medicaid requires that States provide nursing home care for Americans with disabilities but does not require the same for community-based services, many individuals with disabilities and older Americans are forced to live in isolated settings.

In order to preserve the freedoms of our friends in the disabled community and their loved ones, we must do something to reverse this trend. I would therefore like to join my distinguished colleague from Iowa as a cosponsor of the Money Follows the Person Act of 2003. The Senator from Iowa and I first introduced the provisions of this act as an amendment to S. 1, the Medicare and Prescription Drug Improvement Act of 2003.

This bill would enact the President's 2004 Money Follows the Person Program to give people with disabilities the freedom to choose where they want to live. Under this legislation, Oregon's effort to help an individual move out of an institutional facility and into a community home would be 100 percent federally funded for 1 year. After that first year, the Federal Government would pay its usual rate. Under the provisions of this bill, States can take advantage of $350 million annually for 5 years for a total of $1.75 billion.

These dollars can help reintegrate countless older Americans and Americans with disabilities into a setting where they can be more active citizens. For instance, this bill is supported by the Oregon Chapter of Paralyzed Veterans because it helps honor and reintegrate those veterans whose disabilities resulted from noble and selfless service to this Nation.

Under the Americans with Disabilities Act and the Olmstead Supreme Court decision, we know that the needless institutionalization of Americans with disabilities constitutes discrimination under the Americans with Disabilities Act.

Americans everywhere realize the value of integrating Americans with disabilities into our communities. Needlessly isolating productive citizens from their communities, whether they are disabled or not, is unfair and unjust. It is time we work to reintegrate disabled Americans back into our communities.

I urge my colleagues on both sides of the aisle to support this important bill and to support the freedom of choice for Americans with disabilities.

By Mr. McCAIN (for himself and Mr. BROWNBACK):

S. 1395. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I am pleased to be joined by Senator BROWNBACK in introducing the Technology Administration Authorization Act of 2003. This legislation would authorize funding for the Department of Commerce's Technology Administration, which includes the National Institute of Standards and Technology (NIST), the Office of Technology Policy, and the Office of Space Commercialization.

As we begin the 21st Century, we must recognize that technology is a vital key to our world leadership. In addition, technology is the engine that drives our economy. According to the Bureau of Labor Statistics, there will be 2.5 million new jobs between 2000 and 2010, just in the field of information technology alone. According to the Department of Commerce, the contribution of the high-tech industry to the U.S. economy has doubled over the past 10 years, from 4.2 percent to 8.3 percent of the gross domestic product. Information technology has contributed more than one-third of the real U.S. economic growth, or approximately $170 billion.

The Technology Administration has broad responsibilities including supporting the development of standards for first responders, promotion of space commercialization, publication of technical documents, and development of policies regarding technology transfer. The quality of work conducted at NIST labs in Gaithersburg, MD, and Boulder, CO, is evident by the awarding of two Nobel Prizes to NIST researchers, Dr. Bill Phillips and Dr. Eric Cornell, within the past seven years.

NIST plays an important role in developing measurement methods, standards, and technologies that improve U.S. competitiveness in fields as diverse as chemical engineering, manufacturing, electronics, metallurgy, and physics. In addition, NIST is charged with the mission in our Constitution of setting, "the Standard of Weights and Measures" that are the foundation of our economy. NIST also runs the Malcolm Baldrige National Quality Award Program that recognizes performance excellence and quality. Recently, NIST has been charged with a number of new missions, including cyber security research and development, election reform, investigating the collapse of the World Trade Center, and developing metrology for the promising new field of nanotechnology. However, these new initiatives have diverted resources from NIST's traditional missions, and forced scientists to be laid off due to reduced funding. Given NIST's recognized leadership as a "world class" science institution, it is important that we ensure that it is adequately funded.

This legislation would authorize the Technology Administration from Fiscal Years 2004 through 2008 to ensure a steady funding stream for this agency's activities. The bill is based on the President's budget request for NIST's laboratory activities, and includes funding increases of six percent per year to offset the deteriorating funding situation.

The legislation also would authorize funding for the Manufacturing Extension Partnership, (MEP), Program. As Secretary Evans recently stated, "[m]anufacturing is a key pillar of our economy and we are committed to enhancing growth opportunities for our American manufacturing companies." I commend the Secretary for his recognition of the need to energize the manufacturing sector to restore robust growth to our economy. With this recognition in mind, I urge the Administration to be aware of the role that MEP can play in restoring the health of this sector. MEP centers aid small and medium-sized manufacturers by offering expertise, needs evaluation, training and information dissemination to help these companies deal with the challenges of globalization and weak economic growth.

I would urge my colleagues to support this legislation. It is important that we reauthorize these programs to ensure that they continue to carry out their critical role in our Nation's economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Administration Authorization Act of 2003".

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

(1) $387,621,000 for fiscal year 2004 of which $5,795,000 shall be for the National Quality Program;

(2) $410,878,000 for fiscal year 2005 of which $5,969,000 shall be for the National Quality Program;

(3) $435,530,000 for fiscal year 2006 of which $6,148,000 shall be for the National Quality Program;

(4) $461,662,000 for fiscal year 2007 of which $6,332,000 shall be for the National Quality Program; and

(5) $489,362,000 for fiscal year 2008 of which $6,522,000 shall be for the National Quality Program.

(b) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) $69,590,000 for fiscal year 2004;
(2) $71,678,000 for fiscal year 2005;
(3) $73,828,000 for fiscal year 2006;
(4) $76,043,000 for fiscal year 2007; and
(5) $78,324,000 for fiscal year 2008.

(c) TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) $750,000 for fiscal year 2004;
(2) $773,000 for fiscal year 2005;
(3) $796,000 for fiscal year 2006;
(4) $820,000 for fiscal year 2007; and
(5) $844,000 for fiscal year 2008.

(d) INDUSTRIAL TECHNOLOGY SERVICES.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology—

(1) $107,000,000 for fiscal year 2004;
(2) $110,210,000 for fiscal year 2005;
(3) $113,516,000 for fiscal year 2006;
(4) $116,921,000 for fiscal year 2007; and
(5) $120,429,000 for fiscal year 2008.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

(a) OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the activities of the Under Secretary for Technology and the Office of Technology Policy—

(1) $8,015,000 for fiscal year 2004;
(2) $8,255,000 for fiscal year 2005;
(3) $8,503,000 for fiscal year 2006;
(4) $8,758,000 for fiscal year 2007; and
(5) $9,021,000 for fiscal year 2008.

(b) OFFICE OF SPACE COMMERCIALIZATION.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the activities of the Office of Space Commercialization—

(1) $500,000 for fiscal year 2004;
(2) $515,000 for fiscal year 2005;
(3) $530,000 for fiscal year 2006;
(4) $546,000 for fiscal year 2007; and
(5) $563,000 for fiscal year 2008.

SEC. 5. AMENDMENT OF STEVENSON-WYDLER ACT.

Section 17(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)) is amended—

(1) by inserting "and nonprofit organizations" after "Companies" in paragraph (1)(C); and

(2) by striking paragraph (3) of subsection (c).

SEC. 6. FINANCIAL STATUS OF THE NATIONAL TECHNICAL INFORMATION SERVICE.

Within 90 days after the date of enactment of this Act, the Secretary of Commerce shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science regarding the financial status of the National Technical Information Service.

By Ms. SNOWE (for herself, Mr. REID, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH, Mr. CORZINE, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. WARNER, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. DURBIN, Mr. CHAFEE, Ms. COLLINS, and Mrs. BOXER):

S. 1396. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I am pleased today to join Senator SNOWE in introducing legislation that will promote equity and fairness for women.

The Equity in Prescription and Contraception Coverage Act of 2003, EPICC, requires insurance plans that provide coverage for prescription drugs to provide the same coverage for prescription contraceptives.

Senator SNOWE and I first introduced EPICC about 6 years ago. We have been working across party lines and across the ideological spectrum to gain support from our colleagues in the Senate, and I am proud to report that EPICC had 44 cosponsors from both parties in the 107th Congress.

It is time for us to come together and enact this legislation. It will prevent unintended pregnancies, reduce the number of abortions performed in this country, and address unmet health needs of American women.

We can find not only common ground but also a common sense solution in the legislation I am introducing with Senator SNOWE.

By making sure women can afford their prescription contraceptives, our bill will help to reduce the staggering rates of unintended pregnancy in the United States, and reduce the number of abortions performed.

It is a national tragedy that half of all pregnancies nationwide are unintended, and that half of those will end in abortions. It is a tragedy, but it doesn't have to be. If we work together, we can prevent these unintended pregnancies, and abortions.

One of the most important steps we can take to prevent unintended pregnancies, and to reduce abortions, is to make sure American women have access to affordable, effective contraception.

There are a number of safe and effective contraceptives available by prescription. Used properly, they greatly reduce the rate of unintended pregnancies.

However, many women simply can't afford these prescriptions, and their insurance doesn't pay for them, even though it covers other prescriptions.

That is not fair. We know women on average earn less than men, yet they must pay far more than men for health-related expenses.

According to the Women's Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket medical expenses than men, largely due to their reproductive health-care needs.

Because many women can't afford the prescription contraceptives they would like to use, many do without them—and the result, all too often, is unintended pregnancy and abortion.

This isn't an isolated problem. The fact is, a majority of women in this country are covered by health insurance plans that do not provide coverage for prescription contraceptives.

This is unfair to women . . . and it's bad policy that causes additional unintended pregnancies, and adversely affects women's health.

Senator SNOWE and I first introduced our legislation in 1997. Since then, the Viagra pill went on the market, and one month later it was covered by most insurance policies.

Birth control pills have been on the market since 1960, and today, 43 years later, they are covered by only one-third of health insurance policies.

So, most insurance policies pay for Viagra. But most of them don't pay for prescription contraceptives that prevent unintentional pregnancies and abortions.

This isn't fair, and it isn't even cost-effective, because most insurance policies do cover sterilization and abortion procedures. In other words, they won't pay for the pills that could prevent an abortion . . . but they will pay for the procedure itself, which is much more costly.

The Federal Employee Health Benefits Program, which has provided contraceptive coverage for several years, shows that adding such coverage does not make the plan more expensive.

In December 2000, the U.S. Equal Employment Opportunity Commission, EEOC, ruled that an employer's failure to include insurance coverage for prescription contraceptives, when other prescription drugs and devices are covered, constitutes unlawful sex discrimination under Title VII of the Civil Rights Act of 1964.

On June 12, 2001, a Federal district court in Seattle made the same finding in the case of Erickson vs. Bartell Drug Company.

These decisions confirm that we have know all along; contraceptive coverage is a matter of equity and fairness for women.

We are not asking for special treatment of contraceptives—only equitable treatment within the context of an existing prescription drug benefit.

This legislation is right because it's fair to women.

It's right because it will prevent unintended pregnancies, a goal we all share.

And it's right because it is more cost-effective than other services—including abortions, sterilizations and tubal ligations—that most insurance companies routinely cover.

This is common sense, cost-effective legislation . . . and it is long overdue.

AMENDMENTS SUBMITTED & PROPOSED

SA 1211. Mr. LUGAR (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) submitted an amendment intended to be proposed to amendment SA 1147 submitted by Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) and intended to be proposed to the amendment SA 1136 proposed by Mr. LUGAR the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table.

SA 1212. Mr. LUGAR (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1213. Mr. LUGAR (for Mr. EDWARDS (for himself, Ms. COLLINS, Mr. REED, and Mr. ROBERTS)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1214. Mr. LUGAR (for Ms. MURKOWSKI (for herself and Ms. LANDRIEU)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1211. Mr. LUGAR (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) submitted an amendment intended to be proposed to amendment SA 1147 submitted by Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) and intended to be proposed to the amendment SA 1136 by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 214. ENHANCING REFUGEE RESETTLEMENT TO ENSURE NATIONAL SECURITY AND MAINTAIN THE UNITED STATES COMMITMENT TO REFUGEES.

(a) FINDINGS.—Congress finds the following:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State's migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States' strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last 5 years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States have rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States. In order to ensure that the refugee admissions program remains available in a timely way to deserving and qualified refugee applicants, all personnel involved in screening such applicants should closely coordinate their work in order to ensure both the timely and complete screening of such applicants.

(5) Private voluntary agencies have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) In order to meet the ceiling set by the Administration, which has been 70,000 refugees in recent years, a broader cross-section of the world's 15,000,000 refugees could be considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) PURPOSE.—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) SENSE OF CONGRESS CONCERNING ANNUAL ADMISSION OF REFUGEES.—It is the sense of Congress that—

(1) efforts of the Department of State to admit 70,000 refugees, as allocated through presidential determinations, for fiscal year 2003 are strongly supported and recommended; and

(2) the Administration should seek to admit at least 90,000 refugees in fiscal year 2004 and at least 100,000 in fiscal year 2005.

(d) REFUGEE SECURITY COORDINATOR.—

(1) ESTABLISHMENT.—In order to further enhance overseas security screening of the

United States Refugee Resettlement Program, there shall be within the Bureau of Population, Refugees, and Migration, a Refugee Security Coordinator who shall report to the Assistant Secretary of State for Population, Refugees, and Migration.

(2) Responsibilities.—The Refugee Security Coordinator referred to in paragraph (1) shall be responsible for—

(A) ensuring that applicants for admission to the United States undergo a security review;

(B) ensuring that, to the greatest extent practicable, such security reviews are completed within 45 days of the submission of the information necessary to conduct such a review;

(C) providing appropriate officials in the Department of Justice and the Department of Homeland Security pertinent information for conducting security reviews for applicants; and

(D) making recommendations on procedural and personnel changes and levels of appropriations that the Refugee Security Coordinator considers appropriate for the various agencies of government involved in conducting security reviews for refugee applicants in order to ensure that such reviews are complete and accurate, protect the security of the United States, and are completed in a timely manner.

(3) Authority.—In carrying out the responsibilities set forth in paragraph (2), the Refugee Security Coordinator shall have full authority to work with the various agencies of government to ensure that security reviews are conducted in a complete and timely manner, including authority to inquire about and recommend and inform the appropriate agencies on any particular application with emphasis on emergency protection cases for the purpose of seeking expedited processing.

(e) Use of Nongovernmental Organizations in Referral of Refugees.—

(1) Private voluntary organization referrals.—The Secretary of State shall develop and utilize partnerships with private voluntary agencies that permit such agencies to assist in the identification and referral of refugees, through the creation of networks of field-based nongovernmental organizations with immediate and direct knowledge of refugees in need of a durable solution.

(2) Use of voluntary agencies in overseas refugee processing.—In processing refugees for admission to the United States, the Department of State shall utilize private voluntary agencies.

(3) Refugee response teams.—

(A) Establishment.—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States Government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security as refugees, the Secretary of State shall establish and utilize the services of Refugee Response Teams (in this section referred to as "RRTs"). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary's designee, and work with the Refugee Security Coordinator.

(B) Responsibilities of the RRTs.—RRTs shall be responsible for—

(i) monitoring refugee situations, with a view toward identifying those refugees whose best durable solution is third country resettlement;

(ii) preparing profiles and documentation for resettlement consideration by the United States Government;

(iii) augmenting or establishing an overseas operation, especially in response to urgent developments requiring quick responses or more staff resources than are available in the existing processing entities;

(iv) assisting with training and technical assistance to existing international organizations and other processing entities; and

(v) such other responsibilities as may be determined by the Secretary of State.

(C) Responsibilities of the Secretary.—The Secretary of State shall establish appropriate training seminars for RRT personnel and make use of RRTs in situations where existing mechanisms are unable to identify and process refugees in a timely manner.

(f) Performance Standards.—In consultation with private voluntary organizations, the Secretary of State shall establish performance standards to ensure accountability and effectiveness in the tasks carried out in subsection (e).

(g) Consideration of Various Groups.—To ensure that there is adequate planning across fiscal years and that both the Department of State's planning and processing operations result in adequate numbers of travel-ready refugees to fulfill the admissions goals set forth in the determinations on refugee admissions required by sections 207(a) and 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(a) and (b)), the Secretary of State shall work to ensure that—

(1) all refugees in special need, such as long-stayers in first countries of asylum, unaccompanied refugee minors, refugees outside of a traditional camp setting, and refugees in women-headed households be given special attention for resettlement processing;

(2) attempts are made to expand processing of those refugees of all nationalities who have close family ties to citizens and residents in the United States, including spouses, unmarried children, or parents of persons lawfully admitted to the United States, regardless of their country of nationality, country of habitual residence, or first country of asylum, as well as grandparents, grandchildren, married sons or daughters, or siblings of United States citizens or other persons lawfully admitted to the United States;

(3) attempts are made to expand the number of refugees considered who are of special concern to the United States;

(4) individuals otherwise eligible for access to the United States refugee admissions program seeking admission to the United States as refugees are not excluded from being interviewed because of such individual's country of nationality, country of habitual residence, or first country of asylum; and

(5) expanded access is provided to broader categories of refugees seeking admission to the United States, thus reducing instances of relationship-based misrepresentation by persons who are bona fide refugees but who resort to such misrepresentation merely as a way to be interviewed for refugee status.

(h) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to Congress that includes information concerning the following:

(1) Efforts of the Refugee Security Coordinator in assuming the responsibilities set forth in subsection (d) that includes—

(A) a description of the process involved in conducting security reviews for refugee applicants;

(B) a listing of the various agencies of the Federal Government that are involved in conducting security reviews for refugee applicants;

(C) a listing for each agency described in accordance with subparagraph (B) of the number of personnel involved in conducting security reviews for refugee applicants;

(D) a listing for each agency described in accordance with subparagraph (B) of the amount of funding in the previous fiscal year for conducting security reviews for refugee applicants;

(E) the average amount of time that it takes to conduct security reviews for refugee applicants; and

(F) a plan on how the Refugee Security Coordinator will fulfill the responsibilities set forth in paragraphs (1), (2), and (3) of subsection (d).

(2) Efforts of the Secretary to utilize private voluntary organizations in refugee identification, utilize private voluntary agencies in processing refugees, and an explanation of the rationale for not using such organizations and agencies in situations where the Secretary of State has made such a determination.

(3) Efforts of the Secretary of State implement performance standards and measures are described in subsection (f) and the success of private voluntary organizations in meeting such standards.

(4) Efforts of the Secretary of State to expand consideration of various groups for refugee processing as described in subsection (g).

(5) Efforts to ensure that there is planning across fiscal years so as to fulfill the refugee admissions goals set forth by the President in the President's annual presidential determinations on refugee admissions, including efforts to reach at least 70,000 admissions in fiscal year 2003, 90,000 in fiscal year 2004, and 100,000 in fiscal year 2005 as recommended by Congress.

SA 1212. Mr. LUGAR (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 815. VISA WAIVER PROGRAM.

(a) In General.—Section 217(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(1)) is amended by adding at the end the following: "Poland shall be designated as a program country under this subsection.".

(b) Effective Date.—The amendment made in subsection (a) shall take effect 60 days after the date of enactment of this Act.

SA 1213. Mr. LUGAR (for Mr. EDWARDS (for himself, Ms. COLLINS, Mr. REED, and Mr. ROBERTS)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

Following the end of title IX, insert the following new title:

TITLE X—RECONSTRUCTION ASSISTANCE

SEC. 1001. SHORT TITLE.

This title may be cited as the "Winning the Peace Act of 2003".

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) President George W. Bush has stated that the United States security strategy takes into account the fact that "America is now threatened less by conquering states than we are by failing ones".

(2) Failed states can provide safe haven for a diverse array of transnational threats, including terrorist networks, militia and warlords, global organized crime, and narcotics traffickers who threaten the security of the United States and the allies of the United States.

(3) The inability of the authorities in a failed state to provide basic services can create or contribute to humanitarian emergencies.

(4) It is in the interest of the United States and the international community to bring conflict and humanitarian emergencies stemming from failed states to a lasting and sustainable close.

(5) Since the end of the Cold War, United States military, diplomatic, and humanitarian personnel have been engaged in major post-conflict reconstruction efforts in such places as Iraq, Bosnia, Kosovo, Somalia, Haiti, Rwanda, East Timor, and Afghanistan.

(6) Assisting failed states in emerging from violent conflict is a complex and long-term task, as demonstrated by the experience that 50 percent of such states emerging from conditions of violent conflict slip back into violence within 5 years.

(7) In 2003, the bipartisan Commission on Post-Conflict Reconstruction created by the Center for Strategic and International Studies and the Association of the United States Army, released a report explaining that "United States security and development agencies still reflect their Cold War heritage. The kinds of complex crises and the challenge of failed states encountered in recent years do not line up with these outdated governmental mechanisms. If regional stability is to be maintained, economic development advanced, lives saved, and transnational threats reduced, the United States and the international community must develop a strategy and enhance capacity for pursuing post-conflict reconstruction.".

SEC. 1003. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) DIRECTOR.—The term "Director" means a Director of Reconstruction for a country or region designated by the President under section 1004.

(3) RECONSTRUCTION SERVICES.—The term "reconstruction services" means activities related to rebuilding, reforming, or establishing the infrastructure processes or institutions of a country that has been affected by an armed conflict, including services related to—

(A) security and public safety, including—

(i) disarmament, demobilization, and reintegration of combatants;

(ii) training and equipping civilian police force; and

(iii) training and equipping of national armed forces;

(B) justice, including—

(i) developing rule of law and legal, judicial, and correctional institutions;

(ii) preventing human rights violations;

(iii) bringing war criminals to justice;

(iv) supporting national reconciliation processes; and

(v) clarifying property rights;

(C) governance, including—

(i) reforming or developing civil administration and other government institutions;

(ii) restoring performance of basic civil functions, such as schools, health clinics, and hospitals; and

(iii) establishing processes of governance and participation; and

(D) economic and social well-being, including—

(i) providing humanitarian assistance;

(ii) constructing or repairing infrastructure;

(iii) developing national economic institutions and activities, such as a banking system; and

(iv) encouraging wise stewardship of natural resources for the benefit of the citizens of such country.

SEC. 1004. DIRECTOR OF RECONSTRUCTION POSITIONS.

(a) AUTHORIZATION OF POSITIONS.—The President is authorized to designate a civilian, who shall report to the President through the Secretary of State, as the Director of Reconstruction for each country or region in which—

(1) units of the United States Armed Forces have engaged in significant military operations; or

(2) as a result of armed conflict, the country or region will receive reconstruction services from the United States Government.

(b) AUTHORITY TO PROVIDE RECONSTRUCTION SERVICES.—The President is authorized to provide reconstruction services for any country or region for which a Director has been designated under subsection (a).

(c) DUTIES.—A Director who is designated for a country or region under subsection (a) shall provide oversight, planning and coordination of, have decision making authority for, and consult with Congress regarding, all activities of the United States Government that are related to providing reconstruction services in such country or region, including implementing complex, multidisciplinary post-conflict reconstruction programs in such country or region and a transition to long-term development funded by the United States Government.

(d) COORDINATION.—A Director shall coordinate with the representatives of the country or region where the Director is overseeing and coordinating the provision of reconstruction services, and any foreign government, multilateral organization, or nongovernmental organization that is providing services to such country or region—

(1) to avoid providing reconstruction services that duplicate any such services that are being provided by a person or government other than the United States Government;

(2) to capitalize on civil administration systems and capabilities available from such person or government; and

(3) to utilize individuals or entities with expertise in providing reconstruction services that are available through such other person or government.

(e) SUPPORT SERVICES.—The Secretary and the Administrator are authorized to provide support, including administrative services, to each Director designated under subsection (a).

SEC. 1005. POST-CONFLICT RECONSTRUCTION PREPAREDNESS.

(a) IN GENERAL.—The Administrator shall develop the capacity within the United States Agency for International Development to—

(1) develop and maintain a database of individuals or entities that possess expertise in providing reconstruction services on an ongoing basis; and

(2) provide support for mobilizing such individuals and entities to provide a country or region with services applying such expertise when requested by the Director for such country or region.

(b) EXPERTS.—The individuals or entities referred to in subsection (a) may include employees or agencies of the Federal Government, any other government, or any other person, including former Peace Corps volunteers or civilians located in the affected country or region.

SEC. 1006. SENSE OF CONGRESS REGARDING INTEGRATED SECURITY SUPPORT COMPONENT.

(a) CREATION OF AN INTEGRATED SECURITY SUPPORT COMPONENT OF NATO.—It is the sense of Congress that consistent with the refusal to create a response force within the North Atlantic Treaty Organization—

(1) the Secretary and the Secretary of Defense should consider presenting to the North Atlantic Council a proposal to establish an Integrated Security Support Component to train and equip selected units within the North Atlantic Treaty Organization to assist in providing security in countries or regions that require reconstruction services; and

(2) if such a Component is established, the President should consider committing United States personnel to participate in such Component, after appropriate consultation with Congress.

(b) PARTICIPATION IN AN INTEGRATED SUPPORT COMPONENT.—

(1) IN GENERAL.—If the North Atlantic Council establishes an Integrated Security Support Component, as described in subsection (a), the President may commit United States personnel to participate in such Component, after appropriate consultation with Congress.

(2) CAPABILITIES.—The units composed of United States personnel participating in such Component should be capable of—

(A) providing for security of a civilian population, including serving as a police force; and

(B) providing for the performance of public functions and the execution of security tasks such as control of belligerent groups and crowds, apprehending targeted persons or groups, performing anti-corruption tasks, and supporting police investigations.

SEC. 1007. TRAINING CENTER FOR POST-CONFLICT RECONSTRUCTION OPERATIONS.

(a) ESTABLISHMENT.—The Secretary should establish an interagency Training Center for Post-Conflict Reconstruction Operations for the purposes described in subsection (b) either—

(1) under the auspices of the National Foreign Affairs Training Center; or

(2) by directing the Administrator to establish such a center under the United States Agency for International Development.

(b) PURPOSES.—The purposes of the Training Center authorized by subsection (a) shall be to—

(1) train interagency personnel in assessment, strategy development, planning, and coordination related to providing reconstruction services;

(2) develop and certify experts in fields related to reconstruction services who could be

called to participate in operations in countries or regions that require such services;

(3) provide training to individuals who will provide reconstruction services in a country or region;

(4) develop rapidly deployable training packages for use in countries or regions in need of reconstruction services; and

(5) conduct reviews of operations that provide reconstruction services for the purpose of—

(A) improving subsequent operations to provide such services; and

(B) developing appropriate training and education programs for individuals who will provide such services.

SEC. 1008. REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the actions planned to be taken to carry out the provisions of this title.

SA 1214. Mr. LUGAR (for Ms. MURKOWSKI (for herself and Ms. LANDRIEU)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF CONGRESS ON THE ESTABLISHMENT OF AN OIL RESERVE FUND FOR IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Coalition forces have liberated the Iraqi people from the tyranny of Saddam Hussein and his regime.

(2) The vast mineral resources, including oil, of Iraq could contribute to the present and future generations of Iraqis.

(3) Iraq has one of the largest known petroleum reserves in the world, and those reserves could be used to foster economic development and democratization in Iraq.

(4) Very little of the potential of the oil sector in Iraq has actually been harnessed.

(5) Revenue estimates Iraqi oil exports indicate that reconstruction costs will greatly exceed revenues in the near term, however, a recapitalized Iraqi oil sector will eventually serve as a vital source of national wealth.

(6) Under Saddam Hussein's regime, the proceeds from those resources were used to build palaces, enrich the members of the Republican Guard, oppress the Iraqi people, and stifle their desires for a democratic government.

(7) As many of the nations of the Persian Gulf demonstrate, possession of large petroleum reserves alone does not ensure economic development or democratization.

(8) The development of a vibrant democracy requires a strong middle class, a free press, and free and fair elections.

(9) The future Government of Iraq will face a variety of reconstruction challenges ranging from restoring infrastructure to providing basic human services like education and healthcare.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Energy should develop a proposal for the establishment of an oil reserve fund for Iraq and submit the proposal to appropriate representatives of the Iraqi people, and the Coalition Provisional Authority for consideration;

(2) the proposal should take proper account of the need of Iraq for funding of reconstruction, meeting its international financial obligations, and providing essential human services such as education and health care;

(3) the fund could be called the Iraqi Freedom Fund and could be based on models such as the Alaska Permanent Fund, as well as other appropriate models; which are managed on a for-profit basis to produce additional revenues; and allow a portion of the annual earnings of the fund to be distributed to the Iraqi people as direct payments, or through programs designed to promote the establishment of a permanent middle class, with the remainder of the fund to be capitalized to allow the fund to grow for future generations; and

(4) the goal of the fund would be to encourage maximum participation by the people of Iraq in the operation of their government, to promote the proper use of the natural resources of Iraq, and to ensure that the Iraqi people benefit from the development of the natural resources of Iraq.

(5) Control and decision making over Iraq's natural resources properly belongs to the people of Iraq. This fund should promote the twin policy goals of a more democratic Iraq, and a more equal distribution of Iraq's wealth to all of her citizens.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2003 second quarter mass mailings is Friday, July 25, 2003. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

ORDERS FOR MONDAY, JULY 14, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m., Monday, July 14. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of H.R. 2658, the Department of Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, on Monday, the Senate will begin consideration of H.R. 2658, the DOD appropriations bill. The managers of the bill encourage Members who have amendments to come to the floor on Monday afternoon to debate those amendments. We will consider amendments throughout the afternoon, and any votes ordered will be stacked to occur at 5 or 5:30 p.m. on Monday. Therefore, let me repeat, the first vote of Monday's session will occur in that rough timeframe of 5 to 5:30. The Senate may consider executive nominations during Monday's session as well.

On behalf of the majority leader, I inform my colleagues that next week will be a busy week as well. We are going to continue to work through the appropriations process and could have late nights throughout the week. Therefore, all Senators should expect rollcall votes each and every day next week.

ADJOURNMENT UNTIL MONDAY, JULY 14, 2003, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:04 p.m., adjourned until Monday, July 14, 2003, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate July 11, 2003:

DEPARTMENT OF STATE

CONSTANCE ALBANESE MORELLA, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

EXECUTIVE OFFICE OF THE PRESIDENT

JOEL DAVID KAPLAN, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE NANCY DORN.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

LESLIE SILVERMAN, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2008. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

MAURICIO J. TAMARGO, OF FLORIDA, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2006. (REAPPOINTMENT)

DEPARTMENT OF VETERANS AFFAIRS

CYNTHIA R. CHURCH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS), VICE MAUREEN P. CRAGIN, RESIGNED.

EXTENSIONS OF REMARKS

PETITION DRIVE TARGETS BUSH ADVISOR KARL ROVE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. KUCINICH. Mr. Speaker, the Bush Administration led this Nation into war against Iraq based on false intelligence about the threat Iraq posed our Nation. The attached petition, from the American intercollegiate debate community, details the strategy of deception that the Bush Administration adopted to gain support for the war against Iraq.

PETITION DRIVE TARGETS BUSH ADVISOR KARL ROVE

DEBATERS OPPOSE ADMINISTRATION STRATEGY FOR PUBLIC DEBATE ON WAR

The American intercollegiate debate community has been dedicated to the pursuit of open deliberation on timely policy issues for centuries. The basis of debate practice is openness in argumentation—a willingness to allow the best argument to win, rather than relying on force or power to overwhelm opponents. Some members of the debate community have articulated disappointment with the Bush administration's strategy for convincing American and world publics of the need for a preventive military first-strike on Iraq, and are joining in a petition drive to highlight the inadequacy of the Bush administration's approach to gaining consent for war.

Karl Rove, senior political advisor to George W. Bush, was an avid high school debater in Salt Lake City, Utah. Rove's tactics as a debater appear to have influenced his strategy as a political advisor. James Moore and Wayne Slater have detailed the roots of Rove's political strategy in their book Bush's Brain: How Karl Rove Made George W. Bush Presidential (Hoboken, NJ: John Wiley and Sons, 2003):

"Debaters kept their arguments on 3 × 5 cards, which they carried about in shoeboxes or metal containers. Rove had the most impressive collection of debate cards at Olympus High. If his teammates had a shoebox filled with the cards, Rove carried two, which he plunked down on the table in an ominous display of force. By his senior year, the arsenal had swelled to 5 or 10 boxes. Rove figured that if two or three boxes unnerved an opposing team, why not something truly overwhelming? Why not a table full of cards? Why not buy them by the thousands and wheel them in on hand-carts? Why not throw the fear of God into the enemy before the debate even began? The thing was, the thing nobody knew was, that the cards were mostly fake. 'We went out and bought thousands, if not tens of thousands, of debate cards,' says debate partner Emil Langeland, now a lawyer in Salt Lake City.

"'Everybody was using 3 × 5 cards. And we decided we'd better have 4 × 6—a little bigger than the next guy. And we had shoeboxes, a table full. We would come in and set up those boxes with file cards in them, color-coded, with tabs sticking up, and there were literally thousands and thousands of them. And you know what? There wasn't a thing on 99 percent of them. If they gave us a 4 × 4 table, we'd make it a 4 × 8 table and we'd stack this information—what appeared to be information—on the table. We'd lay out all these papers. The reality was that the core of our attack or strategy was on 20 or 30 cards. We never used much more than that. But we'd just hand truck them in, then go back out into the hall and hand truck another set in and set them up on the table almost to the point where you couldn't see us. It was all psychological, to psych out your opponent.' Rove didn't just want to win, he wanted his opponents destroyed. His worldview was clear even then: There was his team and the other team, and he would make the other team pay. He would defeat them, slaughter them, and humiliate them. He would win by any means, but he would win (118–119)."

Rove's strategy of totally destroying the opposition in debate competition is mirrored in the American "win at all costs" approach to public diplomacy. The Bush administration has tried to overload public spheres of deliberation with evidence that links Iraq to weapons of mass destruction and terrorism, yet key evidence has turned out to be fabricated, plagiarized, or exaggerated in this rhetorical campaign.

Niger forgery. Evidence used by the Bush administration to demonstrate Iraq's noncompliance with the nuclear materials section of UN Security Council Resolution 1441 turned out to be based on forged documents. Senator Jay Rockefeller (D–WV) has asked the FBI to investigate who forged the letters and why U.S. intelligence officials did not authenticate them before claiming them as proof of Iraqi noncompliance. In a letter to FBI Director Robert Mueller, Rockefeller wrote, "there is a possibility that the fabrication of these documents may be part of a larger deception campaign aimed at manipulating public opinion and foreign policy regarding Iraq."

Plagiarized British dossier. In his February 5 speech to the UN Security Council, Secretary of State Colin Powell lauded a British government report as "a fine paper." Yet this paper turned out to be a mosaic of old open source material previously published. The British dossier, entitled "Iraq: Its Infrastructure of Concealment, Deception and Intimidation," plagiarized long stretches of a paper by Ibrahim al-Marashi, a postgraduate student at the Monterey Institute of International Studies in California. The British report drew heavily from al-Marashi's account of Mukhabarat, the Iraqi directorate of general intelligence. However, where al-Marashi listed among the Mukhabarat's duties "aiding opposition groups in hostile regimes," the British authors substituted the more incriminating phrase "supporting terrorist organizations" in hostile regimes.

Baseless aluminum tubes charges. UN weapons inspector Hans Blix and former IAEA expert adviser David Albright both reject the Bush administration's claim that Iraq's attempt to acquire aluminum tubes was driven by a desire to build uranium enrichment centrifuges for its nuclear program, yet administration officials continued to rely on such discredited evidence.

In addition to these evidentiary inadequacies, the administration's broader strategy to coalesce a "coalition of the willing" utilizes manipulative foreign policy tools that rely on coercion rather than democratic processes of deliberation.

Utilizing financial leverage to induce cooperation circumvents the will of citizens abroad. The United States' manipulation of loans and grants to potential collaborators as a way to "buy off" other countries" dissent by leveraging power in international finance frustrates democratic participation. Reliance on a business-marketing model for public diplomacy rigs communicative exchanges in a way that forecloses freewheeling argumentative give-and-take.

Demonizing countries that resist the push for war polarizes conflict and lessens the possibility of a united post-war effort for reconstruction. High-ranking European Union officials have indicated that generating support for funding the reconstruction of Iraq will face difficulty because of the perception that the United States has used heavy-handed tactics to gain assent for preventive military intervention.

Spying activity against United Nations delegates, documented in the so-called "Koza memo" generates suspicion about U.S. tactics to persuade Security Council members to go along with resolutions advancing the cause of war. Surveillance techniques could be utilized to gain unfairly acquired weight in negotiations.

These techniques are at odds with the fundamental tenets of democratic deliberation that rely on transparency, honesty, and public argumentation to gain assent from allies. Deception in wartime has long been accepted as a legitimate military strategy. However, expanded deception programs designed to manipulate domestic and allied public opinion raise a different set of strategic dilemmas. While deception strategies may be effective as military levers deployed to complicate enemy planning, they are less useful as weapons of mass communications—propaganda tools designed to influence public opinion in public spheres. To be truly effective, any strategy to defuse terrorism in this way requires that the political legitimacy of U.S. policies be established in international public spheres. This process is best accomplished through fair and open public debate, rather than deceptive and manipulative methods exercised by the Bush Administration.

The national championships represented a culmination of the season's competitive debating activity that has focused on the topic of multilateralism as a foreign policy approach. In pursuit of these principles, debaters organized a petition campaign at the two national championship debate tournaments this spring, attended by over 250 teams from across the country:

PHOENIX, Arizona, Cross Examination Debate Association national championship tournament, Arizona State University, March 20–25, 2003

ATLANTA, Georgia, National Debate Tournament national championship tournament, Emory University, April 3–7, 2003

PETITION TEXT

We object to the Bush Administration's manipulation of public deliberation in the implementation of its preventive military intervention policy. Worldwide political legitimacy for that policy can be forged only through a process of fair and honest public argument. Uncritical use of forged documents purporting to link Iraq to Niger's nuclear industry, reliance on a deceptive British report that plagiarized and misrepresented the work of a California graduate student and intimidation tactics at the UN Security Council are each part of the Bush administration's 'win at all costs' approach to public diplomacy. These argumentative strategies must be reconsidered immediately, because the alienation and mistrust sown worldwide by their implementation bankrupts the political legitimacy of U.S. foreign policy and polarizes diplomatic conflict. This exposes U.S. soldiers to harm by dividing allies, worsens the terrorist threat by stimulating recruitment and undermines cooperative security ventures ranging from allied intelligence sharing to international peacekeeping and post war reconstruction.

PETITION SIGNERS AND DEBATE AFFILIATIONS

Abbott, Blake, Mercer University, GA; Ashe, Allison, University of Georgia, GA; Bannigan, Virginia, Wake Forest University, NC; Baron, Chris, Towson University, MD; Barsness, Paul, University of Georgia, GA; Bates, Benjamin, University of Georgia, GA; Beerman, Ruth, Mercer University, GA; Bellon, Joe, Georgia State University, GA; Berger, Alex, Dartmouth College, NH; Blair, LoriBeth, Georgia State University', GA; Boggs, Joshua, West Virginia University, WV; Branelt, Caroline, Riverwood H.S., AZ; Breshears, David, University of Texas, TX; Brigham, Matt, Baylor University, TX; Brock, Kimberly, West Virginia University, WV; Bruschke, Jon, California State University-Fullerton, CA; Bsumek, Pete, James Madison University, VA.

Campbell, Peter O., Univ. of Puget Sound, WA; Carr, Adrienne, University of Georgia, GA; Cashman, Bryan, State University New York-Binghamton, NY; Chalus, Peg, University of Pittsburgh, PA; Clark, Josh, California State University-Fullerton, CA; Cole, Hayley, San Diego State University, CA; Colston, Nicole, University of Miami, FL; Congdon, Kelly, University of Pittsburgh, PA; Crachiolo, Sarah, Georgia State University, GA; Crittenden, Eli, Emporia State University, KS; Czapla, Anna, University of Rochester, NY; D'Amico, Steve, University of Rochester, NY; Davies, Alexis, San Diego State University, CA; Davis, Alysia, University of Georgia, GA; Davis, Dan, West Georgia University, GA; DeButts, Jessica, Fresno City College, CA; Dillard, Tiffany, University of Louisville, KY; Douglas, Lara, Cornell University, NY; Drake, Brian, Mercer University, GA; Dunn, Izak, Idaho State University, ID; Dybvig, Kristin, Arizona State University, AZ; Eberle, R.J., Georgia State University, GA; Ellis, Andy, Marist College, NY; Ellis, Steven Andrew, Marist University, NY.

Galloway, Ryan, University of Georgia, GA; Garen, Adam, Dartmouth College, NH; Garner, Ricky, New York University, NY; Gaston, Bryan, University of Central Oklahoma, OK; Gedmark, Elizabeth, Wake Forest University, NC; Gorelick, Nate, New York University, NY; Goss, Tiffany, Fresno City College, CA; Gossett, John, University of North Texas, TX; Green, R.J., University of Louisville, KY; Grindy, Matt, University of Miami, FL; Haddad, Nader, California State University-Fullerton, CA; Hahn, Allison, University of Pittsburgh, PA; Hall, Brad, Wake Forest University, NC; Hall, Brooke, San Diego State University, CA; Hamrick, Kevin, Northwestern University, IL; Hanson, Jim, Whitman College, WA; Harris, Sean, University of Puget Sound, WA; Haskell, David, California Polytechnical-San Luis Obispo, CA; Hausrath, Barry, University of Richmond, VA; Hayman, Jethro, Cornell University, NY; Helwich, David Cram, Macalester College, MN; Hines, John, University of North Texas, TX; Hingstman, David, University of Iowa, IA; Holland, Shannon, University of Georgia, GA; Hovden, Jan M., Weber State University, UT; Hughes, Michael, University of Pittsburgh, PA.

Janette, David, Pace University, NY; Jenkins, Eric, James Madison University, VA; Johnson, Kevin, University of Texas-Austin, TX; Jones, Elizabeth, University of Louisville, KY; Julian, Monica, California State University-Chico, CA; Kaplan-Sham, Eana, University of Rochester, NY; Keane, Tom, University of Georgia, GA; Keller, David, Emporia State University, KS; Kelley, Patricia, University of Georgia, GA; Kemp, Andy, Kansas State University, KS; Kenemer, Ben, Mercer University, GA; Kenyon, Christopher, Wichita State University, KS; Kerns, Diana, Baltimore Urban Debate League, MD; Ketsdever, Nathan, University of Rochester, NY; Klaff, Dan, Cornell University, NY; Klein, Ronald, Binghamton University, NY; Knops, Jennifer, University of Vermont, VT; Knox, Corey, University of Louisville, KY; Korcok, Michael, Bakersfield Community College, CA; Krinrochter, Brian, San Diego State University, CA; Kuswa, Kevin, University of Richmond, VA; Kwinfor, Benjamin, Macalester College, MN; Lain, Brian, University of North Texas, TX; Lantzy, Rob, University of Pittsburgh, PA; Lee, Adam, University of Rochester, NY; Lee, Ed, University of Alabama, AL; Limprevil, Sheila, University of Vermont, VT Littlefield, Lindsay, Wake Forest University, NC; Loghry, Chris, University of Missouri-Kansas City, MO; Lundberg, Chris, Northwestern University, IL.

Mabrey III, Paul E., Fort Hays State University, KS; Maldonado, Darinka, University of Pittsburgh, PA; Mancuso, Steve, Catholic University of America, DC; Marks, David, Dartmouth College, NH; Marples, Thomas, University of Rochester, NY; Marshall, Stephen, West Virginia University, WV; Martin, Josh, California State University-Chico, CA; Marty, Jillian A., University of Vermont, VT; Massey, Jackie, University of Vermont, VT; Mathes, Eric, Georgia State University, GA; Maurer, Sam, Emporia State University, KS; Melander, Lindsey, University of Vermont, VT; Miller, Josh, University of Vermont, VT; Miller, Nikole D., University of Alabama, AL; Mitchell, Gordon, University of Pittsburgh, PA; Moore, Matthew, Augustana College, IL; Moore, Stephen, Emporia State University, KS; Morgan, Ainetta, West Virginia University, WV; Morris, Eric, University of Kansas, KS; Morrison, Catherine, James Madison University, VA; Motes, Eric, University of Vermont, VT; Mueller, Eric, Weber State University, UT; Munksgaard, Jane, University of Pittsburgh, PA; Murray, Craig, Cornell University, NY; Nelson, Sam, University of Rochester, NY; Newnam, Bill, Emory University, GA; Odekirk, Scott, Weber State University, UT; Patel, Nirav, University of North Texas, TX; Perry, Michael J., Wake Forest University, NC; Pfister, Damien, University of Pittsburgh, PA; Phillips, Tameka, University of Alabama, AL; Pomorski, Michael, Catholic University of America, DC; Porth, Raj, North Gwinnett H.S., GA; Puszczewicz, Rich, University of Louisville, KY; Quijas, Richard, Kansas City Kansas Community College, MO; Radford, James, Jr., Samford University, AL; Rani, Reena, Pace University, NY; Rast, Lisa, Columbia University, NY; Reimes, Tim, University of Vermont, VT; Renegar, Valerie, San Diego State University, CA; Renken, Judd, DePaul University, IL; Riepel, Christina, Loyola University-Chicago, IL; Rolfe-Redding, Justin, University of Chicago, IL; Rosminder, Rafael, Towson University, MD; Roston, Michael, George Washington University, DC; Rufo, Ken, University of Georgia, GA; Rundus, Dan, Kansas City Kansas Community College, MO; Samuels, Phillip, Emporia State University, KS; Schatz, Joe, State University New York-Binghamton, NY; Schnurer, Maxwell, Marist University, NY; Schriver, Kristina, California State University-Chico, CA; Schueler, Beth, Whitman College, WA; Schwartz, Rae Lynn, University of Iowa, IA; Seaver, Frank, Woodward HS, GA; Sherman, Jerrod, Georgia State University; Shmerling, Brian, Riverwood H.S., AZ; Siadak, John, Augustana College, IL; Silva, Angela, California State University-Sacramento, CA; Simpson, Amanda, Florida State University, FL; Skinner, Donna, Garden City HS, KS; Slusher, Eric, Gonzaga University, WA; Smith, Ross K., Wake Forest University, NC; Snider, A.C., University of Vermont, VT; Stevens, Jeremy, University of Texas-San Antonio, TX; Stevens, Monte, University of Missouri-Kansas City, MO; Stokes, Candice, Towson University, MD; Sullivan, John, Harvard University, MA.

Thatcher, Elizabeth, Mercer University, GA; Thomas, Nicholas A., California State University-Long Beach, CA; Tinsley, Jordan, University of Kansas, KS; Todero, Anthony, University of Pittsburgh, PA; Torre, Stephanie, University of Miami, FL; Tribble, Nathan, University of Redlands, CA; Turley, Serena, California State University-Fullerton, CA; Watson, Hays, University of Georgia, GA; Webster, Christy L., University of Rochester, NY; Webster, Sandra, University of Louisville, KY; Whalen, Shawn (Cross Examination Debate Association President), San Francisco State University, CA; Witte, Erin, Mercer University, GA; Wright, Sarah, Mercer University, GA; Zompetti, Suzette, Mercer University, GA; Zompetti, Joseph, Mercer University, GA.

THE STATE OF HISPANIC HEALTH IN THE U.S.

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about the current state of healthcare in this nation as it relates to the Hispanic community.

Figures released by the Census Bureau last Wednesday placed the Latino population at 38.8 million in July 2002, an increase of nearly 10% from the 2000 census.

Unfortunately, over half of all Hispanics in the U.S. do not have health insurance. This is about 20 percent higher than the national average of approximately 30 percent.

I am especially concerned about the health of many of our nation's Hispanic seniors. Over 2.2 million Hispanics currently receive Social Security benefits.

Each time that a new tax cut is passed, we put our Social Security trust fund in further danger, thus eliminating future benefits for all Social Security recipients.

Moreover, without Social Security, over 55 percent of Hispanic seniors would be forced to live under the poverty rate.

I hope that my colleagues who supported tax cuts for the wealthy can sleep well at night knowing that their misguided policies may force millions of seniors to live in poverty.

JAY COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. PENCE. Mr. Speaker, as the American people saw on national television this morning, the Indiana flood of 2003 moved forward at a heartbreaking, record-setting pace. I have appeared here in this chamber to tell you the St. Mary's River in Decatur, Indiana, crested last night at nearly 28 feet, an all-time historic high for that river. I have also mentioned the flooding in Bluffton, Indiana caused by record water levels on the Wabash River.

Mr. Speaker, I'd also like to recognize other areas of East Central Indiana affected by the flood of 2003 and those that have worked so hard to assuage the damage. Heroes such as Tami Mann, Director of Jay County Emergency Management. Robert Sours, Superintendent of the Jay County Highway Department and his crew. Jay County engineer Dan Watson.

I'd further like to thank all the city and county police officers in the areas affected. The Hoosier Heartland Chapter of the American Red Cross for its courageous work. And the countless volunteers who have worked diligently to battle the flooding. Their heroic efforts have kept roads open and communities safe.

The chaplain said today that "unless the Lord watches over the city" and surely, Mr. Speaker, we would ask the Lord to watch over these communities in Indiana affected by the flood of 2003 and all those who labored to protect them.

TRIBUTE TO PERRYNE THOMPSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. CONYERS. Mr. Speaker, I rise to pay tribute to Perryne Thompson of Detroit for her 30 years of service to the Detroit Public School system.

Mrs. Perryne Thompson began teaching in the Detroit Public School system over 30 years ago. For the last 20 years, she worked at Miller Middle School as the physical education and dance teacher. Additionally, for over five years, she served as a choreographer, administrator, and eventually director of the All City Middle School Dance Company.

As a Detroit Public School Teacher and while working with the All City Dance Company, she trained over 5,000 students in the art of tap, modern, and African dance. Mrs. Thompson exposed them to the roots of African and African-American culture through the art of dance by utilizing techniques such as those developed by Katherine Dunham.

She often spent long days and nights in preparation for both Miller Middle School and All City Dance concerts, which involved not only choreographing the events and teaching students how to become performers, but also selling candy to purchase fabric for costumes she made for her students.

Her tireless dedication to transmitting her knowledge of the art of dance and emphasis on hard work, diligence, and excellence lead a number of her students to pursue majors in dance in college and to join professional dance companies.

Mrs. Thompson is also the mother of Mischa Thompson, who is currently a congressional fellow in Representative CHARLES RANGEL's office and recently completed her Doctorate degree at the University of Michigan.

Detroit is privileged to have had such a dedicated member of the teaching profession for so many years. I ask that my colleagues join me in honoring Mrs. Perryne Thompson for her selfless dedication and service to the youth of Detroit through her role as a Detroit Public School Teacher.

IN HONOR OF MRS. PATTY CROWLEY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise to honor an exceptional advocate and friend from Chicago, Patty Crowley, who has dedicated herself to helping others and enriching our community. Mrs. Crowley is a longtime activist who unselfishly worked in support of worthy causes that helped advance women's rights, expand family programs, and increase housing opportunities.

Born on July 24, 1913, Mrs. Crowley continues to be a strong voice in our community today. She embodies the true spirit of human kindness.

In 1948, Mrs. Crowley and her husband Patrick co-founded the Christian Family Movement after a conference at the Vatican and served as co-presidents until 1970. Patty collaborated with Robert McClory to create the book Turning Point, which records the story of these events.

Later, Mrs. Crowley turned her attention to other causes. In the 1980's, she became active in public housing causes. She served as director of Housing Opportunities and Maintenance for the Elderly until 1998, and worked closely with the Chicago Housing Board of Commissioners and the Jane Addams Advisory Council.

In 1985, Patty co-founded Deborah's Place, a shelter that provides housing and supportive services to homeless women. She remains on the advisory council today. To commemorate her services, Deborah's Place will shortly be dedicating the Patty Crowley Apartments in her honor.

Patty's commitment to serving others extended beyond her impressive record of activism in advocacy groups and service organizations. In addition to her public work, Mrs. Crowley and her husband served as foster parents to over a dozen children, as well as hosting international exchange students.

On her 90th birthday, Patty Crowley's continued dedication to public service is an inspiration to each one of us and her lifetime achievements and commitment to activism are without match.

HONORING JAMES P. RAUSCH

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to honor the career of James P. Rausch who retired on July 3, 2003, after 32 years of public service. At the time of his retirement, Jim was the Chief of the Congressional Affairs Office, Headquarters, U.S. Army Corps of Engineers. He was a part of the Chief of Engineers' executive staff and the Chief's principle advisor for all legislative and congressional activities.

Jim is a lifelong resident of Maryland where he attended Towson State University and later earned a Master's Degree from the University of Maryland. Jim started federal service in 1971 with the Baltimore District of the Army Corps of Engineers where he worked on the Corps Chesapeake Bay Study and provided floodplain management services to communities to help them develop plans for reducing flood damages. In 1982 Jim accepted the first of several positions at the Headquarters, U.S. Army Corps of Engineers. While at Headquarters, Jim served a one-year Congressional Fellowship here in the House of Representatives. In 1991, Jim was selected to head up the Legislative Initiatives Branch in the Planning Division. He served as the principal contact for civil works matters for coordination with House and Senate public works committees. Jim had the lead on the development and defense of the Army Civil Works Legislative Program, which traditionally becomes the starting point for Congress as it puts together the water resources development acts to authorize important water resources projects and policies for the Corps of Engineers. He moved to his last position in the Corps in 1998 where he helped design the functions and structure of that office.

Jim and his wife Diane, who is a recently retired school teacher, will enjoy a trip to Ireland this summer. After that, I am sure that they both will remain active in community and government affairs for many years to come.

Jim Rausch has been a valuable member of the Corps team. Working mostly behind the scenes, Jim has been a key factor for many years in putting the right face of the Corps of Engineers before the Congress. At the same time he has communicated back to the Corps leadership the interests of the Legislative Branch. His comrades at the Corps and the people of this country have been well served by this dedicated public servant. He will be greatly missed by his friends at both the Corps and on Capitol Hill. The understanding and appreciation of the Corps of Engineers here in Congress will remain strong thanks to his many years of faithful service to the Nation.

REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. UDALL of New Mexico. Mr. Speaker, this is an important bill designed for an important purpose—ensuring that the FEHBP continues to provide retired employees, who are eligible for Medicare, with the same prescription drug benefit that current, non-retired employees receive. There are thousands of Federal Employees in my district who have earned, and deserve, the prescription drug coverage they get under the FEHBP. In addition, this is an important example to set for the private sector to ensure that they do not begin reducing and eliminating their prescription drug coverage for Medicare eligible employees once Congress passes a Medicare prescription drug benefit. As such, I will vote in support for this bill.

However, the fact that the majority is bringing this bill up today highlights both the inadequacy of the prescription drug bill they passed last month, as well as undercuts their claim that they believe our nation's seniors deserve the same prescription drug coverage that Members of Congress and other employees covered under FEHBP receive.

Mr. Speaker, I am glad this legislation was brought to the floor today. I am glad that we can support good prescription drug coverage for federal retirees and I am glad that we can set an example for the private sector. I am also glad that the majority is willing to show just how truly disingenuous their rhetoric is about seniors deserving options similar to those of Members of Congress. If H.R. 1 truly provided a real prescription drug benefit, this legislation would not be necessary, and in that, Mr. Speaker, I take no pleasure.

Mr. Speaker, I would like to thank the majority for proving to the Nation how insufficient the prescription drug bill is that they passed two weeks ago.

IN RECOGNITION OF THE GERMAN CENTRAL FOUNDATION AND THE GERMAN CENTRAL FARM OF PARMA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the German Central Foundation and the German Central Farm of Parma, as they become one of ten statewide recipients to receive a Historical Marker from the State of Ohio Bicentennial Commission and Multicultural and Ethnic Community Advisory Counsel.

This significant marker stands as a monument to the German Central Farm—a place transformed over eight decades as a haven and vital resource for German immigrants. The marker at German Central Farm also represents the dedication, heart and soul of the German Central Foundation, reflecting the commitment of members and leaders—past and present—to preserve, protect and promote the many colorful facets of German heritage, culture and history.

The German Central Organization embodies the spirit of America—the pioneer spirit, the immigrant spirit and the spirit of diversity of all peoples from all cultures that is the foundation of our community, our state and our nation. The German Central Organization—like thousands of cultural organizations with ancestral ties that span the globe—reflects a journey toward freedom, a struggle from oppression and the blazing of a new trail in America.

Mr. Speaker and colleagues, please join me in tribute and recognition of the German Central Foundation, as the German Central Farm is honored by the State of Ohio with a Historical Marker. This gathering place along York Road in Parma has been a source of heritage, comfort, resource and pride for several generations of German Americans. The cultivation and preservation of our varied places of origin is the earth of America—it is the origin of our nation. And as America has flourished, our roots remain viable—uniting us all.

IN RECOGNITION OF THE NATIONAL VETERANS WHEELCHAIR GAMES

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize Alice G. Hastings, Lt. Col. Gilbert L. Hernandez and the staff of the Long Beach Veterans Hospital for their hard work in planning and hosting the 23rd National Veterans Wheelchair Games in Long Beach, CA, last week.

The first games, held in 1981, brought 74 veterans to compete from 14 States. Today, these games have grown to become the largest annual wheelchair-sporting event in the world. Last year, over 480 athletes came from 44 States, Puerto Rico and Great Britain to compete.

Wheelchair sports began after World War II, as young disabled veterans began playing basketball in VA hospitals throughout the United States.

Interest soon spread to other sports and brought a sense of belonging and camaraderie to hundreds of veterans.

I want to thank all our veterans that participate in these games, both for the sacrifice they made for our country and for keeping us inspired to be the best we can be.

TOWN OF BLUFFTON

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. PENCE. Mr. Speaker, last night the Wabash River in northeastern Indiana crested at an incredible 25 feet. However, thanks to the extraordinary leadership of Mayor Ted Ellis and Sheriff Barry Story, Bluffton, IN, was spared a catastrophe.

Their leadership, in cooperation with Gov. Frank O'Bannon, and literally thousands of volunteers in Wells and Adams counties managed to stem the tide. Special commendation should go to Irving Material Incorporated and also to the Indiana National Guard's 2nd Battalion of the 151st Infantry. Under the leadership of General George Buskirk and Colonel Rick Shatto nearly 200 troops loaded and stacked sandbags and helped save the community of Bluffton, IN.

As more rain approaches, I urge the President to speed disaster relief to the counties in Indiana that the Governor has requested. I encourage the volunteers for their determination to move forward as the rain approaches and I urge prayers by all citizens to remember the cry of the Psalmist when he wrote, "God is our refuge and our strength, though the earth be removed, though its waters roar and be troubled, we will not fear."

FORTUNE MAGAZINE LISTS THE 50 BEST COMPANIES FOR MINORITIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. CONYERS. Mr. Speaker, today I had the pleasure of reading in FORTUNE magazine a report by Jonathan Hickman of the 50 best companies for minorities. This important study identifies the increase in minority representation in the higher levels of major national and international corporations in terms of management positions, annual income, ownership in corporations, and leadership as exemplified by membership on corporate boards.

These figures represent an overall increase and upward mobility of African Americans, both male and female, in our economic system, which establishes that progress is being made. It corroborates the work of the Rainbow Push Wall Street Project which has annually brought together leaders from corporate America, the federal and state governments, and businessmen and women from the African American, Hispanic, and Asian American communities nationwide. Its founder Reverend Jesse Jackson, Sr., has had in the annual national proceedings of Rainbow Push, a President of the United States, the Chairman of the Wall Street Stock Exchange, Richard A. Grasso, the Chairman of the Federal Communications Commission, Michael Powell, the Commissioner of Baseball, Bud Selig, and a wide variety of chief executive officers among whom can be found some of our most notable industrialists, manufacturers, wholesalers, food processors, bankers, leaders from the sports industry, heads of civil rights and human rights organizations, church leaders, and others who have continued to break down the barriers and glass ceilings that have prevented the integration of the business and financial communities of America.

There was particular focus in the article on the Reverend Charles H. Ellis III, Bishop of Greater Grace Temple in Detroit, who partnered with the PepsiCo Urban Development Program. This corporate outreach program provides a variety of services and transportation, facilitating seniors in their everyday living by providing local visits to the homes of their family and friends, the shopping center, the doctor's office, the bank, and other places of need or interest.

There are many other corporations that deserve honorable mention and those of us who are members of the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and the Progressive Caucus salute those companies who realize their responsibility to continue to democratize the world's most powerful economy that has been developed by this great country.

50 BEST COMPANIES FOR MINORITIES

You can slow down the economy, but you can't slow down progress. Anyone who believed that corporate America's devotion to diversity would wilt in the face of hard times should take a look at this year's Top 50. It has outdone the 2002 list across the board.

How about some good news for a change? In this year's 50 Best Companies for Minorities list, we saw minority representation rising in nearly every category we evaluate. People of color make up 19% of boardrooms, vs. 18% last year and 11% in 2001; management grew more diverse—26% of officials and managers are minorities, an increase over last year's 24% (up more than 50% from the inaugural list in 1998). Those improvements are mirrored in other areas—purchasing from minority-owned firms increased to 9% of the total purchasing budget, from 7% last year, while some areas, like diversity training and charitable contributions to minority organizations, held steady.

As in the past, we compiled our list by contacting the FORTUNE 1,000, plus the 200 largest privately held U.S. companies; 141 responded to our survey. Our questionnaire delves into all aspects of diversity. We ask how well people of color are represented in the general workforce but, more important, how many are among the most senior officials and highest-paid employees. And we ask if they're being promoted into management at the same rates as white employees. Other questions relate to the company's culture. Are managers held financially accountable for meeting diversity goals? How successfully have people of color been integrated into succession plans? We look at the way companies interact with the wider community. How strong are their purchasing programs with minority-owned businesses? Have they used minority-owned underwriters or pension-management firms? What portion of corporate charity goes to programs benefiting people of color? The data undergo a statistical evaluation and are then synthesized to produce our list: Voilà, the 50 Best for 2003.

QUESTIONING THE CASE FOR WAR

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. SCHAKOWSKY. Mr. Speaker, many questions are swirling around the country about whether President Bush and members of his Administration knowingly misled the American people into believing that Iraq was an imminent threat to our security and that we had no choice but to invade and occupy that nation. That is why I rise today to call my colleagues' attention to an editorial that appeared in today's Chicago Tribune, entitled "Questioning the Case for War."

The editorial states: "Instead of dodging questions and branding critics 'revisionist historians,' Bush must cooperate with congressional inquiries and diligently work to set the record straight. Bush has enjoyed the patience and the support of a majority of the American public. But that patience can run thin."

It continues, "The American people deserve a full accounting of the evidence. Were mistaken assertions based on faulty intelligence reports or was there a deliberate effort to trump up evidence to make the case for war?"

For the sake of his credibility, President Bush "must put to rest any suspicions that Americans accepted an argument for war that was built on a lie," the editorial concludes.

The American people deserve answers and that is why I strongly support H.R. 2625, a bill sponsored by Representative WAXMAN that would establish an independent commission to respond to the questions raised today by the Chicago Tribune. We need to get to the truth. President Bush's credibility and America's standing in the world are at stake.

[From the Chicago Tribune, July 10, 2003]

QUESTIONING THE CASE FOR WAR

Like any good salesman, President Bush highlighted the facts that made the most compelling case as he sold the American people on the urgent need for war against Iraq. In his State of the Union address in January, he spoke of 38,000 liters of the deadly botulinum toxin and as much as 500 tons of sarin, mustard and VX nerve agent—all unaccounted for by Saddam Hussein. He spoke of Hussein's continued quest to build nuclear weapons.

He and his administration made the case forcefully for months, at the United Nations and elsewhere, using an impressive array of intelligence reports and satellite photos. Many Americans were convinced, as was this editorial page.

For several weeks, however, the case that Bush & Co. made has been coming under intense scrutiny, with suggestions that the president deliberately exaggerated some evidence or misrepresented intelligence reports to gild the arguments for war.

After weeks of denying those charges, the White House acknowledged Monday that one of the president's points in his State of the Union address may have been mistaken. That claim: that Hussein had attempted to buy uranium for a nuclear weapon from a nation in Africa.

White House officials wouldn't say how the president came to use the erroneous information or when he knew that the assertion was probably wrong. Bush and his team didn't fess up voluntarily. They were compelled to respond to an account in Sunday's New York Times by Joseph Wilson, a former American ambassador who was enlisted by the CIA last year to travel to Niger to investigate claims that Hussein had tried to buy the uranium.

Wilson wrote that he found no evidence for those claims and shared his skepticism in briefings with the CIA and other agencies. Nevertheless, almost a year later, Bush cited that information in his speech. Top officials, including National Security Adviser Condoleezza Rice, deny that they or the president knew of Wilson's findings before he delivered the speech.

But Wilson wrote that "Based on my experience . . . I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat."

That is a logical—and deeply distrubing—conclusion.

The African uranium claim is not the only statement in question. The president asserted that Hussein had attempted to buy high-strength aluminum tubes suitable for nuclear weapons production. That claim was disputed by the International Atomic Energy Agency, and now is widely viewed as doubtful. The Pentagon has acknowledged that a Defense Intelligence Agency study last December couldn't pinpoint evidence of Iraqi weapons sites, though administration pronouncements at the time seemed far more certain of their existence.

With all those questions, it's natural to wonder what other errors—intentional or not—crept into the president's case for war. Prime Minister Tony Blair faces similar scrutiny in Britain.

Bush insists that those who raise such questions are ignoring the preponderance of the evidence, which clearly showed Hussein posed a threat to the world. There was, indeed, a strong case, starting with Hussein's longstanding defiance of U.N. resolutions and cat-and-mouse game with U.N. weapons inspectors.

Bush also complains that this debate is charged with political partisanship. Yes, in some quarters, it surely is.

But Bush seriously miscalculates if he chalks up the rising din of questions only to those who opposed the war. This debate goes to the president's most precious asset: his credibility.

The American people deserve a full accounting of the evidence. Were mistaken assertions based on faulty intelligence reports or was there a deliberate effort to trump up evidence to make the case for war?

It's time for the administration to scrub down every piece of evidence it made public and level with the American public about what, if anything, was exaggerated to make the case for war. Instead of dodging questions and branding critics "revisionist historians," Bush must cooperate with congressional inquiries and diligently work to set the record straight.

Bush has enjoyed the patience and the support of a majority of the American public. But that patience can run thin.

Americans know the hunt for weapons of mass destruction isn't over yet. They realize that no intelligence report is perfect; that such reports can be misleading or flat-out wrong. They understand that mistakenly using a faulty intelligence report does not automatically lead to the conclusion that much of the evidence for war was twisted or intentionally misused.

But they also know a too-slick sales job when they see one. History is full of presidents who fudged facts to advance objectives—be it declaring a war or more mundane domestic matters.

These questions will not fade. If anything, as the presidential campaign heats up, these kinds of questions will only grow louder.

If some of the intelligence Bush used was faulty or incomplete—as it seems to have been—he should say so and explain why. If he made mistakes, he should admit them. Bluster and bravado will not suffice. He must put to rest any suspicions that Americans accepted an argument for war that was built on a lie.

INTRODUCTION OF THE EMERGENCY DIRECTED RAIL SERVICE ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. YOUNG of Alaska. Mr. Speaker, today, I introduce the Emergency Directed Rail Service Act. We have now reached a point almost exactly one year after Amtrak's last shutdown threat. Only an emergency "loan" under the otherwise crippled Railroad Rehabilitation Finance (RRIF) program and an emergency appropriation prevented Amtrak from shutting down, stranding thousands of commuters on and off the Northeast Corridor, and ending freight service on the Corridor. (The "loan"—supposedly for 90 days—has not been repaid to this day.)

Based on last year's threat, I introduced an earlier version of this bill, to provide a "safety net" of emergency directed service powers under the auspices of the Surface Transportation Board if Amtrak did shut down. Such a threat is still present. Amtrak has pending funding requests far in excess of the President's budget request and has made no significant structural or financial changes in the last year. Thus the nation's commuter railroads and freight service on the Northeast Corridor are still hostages to a new shutdown threat.

This legislation is intended to prepare the nation for the possibility that Amtrak will either repeat its prior threat, or that Amtrak's precarious financial situation will cause an involuntary cessation of service. This bill is part of my effort to make sure the country is as prepared as possible should any such shutdown occur.

I am particularly concerned about the effect on freight movements in the Northeast and on commuter operations around the country and consequently on our national economy. An Amtrak shutdown could adversely affect the economy in the Northeast United States, because considerable freight would not be able to get to its destination—especially plants where the Northeast Corridor is the only rail access. Moreover, commuters in the Northeast and around the country may not be able to get to work, either because the commuter authority operates on Amtrak infrastructure or because the commuter authority uses Amtrak employees to operate or maintain its trains.

Last year, before introducing the predecessor of this bill, I wrote to Linda Morgan, the then Chairman of the Surface Transportation Board, and asked whether the Board had the power to direct freight and commuter service that would be adversely affected by an Amtrak shutdown. Ms. Morgan responded that the STB was unclear whether it would have the power to direct freight and commuter service in the event of an Amtrak shutdown and that its emergency powers have "never been tested before in this context . . . and . . . could be challenged in court."

This country needs someone to have the power to address the fallout on freight railroads and commuters if Amtrak shuts down. The legislation I introduce today does just that. It makes it clear that the STB has the authority it needs to act in the event Amtrak ceases service.

In particular, the bill would give the STB the authority to order the continued maintenance, signaling, and dispatching of the Northeast Corridor. It would give the STB the authority to use federal funds to compensate the entity that conducts these services and to indemnify it with respect to any increased liability exposure. It would also authorize the STB to direct service and to provide interim financial assistance to commuter operations around the country affected by an Amtrak shutdown.

Further, current law requires that to the extent possible the Amtrak employees who already perform the work should do the work required by the directed service. The bill I introduce today would not change that requirement.

The nation may have narrowly avoided a rail transportation crisis last year, but there is no guarantee that we will not see a recurrence. Given the precarious financial situation of Amtrak, it would be irresponsible not to put a "safety net" of appropriate emergency powers in place. If Amtrak manages to recover, this legislation will prove to be very inexpensive insurance under which no claim had to be made. But if Amtrak shuts down, having this insurance in place will prove to be the wisest of investments.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004 and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in support of the very important FY04 Department of Defense appropriations bill. In my opinion, some of the most important provisions in this bill are the pay increases for our men and women in uniform. H.R. 2658 provides an average pay increase of 4.1 percent for military personnel in FY 2004 and provides targeted pay hikes of up to 6.3 percent for a variety of other personnel.

Another issue of great importance also included in this appropriations bill is funding for the BRAC process. From 1995 to 2000 Congress intentionally refused to authorize another round of BRAC. Only in late 2001 did the Senate add the controversial provision to the FY02 Defense Authorization Act, authorizing the fifth BRAC for 2005. The House-passed authorization bill did not include any such BRAC provision, but in December 2001, the House finally approved the Conference Report to the FY02 Defense Authorization bill with the Senate's BRAC provision included.

The first significant steps in implementing the new 2005 base closure law were formally announced by Secretary Rumsfeld on November 15, 2002. These included development of a force structure plan, conducting a comprehensive inventory of military installations, and establishing criteria for selecting bases for closure or realignment. Secretary Rumsfeld further stated that he felt another round of base closures would be necessary in light of his efforts to undergo a military transformation to a quicker, sleeker fighting force.

Although I have not found much common ground recently with the President and Secretary Rumsfeld, in this case I do. As such, I plan to vote against Mr. HOSTETTLER's amendment to preclude the use of funds provided by this bill to proceed with the BRAC process. In addition, the veto threat issued by the President if this amendment passes should be heeded considering the importance of the funding for the DOD.

With that said, I would like to take this opportunity to express my strong support for Cannon Air Force Base, located in my district. Not only do I strongly support Cannon remaining open through the 2005 round of closings, but I have every confidence that it will, in fact, remain open.

Cannon Air Force Base and the men and women who serve there are an integral part of New Mexico, the Clovis community immediately surrounding it, and an integral component of our national defense. In addition, Cannon's pilots have an excellent training space, the Melrose Bombing Range, very close by. Cannon has no encroachment, and is surrounded by open space.

In the past, I have worked very hard to ensure that Cannon's facilities are worthy of the high-caliber personnel who use them. I have worked with my colleagues in the New Mexico delegation to secure funding through the Military Construction Appropriations bill for several worthy projects at the base. I have every intention of continuing to work to secure funding for the facilities there that are currently substandard to further shield this important component of our national defense from being closed.

Mr. Chairman, for the reasons I have outlined above, I will vote against Mr. HOSTETTLER's amendment. I urge my colleagues to do the same. However, I do support passage of the underlying bill, as it provides important funding for our brave men and women in the Armed Forces.

IN HONOR OF THE 20TH ANNIVERSARY OF ESPERANZA, INC. AND THEIR 13TH ANNUAL FIESTA OF HOPE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Esperanza, Inc. of Cleveland, as they celebrate 20 years of educational assistance and support within the Hispanic community of Cleveland. I also stand to recognize Esperanza's celebration of their 13th Annual Fiesta of Hope.

Esperanza, Inc. is the only nonprofit organization in Ohio dedicated to the promotion and advancement of Hispanic education. This organization attracts hundreds of volunteers who tutor, mentor, and provide scholarship assistance to students of all ages.

Since its formation in 1983, Esperanza, Inc. has celebrated its diversity through a yearly "fiesta." Every year, the leaders and members of Esperanza, Inc. awards dozens of scholarships that provide critically needed financial assistance to students. Esperanza, Inc. focuses their resources, time and talents in promoting the most vital component of a productive and healthy individual and a productive and healthy society—educational opportunities for all.

Mr. Speaker and colleagues, please join me in honor and recognition of Esperanza, Inc. of Cleveland. For the past 20 years, this significant agency has uplifted the lives of thousands of youth within the Hispanic community, and continues its mission through its dedicated staff, volunteers, and equally dedicated students. Esperanza, Inc. provides financial support, technical resources and career guidance focused on students in the primary grades through college. Moreover, Esperanza, Inc. offers hope and opportunity, and underscores the notion that despite hardships and obstacles—support, encouragement and faith in a child will raise that child far above mediocrity to new heights of personal achievement—to a place where their dreams are realized.

THE STATE OF HISPANIC HEALTH IN THE U.S.

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about the current state of healthcare in this Nation as it relates to the Hispanic community.

Figures released by the Census Bureau last Wednesday placed the Latino population at 38.8 million in July 2002, an increase of nearly 10 percent from the 2000 census.

Unfortunately, over half of all Hispanics in the United States do not have health insurance. This is about 20 percent higher than the national average of approximately 30 percent.

I am especially concerned about the health of many of our Nation's Hispanic seniors. Over 2.2 million Hispanics currently receive Social Security benefits.

Each time that a new tax cut is passed, we put our Social Security trust fund in further danger, thus eliminating future benefits for all Social Security recipients.

Moreover, without Social Security, over 55 percent of Hispanic seniors would be forced to live under the poverty rate.

I hope that those who supported tax cuts for the wealthy can sleep well at night knowing that their misguided policies may force millions of seniors to live in poverty.

TOWN OF DECATUR

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. PENCE. Mr. Speaker, as the American people saw on national television this morning, the Indiana flood of 2003 moved forward at a heartbreaking, record-setting pace.

The St. Mary's River in Decatur, IN, crested last night at nearly 28 feet, an all-time historic high for that river and the Wabash River as well.

But, because of the work of local heroes like Decatur Mayor Fred Isch, Fire Chief David Brinneman, State Master Sergeant Roger Popplewell, and National Guard Unit Leader Sergeant Mike Heister, thousands of volunteers filled more than 176,000 sandbags in Decatur, IN alone.

And when the St. Mary's River crested, it did not break the levee. There are so many to be commended, but I remember two in particular—Decatur police officer Mark Cook, who organized the sandbag filling at the Wal-Mart parking lot and even 13-year-old Melanie Vergary who went out and worked and stuffed bags.

The chaplain said today that "unless the Lord watches over the city" and surely, Mr. Speaker, we would ask the Lord to watch over this city and all the cities in Indiana affected by the flood of 2003 and all those who labored to protect them.

IN MEMORY OF ANTHONY J. CELEBREZZE, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Anthony J Celebrezze, Jr., devoted family man, accomplished public leader, and admired friend and mentor. Mr. Celebrezze's integrity, expertise and deep dedication to the people of Cleveland and the State of Ohio has left an indelible and positive mark within our community and throughout our state.

Mr. Celebrezze was born and raised in Cleveland and chose to remain in Cleveland to raise his family throughout his years in office. In recent years, he relocated to the Columbus area where he pursued his passion of competitive racing. The life of Mr. Celebrezze reflects great accomplishment, focus and achievement—academic and professional. He earned a Bachelor's degree in Electrical Engineering at the U.S. Naval Academy, a Master's degree from George Washington University, and a Law degree from Cleveland-Marshall Law School.

Instilled with the values of public service from his father, Anthony J. Celebrezze, Sr., who served as a popular Mayor of Cleveland, Mr. Celebrezze sought a life in service to others. He was elected to the State Senate in 1976. In 1980, Mr. Celebrezze was elected to serve as Ohio's Secretary of State. Mr. Celebrezze was elected as Ohio's Attorney General two years later.

Throughout his years dedicated to uplifting the lives of Ohio residents, Mr. Celebrezze made significant improvements regarding a wide range of environmental and consumer protection issues. Because of Mr. Celebrezze's commitment to Ohio consumers, auto buyers in Ohio are protected by the "lemon law." A staunch protector and advocate of Ohio's natural environment, Mr. Celebrezze worked tirelessly for strict control of waste shipment into Ohio, and clamped down on industrial pollution.

Anthony J. Celebrezze, Jr.'s steadfast integrity, kindness and humble nature reflected his character and defined his tenure as public servant. His humble nature belied his deep intellect, vision and keen political savvy. Though immensely successful, title and accolades did not hold significance for him—care for his family and service to community did. Anthony J. Celebrezze was a true leader in every sense—a genuine individual whose modesty and strong sense of self cast a rare and steady beacon of light across the shadowy game of politics. He consistently disregarded political pressures and kept focused on improving the lives of his constituents, working tirelessly on behalf of his constituents.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mr. Anthony J. Celebrezze, Jr., an exceptional man and caring leader whose life profoundly impacted the lives of thousands. His passing marks a deep loss for countless who called him friend—including me. Mr. Celebrezze's commitment to others is clearly evidenced within our consumer protection laws and cleaner environment, and will remain so for all time. His radiant legacy of consumer advocacy and environmental protection will be remembered always by the people of Ohio. Moreover, it was the power of his kindness, grace, tenacity and heart that uplifted and enlightened every facet of our community.

I extend my deepest condolences to Mr. Celebrezze's beloved wife, Louisa; his beloved children, Anthony J. III, Charles, David, Catherine and Maria. Anthony J. Celebrezze, Jr.'s exceptional life will serve as a timeless example of leadership, and service to others—and although he will be deeply missed—his indelible legacy—fueled by the power of kindness, grace and heart, will forever resound throughout our community and throughout the State of Ohio.

HONORING ARTURO MORENO

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Arturo Moreno, the new owner of the World Champion Anaheim Angels.

Mr. Moreno's purchase of the World Series champions not only made him the first minority with a controlling stake in a major league team, it made him the first Latino owner in major team sports.

In a league where 28 percent of the players are foreign born, this is an important step in continuing diversity in Major League Baseball.

When Jackie Robinson entered the League in 1947, he broke baseball color barriers. Today, I'm proud to say that Mr. Moreno is continuing that tradition at the helm of the Angels. It is my hope that it will drive more minorities to sports management and to the Anaheim ballpark.

I'm told he bought the Angels not just because he loves sports, but because he loves to win—exactly what we need for a second championship victory.

As a die-hard Angels fan, I would like to welcome Mr. Arturo to the Anaheim family. I hope his first year includes another championship.

RECOGNIZING THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF LINCOLN, ILLINOIS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. LAHOOD. Mr. Speaker, I rise to honor the City of Lincoln, in the 18th District of Illinois, for their one hundred and fiftieth anniversary.

Whereas the city of Lincoln, Illinois, is celebrating its sesquicentennial;

Whereas such an occasion commemorates the life and times lived by those citizens who influenced or nurtured the development of the nation, state, county, and individual communities in which they lived;

Whereas the city of Lincoln, Illinois, has planned sesquicentennial activities to commemorate its founding;

Whereas an official celebration will occur August 21 through August 31, 2003 in downtown Lincoln, Postville, and Lincoln College, and will include commemorative displays as well as the Annual Art and Balloon Festival;

Whereas the history of the settlement of the original thirteen colonies along the Atlantic seaboard was one of people seeking a promised land—a land with freedom and opportunity;

Whereas Logan County, Illinois, was established as a result of the American westward movement across the Appalachian Mountains, through the Ohio River Valley, and onto the broad expanse of the Illinois prairies;

Whereas founded in 1853 as a result of that American westward movement, Lincoln, Illinois has had an illustrious history which has strongly influenced the city's citizens' way of life;

Whereas since its founding, the citizens of Lincoln, Illinois, have come from all walks of life and have represented all races, creeds, and nationalities;

Whereas, from the time of the original settlers of Lincoln, Illinois, and through the passage of time, the citizens of Lincoln have shared a common dream that their children would enjoy a better life than they themselves had;

Whereas that dream became the legacy, which remained throughout the economic, political, and social development of Lincoln, Illinois;

Whereas Abraham Lincoln was the embodiment of that dream whereby a person can transcend from a "dirt floor cabin" background and become a symbol of hope to the citizens of Lincoln, Illinois, the United States, and throughout the world;

Whereas Lincoln, Illinois, was the only town or city named for Abraham Lincoln before he ever achieved any prominence or fame;

Whereas Lincoln College was the only educational institution in the world named for Abraham Lincoln during his Presidency from 1861 to 1865;

Whereas the founders of Lincoln, Illinois—Robert B. Latham, John D. Gillett, Virgil Hickox—were close friends of the 16th President of the United States and named the city after him;

Whereas Abraham Lincoln spent many hours in both Postville, which is now a part of Lincoln, and in Lincoln, Illinois, when handling his legal cases while riding the Eighth Judicial Circuit from 1839 to 1861;

Whereas Abraham Lincoln served as Presiding Judge while hearing several legal cases in Lincoln, Illinois, and was also a landowner in his namesake city;

Whereas, like Abraham Lincoln, there have been many citizens of Lincoln, Illinois, who have endeavored to pursue the causes of humanitarianism, justice, freedom, and true democracy;

Whereas the cornerstone of the heritage of Lincoln, Illinois, might be described by the words said by Abraham Lincoln during a time of great personal tragedy, "faith-love-hope"; and

Whereas such "faith-love-hope", along with determination and hard work have become the qualities which have enabled the citizens of Lincoln, Illinois, to develop the city into an entity in which each person can be proud.

Therefore, I ask that Lincoln, Illinois, and its residents be commended for their contributions and investment in the Nation's future and for the opportunities that the city and residents have to continue to reaffirm those principles which have served them well during the past 150 years.

IN RECOGNITION OF THE FAIRVIEW AUXILIARY BOARD TO FAIRVIEW GENERAL HOSPITAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Fairview Auxiliary Board to Fairview General Hospital, whose selfless efforts exemplify a model of benevolence and altruism.

Over fifty years ago this organization was founded under the auspices of providing essential resources to the hospital for equipment, building funds, and scholarships. Today, this organization has blossomed to staff over 140 volunteers dedicated to this proposition. Their hours of volunteered time have resulted in astounding success. Volunteers have contributed over 30,000 hours and raised more than $600,000 in the past ten years alone.

Mr. Speaker, please join me today in commending the members of the Fairview Auxiliary Board. We must encourage organizations such as theirs to continue to volunteer their time and effort in the interest of the betterment of the world.

HONORING THE GARDEN GROVE UNIFIED SCHOOL DISTRICT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize the Garden Grove Unified School District.

For the second year in a row, the Garden Grove Unified School District has been selected as one of five finalists out of 16,000 districts, to receive the Broad Prize for Urban Education. The school district has won $125,000 for college scholarship funds, but could win $500,000 if it is selected as the best in the country.

The Broad Prize was set up by Eli Broad, and was given out for the first time last year. A panel of 12 judges made up of business, government and philanthropic leaders determine the winner of the final award.

To qualify, schools must improve test scores in reading and math over a three-year period, exceed gains of similar poverty levels, and narrow the achievement gap.

More than half the students I represent in Garden Grove are learning English and 59 percent are low income. The fact that their test scores continue to rise is a testament to the strong commitment the Garden Grove School District has made to improving the education level of their students.

This award will help many young students follow their dreams of pursuing a higher education, I am very proud of the dedication and hard work by the students and faculity of the Garden Grove Unified School District.

RECOGNIZING MAJOR JAMES "CHOCKS" EWALD

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. UPTON. Mr. Speaker, I rise today to recognize Major James "Chocks" Ewald of the Michigan Air National Guard for the valiant decisions he made when his aircraft was struck by a surface-to-air missile while flying over Baghdad. On April 8, 2003 Major Ewald was leaving the Baghdad area after collecting vital intelligence about Iraqi ambush positions when he was suddenly struck by a surface-to-air missile that left his aircraft only marginally flyable. Major Ewald flew a wounded-bird for 12 minutes, while also completing several battle damage checklists, identifying critical aircraft system operations, making tentative plans for aircraft recovery, gathering important information about threats affecting future Close Air Support operations, and hastily preparing for an injury-free ejection. The quick-thinking Major then evaded potential capture and was soon rescued by fellow U.S. Army forces.

While serving during Operation Iraqi Freedom he flew over 30 combat sorties. Major James Ewald entered active duty with the Air Force in January 1989 and served active duty until July 1998 when he joined the Michigan Air National Guard. During his active duty career, he flew in support of contingency operations over Bosnia, Operation Deny Flight, in support of United Nations Forces in the Republic of Korea, and over Iraq in support of Operation Southern Watch.

Major Ewald and so many like him have unselfishly pledged to protect the United States. No matter the time, place, or circumstance, the men and women of the United States Armed Forces have always answered the call to duty. "Chocks" represents the best of the United States Armed Forces. My fellow Members of Congress, please join me in recognizing Major Ewald and all of the Armed Service members for their continued service to the American people!

IN HONOR OF THE CITY OF ROCKY RIVER ON THE OCCASION OF THEIR ONE HUNDREDTH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the leaders and residents—past and present—of the City of Rocky River, as they celebrate one hundred years as an established community—from farming hamlet, to village, to the City of Rocky River.

With foresight, vision and planning, the City of Rocky River has remained focused on the welfare of its residents. Community leaders have continuously displayed a sincere dedication to providing the highest level of services for people of all ages in Rocky River—from children, to senior citizens, to civic organizations.

Native Americans inhabited the land that follows the Rocky River north to Lake Erie for centuries before the arrival of permanent settlers in 1810. Their history is documented within the displays and exhibits found within the Metroparks Systems. This vital park system winds its way through the City of Rocky River—preserving not only the history of the land—but the land itself, as acres of nature's woodlands, teeming with native flora and fauna, abound within the City of the Rocky River. Amid its thriving parklands, Rocky River offers an array of recreational and civic amenities for all ages and groups—without compromising the natural beauty of the land.

Mr. Speaker and Colleagues, please join me in honor and recognition of the residents and leaders of the City of Rocky River, as they celebrate one hundred years as a viable community. We especially note the contributions of all elected officials—past and present—who have contributed to the development and preservation of this beautiful land that follows the waters of the Rocky River. Most notably, current Mayor William F. Knoble, and the late Mayor Don Umerley. The City of Rocky River serves as a significant example and importance of the successful balance between progress and preservation.

TRIBUTE TO DEIRDRE L. BAILEY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the memory of one of Philadelphia's true rising stars, Deirdre L. Bailey. A graduate of Spelman College and Villanova University School of Law, she was a licensed attorney and a member of the Pennsylvania Bar Association.

I first met Deirdre shortly after my joining this body. At the time, she was a senior staffer for my good friend and constituent State Representative Dwight Evans. Her responsibilities included handling his appropriations work, with a particular eye to redeveloping the Ogontz/West Oak Lane community Mr. Evans and I are honored to represent. She was a tireless and forceful advocate for the community. Her assistance was vital to our successful efforts to win Federal funding for the Ogontz Avenue Revitalization Corporation.

In 2002, Keystone Mercy/AmeriHealth Mercy Health Plan was able to lure her away from Pennsylvania's capitol in 2002. In her new capacity of Associate Vice President of External Affairs, Deirdre worked with my staff and those of other Members and state officials in Pennsylvania, Kentucky, South Carolina and other states to provide critically needed health insurance for low income and working people. Her knowledge of the health care delivery and insurance systems were of great value to me as I weighed the complex issues surrounding them.

Mr. Speaker, Deirdre Bailey might have been content to pursue excellence in her government and corporate careers. Instead, she choose to devote her near limitless energy to serve those less blessed. She worked with dedication and generosity for charitable causes, including the Children's Scholarship Fund, Listen Inc., and the Philadelphia Chapter Black Alliance for Educational Options. She was a contributing author on School Choice: The Option of Success, The State of Black America 2001. She also was a Fellow of the 2001 Next Generation Leadership Program of the Rockefeller Foundation and served as an advisor for the Villanova University Law School Minority Advisor Society.

She possessed all the attributes that we all admire in others. There was no limit to what she might have accomplished in this world and we are all worse off for her passing.

Mr. Speaker, Deirdre Bailey's light was extinguished on July 6th, giving her just a little more than thirty years to light our lives. Her family, friends, colleagues and community will miss her very much. But, I ask my colleagues to join me in expressing the condolences of the House to her family. I hope that they find comfort in the knowledge that her time on Earth was well spent and that she left the world a better place than the one she found.

TRIBUTE TO ARMY AIRBORNE RANGER SGT. TIMOTHY MICHAEL CONNEWAY OF ENTERPRISE, ALABAMA

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. EVERETT. Mr. Speaker, it is with sadness that I offer tribute today to a fallen American soldier in the battle to free the people of Iraq and secure the safety and liberty of Americans here on the homefront.

On June 28, while on patrol in Baghdad, Army Airborne Ranger Tim Conneway of Enterprise, Alabama lost his life. He died as the result of a terrorist attack on his vehicle, an attack which killed another Alabamian, Army Spc. Andrew Chris, age 25, of Florence.

Despite his young years, Sgt. Conneway, age 22, was no stranger to battle conditions having been in Iraq on a previous combat assignment as well as having served twice in Afghanistan. As noted in press coverage of his funeral service Tuesday in Enterprise, Sgt. Conneway was proud to follow in the family tradition of military service like his father and grandfather before him. His brother, Army Staff Sgt. Mark Conneway noted that Tim "wanted to be a hero, and he was."

Sgt. Conneway leaves behind a wife, Catherine, and an unborn child, as well as a whole community of friends in Enterprise. I share their sadness at the loss of such a fine and dedicated young American. America was built upon and continues to be protected by the sacrifice of such heroes. We must never ever lose sight of the fact that freedom isn't free and we shall be forever indebted to patriots like Sgt. Tim Conneway.

My heartfelt condolences go out to his wife and family.

HONORING THE STUDENTS OF MARIPOSA ELEMENTARY SCHOOL'S GATE PROGRAM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the efforts of the students of Mariposa Elementary School's Gifted and Talented Education, GATE, program in Mariposa, California. For the past two years, the students involved in the GATE program have researched and photographed the historic storefronts of Mariposa. They have used their research to produce postcards that storekeepers give out free to tourists.

Not only have these students educated themselves about Mariposa, they have become stewards of the town's history. Their work ensures that the history of Mariposa will live for yet another generation, just as it has for over 150 years. The students have engaged local historians who have passed on their expertise and extensive knowledge of local history. They are even taking their project worldwide by hosting their photographs on the school's Web site. The students of Mariposa Elementary have taught us all an important lesson: to value and protect your local history.

Mr. Speaker, I urge my colleagues to join me in recognizing the students of Mariposa Elementary valuing and protecting their local history.

A PROCLAMATION HONORING CLARENCE R. SMITH, JR.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. NEY. Mr. Speaker, Whereas, Clarence R. Smith, Jr. was born on July 10, 1928 and is celebrating his 75th birthday; and

Whereas, Clarence R. Smith, Jr. is active in the Youngstown community with his work at the Diamond Steel Construction Company and through his involvement in the Boy Scouts of America, the Elks Club, the Rotary Club, and the United Methodist Church; and

Whereas, Clarence R. Smith, Jr. must be commended for his years of dedicated service to his friends and his community; and

Whereas, Clarence R. Smith, Jr. is a devoted husband, father, and grandfather;

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Clarence R. Smith, Jr. as he celebrates his 75th Birthday.

TRIBUTE TO MICHAEL J. HOGAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Michael J. Hogan whose selfless service and contributions to the St. Vincent de Paul Society of Holy Eucharist Parish in Tabernacle, New Jersey are worthy of recognition.

Mr. Hogan, one of ten children, was born in 1938 in New York. He began serving those in need during his high school and college years through the St. Vincent de Paul Society of his parish.

Mike and his wife, Elizabeth, have three children and one grandchild. He has always been a devoted husband, father and grandfather. He has a great passion for and dedication to children which is demonstrated through his generous volunteer hours as guest lecturer of astronomy in grammar schools through the Star Lab program, and his volunteer work as a teacher of religious education classes.

Involved in the construction of the St. Vincent de Paul Society Food Pantry, Mike volunteers as its Coordinator, working with the USDA Food Bank to ensure that there is an adequate food supply at all times. When there is a need in the community, Mr. Hogan ensures that food and other services are given with dignity and respect. He provides a critical blend of self-help encouragement with monetary assistance.

As Regional Coordinator of the NJ Shares Program, Mike acts as liaison between utility companies and statewide energy assistance funds. As Chairman of the Board of Trustees of the Salt and Light Company, Inc., Mike helps to provide affordable housing to low-income individuals and families in Burlington County.

As one of the most valued, dependable and respected volunteers of the Rutgers Cooperative Extension of Burlington County, Mike is heading up the Master Gardener Donation Garden in which vegetables will be grown for donation to local food banks.

As you see, Mike Hogan is a volunteer without equal in our area, and it is with gratitude and respect that I honor him today.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004 and for other purposes:

Mr. KIND. Mr. Chairman, I rise today to promote the continued work of the Congress and the Department of Defense to make sure our reserve troops are medically ready to deploy when called upon.

In meeting the global challenges of the post-cold-war era, our military reserve forces have become more important than ever. In fact the role of the Reserve and National Guard in the total force has transformed over the past decade from manpower replacements to essential operators in the daily missions of our armed forces. This is now more apparent than ever as over 200,000 Reservists are serving on active duty related to our military action in Iraq, in peacekeeping and counter-terrorism operations around the globe, and domestic security operations here at home. The increased use of the reserve component seems likely only to increase given our current military force structure and current and future obligations around the world.

Given this trend, the ability for reserve units to timely deploy when called upon is critical. To be effective, our reserve troops need to be medically ready and able to perform their mission. Members not able to deploy when called up limit the ability of units to perform, cause delay, and demand costly changes in operation plans.

The medical and dental readiness of the reserve components has continually been an issue of concern for the Department of Defense. According to the U.S. Army Medical Command, a "significant number" of Army Reservists could not be deployed during mobilization for Persian Gulf War in 1990–91 due to medical reasons. Further, a study by the Uniformed Services University found that an estimated 25 percent of Army Reservists mobilized in response to the attacks of September 11, 2001, were not deployable due to dental problems.

Recently, the government accounting office completed a report on the ability of the Army Reserve to meet medical and dental readiness requirements, as directed by the National Defense Authorization Act for FY02.

The GAO found that periodic physical and dental exams for early-deploying reservists are valuable for the Army and that the Army should seek to consistently meet the statutory requirements for monitoring the medical and dental status of Army Reservists.

However, the GAO report only reaffirmed what the Army already knew, and starting in March 2001, the Army made a fundamental shift to ensure the readiness of its reserve forces. By coordinating and contracting with the Department of Veterans Affairs, the Department of Health and Human Services, and the private sector, the Army is able to address readiness needs through an innovative, efficient, and cost-effective program called the Federal Strategic Health Alliance, or FEDS-HEAL.

The FEDS-HEAL program won the Hammer Award created by former Vice President Gore to recognize outstanding Federal organizations that significantly improve how the Government operates. The FEDS-HEAL program fixes the logistical problems that hampered the Army's ability to get Reservists into the limited number of Army medical treatment facilities for required exams and screenings.

FEDS-HEAL works with VA medical facilities, HHS Federal occupational health facilities, and over 2,000 approved private medical and dental providers throughout the Nation to get Reservists the attention they require nearby and in a timely manner. In addition, the

FEDS-HEAL program office reviews and maintains records on individual Reservists, a factor that the GAO noted as key to success in efficiently fulfilling medical readiness requirements.

The problems in fulfilling readiness requirements are not unique to the Army Reserve, and the remedy pursued by the Army is applicable to other services. Noting the tested success of the FEDS-HEAL program within the Army Reserve, I encourage the other reserve components to thoroughly examine their ability to meet reserve readiness requirements and look to the FEDS-HEAL program as a model. In coordinating the entire reserve component into a reserve medical and dental readiness program, we may be able to reduce costs further through increased volume while boosting benefits to the DOD in terms of efficiency and to the VA and private providers through increased reimbursements.

The other major factor in attaining compliance with readiness requirements is adequate funding. I, and other Members of Congress, want to ensure that readiness is a top priority among the reserve components, and we will continue to work with the military to assess readiness needs.

Again, I commend the Army Reserve for implementing the FEDS-HEAL program and encourage expanded use of the program for other reserve forces to meet readiness requirements.

HONORING JIM REDMAN

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Jim Redman, a man who has taught many people the meaning of courage, perseverance, and integrity.

Mr. Redman is an icon in Plant City, FL, which is located in my congressional district. He captained the high school football team there before attending my alma mater, the University of Florida, and studying business administration and law. After graduation he returned home and married his wife, Ruby Jean, a former Florida Strawberry Festival queen.

He founded and ran a successful law practice in Plant City before getting elected to the Florida House of Representatives. During his 12 years in the legislature, Jim fought public corruption and was named Legislator of the Year in 1975. He was a proud Democrat, and when local Republicans tried to get him to switch parties, he boasted that the Republicans were "too liberal" for him.

He also became very involved in the community and ultimately left the legislature to spend more time with his family. A section of State Road 39 in Plant City was named the James L. Redman Parkway in honor of his work in the legislature and his contributions to the community.

In 1978, at age 46, Jim found out he had cancer. Though doctors said he had likely less than 2 years to live, he decided to fight it. And fight he did. I am pleased that today, at age 71, he still is fighting, despite enduring constant pain. Jim has refused to let his disease define him and instead has made his mark on the world and those around him.

Jim raised three children and now is a grandfather to nine grandchildren. He attends Lions Club lunches and meetings of the South Florida Baptist Hospital Board on which he serves. He also attends First Baptist Church of Plant City every Sunday, where he serves as a deacon. In addition, he gets to work at 7:30 every morning, and as he says, thanks "the good Lord for giving me another day."

Mr. Speaker, I am honored to know Jim Redman and to represent him and his family in Congress. He continues to live his life with grace, dignity, courage, and the can-do attitude from which we all could learn.

RECOGNIZING THE LIFE OF MISSOURI POLICE OFFICER DEPUTY DANIEL JAMES PERCIVAL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the life of Deputy Daniel James Percival. His life, though tragically cut short, was enriched by numerous accomplishments in his career, and a loving, caring family.

Daniel served the Elbert County Sheriff's Department with dignity and passion. He was a big guy, towering over most at 6'8" tall with size 18 shoes and was fondly referred to as the "gentle giant." He was recruited for a career with the NFL, however Daniel wanted a career where he could serve and protect people and this is a true testament to the type of person that he was. On October 31, 1996, Daniel was shot and killed in the line of duty, at the young age of 21.

Daniel is survived by his loving parents, James and Sharon, and his sister Erin. It is my hopes that his family will always remember how passionate he was about his job and how diligently he served the people of Missouri.

Mr. Speaker, I respectfully ask that you help me in recognizing and remembering Deputy Daniel James Percival, his accomplished career, and the remarkable family he leaves behind. God bless them.

RHODE ISLAND COMPREHENSIVE FIRE SAFETY ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to applaud the work of the Rhode Island General Assembly for passage of the Comprehensive Fire Safety Act and to urge other States to update their fire codes to modern standards. The Comprehensive Fire Safety Act, which was signed into law by Gov. Donald Carcieri on July 7, 2003, updates the Rhode Island Fire Code to reduce the chance of future fire-related tragedies. The legislation is the result of months of work by a 17-member legislation commission, and it passed the State House and Senate unanimously last month.

This sweeping legislation is a timely, well thought out response to the West Warwick, RI, nightclub disaster that tragically killed 100 concertgoers on February 20, 2003. This was the deadliest fire in Rhode Island history and resulted from the use of pyrotechnics in a building that was not equipped with sprinklers or easily accessible exits.

The Comprehensive Fire Safety Act adopts the National Fire Protection Association (NFPA) fire codes for new and existing buildings. This will end the State's grandfather clause that exempted older structures from meeting the State fire code. In addition, sprinklers will be required in more public buildings, a critical provision considering that the NFPA has no record of a fire killing more than two people in a completely sprinklered public building. In addition, the law bans most indoor pyrotechnics and expands the power of fire inspectors.

I hope other States will act to update their fire codes before similar tragedies strike. Enough lives have been lost in fires already. I also urge my colleagues to join me in cosponsoring H.R. 1824, the Fire Sprinkler Incentive Act of 2003. This legislation provides a tax credit to businesses that choose to install fire sprinklers, thus helping to offset the cost of State mandates and encouraging buildings to exceed local fire codes for the safety of the occupants.

While nothing can be done to bring back the victims from this horrific tragedy, the Rhode Island government has honored the victims of this disaster by working to prevent a similar situation from occurring in the future, and I applaud the State for its efforts.

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. PICKERING. Mr. Speaker, yesterday, July 8, 2003, a horrible tragedy occurred in my congressional district which caused me to miss the evening's votes, most noteworthy the Department of Defense Appropriation Act for 2004.

A gunman entered the Lockheed Martin plant in Meridian, MS, and conducted a thoughtless and sickening shooting spree, wounding nine people and killing five. I felt it important that I be with the victims of this senseless tragedy to offer support and comfort.

The families and friends of these victims are undergoing tremendous heartache and confusion as a result of this terrible act of violence. I would request the thoughts and prayers from the members of this body as we struggle to cope with this tragic incident.

While I regret missing these votes, my duties required that I be with my constituents. Had I been present, I would have voted "aye" on rollcall votes 334, 335, and 336.

TRIBUTE TO LIEUTENANT COLONEL DAVID BYRNES

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. HOUGHTON. Mr. Speaker, as the Senior Marine in the Congress, I rise to pay tribute to Lieutenant Colonel David Byrnes, United States Marine Corps, on the occasion of his retirement from active duty. Lieutenant Colonel Byrnes has served our Marine Corps and our great Nation for more than a quarter of a century.

A native of my home state, Lieutenant Colonel Byrnes grew up in Stoneybrook, New York. After graduating from Smithtown High School in 1977, a young David Byrnes followed in the footsteps of several great generations of New Yorkers and enlisted in the military. Like a few good New Yorkers before him he chose a challenging path—the Marine Corps. Lieutenant Colonel Byrnes' service as an enlisted aircraft technician took him from Memphis, Tennessee, to Beaufort, South Carolina, and eventually to Jacksonville, North Carolina.

In 1981, after these successful tours, Lieutenant Colonel Byrnes continued to excel and take on greater challenges, transferring to the reserves to attend Dowling College in Oakdale, New York, where he was awarded a Bachelors of Arts degree in 1982. By 1984 he had earned a commission as an Officer of Marines. From 1985 to 2000, Lieutenant Colonel Byrnes served in many of my colleagues' home states including South Carolina, New York, Kansas, Oregon, Virginia, and Louisiana. As a testament to his talent and versatility Lieutenant Colonel Byrnes earned three military occupational specialties during these tours, including Aircraft Maintenance Officer, Adjutant, and Legal Officer. He served with distinction and honor in all of these roles. In 2000, Lieutenant Colonel Byrnes was selected to attend the Naval War College in Newport, Rhode Island, where he earned a Masters Degree in National Security and Strategic Studies. He immediately put this education to use serving in the J8 Forces Division on the Joint Staff, where he had responsibilities for the Secretary of Defense's Annual Report to the President and the Congress.

After his joint staff tour, Lieutenant Colonel Byrnes began his last tour of duty in the Marine Corps—serving in the Marine Corps' Office of Legislative Affairs. In this position he interacted with the Congress to explain Reserve Affairs to Congressional Members and their staffs. This was a position of enormous responsibility, made all the more so because of the ongoing War on Terror, Operation Enduring Freedom and Operation Iraqi Freedom, which have all called for a large measure of devotion from our reserve forces. Lieutenant Colonel Byrnes has performed this highly challenging and difficult task flawlessly, always providing wise counsel and plain speaking. We have been fortunate to have such a capable Marine officer interact with us.

Throughout his career, Lieutenant Colonel Byrnes has demonstrated strong character, discerning wisdom, and a sincere, selfless sense of duty to his Marines. In recognition of his devotion to duty and exemplary performance Lieutenant Colonel Byrnes was awarded the Defense Meritorious Service Medal, Meritorious Service Medal with 1 star, Navy and Marine Corps Commendation Medal with 2 stars and a Navy and Marine Corps Achievement Medal.

On behalf of all my colleagues, I would like to recognize Lieutenant Colonel Byrnes' accomplishments and his devoted service to the Nation. Congratulations to Dave, his wife Quinn, and son Charlie, on the completion of a long and distinguished career. I wish them all the best as they continue to live life beyond our beloved Corps.

EXPRESSING SOLIDARITY WITH CUBAN PRISONER OF CONSCIENCE RAFAEL IBARRA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, every week I rise to speak about the brave men and women who are languishing in prisons in totalitarian Cuba, that island that has been for 44 years oppressed by a totalitarian dictator. Each week I bring forth specific cases to remind our colleagues and all those who will listen about the horrors taking place just 90 miles from the shores of the United States.

This week, I rise to speak about Rafael Ibarra. Rafael Ibarra heads the 30th of November Democratic Party, an island wide opposition movement to the Castro tyranny. In 1994 he was sentenced to 20 years in prison and is currently at the prison known as Combinado del Este, after having spent 3 years in an isolation cell in Camaguey, hundreds of miles from his family. In 1997 his wife at the time, Maritza Lugo, also a highly respected pro-democracy activist, was arrested and incarcerated for 2 years; leaving their two daughters without their parents. On multiple occasions after 1999, Maritza would continue to be arrested and harassed by the Castro regime. Even when Maritza and Rafael were in prison at the same time, the dictator, Fidel Castro, sought to evict their two girls from their small farm house, which had become a gathering point for human rights and pro-democracy meetings.

Rafael Ibarra was one of the political prisoners who recently signed the Cuban flag painted on a pillow case and sent it to the United Nations Human Rights Commission in Geneva.

Maritza and her two daughters, at Rafael's request, fled Cuba as refugees in 2002 to the United States so that the two girls would be able to live in freedom.

Next year will mark 10 years that Rafael has been imprisoned. While other fathers have been able to watch and guide their daughters as they grow up, Rafael has been confined in Castro's Gulag for daring to work on behalf of a democratic Cuba.

Our thoughts and prayers are with him, as is our solidarity and our profound admiration.

RECOGNIZING MAJOR JAMES EWALD OF THE MICHIGAN AIR NATIONAL GUARD

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. STUPAK. Mr. Speaker, I rise to honor a Michigan National Guardsman who demonstrated exceptional bravery and prudent skill during the war in Iraq.

Major James Ewald, a Michigan native and pilot in the Michigan Air National Guard 110th Fighter wing, acted decisively when his Close Air Support aircraft was struck by a surface-to-air missile while flying over Baghdad on April 8, 2003. He had been part of a mission to provide critical intelligence about Iraqi ambush when the enemy missile left his aircraft barely flyable.

Instead of succumbing to what could have been deemed a hopeless situation, Major Ewald expertly flew the wounded aircraft for 12 more minutes and completed vital battle damage checklists, identified critical aircraft system operations, made tentative plans for aircraft recovery, and gathered information about threats affecting future Close Air Support operations. His fourteen years of military experience and natural abilities allowed him to parachute out of the faltering aircraft injury free. He then strategically hid among the thick Iraqi foliage from imminent capture until U.S. Army forces rescued him fifteen minutes later.

I am extremely proud of Major Ewald for his service to our nation. He has shown courage and dedication to performing the job for which he has been well-trained by the Michigan Air National Guard. I am pleased today to offer him my most sincere commendation.

IN HONOR OF MS. DOROTHY ANDERSON CLARK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. PALLONE. Mr. Speaker, I rise today in recognition of the late Dorothy Anderson Clark, a dear friend to New Jersey's sixth congressional district. Ms. Clark, who was a resident of Asbury Park, was well known throughout the community and will be sorely missed by her friends, family, and neighbors.

Dorothy Clark was a truly remarkable individual, who was admired for her many years of community service. During World War II, she was a pioneer of the American Women Volunteers of Long Branch where she provided locally relevant humanitarian services that helped people within the community be safer and healthier. Later, Ms. Clark was honored with a well-deserved Certification of Meritorious Service from the Red Cross for her volunteer work during the war. Despite the arduous nature of her work, Ms. Clark continued to volunteer her services after the war ended.

In addition to her dedication surrounding the war effort, Dorothy Clark also volunteered her services to various community organizations.

She was an active member of the Order of the Eastern Star, Naomi Chapter 8 of the United Masonic Brotherhood Incorporated of Neptune. Recently, Ms. Clark was given an award for her work with the Seacoast Association, as well as an award lauding her fifty years of devoted service to the Second Baptist Church of Monmouth.

Mr. Speaker, Dorothy Anderson Clark was clearly an exceptional woman who touched the lives of young and old throughout her community. Both to her friends and family, as well as the sixth congressional district, Ms. Clark was an exceptional person whose volunteer work was an extension of her patriotic spirit and kindhearted character. On this day, I ask that my colleagues join me in honoring this truly extraordinary individual.

OPENING OF THE LINES OF VIOLATION EXHIBITION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. HONDA. Mr. Speaker, I rise today to celebrate the opening of the Lines of Violation exhibition at the Free Library of Philadelphia. Organized by the Women's Development Institute International, the Asian American Women's Coalition, and the Philadelphia Branch of the American Association of University Women, this exhibition will showcase British artist Andrew Ward's sculptural piece Lines of Violation. This contemporary work of art memorializes the indignity suffered by 200,000 "comfort women" in Asia before and during World War II.

These women were ordinary civilians—some of whom were young girls who had barely reached adolescence, others of whom were married women with children at home—who were forced into prostitution by the Japanese Imperial Army. Most of these victims were Korean nationals, but they included Japanese, Chinese, Taiwanese, Indonesian, Burmese, Pacific Islander, and even American women as well.

Life in the so-called "comfort houses" established in the wake of the Japanese warpath was agonizing. The women there were raped multiple times each day, often contracting debilitating sexually transmitted diseases while suffering all the mental and emotional repercussions of their dehumanization. Many women lost their fertility; some committed suicide. The comfort houses' proximity to the hostilities on the surrounding battlefields compounded the comfort women's misery and fear.

Those women who managed to survive and return to their homes after the war had believed that they would be compensated for their labor, but payment never came. While a number of former comfort women have filed lawsuits against the perpetrators of these unspeakable crimes, virtually none have succeeded in securing either a formal apology or monetary compensation. Even to this day the vast majority of former comfort women have not received the atonement payments that they were promised by the Japanese government in 1995.

The injustice that these victims have suffered prompted the United Nations to send artist Andrew Ward to Asia in 1998 to interview 52 former comfort women. At once horrified and inspired by their stories, Ward created Lines of Violation as a modern monument to the forbearance that these women showed both during the war and in the decades since.

Lines of Violation depicts life-size drawings of the hands of these 52 Filipino, Taiwanese, Korean, and Dutch former comfort women. Ward relied on his sense of touch to sketch their hands, thereby capturing his response to the women's emotions immediately in the moment. The drawings are encased in two 7.5 foot-high and 23 foot-long semicircular plexiglass frames lit by shifting lights in the center of the installation. A sound system projects the voices of the victims recounting their stories, constantly infusing the artwork with their presence.

Mr. Speaker, I applaud today's opening of the Lines of Violation exhibition in Philadelphia. Lines of Violation has already touched countless viewers in Europe, Asia, and Africa, and now for the first time Americans will have the opportunity to experience this unique work of art. I sincerely hope that this exhibition will heighten awareness of the terrible crimes committed against these women and hasten the day when they achieve the justice that they deserve at last.

TRIBUTE TO JOE TAVAGLIONE, JR.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, CA are exceptional. Riverside has been fortunate to have dynamic and dedicated community members who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Joe Tavaglione, Jr. is one of these individuals. On Saturday, July 12, 2003 Joe will be celebrating his 80th birthday.

Joe has spent most of his life in Riverside, his family moved there in 1927 when he was 3 years old. He is one of eleven siblings who worked together to help their family by operating citrus groves and the Rubidoux winery in the heart of Riverside. Joe attended local schools including Poly High School and Riverside City College.

In 1944 Joe married his high school sweetheart, Jackie, and raised two sons, Jeff and Jay. The two sons would eventually join Joe and his brother Louis in the family business. Joe began his career working as a lumber salesman with Center Lumber Company in Riverside and later moved to the Heers Brothers Construction/Builders. His emphasis was in residential construction, building homes in California and Nevada and 8,000 military units at Fort Ord, CA.

After his success in working for Heers Brothers, Joe and Louis decided to form Tavaglione Construction and Development. They started building residential tracts, then shifted their focus to freestanding commercial buildings, constructing Farrell's Ice Cream Parlors, Chief Auto Parts and over 1,000 7–11 convenience stores in 12 western States.

Joe has also been actively involved in the community, having been selected by two California Governors for statewide positions including Chairman of the California State Contractor's Board and the California Transportation Commission. He also sits on the City of Riverside's Public Utility Board and is the current President of the National Association of Contractors. Joe is also active in the Humane Society.

Joe's tireless work ethic and dedication to community service has contributed immensely to the betterment of the community of Riverside, CA. I am proud to call Joe a fellow community member, American and friend. I know that many community members are grateful for his contributions and salute him on his 80th birthday.

TRIBUTE TO VICE ADMIRAL PAUL G. GAFFNEY II

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. SKELTON. Mr. Speaker, it has come to my attention that Vice Admiral Paul G. Gaffney II, is retiring after a long and exceptionally distinguished career.

Admiral Gaffney's outstanding service to the Nation has been marked by meritorious service in increasingly demanding command positions, culminating as the President of the National Defense University. He has demonstrated strong and inspiring leadership, unsurpassed executive ability, and an untiring dedication to the spirit and mission of the United States Navy.

Admiral Gaffney is a 1968 graduate of the United States Naval Academy. He is also a graduate of Catholic University with a master's degree in Ocean Engineering. He completed an MBA at Jacksonville University and was a student and advanced research fellow at the Naval War College graduating with highest distinction.

His distinguished career has spanned 3 decades and includes duty at sea, overseas and ashore in executive and command positions. His duties have included tours as Operations Officer, USS *Whippoorwill*, in Japan; Advisor to the Vietnamese Navy Combat Hydrographic Survey Team; Executive Assistant to the Oceanographic Unit for conducting hydrographic surveys in the Republic of Indonesia; Military Assistant to the Assistant Secretary of Defense for International Security Affairs; Commanding Officer of the Naval Oceanography Command Facility, Jacksonville, FL; Assistant Chief of Naval Research in Washington, DC; Commanding Officer of the Naval Research Laboratory in Washington, DC; and Command, Naval Meteorology and Oceanography Command.

Admiral Gaffney's awards and decorations include the Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit (four awards), Bronze Star (with "V"), and the

Naval War College's J. William Middendorf Prize for Strategic Research.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Admiral Paul G. Gaffney II, for his outstanding commitment to the United States Navy and the United States of America.

TRIBUTE TO ISADORE A. SHRAGER, ESQ., B.S., LL.B

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. BRADY of Texas. Mr. Speaker, I rise to honor a great American and a better friend, Isadore Shrager. "Izz" Shrager is a legend in my home town of Philadelphia.

He has been an important contributor to our city and our nation. He serves or has served on many important organizations, including the Democratic County Executive Committee of Philadelphia; Fairmount Park Commission; Pennsylvania Transportation Commission; the Board of Directors of City Trusts; the Board of Wills Eye Hospital; the Board of Community College of Philadelphia; the Board of Temple University; and the Board of Governors of Temple Hospital. Isadore is Past President and Honorary President of Akiba Hebrew Academy; Life Member of Board of Trustees of Har Zion Temple; a member of the National Lawyers' Committee for Endowment and Bequests of the Weizmann Institute of Science in Israel; member, Zionist Organization of America; and Director and Solicitor of the Amelia S. Buten Research Fund.

A long time attorney, Mr. Shrager's practice involves a broad range of matters, including business administration, zoning, wills, condemnation, legal issues involving City, State and Federal agencies, and those pertaining to education at the secondary, college and graduate school levels. Isadore is Solicitor to the Register of Wills of Philadelphia and is a member of the American, Pennsylvania and Philadelphia Bar Associations, and serves on many of their committees. He has served as a member and delegate to the Judicial Conference of the Third Circuit, and a member of the Democratic State Committee, serving as a Delegate to the Democratic National Conventions since 1946. Among numerous awards and honors he has received are: the B.L. Jacobs Adult Award, Cyrus Adler Community Service Award, State of Israel Tribute, Democratic Tribute Award, Lifetime Honorary Trustee of Jewish Federation of Greater Philadelphia, and the Temple Diamond Award. He also sponsors the Isadore A. Shrager Scholarship of the Temple University School of Law.

Mr. Speaker, Isadore Shrager is my friend of many years. It is fitting that my colleagues join me in honoring him today.

IN HONOR OF RUTH HUNTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Ruth Hunter, a courageous activist who has spent her life doing what she felt was right, if not always popular. She works tirelessly to right both global and local wrongs, encompassing the community spirit of Santa Cruz County that sees inequality as everyone's problem.

Ruth first caught the activist bug while visiting the Soviet Union in 1985. Over the next 2 decades she traveled across war-ravaged and impoverished lands from Central America to Africa and the Middle East to document the suffering of people caught in the middle of global conflicts. She has protested the United States' involvement in some of these conflicts, not fearing arrest because she was advocating for what she believed was a greater cause. These selfless acts are an inspiration to anyone who wishes justice not just for their countrymen, but for all the people of the world.

Throughout her travels, Ruth wrote about the places and people she visited, but it was not until the early 1990s that she made a career of her love of writing. Inspired by stories from the members of the Women's International League for Peace and Freedom, Ruth began publishing her work in La Gazette as a monthly columnist. It was these women's stories that also became the basis for her book, What a Life: Heroines Sung and Unsung.

Ruth's passion for her work stems from the fun she has while doing good deeds. I know her personally as my Cuban dancing partner, and her friends warmly refer to her as the Queen of Mojitos! And through her good spirit and love for humanity, she continues to amaze us all by choosing to stand up and fight when so many people are content to sit down.

Mr. Speaker, Ruth Hunter continues her work in activism and writing, even on her eighty-seventh birthday, and I wish to take this opportunity to honor her and to congratulate her for being an inspiration to us all.

TRIBUTE TO BILL BUTLER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. WALSH. Mr. Speaker, I rise today to honor a great man from Ontario, NY, a small town from the new area of my district. This closely knit community in the northeast corner of Wayne County recently lost a first-class citizen, Bill Butler.

Mr. Butler was a longtime resident of Ontario, always working to better the community he loved. His benevolence was most exemplified through the Ontario-Walworth Rotary Club. With over 30 years of perfect attendance, Bill served as the club President, District Governor representing some 68 Rotary clubs and President Representative of Rotary International. These efforts took him throughout the Ontario-Walworth community and the world.

Inspired by the drive to further promote international humanity, Bill's most recent trip took him to a Rotary conference in Brisbane, Australia. Unfortunately this proved to be his last goodwill effort. On the ride to the airport, for his return trip home, the car Bill was traveling in was involved in a fatal accident where Bill's life was lost. He was 69 years of age.

Mr. Speaker, Bill's life will not be forgotten, as he touched the lives of many people. Endlessly volunteering and constantly willing to lend a hand, his big smile always left you with a warm feeling.

It is my honor to recognize Mr. Bill Butler. We owe him a huge debt of gratitude for all he has done. I extend my heartfelt sympathies to his family and friends, including his wife Christine, his children Patricia, James, George, Deborah and David and seven grandchildren. Bill Butler was a loving family man and an honorable Rotarian.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. GOSS. Mr. Speaker, I was not present on July 9, 2003, due to official travel overseas. As a result, I was not able to be present for rollcall votes 337, 338, 339, 340, 341, 342, 343, 344 and 345. Had I been present, I would have voted "yea" on all nine votes. I request that this statement appear at the appropriate place in the RECORD.

HONORING THE MICHIGAN MILITARY MOMS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. DINGELL. Mr. Speaker, today I rise to acknowledge and celebrate the Michigan Military Moms for their insatiable support and encouragement for all of the men and women from Michigan that serve their country both in times of war and peace. These women have proved to possess incredible strength under exceptionally harrowing circumstances.

Since Michigan lacks many of the organized support networks available near large military bases, the mothers of Michigan's men and women in uniform found themselves alone, lacking an outlet to express their pain, frustration, and fear.

On July 18, 2002, a small group of eight mothers, united by pride and dedicated to their sons and daughters serving in the Armed Services, joined together in a local Big Boy restaurant. Less than one year later that small group now consists of more than 175 members. The group, which celebrates the heroic effort of our men and women in uniform, offers support and encouragement for mothers and their children serving in all five branches of the Armed Services.

During its first year, Michigan Military Moms quickly implemented several successful programs. Notably, the group has formed partnerships with local schools, churches, businesses, and interested individuals to send monthly support packages to soldiers serving worldwide. Furthermore, the group organized "Mentor a Mom," a program to couple experienced military moms with mothers whose children are going through basic military training. They also created a support group for local recruiters, and initiated a card campaign where mothers sent birthday greetings to service men and women.

The strength and patriotism of this amazing group of women should be applauded. Mr. Speaker, I would ask that all my colleagues rise and join me in commending the Michigan Military Moms for their inexhaustible support, unity, and leadership to their community and their country and wishing them and their families continued strength as they go through this difficult time.

SUPPORTING THE CONTINENT OF AFRICA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. DAVIS of Illinois. Mr. Speaker, recent events call our attention to the continent of Africa. The people of Africa are suffering and in pain. Africa is a continent which contains immense natural resources and is populated by people that are of diverse rich cultures. And yet, they are dying from the rampant spread of the HIV/AIDS virus. Civil war has wounded them and put their lives in chaos. The lives of their children are plagued by drought, famine and diseases.

Mr. Speaker, in 2001, the HIV/AIDS virus infected approximately 3.5 million Africans, an estimated 2.2 million Africans died due to the virus and approximately 11 million African children were orphaned because they lost their parents to the virus. It is predicted that many more Africans will be infected and die due to the virus if something is not done quickly to help Africans with prevention, treatment and health care programs. We have begun the task of aiding Africa in combating this virus, with the $15 billion HIV/AIDS package the President recently signed into law on May 27, 2003.

But more needs to be done. If Africans do not die due to the HIV/AIDS virus, they may die due to civil wars that plague many African countries today. In the country of Liberia, the people have endured and suffered bloody civil war and unrest for the past 13 years. Liberians have been killed in horrendous numbers because of this war. In one day in June of this year, over 300 civilians were killed and over 1000 were injured. This war is destroying the future of many Liberian children who are forced to become brutal soldiers at such young ages. Civilians have been executed, tortured and raped. Half of the population escaped to refugee camps in neighboring countries, where due to overcrowding, food, water and health provisions are limited. This has placed tremendous burdens on Liberia's caring neighbors.

We as a nation must assist the people of Liberia. We must help them to reverse the deterioration of their country. But we should not do this alone. France, Germany, Great Britain and Belgium have worked together with the United Nations to send troops to help with peacekeeping efforts in the conflict in Africa's Republic of Congo. By joining efforts with the United Nations, we can provide even more support and make it easier for the country of Liberia to rebuild itself into a strong, stable and lasting governmental infrastructure, knowing that all nations are behind them. Having the involvement of other countries, working together to contribute to the peacekeeping effort in Liberia, will prevent our troops from being overextended.

Mr. Speaker, we have done a lot to help Africa to grow, as many of its nations are reborn from various political, economic and social adversities. But it is not enough; we need to do more to help countries in the continent of Africa with peacekeeping solutions. Having a steady government is a good foundation. It is needed to help establish and to manage international support and reconstruction programs, which are beneficial to the citizens of a country. Many programs we fund are beneficial to the continent of Africa. For instance, funding that we provide to Africa for agricultural productivity accounts for a substantial portion of African countries' GDP, employment, household and national incomes; and foreign exchange revenues, will help feed many African people and empower them to manage their natural resources. The end result will be a marked decrease in the level at which Africans are dying due to starvation. Also, funding we provide them for business, trade and investment programs will help African countries economically by making them self sufficient. The time has come for the U.S. to give back to a continent that feeds our great nation in the sharing of its cultures, its science, its history and its natural resources. Mr. Speaker, this strengthens the partnership that we have with Africa.

CONGRATULATING THE CITY OF PAWTUCKET, RI

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to congratulate the city of Pawtucket, RI, for being selected by the U.S. Conference of Mayors as one of 28 best small business practice cities in the country. This honor acknowledges the outstanding work that the residents and city officials of Pawtucket have done in recent years to create a booming business characterized by the making, showing, and selling of artwork.

The business of Pawtucket can be traced back to the father of the Industrial Revolution, Samuel Slater, when he founded America's cotton industry on the Blackstone River in 1783. Since that time an abundance of artists have made Pawtucket their home and place of work.

Since 1999, a strong resurgence in the Pawtucket art scene can be detected in the 122 artists that now occupy eight mill properties and over 117,000 square feet of vacant space. This is not to mention the five mill properties that have been purchased for commercial and live-work lofts in the past few years.

In just over 4 years Pawtucket has gained local and national recognition for its newly thriving art scene. In addition Pawtucket boasts 307 acres for its arts and entertainment district, the largest such district in the state.

The artisan attraction to Pawtucket can be summarized quite simply by ease and convenience.

The honor bestowed upon the city of Pawtucket may act as encouragement for other mayors from across the country to contact the city's mayor, James E. Doyle, to learn more about what it takes to foster a developing artistic community. Pawtucket will serve as a guideline for burgeoning art centers to follow.

Mr. Speaker, Pawtucket, RI is a city rich in history, business, and art. 2003 marks the first time that the city has received any national recognition for this characteristic, and in particular the progress made in recent years.

It is a great honor for me to represent this fine city and I look forward to witnessing its continued growth and success.

HONORING THE MEMORY OF CHARLES R. "DICK" SADLER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the memory of Dick Sadler, a longtime resident of Hayward, California. On July 11, 2003, Mr. Sadler's family and friends will gather to celebrate his life and his many contributions, most notably in the world of boxing.

Dick Sadler rode out of his hometown of Columbus, Ohio on a freight train in 1934 with just 18 cents in his pocket, seeking greener pastures in the West. He survived the Great Depression by dancing and playing the piano at nightspots up and down the West Coast. His days free, he began studying the ancient art of boxing at city gymnasiums. From the beginning, Sadler developed into one of the greatest boxing manager-trainers in the history of the sport. He took George Foreman from a raw amateur to the heavyweight championship of the world; he trained Archie Moore during the last 10 years of Moore's illustrious career; he managed and trained Sonny Liston, Charlie Shipes and Freddie Little, among others. He served as advisor to heavyweight champions Muhammad Ali and Joe Frazier.

But Sadler was more proud of his accomplishments outside of boxing. He and his fighters spent numerous hours raising money for boys' and girls' clubs, YMCAs, Special Olympics and other worthwhile causes. He worked tirelessly to establish a pension fund for former boxers—a mission that regretfully never came to fruition.

Sadler coached championship prizefighters all over the world. He rubbed elbows with famous politicians and movie stars, and dined with royalty in Europe and Japan. According to all who knew him, Sadler looked most at home in a boxing gym. A boxing gym located on the second floor of a building with creaky stairs leading up to it. A boxing gym where kids with dreams are punching speed bags, jumping rope, tossing medicine balls, and pounding heavy bags. In the middle of the room is a ring and there is Dick Sadler, his elbows resting on the apron and his jockey cap high on his head. He is staring up between the bottom two ropes at a couple of aspiring champions, occasionally calling out instructions.

That's the Dick Sadler his friends will remember. I join them in applauding his life, so richly lived. He not only contributed to the success of champions whose names we all recognize but he contributed to his community and those who were not champions but in need of a helping hand.

MAP

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to salute the 600 employees of the Illinois Refining Division (IRD) located in Robinson, IL, for winning Marathon Ashland Petroleum's (MAP) 2002 President's Award for Responsible Care. This outstanding award is given to a refining division that shows a high regard for environmental stewardship, and employee and health safety. Before receiving this award, the IRD underwent a comprehensive and stringent screening process in which MAP business components were rated and matched up with both the MAP Safety Performance Index and 16 health, environment, and safety standards. After reviewing their record it was clear that the Illinois Refining Division of Robinson, Illinois was the most deserving of this recognition.

During 2002, the Illinois Refining Division was 1 of only 10 refineries in the nation that earned the Occupational Health and Safety Administration's Voluntary Protection Program Star site recertification. IRD also has a strong record of encouraging employee involvement in health and safety programs, and vigorously stressing pollution prevention and waste reduction. Not only did IRD stress the importance of environmental and employee safety within its workplace, it also prided itself on community outreach programs. I cannot think of a more deserving recipient of this award and I am honored that I have the opportunity to represent such a fine employer in my district.

CITY OF LATHRUP VILLAGE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. LEVIN. Mr. Speaker, I ask my colleagues to join me in commemorating the City of Lathrup Village, MI, on the 50th anniversary of its incorporation as a city. As the city celebrates this auspicious occasion, I would like to take a moment to reflect on the ways in which Lathrup Village's past shapes its future.

The history of Lathrup Village dates back to 1923, when Louise Lathrup Kelley acquired 1,000 acres in what was then Southfield Township. Originally called Lathrup Townsite, the area followed Mrs. Kelley's unique development plans. Unlike most other cities, which develop in a haphazard, chaotic pattern of initial settlement followed by gradual and disorderly expansion, Lathrup Village was, from the very beginning, a planned community. Mrs. Kelley sought to balance the desire for development with the needs of the residents who would eventually live there. To this end, she reserved space for parks and planned the streets to provide access to all parts of the city and the larger metropolitan region. Under Mrs. Kelley's plans, which were quite progressive for the time, all houses were to be made of high quality brick, stone or masonry, and garages were required to be attached to the homes. From these initial plans, a beautifully ordered community grew into a charming city of just over 4,200 residents.

The residents' desire to maintain the atmosphere of a village was reflected in their decision to keep the name Lathrup Village even after it incorporated as a city in 1953. For many of its residents, Lathrup Village is synonymous with close community, friendly neighbors, and cozy convenience.

In the half century since Lathrup Village incorporated, its leaders and its residents have upheld the original intention of Mrs. Kelley's plans: to build a pleasant place to live. In the past 50 years, the City of Lathrup Village has lived up to that mission. Mr. Speaker, I commend the leadership of the City of Lathrup Village and its citizens who have indeed progressed with the times and maintained the values of a friendly, close-knit community.

IN RECOGNITION OF REVEREND GEORGE I. PAULSON ON THE OCCASION OF HIS RETIREMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Reverend Father George I. Paulson on the occasion of his retirement. Father Paulson is a trail-blazing leader who has selflessly devoted himself in service to our nation, his faith, his students and colleagues, and his family throughout his life.

The first Navy Chaplain to represent the Greek Orthodox faith, Father Paulson is retiring after 59 years of ministering to congregations and believers around the nation. In his long and distinguished career, he helped countless individuals in both military and civilian life to cope with religious, family, and personal concerns.

During nearly three decades of service to our country, Father Paulson rose to the rank of Captain in the United States Navy. His compassion and dedication to the spiritual well-being of the men and women serving in the armed forces is legendary. Among many notable accomplishments in his distinguished military career, he organized and for six years directed a Leadership School at Camp Lejeune in North Carolina following his tour of duty in Vietnam. Designed to improve the quality of leadership in the U.S. armed forces, the School trained facilitators to lead sessions that ultimately involved over 15,000 Marine and Navy officers during the difficult final years of that military conflict. It was credited with helping to reduce racial tensions among members of the armed forces and improving morale.

Father Paulson also was responsible for reducing sick calls to the Base Rehabilitation Center by two-thirds, a remarkable achievement for which he was awarded the Navy Commendation Medal by the Secretary of the Navy. In addition to this honor, Father Paulson also received a Navy Unit Commendation; a National Defense Service Medal; an Armed Forces Expeditionary Medal; a Vietnam Service Medal; a Republic of Vietnam Campaign Medal; a Combat Action Ribbon; and a Vietnamese Cross of Gallantry Unit Citation.

By special appointment of His Eminence Archbishop Iakovos of the Greek Orthodox Archdiocese of North and South America Father Paulson was named the ecclesiastical endorsing agent for the Armed Forces of the Standing Conference of Canonical Orthodox Bishops in the Americas.

In addition to 28 years of military service, he served two decades as a pastor at St. Nicholas Church in Virginia Beach as well as four-year terms as pastor to congregations in Tacoma and San Francisco. For almost a quarter century, he taught numerous courses in religious studies at St. Leo College in Virginia and served as Chairman of the Psychology and Theology Departments. Graduating from Holy Cross Seminary in Connecticut in 1944, Father Paulson went on to Boston University to earn a Masters Degree in Education and a Doctorate in Ministry with a concentration in Philosophy, Theology, and Ethics. He earned his doctorate in 1993 at the age of 75.

And his family always maintained its primacy in Father Paulson's life. In 1944, he married his beloved, Evangeline Kertiles Paulson. Together they raised four wonderful sons, who in turn blessed them with eight grandchildren; Ned and his wife Susan raised George and Carl; Louis and his wife Jeannette raised Elias, John, and Matthew; Bill and his wife Margaret raised Billy, Jr. and Leah; and George, Jr. and his wife Regina raised Jon and Christopher.

In recognition of his outstanding accomplishments, I ask my colleagues to join me in honoring Reverend Father George Paulson on the occasion of his retirement.

READY TO TEACH ACT OF 2003

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965:

Mr. OWENS. Mr. Chairman, I rise in support of H.R. 2211 the Ready to Teach Act of 2003. The bill provides $300 million for FY04 to improve teacher quality and retention programs at institutions of higher learning. During full committee markup, my amendment which creates the "Centers for Excellence" was unanimously passed by a broad bipartisan coalition. The new provision will dramatically increase the number of minority teaching candidates at Minority Serving Institutions (Historically Black Colleges and Universities, Hispanic Serving Institutions and Tribally Controlled Colleges). This bipartisan amendment provides more than $10 million to recruit more minorities into the teaching profession.

H.R. 2211 also requires States and teacher college programs to report the pass rate of prospective teachers enrolled in teacher preparation programs. The new provision will help improve teacher quality programs by monitoring how well teacher college programs prepare students for certification and licensure. In addition, the bill also ensures that prospective teachers understand how to properly integrate technology into the classroom. The bill also creates a partnership program between universities and under-served school districts to improve teacher preparation and retain highly qualified teachers.

TEACHER RECRUITMENT AND RETENTION ACT OF 2003

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. CUMMINGS. Mr. Speaker, Dr. Martin Luther King, Jr. once said that all of us have a responsibility to prepare our children for the future. I believe that education is the key to preparing our children for the future. The Teacher Recruitment and Retention Act, H.R. 438, before us today, will aid our children by ensuring that qualified teachers are in place in their classrooms. H.R. 438 increases the total amount of student loans that could be forgiven for elementary and secondary school teachers of math, science, or special education teachers in Title I schools.

This bill is a good start to providing needed teachers for America's public schools. However, I believe that the bill before us should be expanded to provide increased loan forgiveness for all teachers who commit to teach in high poverty areas. Mr. Speaker, I agree 100% that math, science, and special education teachers are desperately needed for our public schools, but head start, reading and history teachers are also desperately needed.

While I will vote in favor of this bill, I am concerned that the Administration and Republicans in Congress are not fully funding education. Later this week, the House is scheduled to take up the Labor, HHS, and Education appropriations bill that will shortchange many of the key promises made to parents and children in the bipartisan "No Child Left Behind Act." In fact, whether it's Head Start, public education, or college loans, my Republican colleagues talk about accountability while failing to fund these vital programs.

In essence, the Republican leadership is bringing new education bills up for a vote before making good on promises made in last year's education bill. It is time to leave the rhetoric behind and live up to our commitment. Our children deserve no less. I now urge Congress and the President to follow through on the promise made to students across America a year ago. We can start by making good on this promise by providing more funds in this year's Labor, HHS, and Education appropriations bill.

FOOD SECURITY STATEMENT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. LEE. Mr. Speaker, the Bush Administration is sadly mistaken if they are assuming that either the Congressional Black Caucus, or the American people will be satisfied with a trip to Africa that lacks substance or results.

In the words of Congressman PAYNE, "Engagement with Africa is a vital U.S. interest. From the war on terrorism to the supply of crucial resources, from the campaign against threatening diseases to the opportunities for economic trade and investment, Africa is a key global player. We ignore the continent at our own peril."

Africa is the key to global peace and understanding, but we must deal with a number of issues that affect Africans in their day-to-day lives. Issues like, democracy and governance, lack of health infrastructure, education, and hunger and food security. We must address these social, political, and economic needs, which if handled properly, will allow Africa to grow, flourish, and succeed.

The need to succeed in the fight against hunger is critical for Africa. As we all know, food production in Africa has fallen behind population growth over the past 30 years.

This slow down in production has left Africa, an agriculturally rich continent, as a net importer of food. It has put Africa in a position where, they must rely on the international community to import products that could be produced in Africa given the right technical and development resources.

Although the United States remains the largest single contributor to the World Food Program—the last three years have actually seen the United States contribution drop by at least a third from 15 million to 10 million metric tons of food.

This is yet another example of Bush rhetoric, while food aid goes down, the President increases the budget for nation-building in Iraq and Afghanistan. I do believe that we must help rebuild countries that we have bombed, but we must also keep millions of people from starving on the African continent.

The United Nations estimates that over 222 million people in Africa are suffering from hunger. The reality is: emergency food aid needs are up and food aid assistance is down. Millions of Africans live and die below the hunger and poverty lines, of which a vast majority Africans are in rural areas and are dependent on agriculture to sustain and improve their livelihoods. If we could increase agricultural productivity by just one percent in Sub-Saharan Africa, we could raise 6 million people out of poverty and hunger.

We must listen to Africans and pay attention to what the social and economic challenges are in each country, challenges exacerbated by the food crisis.

One of the gravest crises relating to famine from my perspective is the devastating spread of HIV/AIDS throughout the continent. In some of the countries most affected by hunger, rates of HIV/AIDS prevalence are as high as 38 percent of the population, with ripple effects extending out to the health sector, education, and overall productivity throughout each country. AIDS and hunger together are strangling the African economy.

The Congressional Black Caucus has been fighting a war against the global HIV/AIDS pandemic for years. Finally, we have the Administration's support for this charge, but a real reluctance to request and appropriate the funding necessary. We must first ensure that our colleagues across the aisle join us in funding every penny of the President's $3 billion initiative.

In my opinion, one of the greatest challenges in Africa to stopping the AIDS pandemic is coordinating HIV/AIDS treatment and famine relief. That is why, while drafting the AIDS bill, I fought for a major provision that would integrate food/nutrition and HIV/AIDS drugs.

Let me explain why HIV/AIDS and famine go hand-in-hand. When we take an aspirin for an ailment, we are instructed to take that aspirin with water and food.

Imagine taking drugs for the AIDS virus, a disease that has killed millions, on an empty stomach. The toxicity alone is harmful, but these anti-retroviral drugs on an empty stomach are perilous. This is one of the reasons why battling the food crisis is critical to the campaign to stop the Global HIV/AIDS pandemic.

More broadly, hunger and HIV/AIDS stifle productivity, undermine efforts to build infrastructure, and detract from government investitures for education, farming, and development in their people.

No one should be hungry. I understand, that if you teach a man to fish, he will eat everyday, but at this critical time in Africa the United States has the resources and the technologies to not only teach people, but also satisfy their hunger today. Furthermore, there have to be fish in the pond, and with drought and desert expanding everyday, we must work toward both short term aid and long term solutions.

In closing I would like to reiterate the words of Secretary Powell during his trip to North Korea, ". . . But to go back on our solid policy is that we don't use food as a political weapon. You go through all the politics; there are kids out there that are starving. If we can help them, we will."

I agree with Secretary Powell, food is our weapon to combat the rising hunger in Africa—and we must address this issue now.

Let's revisit the Bush Administration's underfunded Africa budget which cuts peace and democracy, agriculture development, and corruption and good governance programs. Let's really look at the needs of people. Africa needs our help and we must deliver.

Thank you Chairman CUMMINGS, I yield back my time.

CONGRATULATING THE VILLAGE OF STODDARD, WISCONSIN ON ITS 100TH ANNIVERSARY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. KIND. Mr. Speaker, it is with great pleasure that I rise before you today to honor the historic village of Stoddard, Wisconsin. This year, from July 11th to July 13th, 2003, Stoddard will be celebrating its 100th anniversary. This beautiful village, the crossroads of western Wisconsin, is bordered by majestic bluffs and the mighty Mississippi River. Located along the great river road, Stoddard quietly represents Wisconsin's heritage and natural beauty.

The first to arrive in the Stoddard area were the native Americans who planted their tradition and history in the region. However, it was Henry H. White and his family who really developed the future site of Stoddard after coming to the area from Vermont in 1868. His son, C.P. White, is credited for the naming of this village after Colonel Thomas B. Stoddard.

Colonel Stoddard originally came to the area in 1853 and helped build and expand the new community. He was a great promoter of railroads and helped form the La Crosse and Prairie Du Chien Railroad Corporation.

With its general stores, blacksmith shops, school, and railroad, life in Stoddard was a shining example of successful rural communities in the United States.

While it already had developed a rich history, it was not until 1903 when a post office was needed that Stoddard was officially born. Interestingly, Stoddard only become a river town in 1937, when the pool created by lock and dam #8 flooded 18,000 acres of bottom land and brought the river to its doorsteps.

Stoddard's centennial celebrates the best of rural America. There are thousands of rural communities across this nation that form the backbone of rural life. These communities are the incubators of local politics, commerce, education, recreation, entertainment and faith for rural neighborhoods. Collectively, the hard working citizens of small town America are the builders of our great nation.

I am frequently in Stoddard because, like many others in the area, I enjoy fishing in the Mississippi off of the new islands created by the E.M.P. program in pool 8, and my wife and I often take our two boys to visit my mother and stepfather, Greta and Don Lake, who live there. As often as we can, we also try to stop by Rocky's Supper Club for one of the best fish fry's in western Wisconsin.

I am proud to congratulate the citizens of Stoddard on their unique anniversary. It is important that we all recognize their unique contribution to the development of western Wisconsin, and I wish all Stoddard residents happiness and success for another 100 years.

CONTINUING OUR HISTORIC PARTNERSHIP WITH THE MARSHALL ISLANDS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. DUNCAN. Mr. Speaker, I rise today after reading the eloquent and thoughtful remarks offered this morning to the House Resources Committee by Gerald Zackios, the Foreign Minister of the Republic of the Marshall Islands. I commend Chairman RICHARD POMBO and Ranking Member NICK RAHALL for their leadership in holding this hearing.

I would like to comment for the record on the importance of renewing the Compact of Free Association with the Marshall Islands as soon as possible. The Marshallese have long been a strong ally to the United States and our bilateral relationship must continue on its historically solid path. While the amended document negotiated in good faith by the Marshallese and the Departments of State and Interior is outstanding, I believe it still needs to be thoroughly reviewed and enhanced by Congress.

. As Congress examines the negotiated agreement, it is imperative that serious consideration is given to the additional provisions that could enhance U.S. assistance to the Marshall Islands in the following areas: infrastructure development that will strengthen their economy, federal education programs—which the Marshallese rely on to better prepare their children for the future, disaster relief, adjusting our grant assistance for inflation and finally, providing for the future needs of the landowners of the Kwajalein Atoll, home of a key U.S. Army missile testing facility.

Mr. Speaker, I also hope at some appropriate point during the 108th Congress that we will give a full and proper hearing to the outstanding nuclear claims issues for which the Marshallese have petitioned the U.S. government.

In closing, the U.S. could not ask for a better partnership than that which we share with the Marshellese. .Our careful, collective attention to the Compact and to the wishes of the Marshallese will pay dividends to both countries for decades to come.

CONGRATULATING KAHUKU INTERMEDIATE AND HIGH SCHOOL

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. CASE. Mr. Speaker, I rise today to offer my heartiest congratulations to the students and teachers of Kahuku Intermediate and High School on the beautiful North Shore of Oahu, HI, on their outstanding achievements in the 2003 We the People: the Citizen and the Constitution National Competition.

The We the People: the Citizen and the Constitution national competition is an annual series of contests that not only teaches students the tenets of democracy and constitutionalism, but also actively involves them in the dynamics of democracy at work. This knowledge and firsthand exposure to the workings of our government is critical to developing in our youth a commitment to democratic norms, procedures, and outcomes.

In the national finals competition, our Kahuku students demonstrated their superb expertise on Unit Three: Constitution Shapes Institutions, and won an award for achieving the highest cumulative score during the first two days of the national finals. Adriana Alghussein, Daniel Allen, Dexter Bacon, Nicole Cameron, Ariane Cameros, LiHsieh Chen, Anthony Ching, William Ellis, Brook Jones, Shantel Kaululaau, April Kristen Sickler, Bethany Smith, Erika Staples, and Elizabeth Torres from Kahuku Intermediate and High School won under the supervision of their teacher Sandra Cashman, State Coordinator Lyla Berg and District Coordinator Sharon Kaohi.

Today, I am proud to congratulate these students from Kahuku Intermediate and High School on their marvelous achievement. I also commend the teachers and parents who made this success possible with their support and warm encouragement.

TRIBUTE TO THE NATIONAL CHILDREN'S ADVOCACY CENTER IN HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. CRAMER. Mr. Speaker, I rise today to honor the National Children's Advocacy Center as it celebrates the grand opening of its new facility today in Huntsville, Alabama. This organization, which I founded in 1985 as Madison County, Alabama District Attorney, moves from its "little house" where it began almost twenty years ago to a 45,000 square foot, four-building campus where it will excel as the national headquarters for training, research, education and outreach for other CAC's across the country.

When I served as D.A., I discovered firsthand the harsh reality of child abuse and realized that the justice system was not doing enough for its most vulnerable victims. Too often, these children were victimized even further by having to re-tell and re-live their horror stories. There was an incredible need for a child-friendly place where victims of sexual abuse and neglect could get all of the help they needed in one centralized location. Uniting law enforcement, child protective services, prosecutors, medical and mental health professionals and other child advocates under one roof became the foundation of the CAC approach and the key to its tremendous success.

The network of Children's Advocacy Centers has grown to over 500 programs spread throughout every state and the District of Columbia and is expanding internationally. I want to thank the professionals at these centers for their tireless efforts to help abused children and their families by making their tragic situations a little easier.

With each child abuse professional that receives training at the new campus, each law enforcement officer that learns new techniques for tracking offenders, and each bit of research that helps another center expand its reach, we are protecting children across the country and helping others recover from tragedy. On behalf of the people of North Alabama and the United States House of Representatives, I congratulate the professionals at the National Children's Advocacy Center as they move into their new home and celebrate this milestone in child safety.

GLOBAL AIDS/HIV PANDEMIC

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the Global AIDS/HIV Pandemic. Unfortunately, this pandemic is proving to be one of the most important issues of our time. In the U.S., 400,000 people have died and more than a million have been infected. However, not only citizens in the U.S. have suffered. Since the advent of the AIDS epidemic, more than 22 million people worldwide have died from the disease. Currently, more than 40 million people are living with HIV/AIDS, the majority in sub-Saharan Africa.

The United Nations has estimated that by the year 2010, there will be 40 million children in Africa who will be orphaned by AIDS. Currently, there are 10 million AIDS orphans on the continent of Africa. What have we done and what have we failed to do for these children? Will we continue to deny the magnitude of the problem like we did 20 years ago or will we step forward and be the international leader that we have always claimed?

As the most technologically advanced nation and the leader of the free world, the United States has both a moral obligation and compelling national security interests to address the global HIV/AIDS crisis. As a nurse and the former Chair of the Congressional Black Caucus, I support increased funding for this most serious issue.

For the first time, there are signs that HIV incidence—the annual number of new infections—may have stabilized in sub-Saharan Africa. New infections in 2000 totalled an estimated 3.8 million, as opposed to a total of 4.0 million in 1999. However, if HIV infections start to explode in countries that have had relatively low rates up to now, such as Nigeria, regional incidence could start rising again.

Africa's slight fall in new infections is probably a result of two factors. On the one hand, the epidemic in many countries has gone on for so long that it has already affected many people in the sexually active population, leaving a smaller pool of people still above to acquire the infection. At the same time, successful prevention programmes in a handful of African countries, notably Uganda, have reduced national infection rates and contributed to the regional downturn.

I believe that a prevention program, like the one in Uganda which stresses the "ABC"—"A" for abstinence, "B" for being faithful and "C" for condom use when appropriate—has been very successful. Since 1992, infection rates have fallen 30 percent to under 6.5 in just 9 years.

However, we cannot rest on our laurels. Much remains to be done. HIV/AIDS has become a global pandemic which threatens the lives of millions of people. If we learn nothing else from AIDS, let us learn this—because viruses are not respecters of persons, we must learn to compassionately care for everyone infected and affected. Our failure to do this 20 years ago brought us to where we are today. What will our continued failure to act bring about in another 20 years? Can these children count on us for help or will we blame them like we did so many others in years past?

Mr. Speaker, we still have a long way to go to raise awareness about the disease and to ensure that nations have the resources to implement proven prevention and treatment programs.

We must do more to help those countries to combat these deadly diseases. We must commit ourselves to doing more, and I hope that this Congress can make that commitment, and I strongly urge the President of the United States to do the same.

DR. TOM TAYLOR

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mr. HUNTER. Mr. Speaker, I rise today to give recognition to the extraordinary life of Dr. Tom Taylor who passed away in late May of this year. Tom was the chief scientist and director of special projects in the Expeditionary Warfare Department at the U.S. Navy's Office of Naval Research. Not only did Tom have great strategic vision and scientific expertise but he was a great friend.

Tom, who was part American Indian, was born in Waco, Texas, and grew up in Oklahoma City. He earned his undergraduate degree in chemical engineering at the University of Oklahoma and his Ph.D in chemical and aeronautical engineering at the University of California Berkeley. He was commissioned in the Army through ROTC and participated in research and development programs at the Army's Picatinny Arsenal. Tom often credited his days at Picatinny with making him a successful scientific program manager.

Dr. Eli Zimet, an old friend, remembers that "Tom could visualize concepts, and see them through development to completion. He knew how to get things done—to get funding, find the right performer for a program, and sit on the performer until he produced."

Tom defined a new model for public service with a career path that included a mix of work for corporations, not for profit organizations, and the Government. At Northrop, Ford, and the Aerospace Corporation he worked on reentry physics research and aircraft development. While at the Johns Hopkins Applied Physics Laboratory, Tom worked on submarine detection concepts. This work took him to the Defense Advanced Research Projects Agency as the codirector of the Naval Technology Office and the Advanced Submarine Technology (SUBTECH) program.

As a senior fellow and director of technology systems development at the Center for Naval Analyses, Tom carried out a highly respected and well-received study of design concepts for future aircraft carriers, and a second highly regarded study of air-traffic management for the Federal Aviation Administration.

He co-authored a book, "Computational Methods for Fluid Flow," and wrote numerous papers on computational fluid dynamics and other topics. Just two years ago Tom was one of a handful of experts to testify before the House Science Committee Subcommittee on Space and Aeronautics Review of Vertical Takeoff and Landing Technology in the National Airspace System.

At the Office of Naval Research, Tom started as the director of strike technology for the Special Programs department. Later, he was the chief scientist and director of special projects in the Expeditionary Warfare department. The Affordable Weapon program was his "crowning achievement." Tom's science and technology prototype proved that an effective cruise missile could be made from commercial and government parts without costing a fortune.

In addition to his numerous scientific and management accomplishments, Tom was a tremendous guy—a lot of fun to be around. He had lived in Paris, drove a fast car, was a sharp dresser, and owned a vacation home on the coast of Morocco. He made friends wherever he went. His passing leaves all of us sad but filled with happy memories.

Tom leaves a wife, Francoise, of Paris, a son, Scot, of San Francisco, a daughter, Cynthia, who lives in London, a granddaughter, and a sister, Sandra.

CONGRATULATIONS, BOB LYONS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to congratulate Bob Lyons as he enters retirement. For nearly 33 years, he has worked tirelessly to improve the lives and working conditions of Wisconsin workers.

As the Executive Director of AFSCME Council 40, through good times and challenging times, Bob Lyons has been a wise and stabilizing force in the Wisconsin labor movement. An active union leader, Bob worked to strengthen unions, standing firm against those who sought to weaken them. Bob has also been passionate in his protection of worker benefits and in his opposition to any limitation of worker rights. In recognition of his intellect and integrity, Bob was appointed as one of nine members on the AFSCME international judicial panel.

Bob did not limit himself to working on labor issues. He has also worked for greater consumer and community protection and fought the reduction of state services—services that are essential to the survival and well being of Wisconsin families.

Today, I join AFSCME Council 40 and other well-wishers in Wisconsin in recognizing the service that Bob Lyons has provided to the members of AFSCME Council 40, and to the people of Wisconsin. He has been an outstanding leader. Bob Lyons is one of Wisconsin's best and we are proud to congratulate him as he retires this summer.

Thank you, Mr. Speaker.

LIFE OF ANTHONY J. CELEBREZZE, JR.

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

Mrs. JONES of Ohio. Mr. Speaker, Anthony J. Celebrezze Jr., one of the great leaders in the history of the Great State of Ohio, departed this life at the age of 61. A true servant of the people, Anthony was a stalwart of both Cleveland and Ohio politics.

At the age of 34 Anthony was elected to Cleveland's 25th District Senate seat. In 1978, he was elected Secretary of State at age 38. He would remain in that position until 1983. From 1983 to 1991, he served as the Ohio Attorney General.

In 1990, Anthony ran against George Voinovich for Governor of the state of Ohio. Despite his loss, he remained active politically and throughout the community. Anthony went on to join the law firm of Kegler, Brown, Hill & Ritter. He recently was a consultant for Diebold Inc., promoting electronic voting machines.

Anthony had a love of life. He had a passion for racing cars and spent much of his time attending racecar events.

I had the pleasure of getting to know Tony while he was running for Governor of Ohio and I was running for the Ohio Supreme Court. He has been a constant supporter of me during my career in politics. While we mourn his loss, let us remember all that he did for Ohio and his deep and undying love for its people and keep his legacy alive through our deeds and actions.

On behalf of the Congress of the United States and the citizens of the 11th Congressional District of Ohio; I would like to offer my sincere condolences to the entire family and friends of Anthony J. Celebrezze, Jr.

SENATE—*Monday, July 14, 2003*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Lord of the universe, Your power makes the oceans rise, and we rely on Your strength to live abundantly. Thank You, Lord, for the many opportunities You send us each day to do good. Do in and through us what we can never accomplish in our own strength. Use us to remove walls of suspicion, division, and hate, and to build bridges of trust, unity, and understanding throughout our world.

May we remember not to fear disappointments and setbacks because You promised that nothing can separate us from Your love. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will continue to work through the appropriations process by beginning consideration of H.R. 2658, the Department of Defense appropriations bill. Last week the Senate was able to complete the military construction appropriations bill and the legislative branch appropriations bill. The hard work of Chairman STEVENS, Senator CAMPBELL, Senator HUTCHISON, and the Democratic leader enabled us to work swiftly on those measures.

We are expected to continue this work by completing action on several more appropriations measures this week. Two additional bills are ready for action. They are the Homeland Security bill and the Labor-HHS-Education bill.

With respect to the Defense appropriations bill today, the two managers will be here throughout the afternoon and, therefore, Senators should be prepared to come to the floor to offer their amendments. Any votes ordered on those amendments will be stacked to begin at approximately 5:15 or 5:30. If an amendment is not available for a vote at that time, it would be my intent to have a vote on an executive nomination. Later this afternoon we will announce the precise time and subject of today's vote. We will have busy sessions this week to complete the bills I have previously mentioned. Therefore, rollcall votes can be expected each day.

I also want to take a moment this afternoon to thank Chairman LUGAR for his hard work and diligence throughout last week's consideration of the State Department authorization. I had hoped that the bill could have been completed last week. However, a number of extraneous issues not related to the underlying subject slowed the bill's passage. It is important and it is appropriate for the Senate to pass a State Department authorization as well as foreign aid authorization. Every Member does have a right to amend, but I would encourage Members to show restraint and allow the Senate to complete its work on this measure. There will be other opportunities for these nongermane amendments, and I hope we will be able to resume the bill for amendments that relate to the issues of the Department of State and foreign aid.

On Thursday of this week, Prime Minister Tony Blair will be addressing a joint meeting of Congress in the afternoon. We will have further information and announcements about that as the week goes forward. I look forward to a productive week, a very busy week, and do believe we will make tremendous progress in terms of advancing these appropriations bills.

Mr. REID. If the distinguished majority leader is finished, I would like to ask a couple questions.

When we complete the work on the Defense bill, which hopefully will be this week—I am sure the leader wants it earlier rather than later—do you have an idea yet what bill we will go to after that?

Mr. FRIST. We intend to go to either Homeland Security or Labor-HHS. I will turn to the distinguished chairman either now or in a few minutes to comment on that as we go forward.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Alaska.

Mr. STEVENS. Mr. President, we are ready to go on either bill. We are trying to assure the presence of the ranking members and chairmen of those subcommittees. I prefer to give you that information later today if I may.

Mr. REID. The second question or statement is that Senator BYRD and others have no problem going forward on this bill today. We would just ask that there be no agreements on time until that is cleared with this side. Agreements on time and things of that nature, we would like to be advised if there are time agreements that are needed. We would be happy to be cooperative, but we would at least like to know about that.

Mr. FRIST. Mr. President, I yield to the chairman.

Mr. STEVENS. Mr. President, we know of only two amendments so far that may come toward this bill. We would encourage Members to come forward and tell us if they are going to offer amendments. It would be our hope that we could proceed with this bill in a fashion that we could come to a final conclusion tomorrow afternoon and vote on this bill tomorrow afternoon and take up one of the other bills so we can move these bills along. This bill came out of our committee unanimously. We have taken care of most of the amendments in our committee. We will cooperate with you in every way to give you advance notice on the votes. If we can find out the number of amendments that are coming, we might even be able to make arrangements that we would vote early tomorrow morning on the amendments on this bill and just have one vote on the executive calendar.

Mr. REID. Mr. President, through you to the distinguished chairman of the committee, I have spoken to Senator BYRD today, and he may want to give a statement today. But he has indicated he certainly does tomorrow. He and I have talked. There are a number of people who at this stage have not indicated they want to offer amendments, but they do wish to make statements on this very important bill. At this stage there are four or five Senators wishing to do that. That will take a little bit of time in the morning but should not take a lot of time. I only know of four or five. And as soon as I learn about amendments, I will certainly let the distinguished ranking member know about those amendments.

Mr. FRIST. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2658, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The distinguished Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, it is my privilege and honor once again to present to the Senate the Defense appropriations bill for fiscal year 2004. This bill reflects a bipartisan approach that Senator INOUYE and I have tried to maintain during the time we have served together on the Defense Appropriations Subcommittee. It is always a great pleasure for me to work with him and with his staff member Charlie Houy. We believe we have a bill that will meet the approval of the Senate with very few amendments.

This bill was reported out of the full Appropriations Committee on July 9 by a unanimous vote; 29 Senators voted in favor of it and no Senator objected to it. We have sought to recommend a balanced bill to the Senate. We believe it addresses the key requirements for readiness, quality of life, and the reconstitution of our military force.

While we are debating this bill on the floor today, there are hundreds of thousands of men and women in uniform forward deployed and serving our country abroad. They are performing superbly and we are proud of what they are accomplishing.

The Department of Defense now faces three critical and often competing challenges:

First, conducting simultaneous combat and near-combat operations in numerous theaters at the same time—Iraq, Afghanistan, Bosnia, and Kosovo, to name a few. We have forces spread throughout the world, deployed in more areas and in more strange circumstances than at any time in the history of this country;

Secondly, keeping the readiness of this force at high levels, ready to respond when called upon to carry out the global war on terrorism, is another great challenge;

Lastly, transforming the Department to meet future challenges. We must ensure that our military forces are ready to meet whatever lies ahead as we move through the 21st century.

Transformation is necessary to ensure that U.S. forces continue to operate from a position of overwhelming military advantage.

Transformed forces are also essential for deterring conflict, dissuading adversaries, and assuring others of our commitment to a peaceful world.

This bill Senator INOUYE and I present today reflects a prudent balance among all three of these challenges. It recommends $368.6 billion in discretionary budget authority programs for the Department of Defense. This is $3.2 billion below the President's request but within our 302(b) allocations for the Defense subcommittee.

As the Senate will recall, we completed action on a $62.6 billion Iraq supplemental appropriations bill for the Department of Defense in mid-April. This bill rescinds $3.157 billion of those supplemental funds that are not currently required by the Department.

This measure is fully consistent with both the objectives of the administration and the Senate-passed 2004 National Defense authorization bill.

It honors the commitments we have to our Armed Forces. It helps ensure that they will continue to have good leadership, first-rate training, modernized equipment, and quality infrastructure. It also fully funds key readiness programs critical to the global war on terrorism.

These recommendations will make continued progress in supporting our military personnel, their families, and modernizing the force. As always, those are our first priorities.

In highlighting several of the key initiatives, I note the following:

This bill funds an average military pay raise of 4.15 percent and provides $210 million to fund increases in family separation allowances and imminent danger pay.

It does not recommend consolidation of Guard and Reserve personnel appropriations with their respective active component appropriations.

For the Army, it is additional funding for their transformation initiative—the Stryker brigade combat teams.

For the Navy, additional submarine refuelings, advance procurement of LPD–23, and fully funding the last increment of the LHD–8.

For the Air Force, it is fully funding the C–17 aircraft and funding acquisition of 22 F–22 Raptor aircraft.

In light of the contributions of the Guard and Reserve forces and deployments to the Balkans, Afghanistan, and Iraq, this bill adds $700 million of nondesignated equipment funding—specifically for the Reserve components.

The proposal before the Senate funds the President's request for missile defense.

Finally, let me once again thank my cochairman, Senator INOUYE, for his support and friendship and invaluable counsel on this bill. I urge the Chair to recognize him for any statement he wishes to make.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I rise to express my very strong support for this measure. The committee has produced a bipartisan bill which reflects well on the committee and on the Senate.

It has often been said that foreign policy debates should stop at the water's edge. This bill holds true to that principle. This bill provides for our Nation's defense without letting politics drive the recommendations.

I commend our chairman, the Senator from Alaska, for the bill being brought to the Senate this afternoon. This important measure provides the spending necessary for the Defense Department for fiscal year 2004. The total in the bill is about $369 billion, as noted by the chairman. It is $3.2 billion below the amount requested by the President, but it is the same as the subcommittee's 302(b) allocation.

Mr. President, I don't intend to reiterate all of the details the chairman has outlined. Suffice it to say that the bill fully funds our military personnel programs, including the authorized pay raise. It provides sufficient funding to meet our readiness requirements for the coming year, and it also increases funding for DOD's critical transformation programs.

I wish to inform all of my colleagues that consistent with the administration's request, no funds are included in this bill for the ongoing operations in Afghanistan and Iraq.

A portion of the fiscal year 2003 supplemental funds provided this year will remain available in the coming year to help offset these needs. But I believe it should be made clear that an additional supplemental funding will most likely be required in the next fiscal year. Only a dramatic improvement in the situation in Iraq and in Afghanistan would obviate the need for additional funding for these purposes.

I want to offer my personal thanks to the chairman for increasing funding in support of the Army's Stryker brigades and the C–17. These two programs are critical to the military's transformation plans. The added funding will greatly assist DOD in meeting its goals.

The Chairman has presented us with a very good bill, and I encourage all of you to support it wholeheartedly.

I wish to join my chairman and the Members of the Senate in extending our gratitude and admiration for the men and women who are serving us this day. I hope this measure in some small way will indicate to them our gratitude and our great admiration.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the managers of this bill, of course, are two of the most talented and experienced men who serve in the Senate and who have ever served here, and their cooperation and partnership in moving this bill through the Senate in years past has been legendary. I am sure this year will be no different.

The work that has been done in the Defense Subcommittee has created a lot of jobs. There is no question about that. It is one of the bright spots in the economic pattern of our country. As a result of what is going on in defense, jobs have been created. But it is not that way throughout most of the economy. Most of the economy is in dire jeopardy, suffering all kinds of problems. I know we all wish the news about unemployment would get better, but it keeps getting worse. That is unfortunate.

Late last week, the Labor Department released some of the worst news we have had in a long time as relates to the economy. The number of U.S. workers filing for unemployment benefits rose to a 20-year high, 439,000. Since President George Bush took office, we have lost more than 3.1 million jobs—it is quickly approaching 3.2 million jobs—in the private sector.

Unemployment overall jumped last month to 6.4 percent. That does not include those who have given up hope and stopped looking for work and are not included in the 6.4 percent. If we counted all the people chronically unemployed, people who simply cannot find a full-time job, the total unemployment rate would be almost 11 percent. Even worse, we find that the unemployment rate for African Americans, Hispanics, and Asians is higher, and for teenagers who look for summer jobs to help pay for expenses during the school year, the job is especially bleak.

In Nevada, we have just in the lower figure—that is the 6.4 percent; that is those who are not chronically unemployed—some 55,000 people who cannot find work. People want work. They know the American dream begins with a good job. It begins with owning a home. It begins with giving your children a good education and building a better community. But all this starts with a good job.

I have on this chart what has happened since this President has taken office. During the Clinton administration, some 23 million new jobs were created. In this administration, we have a President, for the first time since we have been keeping numbers, who in multiyears has lost jobs. As I indicated, we are approaching 3.2 million.

On this chart, we can see that when he took office, there were 5.9 million unemployed Americans. Now there are 9.4 million. It is easy to talk about numbers and percentages. Every one of these numbers is made up of people who are looking for work.

I was talking to the junior Senator from Washington. It is hard to comprehend these numbers, but Boeing laid off 35,000 people at once. All at once, 35,000 people got blue slips. We are laying off people all the time.

As I have indicated, we have in Nevada tens of thousands of people who cannot find work, and Nevada has a better unemployment record than a lot of places.

Each person who makes up these numbers is someone who was working for Boeing, who was working someplace, and is willing to work anyplace, but cannot find a job.

You can look at a doctor's chart and find out what is wrong with a patient. I think we need to look at this chart and recognize that this patient, the American economy, is in deep trouble. We have people who simply need a job.

The President has not prescribed anything I know of to increase employment other than tax cuts. If tax cuts had been the answer to solve the problems in the economy, the first go-round of tax cuts would have been just the thing.

It did not work; so what does he do? He comes back and says: We are going to have this economy running well; we are going to cut taxes some more. He cut taxes some more.

We had a surplus when this President took office when the unemployment numbers were below 6 percent. We had a situation where we had a surplus over 10 years of more than $7 trillion. That surplus is gone. It is zero. This year, we will have the largest deficit in the history of the world. It will be around $600 billion. We see the printed figures in newspapers and commentary on television. It is over $400 billion, approaching $500 billion. Of course, that does not take into consideration the fact that the Social Security surpluses are placed in there to mask the overall deficit.

The President said: Things were not so good when I got the economy. You cannot pass the buck, as President Truman said.

The buck stops at his office. What we have found is massive unemployment. We have hemorrhaging of the economy. We find that some of this is related to the war on terrorism—we realize that—about 20 to 25 percent of it. The rest is just bad economic policy.

What the President inherited was an incredible record of job growth. I repeat what I said a moment ago, 23 million new jobs in 8 years. Every one of those new jobs was another door of opportunity opening. Every one of these job losses is a door of opportunity closing. Every time a job has disappeared, the American dream has slipped from another family's grasp.

What should we do? I think it is clear what has been going on has not worked. We tried the tax cut route once, and it did not work. We tried it again, and it is still not working. We are all against taxes. It would be great if no one had to pay taxes. In fact, people would rather have a strong, vibrant economy than have these tax cuts, of course, that go to those people who are better off in our economy, the so-called elite.

Let's do something different. I would expect if things are going so bad, maybe we should have another round of tax cuts. I am afraid that is what we are going to hear from this administration. Instead of more tax breaks for the elite, who have plenty, we need to do something to create jobs for those who cannot find work.

Prior to September 11, I had a program called the American Marshall Plan. It was a program where we would spend money in the public sector creating jobs—water systems, sewer systems, bridges, roads, dams. Every State of the Union has massive projects on the drawing board that we cannot fund. The Energy and Water Development Subcommittee, of which I am ranking member and Senator DOMENICI is now the chairman—I was the chairman a short time ago—we have hundreds of water projects we have authorized and for which we cannot pay. There are hundreds of them. Should we deauthorize them? These are not water projects just to make people feel good. They are flood projects. They are massive projects.

I traveled to the State of Washington with Senator CANTWELL to look at the Hanford Project. They call it the Hanford reservation where nuclear projects have taken place since World War II. They have some tremendous problems with nuclear waste. I traveled there. I traveled also to Yakima, WA, and met with a group of people, Democrats and Republicans, about a public works project they believe would be so important. It would help the Columbia River. It would help the Yakima River. It would help growth in that area in many different ways. We can authorize another water project, one that is badly needed. We have to figure a way to pay for these projects, expend money for these projects.

For every billion dollars we spend on a public works project, whether it is highways, putting in a sewer system in a State, city, or county, we create 47,000 high-paying jobs, jobs where people will buy refrigerators, furniture, cars, and homes. Those 47,000 jobs create more jobs. It seems if we spend a few billions doing that rather than just tax cuts that have not created any jobs we would be so much better off.

The average school in America is approaching 50 years of age. Then there are places such as Clark County, Nevada where we have to build as many as 18 new schools a year just to keep up with the growth. We need help building these schools. We need help on roads, bridges.

There was an article last week in the newspapers about 40 percent of all bridges in the United States are in a state of disrepair. We have some bridges we have had to stop people from traveling over. Some schoolbuses let the kids out and let the kids walk across the bridges, and they climb back on the bus when they get on the other side because the bridges are in such a state of disrepair.

There are broken water pipes. I held a hearing prior to September 11. There were mayors of the city of Atlanta, Las Vegas—I am trying to think of the other cities around the country. Atlanta, I have that stuck in my mind because it was such a terrible situation. In fact, the mayor said, I am looking forward to my term ending because then I will not have to wake up every morning wondering if the water system is broken down. It is old, dilapidated, decayed. To do their water system is going to cost billions of dollars.

Some of the water pipes in existence in Washington, DC, are 150 years old. One wonders if there are leaks and problems. Of course there are.

I will not go through all the other mayors who appeared but there are significant problems. We need to help them. We can do that with public works dollars. It has to be done some time anyway. Why not do it now to help stimulate this economy? We can create new jobs by promoting new technologies and producing energy from renewable nonpolluting sources. Those will not only create jobs, they will help us achieve energy independence. We can save existing jobs by helping our financially burdened States so they do not have to raise taxes on working families or small businesses.

I think it speaks volumes if we look around the country. I spoke today to the Governor of the State of Pennsylvania. The legislature is having trouble determining how they are going to fund all the things that are required to be done in the State of Pennsylvania. The Governor is waiting for the legislature to determine how they are going to do that.

In the State of Nevada, the Governor of the State of Nevada had to call three or four special sessions of the State legislature to try to figure out a way to fund the budget they had passed. They could not do it. The Governor filed a lawsuit with the Nevada Supreme Court and the court ruled as to how the legislature is going to fund the money. What a crazy way to do business.

The reason the States and local governments are having all of these problems is the Federal Government has backed off on many commitments that we have had. We have passed on burdens to the States, unfunded mandates, in education and in homeland security. The States are paying for this, local governments are paying for this, and that is why we find 47 of the 50 States in deep financial trouble.

The king of financial troubles, of course, is the State of California, with a deficit of some $35 billion. The tiny State of Nevada had a deficit of a billion dollars. There is a constitutional requirement in Nevada that they have to balance the budget. Therefore the Supreme Court had to get into that.

We can reverse this awful trend. We can save the jobs we have and help create new ones but we have to be willing to do something different than what is going on now.

I, again, applaud my two friends and mentors, role models, who are managing this bill. I am confident that if we have a bill that has their fingerprints on it, it is something that is good for the national security of this country and I am sure in a reasonably short period of time this bill will become law.

As I indicated in my conversations this morning with the majority leader and the chairman of the committee, I know several people who want to speak on this issue. I do not see a lot of amendments but there will be some amendments on this legislation in an attempt to make it better than what it is. I look forward to working with my two friends to move this legislation along as quickly as possible.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1217

Mr. STEVENS. Mr. President, there is a substitute amendment at the desk and I ask for its consideration. For the information of all Senators, the amendment is the text of the Senate-reported bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1217.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER are found in today's RECORD under "Morning Business.")

Mr. NICKLES. Mr. President, I rise in support of S. 1382, the Department of Defense appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the Subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides $369.2 billion in budget authority and $389.9 billion in outlays in fiscal year 2004 for the Department of Defense. Of these totals, $528 million is for mandatory programs.

The bill provides $368.637 billion in discretionary budget authority, $25 billion less than the subcommittee's 302(b) allocation. The bill provides $389.371 billion in discretionary outlays, $16 million below the 302(b) allocation. Pursuant to an agreement with the administration, the bill provides $3.062 billion less budget authority than was in the President's Defense budget request. These funds were shifted to other nondefense spending bills.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1382, DEFENSE APPROPRIATIONS, 2004, SPENDING COMPARISONS, SENATE-REPORTED BILL

[Fiscal Year 2004 (in millions of dollars)]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	368,637	528	369,165
Outlays	389,371	528	389,899
Senate 302(b) allocation:			
Budget authority	368,662	528	369,190
Outlays	389,387	528	389,915
2003 level:			
Budget authority	426,621	393	427,014
Outlays	393,835	393	394,228
President's request:			
Budget authority	371,699	528	372,227
Outlays	393,220	528	393,748
House-passed bill:			
Budget authority	368,662	528	369,190
Outlays	388,836	528	389,364

S. 1382, DEFENSE APPROPRIATIONS, 2004, SPENDING COMPARISONS, SENATE-REPORTED BILL—Continued

[Fiscal Year 2004 (in millions of dollars)]

	General purpose	Mandatory	Total
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	(25)		(25)
Outlays	(16)		(16)
2003 level:			
Budget authority	(57,984)	135	(57,849)
Outlays	(4,464)	135	(4,329)
President's request:			
Budget authority	(3,062)		(3,062
Outlays	(3,849)		(3,849)
House-passed bill:			
Budget authority	(25)		(25)
Outlays	535		535

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.
Prepared by SBC Majority Staff, 7/10/2003.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Alaska.

Mr. STEVENS. Mr. President, just before I left the floor, I asked that the substitute amendment, which is the text of the Senate-reported bill, be reported. I now ask unanimous consent that the Senate adopt this amendment, make it original text for the purpose of further amendment, and the usual boilerplate language that goes along with that. But I would like to proceed at that point, and I do have Senator BYRD's concurrence on this at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1217) was agreed to.

Mr. STEVENS. I yield the floor.

Mr. President, I understand the Senator from New Mexico wishes some time.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have now served with 11 Directors of Intelligence during my tenure as a Senator. I think I have known each of them personally. In fact, my roots in connection with the intelligence process go back to World War II when I flew an OSS plane into China frequently, and I have had a great deal of interest in the CIA and its operations.

I have learned in that timespan that intelligence—good intelligence—is essential to force projection and protection of our Nation. Unfortunately, we cannot publish a list of the numerous occasions in which men and women in the intelligence community have literally saved the lives of U.S. military and civilian personnel. Sometimes I wish we could tell the whole story. It would put into better perspective the few mistakes the intelligence community sometimes makes.

However, mistakes in interpreting intelligence data can and will be made. The CIA has not often admitted blame for serious mistakes. Taking responsibility has not been their strong suit in the past, and I have not always been happy with the information the CIA has produced.

In working with the intelligence chief, George Tenet, to fully disclose information we have needed to determine proper funding levels in our Appropriations Committee for programs and projects he oversees, I can assure the Senate he has always been fair, just, and open with us.

Mr. Tenet is responsible for the accuracy of intelligence information his agency provides to the President and the Congress, and he has now acknowledged the CIA's error in interpreting data relating to the President's State of the Union comment about Iraq.

For this I think he should be commended, and that is why I have come to the floor: to commend him for his action. Few in this town often take the clear path to acknowledge error. The intelligence and defense committees are rightly investigating the events leading up to this mistake, but I am hopeful that as the Congress and the executive branch proceed to determine how this mistake occurred, all realize that those of us who work with him on a daily basis, including the President, trust and rely on George Tenet and are ready to defend him as a good man and excellent DCI and a man of intelligence, honesty, and candor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have been conferring with our staff, with Senator INOUYE's staff, and with Senator INOUYE. We request any Member who wants to present an amendment for inclusion in a managers' package to disclose that amendment to us by 3 tomorrow afternoon. We make that request because we do have the necessity of having full disclosure of what is in that package. It is often easier to handle some of these very small amendments that move money from one place to another or have a particular interest for one post or one military establishment or another, and we prefer to handle it in the way of offering those as one series of amendments in a managers' package if we can.

We cannot do that unless people come forward and contact us. We have knowledge of several Members who have small amendments of that type, and we wish them to know at this time that in order to get this package cleared in advance with Senator MCCAIN and others we want to have those disclosed to us by 3 tomorrow or the Members will be compelled to offer the amendments individually.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1224, 1225, 1226, AND 1227 EN BLOC

Mr. STEVENS. Mr. President, I send an amendment to the desk for Senator INHOFE to make available from amounts available for research, development, test and evaluation, Air Force, $4 million for cost-effective composite materials for manned and unmanned flight structures.

I also send to the desk an amendment for Senator DODD to increase the amount of Army RDT&E funds available for the broad area unmanned responsive resupply operations aircraft program.

I also send an amendment to the desk by Senator SNOWE to set aside Navy operation maintenance funds for the Navy Pilot Human Resources Call Center in Cutler, ME.

I also send an amendment to the desk for Senator BREAUX to make available from amounts available for research, development, test and evaluation, Navy, $4 million for Navy integrated manufacturing development.

I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for other Senators, proposes amendments numbered 1224 through 1227 en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1224

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Air Force, $4,000,000 for cost effective composite materials for manned and unmanned flight structures)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $4,000,000 may be available for cost effective composite materials for manned and unmanned flight structures (PE#0602103F).

AMENDMENT NO. 1225

(Purpose: To increase the amount of Army RDT&E funds available for the Broad Area Unmanned Responsive Resupply Operations (BURRO) aircraft program (PE 0603003A)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $3,000,000 may be used for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

AMENDMENT NO. 1226

(Purpose: To set aside Navy operation and maintenance funds for the Navy Pilot Human Resources Call Center, Cutler, Maine)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY" for civilian manpower and personnel management, up to $1,500,000 may be used for Navy Pilot Human Resources Call Center, Cutler, Maine.

AMENDMENT NO. 1227

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy, $4,000,000 for Navy Integrated Manufacturing Development)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $4,000,000 may be available for Navy Integrated Manufacturing Development.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, this is an example of some of the amendments that we are trying to process as quickly as possible. They have been referred to Members involved, including Senator MCCAIN. They have been cleared for action. I urge Members of the Senate to come forward if they have such amendments so we might be able to dispose of them this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, for the leader, I ask unanimous consent that at 5:30 today the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 293, Samuel Der-Yeghiayan, of Illinois to be a U.S. District Judge for the Northern District of Illinois, without further intervening action or debate; provided further that immediately following that vote, Calendar No. 292, Robert Brack, to be a U.S. District Judge for the District of New Mexico, be confirmed, and the motion to reconsider be laid upon the table. Finally, I ask unanimous consent that following that action, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I believe this will be the 137th and 138th judge we have approved of President Bush, and only two have been opposed. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, a few minutes ago I misspoke in my reservation of objection. I indicated that it was the 137th judge we would approve. It is 135. The first one would be 134. The second would be 135. I exaggerated by two. I want that stricken from the record. I didn't exaggerate. I simply made a calculation that was wrong. We have approved 135 judges for President Bush, and we have stopped two. The record is 135 to 2.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business until the hour of 5:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE APPROPRIATIONS

Mr. DORGAN. Mr. President, I believe the Senate will be voting this afternoon on a judiciary nomination, but in the meantime, most of this afternoon, and I expect tomorrow and perhaps even the next day, we will be on one of the most important appropriations bills we consider in the Senate, and that is the appropriation for the Department of Defense.

Most of us know that in recent years we have been faced with some very unusual circumstances that deal with national security both at home and around the world. National security is critically important to this country, both protecting our homeland against acts of terrorism and also dealing with trouble spots around the world that threaten our national interests.

So as we consider a bill providing the funds for our national defense through the Department of Defense, I wish to say a couple of things. First, I thank Senator STEVENS and Senator INOUYE. I happen to serve on the subcommittee on which they are chairman and ranking member, and I think they have done a remarkable job with this legislation. They should be commended by every Member of the Senate for the work they do on national defense. I think if all America could see them as they work through subcommittee and committee and work with the Department of Defense trying to understand

and analyze all of the programs that are involved with defense issues, they would understand how blessed this country is in having the leadership of the Senators from Alaska and Hawaii at this point.

But, in this debate, I think we are missing a piece to the puzzle of national defense. This bill is a very large bill, it is a very complicated bill, and in introducing the bill I believe my colleagues indicated that this legislation, while very large, does not have any funding in it for the military operations in the country of Iraq.

Now, why is that an issue and why is it important? Because at this point we are spending $3.9 billion, nearly $4 billion, a month in Iraq. There was an aggressive war fought in Iraq with valiant and brave young men and women who answered the call to duty, and now, following the major part of that war, hostilities continue in Iraq. It breaks the hearts of all of us to see the deaths and the continuing struggle many of our soldiers are going through in Iraq, but they will and we will prevail.

However, it is clear to everyone from the testimony last week of Secretary Rumsfeld and others that this will not be done quickly. This country is not going to pull out of Iraq in 1 month or 2 months or 4 months. We now have roughly 140,000 to 150,000 troops in Iraq, and this weekend Secretary Rumsfeld and others suggested that that we may have to be increase that number. If we are in fact spending nearly $4 billion a month in Iraq, and there is a suggestion perhaps that we will do that for a year, we are talking $48 billion to $50 billion a year in expenditures.

We know that is happening. We know that at the start of the fiscal year we will be spending money in Iraq. It is likely to me it will be at least at the level that exists this month, last month, or the month before. If that is the case, then the question is: Where is the money going to come from? As I understand it, there is not one penny in this Defense appropriations bill to fund those needs that exist to support the troops in Iraq.

What would typically happen, I suppose, is the funding of $4 billion a month would be taken out of other programs and shifted around to fund the programs in Iraq and the soldiers who are in Iraq and all the equipment and the needs month after month. And then at some point the administration would send a supplemental appropriations request saying, we have an emergency request for Congress to appropriate $36 billion to $40 billion to fund those items that respond to the needs of the military that is in Iraq.

It seems to me that, rather that the administration coming to us 6 months or 10 months from now, asking to come up with another $30, $40, or $50 billion on an emergency basis and adding it to the debt and not paying for it, a far better approach would be, since we know the expenditure will exist, since we know this requirement exists, a better approach would be for the President to send us a budget amendment; a budget amendment by which this President would say to the Congress, here is the need and here is how we pay for it.

The administration should say this is what is happening today in the country of Iraq. We have American soldiers, men and women wearing America's uniform, in substantial numbers, costing $3.9 billion a month, according to the Secretary of Defense. We know that exists now. We also know that this country is not going to withdraw from Iraq any time soon.

So we know on October 1, when the next fiscal year begins, this requirement exists. Therefore, we request the Congress to appropriate X billions of dollars to meet that requirement.

That is a straightforward way for this administration to say: Here is what it is costing us and here is how we think we ought to pay for it. We should not be in a situation in this country where we say to America's sons and daughters: You go to war; and by the way, when you come back we will have you pay the bill. If they are risking their lives and answering the call to duty for this country, the very least we ought to do is to decide how much this is going to cost and how we will pay for it.

There will be, I am sure, many voices of criticism of many items in all of these issues dealing with national security and the war in Iraq, intelligence, the state of the intelligence information, the quality of the information, who knew what when. All of those are important issues for our country. My point is not to be critical of any operation or anyone. My point is to say this Congress knows when we pass this appropriations bill that we have a responsibility to fund the operations in Iraq. Those operations now cost somewhere between $45 and $50 billion a year at an annual rate. Yet there is not a penny in this Defense appropriations bill for those purposes.

Why? Because the administration has not asked for it. They might say, but we have not done that in the past, not only this administration but other administrations. That is true. In the past, other operations have been funded later by emergency requests. This operation, however, is much larger, is much more certain to go on for a lengthier period of time, and this operation in Iraq requires the President to send an amended budget request of some type, saying here is what we expect the estimate to be for the next fiscal year, and here is the funding we would like. Then this Congress has a responsibility to respond to the President in an appropriate way.

It is Byzantine to be passing a Defense appropriations bill pretending that the $4 billion a month we are spending on the military operations in Iraq does not exist. We know it exists. We have a responsibility to provide the funding for it, not 10 months from now but now.

Let me make one additional point. I mentioned the men and women who have answered the call to duty. Many of them are National Guard men and women, reservists. They are the citizen soldiers of this country. They have regular jobs, they live in regular homes, have regular families, and they lead a normal life. But they are citizen soldiers. They drill on weekends. They go to a summer camp for the National Guard and Reserve and from time to time during emergencies they are deployed. They are called up to active duty.

In the last 4, 5, or 6 years, the National Guard has been used in a much different way than ever before. Especially now with Afghanistan and Iraq, we routinely see substantial numbers of National Guard forces called up and deployed.

Nearly one-third of those who are engaged in the National Guard and Reserve in my State of North Dakota have been deployed on active duty. Many of them were deployed in Bosnia, Kosovo, and now the same ones are sent to Iraq or Afghanistan. There will come a time to rethink what we are doing with our National Guard and Reserves. I fear that many of our citizen soldiers—probably at the urging of their families—will not be reenlisting if we continue to use the National Guard and Reserve the way they have been used the last several years. To ask them to go and be deployed for 6 months, 9 months, a year, with no notion of when that deployment ends is a very troublesome circumstance for the Guard and Reserve.

They are proud to serve. They have done a magnificent job. I think all of America is proud of the National Guard and Reserve. But at this point the Secretary of Defense needs to think through how we develop a rotation plan in order to be able to tell them and their families when they might be rotated back to this country, when they might rejoin their families, and when they might be reporting back to their jobs.

It is a very difficult circumstance for everyone who serves in these theaters, but it is especially difficult for those who have been mobilized and deployed as a part of Guard and Reserves. They do not complain about it. They are wonderful, brave young men and women, as are all of those who wear America's uniform, but the Secretary needs to think through how we begin rotation plans to let them and their families understand how long these rotations will last.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF SAMUEL DER-YEGHIAYAN, OF ILLINOIS, TO BE A U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session.

The clerk will report the nomination.

The legislative clerk read the nomination of Samuel Der-Yeghiayan, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

Mr. FITZGERALD. Mr. President, at 5:30 we are going to be voting on a nomination to the Federal bench for the northern district of Illinois. The nominee is Samuel Der-Yeghiayan from Vernon Hills, IL. Senator DURBIN and I have recommended Samuel Der-Yeghiayan to President Bush, who has appointed Sam, and he has been confirmed out of the Senate Judiciary Committee. I will say a couple of words in support of his nomination.

Since 1978, Mr. Der-Yeghiayan has worked in the United States Department of Justice Immigration and Naturalization Service first as a trial attorney in Chicago, later as acting district director, acting trial appellate attorney, and for about 18 years the chief district counsel for the INS in Chicago. He has a very good reputation.

Everyone, whether Republican or Democrat, from the many different communities in Chicago speaks very highly of Samuel Der-Yeghiayan. He has a very good reputation in legal circles in Illinois.

Since the year 2000 he has been acting as an immigration review judge in the United States Department of Justice Executive Office for Immigration Review. Sam Der-Yeghiayan has his JD degree from Franklin Pierce Law Center in New Hampshire. He was on the Law Review at Franklin Pierce.

There is an interesting aspect to Mr. Der-Yeghiayan's background that I think makes him somewhat unique. I am advised that he would be the first immigrant of Armenian descent ever to be named to the Federal bench. Mr. Der-Yeghiayan is himself an immigrant, having come to this country at an early age, and has done very well.

I am very proud of his nomination. I believe he is a very fine man, has a wonderful family, and he will be a great asset to our Federal judiciary.

I thank my colleagues and I thank Senator DURBIN for his support for the nominee.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Samuel Der-Yeghiayan to be United States District Judge for the Northern District of Illinois.

Judge Der-Yeghiayan has contributed much to the legal community over his 25 year career, particularly in the area of immigration law. Upon graduation from Franklin Pierce Law Center, Judge Der-Yeghiayan joined the U.S. Department of Justice as a trial attorney with the Immigration and Naturalization Service. After spending several years as a trial attorney, he was appointed District Counsel for the INS in Chicago, IL. In 2000, he became an immigration judge with the Department of Justice's Executive Office for Immigration Review, the position in which he currently serves.

Over the course of his career, Judge Der-Yeghiayan has represented the Government in deportation, exclusion, and other immigration-related hearings. He has handled issues relating to constitutional, labor, criminal, and administrative law arising from the enforcement of immigration laws. As a judge, he has presided over court proceedings and trials related to removal, deportation, exclusion, and asylum cases. He has also done a substantial amount of pro bono work educating congressional staff, State attorneys, bar associations, and law enforcement agents on immigration issues. In addition, as a judge, he provides training to pro bono immigration attorneys.

I have every confidence that he will make an excellent Federal judge. I commend President Bush for nominating him, and I urge my colleagues to join me in supporting his nomination.

Mr. FITZGERALD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Samuel Der-Yeghiayan, of Illinois, to be United States District Judge for the Northern District of Illinois? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announced that the Senator from Utah (Mr. BENNETT), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 275 Ex.]

YEAS—89

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—11

Bennett
Edwards
Graham (FL)
Harkin
Kerry
Lieberman
Mikulski
Miller
Sessions
Smith
Sununu

The nomination was confirmed.

NOMINATION OF ROBERT C. BRACK TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order that I speak for 1 minute with reference to the nomination of Robert C. Brack, which is currently going to be accepted by the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, as the manager of the legislation on the floor, I wonder if the Senator would mind, then, even though the normal order would be for the managers to go first—I have no objection to my more senior colleague going first—that I be recognized immediately after the Senator from New Mexico.

Mr. DOMENICI. I didn't know you wanted to speak. I saw the calendar said that he was going to be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, in a couple moments the Senate will approve Robert C. Brack for district court judge of New Mexico. It is not always easy to find somebody, when you recommend them and they have finished this process and received, as in this case, full approval of the Democratic Senator—the committee approved them rather quickly—it is not always easy to find that kind of person.

And then secondly, it is not always easy to know that you have really got the right individual, that they are going to do justice to that terrific responsibility which is theirs for such a long period of time under our Constitution. But in this man's case, I am certain of both. I am certain he is as good as there is. Far be it for me to say he is the very best in New Mexico. Who knows that? But he is very good at the law.

Secondly, after being good at law, he had a shot at being a judge, and he was a very good judge at the district court level where you have general jurisdiction. When you add all that together, you just feel good about it. And you can end up telling the Senate, thank you this evening in advance and the President, thank you for sending this man to New Mexico to become a district judge in our State.

I yield the floor. If I offended or sought precedence over the distinguished Senator, I did not intend to. I apologize.

Mr. LEAHY. Mr. President, there is no offense. I know no offense was meant and none was taken.

As the distinguished senior Senator from New Mexico knows, he and I consulted at some length on this nomination, and I was happy to move forward. In fact, while the Senator is still on the floor, why don't we go ahead and pass the nomination. Then I will address the Senate.

The PRESIDING OFFICER. Without objection, Executive Calendar No. 292 is approved.

The nomination was confirmed.

Mr. LEAHY. Mr. President, with that confirmation of the New Mexican judge, the Senate will now have confirmed 135 judicial nominees of President Bush. These include 35 confirmed so far this year. I mention that number of 35 because I looked back to the third year of the last Presidential term—President Clinton's—when the Republicans controlled the Senate. They only allowed 34 judges to be confirmed in all of 1999. In fact, we have now confirmed more than twice the total number of judges confirmed in the 1996 session, when a Republican Senate majority refused to consider any circuit court nominees and confirmed only 17 district court judges in that entire session.

I mention that, Mr. President, because some believe this has become politicized. Well, maybe it was for 6 years, but it is not politicized now. We have actually reduced judicial vacancies to the lowest number in 13 years. Currently, there are more Federal judges on the bench than at any time in our history. We have confirmed 35 this year, and in the 1996 session with President Clinton, the Republican Senate majority refused to consider any circuit court nominees and only confirmed 17 district court judges during the whole session—half of what we have confirmed already.

At a similar time in President Clinton's term—the third year of the term—they allowed 34 judges to be confirmed the whole year. We have done 35 so far. By every single standard, during the time when the Democrats were in the majority and now, we have confirmed far more judges at a far faster rate for President Bush than the Republican majority allowed during the time of President Clinton.

I note that in the cases of both of today's nominees, the home State Senators include both a Republican and a Democrat Senator who supported the nomination; both worked for the nomination. Working with these home State Senators makes it far easier and makes the confirmation process proceed more smoothly.

I congratulate the nominees confirmed today and the four Senators who came together in a bipartisan effort to get them through.

I yield the floor.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table and the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Delaware is recognized.

THE CLEAN AIR PLANNING ACT

Mr. CARPER. Mr. President, earlier today, Senator LAMAR ALEXANDER announced his decision on this Senate floor to join Senators GREGG, CHAFEE, and me in cosponsoring the Clean Air Planning Act.

I ask unanimous consent that Senator ALEXANDER be added as a cosponsor of S. 843.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, we are delighted at this decision. We welcome him as a cosponsor. The Clean Air Planning Act is a sensible solution to a vexing and challenging problem. We welcome the support of Senator ALEXANDER on this bill and the opportunity to work with him and other colleagues in this body to pass a strong bipartisan piece of clean air legislation later this year. Together, we can pass legislation that will control harmful emissions, provide cleaner air, and let more people live longer and healthier lives. We can do so in a way that does not impose hardship on those who produce electricity or on the consumers or an industry that relies on affordable electricity.

There are several advantages for the Nation that the Clean Air Planning Act will provide, and I want to mention several of those at this time.

First of all, let me begin with public health and environmental benefits. The Clean Air Planning Act will achieve substantially greater emissions reductions than the administration's Clear Skies Act. The Clean Air Planning Act will generate an additional 23 million tons of SO_2 reductions, 3 million tons of nitrogen oxide reductions, 240,000 pounds of mercury reductions, and 764 million tons of carbon dioxide reductions relative to the Clear Skies Act in the first 20 years of the program.

As a result, the human health benefits are likely to be substantially greater under the Clean Air Planning Act than the Clear Skies legislation. An EPA analysis has concluded that in 2020, the Clean Air Planning Act would avoid almost 6,000 premature deaths from fine particulate matter when compared with Clear Skies on an annual basis—not a cumulative basis.

Let me return to CO_2 and business certainty. From the perspective of the electric generating sector, business certainty is a major driver for the enactment of multipollutant legislation. Without CO_2 included, electric-generating companies will continue to make their investment decisions in the face of major business uncertainty. This raises the specter of stranded investments.

By lifting the uncertainty surrounding future action on CO_2, the Clean Air Planning Act creates a more favorable climate for the expansion of U.S. coal markets and stimulates the development of clean coal technologies.

Let me talk for a moment about diverse generation mix. The Clean Air Planning Act and Clear Skies will both preserve a diverse fuel mix. Both bills are projected to have minimal impact on coal use. In 2010, coal use is expected to be about 2 percent lower under the Clean Air Planning Act than under Clear Skies—50 percent versus 48 percent. Coal is projected to constitute 45 percent of the electric generating mix in 2020 under either bill, Clear Skies or the Clean Air Planning Act.

An important question is, What will it cost to buy the relative advantages of the Clean Air Planning Act?

In both 2010 and 2020, total annual electric system costs under the Clean Air Planning Act are projected to be only 2.5 percent higher than under Clear Skies. This includes the cost of regulating CO_2 under the Clean Air Planning Act. On a net present value basis, the total cost differences between Clear Skies and the Clean Air Planning Act over a 20-year period, from 2005 to 2025, is in the range of 2 to 3 percent.

The EPA itself has conceded that retail electricity prices would increase by only two-tenths of a cent per kilowatt hour more under the Clean Air Planning Act than under Clear Skies, which amounts to about $1.20 per month for the average residence.

According to the EPA, the CO_2 reduction plan could be carried out at "negligible" cost—that is their word—to the industry. Specifically, we can achieve the CO_2 goal in our bill—returning electricity industry emissions to 2001 levels by 2013—for approximately $300 million in additional costs on top of the $103 billion the industry will already be spending to produce electricity. That is just 0.3 percent—not 3 percent, not 30 percent, but 0.3 percent.

Let me conclude. Once again, I thank Senator ALEXANDER for having the courage to join us in this effort. I know it is not a decision that he made lightly. As a former Governor, he shares my commitment to getting things done in the Senate and in our Nation's Capital, with a commitment to focusing on policies that are the right thing for this Nation to do. Speaking for Senators GREGG, CHAFEE, and myself, we welcome the support of the junior Senator from Tennessee.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR PLANNING ACT

Mr. ALEXANDER. Mr. President, I want my Senate colleagues to know I have decided to join Senators CARPER, CHAFEE, and GREGG as cosponsors of the Clean Air Planning Act. I have studied major clean air proposals before the Senate and have concluded that this legislation is the best balanced proposal because it would reduce pollution emitted by powerplants while permitting the maximum possible economic growth and energy efficiency. I hope other colleagues will come to the same conclusion as the debate about how to clean America's air becomes front and center.

Cleaner air should be the urgent business before the Senate. The condition of the air in my State of Tennessee is completely unacceptable to me and ought to be completely unacceptable to every Tennessee citizen.

My home is 2 miles from the boundary of the Great Smokey Mountains National Park, which has also become the Nation's most polluted national park. Only Los Angeles and Houston have higher ozone levels than the Great Smokies. Only a few miles away from the Great Smokies is Knoxville, which is on the American Lung Association's list of top 10 cities with the dirtiest air. Memphis and Nashville—our two largest cities—are on the top 20 list. Chattanooga barely escapes the top 25 list.

This polluted air is damaging to health, especially that of the elderly, small children, and the disabled. It ruins the scenic beauty of our State, which is what most of us who grew up in Tennessee are proudest of. And it is damaging to our economic growth.

Clean air is the No. 1 priority of the Pigeon Forge Chamber of Commerce. Business leaders there at the foot of the Smokies know that visitors are not going to drive 300 miles and spend their tourism dollars to see smoggy mountains.

The mayors of our major cities in Tennessee also understand that cleaner air means better jobs. They know that if our metropolitan areas are not able to meet Federal standards for clean air, new restrictions will make it harder for auto parts suppliers and other industries to expand and bring good new jobs into our State. The mayors also know our cities cannot comply with the Federal standards without some help. Tennessee's clean air problem requires a national solution.

Much of our air pollution is our State's own doing—specifically, that which comes from emissions from cars and trucks and from the coal powerplants of the Tennessee Valley Authority. But as much as a third of our air pollution comes from outside Tennessee. Winds blow pollution south from the industrial Midwest and north from the South toward the highest mountain range in the eastern United States, the Great Smokies. And when the wind gets to the mountains, the pollution just hangs there, which is an additional reason the Great Smokies and the Knoxville metropolitan area have such a problem.

There are three major clean air proposals before the Senate. I have studied each to determine which would be the best for Tennessee and for our Nation.

The most important of these is President Bush's Clear Skies legislation. The President deserves great credit for putting clean air at the top of the agenda, as only a President can do, because his proposal relies upon market forces instead of excessive regulation. It limits costly litigation and creates certainty.

In addition, the President's proposal would take significant steps forward in reducing sulfur, nitrogen, and mercury pollutants.

Last year, during my campaign for the Senate, I made clean air a priority and often said the President's proposal is an excellent framework upon which to build meaningful clean air legislation but that it does not go far enough, fast enough to solve Tennessee's problems. The Clear Skies legislation is a good start, but it does not go far enough, fast enough in my back yard.

I believe the Clean Air Planning Act, which I am cosponsoring, is the best proposal for Tennessee and for our Nation. Here are the reasons:

First, the Clean Air Planning Act adopts the market-based framework of the President's proposal so that it also reduces regulation, litigation, and creates certainty.

Second, it would take our country farther faster in reducing three major pollutants: sulfur, nitrogen, and mercury.

Third, it extends its market-based framework of regulation to carbon dioxide with a modest requirement that by 2013 the carbon emitted by powerplants would be at 2001 levels, causing a 3- to 5-percent reduction in the overall United States projected level in 2013.

Fourth, the Clean Air Planning Act, of which I am a cosponsor, does not weaken existing laws in important ways that the Clear Skies proposal would. Here are the two ways the Clear Skies proposal does that:

First, Clear Skies would prevent Tennessee, for 10 years, from going in to court to force another State to meet the Federal clean air standards. Since pollutants blowing in from other States is one of our greatest problems, this is a legal right we do not want to give up.

Second, the Clear Skies proposals would remove the right of the National Park Service to comment on the effect of powerplant emissions more than 30 miles away from a national park. Again, since much of the pollution in the Smokies is blown in from more than 30 miles away, this is a review that ought to be considered.

While the President's proposal, in my judgment, does not go far enough, the other major proposal before this Senate goes too far too fast. It is a proposal by Senator JEFFORDS, the Clean Power Act, which requires carbon emissions of the utilities sector to be at 1990 levels by the time we reach the year 2009.

I believe this proposal would cost so much to implement that it would drive up the cost of electricity and drive offshore thousands of good jobs. It would significantly damage our economy and our future.

There is also the Climate Stewardship Act sponsored by Senators McCAIN and LIEBERMAN which would regulate carbon emissions produced by the entire economy and does so on a very rapid timetable.

I would not support these two proposals because I am not convinced they are based upon good science. It would be foolish to take huge, expensive steps to solve problems which we do not know exist. But it is also unwise to completely ignore what we do know.

My reading of the Report of the National Academy of Sciences on Global Warming and my discussion with scientists, especially those at Oak Ridge National Laboratory, have persuaded me that some additional steps must be taken to limit carbon dioxide emissions.

The Senate is working on clean air legislation that will likely govern our production of energy and the accompanying pollution for the next 10 to 15 years. It would be unwise to do nothing, just as it would be unwise to do too much.

The President himself has recognized the seriousness of problems with carbon emissions and has initiated a voluntary program of emission reduction which is having some success. But for the next 10 to 15 years, I believe we should take the next step and institute modest, market-based caps.

It is important to recognize that our Clean Air Planning Act applies only to carbon produced by powerplants, not that produced by the entire economy. In fact, it would permit powerplants to purchase credits from other sectors of the economy which can prove to be a substantial benefit and income for agriculture.

There is still much to learn about the effect of human activity on global warming, specifically that caused by the production of carbon dioxide. I will continue to monitor the science as it is presented and make my judgment at the time based upon what I believe to be good science.

Senator CARPER has asked the Environmental Protection Agency to review our proposed legislation to determine its effect on the health of Americans, and its cost. According to the EPA analysis prepared in November of 2002—last year—the Clear Skies Act would prevent 11,900 premature deaths, 7,400 chronic bronchitis cases, and 10,400 hospital visits. Our Clean Air Planning Act would prevent 17,800 premature deaths from air pollution, 5,900 more people annually than under Clear Skies, and save $140 billion in health care costs, $50 billion more than Clear Skies.

The EPA internal analysis from November of 2002 also estimates that Clear Skies would cost electric utilities $84.1 billion in the year 2010, while our legislation would cost $86.2 billion in the year 2010. In 2020, Clear Skies would cost $100.9 billion. Our legislation would cost $103.4 billion. In short, according to that EPA internal analysis, our legislation does a better job of improving health and reducing health care costs and would cost only slightly more.

Last week, before the Senate Energy Committee, we discussed again the emergency that is being caused by a shortage of natural gas and the consequence of higher prices. Chemical companies in America are reducing salaries and pushing jobs overseas. Americans living in homes heated by natural gas should expect a 30-percent increase in their bills this winter in our State.

During the last week in July, the Senate will have the opportunity to consider both the natural gas crisis and the urgent need for cleaner air. We will be debating the Energy bill which has been reported by our committee. The bill's purpose is to encourage a diversity of cleaner, newer technologies for producing energy so that we may have a steady supply of low-cost energy and, at the same time, a cleaner environment.

Mr. President, as I said, during the last week in July the Senate will have an opportunity to consider both the natural gas crisis and the need for cleaner air. We will be debating the Energy bill which has been reported by our committee. We have worked hard on that bill, both parties. We believe we have a good bill.

The bill's purpose is to encourage a diversity of cleaner, newer technologies for producing energy so that we may have a steady supply of low cost energy and at the same time a cleaner environment. But for us to avoid facing repeated winters with higher gas prices, to avoid keeping jobs from moving overseas, and to keep our air clean and healthy, we are going to have to face some tough decisions and make different choices than we have so far been willing to make.

We need to explore for natural gas in Alaska and other offshore areas in the United States and build a new pipeline to bring it south. We need to shed our reluctance to use nuclear powerplants that we invented and join France and Japan and the rest of the world in expanding our use of this clean form of energy.

We need to advance our understanding and use of clean coal technologies, especially coal gasification. Coal produces one-half of our electricity and will continue to produce much of it for the foreseeable future.

We should increase the use of other renewable forms of energy, including solar, ethanol, and wind power. We need to get serious about sensible conservation practices, such as using alternatives to idling truck engines when truckers are stopped for a break.

I am proud to be the principal sponsor of President Bush's hydrogen car proposal which offers great promise in the long term to reduce our dependence on foreign oil and to clean our air because its fuel uses no oil or gasoline and its only emission is water.

In summary, President Bush has made a good beginning by placing clean air on the agenda as only a President can and by offering a framework to build a strong proposal. But with respect, he hasn't gone far enough, fast enough. On the other hand, my colleagues, Senators MCCAIN, LIEBERMAN, and JEFFORDS, go too far, too fast, relying on unsettled science to put controls on our economy that are unjustified and that would cost so much that thousands of jobs would go overseas.

The Clean Air Planning Act, which I cosponsor, is, in my judgment, the best balanced solution. It has the advantages of the market-based approach suggested by the President. It goes further faster than the President's proposal in reducing pollutants from sulfur, from nitrogen, and from mercury. It places modest controls on carbon, and it does not weaken the existing clean air law.

Devising a plan for maintaining the proper balance of clean air, efficient energy, and good jobs for the next 10 to 15 years deserves the urgent attention of the Senate. I look forward to being an active participant in the debate.

ADMINISTRATIVE DETENTIONS AND RIGHT TO DUE PROCESS

Mr. BINGAMAN. Mr. President, we in America firmly believe that what distinguishes our country in the history of the world is our commitment to individual liberty and freedom. At the bedrock of a free society is the obligation that the Government takes on to afford individuals certain legal protections, the most basic of which is the freedom from incarceration unless the Government can prove that you have committed a crime.

Today we are witnessing the abandonment by this current administration of our historic commitment to this most basic legal protection. The core element of due process law is the requirement that if individuals are taken into custody by the Government, then within some reasonable time, they will be advised of the crimes of which they are accused. They will be charged with those crimes and they will be prosecuted.

This administration, working through the Justice Department, headed by Attorney General Ashcroft, and the Pentagon, headed by Secretary of Defense Rumsfeld, has taken the position that as to many individuals it now has in custody, no such legal requirements attach.

It is my view that regardless of whether the person in custody is an American citizen or a foreigner, regardless of where he or she is apprehended, and regardless of the Government's preconceptions about his or her guilt, that person should be entitled to some reasonable standard of due process. Secrecy and disregard for the rule of law are not the ideals upon which a free and open society are based.

To demonstrate the basis for my concern, I would like to describe to the Senate some of the actions that have been taken in recent months by the administration. These actions fall into three different categories. There are those that affect immigrants. There are those that affect so-called material witnesses. There are those that affect so-called enemy combatants.

Let me start first with immigrants. In the case of immigrants, the inspector general in the Department of Justice has recently documented the abusive treatment of many immigrants by the FBI and the Justice Department in the period since 9/11. According to the IG's recent report, many immigrants were detained following 9/11 even though the FBI had no evidence that they were connected to terrorism. The report states that some detainees did not receive their so-called charging documents for more than 9 months after they were arrested. Even after they were charged, many detainees were held in "extremely restrictive conditions of confinement" for "weeks and months with no clearance investigation being conducted."

The Attorney General would have us accept with no dissent that extraordinary times require extraordinary measures, even if it is at the expense of individual civil liberties. In my view, the fact that these immigrants were detained on alleged immigration violations does not permit the Government to totally disregard their rights. While the 9/11 detainees were entitled to be represented by an attorney at their own expense, the inspector general found in many cases that the Government made it very difficult for detainees to obtain an attorney or to speak with that attorney on a regular basis.

I hope the newly established Department of Homeland Security, which now has jurisdiction over immigration violators, will follow the inspector general's recommendation that it ensure that "detainees have reasonable access to counsel, legal telephone calls, and visitation privileges consistent with their classification."

I am also troubled by the veil of secrecy which the administration has drawn around these detainees. The public and the Congress have a right to know the names of individuals detained in connection with the September 11 investigation. If we had had timely knowledge of the names of people discussed in the inspector general's report, we might have been able to shine some light on the process to ensure those individuals' rights were not violated.

Unfortunately, a recent circuit court of appeals decision allows the Department of Justice to continue circumventing the Freedom of Information Act. The decision is likely to be appealed, and I hope that the earlier court decision ordering the release of the names will be upheld. In the meantime, however, I hope the Attorney General will do the right thing and voluntarily release the names of the September 11 detainees. I was pleased to join Senators FEINGOLD, KENNEDY, DURBIN, and CORZINE last week in formally making that request. I hope the Attorney General will agree.

Now let me speak about material witnesses.

The second way in which the administration has been detaining people is under the authority of the material witness statute. This little-known statute permits the Government to arrest and detain a potential witness whose testimony is material in a criminal proceeding and who is likely to flee. The statute says:

> Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

The issue here is the manner in which the statute has been applied and, in addition, the unreasonable length of time the administration has detained some individuals under this statute.

On the first point, the administration appears to be using the material witness statute to detain some individuals without any intention of ever calling them to testify before a grand jury. In fact, a Washington Post article published last November reviewed 44 material witness cases. In 20 of the 44, the material witnesses were never called to testify.

I share the concern of those who believe the administration is misapplying the statute in order to hold individuals without due process while those individuals themselves are being investigated. I would like to give the administration the benefit of the doubt, but their answers to a recent House Judiciary Committee inquiry shed little light on their intentions. In those answers, they stated:

> We can only provide information about those material witnesses whose status has been made public in court proceedings.

The administration also refuses to provide the public with the specific number of people who have been detained, saying only that:

> As of January 2003, the total number of material witnesses detained in the course of the September 11 investigation was fewer than 50.

Again, the public and the Congress are faced with the veil of secrecy. Tell me, Mr. President, what is the harm to national security in revealing the specific number of people who have been detained under the material witness statute or the list of charges that have been brought against such people? The public and the Congress have a right and an obligation to know.

One last troubling point is the unreasonable length of time many material witnesses have been held. Again, the Justice Department refuses to provide any specific information. I know Senator LEAHY has written to the Attorney General for more information on actions that have been taken under the material witness statute. He has requested a response by the end of this week. I very much hope that that response will be forthcoming. We need to know more about the Justice Department's use of the material witness statute, and the Congress needs to study whether changes should be made to ensure that due process is followed for individuals who are detained under this statute.

Finally, we come to the third category of individuals who have been detained; that is, individuals the administration deems to be "enemy combatants."

To date, the administration is holding three individuals within the United States as enemy combatants, and close to 700 are being held at the United States military base at Guantanamo Bay, Cuba. In all cases, these individuals are being held incommunicado, with no access to counsel and no opportunity for judicial review.

It is not unreasonable to ask who qualifies as an "enemy combatant." Since the Justice Department will not reveal the identities of many of the people it is holding, it is very difficult to tell. Most of these individuals were taken into custody in Afghanistan or Pakistan and are alleged to have been engaged in action against United States troops. At least a few of those held as enemy combatants are citizens of allied countries. According to the Financial Times, nine of those being held in Guantanamo are British citizens. At least one, Jose Padilla, is a U.S. citizen being held in South Carolina. Another, Ali Saleh Kahlah Al-Marri, is a citizen of Qatar and had been scheduled to go on trial this month in Illinois on charges of lying to the FBI. With the trial date approaching last month, the Justice Department removed him from the court system and jailed him in a Navy brig in South Carolina. Now that he is an enemy combatant and is classified as such, our Government takes the position that he need not be charged with any crime, he need not be given a hearing, his attorney is denied the right to see him, and he can be jailed indefinitely by the military in this condition.

President Bush has announced that 6 of the 700 or so "enemy combatants" will be tried by a military tribunal. There are serious questions about the procedures intended to be used in those trials. But even more serious questions relate to those who remain in jail without any prospect of charges being brought or trials being conducted.

The obvious question is: Where do we go from here with regard to these individuals?

The administration has labeled these people "enemy combatants" and has asserted the right to keep them incarcerated, presumably until our enemies are vanquished. But the President has made it clear that the "war on terrorism" in which we are engaged is of indefinite duration.

Is it the President's view that we can keep these individuals in prison in Guantanamo from now on without revealing who they are, without charging them with crimes, without affording them a hearing at which they can protest their innocence?

This is not a tenable position. This is not consistent with the commitment to liberty and the rule of law on which this country was founded. We demand that other governments show greater respect for human rights than this, and we should demand better from our own Government as well.

Let me say what I hope is obvious; that is, I am not advocating the release of these individuals. What I am advocating is that we afford them the right to be charged and to be tried for their alleged crimes. Most of those designated as enemy combatants have been in custody for more than 18 months without being charged.

The Bush administration takes the position that they are not prisoners of war and, therefore, do not enjoy the protections of the Geneva Convention. Our Federal courts take the position that these individuals are in Guantanamo, not within territory controlled by the United States, and therefore the courts have no authority to ensure that basic rights are protected.

In the case of Al Odah, et al, v. United States, the U.S. Court of Appeals for the District of Columbia sidestepped any responsibility for the enforcement of the Constitution by deciding that it had no jurisdiction over the detainees at Guantanamo. The argument used was that since the United States only occupies Guantanamo Naval Base under a lease it signed with Cuba in 1903, therefore, the court reasoned that Cuba is the sovereign nation with jurisdiction in Guantanamo and presumably the detainees should look to Castro for a remedy.

The end result of all this legal maneuvering and sidestepping is that with regard to these individuals, our own Government has successfully managed to avoid and evade any obligation to abide by procedural due process.

In the view of our Attorney General and the Secretary of Defense, there is no obligation to bring charges, there is no obligation to afford a hearing within a reasonable period of time, there is no obligation to permit legal counsel, and, in fact, there is no obligation to reveal who is being held in this enemy combatant status.

The Attorney General further asserts that if a prosecution in the court system is not proceeding in a promising manner, he has the prerogative of unilaterally removing the defendant from the court system and jailing him for an indefinite period without the need to prove the individual's guilt.

The administration's treatment of immigrants, material witnesses, and persons labeled as "enemy combatants" makes a mockery of our professed commitment to individual rights. Our great Nation does not have to abandon its Constitution and trample on the individual rights we hold dear to deal with the threats of a modern world. Terrorism is a threat to our Nation, but the undermining of our constitutional rights is also a threat.

The idea of America is admired and emulated all over the world, in large part because we believe that the right to liberty is fundamental. In those circumstances when the State has reason to deprive a person of liberty, that individual should have the right to know what he or she is charged with and to have access to meaningful review of those charges.

I urge the President, the Attorney General, and the Secretary of Defense to advise the Congress and the American people of the steps they will take to afford basic procedural rights to all those I have discussed here. Too many generations of Americans have fought to protect these rights for us to look the other way as they are being denied and disregarded. Our children and grandchildren would expect better of us, and we should expect better of ourselves.

Mr. President, I yield the floor.

AMERICORPS FUNDING

Mr. LEAHY. Mr. President, I am pleased that the Senate showed its strong support for the AmeriCorps program on Friday by defeating an amendment to strip the $100 million in emergency fiscal year 2003 funding that we in the Senate Appropriations Committee provided as part of the fiscal year 2004 Legislative branch spending bill. Without these emergency funds, Vermont will lose all but 15 to 20 of its over 100 AmeriCorps volunteers, and communities across the Nation are facing similar losses.

The dedicated young people who have answered AmeriCorps' honorable call to service contribute enormously to the strength of our communities. Whether they are helping to house the homeless, feed the hungry, or keep disadvantaged youth safe in fun and educational afterschool activities, they are often filling a sorely needed gap that the community cannot otherwise fill.

We must not let this vital part of our social safety net to unravel in Vermont and across the Nation, and that is why I am pleased to have cosponsored Senator MIKULSKI's amendment in the Appropriations Committee to add $100 million for AmeriCorps, and why I voted on Friday to defeat the amendment to strip the money out. I urge all of my colleagues in Congress, as well as the President, to support this emergency funding.

Mr. KOHL. Mr. President, I rise today in strong support of the $100 million included in the legislative branch appropriations bill for the AmeriCorps service program. It gives me great pride to know that more than 27,000 people of all ages and backgrounds are helping solve problems and strengthen communities through 79 national service projects across Wisconsin. This year alone, more than 700 individuals have committed to serve in Wisconsin communities as AmeriCorps members. To date, more than 3,900 Wisconsin residents have qualified for education awards totaling more than $17,000,000. It is a tragedy to think just a few days ago, all of this may have been brought to a halt. It is with the swift action of the Senate last Friday, in preserving the $100 million appropriation to make AmeriCorps whole, that we are able to ensure that AmeriCorps continues to provide every opportunity for Americans of all ages and backgrounds to engage in service.

AmeriCorps has proven an excellent outlet through which people may get involved in their community. Throughout the State of Wisconsin, AmeriCorps volunteers work closely with local nonprofit agencies and K through 12 schools. These individuals perform substantial amounts of direct service that have benefited our State's citizens. They are tutoring and mentoring students in schools and afterschool programs, teaching children and adults how to read, building and rehabilitating low-income housing, providing street outreach to runaway and homeless youth, cultivating community gardens, and most importantly, demonstrating to others the joy that a selfless act can bring and in return, recruiting others to become volunteers.

As our Nation faces a period of uncertainty, AmeriCorps programs are in a position to help build a stronger, more engaged citizenry while tackling some of our country's most pressing problems. Last week, the Senate was able to show its commitment to volunteerism all across the country by sustaining such a vital program at such a crucial time. I am pleased that the Senate voted to maintain this funding in the bill, and I hope that the House of Representatives will agree in conference to retain it. Without such action, the critical services AmeriCorps programs have provided over the years would not be possible and the communities that have come to rely on AmeriCorps would suffer.

EXTENSION OF NORMAL TRADE RELATIONS TO SERBIA AND MONTENEGRO

Mr. VOINOVICH. Mr. President, I rise today to express my support for Senate Amendment No. 1149, which would grant the President the authority to extend normal trade relations to Serbia and Montenegro.

As my colleagues may be aware, Serbia and Montenegro is one of just four countries that is currently denied normal trade relations, NTR, by the United States. Others in that group include North Korea, Cuba and Laos. Although there are certainly challenges in Serbia and Montenegro that must be addressed, as we discussed during a hearing of the Foreign Relations Committee 2 weeks ago, there is no doubt among my colleagues that this country no longer belongs in this category of "bad actors."

While the President has the authority to extend normal trade relations to most countries, the case of Serbia and Montenegro is different. In 1992, Congress revoked most favored nation status for Yugoslavia in response to the policies of former Yugoslav dictator Slobodan Milosevic, who was supporting nationalist Serbian aggression in the conflicts in Croatia and Bosnia.

The legislation passed in 1992, P.L. 102-420, prohibits the extension of normal trade relations to Yugoslavia, now Serbia and Montenegro, until certain conditions have been met. The President must certify that Serbia and Montenegro has ceased armed conflict with other peoples of the former Yugoslavia, agreed to respect the borders of the former Yugoslav states, and ended all support to Bosnian Serb forces.

As written, the law intended to stop Milosevic from aiding Serbian forces responsible for brutal atrocities during the 1990s. There is no doubt that the situation in Serbia and Montenegro has changed, and that the spirit of these conditions has been met. However, some support for Bosnian Serb forces is permitted under the Dayton Peace Accords signed in 1996. Given the situation on the ground in the early 1990s, the legislation enacted in 1992 did not provide the flexibility for this situation. As such, a legislative fix is required to permit the President to extend NTR to Serbia and Montenegro.

With Milosevic behind bars at The Hague and the current government taking action to promote democratic reforms following the assassination of Serbian Prime Minister Zoran Djindjic on March 12, 2003, I believe that it is time to take action to extend normal trade relations to Serbia and Montenegro. While we should continue to call on Serbia and Montenegro to meet its international obligations to apprehend war criminals and cooperate with the International Criminal Tribunal for the Former Yugoslivia, we should take this step to promote trade, economic development, and improved relations between the United States and Serbia and Montenegro.

Many of my colleagues agree. A provision to give the President the authority to extend NTR to Serbia and Montenegro is included in S. 671, the Miscellaneous Trade and Technical Corrections Act of 2003. While this is an appropriate vehicle for this measure, I am frustrated that this important piece of legislation is being held up indefinitely in the Senate. I submit for the record a letter of June 26, 2003, signed by myself and 65 of my colleagues calling for Senate passage of this bill.

As a member of the Senate who pays close attention to developments in southeast Europe, I am committed to doing all that I can to make sure that this critical piece of legislation is passed during this session of Congress, and I am hopeful to work closely with my colleagues to get this done as soon as possible.

I ask unanimous consent that the June 26, 2003 letter be printed in the RECORD.

There being no objection, the letter was ordered printed in the RECORD, as follows:

JUNE 26, 2003.

Hon. BILL FRIST,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER: We are writing to express our support for quick Senate action on the Miscellaneous Trade and Technical Corrections Act of 2003 (S. 671). The House of Representatives passed similar legislation in the 107th Congress, but the Senate was unable to complete action on it before the Congress adjourned. On March 5, 2003, the House of Representatives again overwhelmingly approved this important legislation. The United States Senate has an opportunity to pass a non-controversial bill that will provide crucial savings and an economic boost to U.S. manufacturers, consumers, and workers. However, this important legislation is stalled awaiting action in the Senate.

For more than 20 years Congress has regularly utilized the Miscellaneous Tariff bill procedure to move non-controversial and largely technical trade legislation. S. 671 accomplishes three vital measures: (1) it enables eligible U.S. companies to import products duty free if the product is not manufactured domestically; (2) it helps create jobs for American workers by allowing companies to be more competitive and function more cost efficiently; (3) it significantly reduces costs for U.S. consumers. Should the Miscellaneous Trade and Technical Corrections Act of 2003 fail to pass the Senate a second time, any future opportunity for businesses to benefit from this valuable procedure may be jeopardized.

Failure to enact the duty suspensions in S. 671 has resulted in extraneous costs to U.S. manufacturers—through taxes paid on imports that cannot be purchased domestically—of roughly $32 million dollars in just the first five months of this year. Manufacturing in the United States had undergone 33 months of declining employment, and this bill will create immediate benefits to American businesses and will strengthen our economy. We strongly urge you to take the necessary steps to move this legislation without further amendments under normal Senate procedure.

Thank you for your time and consideration of this matter. Please do not hesitate to contact us should you require additional information regarding this request.

Sincerely,

Senators Alexander, Allen, Bayh, Biden, Bingaman, Bond, Breaux, Brownback, Bunning, Campbell, Cantwell, Carper, Chafee, Chambliss, Clinton, Cochran, Coleman, Collins, Conrad, Cornyn, Corzine and Craig.

Senators Dayton, DeWine, Dodd, Domenici, Durbin, Edwards, Ensign, Enzi, Feinstein, Graham of South Carolina, Hagel, Harkin, Hatch, Hollings, Hutchinson, Inhofe, Inouye, Jeffords, Kennedy, Kerry, Kyl, and Landrieu.

Senators Lautenberg, Leahy, Lieberman, Lincoln, Lott, Lugar, McCain, Miller, Murkowski, Murray, Nelson of Nebraska, Pryor, Roberts, Santorum, Schumer, Smith, Snowe, Talent, Thomas, Voinovich, Warner, and Wyden.

Mr. LUGAR. I support Senator VOINOVICH's efforts to promote normal trade relations with Serbia and Montenegro. Serbia and Montenegro is one of only a handful of countries that do not have normal trade relations with the United States, and the lack of normal trade relations subjects Serbia and Montenegro to high tariff rates, making it difficult for them to grow their economy.

While I do not believe that the State Department authorization bill is the appropriate vehicle for this important legislation, I share the concern of Senator VOINOVICH and so many other members that the miscellaneous tariff reduction legislation, which includes the provision granting normal trade relations to Serbia and Montenegro, move forward expeditiously.

This legislation has been held up for six months for reasons unrelated to any of the provisions in the legislation. In addition to the provision for Serbia and Montenegro, the legislation contains a number of tariff eliminations that help U.S. companies and workers, as well as three provisions that are important for economic development in Africa.

Recently I joined 65 of my colleagues in signing a letter to Senate Majority Leader FRIST urging him to bring the legislation up under normal Senate procedures. It is my hope that this legislation will pass the Senate soon.

I thank my colleague for raising this important issue, and I pledge to work with him on its passage.

Mr. GRASSLEY. I rise in strong support of granting normal trade relations status to Serbia and Montenegro, which was revoked from Yugoslavia under U.S. sanctions in 1992. Senator VOINOVICH submitted an amendment to the Department of State Authorization bill to grant normal trade relations status to Serbia and Montenegro. However, because this matter is within the jurisdiction of the Finance Committee, which I chair, I felt it necessary to object to including the provision on that piece of legislation.

Still, I understand Senator's VOINOVICH's frustration. The Finance Committee reported out legislation which would renew normal trade relations status for Serbia and Montenegro on March 20, 2003, in the Miscellaneous Trade and Technical Corrections Act of

2003, S. 671. This bill generally passes each year by unanimous consent in the Senate.

Unfortunately, the Miscellaneous Tariff Bill has been held up for months by the insistence of some Senators on including an unrelated, controversial provision to the bill. This provision cannot be included in the bill because other Senators will object. By holding up this important piece of legislation, U.S. manufacturers and workers whose businesses rely on duty suspensions are being harmed. They are losing money, and facing the possibility of laying off workers every day that we fail to act.

This is important legislation, and I know that I am not the only one who thinks so. Sixty-six of my colleagues sent a letter to the Majority Leader, urging him to bring up S. 671 for a vote. I support their efforts, and hope this vitally important legislation will move as soon as possible. I would like to thank Senator VOINOVICH for raising the issue, and ask that all my colleagues recognize not only the importance, but the urgency of this legislation.

I will submit for the record a letter in support for NTR for Serbia and Montenegro, from the America's Development Foundation, ADF, a nonprofit organization assisting the international development of democracy. The ADF is working in Serbia to promote economic and social development through a program called Community Revitalization through Democratic Action, or CRDA.

I will continue to try and pass normal trade relations for Serbia and Montenegro and appreciate my colleague's strong support and advocacy on the issue.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICA'S DEVELOPMENT FOUNDATION,
Alexandria, VA, July 3, 2003.

Senator CHARLES E. GRASSLEY,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY: Thank you for your leadership in passing S. 671 out of the Senate Finance Committee. As you are well aware this measure contains provisions that will grant historic Normal Trade Relations (NTR) status to Serbia & Montenegro.

America's Development Foundation (ADF) is a U.S. nonprofit private voluntary organization dedicated to the international development of democracy. We are very interested in the economic and social development of Serbia & Montenegro. Among our many activities around the world, we are now engaged in revitalizing 70 communities located in 12 municipalities comprising more than a million people in the Vojvodina region of Serbia. Our broad portfolio of work is supported by the United States Agency for International Development (USAID) and includes providing assistance for income generating activities for farmers and small and medium enterprises.

ADF is strongly supportive of the Bush Administration and your Congressional leadership in highlighting the clear linkages between development and trade. The economic growth supported by free trade and open markets creates new jobs and increased income for many people. From our direct/experience working in Serbia, ADF sees a wonderful potential in further advancing such linkages. NTR for Serbia & Montenegro will promote its economic and social development and enhance the prospects for strengthening democracy. Perhaps most importantly, NTR for Serbia & Montenegro is in our nation's direct national interests. Open markets and increased investment will result not only in benefiting the people of Serbia & Montenegro but also U.S. investment, trade and other important strategic interests.

Thank you for championing S. 671. ADF looks forward to quick passage of the bill by the U.S. Senate.

Sincerely,

MICHAEL MILLER,
President.

HEAD START PROGRAM

Mr. ROCKEFELLER. Mr. President, today I rise to express my opposition to any proposed changes to Head Start that would dismantle the program. I understand the Bush administration is attempting to turn the Head Start program into a State block grant. A block grant is an amount of money that the Federal Government gives to the States for a specific purpose. Head Start is a well-respected program with a record of success. It is a comprehensive program that helps disadvantaged children and their families with early child development, literacy and health screenings. Why would we want to block grant a successful program? Too often block grants become an excuse to cut funding in the future. I do not believe that Head Start would be improved by changing successful local programs by imposing a new layer of administration at the State level. I am distressed to know that so many children of low-income families will be denied the opportunity to enhance their early childhood development.

The Head Start program was designed to help communities meet the needs of underprivileged preschool children from ages three to five and their families. Head Start provides diverse services in four areas—education, health, parent involvement, and social services. Head Start's educational program is designed to meet the needs of each child, the community served, and its ethnic and cultural characteristics. Every child is involved in a comprehensive health program, which includes immunizations; medical, dental, and mental health; and nutritional services. An essential part of Head Start is the involvement of parents in parent education, program planning, and operating activities. Finally, specific social services are geared to each family.

The West Virginia Head Start Association represents 24 Head Start programs statewide. Each Head Start program is unique in providing services to their families to meet the specific needs in the community. In 2000–01, West Virginia Head Start programs received funding to enroll 6,700 children. Over the years, I have enjoyed visiting local Head Start programs to visit with children and meet with parents, teachers and staff about the importance of early education.

From the early stages of the Head Start program, Head Start has expanded to include services for pregnant women and children under the age of 3. The goal of Early Head Start is to encourage the development of infants and toddlers by assisting parents in recognizing their value as the caregiver and teacher of their children. Early Head Start provides services in and out of the home to families with young children and expectant families. They include parent education, nutrition services, case management, and support groups for parents. In 2000–01, West Virginia received funding to enroll 325 children in 12 counties.

Early childhood development provides a safe and structured learning environment that prepares our sons and daughters to succeed to the best of their abilities regardless of ethnic background and income level. Since 1965, the program has been providing services to increase a child's readiness for school. Rather than restructuring Head Start, we should build on its success and invest in professional development, quality and expansion to cover more children.

It is disappointing that the Bush Administration is trying to reorganize Head Start rather than investing in its strengths. I hope that the Senate will take a bipartisan approach to the reauthorization of Head Start, and build on the success of Head Start, not dismantle it. When I was Chairman of the Children's Commission years ago, our bipartisan Commission called for full funding of Head Start so that all eligible children were served. Serving all children and continuing to invest in quality should be our goals for the reauthorization of this program so that our children truly enter school ready to learn.

IN REMEMBRANCE OF STROM THURMOND

Mrs. HUTCHISON. Mr. President, it is a privilege today to pay tribute to the memory of the late Strom Thurmond. Often outspoken, sometimes controversial, but always passionate, Strom was an unparallel servant of the people. He always put his Nation first, whether in combat on the beaches of Normandy or here in the halls of the Senate.

He made a career of giving back to his country. But he was also a wonderful human being.

Strom often reminded me that Colonel William Barret Travis, who was in command at the Alamo, was from his home county in South Carolina. While Strom himself missed the Alamo by a few years, he demonstrated that he too embodies the spirit of the Alamo and the sense of duty and commitment to his country that we Texans associate with Colonel Travis.

Strom's journey into the history books began back in the 1920s when he graduated from his beloved Clemson.

He went on to become a teacher and athletic coach, county superintendent of education, town and county attorney, eleventh circuit judge, South Carolina governor, soldier, president of the Reserve Officers Association and finally, a U.S. Senator—a position he held for a remarkable 48 years. For many, that would be five lifetimes of careers. But not Strom. It was just enough to keep him busy for the century he was on this Earth.

Strom lived every day of his life to the fullest.

I'm still amazed that he volunteered to return to active duty military service, though he was way past the age of being drafted. At the age of 41 he flew onto the beaches of Normandy in a glider—staring death in the face, and smiling.

He served in the Pacific and European theaters, earning 18 decorations, medals and awards including the Legion of Merit, the Purple Heart, and the Bronze Star for Valor. He rose to the rank of Major General in the U.S. Army Reserves.

In the Senate Strom focused particular attention on taking care of our men and women in the military.

I served with Strom while he chaired the Armed Services committee and saw the reflection of his time in the service in everything he did. He worked for one purpose—to ensure our country's national defense remained strong. From military health care to quality of life for service members and their families, he knew that to recruit and retain our Nation's finest, we had to treat them well.

The Capitol has not been the same since Strom left last year. The wit and wisdom he collected over a century of living made him one of the most entertaining and enlightening figures in modern politics. There will always be an empty place in the heart of the Senate created by his absence.

The eulogies that came from both sides of the aisle at his memorial service last week were testament to the evolution Strom undertook during his time in the Senate. A career once marked by division ended in unity and with dignity.

He will be greatly missed by his family, friends, colleagues and his country. He began his career in public service as a coach—eight decades later he was a coach and teacher to us all to the very end.

TAIWAN

Mr. BUNNING. Mr. President, I want to take a few moments and talk about Taiwan which has been a reliable friend and ally of the U.S. in Asia for over 50 years. After the terrorist attacks of September 11, Taiwan quickly announced its support for the allied war against terrorism. Taiwan has since supported the ally efforts to rid Iraq of Saddam Hussein and has offered humanitarian and developmental assistance in rebuilding Iraq for a free Iraqi people. For that, we certainly owe Taiwan a great deal of thanks.

Taiwan has shown itself to be a democratic and freedom embracing republic even while it has undergone threats posed by the People's Republic of China, PRC. As the world focuses on continuing tensions in the Middle East and Africa, the nuclear situation in North Korea, and other threats, we must not ignore the military threat posed by the PRC to our friends in Taiwan. The United States must continue to stand with Taiwan. It is an island of freedom that must be supported.

Aside from simply supporting Taiwan's democratic principles of open elections, human rights, and freedom of assembly and religious beliefs, we must also work to help them with their economy and support of markets and trade. I hope at some point the United States takes a serious and significant step in further strengthening our economic and political ties through a free trade agreement.

Taiwan is the United States' eighth largest trading partner and its largest investment partner. A study produced by the U.S. International Trade Commission showed a net gain of $3.4 billion for the U.S. economy from a free trade agreement with Taiwan. And this benefits both American workers and businesses as well as those in Taiwan. It seems to be a winning situation for both Taiwan and the United States. With Taiwan's recent accession to the World Trade Organization, now is the right time to seriously consider beginning free trade negotiations with Taiwan.

While some say a free trade agreement may muddle our and Taiwan's relationship with the PRC, I am hopeful such an agreement will benefit all. An agreement could bring about a moderation and softening in the PRC's stance toward Taiwan; treating Taiwan as a partner to help it modernize and foster in itself democratic reforms.

Also, we need to make sure the United States stands behind Taiwan and helps put an end to the PRC's military might and strategic deployments which at times paint a real disturbing and threatening picture for Taiwan. The PRC has accelerated its military buildup and now has over 400 M-class missiles along its southeastern coast. And too many times the PRC has routinely conducted live-fire practicing around the Taiwan Strait.

When the PRC conducts these exercises, it further destabilizes the region. It undermines the right of the people of Taiwan to live without intimidation and threats from the PRC. The PRC even sought to keep Taiwan from seeking assistance of the World Health Organization during the SARS outbreak, which in fact originated on mainland China and still somewhat remains a problem in Asia.

We cannot stand by when the PRC provokes Taiwan. Even as we deal with pressing issues around the world, we must not lose sight of our vital interests in Taiwan. I strongly supported President Bush's approval in April of 2002 of a sale of Kidd-class destroyers, anti-submarine P-3 "Orion" aircraft, and diesel submarines to Taiwan. In accord with the Taiwan Relations Act, we must continue to speak out in defense of Taiwan, and use our strongest diplomacy to urge the PRC, as a responsible member of the international community, to abandon its rhetoric and provocative actions, and maintain a dialogue with democratic Taiwan.

While we are so heavily engaged with the war on terrorism and involvement in Iraq, we must not lose sight of the democratic and freedom-loving Taiwan. I urge my Senate colleagues to encourage Taiwan to be strong and firm with its democratic principles, and I urge this body to make sure we stand up for and support Taiwan when she needs it the most. A strong Taiwan is not only good for her and her people, but it is a beacon of hope and encouragement for all those who have struggled and fought for democracy and the freeing of the human spirit. I thank the Senate for allowing me to raise these issues, and may God bless Taiwan—the Republic of China—richly.

HONORING OUR ARMED FORCES

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Batesville, IN. Sgt. Chad L. Keith, 21 years old, was killed in Baghdad on July 7, 2003 when he was ambushed while on patrol with his unit. Chad joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Chad was the eleventh Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. Today, I join Chad's family, his friends, and the entire Batesville community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Chad, a memory that will burn brightly during these continuing days of conflict and grief.

Chad Keith spoke to his mother over the phone only days before his death, telling her that he was hot and tired, but proud to be making a difference in the world and following in the footsteps of several of his uncles who also served in the military. He was described by teachers and classmates as a polite, respectful young man who always had a smile on his face.

Chad was born in Pennsylvania, then moved to Newark, OH, before his family settled in Batesville. Chad graduated from Batesville High School in 2000 and then joined the Army, where he was assigned to the elite 82nd Airborne. Friends and family say that serving in the military had been a lifelong dream for Chad, who was only days away from being promoted to sergeant, an honor that now has been awarded posthumously. Chad leaves behind his parents, Kimberly and Mark Hitzges, two sisters, Courtney and Nicole, and a brother, Alex.

As I search for words to do justice in honoring Chad Keith's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Chad Keith's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Chad L. Keith in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Chad's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God bless the United States of America.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES HOLLINGSHEAD

• Mr. LOTT. Mr. President, I would like to take this opportunity to recognize and honor an outstanding citizen of Mississippi, Mr. James Hollingshead of Waynesboro, who recently displayed extreme heroism and bravery while in Destin, FL.

On Sunday, June 8, 2003, Mr. Doyle Mosley and his wife Linda were enjoying their annual family vacation in Destin, FL. During the day, the waves had become increasingly high and a red flag had been put out by the lifeguards warning of potentially dangerous waves. The Mosleys' two oldest grandsons ventured into the water with their wake boards. Instantly they were caught in a dangerous and deadly riptide.

While one of the boys was able to remain on his board and return safely to shore, the other, Cal Tackett, was in serious danger. James Hollingshead, a complete stranger to the Mosleys and their grandsons, was walking down the beach with his wife when he saw what was occurring. Although he was a total stranger, he immediately rushed into the water in an effort to save Cal, risking his own life. After much struggle and effort, Mr. Hollingshead and Cal eventually made it safely to shore. Although Mr. Hollingshead was unaware of it at the time, ironically enough, the Mosleys are also Mississippians—residents of Greenwood.

This fortunate and happy outcome to a potentially disastrous situation can only be fully understood and appreciated when put in perspective. I understand nine people lost their lives on this beach on that tragic day. Thanks to the bravery and unselfish act of James Hollingshead, Cal Tackett and the Mosley family were spared this outcome.

It is all too easy for us in the rush of our daily lives to turn a blind eye to the needs of others and forego lending a hand to our fellow citizens in need. On the fateful day of June 8th, James Hollingshead made a different choice, a choice that made all the difference in the lives of the Mosley and Tackett families. He set an example for all of us that should not be ignored or forgotten. That is why I felt compelled to share with you this story of bravery and courage. To quote the Mosleys, ". . . it is so wonderful to know that there are people like James Hollingshead, who care and act unselfishly for a fellow citizen." Mr. Hollingshead, thank you for your courage, bravery and a job well done.•

IN RECOGNITION OF GOODSPEED MUSICAL'S 40TH ANNIVERSARY

• Mr. DODD. Mr. President, I wish to congratulate Goodspeed Musicals of East Haddam, CT, which is celebrating its 40th anniversary on July 16, 2003.

Goodspeed has come a long way in 40 years. It was originally formed in 1959 to save the historic Goodspeed Opera House from destruction. Not only did Goodspeed Musicals succeed in that effort, it restored the 19th century landmark to its former glory, and reopened it in 1963 as a professional theatre.

In the four decades since, Goodspeed Musicals has played a vital role in perpetuating and promoting the art of musical theatre—not only in the State of Connecticut but nationally and even internationally. From its modest beginnings, Goodspeed has gone on to produce over 186 musicals, including 43 world premiere productions and 16 that went on to Broadway.

In addition to performances at the Goodspeed Opera House, Goodspeed Musicals now also stages shows in the Norma Terris Theatre in Chester. Its growth is a testament to the hard work of so many Goodspeed employees, volunteers, members, and supporters, and to the enjoyment and wonder that musical theatre can instill in so many people.

Over the years, Goodspeed has showcased classics by composers such as Gilbert and Sullivan and Cole Porter. But it has also been a palace where emerging artists have been able to develop their work and present it to audiences for the first time. It has produced more than 63 new shows—the largest number of new musicals for any theatre in America.

Productions such as Annie, Man of La Mancha, and Shenandoah had their world premieres at Goodspeed. And countless actors, musicians, choreographers, directors, and other members of the theatre community have had their careers advanced and enriched by working at Goodspeed.

Goodspeed productions that have made it to Broadway have earned over a dozen Tony awards. And for its contributions to American musical theatre, Goodspeed Musicals has earned two Tony awards of its own.

In addition to producing musical theatre, Goodspeed Musicals has also devoted itself to promoting understanding the art form. At Goodspeed's Max Showalter Center for Musical Theatre Education, students—both professional and amateur—gain a greater appreciation of all aspects of musical theatre and also participate in training and development programs that help them put their knowledge into practice.

Goodspeed has become an integral part of a rich and vibrant arts culture in the State of Connecticut. Along with the Shubert and Long Wharf Theatres in New Haven, the Bushnell and the Hartford State in our State's capital, and numerous other theatres, production companies, and musical groups, Goodspeed provides an environment where musical theatre and the performing arts can, and will, continue to thrive and flourish.

On a personal note, as a resident of East Haddam and a member of Goodspeed's Board of Directors, I have enjoyed many a magical evening at the Goodspeed Opera House. And it is my fervent hope that Goodspeed Musicals will continue to inspire and entertain for many years to come.

I offer my warmest congratulations to Michael Price, the remarkably talented Executive Director of Goodspeed

Musicals, and to everyone who has been a part of Goodspeed over the past 40 years. I wish them and Goodspeed Musicals nothing but continued success in the future.●

TRIBUTE TO RENEE HAMMOND

• Mr. SESSIONS. Mr. President, it is my privilege today to recognize Renee Hammond of Dora, AL. On May 10, 2003, Mrs. Hammond was vacationing in Florida to recuperate from eye surgery. As she was walking on the beach with friends, she noticed some commotion near the water's edge. Two teenage girls had gotten caught in a strong undertow. A man from a nearby condominium ran into the water and quickly pulled one of the girls to safety. However, a policeman, who had gone in the water first, barely made it to shore with the younger of the two girls. Mrs. Hammond, with the help of another woman, pulled the young girl onto the beach and began to perform rescue breathing. After only a few moments, the girl was gasping for air, coughing up water, and eventually breathing some on her own. Mrs. Hammond persisted in helping the girl by gently patting her on the back as she continued coughing up water. Eventually the paramedics arrived on the scene and took over. Mrs. Hammond maintained her compassionate, helpful manner as she checked on the others involved in the incident, including the policeman that had rescued the girl. As her husband stood amazed and impressed by her natural ability to give care, Mrs. Hammond proved humble, commending the paramedics for a job well done.

Renee Hammond is a shining example of a nurse and a citizen, serving not only in her work environment, but also in a sudden time of need to help save the life of a stranger. As a nurse in Walker County, AL, she is a heroine everyday in the lives of those she helps. As a self-sacrificing, brave woman, Mrs. Hammond is a heroine to that young girl from the beach and to the rest of us. Her example serves us as citizens, encouraging us to be honorable, to do the right thing, and to put the needs of others before our own.

Renee is the wife of J.R. Hammond, a mine worker, who is also a remarkable man. He has been a tremendous advocate for the American "working man."

Mr. President and members of the Senate, please join me in recognizing Renee Hammond as a heroine among us.●

90TH BIRTHDAY OF VIRGINIA DAVIS GILL, PH.D.

• Ms. COLLINS. Mr. President, I rise today to express my congratulations and best wishes to Virginia Davis Gill, Ph.D., on the occasion of her 90th birthday.

Born on July 17, 1913, Dr. Gill has dedicated her life to public service. Her career as a social worker, a school teacher, and a health administrator spanned over seven decades, reflecting Dr. Gill's commitment to serving her community. Indeed, Dr. Gill did not retire until she was 75 years of age.

Throughout her career, Dr. Gill's leadership included active involvement in the American Red Cross and serving as a national board member of United Cerebral Palsy. Following her retirement, Dr. Gill was selected to attend the 1995 White House Conference on Aging.

Dr. Gill lives in my home State of Maine, but she is loved here in Washington, DC, as well. Our own Attending Physician of the Capitol, the distinguished Dr. John Eisold, is presenting an American flag to his longtime friend to honor her birthday.

Together with Dr. Gill's brother, Mr. Wadsworth Davis, and her son, Mr. Walter Gill, I join in saluting the life of this remarkable woman and in wishing her the happiest of birthdays.●

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Houston, TX. On September 21, 2001, a 30-year-old political refugee from Iraq was returning home at approximately midnight when he was threatened and injured by a gunman. As he opened his car door, the victim was approached by a young man who greeted him in Arabic. Suddenly, the attacker drew out a handgun and pointed it to the victim's head. When the victim offered money, the gunman said, "I don't want your money. Your people killed my people. You are from the Middle East." The victim grabbed for the gun and was shot in the left hip in the struggle. The gunman fled on foot.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. HARKIN. Mr. President, I was necessarily absent during the confirmation vote on Samuel Der-Yeghiayan to become a Federal district judge for Illinois. Had I been in attendance, I would have voted "yea."●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004" (Rept. No. 108–101).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. NELSON of Nebraska, Mr. SANTORUM, Mr. BROWNBACK, Mr. SUNUNU, Mr. INHOFE, Mr. LUGAR, and Mr. FITZGERALD):

S. 1397. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, Mr. COLEMAN, Mr. DURBIN, Mrs. CLINTON, and Mr. SCHUMER):

S. 1398. A bill to provide for the environmental restoration of the Great Lakes; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 1399. A bill to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building"; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. INOUYE, and Mr. BREAUX):

S. 1400. A bill to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself and Ms. SNOWE):

S. 1401. A bill to reauthorize the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself and Mr. HOLLINGS):

S. 1402. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, and Mr. AKAKA) (by request):

S.J. Res. 16. A joint resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 73

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 73, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 189

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 189, a bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 377

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 377, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 486

At the request of Mr. DOMENICI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 511

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 511, a bill to provide permanent funding for the Payment In Lieu of Taxes program, and for other purposes.

S. 585

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 585, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 592

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 592, a bill to establish an Office of Manufacturing in the Department of Commerce, and for other purposes.

S. 595

At the request of Mr. HATCH, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 746

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 746, a bill to prevent and respond to terrorism and crime at or through ports.

S. 780

At the request of Mr. LOTT, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 843

At the request of Mr. CARPER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 843, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 875

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 894

At the request of Mr. WARNER, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Oregon (Mr. SMITH), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. HATCH) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 970

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 970, a bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States.

S. 982

At the request of Mr. McCAIN, his name was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 982, supra.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Oregon (Mr. SMITH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1046

At the request of Mr. STEVENS, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1083

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1084

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1084, a bill to establish formally the United States Military Cancer Institute Center of Excellence, to provide for the maintenance of health in the military by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for prevention efforts, and for other purposes.

S. 1237

At the request of Mr. BENNETT, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1237, a bill to amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living.

S. 1297

At the request of Mr. HATCH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1297, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1303

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1324

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1324, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for agricultural products of the United States, and for other purposes.

S. 1333

At the request of Mr. GRASSLEY, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Idaho (Mr. CRAPO) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1394

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1394, a bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. RES. 107

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 107, a resolution expressing the sense of the Senate to designate the month of November 2003 as "National Military Family Month".

S. RES. 164

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

AMENDMENT NO. 1196

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 1196 proposed to S. 925, an original bill to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

AMENDMENT NO. 1197

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1197 proposed to S. 925, an original bill to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, Mr. COLEMAN, Mr. DURBIN, Mrs. CLINTON, and Mr. SCHUMER):

S. 1398. A bill to provide for the environmental restoration of the Great Lakes; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, I am proud to join my fellow Great Lakes Task Force chair, Senator CARL LEVIN, in introducing today the Great Lakes Environmental Restoration Act. I would like to thank our Senate cosponsors—Senators VOINOVICH, STABENOW, COLEMAN, DURBIN, SCHUMER, and CLINTON—for supporting this legislative effort.

The Great Lakes hold one-fifth of the world's surface freshwater, hold an estimated six quadrillion gallons of water, cover more than 94,000 square miles, and drain more than twice as much land. The Great Lakes ecosystem includes such diverse elements as northern evergreen forests, deciduous forests, lake plain prairies, and coastal wetlands. Over thirty of the basin's biological communities—and over 100 species—are globally rare or found only in the Great Lakes Basin. The 637 State parks in the region accommodate more than 250 million visitors each year. And, the Great Lakes Basin is home to more than 33 million people—that is one-tenth of our entire U.S. population.

The eight Great Lakes States comprise more than one-third of the national manufacturing output, and the lakes represent a critical shipping land for these States' manufactured goods and other natural resources. Ohio's nine ports on Lake Erie annually handle 70 million tons of cargo—that is almost seven tons of cargo for every Ohio resident, with a total value of over $1.5 billion.

My colleagues in Congress and I understand the value of the Great Lakes as a natural resource to the region, and we have been making progress in improving the overall quality of the lakes. Over the last few years, I have worked to secure $34 million for Ohio and the Great Lakes States to expand public access to the lakes. And now, I am working to address invasive species through the National Invasive Species Council Act, which I introduced, and the National Aquatic Invasive Species Act, which I cosponsored. Senator LEVIN and I have worked together as cochairs of the Great Lakes Task Force since 2000.

We have fought to secure needed Great Lakes funding for the NOAA water level gauges, the replacement ice-breaking vessel, the *Mackinaw*, and sea lamprey control money for the Great Lakes Fishery Commission. We both met with the U.S. Trade Representative in an effort to prevent water from the Great Lakes from being diverted abroad. And, we also worked together to authorize the Great Lakes Basin Soil Erosion and Sediment Control Program in the 2002 farm bill. Last fall, we passed the Great Lakes Legacy Act, which provides up to $50 million per year to the EPA to clean up contaminated sediments at Areas of Concern. The President provided $15 million in his fiscal year 2004 budget to get this program started.

These steps, in conjunction with the efforts by our States, are positive, but unfortunately—based on the Federal Government's current level of funding—we are not able to keep pace with the problems facing the Great Lakes. An April 2003 GAO report found that the Federal Government has spent about $745 million over the last 10 years on Great Lakes restoration programs. Now, consider the fact that the GAO reported that the eight Great Lakes States spent $956 million during that same 10-year period. The Federal Government is simply not spending enough to protect and improve the Great Lakes—one-fifth of the world's freshwater.

There is ample evidence to show that this current level of commitment is simply not enough. In 2001, there were nearly 600 beach closings as a result of *E. coli* bacteria, and State and local health authorities issued approximately 1,400 fish consumption advisories in the Great Lakes. In the years since the United States and Canada signed the Water Quality Agreement and agreed to give priority attention to the 43 designated Areas of Concern, the United States has not been able to remove any of the U.S. sites from the list of Areas of Concern.

For several years, I have been calling for a plan to restore the lakes and have been urging the Governors, mayors, the environmental community and other regional interests to agree on a vision for the future of the Great Lakes—not just the immediate future, but many years down the road. I have said that we must work together as partners to create and implement a long-term strategy on how we are going to restore and protect the lakes and that it is time for us to come together and develop a plan and put it in place.

This bill would build upon the efforts by the Great Lakes States, which have convened a Working Group to establish their Great Lakes goals and priorities. Many of our regional interest groups and agencies have prepared strategic plans and priorities. And, we have brought in the President's Council on Environmental Quality so that the President will better understand the value of a long-term plan for the Great Lakes. I can't emphasize how important it is to have all of these interests working toward the same goal.

A Great Lakes restoration program must be an equal partnership between the local, State, and Federal Governments and other interested citizens and organizations. I believe that this legislation would provide the tools needed for the long-term future of the Great Lakes. First, this legislation creates a $6 billion Great Lakes restoration grant program to augment existing Federal and State efforts to cleanup, protect, and restore the Great Lakes. In the April 2003 GAO report, the GAO reported that insufficient funding is often cited as a limitation to restoration efforts. Therefore, an additional $600 million in annual funding would be appropriated through the EPA's Great Lakes National Program Office, and the Program Office would provide grants to the Great Lakes States, Municipalities, and other applicants in coordination with the Great Lakes Environmental Restoration Advisory Board. This funding would provide the extra resources that existing programs do not have.

While the Great lakes are a national and international resource, I believe that the region, not the bureaucrats in Washington, needs to be setting its priorities and guiding the future efforts on the lakes. This bill would require very close coordination between the EPA and the State and regional interests before grants are released. The Great Lakes Environmental Restoration Advisory Board, led by the Great Lakes Governors, would include mayors, Federal agencies, Native American tribes, environmentalists, industry representatives, and Canadian observers. This advisory board, which would include all of the interests in the Great Lakes, would provide priorities on restoration issues, such as invasive species control and prevention, wetlands restoration, contaminated sediments cleanup, and water quality improvements. Additionally, this advisory board would provide recommendations on which grant applications to fund. Ultimately, the input from the advisory board would mean that the region would be involved in determining the long-term future of the Great Lakes.

As the April 2003 GAO study reported, environmental restoration activities in the Great Lakes are uncoordinated. So, the second goal of this legislation is the establishment of a Great Lakes Federal coordinating council to coordinate Federal activities in the Great Lakes. The EPA's Great Lakes National Program Office would serve as the council leader, and participants would include the key Federal agencies involved in Great Lakes work, such as NOAA, the Army Corps of Engineers, the Department of Agriculture, and the Department of Interior. The council would meet at least three times per year to ensure that the efforts of Federal agencies concerning environmental restoration and protection of the Great Lakes are coordinated, effective, complementary, and cost-efficient. The council also would provide a list of its funding priorities to the Office of Management and Budget.

Finally, our bill would address the GAO's second recent finding that environmental indicators and a monitoring system for the Great Lakes need to be developed to measure progress on new and existing restoration programs.

The Great Lakes are threatened by many problems, and I have worked with Senator LEVIN and my other colleagues from the Great Lakes states to try to address those problems on an issue-by-issue basis. These programs are working to correct problems. However, the rate of our progress has not been able to keep pace with the growing number of threats. For those of my colleagues who know the problems facing Great Lakes and even other large watersheds like the Chesapeake Bay, the gulf coast, or the Everglades, you will agree that we need to refocus and improve our efforts on the Great Lakes to help reverse the trend toward additional degradation.

The Great Lakes are a unique natural resource for Ohio and the entire region, and they need to be protected for future generations. I ask my colleagues to join me in support of this bill and in our efforts to help preserve and protect the long-term viability of our Great Lakes.

Mr. LEVIN. Mr. President, I am pleased to introduce the "Great Lakes Environmental Restoration Act" with Senator DEWINE and our other bill sponsors. I also want to thank Representatives EMANUEL and REYNOLDS and the rest of the House members who are introducing similar Great Lakes restoration legislation over in the House today.

Many of my colleagues are aware of the importance of the Great Lakes to the eight States which border them. The lakes provide our drinking water, they provide our largest recreational resource, they are tremendously important to our economy, and they impact our quality of life. Over time, we have seen numerous changes in the lakes from water levels to fish populations to water quality. Some of these changes are part of a natural cycle, but many of these changes are the direct result of management policies. For example, the Great Lakes Fishery Commission and its partners have been able to reduce sea lamprey populations by 90 percent. The lake sturgeon appear to be improving as a result of the efforts by Federal and State managers, fishermen, and other water users. As of April 2002, approximately 84 percent of high-level PCB wastes had been destroyed, up from approximately 40 percent in spring 1998. And the first U.S. Area of Concern—Presque Isle Bay, PA—has been upgraded to a "recovery area." While the Great Lakes have made strides in recovering after the environmental protections were put in place in the early 70s, there has been very slow progress in the last 10–15 years because the Federal commitment has not kept up with the needs of the Great Lakes.

This legislation that we are introducing today will provide the Federal commitment of funding and resources to keep pace with the restoration needs of the Great Lakes.

The Great Lakes face problems like beach closings, contaminated sediments, and invasive species, and the Federal Government needs to "jump start" our restoration efforts in the Great Lakes. I believe that with the help of the governors, the mayors, the wide array of nongovernmental organizations, and other interested parties, this legislation would provide some of the resources needed to keep pace with needs of the lakes.

In April, the GAO completed its study on Great Lakes Restoration efforts, and they reported that while there were many on-going restoration efforts from dozens of Federal and State Great Lakes programs, there was no over-arching, coordinated plan for the Great Lakes. GAO also reported that an environmental indicators and monitoring system needed to be developed in order to measure overall restoration progress. The report emphasizes that limited Great Lakes funding has always been a problem.

The legislation we are introducing today has three components to address the problems outlined by the April 2003 GAO report. First, the legislation authorizes $600 million in annual funding for the EPA's Great Lakes National Program Office to provide grants to the Great Lakes States, municipalities and other applicants based on the recommendations and priorities of a Great Lakes Environmental Restoration Advisory Board. These grants will require a 20 percent funding commitment from the region, and every State will receive at least 6 percent of the total amount of funding available for the year. The Great Lakes Environmental Restoration Advisory Board will be led by the Great Lakes governors, but it will include views of a whole range of people interested in the Great Lakes such as mayors, Federal agencies, Native American tribes, environmentalists, industry representatives, and Canadian observers. This Advisory Board will provide priorities on restoration issues such as invasive species control and prevention, wetlands restoration, contaminated sediments cleanup, and water quality improvements. By providing grant priorities, the region will shape the future of the Great Lakes.

Second, this legislation establishes a Great Lakes Federal Coordinating Council in order to coordinate Federal activities in the Great Lakes. According to the GAO study, environmental restoration activities in the Great Lakes are uncoordinated. EPAs Great Lakes National Program Office is equipped to serve as the Council leader, and Federal participants include NOAA, the Army Corps of Engineers, the Department of State, the Department of Health and Human Services, the Department of Agriculture and the Department of Interior. The Council would meet at least three times per year to ensure that the efforts of Federal agencies concerning environmental restoration and protection of the Great Lakes are coordinated, effective, complementary, and cost-efficient. The Council would also provide a list of its funding priorities to the Office of Management and Budget.

Third, this bill gives the Great Lakes National Program Office the mandate to work with other Federal agencies and Canada to identify and measure water quality and other environmental factors on a regular basis. The initial set of data collected through this network will serve as a benchmark against which to measure future improvements. Those measurements will help us make decisions on how to steer future restoration efforts. With a clearer picture of how the Great Lakes are changing, we can change course when needed and spend public funds on the most pressing demands. This provision will address GAO's finding that there is no data collected regularly throughout the Great Lakes, and that the existing data are inadequate to determine whether water quality and other environmental conditions are improving.

The Great Lakes are a unique and valuable resource, and we cannot afford to continuously underfund their protection. Congress must act to enhance their restoration and protection. As the current caretakers and beneficiaries, we owe nothing less to the region and the American people.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. INOUYE, and Mr. BREAUX:)

S. 1400. A bill to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Ocean and Coastal Observation Systems Act of 2003. This bill would help develop and formalize an integrated network of ocean observing systems around our Nation's coastlines, thereby fulfilling a critical information need that is essential in marine science, resource management, and maritime transportation and safety.

Like other coastal States, Maine has a strong and deep connection to our coastline and oceans. We are highly dependent on the fisheries resources and other essential services provided to us by the sea, and we understand that our lives and livelihoods are firmly rooted in how well we understand and adapt to ocean conditions. While we are able to predict tides and other cyclical changes with some accuracy, our best knowledge of the ocean has basically come through direct experience out on the water in often dangerous conditions—until recently.

In 2001, a new era in ocean and coastal observing began when the Gulf of Maine Ocean Observing System, or GoMOOS, deployed ten observation buoys in the Gulf of Maine. This prototype system has transformed how we gather information about the ocean and track ocean conditions over time. On the surface, these buoys take measurements of wind speed, wave height, temperature, and—for the first time—fog. Under the water's surface, these buoys measure currents, temperature, salinity, turbidity, dissolved oxygen, and other key environmental variables. By modifying the instrumentation, other data can be gathered from these platforms.

Scientists and seafarers have been gathering this kind of information for decades. What sets the GoMOOS observation buoy system apart from the traditional data gathering approach, however, is that it takes all these ocean and surface condition measurements on an hourly basis through a network of linked buoys, and these real-time measurements can be monitored and accessed by the general public through the internet. Not only do the Gulf of

Maine buoys gather more data on more variables, but the unprecedented geographical distribution and greater frequency of these measurements has increased the range and timeliness of our ocean knowledge. By linking this comprehensive information with other data gathering systems and making it accessible via the internet, GoMOOS provides a tremendous public service and fills a critical information need in coastal regions.

The need for this type of access to ocean information is not limited to the Gulf of Maine. The U.S. coastline spans 95,000 miles, and all States that border our oceans and Great Lakes can and will benefit from this type of service. Ocean and coastal observing systems have been planned or developed for other coastal regions, many in conjunction with the National Oceanic and Atmospheric Administration, state coastal management agencies, universities, and other regional partners. As these systems evolve, they develop different approaches for collecting, managing, processing, and communicating data through their network. As is often the case, however, data from these regional systems are incompatible with data from other regions. When this occurs, we lose a valuable opportunity to link these systems and develop a comprehensive picture of coastal and ocean conditions around the Nation.

The Ocean and Coastal Observation Systems Act seeks to solve this problem by coordinating and institutionalizing ocean and coastal observation efforts with the support of the Federal Government. This Act would promote the ongoing development of these regional systems, link them through a network of compatible data systems, and provide a system which anyone could access to better understand and track regional and national ocean and coastal conditions. It would call on the National Ocean Research Leadership Council to design, operate, and improve a nation-wide ocean and coastal observation system, and to coordinate and administer an ocean data research and development program. This Council would plan these activities through a collaborative interagency planning office and carry them out through a joint operations center, led by the National Oceanic and Atmospheric Administration.

The American public—over half of which lives along our coastlines—will be very well served through the many uses and applications of this system. Fisheries scientists and managers can use this information to predict ocean conditions related to productivity and incorporate this information into their management system. Fishermen, sailors, Coast Guard search-and-rescue units, the military, and others who venture out on the ocean can better predict sea conditions to know when and where to go out safely, and shippers can transport goods more efficiently. Ocean scientists and regulators can better understand, predict, and rapidly respond to the distribution and impacts of marine pollution. Educators and students can learn more about how and why oceans function as they do. Clearly, anyone who uses and depends upon the ocean stands to benefit from this integrated system.

As a coastal State Senator, I am very proud to introduce this bill. I would like to thank my co-sponsors, Senators KERRY, MCCAIN, HOLLINGS, INOUYE and BREAUX, for contributing to this legislation and supporting this national initiative. I must also thank all the dedicated professionals in the ocean and coastal science, management, and research communities that have been instrumental in developing both the grassroots regional observation systems as well as this legislation. Their ongoing commitment gives me confidence that this bill, once enacted, will serve the public well by facilitating better understanding of our nation's oceans and coasts.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Observation and Coastal Systems Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The 95,000-mile coastline of the United States is vital to the Nation's homeland security, transportation, trade, environmental and human health, recreation and tourism, food production, scientific research and education, historical and cultural heritage, and energy production.

(2) More than half the Nation's population lives and works in coastal communities that together make up 11 percent of its land and its most ecologically and economically important regions, supporting approximately 190 sea ports, containing most of our largest cities, and providing access to coastal waters rich in natural resources.

(3) More than 95 percent of the Nation's trade moves by sea and nearly half of all goods, including energy products, carried in maritime commerce are hazardous materials.

(4) The rich biodiversity of marine organisms provides society with essential food resources, a promising source of marine products with commercial and medical potential, and an important contribution to the national economy.

(5) The oceans drive climate and weather factors causing severe weather events and threatening the health of coastal ecosystems and communities by creating or affecting both natural and man-made coastal hazards such as hurricanes, tsunamis, erosion, oil spills, harmful algal blooms, and pollution, which can pose threats to human health.

(6) Each year, the United States Coast Guard relies on ocean information to save 4,380 people, conducts over 65,000 rescue missions, and carries out more than 11,680 environmental cleanups and responses to pollution.

(7) Safeguarding homeland security requires improved monitoring of the Nation's ports and coastline, including the ability to track vessels and to provide rapid response teams with real-time environmental conditions necessary for their work.

(8) Advances in ocean technologies and scientific understanding have made possible long-term and continuous observation from space and in situ of ocean characteristics and conditions.

(9) Many elements of an ocean and coastal observing system are in place, though in a patchwork manner that is fragmented, intermittent, incomplete, and not integrated.

(10) Important coastal uses, such as tourism, recreation, and fishing, require assurance of healthy coastal waters, and while the interagency National Coast Condition Report provides an annual assessment of the status and quality of coastal waters, substantial data gaps exist that could be reduced through measurement of coastal quality through a coordinated observing system that incorporates Federal, State, and local monitoring programs.

(11) National investment in a sustained and integrated ocean and coastal observing system and in coordinated programs of research would assist this Nation and the world in understanding the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen management of marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) development and maintenance of an integrated system that provides for sustained ocean and coastal observations from in situ, remote, and vessel platforms, and that promotes the national goals of assuring national security, advancing economic development, conserving living marine resources, protecting quality of life and the marine environment, and strengthening science education and communication through improved knowledge of the ocean;

(2) implementation of a research and development program to enhance security at United States ports and minimize security risks; and

(3) implementation of a data and information system required by all components of an integrated ocean and coastal observing system and related research.

SEC. 3. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, (hereinafter referred to as the "Council"), shall establish and maintain an integrated system of marine monitoring, data communication and management, data analysis, and research designed to provide data and information for the rapid and timely detection and prediction of changes occurring in the marine environment that impact the Nation's social, economic, and ecological systems. Such an integrated ocean and coastal observing system shall provide for long-term and continuous observations of the oceans and coasts for the following purposes:

(1) Strengthening homeland security.

(2) Improving weather forecasts and public warnings of natural disasters and coastal

hazards and mitigating such disasters and hazards.

(3) Understanding, assessing, and responding to human-induced and natural processes of global change.

(4) Enhancing the safety and efficiency of marine operations.

(5) Supporting efforts to protect, maintain, and restore the health of and manage coastal and marine ecosystems and living resources.

(6) Enhancing public health.

(7) Monitoring and evaluating the effectiveness of ocean and coastal environmental policies.

(8) Conducting focused research to enhance the national understanding of coastal and global ocean systems.

(9) Providing information that contributes to public awareness of the condition and importance of the oceans.

(b) Council Functions.—In carrying out responsibilities under this section, the Council shall—

(1) serve as the lead entity providing oversight of Federal ocean and coastal observing requirements and activities;

(2) adopt and maintain plans for the design, operation, and improvement of such system;

(3) establish an interagency planning office to carry out the duties described in subsection (c);

(4) coordinate and administer a program of research and development under the National Oceanographic Partnership Program (10 U.S.C. 7901) to support the operation of an integrated ocean and coastal observing system and advance the understanding of the oceans;

(5) establish a joint operations center to be maintained by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with other Federal agencies; and

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs and in consultation with the Secretary of State to coordinate relevant Federal activities with those of other nations.

(c) Interagency Program Office.—There is established under the Council an interagency planning office. It shall—

(1) promote collaboration among agencies;

(2) promote collaboration among regional coastal observing systems established pursuant to subsection (f);

(3) prepare annual and long-term plans for consideration by the Council for the design and implementation of an integrated ocean and coastal observing system, including the regional coastal observing systems and taking into account the science and technology advances considered ready for operational status;

(4) provide information for the development of agency budgets;

(5) identify requirements for a common set of measurements to be collected and distributed;

(6) establish standards and protocols for quality control and data management and communications, in consultation with the Joint Operations Center established pursuant to subsection (d);

(7) work with regional coastal observing entities, the National Sea Grant College Program, and other bodies as needed to assess user needs, develop data products, make effective use of existing capabilities, and incorporate new technologies, as appropriate; and

(8) coordinate program planning and implementation.

(d) Joint Operations Center.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Oceanographer of the Navy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Commandant of the Coast Guard, the Under Secretary for Science and Technology of the Department of Homeland Security, and any other member of the National Ocean Research Leadership Council as the Council may, by memorandum of agreement, select—

(1) shall report to the National Ocean Research Leadership Council;

(2) shall maintain a joint operations center that reports to the Council; and

(3) is authorized, without limitation—

(A) to acquire, integrate, and deploy required technologies and provide support for an ocean and coastal observing system based on annual long-term plans developed by the interagency planning office;

(B) to implement standards and protocols developed in consultation with the interagency planning office for—

(i) network operations and data access;

(ii) quality control and assessment of data and design;

(iii) data access and management, including data transfer protocols and archiving;

(iv) testing and employment of forecast models for ocean conditions; and

(v) system products;

(C) to migrate science and technology advancements from research and development to operational deployment based on the annual and long-term plans of the interagency program office;

(D) to integrate and extend existing programs into an operating coastal and ocean and coastal observing system based on the annual and long-term plans of the interagency program office;

(E) to coordinate the data communication and management system;

(F) to provide products and services as specified by national, regional, and international users;

(G) to certify that regional coastal observing systems meet the standards established in subsection (f) and to ensure a periodic process for review and recertification of the regional coastal observing systems; and

(H) to implement standards to ensure compatibility and interoperability among existing and planned system components.

(e) System Elements.—

(1) In general.—The integrated ocean and coastal observing system shall consist of the following closely linked components:

(A) A global ocean system to make observations in all oceans (including chemical, physical, and biological observations) for the purpose of documenting, at a minimum, long-term trends in sea level change, ocean carbon sources and sinks, and heat uptake and release by the ocean; and to monitor ocean locations for signs of abrupt or long-term changes in ocean circulation leading to changes in climate.

(B) The national network of observations and data management that establishes reference and sentinel stations, links the global ocean system to local and regional observations, and provides data and information required by multiple regions.

(C) Regional coastal observing systems that provide information through the national network and detect and predict conditions and events on a regional scale through the measurement and dissemination of a common set of ocean and coastal observations and related products in a uniform manner and according to sound scientific practice using national standards and protocols.

(2) Subsystem linkage.—The integrated ocean and coastal observing system shall link 3 subsystems for rapid access to data and information:

(A) An observing subsystem to measure, manage, and serve a common set of chemical, physical, geological, and biological variables required to achieve the purpose of this Act on time scales required by users of the system.

(B) An ocean data management and assimilation subsystem that provides for organization, cataloging, and dissemination of data and information to ensure full use and long term archival.

(C) A data analysis and applications subsystem to translate data into products and services in response to user needs and requirements.

(3) Research and development.—A research and development program for the integrated ocean and coastal observing system shall be conducted under the National Oceanographic Partnership Program and shall consist of the following elements:

(A) Coastal, relocatable, and cabled sea floor observatories.

(B) Focused research projects to improve understanding of the relationship between the oceans and human activities.

(C) Applied research to develop new observing technologies and techniques, including data management and dissemination.

(D) Large scale computing resources and research to improve ocean processes modeling.

(E) Programs to improve public education and awareness of the marine environment and its goods and services.

(f) Regional Coastal Observing Systems.—The Administrator of the National Oceanic and Atmospheric Administration, through the Joint Operations Center, shall work with representatives of entities in each region that provide ocean data and information to users to form regional associations. The regional associations shall be responsible for the development and operation of observing systems in the coastal regions extending to the seaward boundary of the United States Exclusive Economic Zone, including the Great Lakes. Participation in a regional association may consist of legal entities including, research institutions, institutions of higher learning, for-profit corporations, non-profit corporations, State, local, and regional agencies, and consortia of 2 or more such institutions or organizations that—

(1) have demonstrated an organizational structure capable of supporting and integrating all aspects of a coastal ocean observing system within a region or subregion;

(2) have prepared an acceptable business plan including research components and gained documented acceptance of its intended regional or sub-regional jurisdiction by users and other parties of interest within the region or sub-region to with the objectives of—

(A) delivering an integrated and sustained system that meets national goals;

(B) incorporating into the system existing and appropriate regional observations collected by Federal, State, regional, or local agencies;

(C) responding to the needs of the users, including the public, within the region;

(D) maintaining sustained, 24-hour-a-day operations and disseminating observations in a manner that is routine, predictable and, if necessary, in real-time or near real-time;

(E) providing services that include the collection and dissemination of data and data management for timely access to data and information;

(F) creating appropriate products that are delivered in a timely fashion to the public and others who use, or are affected by, the oceans;

(G) providing free and open access to the data collected with financial assistance under this Act; and

(H) adhering to national standards and protocols to ensure that data and related products can be fully exchanged among all of the regional coastal systems and will be accessible to any user in any part of the nation.

(3) For purposes of determining the civil liability under section 2671 of title 28, United States Code, any regional observing system and any employee thereof that is designated part of a regional association under this subsection shall be deemed to be an instrumentality of the United States with respect to any act or omission committed by any such system or any employee thereof in fulfilling the purposes of this Act.

(g) PILOT PROJECTS.—

(1) IN GENERAL.—The Administrator, in consultation with the interagency planning office, shall initiate pilot projects through the National Oceanographic Partnership Program. A pilot project is an organized, planned set of activities designed to provide an evaluation of technology, methods, or concepts within a defined schedule and having the goal of advancing the development of the sustained, integrated ocean observing system. The pilot projects will—

(A) develop protocols for coordinated implementation of the full system;

(B) design and implement regional coastal ocean observing systems;

(C) establish mechanisms for the exchange of data between and among regions and Federal agencies;

(D) specify products and services and related requirements for observations, data management, and analysis in collaboration with user groups; and

(E) develop and test new technologies and techniques to improve all three subsystems to more effectively meet the needs of users of the system.

(2) INFRASTRUCTURE CAPITAL PROJECTS.—The pilot projects shall include one or more projects to capitalize the infrastructure for the collection, management, analysis, and distribution of data and one or more projects where the basic infrastructure and institutional mechanisms already exist for ongoing coastal observations, to fund the operations necessary for the collection of the common set of observations approved by the interagency planning office.

SEC. 4. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program (10 U.S.C. 7901), including support for a common infrastructure and system integration for an ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) OBSERVING SYSTEM AUTHORIZATION.—For development and implementation of an integrated ocean and coastal observing system under section 3, including financial assistance to regional coastal ocean observing systems and in addition to any amounts previously authorized, there are authorized to be appropriated to—

(1) the National Oceanic and Atmospheric Administration, $83,000,000 in fiscal year 2004, $87,250,000 in fiscal year 2005, $91,500,000 in fiscal year 2006, $96,000,000 in fiscal year 2007, and $100,000,000 in fiscal year 2008;

(2) the National Science Foundation, $25,000,000 in fiscal year 2004, $26,250,000 in fiscal year 2005, $27,500,000 in fiscal year 2006, $29,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

(3) the National Aeronautics and Space Administration, $30,000,000 in fiscal year 2004, $31,500,000 in fiscal year 2005, $33,000,000 in fiscal year 2006, and $34,750,000 in each of fiscal years 2007 and 2008;

(4) the United States Coast Guard, $8,000,000 in fiscal year 2004, $8,400,000 in fiscal year 2005, $9,700,000 in fiscal year 2006, $9,500,000 in fiscal year 2007, and $9,750,000 in fiscal year 2008;

(5) the Office of Naval Research, $25,000,000 in fiscal year 2004, $26,250,000 in fiscal year 2005, $27,500,000 in fiscal year 2006, $29,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

(6) the Office of the Oceanographer of the Navy, $30,000,000 in fiscal year 2004, $31,500,000 in fiscal year 2005, $33,000,000 in fiscal year 2006, $34,750,000 in fiscal year 2007, and $36,500,000 in fiscal year 2008; and

(7) other Federal agencies with operational coastal or ocean monitoring systems or which provide funds to States for such systems, $15,000,000 in each of fiscal years 2004 through 2008.

(b) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration shall make at least 51 percent of the funds appropriated pursuant to subsection (a)(1) available as grants for the development and implementation of the regional coastal observing systems based on the plans adopted by the Council and may be used to leverage non-Federal funds.

(c) AVAILABILITY.—Sums authorized to be appropriated by this section shall remain available until expended.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1402. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal year 2004 through 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Today, I am joined by Senator HOLLINGS in introducing the Federal Railroad Safety Improvement Act. This legislation would reauthorize the Federal rail safety program, which expired at the end of fiscal year 1998.

The rail safety program, which is administered by the Federal Railroad Administration, FRA, encompasses a range of inspection, research, education, and oversight initiatives aimed at protecting the safety of railroad employees; ensuring track and equipment are properly maintained; enhancing grade crossing safety; safeguarding the transportation of hazardous materials by rail; and overseeing the industry's safety practices and procedures. FRA also monitors Amtrak and, in the past two years, has assumed a more active role in protecting the investment of the taxpayers in that troubled enterprise.

There have been remarkable improvements in rail safety over the past 20 years, attributable to both the safety program and the Staggers Act, the landmark legislation enacted in 1980 to partially deregulate the freight railroads. According to FRA statistics, the rail industry's train accident rate has declined 68 percent since the Staggers Act was passed and the rate of employee injuries and fatalities has fallen 74 percent. The number of grade crossing collisions declined 72 percent from 1980 through 2002, while fatalities declined 57 percent.

The Federal Railroad Safety Improvement Act would renew our commitment to a strong rail safety program. The legislation would authorize $166 million for rail safety in fiscal year 2004, the amount requested by the Administration, rising to $200 million in fiscal year 2008. Included in these authorizations would be additional funds to continue initiatives to test and install positive train control, PTC, systems on passenger and freight railroad rights-of-way. Some federal support of PTC technology is warranted; PTC has been on the National Transportation Safety Board's "most wanted" list since 1990, but is cost-prohibitive for the railroads to install on a widespread basis.

Our proposed legislation also would make improvements to grade crossing safety by formally establishing a national crossing inventory, reauthorizing Operation Lifesaver, and requiring the development of model state legislation with penalties for drivers who violate crossing signs, signals, and gates. The legislation also would direct FRA to develop a plan for a joint initiative with states and municipalities to close 1 percent of all public and private grade crossings each year for a 10-year period. This is an ambitious goal but one that would clearly save lives.

The legislation we propose today also would address long-standing concerns about employee fatigue in the rail industry. The bill would require that a working group be convened within FRA's Railroad Safety Advisory Committee to consider what legislative or other changes may be appropriate to address fatigue management and report back to the Senate Commerce Committee and the House Committee on Transportation and Infrastructure within 18 months following enactment. While the railroads and rail labor organizations have initiated a number of discrete pilot projects to address fatigue, it is unclear whether real progress is being made. If a consensus cannot be reached by the working group, the Department of Transportation would be required to submit its own recommendations within 2 years following enactment.

I look forward to working with my colleagues in moving this bill through the legislative process in the weeks ahead. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Railroad Safety Improvement Act".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS. a

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations.

TITLE II—RULEMAKING, INSPECTION, ENFORCEMENT, AND PLANNING AUTHORITY

Sec. 201. National crossing inventory.
Sec. 202. Grade crossing elimination and consolidation.
Sec. 203. Model legislation for driver behavior.
Sec. 204. Operation Lifesaver.
Sec. 205. Transportation security.
Sec. 206. Railroad accident and incident reporting.
Sec. 207. Railroad radio monitoring authority.
Sec. 208. Recommendations on fatigue management.
Sec. 209. Positive train control.
Sec. 210. Positive train control implementation.
Sec. 211. Survey of rail bridge structures.
Sec. 212. Railroad police.
Sec. 213. Federal Railroad Administration employee training.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Technical amendments regarding enforcement by the Attorney General.
Sec. 302. Technical amendments to civil penalty provisions.
Sec. 303. Technical amendments to eliminate unnecessary provisions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a) is amended to read as follows:

"(a) GENERAL.—There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter—

"(1) $166,000,000 for the fiscal year ending September 30, 2004;

"(2) $176,000,000 for the fiscal year ending September 30, 2005;

"(3) $185,000,000 for the fiscal year ending September 30, 2006;

"(4) $192,000,000 for the fiscal year ending September 30, 2007; and

"(5) $200,000,000 for the fiscal year ending September 30, 2008.".

TITLE II—RULEMAKING, INSPECTION, ENFORCEMENT, AND PLANNING AUTHORITY

SEC. 201. NATIONAL CROSSING INVENTORY.

(a) IN GENERAL.—Chapter 201 is amended by adding at the end the following:

"§ 20154. National crossing inventory

"(a) INITIAL REPORTING OF INFORMATION ABOUT PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 6 months after the date of enactment of the Federal Railroad Safety Improvement Act or 6 months after a new crossing becomes operational, whichever occurs later, each railroad carrier shall—

"(1) report to the Secretary of Transportation current information, as specified by the Secretary, concerning each previously unreported crossing through which it operates; or

"(2) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

"(b) UPDATING OF CROSSING INFORMATION.—(1) On a periodic basis beginning not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each railroad carrier shall—

"(A) report to the Secretary current information, as specified by the Secretary, concerning each crossing through which it operates; or

"(B) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

"(2) A railroad carrier that sells a crossing on or after the date of enactment of the Federal Railroad Safety Improvement Act, shall, not later than the date that is 18 months after the date of enactment of the Act or 3 months after the sale, whichever occurs later, or as otherwise specified by the Secretary, report to the Secretary current information, as specified by the Secretary, concerning the change in ownership of the crossing.

"(c) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Federal Railroad Administration's Highway-Rail Crossing Inventory Instructions and Procedures Manual that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act, until such provision is superseded by a regulation issued under this section.

"(d) DEFINITIONS.—In this section:

"(1) CROSSING.—The term 'crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—

"(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

"(B) a dedicated pedestrian pathway that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

"(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, or Puerto Rico.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by inserting after the item relating to section 20153 the following:

"20154. National crossing inventory".

(c) REPORTING AND UPDATING.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

"(k) NATIONAL CROSSING INVENTORY.—

"(1) INITIAL REPORTING OF CROSSING INFORMATION.—Not later than 6 months after the date of enactment of the Federal Railroad Safety Improvement Act or within 6 months of a new crossing becoming operational, whichever occurs later, each State shall report to the Secretary of Transportation current information, as specified by the Secretary, concerning each previously unreported crossing located within its borders.

"(2) PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each State shall report to the Secretary current information, as specified by the Secretary, concerning each crossing located within its borders.

"(3) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Federal Railroad Administration's Highway-Rail Crossing Inventory Instructions and Procedures Manual that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act, until such provision is superseded by a regulation issued under this subsection.

"(4) DEFINITIONS.—In this subsection, the terms 'crossing' and 'State' have the meaning given those terms by section 20154(d)(1) and (2), respectively, of title 49.".

(d) CIVIL PENALTIES.—

(1) Section 21301(a)(1) is amended—

(A) by inserting "with section 20154 or " after "comply" in the first sentence; and

(B) by inserting "section 20154 of this title or" after "violating" in the second sentence.

(2) Section 21301(a)(2) is amended by inserting "The Secretary shall impose a civil penalty for a violation of section 20154 of this title." after the first sentence.

SEC. 202. GRADE CROSSING ELIMINATION AND CONSOLIDATION.

(a) CROSSING REDUCTION PLAN.—Within 24 months after the date of enactment of this Act, the Secretary of Transportation shall develop and transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan for a joint initiative with States and municipalities to systematically reduce the number of public and private highway-rail grade crossings by 1 percent per year in each of the succeeding 10 years. The plan shall include—

(1) a prioritization of crossings for elimination or consolidation, based on considerations including—

(A) whether the crossing has been identified as high risk;

(B) whether the crossing is located on a designated high-speed corridor or on a railroad right-of-way utilized for the provision of intercity or commuter passenger rail service; and

(C) the existing level of protection;

(2) suggested guidelines for the establishment of new public and private highway-rail grade crossings, with the goal of avoiding unnecessary new crossings through careful traffic, zoning, and land use planning; and

(3) an estimate of the costs of implementing the plan and suggested funding sources.

(b) Consultation with States.—In preparing the plan required by subsection (a), the Secretary shall seek the advice of State officials, including highway, rail, and judicial officials, with jurisdiction over crossing safety, including crossing closures. The Secretary and State officials shall consider—

(1) the feasibility of consolidating and improving multiple crossings in a single community;

(2) the impact of closure on emergency vehicle response time, traffic delays, and public inconvenience; and

(3) the willingness of a municipality to participate in the elimination or consolidation of crossings.

(c) Guide to Crossing Consolidation and Closure.—Within 1 year after the date of enactment of this Act, the Secretary shall update, reissue, and distribute the publication entitled "A Guide to Crossing Consolidation and Closure".

(d) Incentive Payments for At-Grade Crossing Closures.—Section 130(i)(3)(B) of title 23, United States Code is amended by striking "$7,500." and inserting "$15,000.".

(e) Funding for Plan.—From amounts authorized by section 20117(a)(1) of title 49, United States Code, to the Secretary, there shall be available $500,000 for fiscal year 2004 to prepare the plan required by this section, such sums to remain available until the plan is transmitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure as required by subsection (a).

SEC. 203. MODEL LEGISLATION FOR DRIVER BEHAVIOR.

(a) In General.—Section 20151 is amended—

(1) by striking the section caption and inserting the following:

"**§20151. Strategy to prevent railroad trespassing and vandalism and violation of grade crossing signals** ";

(2) by striking "safety," in subsection (a) and inserting "safety and violations of highway-rail grade crossing signals,";

(3) by striking the second sentence of subsection (a) and inserting "The evaluation and review shall be completed not later than 1 year after the date of enactment of the Federal Railroad Safety Improvement Act."; and

(4) by striking "Legislation.—Within 18 months after November 2, 1994, the" in subsection (c) and inserting "Legislation for Vandalim and Trespassing Penalties.—The"; and

(5) by adding at the end the following:

"(d) Model Legislation for Grade-crossing Violations.—Within 2 years after the date of the enactment of the Federal Railroad Safety Improvement Act, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of highway-rail grade crossing signals.

"(e) Violation Defined.—In this section, the term 'violation of highway-rail grade crossing signals' includes any action by a motorist, unless directed by an authorized safety officer—

"(1) to drive around or through a grade crossing gate in a position intended to block passage over railroad tracks;

"(2) to drive through a flashing grade crossing signal;

"(3) to drive through a grade crossing with passive warning signs without determining that the grade crossing could be safely crossed before any train arrived; and

"(4) in the vicinity of a grade crossing, that creates a hazard of an accident involving injury or property damage at the grade crossing.".

(b) Conforming Amendment.—The chapter analysis for chapter 201 is amended by striking the item relating to section 20151 and inserting the following:

"20151. Strategy to prevent railroad trespassing and vandalism and violation of grade crossing signals".

SEC. 204. OPERATION LIFESAVER.

Section 20117(e) is amended to read as follows:

"(e) Operation Lifesaver.—In addition to amounts otherwise authorized by law, from the amounts authorized to be appropriated under subsection (a), there shall be available for railroad research and development $1,250,000 for fiscal year 2004, $1,300,000 for fiscal year 2005, $1,350,000 for fiscal year 2006, $1,400,000 for fiscal year 2007, and $1,460,000 for fiscal year 2008 to support Operation Lifesaver, Inc.".

SEC. 205. TRANSPORTATION SECURITY.

(a) Memorandum of Agreement.—Within 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) Rail Safety Regulations.—Section 20103(a) is amended to read as follows:

"(a) Regulations and Orders.—The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety, including security, supplementing laws and regulations in effect on October 16, 1970. When prescribing a security regulation or issuing a security order that affects the safety of railroad operations, the Secretary of Homeland Security shall consult with the Secretary of Transportation.".

SEC. 206. RAILROAD ACCIDENT AND INCIDENT REPORTING.

Section 20901(a) is amended to read as follows:

"(a) General Requirements.—On a periodic basis specified by the Secretary of Transportation but not less frequently than quarterly, a railroad carrier shall file a report with the Secretary on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during the specified period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.".

SEC. 207. RAILROAD RADIO MONITORING AUTHORITY.

Section 20107 is amended by inserting at the end the following:

"(c) Railroad Radio Communications.—

"(1) In general.—To carry out the Secretary's responsibilities under this part and under chapter 51, the Secretary may authorize officers, employees, or agents of the Secretary to conduct the following activities at reasonable times:

"(A) Intercepting a radio communication that is broadcast or transmitted over a frequency authorized for the use of one or more railroad carriers by the Federal Communications Commission, with or without making their presence known to the sender or other receivers of the communication and with or without obtaining the consent of the sender or other receivers of the communication.

"(B) Communicating the existence, contents, substance, purport, effect, or meaning of the communication, subject to the restrictions in paragraph (3).

"(C) Receiving or assisting in receiving the communication (or any information therein contained).

"(D) Disclosing the contents, substance, purport, effect, or meaning of the communication (or any part thereof of such communication) or using the communication (or any information contained therein), subject to the restrictions in paragraph (3), after having received the communication or acquired knowledge of the contents, substance, purport, effect, or meaning of the communication (or any part thereof).

"(E) Recording the communication by any means, including writing and tape recording.

"(2) Limitation.—The Secretary, and officers, employees, and agents of the Department of Transportation authorized by the Secretary may engage in the activities authorized by paragraph (1) for the purpose of accident prevention, including, but not limited to, accident investigation.

"(3) Use of information.—

"(A) Except as provided in subparagraph (F), information obtained through activities authorized by paragraphs (1) and (2) shall not be admitted into evidence in any administrative or judicial proceeding except to impeach evidence offered by a party other than the Federal Government regarding the existence, electronic characteristics, content, substance, purport, effect, meaning, or timing of, or identity of parties to, a communication intercepted pursuant to paragraphs (1) and (2) in proceedings pursuant to sections 5122, 20702(b), 20111, 20112, 20113, or 20114 of this title.

"(B) If information obtained through activities set forth in paragraphs (1) and (2) is admitted into evidence for impeachment purposes in accordance with subparagraph (A), the court, administrative law judge, or other officer before whom the proceeding is conducted may make such protective orders regarding the confidentiality or use of the information as may be appropriate in the circumstances to protect privacy and administer justice.

"(C) Information obtained through activities set forth in paragraphs (1) and (2) shall not be subject to publication or disclosure, or search or review in connection therewith, under section 552 of title 5.

"(D) No evidence shall be excluded in an administrative or judicial proceeding solely because the government would not have learned of the existence of or obtained such evidence but for the interception of information that is not admissible in such proceeding under subparagraph (A).

"(E) Nothing in this subsection shall be construed to impair or otherwise affect the authority of the United States to intercept a communication, and collect, retain, analyze, use, and disseminate the information obtained thereby, under a provision of law other than this subsection.

"(F) No information obtained by an activity authorized by paragraph (1)(A) that was undertaken solely for the purpose of accident investigation may be introduced into evidence in any administrative or judicial proceeding in which civil or criminal penalties may be imposed.

(4) APPLICATION WITH OTHER LAW.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) and chapter 119 of title 18 shall not apply to conduct authorized by and pursuant to this subsection.

"(d) REASONABLE TIME DEFINED.—In this section, the term 'at reasonable times' means at any time that the railroad carrier being inspected or investigated is performing its rail transportation business.".

SEC. 208. RECOMMENDATIONS ON FATIGUE MANAGEMENT.

(a) WORKING GROUP ESTABLISHED.—The Railroad Safety Advisory Committee of the Federal Railroad Administration shall convene a working group to consider what legislative or other changes the Secretary of Transportation deems necessary to address fatigue management for railroad employees subject to chapter 211 of title 49, United States Code. The working group shall consider—

(1) the varying circumstances of rail carrier operations and appropriate fatigue countermeasures to address those varying circumstances, based on current and evolving scientific and medical research on circadian rhythms and human sleep and rest requirements;

(2) research considered by the Federal Motor Carrier Safety Administration in devising new hours of service regulations for motor carriers;

(3) the benefits and costs of modifying the railroad hours of service statute or implementing other fatigue management countermeasures for railroad employees subject to chapter 211; and

(4) ongoing and planned initiatives by the railroads and rail labor organizations to address fatigue management.

(b) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this Act, the working group convened under subsection (a) shall submit a report containing its conclusions and recommendations to the Railroad Safety Advisory Committee and the Secretary of Transportation. The Secretary shall transmit the report to the Senate Committee on Commerce, Science, and Transportation and to the House Committee on Transportation and Infrastructure.

(c) RECOMMENDATIONS.—If the Railroad Safety Advisory Committee does not reach a consensus on recommendations within 24 months after the date of enactment of this Act, the Secretary of Transportation shall, within 36 months after the date of enactment of this Act, submit to the Senate Committee on Commerce, Science, and Transportation and to the House Committee on Transportation and Infrastructure recommendations for legislative, regulatory, or other changes to address fatigue management for railroad employees.

SEC. 209. POSITIVE TRAIN CONTROL.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall prescribe a final rule addressing safety standards for positive train control systems or other safety technologies that provide similar safety benefits.

SEC. 210. POSITIVE TRAIN CONTROL IMPLEMENTATION.

(a) REPORT ON PILOT PROJECTS.—Within 3 months after completion of the North American Joint Positive Train Control Project, the Secretary of Transportation shall submit a report on the progress of on-going and completed projects to implement positive train control technology or other safety technologies that provide similar safety benefits to the Senate Committee on Commerce, Science, and Transportation and to the House Committee on Transportation and Infrastructure. The report shall include recommendations for future projects and any legislative or other changes the Secretary deems necessary.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall establish a grant program with a 50 percent match requirement for the implementation of positive train control technology or other safety technologies that provide similar safety benefits. From the amounts authorized to be appropriated for each of fiscal years 2004 through 2008 under section 20117(a) of title 49, United States Code, there shall be made available for the grant program—

(1) $16,000,000 for fiscal year 2004;

(2) $18,000,000 for fiscal year 2005; and

(3) $20,000,000 for each of fiscal years 2006 through 2008.

SEC. 211. SURVEY OF RAIL BRIDGE STRUCTURES.

The Secretary of Transportation shall conduct a safety survey of the structural integrity of railroad bridges and railroads' programs of inspection and maintenance of railroad bridges. The Secretary shall issue a report to Congress at the completion of the survey, including a finding by the Secretary concerning whether the Secretary should issue regulations governing the safety of railroad bridges.

SEC. 212. RAILROAD POLICE.

Section 28101 is amended by striking "the rail carrier" each place it appears and inserting 'any rail carrier".

SEC. 213. FEDERAL RAILROAD ADMINISTRATION EMPLOYEE TRAINING.

From the amounts authorized to be appropriated for fiscal year 2004 by section 20117(a)(1) of title 49, United States Code, there shall be made available to the Secretary of Transportation $300,000 for the Federal Railroad Administration to perform a demonstration program to provide centralized training for its employees. The Secretary of Transportation shall report on the results of such training and provide further recommendations to the Congress.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS REGARDING ENFORCEMENT BY THE ATTORNEY GENERAL.

Section 20112(a) is amended—

(1) by inserting "this part, except for section 20109 of this title, or" in paragraph (1) after "enforce,";

(2) by striking "21301" in paragraph (2) and inserting "21301, 21302, or 21303";

(3) by striking "subpena" in paragraph (3) and inserting "subpena, request for production of documents or other tangible things, or request for testimony by deposition"; and

(4) by striking "chapter." in paragraph (3) and inserting "part.".

SEC. 302. TECHNICAL AMENDMENTS TO CIVIL PENALTY PROVISIONS.

(a) GENERAL VIOLATIONS OF CHAPTER 201.—Section 21301(a)(2) is amended—

(1) by striking "$10,000." and inserting "$10,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note)."; and

(2) by striking "$20,000." and inserting "$20,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note)." .

(b) ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER 201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.—

(1) Section 21302(a)(2) is amended—

(A) by striking "$10,000." and inserting "$10,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note)."; and

(B) by striking "$20,000." and inserting "$20,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note)." .

(2) Section 21302 is amended by adding at the end the following:

"(c) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

"(d) DEPOSIT IN TREASURY.—A civil penalty collected under this section shall be deposited in the Treasury as miscellaneous receipts.".

(c) VIOLATIONS OF CHAPTER 211.—

(1) Section 21303(a)(2) is amended—

(A) by striking "$10,000." and inserting "$10,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note)."; and

(B) by striking "$20,000." and inserting "$20,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note)." .

(2) Section 21303 is amended by adding at the end the following:

"(c) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

"(d) DEPOSIT IN TREASURY.—A civil penalty collected under this section shall be deposited in the Treasury as miscellaneous receipts.".

SEC. 303. TECHNICAL AMENDMENTS TO ELIMINATE UNNECESSARY PROVISIONS.

(a) IN GENERAL.—Chapter 201 is amended—

(1) by striking the second sentence of section 20103(f);

(2) by striking section 20145;

(3) by striking section 20146; and

(4) by striking section 20150.

(b) CONFORMING AMENDMENTS.—The chapter analysis for chapter 201 is amended by striking the items relating to sections 20145, 20146, and 20150 and inserting at the appropriate place in the analysis the following:

"20145. [Repealed].
"20146. [Repealed]
"20150. [Repealed]".

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, and Mr. AKAKA) (by request):

S.J. Res. 16. A joint resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, on behalf of myself and Senators BINGAMAN, CRAIG and AKAKA—colleagues from the Committee on Energy and Natural Resources—I am pleased to introduce legislation recently transmitted by the Administration that would strengthen our Nation's relationship with two Pacific Island nations with which we have a special bond—the Federated States of Micronesia, FSM, and the Republic of the Marshall Islands, RMI.

The United States has a long history of involvement in the islands of Micronesia in the Western Pacific—from 19th century voyages of Nantucket whaling ships, that inspired the literature of Herman Melville, to the development of nuclear weapons and missile defense systems that are cornerstones of our Nation's military strength. In 1947, following the bloody battles of World War II on the beaches of Kwajalein and Saipan, our nation's role changed fundamentally when the United States became Administrator of the region under the United Nation's Trusteeship system. As Administrator of the U.N. Trust Territory of the Pacific Islands, the United States governed the islands for over forty years; not as an occupation force or as sovereign, but with the obligation to promote the political, economic, and social development of the inhabitants.

In 1986, the United States fulfilled its obligation to the U.N. with respect to the islands of Micronesia and the Marshall Islands following implementation of the Compact of Free Association. The Compact formally ended U.S. Administration and allowed these countries to achieve self-government and recognition as full members of the community of nations. However, and most significantly, the Compact also allowed the United States and these new nations to maintain the special relationship forged during the Trusteeship. For seventeen years now, the Compact has continued to provide for mutual defense as well as political and economic stability in a region of vital interest to the United States.

The legislation being introduced today is necessary to update and extend various provisions of the Compact, particularly the economic assistance provisions that are due to expire on September 30 of this year. Representatives of Micronesia, the Marshall Islands and the United States have invested tremendous effort over the past four years in negotiating these amendments. We commend Al Short, Peter Christian, and Gerald Zackios, the U.S., FSM, and RMI negotiators, respectively, for their years of work to strengthen the Compact and the special relationship between our nations.

The agreements reached by the negotiators, as reflected by this legislation, would provide the resources needed to assure continued economic development and mutual security in the islands. Pursuant to those agreements, trust funds will be established to provide a mechanism for the eventual phase-out of annual financial assistance from the United States. The parties have also agreed to changes that will assure greater accountability and effectiveness in the use of U.S. financial and program assistance. Continued access to the vitally important Ronald Reagan Missile Test Site at Kwajalein Atoll is provided. The Compact's immigration provisions have been updated to reduce threats to our country's homeland security and to reduce the impact of migration on the neighboring islands of Hawaii, Guam, and the Northern Mariana Islands. These changes are made while continuing to allow citizens of the FSM and RMI the opportunity to migrate to the United States as non-immigrants for education, employment, and residence.

Congressional consideration of this legislation comes at a time when the issue of nation-building is receiving increased attention. Our 60 years of experience of nation-building in Micronesia and the Marshall Islands underscores the importance of partnership, planning, adequate resources, and sustained commitment. The task in the former Trust Territory has turned out to be neither easy nor quick. However, virtually all who have examined the Compact agree that it has successfully met its objectives of promoting self-government, mutual defense and economic stability. There is also agreement that there is much more to be done. The FSM and RMI still have tremendous challenges in improving health and education and in further developing their economies so that they can provide health and education and in further developing their economies so that they can provide more resources to meet the basic needs of the people. This is a particularly daunting task given that each nation is dispersed over a vast area of the remote western Pacific Ocean.

We too face a considerable challenge given how little time we have to consider this package. The assistance provisions of the current Compact expire in just 11 weeks. While the negotiators have done an excellent job, it is our understanding that they, and the General Accounting Office, will present several issues to Congress for further consideration and we expect that there will be a need for fine-tuning the package.

We look forward to working with our colleagues in the Senate, House, and the Administration in trying to meet the demanding deadline, to consider these remaining issues, and to assure the continued success of the special relationship between the United States, Micronesia and the Marshall Islands.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1215. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1216. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1217. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1218. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1219. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1220. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1221. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1222. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1223. Mr. GRAHAM, of South Carolina (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1224. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, supra.

SA 1225. Mr. STEVENS (for Mr. DODD) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, supra.

SA 1226. Mr. STEVENS (for Ms. SNOWE (for himself and Ms. COLLINS)) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, supra.

SA 1227. Mr. STEVENS (for Mr. BREAUX) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, supra.

SA 1228. Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1229. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1230. Mr. WYDEN (for himself and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1231. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1215. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

SEC. 8124. (a) AMOUNTS AVAILABLE FOR UPGRADES OF M1A1 ABRAMS TANK TRANSMISSIONS.—Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY" and available for land systems depot maintenance, $15,000,000 may be available for upgrades of M1A1 Abrams tank transmissions.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for upgrades of M1A1 Abrams tank transmissions is in addition to any other amounts available under this Act for upgrades of M1A1 Abrams tank transmissions.

SA 1216. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) Subsection (a) of section 2474 of title 10, United States Code, is amended by striking "depot-level activity" and inserting "industrial activity".

(b) Subsection (b)(1)(A) of such section is amended by inserting "manufacturing or" after "including any".

SA 1217. Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,282,764,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,309,791,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,994,426,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,993,072,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,584,735,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,027,945,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $587,619,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,332,301,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,598,504,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,228,830,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,034,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $24,922,949,000: *Provided*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,463,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,183,284,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,418,023,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,801,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $26,698,375,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $16,279,006,000, of which not to exceed $35,000,000, may be available for the CINC initiative fund; and of which not to exceed $45,000,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $2,700,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,964,009,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,172,921,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $173,952,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,179,188,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,273,131,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,418,616,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $10,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURTS OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $10,333,000 of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $396,018,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $256,153,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $384,307,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $24,081,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $312,619,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2561 of title 10, United States Code), $59,000,000, to remain available until September 30, 2005.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $450,800,000, to remain available until September 30, 2006: *Provided*, That of the amounts provided under this heading, $10,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,027,285,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,444,462,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,732,004,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,419,759,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,573,902,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,017,548,000, to remain available for obligation until September 30, 2006.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,967,934,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $924,355,000, to remain available for obligation until September 30, 2006.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $1,186,564,000;
NSSN, $1,511,935,000;
NSSN (AP), $827,172,000;
SSGN, $930,700,000;
SSGN (AP), $236,600,000;
CVN Refuelings (AP), $232,832,000;
SSN Submarine Refuelings, $450,000,000;
SSN Submarine Refuelings (AP), $20,351,000;
SSBN Submarine Refuelings (AP), $136,800,000;
DDG–51 Destroyer, $3,218,311,000;
LPD–17, $1,192,034,000;
LPD–17 (AP), $75,000,000;
LHD–8, $591,306,000;
LCAC Landing Craft Air Cushion, $73,087,000;
Prior year shipbuilding costs, $635,502,000;
Service Craft, $15,980,000; and
For outfitting, post delivery, conversions, and first destination transportation, $348,449,000;

In all: $11,682,623,000, to remain available for obligation until September 30, 2008: *Provided*, That additional obligations may be incurred after September 30, 2008, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,734,808,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,090,399,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,997,460,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,215,333,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,265,582,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $11,536,097,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,568,851,000, to remain available for obligation until September 30, 2006.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $700,000,000, to remain available for obligation until September 30, 2006: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $77,516,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,513,048,000, to remain available for obligation until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,886,381,000, to remain available for obligation until September 30, 2005: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,086,290,000, to remain available for obligation until September 30, 2005.

Research, Development, Test and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,774,428,000, to remain available for obligation until September 30, 2005.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $304,761,000, to remain available for obligation until September 30, 2005.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For the Defense Working Capital Funds, $1,449,007,000: *Provided*, That during fiscal year 2004, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 4 passenger motor vehicles for replacement only for the Defense Logistics Agency.

National Defense Sealift Fund

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $344,148,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That, notwithstanding any other provision of law, $8,500,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $15,656,913,000, of which $14,918,791,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005, and of which not more than $7,420,972,000 shall be available for contracts entered into under the TRICARE program; of which $327,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; of which $410,296,000, to remain available for obligation until September 30, 2005, shall be for Research, development, test and evaluation.

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,620,076,000, of which $1,169,168,000 shall be for Operation and maintenance to remain available until September 30, 2005; $79,212,000 shall be for Procurement to remain available until September 30, 2006; $251,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; $119,815,000 shall be for military construction to remain available until September 30, 2008: *Provided*, That, notwithstanding any other provision of law, $10,000,000 of the funds available under this heading shall be expended only to fund Chemical Stockpile Emergency Preparedness Program evacuation route improvements in Calhoun County, Alabama.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $832,371,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $162,449,000, of which $160,049,000 shall be for Operation and maintenance, of which not to exceed $700,000, is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes and of which $300,000, to remain available until September 30, 2005, shall be for Research, development, test and evaluation; and of which $2,100,000, to remain available until September 30, 2006, shall be for Procurement.

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $226,400,000.

Intelligence Community Management Account

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $165,390,000, of which $26,081,000 for the Advanced Research and Development Committee shall remain available until September 30, 2005: *Provided*, That of the funds appropriated under this heading, $34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2006 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2005: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $18,430,000, to remain available until expended.

National Security Education Trust Fund

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,100,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2004.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

C–130 aircraft;

and F/A–18E and F engine;

F/A–18 aircraft;

E–2C aircraft; and

Virginia Class Submarine:

Provided, That the Secretary of the Navy may not enter into a multiyear contract for the procurement of more than one Virginia Class Submarine per year.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2004, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2005.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act or hereafter shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code: *Provided further*, That the conversion of any activity or function of the Department of Defense under the authority provided herein shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with Public Law 98–369, Div. B, Title VII, sections 2723(a) and 2727(b) (codified at 10 U.S.C. 2304) for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2004 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding 41 U.S.C. §430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. §1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): *Provided further*, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) Of the funds for the procurement of supplies or services appropriated by this Act and hereafter, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year and hereafter, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8028. Of the funds made available in this Act, not less than $24,758,000 shall be available for the Civil Air Patrol Corporation: *Provided*, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2004 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2004, not more than 6,450 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2005 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $50,000,000.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2004. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2005 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2005: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2005.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8048. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Shipbuilding and Conversion, Navy, 2002/2006", $55,000,000;

"Procurement of Ammunition, Army, 2003/2005", $36,000,000;

"Other Procurement, Air Force, 2003/2005", $5,000,000;

"Procurement, Defense-Wide, 2003/2005", $48,000,000;

"Research and Development, Defense-Wide, 2003/2004", $25,000,000;

"National Defense Sealift Fund", $105,300,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act or hereafter in any other Act.

SEC. 8063. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8064. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8065. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8066. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8067. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8068. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8070. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8071. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects, or any planning studies, environmental assessments, or similar activities related to installation support functions, may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8072. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8073. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8074. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8075. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8076. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8077. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8078. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8079. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8080. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8081. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8082. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.—No funds appropriated or otherwise made available by this Act for the Office of the Under Secretary of Defense for Intelligence may be obligated or expended until 30 days after the date on which the report referred to in subsection (c) is submitted to Congress.

(b) Limitation on Availability of Funds for Clandestine Military Activities.—No funds appropriated or otherwise made available by this Act may be obligated or expended for clandestine military activities until the date on which the report referred to in subsection (c) is submitted to Congress.

(c) Report.—The report referred to in this subsection is the report required to be submitted to Congress in the classified annex to the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11).

Sec. 8083. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

Sec. 8084. (a) Registering Financial Management Information Technology Systems With DOD Chief Information Officer.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) Certifications as to Compliance With Financial Management Modernization Plan.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) Certifications as to Compliance With Clinger-Cohen Act.—(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) Definitions.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

Sec. 8085. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8086. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Sec. 8087. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

Sec. 8088. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Sec. 8089. (a) The Department of Defense is authorized to enter into agreements with the Department of Veterans Affairs and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

Sec. 8090. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8091. (a) Of the amounts appropriated in this Act under the heading, "Research, Development, Test and Evaluation, Defense-Wide", $48,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

(b) Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", $177,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the

Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, consistent with the terms and conditions set forth herein: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8092. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2004.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $154,800,000 shall be made available for the Arrow missile defense program: *Provided*, That of this amount, $10,000,000 shall be available for the purpose of continuing the Arrow System Improvement Program (ASIP), and $80,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense, requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8094. In addition to amounts provided in this Act, $90,000,000 is hereby appropriated for "Aircraft Procurement, Navy": *Provided*, That these funds shall be available only for transfer to the Coast Guard for mission essential equipment for Coast Guard HC–130J aircraft.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $635,502,000 shall be available until September 30, 2004, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of Navy shall transfer such funds to the following appropriations in the amount specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/04":

LPD–17 Amphibious Transport Dock Ship Program, $95,300,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1998/04":

New SSN, $81,060,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1999/04":

DDG–51 Destroyer Program, $44,420,000;

New SSN, $156,978,000;

LPD–17 Amphibious Transport Dock Ship Program, $51,100,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2000/04":

DDG–51 Destroyer Program, $24,510,000;

LPD–17 Amphibious Transport Dock Ship Program, $112,778,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/04":

DDG–51 Destroyer Program, $6,984,000;

New SSN, $62,372,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8098. Funds appropriated by this Act, or made available by transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 8099. In addition to funds made available elsewhere in this Act $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: *Provided*, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: *Provided further*, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments, and of which 2 percent shall be available to support the administration and execution of the funds: *Provided further*, That to the extent a federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis.

SEC. 8100. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8101. Of the funds made available in this Act, not less than $56,400,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,800,000 shall be available from "Military Personnel, Air Force", $35,900,000 shall be available from "Operation and Maintenance, Air Force", and $16,700,000 shall be available from "Aircraft Procurement, Air Force": *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2004: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2005 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8102. As an interim capability to enhance Army lethality, survivability, and mobility for light and medium forces before complete fielding of the Objective Force, the Army shall ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams to be fielded between 2003 and 2008.

SEC. 8103. Of the funds made available under the heading "Operation and Maintenance, Air Force", $8,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

(TRANSFER OF FUNDS)

SEC. 8104. Of the amounts appropriated in Public Law 107–206 under the heading "Defense Emergency Response Fund", an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah, may be made available to resolve any property disputes associated with Tooele Army Depot, Utah, and to acquire such leasehold interest as required: *Provided*, That none of these funds may be used to acquire fee title to the properties.

SEC. 8105. Up to $3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

(TRANSFER OF FUNDS)

SEC. 8106. In addition to the amounts appropriated or otherwise made available in this Act, $24,000,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amount of $5,000,000 to the American Red Cross for Armed Forces Emergency Services; $10,000,000 for the Fort Benning Infantry Museum; $2,500,000 to the National Guard Youth Foundation; $3,000,000 to the Chicago Park District for renovation of the Broadway Armory; and $3,500,000 to the National D-Day Museum.

SEC. 8107. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Account" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8108. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8109. The budget of the President for fiscal year 2005 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Account, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Account for fiscal years 2003 and 2004.

SEC. 8110. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8111. Of the amounts appropriated in this Act under the headings "Research, Development, Test and Evaluation, Navy" and "Operation and Maintenance, Defense-Wide" $65,200,000 shall be transferred to such appropriations available to the Department of Defense as may be required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, and amounts so transferred shall be available for the same purposes and for the same time period as the appropriations to which transferred.

SEC. 8112. During the current fiscal year, section 2533a(f) of Title 10, United States Code, shall not apply to any fish, shellfish, or seafood product. This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

SEC. 8113. Notwithstanding section 2465 of title 10 U.S.C., the Secretary of the Navy may use funds appropriated in title II of this Act under the heading, "Operation and Maintenance, Navy", to liquidate the expenses incurred for private security guard services performed at the Naval Support Unit, Saratoga Springs, New York by Burns International Security Services, Albany, New York in the amount of $29,323.35, plus accrued interest, if any.

SEC. 8114. Funds available to the Department of Defense under the heading, "Research, Development, Test and Evaluation, Defense-Wide", may be used to develop and field an initial set of missile defense capabilities, and such fielding shall be considered to be system development and demonstration for purposes of any law governing the development and production of a major defense acquisition program. The initial set of missile defense capabilities is defined as the "Block 04" Ballistic Missile Defense system funded in fiscal years 2004 and 2005. Subsequent blocks of missile defense capabilities shall be subject to existing laws governing development and production of major defense acquisition programs.

SEC. 8115. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8116. Up to $2,000,000 of the funds appropriated by this Act under the heading, "Operation and Maintenance, Army", may be made available to contract for services required to solicit non-Federal donations to support construction and operation of the United States Army Museum at Fort Belvoir, Virginia: *Provided*, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the United States Army Museum to reimburse amounts expended by the Army pursuant to this section: *Provided further*, That any reimbursements received pursuant to this section shall be merged with "Operation and Maintenance, Army" and shall be made available for the same purposes and for the same time period as that appropriation account.

SEC. 8117. DESIGNATION OF AMERICA'S NATIONAL WORLD WAR II MUSEUM. (a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum, operated in New Orleans, Louisiana by an educational foundation, has been established with the vision "to celebrate the American Spirit".

(2) The National D-Day Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the home front and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.

(3) The National D-Day Museum was founded by the preeminent American historian, Stephen E. Ambrose, as a result of a conversation with President Dwight D. Eisenhower in 1963, when the President and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries in New Orleans, as the "man who won the war for us" because the 12,000 landing craft designed by Higgins Industries made possible all of the amphibious invasions of World War II and carried American soldiers into every theatre of the war.

(4) The National D-Day Museum, since its grand opening on June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, has attracted nearly 1,000,000 visitors from around the world, 85 percent of whom have been Americans from across the country.

(5) American World War II veterans, called the "greatest generation" of the Nation, are dying at the rapid rate of more than 1,200 veterans each day, creating an urgent need to preserve the stories, artifacts, and heroic achievements of that generation.

(6) The United States has a need to preserve forever the knowledge and history of the Nation's most decisive achievement in the 20th century and to portray that history to citizens, visitors, and school children for centuries to come.

(7) Congress, recognizing the need to preserve this knowledge and history, appropriated funds in 1992 to authorize the design and construction of The National D-Day Museum in New Orleans to commemorate the epic 1944 Normandy invasion, and subsequently appropriated additional funds in 1998, 2000, 2001, 2002, and 2003 to help expand the exhibits in the museum to include the D-Day invasions in the Pacific Theatre of Operations and the other campaigns of World War II.

(8) The State of Louisiana and thousands of donors and foundations across the country have contributed millions of dollars to help build this national institution.

(9) The Board of Trustees of The National D-Day Museum is national in scope and diverse in its makeup.

(10) The World War II Memorial now under construction on the National Mall in Washington, the District of Columbia, will always be the memorial in our Nation where people come to remember America's sacrifices in World War II, while The National D-Day Museum will always be the museum of the American experience in the World War II years (1939–1945), where people come to learn about Americans' experiences during that critical period, as well as a place where the history of our Nation's monumental struggle against worldwide aggression by would-be oppressors is preserved so that future generations can understand the role the United States played in the preservation and advancement of democracy and freedom in the middle of the 20th century.

(11) The National D-Day Museum seeks to educate a diverse group of audiences through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of the participants in the war and on the home front during one of history's darkest hours.

(12) The National D-Day Museum is devoted to the combat experience of United States citizen soldiers in all of the theatres of World War II and to the heroic efforts of the men and women on the home front who worked tirelessly to support the troops and the war effort.

(13) The National D-Day Museum continues to add to and maintain one of the largest personal history collections in the United States of the men and women who fought in World War II and who served on the home front.

(14) No other museum describes as well the volunteer spirit that arose throughout the United States and united the country during the World War II years.

(15) The National D-Day Museum is engaged in a 250,000 square foot expansion to include the Center for the Study of the American Spirit, an advanced format theatre, and a new United States pavilion.

(16) The planned "We're All in this Together" exhibit will describe the role every

State, commonwealth, and territory played in World War II, and the computer database and software of The National D-Day Museum's educational program will be made available to the teachers and school children of every State, commonwealth, and territory.

(17) The National D-Day Museum is an official Smithsonian affiliate institution with a formal agreement to borrow Smithsonian artifacts for future exhibitions.

(18) Le Memorial de Caen in Normandy, France has formally recognized The National D-Day Museum as its official partner in a Patriotic Alliance signed on October 16, 2002, by both museums.

(19) The official Battle of the Bulge museums in Luxembourg and the American Battlefield Monuments Commission are already collaborating with The National D-Day Museum on World War II exhibitions.

(20) For all of these reasons, it is appropriate to designate The National D-Day Museum as "America's National World War II Museum".

(b) Purposes.—The purposes of this section are, through the designation of The National D-Day Museum as "America's National World War II Museum", to express the United States Government's support for—

(1) the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the museum;

(2) the education of the American people as to the American experience in combat and on the home front during the World War II years, including the conduct of educational outreach programs for teachers and students throughout the United States;

(3) the operation of a premier facility for the public display of artifacts, photographs, letters, documents, and personal histories from the World War II years (1939–1945);

(4) the further expansion of the current European and Pacific campaign exhibits in the museum, including the Center for the Study of the American Spirit for education; and

(5) ensuring the understanding by all future generations of the magnitude of the American contribution to the Allied victory in World War II, the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) Designation of "America's National World War II Museum".—The National D-Day Museum, New Orleans, Louisiana, is designated as "America's National World War II Museum".

Sec. 8118. Native American Veteran Housing Loans. (a) Title I of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) is amended by striking out "expenses: *Provided*, That no new loans in excess of $5,000,000 may be made in fiscal year 2003." from the paragraph under the heading "Native American Veteran Housing Loan Program Account" and inserting in lieu thereof "expenses.".

(b) The amendment made by subsection (a) of this section is effective on the date of the enactment of Public Law 108–7, February 20, 2003.

Sec. 8119. Of the funds made available in chapter 3 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), under the heading "Iraq Freedom Fund", $3,157,000,000 are hereby rescinded.

Sec. 8120. (a) Limitation on Use of Funds for Research and Development on Terrorism Information Awareness Program.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Terrorism Information Awareness program.

(b) Limitation on Deployment of Terrorism Information Awareness Program.—(1) Notwithstanding any other provision of law, if and when research and development on the Terrorism Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Terrorism Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly against non-United States persons.

(c) Sense of Congress.—It is the sense of Congress that—

(1) the Terrorism Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(d) Definitions.—In this section:

(1) Terrorism information awareness program.—The term "Terrorism Information Awareness program"—

(A) means the components of the program known either as Terrorism Information Awareness or Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) Non-united states person.—The term "non-United States person" means any person other than a United States person.

(3) United states person.—The term "United States person" has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

Sec. 8121. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $125,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

"Operation and Maintenance, Defense-Wide", $45,000,000;

"Research, Development, Test and Evaluation, Navy", $40,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide", $40,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

Sec. 8122. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

Sec. 8123. None of the funds provided in this Act may be used to pay any fee charged by the Department of State for the purpose of constructing new United States diplomatic facilities.

This Act may be cited as the "Department of Defense Appropriations Act, 2004".

SA 1218. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Navy", up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

SA 1219. Ms. COLLINS (for herself and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title II of this Act under the heading "Shipbuilding and Conversion, Navy", $20,000,000 shall be available for DDG–51 modernization.

SA 1220. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. Of the total amount appropriated by title II under the heading "Operation and Maintenance, Navy" for civilian manpower and personnel management, up to $1,500,000 may be used for Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 1221. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Air Force", up to $4,000,000 may be available for cost effective composite materials for manned and unmanned flight structures (PE#0602103F).

SA 1222. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title II of this Act under the heading "Operation and Maintenance, Army National Guard", up to $6,000,000 may be available for the National Homeland Security Training Center, Camp Gruber, Oklahoma.

SA 1223. Mr. GRAHAM of South Carolina (for himself and Mr. Hollings) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Navy", up to $6,000,000 may be available for Marine Corps Communications Systems (PE#0206313M) for the Critical Infrastructure Protection Center.

SA 1224. Mr. STEVENS (for Mr. Inhofe) proposed an amendment to amendment SA 1217 proposed by Mr. Stevens to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Air Force", up to $4,000,000 may be available for cost effective composite materials for manned and unmanned flight structures (PE#0602103F).

SA 1225. Mr. STEVENS (for Mr. Dodd) proposed an amendment to amendment SA 1217 proposed by Mr. Stevens to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. Of the total amount appropriated by title IV under the heading "Research, Development, Test and Evaluation, Army", up to $3,000,000 may be used for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

SA 1226. Mr. STEVENS (for Ms. Snowe (for herself and Ms. Collins)) proposed an amendment to amendment SA 1217 proposed by Mr. Stevens to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. Of the total amount appropriated by title II under the heading "Operation and Maintenance, Navy" for civilian manpower and personnel management, up to $1,500,000 may be used for Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 1227. Mr. STEVENS (for Mr. Breaux) proposed an amendment to amendment SA 1217 proposed by Mr. Stevens to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Navy", up to $4,000,000 may be available for Navy Integrated Manufacturing Development.

SA 1228. Mr. GRAHAM of Florida (for himself and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title II of this Act under the heading "Operation and Maintenance, Navy", up to $4,000,000 may be available for night vision goggles in advanced helicopter training.

SA 1229. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Navy", up to $1,500,000 may be available for the completion of the Rhode Island Disaster Initiative.

SA 1230. Mr. WYDEN (for himself and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. (a) None of the funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to enter into, modify, or extend any contract for reconstruction or other services in Iraq until the Secretary of Defense submits to Congress, in writing, a report that details—

(1) the process and standards for designing and awarding contracts for reconstruction and other services in Iraq, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to reconstruction contracts;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to reconstruction contracts;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a list of all such contracts and a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

(b) Not later than 90 days after the date of the enactment of this Act, and at the beginning of each quarter-year thereafter, the Secretary of Defense shall submit to Congress, in writing, a report that details—

(1) any changes made in the processes, policies, and standards set forth in the report submitted under subsection (a);

(2) the implementation and enforcement of the processes, policies, and standards for the designing, awarding, and oversight of contracts for reconstruction and other services in Iraq; and

(3) justifications for any changes in, or failure to implement, the processes, policies, and standards contained in such report.

SA 1231. Mr. BAYH (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY" up to $15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, July 24, 2003 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to conduct oversight of the competitive sourcing effort within the National Park Service. Specifically, the Subcommittee would like to gain a better understanding of the process for determining inherently governmental positions, the number of positions being evaluated, the time schedule and cost for the evaluation, the process for keeping personnel informed during the evaluation, the progress made to date, and the effect on National Park Service management responsibilities.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Pete Lucero at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Proposed United States—Chile and United States—Singapore Free Trade Agreements" on Monday, July 14, 2003, at 4 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Regina Vargo, Assistant United States Trade Representative for the Americas, Lead Negotiator for the Chile Free Trade Agreement; and Ralph Ives, Assistant United States Trade Representative for Southeast Asia, the Pacific and APEC, Lead Negotiator for the Singapore Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that Ms. Kathleen Pierce, a legislative fellow assigned to my office, be afforded floor privileges during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Aaron Ver, an intern for the Defense appropriations subcommittee, be granted privileges of the floor for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Eugene Moran, a fellow serving in Senator COCHRAN's office, be granted floor privileges during the consideration of this Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Kathryn Kolbe, a legislative fellow in the office of Senator KAY BAILEY HUTCHISON, be granted floor privileges during the consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, on behalf of Senator MIKULSKI, I ask unanimous consent that Michael Hadley, a defense fellow in her office, be granted the privilege of the floor during consideration of H.R. 2658, the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent, on behalf of Senator McCAIN, that a legislative fellow, Navy CDR Edward Cowan, be granted the privilege of the floor during the consideration of H.R. 2658, the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT ACT AMENDMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 1280.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1280) to amend the PROTECT Act to clarify certain volunteer liability.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, as follows:

[Omit the part in black brackets and insert the part printed in italic.]

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE PROTECT ACT.

Section 108 of the PROTECT ACT (Public Law 108–21) is amended by adding at the end the following:

["(e) VOLUNTEER LIABILITY.—

["(1) IN GENERAL.—The National Center for Missing and Exploited Children, including any of its officers, employees, or agents, shall not be liable for damages of any kind in any civil action arising out of any action or communication by the National Center for Missing and Exploited Children, its officers, employees, or agents, in connection with any activities under this section.

["(2) EXCEPTION.—The limitation in paragraph (1) does not apply in any action in which the plaintiff proves that the National Center for Missing and Exploited Children, its officers, employees, or agents acted with actual malice, or provided information or took action for a purpose unrelated to an activity mandated by Federal law.".]

"(e) LIMITATION ON LIABILITY.—In connection with the Pilot Programs established under this section, in reliance upon the fitness criteria established under section 108(a)(3)(G)(i), and except upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages—

"(1) arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;

"(2) alleging harm arising from a decision based on the information in an individual's criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual's criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and

"(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.".

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee substitute be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1280), as amended, was read the third time and passed, as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE PROTECT ACT.

Section 108 of the PROTECT ACT (Public Law 108–21) is amended by adding at the end the following:

"(e) LIMITATION ON LIABILITY.—In connection with the Pilot Programs established under this section, in reliance upon the fitness criteria established under section 108(a)(3)(G)(i), and except upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages—

"(1) arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;

"(2) alleging harm arising from a decision based on the information in an individual's criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual's criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and

"(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.".

NATIONAL GREAT BLACK AMERICANS COMMEMORATION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 147, S. 1233.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1233) to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1233) was read the third time and passed, as follows:

S. 1233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Great Black Americans Commemoration Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Black Americans have served honorably in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, yet their record of service is not well known by the public, is not included in school history lessons, and is not adequately presented in the Nation's museums.

(2) The Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, a nonprofit organization, is the Nation's first wax museum presenting the history of great Black Americans, including those who have served in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, as well as others who have made significant contributions to benefit the Nation.

(3) The Great Blacks in Wax Museum, Inc. plans to expand its existing facilities to establish the National Great Blacks in Wax Museum and Justice Learning Center, which is intended to serve as a national museum and center for presentation of wax figures and related interactive educational exhibits portraying the history of great Black Americans.

(4) The wax medium has long been recognized as a unique and artistic means to record human history through preservation of the faces and personages of people of prominence, and historically, wax exhibits were used to commemorate noted figures in ancient Egypt, Babylon, Greece, and Rome, in medieval Europe, and in the art of the Italian renaissance.

(5) The Great Blacks in Wax Museum, Inc. was founded in 1983 by Drs. Elmer and Joanne Martin, 2 Baltimore educators who used their personal savings to purchase wax figures, which they displayed in schools, churches, shopping malls, and festivals in the mid-Atlantic region.

(6) The goal of the Martins was to test public reaction to the idea of a Black history wax museum and so positive was the response over time that the museum has been heralded by the public and the media as a national treasure.

(7) The museum has been the subject of feature stories by CNN, the Wall Street Journal, the Baltimore Sun, the Washington Post, the New York Times, the Chicago Sun Times, the Dallas Morning News, the Los Angeles Times, USA Today, the Afro American Newspaper, Crisis, Essence Magazine, and others.

(8) More than 300,000 people from across the Nation visit the museum annually.

(9) The new museum will carry on the time honored artistic tradition of the wax medium; in particular, it will recognize the significant value of this medium to commemorate and appreciate great Black Americans whose faces and personages are not widely recognized.

(10) The museum will employ the most skilled artisans in the wax medium, use state-of-the-art interactive exhibition technologies, and consult with museum professionals throughout the Nation, and its exhibits will feature the following:

(A) Blacks who have served in the Senate and House of Representatives of the United States, including those who represented constituencies in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia during the 19th century.

(B) Blacks who have served in the judiciary, in the Department of Justice, as prominent attorneys, in law enforcement, and in the struggle for equal rights under the law.

(C) Black veterans of various military engagements, including the Buffalo Soldiers and Tuskegee Airmen, and the role of Blacks in the settlement of the western United States.

(D) Blacks who have served in senior executive branch positions, including members of Presidents' Cabinets, Assistant Secretaries and Deputy Secretaries of Federal agencies, and Presidential advisers.

(E) Other Blacks whose accomplishments and contributions to human history during the last millennium and to the Nation through more than 400 years are exemplary, including Black educators, authors, scientists, inventors, athletes, clergy, and civil rights leaders.

(11) The museum plans to develop collaborative programs with other museums, serve as a clearinghouse for training, technical assistance, and other resources involving use of the wax medium, and sponsor traveling exhibits to provide enriching museum experiences for communities throughout the Nation.

(12) The museum has been recognized by the State of Maryland and the city of Baltimore as a preeminent facility for presenting and interpreting Black history, using the wax medium in its highest artistic form.

(13) The museum is located in the heart of an area designated as an empowerment zone, and is considered to be a catalyst for economic and cultural improvements in this economically disadvantaged area.

SEC. 3. ASSISTANCE FOR NATIONAL GREAT BLACKS IN WAX MUSEUM AND JUSTICE LEARNING CENTER.

(a) ASSISTANCE FOR MUSEUM.—Subject to subsection (b), the Attorney General, acting through the Office of Justice Programs of the Department of Justice, shall, from amounts made available under subsection (c), make a grant to the Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, to pay the Federal share of the costs of expanding and creating the National Great Blacks in Wax Museum and Justice Learning Center, including the cost of its design, planning, furnishing, and equipping.

(b) GRANT REQUIREMENTS.—

(1) IN GENERAL.—To receive a grant under subsection (a), the Great Blacks in Wax Museum, Inc. shall submit to the Attorney General a proposal for the use of the grant, which shall include detailed plans for the design, construction, furnishing, and equipping of the National Great Blacks in Wax Museum and Justice Learning Center.

(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a) shall not exceed 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000, to remain available until expended.

NOMINATION RECOMMITTED TO THE JUDICIARY COMMITTEE—CALENDAR NO. 298

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that Calendar No. 298, Christopher Wray, be recommitted to the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 15, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, July 15. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the time equally divided between the two leaders or their designees, provided that, at 10:30 a.m., the Senate resume consideration of H.R. 2658, the DOD appropriations bill. I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period for morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. The chairman and ranking member were able to work through several amendments today, and the Senate will continue the amendment process tomorrow morning. Several Senators still wish to speak on the bill, and I encourage all Members who wish to offer an amendment to contact the chairman or the ranking member so they can schedule an orderly consideration of all amendments. We remain hopeful that the Senate can complete action on this vital appropriations bill during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:27 p.m., adjourned until Tuesday, July 15, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 2003:

DEPARTMENT OF JUSTICE

MARGARET CATHARINE RODGERS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE LACEY A. COLLIER, RETIRING.

PAUL MICHAEL WARNER, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

CRAIG S. ISCOE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE FREDERICK D. DORSEY, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 14, 2003:

THE JUDICIARY

ROBERT C. BRACK, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

SAMUEL DER-YEGHIAYAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

HOUSE OF REPRESENTATIVES—*Monday, July 14, 2003*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. COLE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 14, 2003.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2657. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2657) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAMPBELL, Mr. BENNETT, Mr. STEVENS, Mr. COCHRAN, Mr. BOND, Mr. DURBIN, Mr. JOHNSON, Mr. BYRD, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The messages also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2559. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2559) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 886. An act to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes.

The message also announced that pursuant to Public Law 106–170, the Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Thomas P. Golden of Tennessee, vice Vincent Randazzo, resigned.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER) for 5 minutes.

PAY UP ACT WILL HELP HEALTHCARE PROVIDERS RECOUP SOME OF THEIR LOSSES

Mr. FILNER. Mr. Speaker, I represent a district that borders Mexico. In fact, I have the entire California-Mexico border in my district of South San Diego. I want today to address a problem that affects all border districts, that is, emergency healthcare for undocumented immigrants.

In my district, hospitals, ambulance services and other health care providers are suffering huge losses every year due to the uncompensated care given to undocumented immigrants.

When Congress passed the Emergency Medical Treatment and Active Labor Act, it required hospitals and other health care providers to give emergency care to anyone who comes through the emergency room doors, regardless of their ability to pay or their immigration status. I think this is a proper policy, and it is the only humane thing to do. We cannot leave people who need emergency care just out in the cold. However, since it is the Federal Government that instituted this law, then the Federal Government should cover the expenses of the medical care. What we have now is what is called an unfunded mandate. We mandate it, but we do not fund it.

Here is what happens in a border district such as mine, and constituents who are in emergency rooms and paramedics come to me all the time with this kind of situation. A border patrolman in the normal course of his or her duties will come across a person who is trying to enter the country illegally, but who got injured in that process. Often, due to the emergency nature of the injury or illness, the Border Patrol does not have time to officially take the person into custody, and, more, than likely, they do not want to take that person into custody because they know there will be money involved that will be charged against the Border Patrol account. So we have built in an institutional mechanism not to take that undocumented person into custody.

Then they will drive the injured person to the hospital, or call for an ambulance, and the hospital and the ambulance service will provide the necessary care and the person may be released and sent on his way.

Now, what is wrong with this picture? One, the hospitals and the ambulance services are out every single penny that it costs to give that person medical care; and, two, the undocumented person is not released into anyone's custody and has successfully entered the country illegally, courtesy of the Border Patrol and the emergency room.

What a great country. Apparently the best way to come in illegally is to injure yourself in the process. You will get top quality medical care for free, and then you will be released out into the community.

Now, I know the Border Patrol is stretched to its limits. What is more, in emergency situations they do not have time to check someone's documentation and officially take them into custody. However, it seems like a very big security breach that would put such a huge burden on our health care system and then, on top of it, let that person into our country without documentation.

I intend to introduce a bill to try to take care of this problem. It is called the Pay Up Act, "pay up" meaning "pay for all your undocumented procedures."

This will ensure that the Federal Government reimburses the hospitals and other health care providers for the care that they provided for people who are brought in by the Border Patrol or other Federal agencies, and that they are then released into the custody of that Border Patrol person after the care has been given. This will allow both for the emergency care to be given in a timely manner and ensure that the health care providers are paid, and gives the Border Patrol time to do the procedures necessary to take that person into custody.

Of course, we must authorize and provide the necessary funds to make sure that the Border Patrol and other Federal agencies involved are reimbursed properly. So I provide in this bill double security; security for our hospitals financially, and security for our Nation.

Mr. Speaker, I urge my colleagues to support this bill and to support our health care providers.

MAKING OUR HOMELAND SECURE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized during morning hour debates for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, we know that September 11 was now almost 2 years ago, and that my country has a limited attention span. Even so, I cannot believe that 2 weeks after a bipartisan report told us that we are terribly unprepared for a bioterrorism attack, there have been no hearings.

Specifically, the report, compiled after interviews and assessments around this country, said that our first responders, the first line of defense and response in any kind of terrorist attack, is not even close to being prepared. Yet we have hardly heard a whimper up here, which makes me wonder if we have heard what the report said. So I want to use this time to just highlight a few things, that hopefully will finally get everyone's attention.

First, while there may be a few places that are ahead, on the average fire departments cannot communicate or protect their staff in the case of a WMD attack. Only 10 percent have the capability to respond to a building collapse. Neither are police departments prepared, and most cities do not have the means to identify a hazardous agent.

They are underfunded by almost $100 million. But even if the money was there, it is not likely it would improve the situation, because the task force found that underlying all this, there is no preparedness, coordination or standards. Local jurisdictions have had to develop them on their own, so we probably have a zillion plans, uncoordinated and with no clear guidance and direction from the Department of Homeland Security. This has been a stated concern of many of us on the committee.

Also cited as a major obstacle is the finding that the appropriations process, and, I would add, the whole process, is too politicized. Then, when the money gets appropriated, the conflicting bureaucracies and the red tape, as well as probably some politics at other levels too, keep it from getting to the first responders where it is needed.

But I want to spend my remaining time on one of my greatest concerns, the lack of readiness of our public health system, also cited in the report, as well by many on the committee, time and time again.

Labs are not equipped and hospitals are not prepared to respond to the need for increased capacity, despite the fancy center at the Department of Health and Human Services. There is a severe shortage of trained personnel, a fact that is continuously being made worse by the deployment of many first responders to Iraq, Afghanistan and Guantanamo Bay.

Mr. Speaker, this is an important report. If the people on the ground, the ones all of us will depend on in those critical first hours of an attack, do not have the tools, the training or the manpower required, we can all forget it.

There are some simple, but very well-researched and important recommendations, that need to be implemented. Just because they are what Democrats have been calling for from the outset should never get in the way of our protecting our American family from a future terrorist attack which everyone agrees will likely come.

All of us have the responsibility to make sure that every corner of this great country and all of the wonderful people who live here have a chance of making it through. Let the committee do its work, and let us all work together to make our homeland secure.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 40 minutes a.m.), the House stood in recess until noon today.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of revelation and Lord of salvation, throughout our sacred history You call people together to enhance life and guide people to organize themselves and help each other to build a future. Be with this Nation and gift its leaders with wisdom and prudence during this coming week.

Every community needs a common vision in order to live life to the fullest and grow in unity. May our common vision for what is best for this Nation and most fitting for this moment in world history arise from a renewed unity of mind and heart in this Nation and be brought to reality by faith, hard work, and a transformation of spirit.

As a living vision, may today's decisions and tomorrow's plans evolve gradually by constantly integrating new experiences and new knowledge with great traditions, respected history, and treasured values of the American people.

To you, O Lord, be the glory, power and honor now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BONILLA) come forward and lead the House in the Pledge of Allegiance.

Mr. BONILLA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of H.R. 2673, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BONILLA. Mr. Speaker, I move that the House resolve itself into the

Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be confined to the bill, and be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentlewoman from Ohio (Ms. KAPTUR) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BONILLA).

The motion was agreed to.

□ 1205

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2673, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House today the fiscal year 2004 appropriations bill for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies.

My goal this year has been to produce a bipartisan bill, and I believe we have done a good job in reaching that goal.

The Subcommittee began work on this bill with the submission of the President's Budget on February 3rd. We had ten public hearings beginning on February 26th, and we completed our hearings on March 20th. The transcripts of these hearings, the Administration's official statements, the detailed budget requests, several thousand questions for the record and the statements of Members and the public are all contained in eight hearing volumes.

The Subcommittee and full Committee marked up the bill on June 17th and June 25th, respectively.

We have tried very hard to accommodate the requests of Members, and to provide increases for critical programs. We received more than 2,380 individual requests for specific spending, from almost every member of the House. Reading all of the mail I received, I can confirm to you that the interest in this bill is completely bipartisan. However, I would point out that my own support for a member's needs is dependent on that member's support of the Committee in general, and of this bill in particular.

This bill does have very limited increases over fiscal year 2003, or over the budget request, for programs that have always enjoyed strong bipartisan support. Those increases include:

Agricultural Research Service, $39 million above the request.

Animal and Plant Health Inspection Service, $38 million above last year, and $31 million above the request.

Food Safety and Inspection Service, $30 million above last year.

Farm Service Agency, $33 million above last year.

Natural Resources Conservation Service, $23 million over last year.

Rural Community Advancement Program, $223 million above the request.

Food and Drug Administration, $14 million over last year.

Mr. Chairman, we all refer to this bill as an agriculture bill, but it does far more than assisting basic agriculture. It also supports human nutrition, the environment, and food, drug and medical safety. This is a bill that will deliver benefits to every one of our constituents every day, no matter what kind of district they represent.

I would say to all Members that they can support this bill and tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The bill is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank the gentleman from Florida (Chairman YOUNG), and the gentleman from Wisconsin (Mr. OBEY), who serves as the distinguished chairman and ranking member of the Committee on Appropriations. I would also like to thank all my subcommittee colleagues: the gentleman from New York (Mr. WALSH); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Washington (Mr. NETHERCUTT); the gentleman from Iowa (Mr. LATHAM); the gentlewoman from Missouri (Mrs. EMERSON); the gentleman from Virginia (Mr. GOODE); the gentleman from Illinois (Mr. LAHOOD); the gentlewoman from Connecticut (Ms. DELAURO); the gentleman from New York (Mr. HINCHEY); the gentleman from California (Mr. FARR); and the gentleman from Florida (Mr. BOYD).

In particular, I want to thank the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee, for all her good work on this bill this year and the years in the past.

Mr. Chairman I would like to include at this point in the RECORD tabular material relating to the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	3,320	10,068	3,468	+148	-6,600
Executive Operations:					
Chief Economist	8,510	12,264	8,716	+206	-3,548
National Appeals Division	13,670	14,242	13,670	---	-572
Office of Budget and Program Analysis	7,270	7,980	7,749	+479	-231
Homeland Security staff	---	1,479	---	---	-1,479
Office of the Chief Information Officer	14,993	31,334	14,993	---	-16,341
Common computing environment	132,289	177,714	133,155	+866	-44,559
Office of the Chief Financial Officer	5,496	7,902	5,785	+289	-2,117
Working capital fund	11,922	---	---	-11,922	---
Total, Executive Operations	194,150	252,915	184,068	-10,082	-68,847
Office of the Assistant Secretary for Civil Rights	397	808	397	---	-411
Office of the Assistant Secretary for Administration	660	793	678	+18	-115
Agriculture buildings and facilities and rental payments	(186,879)	(199,332)	(156,891)	(-29,988)	(-42,441)
Payments to GSA	120,796	124,332	124,332	+3,536	---
Building operations and maintenance	32,327	41,000	32,559	+232	-8,441
Repairs, renovations, and construction	33,756	34,000	---	-33,756	-34,000
Hazardous materials management	15,583	15,713	15,713	+130	---
Departmental administration	37,629	45,128	38,592	+963	-6,536
Office of the Assistant Secretary for Congressional Relations	3,796	4,186	3,796	---	-390
Office of Communications	9,031	10,084	9,245	+214	-839
Office of the Inspector General	73,417	81,895	77,314	+3,897	-4,581
Office of the General Counsel	34,700	37,328	34,700	---	-2,628
Office of the Under Secretary for Research, Education and Economics	584	792	597	+13	-195
Economic Research Service	68,674	76,657	71,402	+2,728	-5,255
National Agricultural Statistics Service	138,448	136,182	129,800	-8,648	-6,382
Census of Agriculture	(41,274)	(25,279)	(25,279)	(-15,995)	---
Agricultural Research Service:					
Salaries and expenses	1,035,130	987,303	1,014,000	-21,130	+26,697
Buildings and facilities	118,703	24,000	35,900	-82,803	+11,900
Supplemental appropriations (P.L. 108-11)	110,000	---	---	-110,000	---
Total, Agricultural Research Service	1,263,833	1,011,303	1,049,900	-213,933	+38,597
Cooperative State Research, Education, and Extension Service:					
Research and education activities	616,792	514,228	594,772	-22,020	+80,544
Native American Institutions Endowment Fund	(7,054)	(9,000)	(9,000)	(+1,946)	---
Extension activities	450,520	422,268	438,242	-12,278	+15,974
Integrated activities	46,439	62,865	62,942	+16,503	+77
Outreach for socially disadvantaged farmers	3,470	4,003	3,470	---	-533
Total, Cooperative State Research, Education, and Extension Service	1,117,221	1,003,364	1,099,426	-17,795	+96,062
Office of the Under Secretary for Marketing and Regulatory Programs	725	791	725	---	-66
Animal and Plant Health Inspection Service:					
Salaries and expenses	682,757	694,897	725,502	+42,745	+30,605
Buildings and facilities	9,924	4,996	4,996	-4,928	---
Total, Animal and Plant Health Inspection Service	692,681	699,893	730,498	+37,817	+30,605

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Marketing Service:					
Marketing Services	75,210	75,071	75,953	+743	+882
Standardization user fees	(5,000)	(5,000)	(5,000)	---	---
(Limitation on administrative expenses, from fees collected)	(61,619)	(62,577)	(62,577)	(+958)	---
Funds for strengthening markets, income, and supply (transfer from section 32)	14,910	15,392	15,392	+482	---
Payments to states and possessions	1,338	1,347	1,347	+9	---
Total, Agricultural Marketing Service	91,458	91,810	92,692	+1,234	+882
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	39,690	41,688	39,690	---	-1,998
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	---	---
Office of the Under Secretary for Food Safety	599	792	599	---	-193
Food Safety and Inspection Service	754,821	797,149	785,261	+30,440	-11,888
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	---	---
Total, Production, Processing, and Marketing	4,728,296	4,518,671	4,525,452	-202,844	+6,781
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	618	916	636	+18	-280
Farm Service Agency:					
Salaries and expenses	970,389	1,016,836	1,016,836	+46,447	---
(Transfer from export loans)	(829)	(985)	(985)	(+156)	---
(Transfer from P.L. 480)	(1,019)	(2,975)	(2,975)	(+1,956)	---
(Transfer from ACIF)	(277,361)	(290,136)	(290,136)	(+12,775)	---
Subtotal, transfers from program accounts	(279,209)	(294,096)	(294,096)	(+14,887)	---
Total, Salaries and expenses	(1,249,598)	(1,310,932)	(1,310,932)	(+61,334)	---
State mediation grants	3,974	4,000	3,974	---	-26
Dairy indemnity program	100	100	100	---	---
Subtotal, Farm Service Agency	974,463	1,020,936	1,020,910	+46,447	-26
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(130,000)	(140,149)	(133,143)	(+3,143)	(-7,006)
Guaranteed	(1,000,000)	(1,000,000)	(950,000)	(-50,000)	(-50,000)
Subtotal	(1,130,000)	(1,140,149)	(1,083,143)	(-46,857)	(-57,006)
Farm operating loans:					
Direct	(605,000)	(650,000)	(617,503)	(+12,503)	(-32,497)
Unsubsidized guaranteed	(1,700,000)	(1,400,000)	(1,330,000)	(-370,000)	(-70,000)
Subsidized guaranteed	(400,000)	(266,249)	(252,937)	(-147,063)	(-13,312)
Subtotal	(2,705,000)	(2,316,249)	(2,200,440)	(-504,560)	(-115,809)
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)	---	---
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	---	(+40,000)
Total, Loan authorizations	(3,937,000)	(3,518,398)	(3,385,583)	(-551,417)	(-132,815)
Loan subsidies:					
Farm ownership loans:					
Direct	14,995	30,945	29,398	+14,403	-1,547
Guaranteed	7,451	5,400	5,130	-2,321	-270
Subtotal	22,446	36,345	34,528	+12,082	-1,817

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Farm operating loans:					
Direct	103,744	93,730	89,044	-14,700	-4,686
Unsubsidized guaranteed	53,540	46,620	44,289	-9,251	-2,331
Subsidized guaranteed	46,893	34,000	32,300	-14,593	-1,700
Subtotal	204,177	174,350	165,633	-38,544	-8,717
Indian tribe land acquisition	178	---	---	-178	---
Total, Loan subsidies	226,801	210,695	200,161	-26,640	-10,534
ACIF expenses:					
Salaries and expense (transfer to FSA)	277,361	290,136	290,136	+12,775	---
Administrative expenses	7,948	8,000	8,000	+52	---
Total, ACIF expenses	285,309	298,136	298,136	+12,827	---
Total, Agricultural Credit Insurance Fund	512,110	508,831	498,297	-13,813	-10,534
(Loan authorization)	(3,937,000)	(3,518,398)	(3,385,583)	(-551,417)	(-132,815)
Total, Farm Service Agency	1,486,573	1,529,767	1,519,207	+32,634	-10,560
Risk Management Agency	70,248	78,488	71,509	+1,261	-6,979
Total, Farm Assistance Programs	1,557,439	1,609,171	1,591,352	+33,913	-17,819
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	2,886,000	3,368,000	3,368,000	+482,000	---
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	16,285,000	17,275,000	17,275,000	+990,000	---
Hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	---	---
Total, Corporations	19,171,000	20,643,000	20,643,000	+1,472,000	---
Total, title I, Agricultural Programs	25,456,735	26,770,842	26,759,804	+1,303,069	-11,038
(By transfer)	(279,209)	(294,096)	(294,096)	(+14,887)	---
(Loan authorization)	(3,937,000)	(3,518,398)	(3,385,583)	(-551,417)	(-132,815)
(Limitation on administrative expenses)	(109,082)	(110,040)	(110,040)	(+958)	---
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	745	918	745	---	-173
Natural Resources Conservation Service:					
Conservation operations	819,641	703,605	850,004	+30,363	+146,399
Watershed surveys and planning	11,124	5,000	11,124	---	+6,124
Watershed and flood prevention operations	109,285	40,000	90,000	-19,285	+50,000
Watershed rehabilitation program	29,805	10,000	40,000	+10,195	+30,000
Resource conservation and development	50,668	49,943	52,894	+2,226	+2,951
Farm bill technical assistance	---	432,160	---	---	-432,160
Total, Natural Resources Conservation Service	1,020,523	1,240,708	1,044,022	+23,499	-196,686
Total, title II, Conservation Programs	1,021,268	1,241,626	1,044,767	+23,499	-196,859
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	636	913	636	---	-277

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Development:					
Rural community advancement program	901,837	477,864	706,006	-195,831	+228,142
Tree assistance (sec. 747)	---	---	-5,000	-5,000	-5,000
(Transfer out)	(-29,805)	---	---	(+29,805)	---
Total, Rural community advancement program	901,837	477,864	701,006	-200,831	+223,142
RD expenses:					
Salaries and expenses	144,789	147,520	146,495	+1,706	-1,025
(Transfer from RHIF)	(429,564)	(482,787)	(447,151)	(+17,587)	(-35,636)
(Transfer from RDLFP)	(4,163)	(4,850)	(4,283)	(+120)	(-567)
(Transfer from RETLP)	(37,587)	(41,562)	(38,166)	(+579)	(-3,396)
(Transfer from RTB)	(3,062)	(3,462)	(3,182)	(+120)	(-280)
Subtotal, Transfers from program accounts	(474,376)	(532,661)	(492,782)	(+18,406)	(-39,879)
Total, RD expenses	(619,165)	(680,181)	(639,277)	(+20,112)	(-40,904)
Total, Rural Development	1,046,626	625,384	847,501	-199,125	+222,117
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family (sec. 502)	(1,037,868)	(1,366,462)	(1,366,462)	(+328,594)	---
Unsubsidized guaranteed	(2,845,318)	(2,725,172)	(2,725,172)	(-120,146)	---
Subtotal, Single family	(3,883,186)	(4,091,634)	(4,091,634)	(+208,448)	---
Housing repair (sec. 504)	(35,000)	(35,003)	(35,003)	(+3)	---
Rental housing (sec. 515)	(115,805)	(70,830)	(116,545)	(+740)	(+45,715)
Site loans (sec. 524)	(5,046)	(5,045)	(5,045)	(-1)	---
Multi-family housing guarantees (sec. 538)	(100,000)	(100,000)	(100,000)	---	---
Multi-family housing credit sales	(2,000)	(1,500)	(1,500)	(-500)	---
Single family housing credit sales	(10,000)	(10,000)	(10,000)	---	---
Self-help housing land develop. (sec. 523)	(5,011)	(5,000)	(5,000)	(-11)	---
Total, Loan authorizations	(4,156,048)	(4,319,012)	(4,364,727)	(+208,679)	(+45,715)
Loan subsidies:					
Single family (sec. 502)	201,035	126,018	126,018	-75,017	---
Unsubsidized guaranteed	32,388	39,903	39,903	+7,515	---
Subtotal, Single family	233,423	165,921	165,921	-67,502	---
Housing repair (sec. 504)	10,786	9,612	9,612	-1,174	---
Rental housing (sec. 515)	53,649	30,464	50,126	-3,523	+19,662
Site loans (sec. 524)	55	---	---	-55	---
Multi-family housing guarantees (sec. 538)	4,471	5,950	5,950	+1,479	---
Multi-family housing credit sales	928	663	663	-265	---
Single family housing credit sales	---	---	---	---	---
Self-help housing land develop. (sec. 523)	220	154	154	-66	---
Total, Loan subsidies	303,532	212,764	232,426	-71,106	+19,662
RHIF administrative expenses (transfer to RD)	429,564	482,787	447,151	+17,587	-35,636
Rental assistance program:					
(Sec. 521)	715,419	734,100	725,100	+9,681	-9,000
(Sec. 502(c)(5)(D))	5,862	5,900	5,900	+38	---
Total, Rental assistance program	721,281	740,000	731,000	+9,719	-9,000
Total, Rural Housing Insurance Fund	1,454,377	1,435,551	1,410,577	-43,800	-24,974
(Loan authorization)	(4,156,048)	(4,319,012)	(4,364,727)	(+208,679)	(+45,715)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Mutual and self-help housing grants	34,772	34,000	34,772	---	+772
Rural housing assistance grants	42,222	41,500	42,222	---	+722
Farm labor program account	36,071	35,018	36,307	+236	+1,289
Subtotal, grants and payments	113,065	110,518	113,301	+236	+2,783
Total, Rural Housing Service	1,567,442	1,546,069	1,523,878	-43,564	-22,191
(Loan authorization)	(4,156,048)	(4,319,012)	(4,364,727)	(+208,679)	(+45,715)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(40,000)	(40,000)	(40,000)	---	---
Loan subsidy	19,179	17,308	17,308	-1,871	---
Administrative expenses (transfer to RD)	4,163	4,850	4,283	+120	-567
Total, Rural Development Loan Fund	23,342	22,158	21,591	-1,751	-567
Rural Economic Development Loans Program Account:					
(Loan authorization)	(14,967)	(15,002)	(16,120)	(+1,153)	(+1,118)
Direct subsidy	3,176	2,792	3,000	-176	+208
Rural cooperative development grants	8,941	11,000	13,000	+4,059	+2,000
Rural empowerment zones and enterprise communities grants	14,870	---	10,967	-3,903	+10,967
Renewable energy program	---	3,000	3,000	+3,000	---
Total, Rural Business-Cooperative Service	50,329	38,950	51,558	+1,229	+12,608
(Loan authorization)	(54,967)	(55,002)	(56,120)	(+1,153)	(+1,118)
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(121,103)	(240,000)	(240,000)	(+118,897)	---
Direct, Municipal rate	(100,000)	(100,000)	(1,000,000)	(+900,000)	(+900,000)
Direct, FFB	(2,600,000)	(1,500,000)	(2,000,000)	(-600,000)	(+500,000)
Direct, Treasury rate	(1,150,000)	(700,000)	(750,000)	(-400,000)	(+50,000)
Guaranteed electric	(100,000)	(100,000)	(100,000)	---	---
Guaranteed underwriting	(1,000,000)	---	---	(-1,000,000)	---
Subtotal, Electric	(5,071,103)	(2,640,000)	(4,090,000)	(-981,103)	(+1,450,000)
Telecommunications:					
Direct, 5%	(75,029)	(145,000)	(145,000)	(+69,971)	---
Direct, Treasury rate	(300,000)	(250,000)	(300,000)	---	(+50,000)
Direct, FFB	(120,000)	(100,000)	(120,000)	---	(+20,000)
Subtotal, Telecommunications	(495,029)	(495,000)	(565,000)	(+69,971)	(+70,000)
Total, Loan authorizations	(5,566,132)	(3,135,000)	(4,655,000)	(-911,132)	(+1,520,000)
Loan subsidies:					
Electric:					
Direct, 5%	6,870	---	---	-6,870	---
Direct, Municipal rate	4,004	---	---	-4,004	---
Guaranteed electric	79	60	60	-19	---
Subtotal, Electric	10,953	60	60	-10,893	---
Telecommunications:					
Direct, 5%	1,275	---	---	-1,275	---
Direct, Treasury rate	149	125	125	-24	---
Subtotal, Telecommunications	1,424	125	125	-1,299	---
Total, Loan subsidies	12,377	185	185	-12,192	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
RETLP administrative expenses (transfer to RD)	37,587	41,562	38,166	+579	-3,396
Total, Rural Electrification and Telecommunications Loans Program Account	49,964	41,747	38,351	-11,613	-3,396
(Loan authorization)	(5,566,132)	(3,135,000)	(4,655,000)	(-911,132)	(+1,520,000)
Rural Telephone Bank Program Account:					
(Loan authorization)	(174,615)	---	---	(-174,615)	---
Direct loan subsidy	2,394	---	---	-2,394	---
RTB administrative expenses (transfer to RD)	3,062	3,462	3,182	+120	-280
Total, Rural Telephone Bank Program Account	5,456	3,462	3,182	-2,274	-280
High energy costs grants (by transfer)	(29,805)	---	---	(-29,805)	---
Distance learning, telemedicine and broadband program:					
Loan authorizations:					
Distance learning and telemedicine	(300,000)	(50,000)	(300,000)	---	(+250,000)
Broadband telecommunications	(80,000)	(336,000)	(336,000)	(+256,000)	---
Total, Loan authorizations	(380,000)	(386,000)	(636,000)	(+256,000)	(+250,000)
Loan subsidies:					
Distance learning and telemedicine:					
Grants	46,636	25,000	25,000	-21,636	---
Broadband telecommunications:					
Direct	---	9,116	9,116	+9,116	---
Grants	9,935	2,000	8,000	-1,935	+6,000
Total, Loan subsidies and grants	56,571	36,116	42,116	-14,455	+6,000
Total, Rural Utilities Service	111,991	81,325	83,649	-28,342	+2,324
(Loan authorization)	(6,120,747)	(3,521,000)	(5,291,000)	(-829,747)	(+1,770,000)
Total, title III, Rural Economic and Community Development Programs	2,777,024	2,292,641	2,507,222	-269,802	+214,581
(By transfer)	(504,181)	(532,661)	(492,782)	(-11,399)	(-39,879)
(Loan authorization)	(10,331,762)	(7,895,014)	(9,711,847)	(-619,915)	(+1,816,833)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	599	786	599	---	-187
Food and Nutrition Service:					
Child nutrition programs	5,830,506	6,819,340	6,718,780	+888,274	-100,560
Transfer from section 32	4,745,663	4,599,101	4,699,661	-46,002	+100,560
Discretionary spending	3,974	---	---	-3,974	---
Total, Child nutrition programs	10,580,143	11,418,441	11,418,441	+838,298	---
Special supplemental nutrition program for women, infants, and children (WIC)	4,696,000	4,769,232	4,588,310	-107,690	-180,922
Contingency fund	(125,000)	(25,000)	(150,000)	(+25,000)	(+125,000)
Food stamp program:					
Expenses	22,772,692	24,208,981	24,203,176	+1,430,484	-5,805
Reserve	2,000,000	2,000,000	2,000,000	---	---
Nutrition assistance for Puerto Rico and Samoa	1,401,000	1,397,000	1,402,805	+1,805	+5,805
The emergency food assistance program	140,000	140,000	140,000	---	---
Total, Food stamp program	26,313,692	27,745,981	27,745,981	+1,432,289	---
Commodity assistance program	163,431	166,072	166,072	+2,641	---

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(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Food donations programs:					
Needy family program	1,074	---	---	-1,074	---
Nutrition programs administration	135,672	144,849	140,512	+4,840	-4,337
Total, Food and Nutrition Service	41,890,012	44,244,575	44,059,316	+2,169,304	-185,259
Total, title IV, Domestic Food Programs	41,890,611	44,245,361	44,059,915	+2,169,304	-185,446
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service:					
Salaries and expenses, direct appropriation	129,103	140,798	133,924	+4,821	-6,874
(Transfer from export loans)	(3,203)	(3,327)	(3,327)	(+124)	---
(Transfer from P.L. 480)	(1,026)	(1,066)	(1,066)	(+40)	---
Total, Salaries and expenses program level	(133,332)	(145,191)	(138,317)	[illegible]	[illegible] 874)
Public Law 480 Program and Grant Accounts:					
Program account:					
Loan authorization, direct	(154,664)	(132,000)	(132,000)	(-22,664)	---
Loan subsidies	115,416	103,887	103,887	-11,529	---
Ocean freight differential grants	24,995	28,000	28,000	+3,005	---
Title II - Commodities for disposition abroad:					
Program level	(1,192,200)	(1,185,000)	(1,192,000)	(-200)	(+7,000)
Appropriation	1,192,200	1,185,000	1,192,000	-200	+7,000
Supplemental appropriations (P.L. 108-11)	369,000	---	---	-369,000	---
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	1,026	1,066	1,066	+40	---
Farm Service Agency (transfer to FSA)	1,019	2,975	2,975	+1,956	---
Subtotal	2,045	4,041	4,041	+1,996	---
Total, Public Law 480:					
Program level	(1,192,200)	(1,185,000)	(1,192,000)	(-200)	(+7,000)
Appropriation	1,703,656	1,320,928	1,327,928	-375,728	+7,000
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,203	3,327	3,327	+124	---
Farm Service Agency (transfer to FSA)	829	985	985	+156	---
Total, CCC Export Loans Program Account	4,032	4,312	4,312	+280	---
McGovern-Dole international food for education and child nutrition program grants	---	50,000	56,874	+56,874	+6,874
Total, title V, Foreign Assistance and Related Programs	1,836,791	1,516,038	1,523,038	-313,753	+7,000
(By transfer)	(4,229)	(4,393)	(4,393)	(+164)	---
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,373,714	1,394,617	1,389,234	+15,520	-5,383
Prescription drug user fee act	(222,900)	(249,825)	(249,825)	(+26,925)	---
Medical device user fee act	(25,125)	(29,190)	(29,190)	(+4,065)	---
Subtotal	(1,621,739)	(1,673,632)	(1,668,249)	(+46,510)	(-5,383)

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(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Mammography clinics user fee (outlay savings).....	(16,112)	(16,576)	(16,576)	(+464)	---
Export and color certification....................	(6,378)	(6,649)	(6,649)	(+271)	---
Payments to GSA....................................	(108,269)	(120,045)	(120,045)	(+11,776)	---
Buildings and facilities............................	7,948	11,500	6,000	-1,948	-5,500
Total, Food and Drug Administration.............	1,381,662	1,406,117	1,395,234	+13,572	-10,883
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission.................	85,426	88,435	88,435	+3,009	---
Farm Credit Administration (limitation on administrative expenses)............................	(38,400)	(40,900)	(40,900)	(+2,500)	---
Total, title VI, Related Agencies and Food and Drug Administration...........................	1,467,088	1,494,552	1,483,669	+16,581	-10,883
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships..................................	2,981	---	3,000	+19	+3,000
National Sheep Industry Improvement Center revolving fund...	496	---	499	+3	+499
Child and adult care feeding program.................	21,857	---	---	-21,857	---
P.L. 480 Title II....................................	248,375	---	---	-248,375	---
Tree assistance (sec. 747)...........................	---	---	5,000	+5,000	+5,000
Total, title VII, General provisions............	273,709	---	8,499	-265,210	+8,499
Grand total:					
New budget (obligational) authority.........	74,723,226	77,561,060	77,386,914	+2,663,688	-174,146
(By transfer)..............................	(787,619)	(831,150)	(791,271)	(+3,652)	(-39,879)
(Loan authorization).......................	(14,423,426)	(11,545,412)	(13,229,430)	(-1,193,996)	(+1,684,018)
(Limitation on administrative expenses).....	(147,482)	(150,940)	(150,940)	(+3,458)	---

1/ In addition to appropriation.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at a time of recession, rising unemployment in our country, the currency fluctuations that are affecting our markets internationally and great dependency on the Federal Government by our farm sector for economic survival, this bill fails to meet the needs of today's economy, including in rural America, for a countercyclical boost.

It has been a great pleasure working with our chairman, the gentleman from Texas (Mr. BONILLA), in trying to do the best with the allocation that we were afforded by the full committee; but it is very important as we proceed today to place on the record not only the condition of rural America but how this country and the government of this country is responding to it.

The allocation that we received forced our committee to produce a bill that is nearly $1 billion under last year's level, indeed $872 million. This situation exists partly because of the fault of the administration which submitted a request to us that did not provide support in many critical areas. In part, it is the fault of this Republican Congress which adopted a budget resolution that did not recognize the vital role that agriculture plays as a pillar of our economy. In fact, the allocation, as I said, for this bill is well below the administration's request as well as last year's level.

As a result, the bill underinvests in rural America. Surely in value-added production, where the future lies, it cripples our producers' efforts to earn more from the marketplace and less from support payments that continue to be forked over by the billions. The bill fails to meet the needs of other Americans who depend on agencies in the bill for nutrition, food safety, and other important services.

Technically the bill provides $17.005 billion for discretionary programs, and that is about a percent below the budget request, but 5 percent below the 2003 level of $17.877 billion, a most astonishing set of cutbacks in America's leading domestic industry that still maintains a trade surplus in global markets. I might mention, if Members think about the total of our entire bill, about $17 billion, we are spending that much in 4 months in Iraq. According to what Secretary Rumsfeld has told Congress, we are spending about $4 billion a month, twice as much as we anticipated, to try to feed hungry people and deal with health clinics and all the related expenditures in keeping our troops well supplied. If we think about what we are asking for in this bill versus what we are spending in other places in the world, we can call into question what has been brought to the floor in this package.

Now, among the funds and programs that are underfunded or at risk of inadequate support are farm loans, rural development, domestic food programs, international food aid, research, which is so important to the future, the Food & Drug Administration, such as approving medical devices, and a number of mandatory programs, for which funding is blocked. Funding for many new initiatives established in the farm bill to lead American agriculture into the 21st century is, once again, deferred.

And in some other accounts, it is highly likely that additional funds may be needed when this bill goes to conference, but those funds simply will not be available.

Let us talk about rural America. It is a part of our country on life support. We have a crisis in the rural parts of America born of concentration inside our market that is supposed to be competitive. As well, we have a crisis of diminishing U.S. exports. Even though our agricultural trade surplus at least helps to try to hold up our trade accounts, nonetheless, over the years we have had fewer agricultural exports and more imports coming into this country. So, agricultural America is beginning to tilt toward the negative in the same way as manufacturing America in terms of our trade accounts. We have a crisis in rural America of ignoring investment in new value-added developments such as bioenergy production in which this bill severely underinvests. The economic crisis in agriculture has social consequences in crime and social instability in the part of America that used to be called the heartland and always regarded as the cherished repository of our most fundamental values of free holding, of family, of faith, of community, and of stewardship.

The New York Times ran a powerful article in December entitled "Pastoral Poverty: The Seeds of Decline." It detailed the systematic decline of the social fabric across rural America. Here are some of the conditions that were mentioned: the rate of serious crime in predominantly rural States such as Kansas and Oklahoma is 50 percent higher than in places like New York State where we have some of the largest metropolitan areas in the country; bank robberies are most likely in towns of 10,000 to 25,000 people. The article went on to talk about people in rural areas making much less than their urban counterparts and much more likely to have only minimum-wage jobs.

There were 300 times more seizures of methamphetamine labs in Iowa in 1999 than in New York and New Jersey combined, based on Drug Enforcement Administration figures.

So if everything is so great, why is the social fabric disintegrating? The economic factors that lead to this social disintegration are very clear, and they have been accelerating for a number of years. This bill will only help exacerbate them because today it is no secret that all that is holding up rural America is Federal subsidy. Fifty cents of every farm dollar today is earned from the mailbox when the farmer goes out to get his subsidy check, not from the market.

□ 1215

This bill could really do something to turn that around. It fails to do that.

More farmers and ranchers are depending on off-farm income to supplement an economy that is not working for them. USDA's economists recently reported that more than half of all farm operators have off-farm income, and when other household members are added in the off-farm income level jumps to 85 percent. So farming is becoming more of a hobby-oriented activity out there because you cannot earn your income unless you have inherited an enormous amount from past generations and even then you are trying to hold up your current debt level. The market is not providing real income without the Federal subsidy.

The stresses of rural life were also illustrated in a story last year about an Iowa program to provide mental health counseling to struggling farmers and their families. Surely this economic stress has an impact on people's ability to weather this economy over a number of years. But the funding so essential to help farmers make it in the market, in the competitive marketplace, is severely undermined in this bill. This is true with farm loan programs. Which help farmers to buy a farm or operate a farm; with rural development programs, which help both individuals and communities with homeownership, so essential to helping move our economy out of recession; water and sewer needs, which are hard investments that lead to growth; telecommunications and other vital services so necessary to help rural America jump-start into the private economy. All of these needed programs are either cut or fail to be funded in this bill. The bill falls far short of the true need.

Let us go through them. Farm loans. Overall, the bill cuts farm loans by 5 percent below the request, providing $173 million less in loans. For three critical programs, farm ownership guaranteed loans, farm operating direct loans, and farm operating subsidized guaranteed loans, the bill provides about a half a billion dollars less in loans than last year. That is a 20 percent cut. That is a cut in investment for our future.

Many other programs are cut. The business and industry guaranteed loan program is cut by 38 percent. This is where the new jobs will come from in rural America. Yet, in a time of recession, the administration and their congressional allies are cutting that by over a third.

Single family guaranteed home loans are 4 percent below the 2003 request. And think about that. That is $120 million less to offer borrowers at a time when the housing industry is the only industry that is out there that is holding this economy up as it hemorrhages jobs in other sectors.

The bill eliminates funding for the Rural Telephone Bank, which made $175 million of loans last year in 23 States. And we know that the utilities and the communications infrastructure of rural America is not at the same level as in our metropolitan areas. I think that is a very backward-looking cut.

What about water and wastewater disposal grants, one of the core programs of rural development? Every single State in this Union has people, lots of people, backed up to try to get approval for these programs. The bill does provide more funding than the administration's request, but it is $43 million below what was spent last year and almost $250 million below the level that numerous Members of Congress asked of this committee to meet the realistic needs of rural development.

Grants for distance learning and telemedicine and broadband are $24 million below this year's level.

I do not have to tell anybody out there about the shortage of physicians and medical information in rural America compared to urban and suburban America.

Funding for electric loan programs is nearly $1 billion below this year, a 20 percent reduction. How does that really help development across rural America?

Let us now look at our domestic and international programs. They are underfunded. During this year, Democrats focused on the record demand for domestic food, such as women, infants and children's coupons and food stamps. Noting enormous lines at soup kitchens and food pantries this winter, we fought very hard for temporary emergency assistance for food, and for these food banks across America. The bill does not respond adequately to these concerns, that is for sure.

Now, with the major rebuilding efforts that America is going to have to make in Iraq and Afghanistan, food will be critical to stabilizing the situation there; and we know that this bill falls far short of what is needed long-term. It simply cannot hold. We cannot meet these commitments without increasing the funding levels in these programs.

Let us now look at our domestic food programs. I mentioned the Temporary Emergency Food Assistance Program. It is $10 million below the new authorized level in the farm bill. All you have to do is go out to the food banks in your region to see what the need really is and hear the concerns that have been expressed by food bank directors and by human service directors and church leaders across this country. Funding for the Women, Infants and Children's Program is reduced below the administration request. The Commodity Supplemental Food Program is almost $20 million below this year. These are all programs that help keep people whole in bad economic times.

Neither the administration request nor the bill that is before us today adequately provides funding for the Senior Farmers Market Nutrition Program, despite the fact that applications in recent years have far outpaced available funds.

The Food and Drug Administration in this bill receives nearly $11 million less than what was requested. What does that mean? It means that we will not have full funding to implement the generic drug program, the Best Pharmaceuticals for Children Act, the over-the-counter drug program and the patient safety and adverse event reporting initiative. The bill will also halt work on the Arkansas regional lab and reduce funding for ongoing maintenance at Food and Drug Administration facilities by 25 percent.

An area of interest to many Members is medical device funding. The administration made an agreement in 2002 with the medical device industry and authorizing committees here for new industry user fees in exchange for a set level of discretionary funding each year for the program. Under the statute, if total discretionary funds fall short of the required level over a several-year period, the program sunsets. But despite the fact that it was a party to this agreement, the administration completely failed to live up to its part of the deal last year and this year and did not request the required funds. At least 46 Members of both parties requested that the full amount for devices be provided.

This bill provides an increase of $9 million over the request for the medical device program, but this is still short of the required level in order to really make the approval program work.

I wanted to say a word about mandatory programs because the bill includes 10 provisions cutting mandatory agricultural programs by $540 million. These are programs that provide support for rural firefighters; dam rehabilitation; renewable energy, and what could be more important to our country than that when we hemorrhage in terms of our ability to balance our trade accounts because of imported petroleum; conservation, which was a promise made in the recent farm bill; telecommunications and research. These cuts in those mandatory programs will have a real impact across rural America.

The Small Watershed Rehabilitation Program is cut by $95 million, more than twice the cut in this year's bill, despite a rapidly growing number of dams reaching the end of their useful lives across our country. Two years ago, the Natural Resource and Conservation Service had identified 1,450 dams in need of rehabilitation at a cost of about a half a billion dollars, $500 million. We have already spent that much money in the first half of July in Iraq, but we are not willing to spend that money here at home for infrastructure improvements.

While the bill does provide an increase of $20 million in discretionary funding, the cut in mandatory funding makes it much harder to meet identified needs. It is estimated there is a backlog of over $80 million just to finish projects currently under way, so funding on both the discretion and the mandatory sides are needed.

The bill eliminates the funding for rural firefighters. The bill eliminates all funding for the conservation security program. And in the Wetlands Reserve Program, so essential to assuring a healthy ecosystem, the bill cuts new enrollment in the program by a fifth, by 20 percent, which means that we will have so many fewer people who will be able to participate in a program that has a backlog of 736,000 acres.

In the EQIP Program, the bill reduces funding by $25 million; and that means that there will be 1,450 producers who will not be able to get EQIP funding this year.

In renewable energy, I think the bill is terribly ill-advised in zeroing out funding in a sector where America must restore her independence.

And in value-added grants, which the farm bill asked for, this bill zeros out support for the new jobs of the future that could be created across rural America.

In broadband loans for telecommunications, the bill eliminates all funding for this authorized program.

And for the initiative for future agriculture and food systems, the bill cuts $120 million from this competitive grant program which is designed to do research in critical areas such as genomics, food safety, food technology, human nutrition, new and alternative uses and production of agricultural commodities and products, agricultural biotechnology, where so much of our future lies and the world's future, natural resource management, including precision agriculture, and farm efficiency and profitability.

Other shortcomings in the bill I will quickly mention. Country-of-origin labeling. The bill prevents the implementation of origin labels for meat and meat products. This is a basic consumer right-to-know issue which the House unanimously supported when it instructed its conferees on the farm bill to support country-of-origin labeling for both meat and perishable products.

In terms of the provisions for meatpacker audits, the administration asked Congress for $1 million for the Grain Inspection, Packers and Stockyards Administration to audit the four largest steer and heifer meatpackers for compliance with that act. This might sound routine, but it is not. This would be the first time in the 82-year history of the Packers and Stockyards Act that the agency has required a large packer audit, but the bill conveniently does not provide the funding. Gosh, I wonder why.

And then in the food safety and inspection provisions, the bill provides about $12 million less than requested for the Food Safety and Inspection Service.

In terms of research, and this is really the seed corn for the future, the bill provides only half of the funding for the upgrading of security at our agricultural research labs.

In addition to that, the Cooperative Research Education and Extension Service, overall funding is over the request of the administration but $22 million lower than this year's level. As a result, many important research institutions and activities, including our 1890 and 1994 institutions, are shortchanged. In addition, at least 95 Members of this House of both parties asked for a 5 percent increase in these research formula funds, but the bill does not provide this.

Many Members also asked for $200 million for funding the national research initiative, but the bill provides only $149 million.

The Economic Research Service and National Agricultural Statistics Service would receive almost $12 million less than requested, forcing the postponement of important initiatives such as genomics research and improvement of statistical information in our New England States, Hawaii and Alaska.

In concluding these opening remarks, I would just like to summarize by saying that budgets reveal priorities. This year we are seeing that the Republican Party in this House is willing to put huge tax breaks for the most well-off in our society and also military action around the world ahead of almost every other economic and social value in our country. Rural America needs to have market-oriented incentives, not dole for farmers from coast to coast. This bill is an important answer to the situation confronting our Nation in one of the most vital sectors of our economy, and we should not shortchange the future by the underinvestment that this bill represents.

Mr. Chairman, I reserve the balance of my time.

□ 1230

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield 6 minutes to the very distinguished gentleman from Wisconsin (Mr. OBEY), ranking member of our full committee.

Mr. OBEY. Mr. Chairman, frankly, this bill is a mixed bag. We have a number of items in this bill that I support; but as is the case with so many other appropriations this year, our ability to do many things to help strengthen the economy of rural America is substantially crippled by the fact that our majority friends in this House have already decided to put all of their eggs in the tax cut basket, and that means that there is very little available for a variety of other activities whether we are talking about education or health care or in the case of this bill whether we are talking about rural sewer and water grants, rural development programs, FDA, name it.

I am distressed by some of these reductions. The gentlewoman from Ohio has already mentioned them. But just as examples, I would again cite inadequate funding for farm loans, for rural development, for rural water and sewer, for distance learning and telemedicine. We have $540 million in limitation on mandatory programs, and there are a number of other items.

But I would like to address just two other points. Number one, I am distressed that this bill contains language which prevents labeling for meat, country-of-origin labeling. I think our domestic producers have a right to be able to communicate to our domestic consumers whether or not food products are produced in this country or somewhere else. I think our consumers have a right to know that information, and I think that very clearly our special interests have weighed in and seen to it that this House will not do its duty to the public by preserving that labeling.

Secondly, I would like to discuss for a moment the amendment which purports to allow the reimportation of drugs into this country by senior citizens and some others. That is a well-meaning amendment, I will grant, and in the past I have been tempted on some occasions to support it myself. But I would simply point out that I think that this amendment is not likely to produce the effect that some would hope. First of all, the law requires that for a drug to be reimported it has to meet certain standards, and the problem is that our domestic pharmaceutical companies are very clever, and they can find hundreds of ways to prevent those drugs from meeting reimportation standards. They can prevent the use of a label which would meet U.S. standards and, therefore, prevent reimportation of a drug.

They can omit language required in the U.S. on those labels as an easy way to prevent those drugs from being reimported. They can put a drug in a form that is not time released when it is provided in the United States that it be in a time-released form. And so there are many ways which the intent of this language can be frustrating.

Secondly, I do not believe that this provision will have any significant impact on overall drug prices still charged to American consumers. And there are a number of other reasons which I will not take the time of the House now to go into, which make it quite clear that while this proposal is aimed at enabling seniors to reimport those drugs, the fact is that our domestic manufacturers, I think, are going to easily frustrate this language.

So I would say to the Members to vote however they are going to vote on it. It is not going to have much effect. I respect the intention, but that is about it. But I would simply say that if we want to do something real on prescription drugs, we will simply pass an expanded reliable, adequate, affordable prescription drug benefit under Medicare so that none of our seniors are reduced to the necessity to drive to Canada every couple of months to get a supply. That is what this Congress would do if it was not owned lock, stock and barrel by the pharmaceutical industry on this issue, but unfortunately it is and so it will not. And we will be stuck with these very tepid alternatives to meaningful action.

Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. STENHOLM), ranking member of the authorizing committee.

Mr. STENHOLM. Mr. Chairman, I rise in support of the bill. I commend the chairwoman, the chairman of the subcommittee, and the full committee chairman for their work in a very difficult task. They were handed a very difficult situation in which they would take the amount of revenue available for the much-needed rural development, agricultural conservation issues and did the best they could under a very difficult situation. But I commend them for that action and look forward to working with them throughout the process to do as good a job for American agriculture that continues to feed the United States.

We have the most abundant food supply, the best quality of food, the safest food supply at the lowest cost to our people than any other country in the world; and what we are about to debate today is what has contributed to that over the years. I urge the support of the bill.

Mr. Chairman, I rise in support of the bill.

Once again, legislation relating to agriculture policy demonstrates the progress that can be made when a broadly-inclusive, bipartisan approach is taken towards solving national problems.

America's farmers and ranchers continue to struggle to survive as they face the global market. But while particular problem areas continue to plague the agricultural economy, overall there is reason for optimism that recovery in the farm and ranch sector is taking hold.

The Agriculture Department's Economic Research Service recently forecast that 2003 net farm income will be $46.2 billion; this is significantly higher than 2002, with both crop and livestock receipts predicted to increase. The 2002 Farm Bill—which was developed on a bipartisan basis, passed overwhelmingly in both Houses, and signed by the President—is part of the story for this improvement.

Mr. Chairman, this view of recovery in agriculture has to be qualified to a significant degree, however. Milk, livestock, and many crop prices have not recovered to the degree that would allow producers to resume significant capital investments. Also, much of the improvement shown in the net farm income figure is attributable to timing changes associated with programs enacted by last year's Farm Bill. And, of course, the rural economy continually must adjust to the rapid consolidation that continues to occur in farming and ranching. And while these statistics demonstrate that conditions have improved for some of agriculture, many producers still find themselves faced with very difficult financial conditions.

So while total victory can't be claimed, I stress the point that inclusive development of agricultural policy has led to more optimistic conditions for the agricultural economy. Perhaps a similar approach to general economic policy would remove some of the doubt that clouds prospects for our economy in general.

Mr. Chairman, this partial improvement in the agricultural economy has been noticed in the cities. On June 16, the Wall Street Journal reported that the farm economy "is in recovery and moving toward strength." The article discusses the very difficult times that have afflicted agriculture for the last five years, and cites rising commodity prices, a devalued dollar, improved weather, and resurgent imports as reasons to be bullish for agriculture.

But the article also makes it clear why the cities are taking note: the improving situation is a key factor behind improved economic conditions in middle America—which is recovering more quickly than the rest of the nation. I'll quote from the article: "While farmers by themselves are a tiny part of the economy, they have a broad impact on it. The industries that sell to farmers and use farm products account for 12.3 percent of the country's gross domestic product and 16.7 percent of jobs, according to the Agriculture Department."

Mr. Chairman, the Wall Street Journal and many other big city newspapers criticized the Farm Bill when it was passed. But if they read their own pages today, they'll see that this country has made a wise investment, and that the returns go well beyond the farmstead.

Mr. Chairman, the bill before the House today provides the funding needed to implement the farm bill's programs. These include the commodity income support programs, the greatest expansion in farm conservation spending in our history, the Food Stamp program, and foreign food aid. It also funds important research efforts—investments in our nation's future; crucial pest and disease eradication programs, and rural economic development.

Mr. Chairman, fiscally speaking these are tough times and the Appropriations Committee labored under very tight constraints in the development of this bill. While being diligent and confining themselves to their allocation, they have struck a responsible balance among the competing priorities. I congratulate Mr. BONILLA and Ms. KAPTUR, Chairman YOUNG and my colleague from Wisconsin (Mr. OBEY), and I urge my colleagues to support the bill.

Mr. UDALL of Colorado. Mr. Chairman, today, I regretfully rise in opposition to this bill.

I did not support the Farm Security Act that was signed into law last year. But now that it has been signed into law it should be properly funded and this bill does not do that.

In fact, some good programs are no longer funded under this bill, including the Renewable Energy Systems and Energy Improvements program and the Conservation Security Program. Not funding these programs steers our agriculture policy in the wrong direction.

The Renewable Energy Systems and Energy Improvements would help farmers improve energy efficiency and even sell back energy created on their farms. This program would help farmers become more profitable as the margins on their commodities get smaller. But this program, which was supported by Congress last year, is zeroed out.

The Conservation Security Program has provided an incentive program for farmers to improve the ecological management of working lands. This program rewarded farmers for taking proper care of their land to prevent erosion and to help keep the land fertile. This often means not maximizing the full profitability of the land during a growing season to ensure that the land will continue to be productive in the future. Again, this is a program that was supported by Congress last year but the Majority Party in the House has decided not to fund it.

There is a long list of other programs that are cut: From the Women, Infant, and Children program, which helps insure that young children and their mothers get the nutrition they need; to Farm Ownership Loans, which help farmers and ranchers buy their own facilities; to the Rural Housing Service, which helps rural residents obtain adequate and affordable housing; and the list goes on and on.

The annual Agriculture Appropriation Bill often is not very controversial and I have supported it in the past. But this year's bill will hurt America's farmers and ranchers because it doesn't provide the funding needed. This is particularly true for those farmers and ranchers who are still reeling from the effects of drought.

There are a lot of critical programs that are funded in this bill and I would like to support the bill, but on balance it does not do enough and therefore I cannot.

Ms. KAPTUR. Mr. Chairman, I would like to submit the testimony of Wenonah Hauter of Public Citizen before the House Agriculture Appropriations Subcommittee. This testimony was inadvertently omitted from the printed hearings of the Subcommittee.

TESTIMONY OF WENONAH HAUTER DIRECTOR OF THE CRITICAL MASS ENERGY AND ENVIRONMENT PROGRAM PUBLIC CITIZEN

Chairman Bonilla, Ranking Member Kaptur and Members of the Subcommittee, my name is Wenonah Hauter. I am the Director of Public Citizen's Critical Mass Energy and Environment Program. As you know, Public Citizen is a national consumer organization founded by Ralph Nader in 1971. We represent 150,000 members. We welcome this opportunity to present our views on the FY 2004 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill.

USDA—FOOD SAFETY AND INSPECTION SERVICE (FSIS)

We are adamantly opposed to the Administration's proposal to collect $122 million in user fees to recover the cost of providing inspection services beyond an approved eight-hour primary shift. We believe that such a proposal could compromise the effectiveness of FSIS inspectors. Furthermore, FSIS has already taken action to de-list foreign establishments that had been previously approved to export their meat and poultry products to the United States on the basis that inspection services were paid by the companies involved instead of by the foreign government. Implementation of the Administration's proposal to institute user fees would be hypocritical.

Additionally, we are concerned that the current proposal to hire approximately 80 more FSIS inspectors will be inadequate to fill current vacancies and to make up for previous year's cuts. We recommend that at least 200 line inspectors be hired this year.

The alarming number and magnitude of meat and poultry recalls in the past year indicate that there are some serious problems with the implementation of the Hazard Analysis Critical Control Points (HAACP) program. We have been arguing for the past three years that HACCP has turned over too much authority to industry to police itself and has severely undercut the ability of FSIS inspection personnel to their jobs. We have heard directly from inspection personnel who state that they are very confused and concerned over their roles in HAACP.

More troubling is the fact that the economic well-being of companies is placed ahead of the public's welfare by the management at FSIS. In June 2002, we were able to obtain instructions to FSIS inspectors assigned to a large Kansas slaughter plant in which they were admonished that should they err on the side of public health and stop a slaughter line for suspected fecal contamination they could be personally liable for their decision.

We are also concerned about the failure of supervisors and management to back up FSIS inspectors when they discover food safety hazards. Since last year's massive ConAgra recall, it has come to light that USDA was notified of potential problems at the Greeley, Colorado plant as early as February 2002—some three months before the first recall notice went out. Warnings came from John Munsell, president of Montana Quality Foods and Processing, after FSIS personnel assigned to his plant confirmed that the source of contaminated meat ground at Montana Quality Foods and Processing was the ConAgra plant in Greeley, Colorado. Instead of applauding Mr. Munsell and the FSIS personnel for their investigative work, they have been maligned by top FSIS officials and have been told they had no authority to point the finger at ConAgra.

The same can be said of the Wampler recall. A twenty-year veteran FSIS inspector, Vincent Erthal, had tried to warn his supervisors for several months of the unsanitary conditions at the Wampler plant in Franconia, Pennsylvania. His concerns went unheeded. This fall, the second largest recall in FSIS history was issued for possible Listeria monocytogenes contamination of product coming out of that plant. After much soul-searching, Mr. Erthal decided to come forward to reveal how his attempts to warn FSIS supervision of his concerns were thwarted. Again, instead of backing their own employee, FSIS management has circled the wagons and launched a campaign to discredit Mr. Erthal.

With all of the problems that FSIS has already experienced with their implementation of HAACP in processing plants, the proposed FY 2004 budget contains language that would expand the HACCP-based Inspection Models Project (HIMP) in slaughter facilities. HIMP is yet another attempt at weakening the authority of FSIS inspection personnel and turning that responsibility over to company personnel. In a December 17, 2001 report, staff from the General Accounting Office found glaring methodological deficiencies in FSIS' current pilot project. There has not been any evidence to show that those deficiencies have been addressed. Therefore, we would urge that this expansion of HIMP not go forward until all data from the current project has been evaluated.

While we applaud additional funds to support food safety education, we believe that the money will actually be used to promote irradiation. In her written remarks to the Subcommittee, Under Secretary for Food Safety Dr. Elsa Murano stated it was her intent to devote resources to educate the public about food irradiation. Her remarks also indicate that she will attempt to blur the definition of pasteurization to include irradiation as part of the education campaign.

In focus groups conducted for FSIS in 2002, consumers in St. Louis, Missouri; Raleigh, North Carolina; and Philadelphia, Pennsylvania were asked whether they considered irradiation to be a form of pasteurization, and overwhelmingly consumers responded that making such an assertion would be misleading. Those findings corroborated findings from focus groups conducted for the Food and Drug Administration (FDA) in three different cities during the summer of 2001. We urge you not to fund any additional efforts to change labeling requirements for irradiated food by allowing "pasteurization" to be used.

Lastly, we are concerned about the recent revelations that FSIS still has not addressed problems identified by the USDA Inspector General (IG) regarding the agency's reinspection program for imported meat and poultry products. In 2000, the IG noted some 18 deficiencies in the FSIS reinspection program. In her recent audit, the IG stated that FSIS has still not corrected 14 of those deficiencies—even though they had agreed to do so three years ago. In light of the heightened concerns about the security of our food supply, this is unconscionable. We urge you to instruct FSIS to comply with the recommendations in the 2000 Inspector General report.

USDA—FOOD AND NUTRITION SERVICE/
AGRICULTURAL MARKETING SERVICE

The Farm Security and Rural Investment Act of 2002 (the Farm Bill) contains a provision (section 4201 (1)) that directs the Secretary of Agriculture not to prohibit the use of approved food safety technologies in any commodity purchased by the USDA for various government-sponsored nutrition programs, including the National School Lunch and National Breakfast Programs. The USDA has decided this means that they should lift the current ban on the use of irradiation as an intervention for ground beef products purchased for these programs. And, it seems irradiation is the only approved food safety technology they are pursuing.

Section 4201(l) received no scrutiny from any congressional committee, in either the House or Senate. It never received any floor debate in either the House or Senate. It was placed in the Senate version of the Farm Bill at the last minute as part of a 400-page manager's amendment. The conferees on the Farm Bill never even discussed it in open session.

On November 22, 2002, the USDA announced that it would solicit comments from the public on the implementation of Section 4201(l) of the Farm Bill and specifically wanted comments on irradiation. The comments are being collected by the Agricultural Marketing Service (AMS). Of the comments posted on the AMS website as of March 19, 2003, by over a 5 to 1 margin, citizens have expressed their opposition to lifting the ban on irradiation—with thousands of comments still left to be posted. Comments opposing such action have come from nearly all fifty states, while those supporting the technology have come primarily from those who have direct ties to the irradiation industry.

In order to promote this technology, the Food and Nutrition Service (FNS) has funded an irradiation "education" program in three Minnesota school districts. The program is being administered by proponents of irradiation—with no access for critics of the technology to present alternative views. In addition, the steering committee for the program is dominated by one irradiation company and its affiliates. In essence, FNS is funding a government-sponsored advertising campaign for one company.

Recent research indicates that some chemicals formed when certain foods are irradiated may be harmful when consumed. The new studies call into question the long-held position of the FDA and the food industry that irradiated foods are generally safe for human consumption. But the studies confirm research published in 1998 and 2001 showing that concentrations of chemicals called 2-alkylcyclobutanones (or 2-ACBs)—which are found only in irradiated foods—caused DNA damage in human cells. Among the new findings, 2-ACBs were shown to promote tumor development in rat colons. The 2-ACBs are formed when foods that contain fat are irradiated, such as beef, chicken, eggs and certain fruits—all of which can legally be irradiated.

There is even less research into the long-term health effects experienced by children who are exposed to toxic chemicals in foods. Dr. William Au, a toxicologist at the Department of Preventive Medicine and Community Health, University of Texas Medical Branch in Galveston, has argued that the lack of understanding regarding the ill effects suffered by children who consume toxic chemicals in foods extends to "the toxicological risk with respect to eating irradiated food."

If implemented, Section 4201 (l) will create the largest mass-feeding of irradiated food to children in history. We urge the committee not to fund the purchase of irradiated food for federal government nutrition programs.

FOOD AND DRUG ADMINISTRATION

We are concerned about the lack of funding for the Food and Drug Administration (FDA) for import reinspections. Even after the additional funding the agency received in FY 2003 to hire more staff to perform food import reinspections, the agency is only capable of reinspecting a paltry 1.3 percent of imported food over which it has jurisdiction. This needs to be addressed with additional funding, with the goal of reaching at least the 20 percent reinspection rate that FSIS is able to perform for imported meat and poultry products. Furthermore, FDA should be granted the same authority that FSIS currently possesses to inspect foreign establishments that can export their food to the United States.

We are also concerned with the repeated attempts to weaken the labeling for irradiated foods. The FDA has visited this issue repeatedly since 1997—primarily at the direction of Congress. Each time, the FDA finds that consumers do not see eye-to-eye on this issue with the irradiation industry and their supporters in Congress. It seems that there are those who want to keep on trying until we get it wrong.

In the conference committee report that accompanied the FY 2001 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, the conferees stated: "The conferees expect FDA to make final the regulations regarding labeling of irradiated foods by March 1, 2002, and report to the House and Senate Committees on Appropriations on the status by November 15, 2000. This agreement changes the dates proposed for final regulations by the House of September 30, 2001, and by the Senate of October 30, 2001."

In its report to the Appropriations Committees, the FDA explained that it had published an Advanced Notice for Proposed Rulemaking (ANPR) in 1999 on food irradiation labeling as the agency was directed to do under the FDA Modernization Act conference committee report in 1997. In evaluating the comments that the agency received from the ANPR, FDA stated: "The majority of these comments were letters that urged the agency to retain special labeling for irradiated foods but did not address the specific issues on which FDA requested comment. A preliminary analysis of the comments suggests no consensus about what alternative language for disclosure of irradiation processing would be truthful and not misleading. Because the public comments provided no clear direction for agency rulemaking, FDA believes that 1999 ANPR fulfills the Agency's obligations under the FDAMA Conference Report."

The FDA went on to say in its report to Congress that it intended to impanel consumer focus groups to attempt to obtain further guidance on the labeling issue.

During the summer of 2001, the FDA commissioned six consumer focus groups in suburban Washington, DC; Minneapolis, Minnesota; and Sacramento, California. In all of the focus groups, the moderator attempted to make a strong association between pasteurization and irradiation. This was significant since there have been some irradiation proponents who have argued that a more appropriate term to describe irradiation is either "cold pasteurization" or "electronic pasteurization." In a 2002 report to Congress, the FDA summarized the results of those focus groups: "Most of the participants viewed alternate terms such as 'cold pasteurization' and 'electronic pasteurization' as misleading, because they appeared to conceal rather than disclose information about irradiated food products. Participants did not see the current disclosure labeling as a warning . . . Everyone agreed that irradiated foods should be labeled honestly. They indicated that the current FDA required statement is a straightforward way for labeling irradiated foods."

Furthermore, in his 2002 testimony before the House Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations, Dr. Lester Crawford, Deputy Commissioner of the FDA stated: "(W)hen we did focus groups at FDA on cold pasteurization, the general feeling of the average citizen was that this was kind of a ruse or a means to conceal the fact that the food had been irradiated. And so we are kind of back to square one. We don't have a good synonym for irradiation and we would like to have one. We don't want to mislead the public."

The public has been very consistent on the issue—in focus groups for USDA and FDA and in public comments solicited by FDA. Consumers do not want labeling rules for irradiated food to allow euphemisms like "electronic pasteurization." In fact, rather than changing the words that are permitted to describe irradiated food, FDA should instead focus on expanding the current rules beyond retail establishments, so that irradiated food served in restaurants, hospitals and schools must be labeled. There have already been too many resources devoted to this issue within FDA. The driving force ought to be what the consumers believe to be honest and straightforward labeling—not what some in industry think will make it easier to sell their product. The FDA has more important things to do than devising ways to confuse and mislead consumers. We urge you not to find further attempts to change labeling rules for irradiated foods.

Thank you.

Mr. LIPINSKI. Mr. Chairman, I regret that I was unable to be here during debate on the Agriculture Appropriations bill. Had I been available, I would have engaged Congresswoman KAPTUR, the ranking member on the House Appropriations Agriculture Subcommittee, in a colloquy to discuss research on chronic wasting disease transmission.

Chronic wasting disease is spreading into Illinois. The emergence of this disease in Cook County is the closest the disease has come to a large urban population. While this disease has yet to be detected in humans, little is known about how chronic wasting disease is transmitted from species to species. Illinois is fortunate to have unique multidisciplinary research collaborations, such as the Conservation Medicine Center of Chicago (CMCC), positioned to conduct important chronic wasting disease transmission research. The CMCC is a unique collaboration between Brookfield Zoo, Loyola University Chicago Stritch School of Medicine, and the University of Illinois College of Veterinary Medicine. The CMCC brings together an exceptional team of nearly twenty-five physicians, veterinarians, researchers and clinicians from many disciplines to study conservation medicine.

Chronic wasting disease is a growing problem across the country and the Committee has included funds for chronic wasting disease research in the Department of Agriculture's budget. I would like to urge the Department to utilize unique multidisciplinary research collaborations, such as the CMCC, to study this emerging disease and its transmission.

Mr. KIND. Mr. Chairman, to a farmer, 'erosion' is the progressive loss of some of the best means to robust and sustained production from their lands. It is one of the most expensive and difficult problems threatening their liveliehood—but, fortunately, it is a loss many farmers prevent by enrolling some of their marginal working lands in voluntary conservation programs.

Now, Mr. Chairman, I mention this because of the cynical irony at hand—today, it is Congress that must act to prevent another form of 'erosion', the erosion of legislation this Congress passed with great debate just one year ago—the 2002 Farm Bill.

At the time, I led an effort to increase funding to conservation programs that are available to all farmers because I strongly believed the 2002 Farm Bill to be too heavily weighted to primarily assisting the largest growers of a few commodity crops in a handful of states. Because of this lopsided tilt toward commodity subsidization, many who are not eligible—including dairy farmers, ranchers and fruit and vegetable farmers—rely upon conservation programs to boost farm and ranch income and to ease the cost of environmental compliance.

I argued that a small shift in funds from the commodity programs to voluntary conservation programs would significantly help more farmers in more regions of the country. At the end of the debate, conservation programs made some gains, though not all that I had sought.

The Farm Bill provided nearly $3 billion for USDA conservation programs in FY 2004, including $1.1 billion for working lands incentives programs like the Environmental Quality Incentives program, the Wildlife Habitat Incentives Program, and the Conservation Security Program.

The point, however, is that the 2002 Farm Bill was the end product of vociferous debate and was the culmination of all Members' input.

Unfortunately, the FY 2004 Agriculture Appropriations bill before us today undermines all of those efforts by rewriting the Farm Bill to reduce these critical working lands incentive programs by nearly 10 percent. Make no mistake, if passed, this bill will do nothing less than deny farmers and ranchers the funds they were promised.

The fiscal year 2004 Agricultural Appropriations bill before us today is supposed to provide the resources needed to help America's struggling farmers and ranchers—not go back and begin chipping away at pieces of the Farm Bill to better suit the view of a few appropriators. Yet, this is exactly what has happened. In total this Appropriation Bill seeks to eliminate more than $100 million from conservation and renewable energy programs that has been authorized under the 2002 Farm Bill.

Farmers and ranchers who depend upon these programs, and who have been hit hardest financially in recent years, will receive a disproportionately large cut in spending in FY 2004. In contrast, I am disappointed to note that no cuts have been proposed to commodity payments flowing to the largest grain farmers in just 15 states.

Specifically, sections 737, 738 and 745 of the underlying bill will respectively limit the enrollment of the Wetlands Reserve program by slashing 50,000 acres, or about $56 million from its authorized level; cut $25 million from the Environmental Quality Incentive program; and totally gut the Conservation Security program.

Despite the funds provided by the Farm Bill, most farmers and ranchers offering to restore wetlands and grasslands or offering to change the way they farm to improve air and water quality are still rejected when they seek USDA conservation assistance. For example, farmers and ranchers face a $1.4 billion backlog when they seek cost-sharing from the Environmental Quality Incentives program to improve water quality or wildlife habitat. These long lines will only grow longer if cut funds provided by the Farm Bill as has been proposed in the underlying bill.

WRP and EQIP are programs proven to assist farmers while helping the environment, and CSP holds equal promise.

Farmers have offered to restore most than 600,000 acres of lost wetlands by enrolling farmland into the wetlands reserve program. But, nearly all of these farmers will be rejected in FY 04, thanks in part to the cut included in this Appropriations Bill. These farmers are offering to restore more wetlands than the entire Nation destroys in a decade. Wetlands are not only crucial to wildlife and fish habitat but also to our own sources of drinking water. But the Agriculture Appropriations bill instead proposes to cut, rather than increase, funding to this crucial program.

Furthermore, Mr. Chairman, by providing more than $6.5 billion for working lands programs like EQIP and CSP in the 2002 Farm Bill, Congress decisively increased funds to help farmers manage working lands to produce food and fiber and simultaneously enhance water quality and wildlife habitat. EQUIP helps share the cost of a broad range of land management practices that help the environment, include more efficient use of fertilizers and pesticides and innovative technologies to store and reuse animal waste. CSP is a new program that will link conservation payments to gradually increasing levels of performance. In combination, these programs will provide farmers the tools and incentives they need to help meet our major environmental challenges.

Again, appropriators did not seek any cuts from the commodity programs, and it is these programs that the administration has identified as a barrier to successful negotiations in the World Trade Organzation as well as to the secure economic future of developing nations.

Mr. Chairman, President Bush recently toured the African Continent. In a New York Times article about the trip, the President is quoted on the topic of domestic agriculture subsidies as saying, ". . . It will come up in every country we come to, because African leaders are worried that subsidies, agricultural subsidies, are undermining their capacity to become self-sufficient . . ."

And in recent testimony before the House Agriculture Committee, U.S. Trade Representative Robert Zoellick spoke about the need to "Harmonize and reduce trade-distorting domestic support programs."

The prior global negotiating effort—the Uruguay round (1986–1994)—was the first serious attempt to impose reforming disciplines on the world agricultural trade. Yet, the Uruguay round only started the job of tackling trade-distorting domestic subsidies by allocating them into three categories: "green box" subsidies, which involved payments decoupled from production incentives such as conservation programs; "amber box" subsidies, which includes payments linked to production, were capped at current levels and then cut by 20 percent and "blue box" subsidies, for payments linked to reductions in production, were allowed subject to specific criteria.

In his testimony before Congress, USTR Zoellick stated, "The current 'DOHA Round' of negotiations seeks to build on the first step of the Uruguay round by pressing for much more substantial reductions to achieve a more levels playing field. To do so, the United States has proposed a cut of over $100 billion in trade-distorting support globally, undertaken in a manner that harmonizes levels across countries, with the eventual elimination of these subsidies all together."

Mr. Chairman, as much as some appropriators and a few others in Congress may want to avoid the inevitable need to reform our domestic commodity support programs, it is equally unfortunate they have used this spending bill to erode our past work and break Congress's promise to America's farmers and ranchers.

I strongly urge my colleagues to oppose this misprioritized and shortsighted bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2673, the Agriculture appropriations bill for fiscal year 2004.

This Member would like to commend the distinguished gentleman from Texas (Mr. BONILLA), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee, for their hard work in bringing this bill to the Floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the state of Nebraska.

First, this Member is pleased that H.R. 2673 provides $477,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA award grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. In 2002, MAFMA had a total of 22 requests for funds seeking $789,995 with matching funds of $916,596. Thirteen proposals were funded with the total award of $387,688. Matching funds for the funded proposals were $416,702 in addition to an in-kind total of $97,550. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that this bill includes $224,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country in recent years, this effort is obviously important.

Another important project funded by this bill is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the Committee Report expresses support for a number of Watershed and Flood Prevention Operations projects, including the Aowa Creek Watershed in Dixon County, Nebraska. When completed, the project will significantly reduce the risk of flooding to farms, roads, and community of Ponca, Nebraska. This important flood control project is nearing completion, but lacks sufficient funding to reimburse the local sponsor.

This Member would also note that H.R. 2673 includes a loan level of $100 million for the Section 538, the rural rental multi-family housing loan guarantee program. Under H.R. 2763, it is estimated that a loan subsidy of $5.95 million will be needed to meet this loan level. The Section 538 program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100 percent Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Chairman, this Member certainly appreciates the $2.725 billion loan level for the Department of Agriculture's Section 502 Unsubsidized Loan Guarantee Program. Under H.R. 2763, it is estimated that a loan subsidy of $39.9 million will be needed to meet this loan level. The Section 502 program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30-year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Chairman, in conclusion, this Member supports H.R. 2673 and urges his colleagues to approve it.

Mr. MCGOVERN. Mr. Chairman, hunger is a terrible problem in the United States and around the world.

It's a problem that affects over 20 million adults and 13 million children right here in this country. They're our seniors, our veterans, our neighbors, working parents and their children.

And around the world, 800 million people—300 million of them children—go hungry every day.

I believe that hunger is a political condition.

The fact is that we have the resources to commit to ending hunger both at home and abroad. We have the technology, the expertise, the funding. What we lack is the political will to put an end to this scourge.

Currently, the unemployment rate is at 6.4% and growing. The demands on our community food banks and soup kitchens are becoming more than they can handle.

Government is about choices.

This Congress and this Administration have chosen over and over again to support tax cuts for the wealthy over prudent policies to help lift Americans out of poverty and to end hunger among the 33 million Americans who need our help.

Today, we are considering a Fiscal Year 2004 Agriculture Appropriations bill that dramatically underfunds programs that combat hunger here and abroad.

This Temporary Emergency Food Assistance Program, a key source of funding for food banks, is underfunded by $10 million.

The Women, Infants and Children program that provides assistance to infants, young children and pregnant, postpartum, and nursing women who are at-risk because of inadequate nutrition and income is $108 million below the Fiscal Year 2003 level. Although the Committee acknowledged that food prices were lower than expected, many of us have real concerns that a reduction in WIC funding—coupled with a continuing rise in unemployment—is a formula for tragedy.

The Senior Farmers Market Nutrition program is flat funded, even though the number of applications continues to outpace the availability of funds for this critical effort.

And if that weren't enough, Mr. Chairman, the funding levels in this bill for international food aid are completely inadequate.

P.L. 480, Title II funding—money that goes for humanitarian food aid—is more than $620 million below the Fiscal Year 2003 level.

And a program that I have been championing since its inception—the McGovern-Dole International Food for Education and Child Nutrition—is funded at $57 million. This is a $43 million decrease from last year and a $243 million drop from the funding provided to the initial pilot program.

The American economy, once vibrant, is struggling. Millions of Americans have lost their jobs, and incomes for many others are falling as they are forced to take lower-paying jobs to avoid unemployment.

One in five children in this country is threatened by hunger.

Every day, Mr. Chairman, 33 million Americans do not know whether there will be food on their tables. Overseas, people are starving to death because of famine, drought, war and poverty.

Mr. Chairman, I understand the difficulties the Chairman of the Agriculture Appropriations Subcommittee faced in drafting this bill. I'm sure that, given more resources, he would provide better funding levels for these important programs.

But the fact remains that the numbers in this bill are too low to meet the challenges of hunger. The last thing we should be doing is cutting funding for programs that serve the most vulnerable.

We can and we must do better.

Mr. FALEOMAVAEGA. Mr. Chairman, I would like to thank Chairman BONILLA and Ranking Member KAPTUR for their support regarding the Resident Instruction and Distance Education Grants Program for the Insular Areas. Last year's Farm Security and Rural Investment Act authorized this program with intent to develop and strengthen the land grant universities in the U.S. territories.

The American Samoa Community College has a strong and growing agricultural program which would benefit from this program. As insular areas members we support each other in this effort to fund this program which would provide the necessary teaching and instruction needed to educate our local people about health and diet education, environmental management and how best to utilize our natural resources.

At this time, I want to thank Chairman BONILLA and Ranking Member KAPTUR for their continued support and I once again recommend inclusion of report language which acknowledges the need for funding of this critical program.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2673, the Agriculture and Related Agencies Appropriations Act for Fiscal Year 2004. As a representative from Iowa with an economy heavily dependent on farming and farm-related businesses, I have a keen interest in this legislation which funds many of our agricultural research, food safety, and export promotion programs. As Chairman of the House Budget Committee, I am also interested in ensuring that this bill complies with the House Concurrent Resolution on the Budget for fiscal year 2004 [H. Con. Res. 95].

The bill provides $17 billion in new discretionary budget authority—$221 million above the President's request. While H.R. 2673 falls within its budgetary allocation, I would point out that the bill includes $538 million in mandatory savings, which are under the jurisdiction of the Agriculture Committee.

Overall, funding for agriculture appropriations has increased at an annual rate of 3.2 percent over the last five years. This rate is 4.5 percent below that of discretionary spending as a whole. I commend Chairman BONILLA and Ranking Member KAPTUR for their ability to work to produce a fiscally responsible bill.

The bill complies with sections 302(f) and 311(a) of the Budget Act. The first of these prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution. The second, section 311(a), prohibits consideration of legislation exceeding the aggregate levels of budget authority and outlays established in the concurrent resolution on the budget.

In conclusion, I express my support for H.R. 2673, which makes an important contribution to ensuring that Americans continue to have the most abundant, inexpensive, and safest food supply in the world. I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I rise in support of this Fiscal Year 2004 Agriculture Funding measure because it represents a good product under difficult circumstances. As we all know, this bill is not perfect—in large part because the allocation for Fiscal Year 2004 is considerably less than last year—some $800 million, in fact.

Because of the drop-off between the FY–03 allocation and the one for 04, the committee has to make difficult choices in order to accommodate the various sectors that are funded in the bill. While we are going to hear today that this bill short changes many areas, we should consider that the bill has many positives because it does.

Even with reduced resources, many important programs are well-funded. For example, funding for the FDA's generic drug program is increased, as is FDA funding for food safety. The bill includes monies to implement the "Better Pharmaceuticals for Children Act".

This bill also includes funding for valuable agriculture research that is currently carried out at major research centers. That research includes exploring better ways to make our agricultural production lands more efficient, and our ways of production more environmentally sound. For example, there is funding for animal feeding operations pilot projects that bring innovative technology to bear as we seek to reduce wastewater nutrients discharged from animal feeding operations.

Other research funding goes to helping us to better understand the origins of food crop diseases through high-level initiatives aimed at making our food production more economical and more healthy. Countless projects around the country will make significant strides in the research arena in the coming year because of this bill.

Many of those projects are in the states of some of the members who will speak ill of this measure today. But we should remember that those important research initiatives would not have been possible were it for the measured approach taken in reporting this bill of committee.

Not only did the committee have to make difficult program funding choices, but it also had to make choices to accomodate the members of this body. At a point in the process, decisions had to be made, and I believe that the chairman did an excellent job in balancing the various needs and interests of the agriculture community and the members.

As a member of the subcommittee from an agriculture state, I can tell you that there are several things that I would like to have seen come out differently, particularly as to funding levels.

As a member of the agriculture subcommittee on appropriations, I can also tell you that all of us can point to things that we would like to have seen come out differently. In the end however, a good product has been fashioned, and I urge you to support it.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $3,468,000: *Provided,* That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $8,716,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $13,670,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $7,749,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $14,993,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and the Rural Development mission areas for information technology, systems, and services, $133,155,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided,* That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,785,000: *Provided,* That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further,* That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $397,000.

Office of the Assistant Secretary for Administration

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $678,000.

Agriculture Buildings and Facilities and Rental Payments

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, as follows: for payments to the General Services Administration, $124,332,000, for buildings operations and maintenance, $32,559,000, to remain available until expended: *Provided*, That not to exceed 5 percent of amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of new or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

Hazardous Materials Management

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,713,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

Departmental Administration

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $38,592,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

Office of the Assistant Secretary for Congressional Relations

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,796,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

Office of Communications

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,245,000: *Provided*, That not to exceed $2,000,000 may be used for farmers' bulletins.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $77,314,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses as well as the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $34,700,000.

Office of the Under Secretary for Research, Education, and Economics

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education, and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $597,000.

Economic Research Service

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $71,402,000.

National Agricultural Statistics Service

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $129,800,000, of which up to $25,279,000 shall be available until expended for the Census of Agriculture.

Agricultural Research Service

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,014,000,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $35,900,000, to remain available until expended.

Cooperative State Research, Education, and Extension Service

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $594,772,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State College (7 U.S.C. 3222), $36,000,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $101,241,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,194,000; for competitive research grants (7 U.S.C. 450i(b)), $149,248,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,065,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,188,000; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $998,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7

U.S.C. 3152(b)(6)), $3,222,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,888,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $992,000, to remain available until expended; for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $4,073,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $994,000; for aquaculture grants (7 U.S.C. 3322), $3,996,000; for sustainable agriculture research and education (7 U.S.C. 5811), $13,661,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State College, $9,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,689,000; and for necessary expenses of Research and Education Activities, $36,815,000.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $9,000,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $438,242,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,185,000; payments for the pest management program under section 3(d) of the Act, $10,689,000; payments for the farm safety program under section 3(d) of the Act, $5,489,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State College, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $13,500,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,426,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $496,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,093,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,983,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,843,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State College, $31,908,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for necessary expenses of extension activities, $19,417,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $62,942,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $43,942,000, including $12,887,000 for the water quality program, $14,870,000 for the food safety program, $4,501,000 for the regional pest management centers program, $4,857,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,487,000 for the crops affected by Food Quality Protection Act implementation, $3,229,000 for the methyl bromide transition program, and $2,111,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $2,000,000, including $497,000, to remain available until September 30, 2005 for the critical issues program, and $1,503,000 for the regional rural development centers program; and $16,000,000 for the homeland security program authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2005.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,470,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $725,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $725,502,000, of which $4,139,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $51,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2004, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $75,953,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,577,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $15,392,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $39,690,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $599,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $785,261,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $636,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,016,836,000: *Provided*, That the Secretary of Agriculture is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,974,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,083,143,000, of which $950,000,000 shall be for guaranteed loans and $133,143,000 shall be for direct loans; operating loans, $2,200,440,000, of which $1,330,000,000 shall be for unsubsidized guaranteed loans, $252,937,000 shall be for subsidized guaranteed loans and $617,503,000 shall be for direct loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $2,000,000; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $34,528,000, of which $5,130,000 shall be for guaranteed loans, and $29,398,000 shall be for direct loans; operating loans, $165,633,000, of which $44,289,000 shall be for unsubsidized guaranteed loans, $32,300,000 shall be for subsidized guaranteed loans, and $89,044,000 shall be for direct loans.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $298,136,000, of which $290,136,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $71,509,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $745,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $850,004,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $9,215,000 is for snow survey and water forecasting, and not less than $11,722,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: *Provided further*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $11,124,000: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $90,000,000, to remain available until expended of which up to $10,000,000 shall be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed $40,000,000 of this appropriation shall be made available for technical assistance: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That the amount of federal funds that may be made available to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation: *Provided further*, That consistent with existing statute, rehabilitation assistance provided may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource projects entered into between the Secretary and the eligible local organization responsible for the works of improvement: *Provided further*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act, as amended, (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $40,000,000, to remain available until expended: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32(l) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $52,894,000, to remain available until expended: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)): *Provided further*, That a cooperative or contribution agreement with a national association regarding a Resource Conservation and Development program shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed $3,504,300, the same amount as in the budget, shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $636,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $706,006,000, to remain available until expended, of which $27,000,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $605,006,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $74,000,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $13,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $17,465,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,513,000 shall be for Rural Community Assistance Programs and not to exceed $13,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $22,132,000 shall be available through June 30, 2004, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,000,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,582,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,550,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

Rural Development Salaries and Expenses

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $146,495,000: *Provided*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

Rural Housing Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,091,634,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,366,462,000 shall be for direct loans, and of which not more than $2,725,172,000 shall be for unsubsidized guaranteed loans; $35,003,000 for section 504 housing repair loans; $116,545,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,500,000 for credit sales of acquired property, of which up to $1,500,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $165,921,000, of which $126,018,000 shall be for direct loans, and of which $39,903,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,612,000; section 515 rental housing, $50,126,000 of which $20,086,400 shall be for repair and rehabilitation, and $30,039,600 shall be for new construction; section 538 multi-family housing guaranteed loans, $5,950,000; multi-family credit sales of acquired property, $663,000; and section 523 self-help housing land development loans, $154,000: *Provided*, That of the total amount appropriated in this paragraph, $7,100,000 shall be available through June 30, 2004, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $447,151,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $731,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,772,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2004, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $42,222,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,800,000 shall be available through June 30, 2004, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $36,307,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

Rural Business—Cooperative Service

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $40,000,000.

For the cost of direct loans, $17,308,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2004, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2004, for Mississippi Delta Region counties (as defined by Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $2,447,000 shall be available through June 30, 2004, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,283,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $16,120,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,000,000.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $3,000,000 shall not be obligated and $3,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $13,000,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,500,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers, of which not to exceed $500,000 shall be for cooperative research agreements; and of which not to exceed $4,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $10,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RENEWABLE ENERGY PROGRAM

For the cost of direct loans and grants, as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $3,000,000 for direct renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

Rural Utilities Service

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $240,000,000; municipal rate rural electric loans, $1,000,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,000,000,000; Treasury rate direct electric loans, $750,000,000; 5 percent rural telecommunication loans, $145,000,000; cost of money rural telecommunication loans, $300,000,000; and loans made pursuant to section 306 of that Act, rural telecommunication loans, $120,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $60,000, and the cost of telecommunication loans, $125,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,166,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to carry out the loan programs and continue to service existing loans, $3,182,000, to be derived by transfer from the shareholder's equity, contained in the unobligated balances in the Rural Telephone Bank Liquidating Account, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $300,000,000; and for the principal amount of broadband telecommunication loans, $336,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $25,000,000, to remain available until expended.

For the cost of direct and guaranteed broadband loans, as authorized by 7 U.S.C. 901, et seq., $9,116,000: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $8,000,000, to remain available until expended, for a grant program to finance broadband transmission in areas that meet the definition of "rural area" used for the Broadband Loan Program authorized by 7 U.S.C. 901.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $599,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $11,418,441,000, to remain available through September 30, 2005, of which $6,718,780,000 is hereby appropriated and $4,699,661,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, that $6,000,000 shall be available for the Food and Nutrition Service to conduct a study of certification error and its effect on expenditures in the National School Lunch and School Breakfast Programs and an assessment of the feasibility of using income data matching in those Programs: *Provided further*, that except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to $5,235,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,588,310,000, to remain available through September 30, 2005, of which $20,000,000 shall be for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A); $25,000,000 shall be for a management information system initiative; and $25,000,000, to remain available until expended, shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(I) of the Child Nutrition Act, to provide funds to support participation, should costs or participation exceed budget estimates: *Provided*, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): *Provided further*, That notwithstanding section 17(g)(5) of such Act, $4,000,000 shall be available for pilot projects to prevent childhood obesity: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $27,745,981,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985; and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $166,072,000, to remain available through September 30, 2005: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $140,512,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $7,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $133,924,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $103,887,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $4,041,000, of which $1,066,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $2,975,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $28,000,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,192,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $56,874,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,312,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,327,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $985,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,668,249,000: *Provided*, That of the amount provided under this heading, $249,825,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended, and $29,190,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug and medical device applications received during fiscal year 2004 shall be subject to the fiscal year 2004 limitation: *Provided further*, That any prescription drug or medical device user fee collected in fiscal year 2004 that exceeds this limitation shall be credited to this account and remain available until expended, in accordance with 21 U.S.C. 379h(g)(4) and 379j(h)(4): *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $412,462,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $478,650,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $13,357,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $168,836,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $84,646,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $209,285,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $39,887,000 shall be for the National Center for Toxicological Research; (7) $40,851,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration for rent; (8) $119,795,000 shall be for payments to the General Services Administration for rent; and (9) $113,837,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $6,000,000 to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $88,435,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $40,900,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

Sec. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 398 passenger motor vehicles, of which 396 shall be for replacement only, and for the hire of such vehicles.

Sec. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

Sec. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

Sec. 704. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

Sec. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

Sec. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

Sec. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunication Loans program account, the Rural Housing Insurance Fund program account, and the Rural Economic Development Loans program account.

SEC. 713. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 714. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 715. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 716. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 717. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 718. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 719. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 720. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 721. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2005 appropriations Act.

SEC. 722. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 723. In addition to amounts otherwise appropriated or made available by this Act, $3,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, as authorized by section 4404 of Public Law 107–171 (2 U.S.C. 1161).

SEC. 724. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 725. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "$26,499,000" and inserting "$26,998,000".

SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Ditch 26 project in Arkansas.

SEC. 727. Notwithstanding any other provision of law, the Secretary shall consider the County of Lawrence, Ohio; the City of Havelock, North Carolina; the City of Portsmouth, Ohio; the City of Atascadero, California; the City of Binghamton, New York; the Town of Vestal, New York; the City of Ithaca, New York; the City of Casa Grande, Arizona; and the City of Clarksdale, Mississippi, as meeting the eligibility requirements for loans and grants programs in the Rural Development mission area.

SEC. 728. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the DuPage County, Illinois, Kress Creek Watershed Plan, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,600,000 and Rockhouse Creek Watershed, Leslie County, Kentucky, not to exceed $1,000,000.

SEC. 729. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the

United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 730. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 731. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 732. None of the funds appropriated or made available by this Act, or any other Act, may be used to pay the salaries and expenses of personnel to carry out the Rural Strategic Investment Program authorized by subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7) in excess of $2,000,000.

SEC. 733. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out the Rural Firefighters and Emergency Personnel Grant Program authorized by section 6405 of Public Law 107-171 (7 U.S.C. 2655).

SEC. 734. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the provisions of sections 7404(a)(1) and 7404(c)(1) of Public Law 107-171.

SEC. 735. The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of Treasury, are not required to establish obligations and outlays for those investments, provided those investments are insured by FDIC or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the U.S. Treasury.

SEC. 736. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

SEC. 737. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 200,000 acres in the calendar year 2004 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 738. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $975,000,000.

SEC. 739. The Administrator of the Agricultural Research Service may make available by outlease agreements with other Federal agencies or non-Federal public or private entities any unused or underused portion or interest of or interest in any agency real and related personal property, and may retain and use the proceeds of such agreements in carrying out the programs of the agency. Property proposed for outlease must not be property otherwise required to be reported excess under the Federal Property and Administrative Services Act of 1949, as amended. Outleases shall be made competitively, and be based on the fair market value of the property.

SEC. 740. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out section 9006 of Public Law 107-171, the Farm Security and Rural Investment Act of 2002.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 6103 of Public Law 107-171.

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 6401 of Public Law 107-171, the Farm Security and Rural Investment Act of 2002.

SEC. 743. None of the funds appropriated or otherwise made available by this Act shall be used for the implementation of Country of Origin Labeling for meat or meat products.

SEC. 744. Any unobligated balances in the Alternative Agricultural Research and Commercialization Revolving Fund are hereby rescinded.

SEC. 745. None of the funds appropriated or otherwise made available by this Act shall be used to carry out a Conservation Security Program authorized in section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)).

SEC. 746. Section 726 of Division A of Public Law 108-7 is amended by striking ", as authorized by section 4404 of Public Law 107-171 (2 U.S.C. 1161)" and inserting "through the Congressional Hunger Center".

SEC. 747. (a) ASSISTANCE FOR COMMERCIAL TREE LOSSES.—The Secretary of Agriculture shall use $5,000,000 of the funds of the Commodity Credit Corporation to provide assistance under the Tree Assistance Program, subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), to tree-fruit growers located in a federally declared disaster area in the State of New York who suffered tree losses in 2003 as a result of an April 4-6, 2003, icestorm.

(b) OFFSET.—The amount appropriated by this Act under the heading "RURAL COMMUNITY ADVANCEMENT PROGRAM" is hereby reduced by $5,000,000.

SEC. 748. Section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) is amended by striking "and Committee" and inserting ", the Committee on Appropriations, and the Committee".

SEC. 749. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

Mr. BONILLA (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 72, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any points of order against provisions in this portion of the bill?

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we all know, we are proceeding with this bill under regular order. I would like to thank the gentlewoman from Ohio (Ms. KAPTUR), my ranking member, for once again helping to produce the best bill we possibly could under the circumstances. We were working under some incredible fiscal limitations this year versus last year, and this is a bill that was produced by a subcommittee that has a history of working together.

The last time we had our bill on the floor, we had over 400 votes in support of the bill; and I am very proud of that. I think every member of the subcommittee understands that we try to work with every last person and try to honor every request that they have. We cannot always do everything that everybody wants, but we certainly give it our best shot. This is the year, as many Members know, that we also had to deal with over 2,300 individual requests. That is a lot of requests that our good staff has to keep track of day in and day out as we moved toward this day; and I would like to commend the staff, both the majority and the minority, as they have worked so diligently especially in the last few days around the clock to try to get us to this point on the floor so we could have a good bill to present to the folks.

So I am very proud of this product. Again, nobody always gets everything they want in bills like this, but we certainly have done the best we can.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this bill. It fails to fully protect farmers and consumers. The legislation permits big corporate agriculture to reap massive profits while small family farmers struggle to make a dollar. With respect to meatpacker audits, the administration has asked for $1 million for the Grain-Inspection, Packers and Stockyards Administration to audit the four largest steer and heifer meatpackers, for compliance with the Packers and Stockyards Act. This might sound like a routine request, but it is not. This will be the first time in the 82-year history of the Packers and Stockyards Act that the agency has audited a large packer, but the bill does not provide this funding. Republicans must know that such an audit would show significant problems with the meatpackers, thus their refusal to fund it. At a time when the four largest meatpackers control 80 percent of the market, the American public should at least know the truth.

I want to indicate my agreement with the minority committee report that was so ably represented by the distinguished gentlewoman from Ohio (Ms. KAPTUR). The report pointed out that with respect to the Conservation Security Program that this bill eliminates all funding for this program. This is despite the fact that this program will provide assistance to farmers to adopt conservation methods on working farms. This is unlike a number of other programs that take land out of production for conservation; and assistance for conservation on working farms has been sorely neglected in the past, and this program represents an essential attempt that would remedy that problem.

The Wetlands Reserve Program, in a recent publication, the committee has pointed out that the USDA referred to this program as the "premier wetland restoration program," but the bill cuts new enrollment in this program by 20 percent in 2004. The program has a backlog of over 736,000 acres. That is why the farm conferees increased allowable acreage, and this amendment unfortunately will thwart that effort.

The Environmental Quality Incentive program is one that has gained a lot of discussion in this country. The bill reduces this program by $25 million in 2004. This will mean there will be a cut of 1,450 producers who will not be able to get equipped funding in 2004. And in addition, the backlog last year for the program was $1.5 billion, which caused many producers to give up on the program. Another limit will discourage those who still want to participate.

The guides to renewable energy, the minority report has correctly pointed out that the bill zeroes out funding for this program. This program would provide grants and loans to farmers and ranchers and small rural businesses to buy renewable energy systems and to make energy efficiency improvements. Now, here we are at a time when we are seeing sharp increases in electric prices. We have seen spikes in natural gas prices, and we are expecting more increases. These increases could devastate small farmers, ranchers, and businesses. Any bill that would zero out renewable energy, therefore, is not advisable.

With respect to country-of-origin labeling, the minority committee report has appropriately pointed out that the bill prevents the implementation of country-of-origin labels for meat and meat products. We have to understand that it is really basically a consumer's right to know where the goods they are consuming come from.

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The House unanimously supported this idea when it instructed its conferees on the farm bill to support country of origin labeling for both meat and perishable products. All Americans are concerned about food safety and inspection. The bill provides about $12 million less than requested for food safety and inspection.

The minority committee report points out that under the budget request these funds would not have gone directly into inspection activities, but, given the large number of recalls in 2002 and the ongoing concern about the agency's performance, the $12 million should have been provided for increased inspection and sampling.

There are very few areas where the American public has a greater interest than the area of food safety and inspection. People really want to be assured that our government is doing what it can to make sure that the food which people are consuming has in fact been inspected and is in fact safe. This is another deficiency in this bill.

AMENDMENT OFFERED BY MR. BALLANCE

Mr. BALLANCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BALLANCE:

Under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount on page 3, line 9, the following: "(reduced by $8,656,000)".

Under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS", insert after the dollar amount on page 4, line 6, the following: "(increased by $411,000)".

Under the heading "DEPARTMENTAL ADMINISTRATION", insert after the dollar amount on page 6, line 3, the following: "(increased by $2,005,000)".

Under the heading "CSREES-RESEARCH AND EDUCATION ACTIVITIES", insert after the dollar amounts on page 11, line 13, and page 12, line 16, the following: "(increased by $600,000)".

Under the heading "OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS", insert after the dollar amount on page 16, line 12, the following: "(increased by $5,000,000)".

Mr. BALLANCE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BALLANCE. Mr. Chairman, I would like to thank the floor leaders of this bill on both sides. I appreciate this opportunity on behalf of myself and my colleagues, the gentleman from California (Mr. BACA) and the gentleman from Mississippi (Mr. THOMPSON).

Mr. Chairman, I am deeply concerned about the state of minority affairs at USDA. We know that on April 1 of last year, Mr. Vernon Parker, the first USDA Assistant Secretary for Civil Rights, was sworn in and given the enormous task of improving how minorities are currently treated at USDA, preempting future civil rights problems at USDA and righting past wrongs.

I applaud the President for his efforts in creating this Office of Civil Rights, but I urge my colleagues, and the reason I am standing with this amendment, is to not let this office be only window dressing for this very serious matter.

In the 1994 report commissioned by USDA, it was pointed out that minority participation in Farm Service Agency programs is particularly low; and minorities receive less than their fair share of USDA funding for crop payments, disaster payments and loans. The report found gross deficiencies in USDA data collection and handling that helped these minority farmers.

Mr. Chairman, there are currently 11 class action lawsuits pending against USDA, all of which allege discrimination by USDA. There is a Latino farmer lawsuit, a Native American farm lawsuit and others, and the famous case of Pickford versus Glickman was settled in 1999. Since then we have spent over $800 million, but there are still 2,000 cases sitting around at USDA gathering dust waiting to be reviewed in connection with the Pickford case.

We are hemorrhaging money. We have an Office of Civil Rights. It is underfunded. We met with Mr. Parker. He has a 90-day plan where he wants to attack this issue, but he has two staffers in addition to himself, and he has no money.

This amendment would allow that office to be properly funded. It would also allow about $2 million to go into the Office of Civil Rights so that they can review these old cases, and it would allow some funding to go for the benefit of Latino population education.

We think that this $8 million we are seeking here is meaningful to address all of these civil rights issues. We think it would not only serve the Department but it would serve this Congress and would serve this country. So I urge my colleagues to support this amendment.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be brief and to the point. This has been a tough budget year. This is a tough bill, but it is a fair bill, and the gentleman brings up some very good points that need to be addressed. But, again, having done the best we can possibly do under the circumstances, I hope that people understand that we wished we could have done more but we were just not able to.

Certainly the accounts that this amendment would increase were not treated unfairly in any way, and this is how they are funded in the bill. For example, the Office of Civil Rights is at last year's level plus increased pay cost. Departmental Administration is at last year's level plus increased pay cost. Hispanic-Serving Institutions is held at last year's level, so there is no cut there, which in this day and age I believe people should be pleased with an outcome like that. The Outreach Program is also at last year's level.

The gentleman's amendment would do the following: It would more than double the Office of Civil Rights, giving that office a 104 percent increase; increase the Departmental Administration account by 5 percent; increase Hispanic-Service Institutions programs by 15 percent; and increase the Outreach Program by a whooping 144 percent.

Let me emphasize that if we had the money to do this we would be doing cartwheels in supporting these kinds of increases, but we are doing the best we can under the limitations we have in putting this bill together.

The money that would be taken from the USDA's Common Computing Environment Account, and while that does not sound like a grand program, let me emphasize that this takes care of the way that a lot of these programs are processed, like the work at the Farm Service Agency, the Natural Resources Conservation Service and the Rural Economic and Community Development Programs. This amendment would take $8.6 million away from USDA's ability to meet those needs, and that would indeed create a lot of hardship out in the heartland.

Mr. Chairman, we worked very hard to present a well-considered and fair bill to the House. I ask Members to stick with the committee and defeat this amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I think it is important for the House to understand that what we are talking about here is trying to assist minority farmers to be able to get experts in the field to help them obtain the best technology and environmental improvements in farming, to be able to be more competitive.

We know that, historically, whenever family farmers are having difficulties, it is always the minority farmers who find it most troubling to be able to survive.

This bill, when the work was being done, discovered a disturbing discrepancy for funding our Nation's land grant colleges of agriculture between funding for those land grant institutions established in 1890, all of which are historically black colleges and universities, and those established in 1962, which are predominantly non-minority.

I think the sponsors of this are trying to do the right thing in making sure that the inequities that have been long-standing and historic are addressed and that efforts are made in these difficult times to be able to establish fairness. Because this really is a question of fairness, whether or not we are going to be able to have an agricultural program that is going to make sure that minorities who have worked very hard to try to establish a place in agriculture will have available to them the kind of expertise that is available to many farmers generally.

So I rise in support of this amendment, and I urge Members to do likewise.

Mr. BACA. Mr. Chairman, I rise in favor of this amendment that I helped develop in collaboration with Representatives THOMPSON and BALLANCE. This amendment is important because it restores funding to help end discrimination and prioritizes other significant funding to help minorities in the field of agriculture.

The U.S. Department of Agriculture has institutional problems that must be resolved.

The problems within the USDA are so severe that the civil rights complaints have cost the federal government hundreds of millions of dollars in settlements and awards.

Fixing the civil rights complaint process and properly funding minority initiatives are necessary to permanently end a history of discrimination.

The USDA Inspector General, General Accounting Office, and the USDA Civil Rights Action Team have all written numerous reports documenting the problems at the Office of Civil Rights. Yet, employees responsible for discrimination settlements remain employed and the system as a whole remains unchanged.

In attempt to reform the problems at the USDA, we created the office of the Assistant Secretary for Civil Rights to oversee reform at the agency. But sadly, we have failed to fully fund this office.

Investing in the elimination of discrimination at the USDA will not only help save the federal government money in the long run, but it will help save employees and farmers the heartache and humiliation associated with discrimination.

Discrimination is morally reprehensible, and an unnecessary expense to the federal government. We must invest in the agency in order to correct the wrongs.

This amendment is also crucial to help end discrimination because it increases funding for Hispanic Serving Institutions by $600,000. These institutions are great sources of innovation and deserve funding to continue generating advances in agricultural science. We must stop the long-standing practice of underfunding these institutions.

Mr. Chairman, I urge my colleagues to support these modest investments that will yield greater savings from discrimination lawsuits and earn goodwill with the minority agriculture community.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BALLANCE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLUMENAUER:

Under the heading "AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS", insert after the dollar amount on page 5, line 1, the following: "(reduced by $800,000)".

Under the heading "OFFICE OF THE INSPECTOR GENERAL", insert after the dollar amount on page 7, line 18, the following: "(increased by $800,000)".

Mr. BLUMENAUER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BLUMENAUER. Mr. Chairman, I offer this amendment this afternoon together with the gentleman from Colorado (Mr. TANCREDO) to provide $800,000 for improved enforcement for the Federal animal fighting law. It is not just enough to fight a law, Mr. Chairman. It must be enforced.

In May, 160 Representatives and Senators requested this $800,000 increase for animal fighting enforcement in letters to the Committee on Appropriation's Subcommittee on Agriculture. The broad, bipartisan support reflects our constituents' concern for meaningful enforcement of the Federal animal fighting law.

Fifty-five State and local sheriff's offices, State police departments from around the country, including Kansas, my home State of Oregon, Colorado, Texas, West Virginia, Michigan, Wisconsin and others, have called on Congress to provide this money so that USDA will improve its enforcement for the animal fighting law and have a stronger partner in their efforts.

The increase we seek in our amendment would be offset by a cut of $800,000 in the agricultural building and facilities and rental payments account, only one-half of 1 percent, leaving over $156 million.

Mr. Chairman, in the 27 years since Congress first prohibited most interstate and foreign commerce of animals for fighting, USDA has pursued only a handful of cases, despite receiving a steady stream of tips from informants and requests for State and local police on illegal movement of fighting dogs and birds across State lines.

I was pleased to have the support of so many of our colleagues last year in enacting provisions to the farm bill to close loopholes in the Federal animal fighting law. Now it is time to ensure that the USDA take seriously its responsibilities and has the resources to enforce the law.

The amendment would provide the $800,000 for the Office of Inspector General to focus on animal fighting cases, working closely with State and local law enforcement personnel to complement their efforts.

While dogfighting is banned in all 50 States and cockfighting is banned in 48 States, the Federal Government must be involved, for participants in animal fights often come together from several States at a time and animals are moved across State lines.

This is not some innocent pastime. Dogfighting and cockfighting are barbaric activities in which animals are given drugs to make them hyper-aggressive and drugs to clot their blood more quickly so they can continue fighting. They are pushed by their handlers to fight even after they have suffered grievous injuries, such as pierced lungs and gouged eyes.

Dogfights and cockfights not only are deplorable animal abuse, but they are integrally involved with illegal gambling, drug traffic and violence to people who participate in these activities.

It is well documented that animal fighters often bring their children to these spectacles, sending a terrible message to them about animal cruelty and violence. Some dogfighters steal pets to use as bait for training their dogs. Some abandon fighting animals, leaving them to roam neighborhoods and wreak havoc. Any dog bred and trained to fight poses a public safety risk.

Mr. Chairman, in October of 2002, the Exotic Newcastle Disease began spreading rapidly across the Southwest United States. Exotic Newcastle Disease is a highly contagious viral disease that affects respiratory, digestive and nervous systems of all birds. This outbreak cost taxpayers upwards of $100 million in containment and compensation fees, and it is very probable the outbreak originated from cockfighting birds imported from Mexico.

According to the State Veterinarian and Director of Animal Health and Food Services in California, game fowl and their owners have played a major role in the dissemination of this virus due to their high mobility related to meetings, training, breeding and fighting activities on a regular basis.

The Texas Poultry Federation takes a similar position in its letter, stating that cockfighting has spread Exotic Newcastle Disease as their birds travel extensively and come in close contact at fights. It makes no sense to allow illegal cockfighting operations to continue, putting our flocks and livelihood at risk.

Mr. Chairman, surely spending $800,000 to crack down on animal fighting is a smart investment to help prevent the spread of costly future diseases, especially when a significant portion of the eradication expenses the Federal Government has already incurred in the recent outbreak, $11.5 million, according to USDA records, went to compensate owners of birds believed to be illegal fighting cocks.

□ 1300

Why let this illegal industry continue to thrive unchecked?

Animal fighting is no longer simply an animal welfare issue, it is an epidemic that is costing taxpayers millions of dollars, threatening our food supply, and destroying the hard work of American farmers. It promotes illegal gambling and drug activities and puts the public at risk. I urge my colleagues to vote in support of this amendment.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is not a Member of this body that does not believe in treating animals humanely. However, I oppose this amendment for several reasons:

First, the $800,000 that would go to the Inspector General would go to dogfighting and cockfighting enforcement, and it would cut buildings and facilities funding for rent and maintenance that are already underfunded.

The Inspector General's office has told us that enforcement of this will be done at a minimal level since this is a misdemeanor offense. Now, one could argue the pluses and minuses on whether it should be a more serious offense, but these are misdemeanors that are dealt with by local law enforcement agencies from around the country, and they cannot afford to devote their resources at the IG level because of this reason. The IG tells us that one case alone could cost $800,000.

Second, one of the reasons that we are debating this amendment today is that the Humane Society of the United States points out that this vote will be counted on the Humane Scorecard this year. The only reason that this item is even on their scorecard is that we have addressed all other of their concerns in this bill. We provided a $437,000 increase for animal welfare, $1.1 million more for regulatory enforcement in the Animal and Plant Health Inspection Service, and fully funded the enforcement of the Humane Methods of Slaughter Act in the Food Safety and Inspection Service.

If the sponsors of this amendment were serious about this, programs that the HSUS supported like the ones that I just mentioned are the ones that would be cut to pay for this amendment, but then that would force them to prioritize like the rest of us have to do.

If every Member of the House brought an amendment to the floor just because they did not get every last nickel that they wanted, we would be here all day and we could never get this bill done.

Finally, Mr. Chairman, I urge my colleagues to not vote against this amendment simply because I am suggesting that they do, but vote against this amendment because of the following statement by an HSUS Vice President who said, "The life of an ant and that of any child should be granted equal consideration."

Mr. KUCINICH. Mr. Chairman, I rise in support of the Blumenauer-Tancredo amendment. The amendment is designed to improve enforcement of the Animal Welfare Act.

I think that when we recognize that so many Americans are concerned about animal abuse, we look at this as being one of the most egregious areas where dogfighting and cockfighting takes place. As the gentleman from Oregon (Mr. BLUMENAUER) pointed out, it is not only a matter of animal abuse, it is a matter of illegal gambling, drug trafficking, and violence against other people. Violence breeds violence. I think that this amendment, in seeking to bring an appropriate Federal role through funding through the Inspector General, would help the local communities understand that a Federal focus means that more attention needs to be paid to local enforcement as well.

As somebody who served in municipal government over the years, this is something that came up in terms of activities that were taking place in some of the neighborhoods in my own community, and certainly people who heard about them and who were involved in the community understood that the level of violence and the level of animal cruelty was something that needed public attention.

We should have no tolerance for animal cruelty. We should have no tolerance for a system which degrades these creatures of God. And we also need to understand that, as the honorable chairman pointed out, the observation that was made by an official concerning the quality of ants and children, I do not think that he actually meant to equate the importance of an ant to a child, but what the statement meant to say was that all life here ought to be regarded with some degree of respect and that, in effect, when we try to come forward here and support animal welfare and support the rights of animals to not be treated cruelly, what we are doing here is, in effect, elevating our own humanity.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BLUMENAUER. Mr. Chairman, I wanted to just respond very briefly to two points of the distinguished chairman of the subcommittee.

What he describes with the notion of this being a misdemeanor is part of the catch-22 that some of the people in this Congress who are fronting for the illegal fighting animal activities have produced for us. When we had an amendment on the floor that was approved in the farm bill last year, it was to increase the penalties so that it would be easier to pursue. But, sadly, in conference, contrary to the will of the House, these provisions were watered down. So now we can plead, well, it is only a misdemeanor so we should not be involved with it.

The fact is, as I mentioned in my statement, 55 local jurisdictions and State jurisdictions in law enforcement have asked us to come forward, because while these provisions may be misdemeanors, they are tied up in a network of illegal activity that breeds violence, drug, and other activities and is serious. It is not just animal cruelty, if somebody wants to dismiss that.

Second, the gentleman's argument that we cannot afford it I think is a false economy. First of all, I am taking from an account that they have already significantly reduced. It is an area that would already have $156 million. We are only speaking of one-half of 1 percent, but the $800,000 here has the opportunity to prevent vast losses to the Federal Government.

As I pointed out, Exotic Newcastle Disease and all the evidence suggests it is illegal game-fighting that has spread it throughout the Southwest. That is the conclusion from the gentleman's home State of Texas, from California, and has cost us upwards of $100 million that we have had to spend tracking these down, eradicating poultry and other birds and compensating people, including $11.5 million for what are probably illegal fighting cocks.

I would suggest that the gentleman, with all due respect, is not being responsive to the overall economic impact, and it is not simply that we just dismiss as something not worthy of more law enforcement attention. It does not get the attention because the interests that are sympathetic to animal fighting, illegal animal fighting, have deliberately fought to have strong enforcement provisions. The least we can do, the least we can do is provide the resources within the extent of the existing law to cut it back, stop the illegal activity, and prevent the waste of tens of millions of dollars of taxpayer money.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. I wanted to say that I think the gentleman from Oregon (Mr. BLUMENAUER) has a very worthy amendment here. I was particularly struck by one of his arguments: the linkage between crime and the mistreatment of animals and the increasing spread of Exotic Newcastle Disease across our country which, by the way, also has a cost. It comes to us in the form of trying to remediate and to make whole those whose flocks have been devastated. I do not think that it is widely known that, as the gentleman mentioned, some of the animals might have come in from another country. We know how poorly our borders are inspected.

So I want to commend the gentleman for taking the offset for his amendment from the buildings accounts, as opposed to from our research accounts or our animal plant health inspection accounts, or our border inspections, et cetera. I think that the matter is that the people who are doing this are doing it illegally; and now there is a linkage to the spread of disease, serious disease.

I think that the gentleman's amendment is very reasonable. He is asking for $800,000 for the Office of the Inspector General who, when they are given the authority, do a great job, to try to remedy this animal fighting across our country and, I think importantly, to stem any disease that may spread as a result of it.

So I just wanted to speak on behalf of the gentleman's amendment and to thank him for the responsible manner in which he has found an offset to try to find the funds for the Inspector General.

I might say, one of the bad things about the way the laws concerning the Inspector General have been written, even if wrongdoers are found and fines are levied, under the laws of our country the Inspector General has to return those funds to the Department of Treasury. It does not go to the Department of Agriculture for further prosecution and further investigation. I have never liked that aspect of the law, because I think we ought to reward the Inspectors General that are doing a good job in apprehending wrongdoers across this country.

So I want to thank the gentleman for his very appropriate amendment here, and I urge my colleagues for their support.

Mr. BLUMENAUER. Mr. Chairman, attached is a letter signed by 122 members requesting this $800,000 increase, as well as a letter of support from the Humane Society of the United States.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 23, 2003.

Hon. HENRY BONILLA,
Chairman, Appropriations Subcommittee on Agriculture, Rayburn House Office Bldg., Washington, DC.

Hon. MARCY KAPTUR,
Ranking Member, Appropriations Subcommittee on Agriculture, Longworth House Office Bldg., Washington, DC.

DEAR CHAIRMAN BONILLA AND RANKING MEMBER KAPTUR: We are writing to thank you for your outstanding support in FY 2003 for improved enforcement by the U.S. Department of Agriculture of key animal welfare laws, and to urge you to "hold the line" in FY 2004 so that this effort can be sustained. Your leadership is making a great difference in helping to protect the welfare of millions of animals across the country, including those at commercial breeding facilities, laboratories, zoos, circuses, airlines, and slaughterhouses. As you know, better enforcement will also benefit people by helping to prevent: (1) injuries to slaughterhouse workers from animals struggling in pain; (2) orchestrated dogfights and cockfights that often involve illegal gambling, drug traffic, and human violence; (3) the sale of unhealthy pets by commercial breeders commonly referred to as "puppy mills"; (4) laboratory conditions that may impair the scientific integrity of animal based research; (5) risks of disease transmission from, and dangerous encounters with, wild animals in or during public exhibition; and (6) injuries and death of pets on commercial airline flights due to mishandling and exposure to adverse environmental conditions.

For FY 2004, we want to ensure that the important work made possible by the FY 2003 budget is continued, that newly hired and trained inspectors will be able to stay on the job, and that resources will be used in the most effective ways possible to carry out these key laws. Specific areas of concern are as follows:

OFFICE OF INSPECTOR GENERAL/$800,000 INCREASE FOR ANIMAL FIGHTING ENFORCEMENT

In last year's Farm Bill, Congress enacted provisions that were overwhelmingly supported in both chambers to close loopholes in the Animal Welfare Act (AWA) regarding cockfighting and dogfighting. Since 1976, when Congress first prohibited most interstate and foreign commerce in animals for fighting, USDA has pursued no cockfighting cases and only three dogfighting cases, despite rampant activity across the country. USDA has apparently received innumerable tips from informants and requests to assist with state and local prosecutors, but routinely ignored or declined such requests. It is time for USDA to take seriously its responsibility to enforce the portion of the AWA dealing with animal fighting ventures. Dogfighting and cockfighting are barbaric activities in which animals are drugged to heighten their aggression and forced to keep fighting even after they've suffered grievous injuries, such as pierced lungs and gouged eyes. Animal fighting is almost always associated with illegal gambling, and also often involves illegal drug traffic and violence toward people. Dogs bred and trained to fight endanger public safety. Cockfighting has been linked with the recent outbreak of Exotic Newcastle Disease that has already destroyed many poultry flocks and cost taxpayers more than $40 million for containment and compensation, with costs estimated to rise as high as $250–$500 million.

Given the dangerous nature of animal fighting enforcement work, we believe that the department's chief law enforcement arm—the Office of Inspector General (OIG)—is best suited to lead this effort. We therefore respectfully request an increase of $800,000 for the OIG to focus on animal fighting cases and inclusion of bill language directing the Secretary to coordinate intelligence gathering, investigation, and prosecution of animal fighting cases, pursuant to Section 26 of the AWA, through the OIG, working with local and state law enforcement personnel to complement their efforts, and drawing on other federal entities including the Attorney General, the Animal and Plant Health Inspection Services, and the Office of the General Counsel as needed.

FOOD SAFETY AND INSPECTION SERVICE/HUMANE METHODS OF SLAUGHTER ACT (HMSA) ENFORCEMENT

We greatly appreciate the inclusion of $5 million in the FY 2003 bill to hire at least 50 inspectors whose sole responsibility will be to ensure that livestock are treated humanely and rendered unconscious before they are hung upside down, skinned, dismembered, scalded, or killed. Having these new inspectors focus on unloading, handling, stunning, and killing of animals will bring much-needed attention to slaughter plant practices that have had little oversight in recent years. We also appreciate your inclusion of language specifying that the ongoing activities of 17 District Veterinary Medical Specialists hired as a result of $1 million provided in the FY 2001 Supplemental should be limited to HMSA enforcement rather than the various unrelated duties with which they had been charged. And we commend you for directing the General Accounting Office to review and report by July 1, 2003 on the scope and frequently of HMSA violations, with "recommendations on the extent to which additional resources for inspection personnel, training, and other agency functions are needed to properly regulate slaughter facilities in the areas of HMSA enforcement."

There are nearly 900 federally inspected slaughter plants in the U.S., handling millions of animals each day. In addition to requesting continued funds in FY 2004 to sustain at least 50 new inspectors and the 17 positions mentioned above, we hope you will give full consideration to any recommendations the GAO may have for enhancing enforcement of this important—and very basic—law.

APHIS/ANIMAL WELFARE ENFORCEMENT

Thanks to funding increases in the past four years, Congress has enabled USDA to begin to reverse a serious decline in the number of AWA compliance inspections. However, the President's FY 2004 budget proposal—which suggests $1.7 million less for the Animal Care division than in FY 2003—would fail to cover the salaries of recently-hired inspectors and substantially undo the gains Congress has made possible. Moreover, there is still much room for improvement. Many facilities continue to escape oversight for long periods of time, giving rise to situations that threaten both human and animal health and safety. Nearly half of the sites that do get inspected are found to have apparent violations of the minimum standards under the Act and, therefore, follow-up visits are badly needed. We urge you to sustain Animal Welfare funding at the FY 2003 appropriated level of $16.4 million, in order to keep the current number of inspectors (approximately 100 to oversee about 10,000 sites).

Again, we are very grateful for the Subcommittee's leadership in addressing enforcement needs for key animal welfare laws. We hope you will stay the course, so that funds necessary to administer these laws effectively will continue to be available and will be appropriately used. We look forward to working with you in the coming year, and thank you for your consideration.

Sincerely,

Christopher Smith, Earl Blumenauer, Thomas Tancredo, Robert Andrews, Mark Green, Elton Gallegly, Roscoe Bartlett, Gary Ackerman, David Wu, William Delahunt, James Moran, Louise Slaughter, Steven LaTourette, Frank LoBiondo, Dennis Kucinich, David Price, James McGovern, Steve Israel, Tammy Baldwin, Bob Filner, Barney Frank, Tim Ryan, Rush Holt, Rick Larsen, Jerry Costello, Jim Leach, Steven Rothman, Nancy Johnson, James Langevin, Michael Ferguson, Gary Ackerman, George Miller, Carolyn Maloney, Mark Udall, Vic Snyder, Jim Saxton, Rob Simmons, Anthony Weiner, Donald Payne, Johnny Isakson, Richard Neal, Frank Wolf,

Neil Abercrombie, Dennis Moore, Bill Pascrell, Jr., Ellen Tauscher, Judy Biggert, Luis Gutierrez, Michael Doyle, Karen McCarthy, Jerrold Nadler, Janice Schakowsky, Robert Wexler, Phil English, Mike Thompson, Peter DeFazio, Dale Kildee, Sherrod Brown, Frank Pallone, Elijah Cummings, Zoe Lofgren, Robert Menendez, Jay Inslee, Joseph Hoeffel III, Michael Bilirakis, Bernard Sanders, Chris Shays, Henry Waxman, Brad Sherman, Charles Rangel, Fred Upton, Tom Lantos, Hilda Solis, John Tierney, Peter Deutsch, Edward Whitfield, Lloyd Doggett, Edolphus Towns, Eleanor Holmes Norton, Barbara Lee, Major Owens, Adam Smith, Eliot Engel, Michael Honda, Lane Evans, Julia Carson, Corrine Brown, William Clay, Jr., Brian Baird, Adam Schiff, Grace Napolitano, Robert Matsui, Albert Wynn, Anthony Weiner, Martin Meehan, Nicholas Lampson, Thomas Allen, Nancy Pelosi, Patrick Kennedy, Sherwood Boehlert, Anna Eshoo, Sander Levin, Shelby Berkley, James Clyburn, Howard Berman, Jim McDermott, Nydia Velazquez, Gene Green, John Lewis, Lynn Woolsey, Sanford Bishop, Jr., Charles Gonzalez, Michael Capuano, Benjamin Cardin, Ed Case, Harold Ford, Jr., Pete Stark, Stephen Lynch, William Lipinski, Charles Bass, Clay Shaw, Jr., Jim Greenwood.

THE HUMANE SOCIETY
OF THE UNITED STATES,
Washington, DC, July 14, 2003.

DEAR REPRESENTATIVE: On behalf of The Humane Society of the United States (HSUS) and our more than 7.7 million supporters nationwide, we are writing to urge your support for the Blumenauer-Tancredo amendment to the Fiscal Year 2004 Agriculture Appropriation Act. The HSUS intends to score this vote on our annual Humane Scorecard,which is a joint project of several major national animal protection organizations.

Last year, Congress closed loopholes in the federal animal fighting law (Section 26 of the Animal Welfare Act). Now Congress needs to ensure that USDA enforces this law in a meaningful way. The Blumenauer-Tancredo amendment would provide $800,000 for the Office of Inspector General to focus on animal fighting cases, providing for collaborative opportunities for federal, state, and local law enforcement personnel on dogfighting and cockfighting activities that involve interstate transport or foreign commerce.

Dogfighting and cockfighting are barbaric activities in which animals are drugged to heighten their aggression, strapped with knives or gaffs on their legs, placed in a pit, and forced to fight to injury or death for amusement. During the instigated fights, the animals suffer grievous wounds. Animal fighting is often associated with illegal gambling, and also often involves illegal drug traffic and violence against people. Dogs bred and trained to fight endanger public safety.

Cockfighting has been linked with the recent outbreak of Exotic Newcastle Disease (END) that destroyed many poultry flocks and cost taxpayers more than $100 million for containment and compensation. Not only have law enforcement agencies and humane and veterinary groups called on Congress and USDA to deal with this growing problem, so have traditional agricultural organizations like the California Farm Bureau Federation and the Texas Poultry Federation, out of concern about cockfighters spreading END and other diseases.

Thank you for your consideration, and please vote "yes" on the Blumenauer-Tancredo amendment to the FY 04 Agriculture Appropriations Act.

Sincerely,

WAYNE PACELLE,
Senior Vice President, Communications & Government Affairs.
MIMI BRODY,
Director, Federal Legislation.

Mr. SHAYS. Mr. Chairman, last year, Congress enacted provisions to close loopholes in the federal animal fighting laws. We need to ensure the Department of Agriculture (USDA) has the resources it needs to enforce the law.

The Blumenauer-Tancredo amendment will provide a modest $800,000 for the USDA's Office of Inspector General to focus on animal fighting cases.

Dogfighting is banned in all 50 States and cockfighting is banned in 48 States. Dogfights and cockfights frequently involve not only deplorable animal abuse, but also illegal gambling, drug traffic, and violence to people. Additionally, cockfighting may be responsible for the spreading of diseases such as Exotic Newcastle Disease (END), a highly contagious virus that affects the respiratory, digestive, and nervous systems of birds. This disease has destroyed many poultry flocks throughout California, Arizona, New Mexico, and Texas and has cost taxpayers more than $100 million for containment and compensation.

As Co-Chair of the Congressional Friends of Animals Caucus, I urge my colleagues to vote in favor of the Blumenauer-Tancredo amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of Rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) will be postponed.

AMENDMENT OFFERED BY MR. DAVIS OF ALABAMA

Mr. DAVIS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Alabama:

Page 3, line 9, after the dollar amount, insert "(reduced by $3,500,000)".

Page 11, line 13, after the dollar amount, insert "(increased by $2,000,000)".

Page 13, line 5, after the dollar amount, insert "(increased by $2,000,000)".

Page 13, line 23, after the dollar amount, insert "(increased by $1,500,000)".

Page 14, line 14, after the dollar amount, insert "(increased by $1,500,000)".

Mr. DAVIS of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DAVIS of Alabama. Mr. Chairman, I rise today in support and to offer an amendment that will correct a discrepancy and a disparity that has been overlooked in this bill, Mr. Chairman.

Let me begin by, first of all, thanking the very able ranking member of this subcommittee, the gentlewoman from Ohio (Ms. KAPTUR) for her cooperation and her assistance. Let me thank my good friend, the gentleman from South Carolina (Mr. CLYBURN), as well and a number of my colleagues on both sides of the aisle who have worked on this issue during the last several months.

Mr. Chairman, 17 Members of this institution are honored to represent 1890 Land Grant Colleges. 1890 Land Grant Colleges are historically black colleges and universities that have played an enormously significant role in the life of the South, in particular in the last 100 years. These institutions, that include in my State Tuskegee Alabama University and Alabama A&M University, not only reach an underserved part of the population, but they have been vehicles for launching leadership all over this country.

In the President's budget that was submitted, there was a discrepancy in the way these schools are treated and the way that 1862 Land Grant Colleges are treated. While I certainly take the chairman's admonition that if all of us who wanted to add a dollar here and a dollar there were to come to the floor, we would be here all day, I think that all of us would recognize that we have some fundamental obligations to treat like institutions in the same manner.

This particular budget essentially leaves level funding for 1862 Land Grants, which happen to be predominantly white institutions. Funding is slashed by five times that amount for 1890 Land Grants. I am not here to point a finger, Mr. Chairman, or to cast aspersions. I simply identify this discrepancy as something that we should fix.

A number of people ask, what is the impact of a cut that seems relatively small, about 3 percent? That has to be measured I think in the individual life of these institutions. Seventeen of them stand to lose $200,000 to $300,000 a school. In Tuskegee, Alabama, a $200,000 cut at Tuskegee University weakens the ability of that school to do enormously important work. A $200,000 cut at Alabama A&M University weakens the ability of that school to do enormously important work.

While so many programs have had to bear the brunt of the budget ax, we ought to make sure that it is administered in a fair and evenhanded manner.

So I ask my colleagues to support this amendment and to restore $3.5 million, a fraction of a $3 trillion plus budget, to bring back these 1890s to parallel treatment with 1862s in this budget. This is an act of bipartisanship on our part.

I want to thank someone who is not here today, who is touring a base in his State, my good friend and one of the ablest colleagues that we have in this institution, the gentleman from Connecticut (Mr. SHAYS). He has worked on this issue since the budget process. I want to also thank the gentleman from Louisiana (Mr. VITTER), our colleague on the Committee on Appropriations.

So I urge my colleagues to support this amendment, to make a very important statement about the worth and the value of these colleges that play such a significant role.

□ 1315

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, once again the gentleman brings up some very good points in his amendment, but we have done the best we possibly could under the limitations we have this year; and the offset the gentleman is looking at, again, would hurt the implementation of a lot of programs that we have discussed earlier. So for that reason I would oppose this amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to rise in very strong support of the gentleman from Alabama's (Mr. DAVIS) amendment. I think it is a very important one to support our land grant institutions, and those that are historically black colleges and Tuskegee Institute. If you think about it, if you look at the budget the President presented to the Congress, the funding for the 1890 land grant institutions was actually cut three times as deeply as funding for the 1862 land grant institutions under the President's submittal. And so the cuts fall more harshly on those institutions that have an enormous load to carry in helping to bring up the talent to perform the research at those colleges which often gets shortchanged because people are spending so much of their time teaching.

I think only an administration that really does not understand what these institutions do could cut the funding three times as deeply as the other trims that were made in the budget. It has been very interesting to watch the President tour Africa. In having worked with our colleagues over the years to try to get linkages between our historically black colleges and Tuskegee Institute with African institutions to try to draw linkages halfway across the world, I know how difficult it has been. It has been hard to get those kinds of agreements to occur, to give these institutions a chance to embrace the 21st century and create the kind of global connections and specialized knowledge that rests in these institutions.

So I think the gentleman makes a very reasonable proposal here for $1.5 million to be directed to the institutions for facilities and $2 million for capacity building for the 1890s institutions, offsetting that $3.5 million from the common computing environment.

When I look at what happened over the weekend with all the news coming out about credit cards over at the Department of Agriculture and some of the internal problems that they are having, I know one thing: when you invest in the Historically Black Colleges and Universities and the Tuskegee Institute, you are investing in people; you are investing in the future where knowledge is so important to propel economic growth including in some of the most hollowed out parts of the country where agriculture has to be the lodestar industry. These institutions provide hope and opportunity for people who were traditionally excluded from other institutions of learning in this country.

So I think that the gentleman has correctly awakened this Congress and the administration to what is not just fair but appropriate and will help to provide opportunity in many quarters. So I want to strongly support the Davis amendment.

Mr. TOWNS. Mr. Chairman, I rise today in support of the gentleman from Alabama's amendment.

As a graduate of one of our nation's historically Black land-grant institutions, North Carolina A&T State University, I know how important these colleges and universities are to farmers in economically-distressed areas. To reduce the research and education activities by 17 percent and the expansion for extension activities by 10 percent imposes an onerous burden on these institutions and their ability to serve minority students and farmers. These cuts stand in marked contrast to the minimal reductions experienced by 1862 land-grant institutions.

Consequently, I would urge support for the gentleman's amendment which would restore $3.5 million for these colleges and universities. At a time when limited resource farmers are struggling for survival, we should not be undercutting their best educational resource, the extension arm of the 1890 colleges and universities.

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment, which will restore funding to historically black 1890 land grant colleges, and thank ARTUR DAVIS for bringing this disparity to our attention.

When the Budget Committee, of which I am Vice-Chairman, debated this year's Budget Resolution, Mr. DAVIS alerted us to a troubling discrepancy. Under the budget, historically black 1890 Colleges of Agriculture would have federal funds cut by 3.1 percent, while predominantly non-minority 1862 land grant colleges were only cut by .6 percent. The Budget Committee agreed to insert language into the Budget Resolution stating 1862 and 1890 colleges should be treated equitably.

Under the budget, Capacity Building grants for research and education activities at 1890 colleges were cut 17 percent, while Facilities Expansion funding for Extension Activities were cut by 10 percent. Our amendment restores this funding.

There are 1,890 extension offices working directly with minority farmers. Their activities are vital to the success of these primarily agricultural institutions, and provide critical support for farmers in the most economically-distressed areas.

Because so little funding already flows to these activities, cuts of this magnitude could cripple the ability of 1890 institutions to pursue their mission.

Again, I thank Mr. DAVIS for offering this amendment and urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. DAVIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REHBERG

Mr. REHBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REHBERG:

Strike section 743 (page 71, lines 8 through 11), relating to country of origin labeling for meat and meat products.

Mr. Chairman, this is a very simple amendment, that is why I had it read. It is country-of-origin labeling.

A vote for this amendment is a vote in favor of country-of-origin labeling. A vote against this amendment is a vote to kill it. The proponents of what they did in the subcommittee and full committee will talk about the fact that they are delaying for 1 year, but that does not occur. Within this amendment, by delaying the implementation, you in fact delay country-of-origin labeling because the Department will spend no time on this very matter. We knew all along the administration did not support this. I have talked to the President personally about this. I do not know if they necessarily understand the issue.

The issue is very simple. Do we want to give our producers in America the opportunity to tout the fact that their product was born, raised, and processed in America? Country-of-origin labeling offers shoppers a choice, but also provides farmers and ranchers fairness. The issue has been fully debated. It was debated in the House farm bill. It was debated in the Senate farm bill. It passed both bodies. It was signed by the President; and, in fact, the administration has had twelve hearings around the country.

By taking the funding away from the implementation, you are cutting the legs out from under American farmers and ranchers and our ability to know where our product comes from, and it makes you wonder why somebody would be reluctant to put their name or their country on their product. Currently you can buy clothes, you can buy electronics, you can buy toys that label where they come from; but you cannot label meat mandatorily. You do not know where your meat is necessarily coming from. And yet you can buy Australian lamb chops, New Zealand apples, and Chilean sea bass.

Some will try to say that COOL violates the international trade agreements. And that is not true. In fact, in an article just today, the Japanese officials have said that trade would be banned beginning September 1 if the United States cannot certify that exports contained no Canadian beef. Our number one importer of our beef is Japan. They want country-of-origin labeling. Our number three importer of our meat is Korea, and they want the same labeling. In fact, 60 countries around the world are asking for labeling.

I have brought along an article that was in the Great Falls paper yesterday, the Great Falls Tribune. Interesting: "This spring after a case of mad cow disease was confirmed in Alberta, Montana's cattle industry found out just how valuable it is to know where cattle are all the time. In June, officials learned five bulls from a Canadian herd linked to the Alberta cow with the disease were sold to a Montana ranch in 1997. The paper trails created by the State's inspection process traced in less than 20 hours where the bulls had been and where they ended up. Montana's brand inspection laws are among the country's strictest. Every time branded livestock are moved across a county line, sold to another owner or brought to a livestock auction, an official inspection must take place; records of those inspections are kept in a State wide registry. Jack Wiseman, administrator of brand enforcement of the Montana Department of Livestock said, 'If a cow never left the State of Montana or was exported to State with a similar brand laws, we could trace the ownership of a cow from calf-hood to death.'"

Do not listen to me as to why this is important. Listen to somebody who has some experience in enforcement of livestock laws. "'Montana's system is enviable,' says Larry Gray, the director of Law Enforcement for Texas and the Southwest Cattle Raisers. The Lone Star State does not require brand inspections for stock sales between private individuals. Brands are recorded at the county level but there is no state-wide registry. I wish our laws were more stringent. That is a problem in Texas, he said, and right there there is not a way for State officials to trace an individual animal's history. 'Perhaps with country-of-origin labeling which would show consumers where meat sold at the retail level is born, raised, and processed, there will be a way to trace cattle here.'"

Does that not scare you to death? Cattle can be stolen in some States around this country and we have do not have the process set up to be able to tell, like Montana did within 20 hours, where cattle that had come from a State or a country that had a problem, where those livestock went. It is important that we pass this amendment. It is important that we carry forward with country-of-origin labeling for America, for farmers and ranchers, for consumers.

Mr. BONILLA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, there is strong bipartisan opposition to this amendment in this body. It is interesting to note on this occasion when amendments are presented before this body how much misinformation is presented. For the proponents of this amendment to in any way indicate that you cannot put labels on any meat products at this time is absurd. This is a free country.

Any producer, any retailer right now can stick a label that says "Made in America" on any aisle in any frozen food section, in any section of the grocery store if they choose to do that.

The misinformation about whether or not this amendment affects mad cow disease is one of those fear-mongering arguments that is often times made in this town and around the country when you are trying to reach people at the emotional level and not at all talking about the truth in substance about the issue at hand.

This country-of-origin labeling on meat products that is in the bill, the prohibition on funding, has absolutely nothing to do with mad cow disease. But again, this argument is being pulled off the shelf to try to scare people into voting for this.

This prohibition that we have put in this bill simply says that USDA will not be able to work on enforcing, promulgating, developing any kind of regulation for a year until there can be more ample study and understanding of the bill.

This country-of-origin labeling provision that was put in the farm bill last year is controversial and costly. Many of our producers out there are shaking in their boots right now wondering about the liability that they would be faced with, the action that could be taken against them by people who would simply hold them accountable for not putting the proper label on their product. It could drive them out of business.

Grocery stores in this country, I do not care what part of the country you live in, if you have got a Safeway, if you have got a, like in Texas, an HEB Food Store or an Albertson's, all of the people who run those grocery stores are opposed to this amendment because they have a tremendous liability laying before them if that product is not labeled appropriately.

So if you are interested, any Member who votes for this amendment that is being presented by my colleague today would in essence would be voting to increase the grocery bill and create sticker shock the next time Americans go through the meat section in a grocery store. So that is what you would have to face if you vote for this amendment.

The cost of this implementation of country-of-origin labeling has been estimated on the low end so far by those who have been working on this at USDA to be $2 billion. Overall most people agree that that is a very conservative cost estimate; and, in fact, the cost of implementing this would be much, much higher and guess who is going to pay for that, Mr. Chairman? That is why we are completely opposed to this amendment.

This has bipartisan support to be opposed to this amendment. The chairman of the authorizing committee, the ranking member, so many others that are part of the Hispanic Caucus, the Black Caucus, all across the board, again, members of the authorizing committee are also opposed to this. And they are working on this issue, having hearings, trying to deal with this country-of-origin labeling in the appropriate way. We are just asking with the provision in our bill to give them the time to do that.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, our previous speaker talked about bipartisan effort to not pass this amendment. Let me state that last year there was a bipartisan effort to get this amendment in the bill, and it passed both the House and the Senate. It is also interesting when the gentleman says, well, you can just slap that sticker on a piece of meat or whatever. Well, guess what, we require that we know where our clothing is made, where our shoes are made. I think consumers need to know the meat, the produce they put in their mouths, where it comes from, where it is raised, and if it is safe.

I agree with the statements made by my colleague from Montana and thank him for the leadership on this issue. Over the past several days I received letters of support from the Oregon Farm Bureau and the Oregon Cattlemen's Association thanking me for helping to bring this amendment forward today.

Our amendment is supported by farmers in my district and across the country, which is why it is endorsed by the American Farm Bureau and the Farmers Union. Consumers Federation supports this as well as other consumer groups. Our farmers grow the best produce and raise the best livestock in the world, and American consumers know this. Studies have shown that Americans want to buy American commodities and are even willing to pay a premium to do so.

□ 1330

Yet while a consumer could go into a department store and know that their shirt is made in this country, they cannot go into the grocery store and have the same certainty about the food they are going to serve their families.

U.S. producers need mandatory labeling in order to compete in the marketplace. Product differentiation is the only way consumers can exercise their choice between purchasing either domestic beef or beef produced by foreign competitors.

In fact, according to a 2003 Colorado State University survey, 69 percent of consumers participating were willing to pay for more steaks clearly labeled "USA Guaranteed: Born and Raised in the United States" than for those without origin labels. Our Nation's farmers and ranchers produce the best and safest commodities in the world, and our Nation's consumers deserve the chance to determine where their food is born, raised and processed.

Recent events have also shown that the country of origin labeling is necessary for U.S. farmers to compete in international markets, and we keep talking about trade in international markets. Our number one beef importers, Japan and Korea, have both demanded assurances that beef they are buying is actually American beef.

For these reasons, we had country of origin labeling provisions added to the farm bill last Congress. The U.S. Department of Agriculture is formulating the rules to implement these provisions right now.

What the provision in the Agriculture appropriation bill would do would be to prevent the USDA from putting these rules together, short-circuiting a process that is currently in place, a process that Members of this body and the Senate voted to have in there last time.

Opponents of this amendment contend that the costs for industry, including retailers, to comply with country of origin labeling are too great, and the price of products will rise as a result. This is simply untrue. We already have a test case in place.

The fourth most populous State in this country, Florida, has had a country of origin labeling requirement for over 20 years. The Florida Department of Agriculture has estimated the annual cost of its mandatory produce labeling law is just a couple of pennies for a bag of groceries.

Country of origin labeling is good for American farmers, good for American consumers. I encourage my colleagues on both sides of the aisle to stand up today for their constituents and vote for the Rehberg-Hooley amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I think the American consumers have a right to know where the food they are consuming comes from and where it is made. I mean, think about this. Any of us here could look at the labels on our own clothes and know where the country of origin is. Why should we not be able to have that right when it comes to the food we consume?

This is not only a matter of right to know. It is a matter of assuring that American agriculture will be able to have the full impact and benefit from the American market because American consumers prefer American agriculture. We have got to make sure that American agriculture has the support that it needs.

Indeed, we are talking here about an agriculture bill. This idea of right-to-know and protection of the market are only some of the reasons why so many consumer groups and so many farmer groups across this country promote this country of origin labeling amendment.

I want to cite the following in the time that I have remaining as groups that are supportive of this legislation so there can be no mistake about it, notwithstanding the remarks that have been made here that there is plenty of support for country of origin labeling across the country: The Alabama Farmers Federation, the American Agriculture Movement, Incorporated, the American Agriculture Movement of Arkansas, the American Agriculture Movement of Oklahoma, the American Corn Growers Association, the American Corn Growers Association of Nebraska, the American Meat Goat Association, the Arkansas Farmers Union, the Baker County Livestock Association, the Beartooth Stock Association, the Bitter Root Stockgrowers Association, the Bull Mountain Land Alliance, the Burleigh County Farm Bureau, the Calaveras County Cattlemen's Association, the California Farmers Union, the California National Farmers Organization, the Campaign to Reclaim Rural America, the Carbon County Stockgrowers Association all support country of origin labeling.

The C.A.S.A. del Llano, the Catfish Farmers of America, the Center for Rural Affairs, the Cochise-Graham Cattle Growers Association, the Consumer Federation of America all support country of origin labeling.

Crazy Mountain Stockgrowers Association, Dakota Resource Council, Dakota Rural Action, Dawson Resource Council, Dunlap Livestock Auction, Eagle County Cattlemen's Association, Eastern Montana Angus Association, Fall River and Big Valley Cattlemen's Association, Fillmore County Cattlemen's Association, Florida Farm Bureau Federation, Florida Farmers, Incorporated, Florida Fruit and Vegetables Association, Florida Tomato Exchange, Georgia Peanut Commission, Georgia Poultry Justice, Glacial Ridge Cattlemen's Association all support country of origin labeling.

The Grant County Cattlemen's Association, Grant County Stockgrowers Association, Holy Cross Cattlemen's Association, Houston Company Cattlemen's Association, the Idaho Farmers Union, the Illinois Farmers Union all support country of origin labeling.

The Independent Cattlemen's Association of Texas, the Indiana Farmers Union, the Indiana National Farmers Organization, the Institute for Agriculture and Trade Policy, the Iowa Farmers Union all support country of origin labeling.

Just Food, Kansas Cattlemen's Association, Kansas Farmers Union, Kansas Hereford Association, Kemper County Farm Bureau, Kern County Cattlemen's Association, Kit Carson County Cattlemen's Association, Land Stewardship Project, the Lincoln County Stockmans Association all support country of origin labeling.

The Livestock Marketing Association, the Madera County Cattlemen's Association, the Malheur County Cattlemen's Association, the McCone Agricultural Protection Organization, the Merced-Mariposa Cattlemen's Association, the Michigan Farmers Union, the Minnesota Farmers Union, the Missouri Farmers Union all support country of origin labeling.

The Missouri National Farmers Organization, the Missouri Rural Crisis Center, the Missouri Stockgrowers Association, the Modoc County Cattlemen's Association, the Montana Agri-Women, the Montana Cattlemen's Association, the Montana Farmers Union all support country of origin labeling.

The Montana National Farmers Organization, the Montana Stockgrowers' Association, the National Association of Farmer Elected Committees, the National Catholic Rural Life Conference, the National Consumers League all support country of origin labeling, and there is dozens and dozens more.

Support this amendment.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 50 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Would the gentleman from Texas (Mr. BONILLA) like to control the time?

Mr. BONILLA. The Chairman is correct.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) will control 25 minutes in opposition to the amendment.

Mr. REHBERG. Mr. Chairman, I request to control the time for the proponent.

The CHAIRMAN. The gentleman from Montana (Mr. REHBERG) will control 25 minutes.

Mr. BONILLA. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the authorizing Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, I want to thank the Chairman of the Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies for yielding me this time and for his leadership in making sure that we address the country of origin labeling issue correctly.

Many of my colleagues may not appreciate how hard the House Committee on Agriculture has worked on the country of origin labeling issue. Several years ago, the gentleman from California (Mr. POMBO), then Subcommittee on Livestock and Horticulture chairman, and some of his colleagues began a process to explore this subject. They started out with the hope that it could be accomplished in a way to provide an effective tool for producers to earn more in the marketplace. The subcommittee proceeded to meet with interested parties and the administration to develop the idea.

Subsequently, the fiscal year 1999 Agriculture appropriations directed the Secretary to conduct a comprehensive study on the potential effects of the idea. During an April 28, 1999, Subcommittee on Livestock and Horticulture hearing, the Clinton administration testified about the "variety of regulatory regimes" for labeling that could be adopted and further asserted that they "believe there would probably have to be some kind of paperwork traceback system." The GAO pointed out that "there is going to be significant costs associated with compliance and enforcement."

Concerned that the costs outweighed the benefits for producers, the gentleman from California (Mr. POMBO) and others turned their attention to working with USDA to develop a credible voluntary program that allowed producers and processors to work together. Meanwhile, the GAO released its report in January of 2000 stating that mandatory labeling "would necessitate change in the meat industry's current practices, create compliance costs across all sectors of the industry" and asserting that "U.S. packers, processors and grocers would, to the extent possible, pass their compliance costs back to suppliers, U.S. cattle and sheep ranchers, in the form of lower prices or forward to consumers in the form of higher retail prices."

On September 8, 2000, interested parties submitted a petition to the USDA for a voluntary program and the Subcommittee on Livestock and Horticulture conducted another hearing on September 26, 2000, to review studies and the USDA's progress on the petition.

In early July, 2001, Under Secretary Hawks wrote industry to commit the Agriculture Marketing Service "to begin action on the petition requesting a USDA voluntary, user-fee funded certification program that will enable a label for beef products."

That same month, on July 26 and 27, the House Committee on Agriculture conducted its markup of the Farm Bill. The transcript of that markup has 12,463 lines of text, with 3,167 lines on amendments to create a mandatory country of origin labeling program. Fully 25 percent of the markup was devoted to this proposal, which was ultimately rejected because of concerns that the costs outweighed the benefits.

It has been mentioned by some that this has been passed on the floor of the House, and that is most certainly not correct. Mr. Chairman, an amendment was passed on the floor dealing with fruits and vegetables. The more complicated issue of beef and pork, which is the only subject covered by the provision in the Agriculture appropriations bill that delays implementation for a year, is the beef and pork provisions. The House has never taken a position on this, and this is far more complicated and costly for the producers than any of the other sectors, whether one likes the other ideas or not.

For those that attended the Farm Bill conference meetings, they know that labeling was a major topic of discussion there as well.

Despite a complete lack of any hearing record on the subject, the Senate insisted on its provision requiring labeling for beef, pork, lamb, fruits, vegetables, peanuts and fish.

Just weeks ago, on June 26, the Committee on Agriculture conducted an extensive hearing on the implementation of mandatory country of origin labeling. We learned a number of troubling things. We learned that most of the problems associated with implementation were a result of the law and not the administration's interpretation. We learned that while some groups still support mandatory country of origin labeling, the two largest livestock producer groups in America, the National Cattlemen's Beef Association and the National Pork Producers Council, both oppose it.

We learned that this new law will open everyone up and down the food production system to third party lawsuits with the potential of creating havoc for producers, packers, processors and retailers. We learned that because of the way the law is drafted, no matter what the administration does in writing the implementing regulations, because the retailers have been made ultimately liable for this labeling system, that they will set up their own regime to protect themselves against mislabeled products, and that regime is going to be very costly to producers.

□ 1345

If you are a domestic producer of beef or pork, you are going to have to comply with an enormous amount of record keeping, a great deal of cost which you are going to have to bear yourself. Lower prices for your product are going to be passed down to you by the processors, by the distributors, by the wholesalers, by the retailers; and that foreign competition, whether it is fine Argentinian Black Angus beef or Australian beef, they are simply going to slap it on the label and say we are guilty. It will cost them little, if anything, to comply; it will cost the U.S. producers more. Therefore, this is going to be a major competitive disadvantage for American agriculture. I would urge Members to support the original Bonilla language in the appropriations bill to delay implementation for 1 year and oppose the amendment which has just been offered to strike that language. We need time to sort out the problems with this legislation before Congress ends up doing a lot more harm than good.

Mr. REHBERG. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Rehberg-Hooley amendment to say that the Committee bill provision indeed subverts the law. This Rehberg-Hooley provision was included in the farm bill. But when the opponents of that law found an opening in the subcommittee of agriculture appropriations to try to subvert the law, they took that opportunity. And so what we are talking about here is changing the law of our country that was passed here, as well as passed in the other body, and signed into law. We surely had plenty of consideration. That is number one.

My second point is this amendment is being offered at a time when we have the highest number of meat recalls in the country's history. God forbid you are the parent of someone who just died from eating contaminated meat. I find it very interesting that those who oppose this say there are going to be all these high costs and all these problems. Do Members know that not one producer in Ohio has complained to me about this law? I represent cattlemen and cattlewomen. They raise a lot of different kinds of animals in our region. Producers want the labeling. In fact, the Ohio producers, the Great Lakes producers, are working on their own electronic ear tags because they do not want their meat mixed with other stuff that they do not know where it comes from. They want to be able to offer a quality product at a competitive price and get it on the shelves of the supermarket. The problem is that the supermarkets deny shelf space to independent producers.

We know who wants this law subverted. It is not the ranchers; it is not the farmers. It is the people who want to make money off them. Any decent business person wants labeling of their product. Our father operated a family grocery and when he made his meatloafs, when he made his sausages, we had our own label tape that we pealed and put right on the package. We were so proud of his products. Our market was called Supreme Market, and to this day it sold the best meat I ever ate, the best sausage I ever ate. We were proud to label it. Good producers want labels on their quality products.

In Ohio, the Great Lakes Family Farms has a special verification program. They eartag animals with all relevant information. They know what shots the animal got. They know which feed lot it was on and how much it weighed at 6 months, at 8 months. They know everything because they know their customers want to know, and that local label gives them a niche in the market to be able to offer quality meat.

Mr. Chairman, in an era when the consumer wants to know, why is the Republican leadership trying to subvert the law and not give us as consumers the right to know where our meat comes from? It is simply because if you are going to mix in Argentinian beef or mix in some other kind of meat at the store, you do not want your customers to know. If you have some Uruguayan skinny steer that was wandering somewhere around Latin America, and then you are going to take some of that meat and blend it in with Ohio beef, you do not want anybody to know because you are going to make just as much money on that package.

But the farmers know how to label. They are doing it already. They are doing it in our region, and those electronic ear tags are so complete and with technology being what it is today, we can know everything about an animal, even who its mother and father were.

Do not give me this baloney it is going to be so much more expensive. Our farmers are already doing it. Ohio farmers can lead the way. In fact, the American Farm Bureau supports the law. It does not support subverting the law. They support country-of-origin labeling. In the letter that they have sent to us, they say those products should be labeled at the retail level. With increased trade, more products are being imported into the United States and the farm bureau is working with the agricultural marketing services to implement a program with the least amount of burden and cost to producers.

So in addition to all of the names that the gentleman from Ohio (Mr. KUCINICH) read into the RECORD, I will include a letter from the American Farm Bureau.

Mr. Chairman, Members might have noticed the recent stories about mad cow disease, BSE, bovine spongiform encephalopathy, that is up in Canada now. We have to know where our meat comes from, and people who raise meat should be responsible for it, just like my father was responsible for his products. They ought to be proud of what they are producing and not ashamed, and not try to hide something on a package that when you take the hamburger out, it looks red on the outside and it is all brown on the inside. We all know what they are doing. We understand what that is all about.

I think it is a worthy amendment. We have the technology to do it. I will place in the RECORD what the 4–H requires of our students as one of its projects to have labeling of beef. This is not rocket science. It can be done.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, June 24, 2003.

Hon. MARCY KAPTUR,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE KAPTUR: The American Farm Bureau Federation commends the Appropriations Committee for timely action on the FY04 agriculture spending bill. We ask that you consider the following information as the Appropriations Committee acts on the bill this week.

We support full funding for the Farm Security and Rural Investment Act of 2002 (FSRIA). Unfavorable weather conditions, uncertainties involved with international trade, the value of the dollar and record high input costs have converged to produce a turbulent and difficult time for agriculture. The industry has suffered through several consecutive years of historic low market prices and weather disasters. The new farm law helps address problems faced by American farmers and ranchers and it provides unprecedented funds for our nation's conservation needs. Changes in farm bill programs would be devastating not only to farmers and ranchers but the rural economy as well. Consequently, the Farm Bureau strongly encourages you to avoid making changes to FSRIA in the FY04 appropriations process.

We commend the Committee for maintaining full funding of farm bill commodity programs. It is imperative that counter-cyclical payment rates, loan rates and direct payments be preserved as adopted in FSRIA. We are opposed to any changes in current payment limitations for direct payments, counter-cyclical payments, loan deficiency payments (LDP) and marketing loan gains (MLG), including a separate payment limitation for the peanut program. Current rules on spouses, three-entities, generic certificates and actively engaged requirements should be retained.

AFBF supports country-of-origin labeling (COOL) as passed in the 2002 farm bill. Many farmers and ranchers believe that the products they grow in the United States should be labeled a product of the United States at the retail sales level. With increased trade, more products are being imported into the United States, giving the consumers greater choices at the marketplace. Farm Bureau is working with the Agricultural Marketing Service (AMS) at USDA to implement the program with the least amount of burden and costs to producers. We are disappointed the legislation blocks further work by USDA to implement country-of-origin labeling for meat and poultry products. We ask that you support the restoration of funding for this important program.

Farm bill conservation programs should be fully funded. Full implementation of the Environmental Quality Incentive Program (EQIP) and Conservation Security Program (CSP) is key to assisting agricultural producers in complying with environmental regulations and addressing important conservation issues nationwide. Program funding for technical assistance is essential if conservation programs are to be successful. While we are pleased that the bill increases funding for conservation operations activities, we are disappointed that funding for CSP is blocked and limits have been placed on EQIP.

The development of alternative energy sources is not only significant to the advancement of American agriculture but also is vital to enhancing our nation's energy security. The 2002 farm bill contained an energy title that includes provisions for federal procurement of bio-based products, bio-refinery development grants, a biodiesel fuel education program, renewable energy development program, renewable energy systems, a bioenergy program and biomass research and development. These programs will assist rural economic development as well as increase our nation's energy independence. We are disappointed that the bill under consideration does not include funding for key programs that promote alternative energy sources.

Thank you for your consideration of these issues of importance to farmers and ranchers.

Sincerely,

BOB STALLMAN,
President.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM) as a demonstration of strong bipartisan support in opposition to this amendment.

Mr. STENHOLM. Mr. Chairman, many of us have spent countless hours on country-of-origin labeling on the authorizing committee both during the discussion on the farm bill and since. The Committee on Agriculture has conducted a series of briefings on country-of-origin labeling to educate staff on the implementation of the requirements, and recently held a full committee hearing on the issue. The gentleman from North Carolina (Mr. HAYES), chairman of the subcommittee, has indicated that he will hold additional hearings on this issue in the near future.

It is not my purpose to stand in opposition to the amendment to subvert the law. I am standing here saying we want this to work; and for it to work, it will take an additional 1 year of time to make it work.

I question the wisdom of a mandate to include on labels every piece of information that a random consumer survey identifies as something consumers want to know. Current U.S. food labeling requirements are based on the attributes of the food itself, such as nutritional composition, ingredients, special safety considerations such as presence of allergens and requirements of handling and safe use.

This was pointed out by the previous administration in a letter to the EU concerning biotechnology. Every additional piece of information we require on a label by government mandate diminishes slightly the information that is already there.

I have heard that Americans know where their shirts are made, Americans know where their cars are made, but not what they are putting in their mouth. I say what is wrong with this picture? Those who say that are right, we do not know where these things are made, but these items do not have to participate under guidelines even remotely similar to those included in the current COOL law. Members will notice their shirt may say "Made in the USA," but it does not say where the cotton came from or where the dye that went into the shirt came from.

Be careful what we ask for when we stand on this floor and say we want to mandate something, just in case we get what we are asking for. Every single beef producer group that testified in front of the Committee on Agriculture testified very clearly that this is a marketing issue and not a food safety issue. Too many of us in this body right now tend to mix the two together in saying that meat that does not come from the United States is not safe. Please do not send that message to the consumer because the consumer today in America has the most abundant food supply, the best quality of food, the safest at the lowest cost to our people of any other country in the world; and when we begin to suggest that unless there is a certain label there will be a problem with the safety of the food, it is dangerous for producers. That is why most producers do not support the full intent of this law, and that is to mandate something that no one has yet figured out how to do.

We exempt most meat from even the applications of the law. Restaurants are exempted, for example. So let us be careful as we vote on this amendment today. And again I point out, this is not a food-safety issue. This is a marketing issue. If we are going to deal with the food safety, and I fully concur and fully intend to be back on this floor very, very soon with a food safety component, trace back. Our producers today are beginning to look at how can we truly certify where our meat comes from from a BSE standpoint. In Canada, they have a trace-back system. We do not have a trace-back system yet, but we will have one soon because producers all over the country recognize that we must have a way of tracing. We do not have it yet, but we will have one that will be supported by a majority of our producers.

This is one of those things that gets very emotional because there are those that tend to mix this up with food safety. I want to repeat for the third time, this is not a food-safety question. I absolutely support identifying where all food products come from to the best of our ability. I happen to believe, for example, that American lamb identified as such and Australian lamb identified as such is something that the consumer ought to know. We are working to get that kind of agreement and do it in a way that makes sense.

But if we implement this in the way that those who support this amendment are suggesting today, we are going to create some tremendous uncertainty. This has all kinds of trade implications. It has all kinds of food-safety implications. With all due respect to those offering this amendment, it is interesting that most of the producers supporting this do not deal with Canadian or Mexican cattle. If we want to ban all Canadian cattle, all Mexican cattle into the United States, then be prepared to have all United States cattle banned from country after country after country, because under trade agreements, reciprocation is something that we truly agree to. I urge Members to oppose this amendment and support the delay, not circumvention of the law, but a delay to get this right.

Mr. REHBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I just want to observe one thing. The history of this country has demonstrated that every time there is an effort to provide additional regulation or additional oversight in order to help workers or help farmers, or to help little guys against the big guys, somehow it is always too costly. We cannot provide the minimum wage, we cannot provide wage and hour protection, or this or that because it is going to cost too much.

Well, I would bet if we conducted a poll of consumers, that they would, by overwhelming numbers, say that they want this provision to go forward. We have a tremendous debate in this country going on about the virtues of globalization. As far as I am concerned, globalization is inevitable; it is going to happen, and we need to figure out how to adjust to it. But I also note that in that debate you have numerous forces in this country who under the rubric of globalization would lead you to believe that there is still no legitimate amount of room for discussing the virtues and values of home-grown products, whether it is automobiles or farm products.

I suggest to Members that even if we take the assertion of the gentleman from Texas at face value, and I do, let us say that this is not a consumer health issue, let us say this is not a food-safety issue, let us say it is simply a marketing issue.

□ 1400

This is a marketing tool that our producers have a right to have. This is a marketing tool that I assume is the reason that the Farm Bureau and the Farmers Union both have indicated their support for this provision. Our consumers want to know where the stuff that they eat comes from and our farmers want to know that they can demonstrate pride that it is their home grown product. This amendment is the only way that we are going to let them exercise that right.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. LATHAM), vice chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

Mr. LATHAM. Mr. Chairman, I thank the subcommittee chairman for the yielding me this time, and I rise in reluctant opposition to this amendment.

First of all, I want to say, no one through the whole process on this issue has ever contended that this is a food safety issue. As the ranking member of the authorizing committee said three or four times, it is very true, this is not an issue of food safety in any way, shape or form. The reason I oppose this amendment today is in support of our independent producers.

I would just like to give a little scenario about what is going to happen if this is enacted. All we are asking for here is a time-out to study the issue more closely before a mandatory system is enacted. But what we are going to see is a system where independent producers are going to bear the cost of implementation of this law, and anyone who thinks that the packers really care about the cost on this are totally mistaken. The fact of the matter is, Mr. Chairman, any kind of cost that they would incur is going to result in reduced bids to the independent producers out there who do not control the price that they get for their products.

The situation in my State is that we have Canadian pigs coming into Iowa to be grown out primarily by independent producers. If this is enacted, we are going to see the large conglomerates start from raising, farrowing their own hogs, growing those hogs out, killing those hogs, putting them in their own labeling package, marketing themselves. Those are going to all say "USA." The independent producers' animals are going to have to say that they were bred in Canada or wherever they came from and are going to be discriminated against.

The issue here is, do we preserve our independent producers? We talk about vertical integration in the livestock industry. Nothing is going to bring it on faster than provisions like this that will hold the independent producer accountable but not the major, multinational companies.

So I just stand here in support of the independent producers and look at the mandate that is going to be put on them and what it is going to cost them.

The one question I have asked producers, in what way, shape or form is this ever going to put one more cent in your pocket, in your bottom line? No one has been able to answer that question. So I think we have to step back, take a look at this, and understand all of the ramifications of this issue.

Also, Mr. Chairman, I have to look at the cost to the consumer out there when we talk about the additional costs that are going to be borne by the retailers. Who is going to pay the bill? The consumers who walk in and buy that at the counter are going to absorb the cost. So, in support of independent producers and consumers, I reluctantly say that we should oppose this amendment and support our independent producers.

Mr. REHBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I thank my colleague from Montana for yielding me this time. I rise in strong support of my colleague from Montana and my colleague from Oregon's amendment on meat origin labeling.

The opponents of this amendment argue complexity and delay. I want to offer simplicity and probably brevity here. We created the strongest securities and financial industry in the world by asking for disclosure, labeling and disclosure a few decades ago. That was opposed tremendously by the industry at that time. However, I believe that many segments of the industry would support that today because that disclosure has been helpful to the securities and financial industry.

As previously pointed out, I would like to make a point that labeling, I believe, is a good thing. I can look at the back of this tie and determine that it is made in America. I can look at the labeling in this suit and determine that it is made in America. If I go to the cloakroom right now and eat a hot dog, I cannot tell where that product came from. It comes down to this. I think it really is very, very simple. People ought to know and people ought to be able to choose. As your mothers and your grandmothers admonish you, you are what you eat. I ask this Congress to support this amendment so that people can eat American and be American.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY), a Member who is considered an expert in this field.

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to this amendment. I think we need to reflect on why the National Beef Cattlemen's Association and why the National Pork Association, who represents the majority of producers of those livestock commodities which are subject to this mandatory labeling, why they oppose this. They oppose this legislation because they realize that it is going to result in additional cost to their producer, be they small or be they large.

They also understand that this also is not a health issue, and they make a distinction on what is the appropriate role of government in terms of placing mandates on producers and that we should have mandates when we have an issue that is related to the health of consumers, but we should not have a government mandate when it relates to a marketing issue. That is what this measure is all about.

We have had a number of my colleagues that have got up on the floor and said, we have labeling of our items of clothing that we wear. But we do not have labeling on our clothing that we wear that tells where the wool came from, where the cotton came from or any of the products that are part of this. We only know where this product, where this clothing, was actually manufactured. We are going far beyond that in this approach.

There is nothing in law today that precludes producers from having the opportunity to voluntarily label where their beef or pork or meat product came from. That is the appropriate tack I think that we should be taking today. We should once again I think back up and at least have another time-out, which is what the chairman's proposal does, to give the industry more time to understand how we can move forward in a more responsible manner.

This amendment that is on the floor today is one which will, unfortunately, cost producers the most. And what also I think is very apparent, it is going to create an unintended consequence of exposing producers to liability, exposing them to private rights of action by groups that might be motivated by welfare issues, by a whole host of issues that will now have an opportunity to seek legal and civil recourse against a lot of small and large livestock producers. That is not what we should be doing with this legislation.

Mr. REHBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. I think the gentleman from Montana for yielding me this time.

Mr. Chairman, I rise today as the gentleman from Iowa (Mr. LATHAM) said he was reluctantly opposing, I am reluctantly supporting this amendment. I have kind of been back and forth on this. But I think it is the best way for us to resolve this issue if we can keep the mandatory provision in place.

The main reason I am supporting this is that we should not be dealing with this issue in the Committee on Appropriations. This issue should be dealt with in the authorizing committee. I was ranking member on the Subcommittee on Livestock and Horticulture for many years and worked on this issue on the voluntary and all the other things. I was on the farm bill conference. The big problem here is that the language that was put into the farm bill is bad language, and it needs to be fixed. It has got problems. The authorizing committee ought to do that.

I totally agree this is not a food safety issue. It gets mixed up. It is a marketing issue. But I think people need to understand that we are arguing something that we do not even know what it is going to be. The rule has not been developed. There are people out doing studies saying it is going to cost this much. We do not know what it is going to be because there has been nothing that has been put forward at this point.

I would just like to point out, people have brought up this issue of marketing versus food safety. In the food safety area, we have had this BSE issue in Canada and everybody has read about that, but I do not know if people understand how it is that we guarantee in this country that we are BSE-free. You talk about the complications of this system. What we are doing in the BSE area, the food safety area, we are asking producers to sign a self-certification that they have not fed animal parts to cattle in this country and that they have not used certain kinds of antibiotics. It is self-certified, very simple and does not cost anybody hardly anything. I am arguing that the same thing could be done with the marketing aspect of this COOL. In other words, if this is good enough to guarantee that we do not have BSE in our livestock, then why is it not good enough to certify that this is where the livestock came from?

My point is that this could be implemented in a way that is not very expensive to producers. These issues that are there are caused by the way the law was written, and it was inserted into the farm bill, and, frankly, I do not think we took enough time at that point to go through that and fully understand the implications.

So I think that the Committee on Agriculture ought to be dealing with this. I think that there are problems with the law. There are potential problems with implementation. I do not think there has to be. But it ought to be dealt with in the Committee on Agriculture and not on the floor of the House and not in the Committee on Appropriations in my judgment. I think the administration ought to have been out there with some rulemaking at this point so that we had some better idea what they are intending to do.

I am going to support this amendment. I think if we keep this in the law it is going to make the committee move faster. We will then be able to resolve this. Because I think, in the end, people want to have the food labeled. It is just a question of how we get there. I think there are simple ways that this could be done that are not going to cost people a lot of money. I encourage the adoption of the amendment.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY) who has a great expertise on this subject.

Mr. THORNBERRY. Mr. Chairman, I commend the chairman of this subcommittee for his leadership on this issue and trying to get a little common sense back into what has become a very difficult issue.

Mr. Chairman, this provision was added into the farm bill without a single hearing. Nobody actually in the business came and talked about how you do this and exactly what you do. It sounds good, that we all ought to have a label that says where our meat comes from. The problem is when you start working through how you implement it, it gets very complicated.

Let me just mention a couple of ways it gets complicated.

Number one, the underlying law exempts about 75 percent of the meat that is consumed in this country. If you eat it in a restaurant, it does not count. It is not labeled. If it is hamburger or other sort of processed meats, it does not count. It is not labeled. If it is chicken, if it is turkey, you do not get a label.

We have heard over and over that the consumers have a right to know. If the consumers have a right to know where their meat comes from, they have a right to know where 100 percent of their meat comes from rather than 25 percent of their meat; and so the effect of this is that we are adding a regulatory burden on 25 percent of the meat. That leaves 75 percent of the meat which is at a competitive advantage because of a government regulation. That is not right. It is time to step back and figure out how to do this thing right.

Number two, we hear over and over again how this is really going to be good for producers, that this is a market tool and they ought to be just loving having this opportunity. I would say that if producers see an opportunity to make money, they are going to take advantage of it. There are efforts in the beef industry today, the certified Angus program and other things have been very successful, but that is different than a government mandate that tells you what you must do.

It is not the big grocery stores that are going to pay this burden, it is not the big packers that are going to pay this burden and, in some ways, it is not even the largest cattle feeding operations. The people that are going to feel this burden are the cow-calf producers who have got to figure out some way to understand this regulation and then go comply with it before anybody will buy their calves, and then the stocker guys who take the calves and try to fatten them up before they go to the feed lot, those people on the low end of the production scale. So when we talk about big guys versus little guys, we ought to understand that this is a mandate that is going to be paid for by the little guys in the operation.

We have heard it over and over again that this is not a safety issue, this is a marketing tool, and we are going to make you do it whether you like it or not. That does not make sense. What makes a lot more sense is to take a time-out as the underlying bill does, give the Committee on Agriculture a chance to go and talk to producers as well as grocery stores and packers and consumers, people up and down the chain, and see how you can make something that works and actually makes sense.

□ 1415

This underlying law is not it, and I would say that anyone who wants to justify the underlying law has a very steep hill to climb.

Mr. REHBERG. Mr. Chairman, who controls the time as far as closing?

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The gentleman from Texas has the right to close.

Mr. REHBERG. Why would that be if it is my amendment?

The CHAIRMAN pro tempore. The gentleman from Texas is the manager of the underlying bill. He reserves the right to close.

Mr. REHBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is a lot of talk about experts on this floor. I am a member of the National Cattlemen's Association not because I am a Member of the Congress but was because I am a cattle producer. Less than 3 years I was on the ranch, running 147 cows, seven bulls, 2,000 cashmere goats. In Montana we know where our product comes from, and we know where it goes. It may not be a safety issue until one needs it.

Let me read this article again: "In June, officials learned five bulls from a Canadian herd linked to the Alberta cow with the disease were sold to a Montana ranch in 1997." 1997. "The paper trails created by the State's inspection process traced in less than 20 hours where the bulls had been and where they ended up." That is not bad. We know where they came from. We know where they went. And if we had not had that opportunity, it would have shut our borders down too. It would have been devastating to our industry.

I am amazed that there would be any opposition from any party in this country to know where their cattle come from, where their meat comes from so that we have the ability to tell people where it has gone in case these kinds of situations occur. So one can say it is not a safety issue until such time as one needs to know where they came from and where they went.

This provision within the farm bill does not even take place, it does not become implemented until September of 2004. That is plenty of time. And to the gentleman from Texas when he talks about the fact that it is a delay of 1 year, no. If they had wanted it to say only a delay for 1 year, the amendment in the subcommittee would have said that, and it does not. If they want to put that in, we can talk about that; but we are not at that point because what this does do is if they do not vote for my amendment, they in fact will stop, they will kill because nobody within the administration will spend any money on it because it says they cannot implement it. So there is no ability to spend money on it. Trade implications, yes, there are trade implications to this. But not to the extent that they are talking about.

Again, I repeat, Japanese officials said that trade would be banned beginning September 1 if the United States cannot certify that exports contain no Canadian beef. How can we do that if we do not keep track of our country-of-origin labeling? Volunteerism, that is great; but that is smoke and mirrors. It is never going to happen because our retailers, our packing plants will not play with us little guys. I know because I felt the victim sitting back on my ranch with 147 calves wondering what my price was going to be. I was a price taker, not a price maker. Little guys like me do not make price. The big guys do, and an entire industry was created in Texas for the very purpose of taking advantage of importing cattle from foreign countries to mix with ours, to take advantage of our good products, entire industries.

So there is no doubt there is another State standing here on the opposite side. There is no doubt that they would be parochial as I would be parochial, but do the Members know what? I live along the border, and we do in fact have the Northwest Compact. We do business back and forth. But all we are trying to do is create an opportunity to be proud of American beef, to give us the opportunity to take advantage of an opportunity to showcase what we do for the American consumer. We have had opposition against this all along the way, and it has not ended. And when our chairman of the subcommittee talks about appropriateness, the appropriate place to have killed this bill with this proposal would have been in the farm bill or introduced legislation, but not to take the funding out from underneath or the implementation because what they are in fact saying is we did not want it before, but we want to win it behind closed doors.

And I have come to the conclusion, and I have been in this business a few years both as a State legislator and as a lieutenant governor, people support reform as long as it does not change anything. And that is what we are seeing here right now. Nobody wants to change anything because they are kind of comfortable with their position in the marketplace. I do not market. True, I do the best that I can on my little 147-cow operation, but I will tell the Members who does the marketing. It is the big guys.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I thank the gentleman from Texas (Chairman BONILLA) for yielding me this time.

I rise today in opposition to the amendment offered by the gentleman from Montana (Mr. REHBERG) and the gentlewoman from Oregon (Ms. HOOLEY). I applaud the gentleman from Texas (Chairman BONILLA) for including a provision in the agriculture appropriations bill that would limit USDA funding for the implementing of the mandatory country-of-origin labeling for meat and meat products. The country-of-origin labeling law as written clearly requires more congressional attention before going into effect by September 30, 2004. I have friends on both sides of this issue, and I always support my friends. I support my friends with this amendment by cautioning them against the hasty implementation of unintended consequences that no one has yet fully researched, and I support my friends on the gentleman from Texas's (Chairman BONILLA) side by saying this is something that we do not need to do now. Recognizing there are many concerns among producers, processors, suppliers and retailers, the House Committee on Agriculture held a hearing on June 26 for witnesses to discuss how mandatory country-of-origin labeling will affect them and their respect to industry. The hearing raised many questions, and the livestock witnesses specifically pointed out that there is tremendous potential for unintended consequence.

As chairman of the Subcommittee on Livestock and Horticulture of the Committee on Agriculture, I intend to hold further hearings on this matter. The U.S. Department of Agriculture has held 12 listening sessions across the country from April to June of this year to allow those who will be affected by the law to voice their opinions. This was in addition to the numerous other producer and trade association meetings they have attended to discuss this law.

Country-of-origin labeling is not a new concept. The Subcommittee on Livestock and Horticulture held hearings on the issue during previous Congresses, and it was debated at some length during the House committee's consideration of the 2002 farm bill. The committee voted not to include the provision because there were too many unknowns about how this would affect producers. When the farm bill went to the floor, an amendment was added to label fruits and vegetables only.

As the Senate created their version of a farm bill, a provision was expanded to include beef, pork, lamb, fruits, vegetables, wild and farm-raised fish, and peanuts. I think it is important to note that the Senate held no hearings and had no debate on how producers and the industry would be affected by country-of-origin labeling.

I have heard concerns from many of my constituents about this issue, predominantly my livestock producers. I can tell the Members that not one of them has said this law will bring additional revenue or market advantages. They all express their deep concern that this law instead will bring them undue burdens and headaches in order to be in compliance. Unfortunately, a "fire, ready, aim" approach led to the creation of the country-of-origin labeling law. This issue clearly needs further attention, and delaying the implementation for meat and meat products is a step in the right direction. I would like to reiterate that this provision only affects meat and meat products. The current law will continue to go into effect for fruits, vegetables, wild and farm-raised fish, and peanuts. I urge my colleagues to support the appropriations bill and reject the Rehberg-Hooley amendment.

Mr. REHBERG. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I have no requests for time, and I continue to reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I yield myself such time as I consume.

I want to thank the chairman of the subcommittee for this good consideration today and my colleagues for speaking on behalf of my amendment.

I have not been around the Congress all that long. This is my second term. I was confronted with a brand-new farm bill. That is one way to get your feet wet, drinking out of the fire hydrant, stepping into the middle of that. When I hear the debate about the fact that there has not been enough conversation, enough debate, we do not know where this is taking us, I remind my colleagues that this does not get implemented until September of 2004. We have got well over a year to continue the hearings, to continue the work on it. Congress can continue to have hearings. We can help the process along the way and develop the right country-of-origin labeling.

During the farm bill discussion that I was confronted with as a freshman, the country-of-origin labeling debate consumed 25 percent of the markup dialogue, 25 percent. So why are certain people reluctant to want to have beef or other meats labeled? Because they want to have the ability to blend cheaper products from other places for the purposes of marketing themselves. But are we seeing the cheaper price at the consumer level? Not always.

It is interesting to watch the marketing of our meat products throughout this country. If the beef guys jump up and complain, somebody steps forward and pushes pork in front of them or they might push chicken in front of them. We at the local level, us small guys, do not control the marketing. We need this avenue. We are proud of our product. And at a time when we are in a recession, at a time when much of

American agriculture is flat on its back, we need the opportunity to say America matters to us in agriculture, America matters to the consumer; and if we can marry the two, our agricultural producers throughout this country, the mom-and-pops in Iowa and Montana and Texas and California and Georgia and Connecticut will all know that they have done a good thing because we have said American products matter.

We are not banning anything from a foreign country. We are not trying to create a competitive disadvantage. All we are trying to do is say give us the opportunity, us small guys to have the opportunity to have mandatory country-of-origin labeling so we know where our product is coming from, so we can take great pride in the product that we produce.

The country-of-origin labeling gives American shoppers a choice. It gives American farmers and ranchers fairness. It gives us the opportunity to say buy America. Please support this amendment. Support the country-of-origin labeling.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Once again I want to reiterate that often times in this town, unfortunately, truth and substance are set aside and emotional pleas are made in order to advance a certain cause. The opposition to this amendment is supported strongly. The opposition is strongly supported by thousands, millions of red-blooded Americans out there who are either producers or they are part of the processing of meat. They are running grocery stores in neighborhoods all over the country. They do not want this provision implemented until it can be studied further and analyzed and done the right way. And again ultimately if this is implemented, the bills at the grocery store, there will be sticker shock in many of the grocery aisles out there as Americans wonder what happened; how did Congress implement such a libelous costly regulation so quickly without even taking the time to do so.

And let us also understand that any producer out there can now put labels on whatever they would like. There is an implication here somehow that there is some prohibition now on putting a label on any meat product. They can do that now today anytime they want. Also the implication somehow that this is going to threaten our food supply, I am delighted that many of the authorizers have stepped forward today in a bipartisan way to state clearly this is about marketing, this is not about any kind of food-safety issue.

This is, again, a 1-year prohibition on implementation or promulgation or developing of any regulations. So, again, the misinformation that has been presented that this is somehow an effort to kill this permanently is misguided. This appropriations bill simply runs for 1 year.

Finally, I would like to state very clearly that the Bush administration, the administration has put out a statement saying that the administration supports the committee's position on country-of-origin labeling for meat or meat products. So there is strong bipartisan support for our position on this issue. Everyone, again, from the chairman of the authorizing committee; the ranking member; the gentleman from Texas (Mr. ORTIZ), of the Congressional Hispanic Caucus; the gentleman from Mississippi (Mr. THOMPSON) of the Congressional Black Caucus, again across the board the widespread support that we have on our side in taking a position I think is very clear.

And, again, if we would look at the substance in truth about what we are debating here, we would hope to defeat this amendment resoundingly.

Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in support of the Rehberg-Hooley amendment, which strikes the provision in this bill that prohibits USDA from implementing mandatory country of origin labeling for meat and meat-products.

Country-of-origin labeling is about giving people the information they need to make an informed choice to protect the safety of their families. Thirty-five countries we trade with including Canada, Mexico and members of the European Union already have a country-of-origin labeling in place. And American families recognize the need for this labeling—7 out of 10 people say they are willing to pay more to know where their food is coming from. At a time when food imports are increasing, but the number of inspections of imported meat is actually decreasing, consumers deserve that right.

And given the record 57 million pounds of recalled meat last year, this effort is also about being able to trace back contaminated product in the event of a recall. Knowing the source of an outbreak is a critical part of that process so that we can quickly take action to prevent people from getting sick. This is critically important considering the 76 million sicknesses and 5,000 deaths that occur every year from foodborne illness.

Some have argued that halting implementation of country of origin labeling for meat is to allow more time to consider the impact of the program on the food industry. But Congress already gave the USDA more than 2 years to design a program that is fair to all parties, including industry and consumers. Under that timetable, labeling is not scheduled to become mandatory until fall of 2004.

Mr. Chairman, country of origin labeling will not violate trade agreements or lead to retaliation. It will not bankrupt the food industry. It will simply let consumers know where their food comes from. We owe the American people that. Support the Rehberg-Hooley amendment.

Mrs. LOWEY. Mr. Chairman, I rise today in support of Rehberg-Hooley amendment which would preserve country-of-origin labeling (COOL) requirements.

As many of my colleagues know, in 2002, provisions were added to the Farm Bill requiring grocery stores and similar businesses to provide country-of-origin information for all fresh and frozen fruits and vegetables, red meats, seafood and peanuts.

However, during the subcommittee markup of the Agriculture Appropriations bill, language was added barring implementation of these provisions.

Mr. Chairman, we were elected by the people of this country because they believe in our ability to represent their views. We passed the original legislation requiring country-of-origin labeling because our constituents want the information they deserve to make informed food purchase decisions for their families. We passed this legislation because our constituents want additional steps taken to prevent the potential spread of diseases such as mad cow, which we know was recently discovered in Canada. We passed this legislation because our constituents want special protective measures put in place to prevent tampering with respect to our food supply.

The provision currently in the bill would keep the American people in the dark by refusing to fund efforts to implement country-of-origin labeling for meat and meat products. We cannot let that happen. I encourage support of the Rehberg-Hooley Amendment.

☐ 1430

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentleman from Montana (Mr. REHBERG).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Montana (Mr. REHBERG) will be postponed.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

Add at the end (before the short title) the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent that we have 10 minutes for debate on this amendment, 5 minutes controlled by me and 5 minutes controlled by the gentleman from Texas (Chairman BONILLA).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. HEFLEY) is recognized for 5 minutes.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that would cut discretionary spending in the Agriculture, Rural Development, and Food and Drug Administration spending bill by 1 percent. This bill, as it is currently written, appropriates $17 billion in discretionary spending, and reducing this funding by a mere 1 percent would leave us with a funding level of $16.83 billion.

I hasten to say to the gentleman from Texas (Chairman BONILLA) that I am not doing this as a recrimination of the job that he or his committee has done. It is my intention to offer this or similar amendments on almost all of the appropriations bills. I had an amendment such as this drafted for the labor bill last week, and somehow or other it got lost in the shuffle, and we did not get it on. But I intend to do this on most of the bills.

There are many good things in this bill, so I am not singling this bill out to attack. I do this in recognition of the fact that we should not be spending money that we simply do not have.

Current CBO projections indicate the Federal Government is likely to end fiscal year 2003 with a deficit of more than $400 billion. Instead of continuing to increase spending, I submit that we should exercise fiscal restraint and work to alleviate shortfalls. Yet we continue to pour money into programs with little concern for current economic considerations.

While I realize that some programs funded under this legislation are receiving a decrease from fiscal year 2003, there are still a number of programs receiving substantial increases, and let me just highlight a few of these programs. The rural housing loan authorization is funded at $4.4 billion, an increase of $208.7 million over last year and $45.7 million over the President's budget request.

Distance learning and telemedicine program loans are funded at $636 million, which is an increase of $256 million over last year and $250 million above the President's budget request.

Conservation operations funded at $850 million, an increase of $30.4 million over last year and $136.4 million over the President's budget request.

I am not attacking these individual programs. These are good programs. But I am simply asking, can we afford these kind of increases? Clearly, balancing the budget is no longer a priority in this Congress. I think it should be. So I ask Members to support the 1 percent modest reduction in this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment and ask unanimous consent to control the 5 minutes in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I want to thank the chairman of the appropriations subcommittee for yielding me this time in strong opposition to the amendment offered by the gentleman from Colorado.

I would say to the gentleman that I have supported his amendments from time to time, but I do not believe he has looked at the facts here. We are $872 million less than last year right now. That is far greater than the 1 percent cut the gentleman is asking for. So we have already done the work that he has asked for in this case.

Secondly, because of the fact we are already taking that huge a cut, I can only say that the gentleman's amendment constitutes an assault on rural America. This is something that we simply cannot tolerate.

The gentleman cited the few areas where there have been some significant increases, one of those being telemedicine. As the gentleman knows, the telemedicine program is designed to link rural America, people in clinics and small hospitals and other rural outposts, where they can get some health care treatment, with the major university hospitals that get all the health care money in the first place.

So if you cut out the money that allows them to tap into really good health care provisions by being able to access them, and we held a hearing on this subject in the committee just a couple of weeks ago on the demonstration of the technology that can now reach rural America, if we are able to get these thousands of sites in small communities across America, which does cost a lot of money, and that is why I am pleased the chairman of the subcommittee has put an increase in there for this, if you cut that out, you are doing a lot more than just cutting out that money. You are cutting out the ability of folks in the smallest communities in the country from being able to finally get access to the kind of quality health care that people in large urban areas have, because they will be getting it from the same doctors with the same expertise drawing those same big salaries at those universities hospitals, and now they will be able to reach the smaller communities.

So I would encourage the gentleman to look elsewhere for the kind of savings that he is talking about here. I urge my colleagues to oppose the amendment.

Mr. HEFLEY. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would thank the gentleman from Virginia (Mr. GOODLATTE) for making some excellent points in opposition to this amendment. He is absolutely correct.

Over $872 million is the figure that we are under last year's budget. We are $136 million under the budget request. I would ask the gentleman proposing the amendment, is this not enough? We are learning to tighten the belt. We have cut the budget. We are lowering spending on this bill and still trying to deal with the needs in this country, that this country has in the areas of agriculture. So I cannot more firmly state my opposition to this amendment offered by the gentleman from Colorado and would respectfully ask him to withdraw the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman from Virginia (Mr. GOODLATTE), I was not suggesting that telemedicine is not a good thing for rural America or some of these other things. I am simply saying there are many spots in the agriculture bill where you could find the 1 percent I think that would not hurt rural America. I certainly do not mean to make an assault on rural America.

For many years, every week I give a Porker of the Week Award for what I consider to be wasteful spending. There is no department in the Federal Government that has not received that award, and all of them have received it at one time or another, defense, which I am most interested in, and others have received it. There is no department that has received it more than the Department of Agriculture over the years.

There is 1 percent there. I would hope we would take that 1 percent out. I do commend the gentleman from Texas (Chairman BONILLA) and the committee on the cuts that have already been made. I just think we can go a little further.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this time I would just once again state my strong opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLT:

Add at the end (before the short title) the following new section:

SEC. ____. For the program of public education regarding the use of biotechnology in producing food for human consumption, as authorized by section 10802 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 7 U.S.C. 5921a), $1,000,000, and the amount otherwise provided by this Act for "AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS" is hereby reduced by, $1,000,000.

Mr. HOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Mr. Chairman, the amendment I am offering today will provide $1 million to establish and develop the food biotechnology public education program that was authorized in the Farm Act, H.R. 2646, during the 107th Congress, but was never funded.

The use of biotechnology, such as to produce genetically engineered foods, has the potential to improve yields of nutritionally enhanced foods with less land, reduced use of pesticides and herbicides, can benefit farmers, consumers and the environment.

The history of agriculture has indeed been a history of progress. Now there is an immediate and critical need for accurate information, both on food production systems that have provided the American consumer with a diversified and healthful food supply, and on the role of this new technology in food production. It is only based on clear, accurate, and scientific information that consumers can make sense of the often sensational risk and benefit claims reported and rumored.

In 1999, for example, the journal "Nature" published a study suggesting that pollen from genetically modified corn would harm the monarch butterfly population. This sparked a worldwide controversy. Follow-up studies have shown since that the pollen presents no significant danger to monarchs, but the foundation of fear based on emotion had been set, and soon other nonscience-based allegations about biotechnology emerged.

I have been asked if this amendment is an anti-biotechnology or a pro-biotechnology amendment. I would argue that it is an anti-ignorance amendment. It is not to say that biotechnology is always benign under all circumstances; but consumers, researchers, and farmers will benefit from a public that is well informed and engaged in the debate about food biotechnology.

Although food biotechnology has immense potential, consumers and farmers have legitimate concerns regarding the safety of genetically engineered foods. No one, however, is served by assertions from ignorance. It is appropriate for the government to provide the public with clear evidence-based information that helps consumers, policymakers and others make informed choices about food.

I urge my colleagues to support this amendment, so that the Department of Agriculture will have the necessary funding to carry out this authorized program and so that the public will be best informed.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman raises some very legitimate points about the need for funding in this area. However, this amendment was presented to us at the 11th hour, and it is not even clear under the language of this amendment how this money would be administered. So we would be delighted to try to work with the gentleman down the road between here and conference to see if we can do something on this. However, at the 11th hour like this, when we are presented with an amendment, I must oppose it at this time.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, my amendment actually is silent on exactly how the money would be allocated within the Department. Perhaps it could be through the Food Safety and Inspection Service. But the point is, this is authorized, and it is provided for under the authorization; and I think it will be easy to fit into the Department's public education activities.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I would ask the gentleman from New Jersey, because I appreciated his comments about biotechnology and we certainly do want the public to be educated about this, if he would not take up the offer of the gentleman from Texas, the chairman of the subcommittee, to work with him. Withdraw the amendment, work with him, and see if there is not something that can be done as we move to conference, because not knowing exactly how this money would be spent is sort of like writing a blank check.

I think if we had a little more cooperation and a little more communication about what we intended, then the Congress could actually be the ones to specify that, and there might be some merit in the gentleman's position.

Mr. HOLT. Mr. Chairman, if the gentleman would yield further, let me ask the chairman of the authorizing committee if he did not have in mind how this would be administered in the Department of Agriculture.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield further, let me say I was not the chairman at the time the farm bill was written, so I do not know the history of the intent in the language in the farm bill. But, again, this is something that has just been brought to my attention, and we would be happy to look into it and see what we can find in that regard and try to achieve some specificity in terms of how the dollars are going to be spent, if indeed we can do that. That, of course, is up to the chairman of the subcommittee, but I would certainly stand willing to work with the gentleman to try to find the right formula and the right dollars that he has to squeeze out of an already-tight process to do something in this area, because I think what the gentleman from New Jersey is proposing is worthwhile.

☐ 1445

Mr. HOLT. Mr. Chairman, if the gentleman would yield again.

Mr. BONILLA. Mr. Chairman, I am happy to yield.

Mr. HOLT. With those assurances from both Chairs, recognizing that the public debate is raging on and the need for this public information is now, I would be willing to withdraw my amendment and to work with the chairman, with the expectation that we can work something out in the coming months in this session of Congress.

Mr. BONILLA. Mr. Chairman, reclaiming my time, we would be happy to have our staffs work together on that.

Again, just hearing about this amendment at this time, it is not realistic to say we are going to guarantee a solution, but I think that the history that we have on this subcommittee to try to work with Members to work through these problems is real, and we would be happy to do that.

Mr. HOLT. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONILLA:

On page 29, line 15, strike all after the word "Service" through, and including, "(16 U.S.C. 3841(a))" on line 20.

Mr. BONILLA. Mr. Chairman, the purpose of my amendment is to strike a provision from the Conservation Operations account that prohibits the funds in this account from being used to pay for the salaries and expenses of personnel to provide technical assistance for several mandatory conservation programs.

This amendment is in keeping with an agreement that I made with the chairman of the Committee on Agriculture, the gentleman from Virginia (Mr. GOODLATTE), in hopes that we can ensure that there are adequate funds available for conservation technical assistance. I would point out that the 2002 Farm Bill included an increase of more than $17 billion for conservation programs, but I am committed to work with the chairman to try to come up with the solution to funding of conservation technical assistance.

Mr. GOODLATTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the 5 minutes. I just want to say to the chairman of the Committee on Appropriations Subcommittee on Agriculture that this amendment is pursuant to discussions that we had and we very much appreciate his offering it. We think that this will be very helpful in making sure that conservation dollars actually reach the people who need it: America's farmers and ranchers. This will also help to resolve some of the issues regarding the allocation of those funds.

So I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

Ms. BORDALLO. Mr. Chairman, I move to strike the last word. I rise for the purposes of entering into a colloquy with the gentleman from Texas (Chairman BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member.

Mr. Chairman, last year's farm bill authorized the Resident Instruction and Distance Education Grants Program for the Insular Areas to address the critical agricultural research needs of the Land Grant Universities in the U.S. territories and Puerto Rico. We receive very little by way of formula funds, t-star grants, and other special grants.

Existing programs simply do not orient themselves toward the Land Grant Universities in the insular areas. Additionally, our universities have seen no money under the National Research Initiative, the flagship agricultural research program. While our institutions are 1862s by definition, they have only been established as Land Grant Universities for the past 3 decades. This, coupled with the decline in funds for the Cooperative State Research, Education, and Extension Service overall, makes competing with other institutions very difficult. So last year Congress authorized a new funding mechanism to provide competitively awarded grants to meet the unique needs of this underserved set of universities.

This new authorization is especially important to the Land Grant Universities in the insular areas because it will help them to develop education and training programs while working in collaboration with leading U.S. universities on the mainland, building on their expertise and helping us to make the best possible use of limited program dollars.

This year's appropriation bill has no funds whatsoever for this new program. As the Land Grant Universities in the insular areas face many critical agricultural research needs, including food safety and security, health and nutrition, and the environment, I am hopeful that this new program will be funded in the near future. Although my request to fund this account in this cycle has not been met, I am grateful for the inclusion of report language that speaks to this need. I know that the gentleman from Texas (Chairman BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR), our ranking member, are supportive of the Land Grant Universities in the insular areas, and I urge them to utilize this new program to ensure the survival of these institutions.

Mr. BONILLA. Mr. Chairman, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would like to thank the gentlewoman for bringing this matter to our attention. It is a very important issue. We recognize the needs of these institutions to be unique and deserving of additional support. The committee has included report language encouraging the Department to better assist the Land Grant Universities in the insular areas and provide us a report describing what steps the Department is currently taking to meet their unique needs.

I look forward to working with the gentlewoman and delegates to ensure that the needs of the Land Grant Universities in the insular areas are met the best way we possibly can.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I just want to commend the gentlewoman from Guam for bringing these issues to our attention and to say what a great leader she is on agriculture for the insular areas. We really, without her leadership, would not have been made aware. I know both the chairman and I, as ranking member, are very grateful to her, and we look forward to working with her through conference and for a final bill to be produced.

Ms. BORDALLO. Mr. Chairman, I will place in the RECORD at this point a statement from my colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), as well as a joint letter signed by myself, the Resident Commissioner of Puerto Rico, the delegate from the Virgin Islands, and the delegate from American Samoa.

U.S. CONGRESS,
Washington, DC, March 19, 2003.

Hon. HENRY BONILLA,
Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, House Committee on Appropriations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to request that $15 million be provided in the Fiscal Year 2004 agriculture appropriations bill for the Resident Instruction and Distance Education Grants Program for Insular Area Institutions of Higher Education. This program was authorized by last year's Farm Security and Rural Investment Act (Sec. 7501; Public Law 107–171) to strengthen instruction, curriculum and research in the food and agricultural sciences. With this funding the program would enhance the quality of teaching and learning at our nation's land-grant universities in the U.S. territories.

Collaboration between faculty and students at institutions of higher education in the U.S. territories with colleagues in the U.S. mainland is particularly challenging given the distance between them. Current fragile economic conditions in the U.S. territories also compound the challenges posed by their geographic isolation. Nevertheless, these institutions boast sound and reputable programs in agriculture, natural resources, forestry, veterinary medicine, home economics, and disciplines closely allied to the food and agriculture production and delivery systems. The primary and secondary science and agricultural teachers of these institutions often lack proper credentials though. A distance education program is desperately needed by these educators. Because of the high cost of shipping to the U.S. territories, food costs are high and families are often forced to make unhealthy choices. These unhealthy choices compound an already high incidence of chronic diseases such as diabetes, obesity and heart disease among the populations of the insular areas. Strengthening health and diet outreach education would help to prevent unnecessary trauma for many families. Expertise in environmental management is limited in the islands of insular areas. The insular area land grants are the primary source of higher education for the region and environmental education programs need to be created and strengthened. Building the capacity of the insular area land grants in the areas of distance education, agriculture, health and nutrition and environmental management will improve the overall quality of life and education for U.S. citizens who live in these areas.

Designating $15 million for this program through the Cooperative State Research, Education, and Extension Service's (CSREES) research and education activities account is vitally important if we are to support the learning communities of the U.S. territories and provide them the ability to partner with other institutions in the U.S. mainland. Harnessing technology in support of institutional capacity-building in this regard is essential for the success of the land-grant universities in the U.S. territories. Thank you for your consideration of this request. Please do not hesitate to contact us should you have any questions or should you be in need of further information.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,
DONNA M. CHRISTENSEN,
MADELEINE Z. BORDALLO,
ENI F.H. FALEOMAVAEGA,

Members of Congress.

AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN:

Add at the end (before the short title) the following new section:

SEC. ___. None of the funds appropriated or made available by this Act may be used to approve for human consumption pursuant to the Federal Meat Inspection Act any cattle, sheep, swine, goats, horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection, as required by section 3(a) of the Federal Meat Inspection Act (21 U.S.C. 603(a)).

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on the pending amendment offered by the gentleman from New York (Mr. ACKERMAN) and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ACKERMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise today to introduce the Ackerman-LaTourette amendment which would prohibit the USDA from expending any funds to approve meat from downed animals for human foods.

This, Mr. Chairman, is a downed animal. Downed animals are livestock who collapse, often for unknown reasons. They are unable to walk, unable to stand. Animals such as these are inhumanely dragged, very often by ropes and by chains, into stockyards where they often spend days lying in their own feces. They are sometimes covered in E. coli and are at high risk for illnesses such as mad cow disease.

The smart and humane businesses in this country, such as McDonald's and Wendy's and Burger King, all refuse to accept the meat of downed animals. They recognize how harmful it could be to their industry and what a looming disaster it would be to this country if mad cow disease entered our food chain. The USDA, as a matter of fact, prohibits the use of downed animals in our own school lunch programs throughout this country; and yet these downed animals such as this find their way into our food supply and are on the shelves in our supermarkets, our butcher shops, and our restaurants. If these downed animals are not safe enough and not adequate enough for the fast food restaurants or for our children in school, why are they put on America's supermarket shelves?

The answer, Mr. Chairman, has nothing to do with cows. It has to do with pigs. It has to do with greed. For the sake of making a few bucks, getting us to eat a crippled cow such as this can cripple the entire industry. Less than 1 percent of all animals are downed animals, not a big dent in the industry.

Mr. Chairman, just a few months ago, a mad cow was discovered across our border in Alberta, Canada. Their meat standards are almost as good as ours, and that one mad cow was a downed animal. That discovery is not a coincidence. Study after study after study shows that downed cows are much more predisposed to having mad cow disease than the general population. The USDA has conducted a study and has concluded that if mad cow disease ever did occur in the United States, it would most likely be found among downed cattle than the general cattle population.

Just one infected mad cow crippled all of Canada's meat industry. We do not buy cows from Canada anymore. They are absolutely devastated. Canada should be a lesson to us. We must pass this legislation.

The bipartisan amendment that the gentleman from Ohio (Mr. LATOURETTE) and I introduce today will improve the safety of our food supply and prevent animals such as these from entering our food chain. Last year, we passed this measure in Congress. This year, we have 115 sponsors of this legislation. It is absolutely imperative that we pass this. In the name of food safety, in the name of the humane treatment of animals, please pass the Ackerman-LaTourette amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. GOODLATTE), the chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong opposition to this amendment.

Mr. Chairman, this amendment is a very bad idea from a public health safety standpoint. The way that we inspect animals to prevent animals with anything from BSE to a whole host of other diseases from getting into the food chain is through the process whereby the animals are slaughtered. When they show up at the slaughterhouses, that is where the veterinarians are on hand to inspect them and to make sure that animals that are not healthy do not get into the food chain. They are pulled off the line at that point in time and the public has that safety assurance.

If we require that downed animals are euthanized on the farm and never get to that point in the processing system, we are going to drive this whole process literally underground.

The problem that we have is that the animals will then be buried on the farm or disposed of in some other way, perhaps even put into the food chain illegitimately, because that farmer has absolutely no incentive to do anything otherwise. It is a cost to them, and there is no compensation to them whatsoever.

So if you have an animal that has BSE, and we certainly hope that that never occurs in this country, but if it does, we will never know it if this amendment passes because that animal will never get to the veterinarian to be inspected to determine whether or not it has that illness.

Therefore, this is a very, very bad idea. The humane thing to do for the animal, to have it euthanized at a place in the process where the veterinarians are on hand and can properly inspect it, is the way to go here. It is very important that when animals are downed we find out why they are downed. It might simply be a dislocated hip or something else that is no danger to human consumption, but if it is an animal that has a serious disease, we want to know if that animal has spread that disease to other animals in the area, whether other animals on that farm have the same problem.

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If they never get to the veterinarian, we will never find that out; and, therefore, this will become a very serious human health problem if we adopt this amendment.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, the gentleman makes a very, very important point. Unfortunately, he refers to previous legislation that the gentleman and I discussed.

What we are doing here is we are not preventing the animal from getting there. We are preventing it from entering the food supply so people do not eat these crippled, diseased, pathetic animals as part of their hamburger or steak that they unwittingly buy at the supermarket. This just prevents the use of any funds from approving this animal from entering the food supply. It does not prevent the animal from being tested. It does not prevent the animal from being researched.

Mr. GOODLATTE. Reclaiming my time, the gentleman's point does not cure the problem. And the reason it does not is that there is still a lack of incentive for that farmer to ship that animal to the veterinarian if he knows before it ever gets on his truck that he will not be able to get any compensation for it, any certification for it no matter what is wrong with the animal.

As I indicated, if the animal simply has a dislocated hip or some other ailment that does not make the animal unsound for human consumption, then the farmer has absolutely no incentive whatsoever to ever get it to the slaughter house.

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM), the distinguished ranking member of the authorizing committee.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me time. I will be glad to yield to my friend from New York at any time on the point, but I think some of the points the gentleman from Virginia (Chairman GOODLATTE) made need to be reemphasized.

Existing statutes and regulations are sufficient to address the issue of preventing conscious, nonambulatory livestock from being inhumanely handled prior to slaughter.

Now, there are differences of opinion as to what is "inhumanely handled," and I respect those who have a different opinion than I have. Now, Federal and State veterinarians at slaughter establishments are best capable of identifying and segregating suspect animals from entering the food chain. FSIS personnel verify that disabled livestock handling procedures are carried out to ensure that nonambulatory animals are set apart and humanely slaughtered. That is what the chairman was pointing out will no longer happen if the gentleman's amendment is passed.

In accordance with the Federal Meat Inspection Act and the Poultry Products Inspection Act, FSIS inspectors conduct anti-mortem inspection of livestock. Unconscious, disabled livestock cannot receive anti-mortem inspection and must be condemned and disposed of in accordance with FSIS regulations and the Humane Methods of Slaughter Act. Non-ambulatory, disabled livestock that have not received anti-mortem inspection and cannot be humanely moved must be humanely condemned before they may be transported from the slaughter establishment's premises.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I should point out that the gentleman, who is a distinguished leader and authority in this area and someone for whom I have the greatest respect, is absolutely right. However, what we are dealing here with is an amendment that does not disrupt this process whatsoever. All of those things can and should take place from the time the animal is grazing to the time it is in the yard to the time it is being shipped and even prior to slaughter.

The only thing that we prevent is the animal from being consumed by the American public. Every single one of us has constituents that eat meat. Some of us have the majority of our constituents. And the American people, 0 percent of them say they will not eat the product of a downed animal such as this.

Mr. STENHOLM. And that sick animal will never find its way into the food chain under the current law that we are enforcing today.

BSE was talked about. It is extremely critical that we do not create a situation in which downed animals which have very good food value, simply because they may have had a dislocated hip or a broken leg still have food value, not be discouraged from coming to the marketplace, which is exactly what the gentleman intends to do; and I respect his desire for doing that. But in the handling of livestock, it is extremely important that livestock continue to be handled as we are doing it under FSIS, particularly with the BSE question.

It is extremely important that BSE-suspect animals are tested; and, accordingly, right now USDA's aggressive BSE surveillance system targets these animals, the ones we are talking about for testing. During fiscal year 2001, USDA tested 5,272 head. In fiscal 2002, 19,990 head, more than 40 times the internationally recognized standard for appropriate surveillance for a country that has never detected BSE within its borders.

It is extremely important that the suspect animals get into the inspection system. But I fear because of those who believe that any animal that cannot walk should be immediately destroyed wherever it is, this will do some real harm potentially to the future of the very food safety issues that the gentleman is trying to correct.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, the gentleman should know that we do not prevent the animal from being tested anywhere, including right up to the slaughter house. We do not deny funds for the testing of the animal. We want the animals to be tested. We want to make a determination as to where the animal came from if he does test positive for mad cow disease or any other kind of disease. What we are saying is that we are going to deny funds under this amendment to those animals, such as this one here, from entering the food chain and from being consumed by my constituents or your constituents.

Mr. STENHOLM. Reclaiming my time, the chairman has been overly generous in sharing of his limited time with me.

I repeat, the picture the gentleman is showing, that sick animal will never find its way into the food chain. Period.

It does no service to this institution to continue to show that.

This amendment would create a disincentive to producers. The gentleman does not understand the cattle business as many in this body do. I understand the sentiments in what you are trying to correct, but the amendment would have a totally different result.

I thank the chairman for his generosity.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The gentleman from New York (Mr. ACKERMAN) has 12 minutes left.

Mr. ACKERMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in strong support of the amendment by my very dedicated colleague from New York. His amendment would prohibit for human consumption any meat or meat food product derived from a downed animal.

I might say to my dear friend, the gentleman from Texas (Mr. STENHOLM), a recognized leader in agriculture, that the U.S. Department of Agriculture has already as part of its procedures adopted regulations that ban the purchase of meat from downed animals by its own procurement agencies. So let there be no mistake that our Department of Agriculture believes that it already has the authority to take that action internally.

Let me also say that the Department has estimated that nationally about 190,000 animals every year get so sick that they are unable to stand or walk and they are dragged to slaughter facilities and many of them end up in our food supply. But only about 5 percent of those animals are tested for serious diseases such as mad cow disease.

Now, many probably know that the recent mad cow found in Canada was a downed animal; that the president of the Alberta Beef Producers remarked about "cows too sick to walk, too sick to stand have no business being part of the food system. This animal should have never left the farm."

A 2001 study from Germany found that downed animals were anywhere from 10 to 240 times more likely to test positive for BSE than were ambulatory cows. And we all agree, I think we all know, that downed cattle have a higher risk of having BSE, and we should not be sending these animals to slaughter where they may ultimately end up on somebody's dinner table.

Farm Sanctuary used the Freedom of Information Act to analyze USDA slaughter house records for 938 facilities from 1999 through June 2001. They found 73 percent of downed animals passed for human consumption while 27 percent were condemned. But startlingly, among the downed animals approved for human consumption, included afflictions such as gangrene, malignant cancers and pneumonia. These were common.

I think the heart of the gentleman from New York's (Mr. ACKERMAN) proposal is, why are we sending these animals that should be euthanized and disposed of to auction markets and slaughter houses where they will contaminate healthy animals and, indeed, human health?

The August 2001 issue of "Dairy Herd Management" named downed animals as the most important area where the industry needs to clean up its act. So I want to rise in support of the Ackerman amendment. I think the gentleman is moving us all, moving the country toward a better standard, a higher standard. The USDA has already recognized that standard and adopted on its own meat procurement practices. I want to thank the gentleman for helping move America ahead. I think this amendment's consideration today will go a long way in helping to clean up this problem for the American people.

Mr. ACKERMAN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from New York (Mr. ACKERMAN) has 8½ minutes remaining.

Mr. BONILLA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Texas has 6 minutes remaining.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to respond to the gentlewoman from Ohio (Ms. KAPTUR) because she is responding to exactly the same amendment that the gentleman from New York (Mr. ACKERMAN) has informed us he has modified from provisions that he has offered earlier as well.

The gentlewoman wants to keep the animals from ever being shipped to the slaughter house. The slaughter house is where the inspection takes place to determine whether or not the animal has BSE. So if the gentlewoman accomplishes her goal, she is defeating that purpose.

The gentleman from New York (Mr. ACKERMAN) has said he has modified his amendment so that only funds cannot be expended for the purpose of certifying the animal for processing. That has still the same problem. The farmer will have no incentive to get that animal to the place where the veterinarians are so that inspection can take place. If we had billions of dollars to have veterinarians go to every farm, maybe they could accomplish their goal; but we do not have that kind of money. The farmers do not have the money. They are not going to spend it. So they would be risking public health by refusing to have the process work the way it was designed. Have the animals go to the slaughter house, be inspected.

Mr. ACKERMAN. Mr. Chairman, I yield myself such time as I may consume.

Let me respond, first to the gentleman from Texas (Mr. STENHOLM), my good friend, I may not be in the cattle business; but I can tell a good steak when I see one. This does not a good steak make, and that is exactly the point.

And in answer to both questions to both the gentleman from Texas (Mr. STENHOLM) and the distinguished gentleman from Virginia (Mr. GOODLATTE), there is a greater picture that some might argue about testing anywhere along the process and euthanizing the animal prior to reaching the marketplace. That is all well and good, and we could argue those points; but that is not what this amendment is all about. This amendment does not prevent any of that from happening.

This specific amendment does not touch any of the testing procedures. We want the animals tested. There are those who even have a greater picture; and they would say, let us not eat meat at all. That is not the purpose of this gentleman, and that is not the purpose of this amendment.

This amendment says after you go through all of these processes and all of these wonderful things that are in place right now, why jeopardize it all for the sake of making a few bucks and jeopardize the entire cattle industry, a major American industry, for the sake of making a few bucks off a couple of crippled animals, less than .63 percent of the entire population. It makes no sense.

One mad cow has closed them down in Canada. Do we want that to happen in the United States?

There is a humanitarian issue here for those of us who appreciate the inhumane treatment of animals, and there is a public-safety issue. And if nothing else, for goodness sake, look at the public-safety issue and look at what happened to Canada. Granted, we do a little bit better job, we think; but one mad cow is all it will take to shut down our industry.

□ 1515

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding to me.

I will not use the full time. I just wanted to say to my good friend from Virginia, the chairman of the authorizing committee, that the normal way, place the animal would be downed would be at the slaughterhouse anyway.

The point we are trying to make is do not put it in the food chain. That is the heart of the gentleman from New York's (Mr. ACKERMAN) amendment which he has not changed. So I just wanted to clarify that, and I also am concerned that at that slaughter facility that that diseased animal not contaminate the other animals. So there is a tremendous burden on that slaughterhouse, but the point of the gentleman from New York's (Mr. ACKERMAN) argument and amendment is do not put that sick animal in the food chain.

I support his amendment, and I thank the gentleman for offering it.

Mr. ACKERMAN. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I simply want to say that I greatly appreciate the points that the authorizers have made today in opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The gentleman from New York (Mr. ACKERMAN) has 6 minutes remaining.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

I think it is imperative that we distinguish between sick animals and downer animals. There is a big difference, and I think the author of the amendment and some of the arguments made, including by my good friend from Ohio, is tending to mix up downers and sick.

We all agree sick animals have no place in our food chain, period; and I would submit under current law that is occurring 99.9999 percent of the time. No one can be perfect.

On the question of BSE, I worry about us continuing to be able to reassure the American public since in 2002 we tested 19,990 cattle, 40 times the international standard, but of those 19,990, 14,000 were downer animals. It is critical that we continue to look at downers to make sure they are not sick and remove them from the food chain, but when we read the gentleman's amendment today, I really respectfully say it would create a disincentive for producers to send downers to market.

We agree with the basic statement of keeping the animals out of the food chain that are sick. It is a question of how we best do it. Therefore, I respectfully oppose the gentleman's amendment in the belief that it will not accomplish what we all agree we need to do, and that is keep sick animals out but allow downer animals that can be humanely consumed to continue to be presented so we can make that determination as to whether they are sick or consumable.

Mr. ACKERMAN. Mr. Chairman, reclaiming my time, I appreciate the gentleman's sentiments and how articulately he presents them. We have a great deal of sympathy with what he is trying to accomplish, and one of the things the industry is trying to accomplish is to squeeze every nickel out of every head of cattle regardless of whether it is ambulatory, nonambulatory or anything else. There should be a disincentive for people bringing animals that are sick or diseased or nonambulatory to the market for the sake of making a couple of dollars on ½ of 1 percent of the entire cattle industry in America.

The fact that we do 40 times more testing and a better job than the average in the world, I am not impressed by that argument that we do better than places like Saudi Arabia and the Sudan and other places which bolster our numbers in how good we are.

Take a look at Canada. They do 40 percent better than the rest of the world, also. It took one mad cow who was a downed animal to shut down the entire industry. The industry here needs to be saved from itself. For the sake of that ½ of 1 percent, they are jeopardizing their entire business.

The humane aspect of this, I do not want to hold these pictures up continuously for the rest of this debate nor shall I, but the point is, the pictures are troubling. They are disturbing. Nobody likes to look at that. But if we think we go to the supermarket and buy some chopped meat and our own hamburger out of meat that McDonald's would not touch, out of meat that Wendy's would not touch, out of meat that Burger King would have no part of, out of meat that the USDA says, my goodness, keep this off the plates and tables of our schoolchildren as they have their lunches, it is unfair, it is unsafe, that the industry would say let us sneak this in and have these animals be put up for sale for the unsuspecting American public.

According to a Zogby poll, four out of every five Americans have said they would not touch this meat if they knew it came from a downed animal, but they do not know that it came from a downed animal, Mr. Chairman.

What we are doing here with this amendment is we are saying that the animal can be tested on the farm, it can be tested where it falls, it can be tested when it is in transit, it can be tested in the stockyards, it can be tested right up to the point of slaughter, do all the testing, make the determination, keep the statistics, but do not then put it into the food supply for the American people. Food safety demands better, and humanity to animals demands better.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, just a very important point, I think bovine spongiform encephalitis, BSE, has never been found in the United States. We have the most strict meat inspection in the world, and if we pass this resolution the danger is that we complicate the inspection of those downed animals. Downed animals in this country do not go into the human food chain without a thorough health safety investigation.

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman for his remarks.

We are not compromising the testing system at all. Test to your heart's content. Test and retest and double test. We agree with that. But, in the end, after all the tests, do not subject the American people to eating these downed animals.

On the gentleman's second point, that in the history of this country we have never found mad cow disease, I just want to point out that until one mad cow, who was a downed animal, came along, Canada had never found a mad cow in their country either. Look what has happened to them. Do not let it happen here in the name of food safety. In the name of the humane treatment of animals, do not allow that to happen here.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the Ackerman-LaTourette Amendment which would end the sale of "downed animal meat" for human consumption. Simply put, this Amendment would take livestock that is too diseased, too weak, or too injured to even stand on its own feet out of our food chain.

American families do not want to put downed animal meat products on their dinner tables, and they do not want to worry about whether the meat products purchased from a restaurant contains meat from downed animals. As a matter of fact, new animal welfare standards followed by burger-giants McDonald's, Burger King, and Wendy's have ended the purchase of meat from downed animals in their food products. I applaud these moves and America's consumers applaud them as well.

Common sense, as well as scientific data, says that the meat taken from a downed animal is unfit for human consumption—its risk of bacterial contamination and other diseases is much much higher than the meat taken from a healthy animal. U.S. Department of Agriculture (USDA) records show that downed animals are often afflicted with gangrene, malignant lymphoma, pneumonia, and other serious illnesses. According to the Food and Drug Administration downed animals are responsible for half of the drug residue found in meat because these animals are often very sick animals, and therefore, are often receiving a variety of drug treatments. Why would anyone want to take a chance and eat this meat?

Not only would this legislation remove tainted meat from the American marketplace, it would help improve the treatment of animals at auctions and slaughterhouses. Most downed animals are old dairy cows, crippled veal calves, and sometimes injured beef cattle. These downed animals, too weak to stand up on their own, are often shocked with electricity, moved with bulldozers, kicked and dragged, all in the effort to move them along the assembly lines to be slaughtered.

Mr. Chairman, our Nation has made great strides in food processing and food production over many years. We've come a long way since the publication of Upton Sinclair's famous century-old work, "The Jungle." But there's still a lot of needless cruelty that goes on in these places. Upton Sinclair wrote back then that the animals were strung up one by one in a "cold-blooded, impersonal way, without a pretense of apology." This still occurs today.

For instance, cows with broken legs are often left for hours or even days without food and water, let alone veterinary care. There is no excuse for this cruel and inhumane treatment in a civilized society. For the sake of our society, our animals, and those who eat meat products, the practice of slaughtering and consuming downed animals must be brought to an end.

Americans rightly do not want to eat meat from downed animals nor do they want to see downed animals cruelly treated the way they are at our slaughterhouses and animal auctions. Five months after the publication of "The Jungle," President Theodore Roosevelt and Congress took action by passing the first "Pure Food and Drug Act" and the first "Meat Inspection Act."

Mr. Chairman, Congress needs to act again. Americans want animals to be treated properly, and they want their food to be safe. I urge Members to support and vote for the Ackerman-LaTourette amendment.

Mr. SHAYS. Mr. Chairman, as Co-Chair of the Congressional Friends of Animals Caucus I urge my colleagues to vote in favor of the Ackerman Downed Animal Amendment.

Animals too weak, from sickness or injury, to stand or walk are routinely pushed, kicked, dragged, and prodded with electric shocks at auctions and intermediate markets, in an effort to move them to slaughter.

There is no excuse for this unnecessary torment.

The Ackerman amendment will protect these downed animals by discouraging their transport to livestock markets and requiring they be humanely euthanized.

Some greedy individuals know livestock sold for human consumption will bring a higher price than livestock sold for other purposes. To them, the money is more important than the suffering of the animals. In moving these animals to auctions and other markets, these individuals display a cruel disregard for the animals. They also ignore the fact that meat from these animals may be unfit for consumption.

Downed animals do not deserve this kind of cruel treatment, and consumers do not deserve to be subjected to the risk of buying contaminated meat products.

Mr. ACKERMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ACKERMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. ACKERMAN) will be postponed.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. RYAN of Wisconsin, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS AND PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2673, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of H.R. 2673, which shall proceed according to the following order:

No further amendment to the bill may be offered except pro forma amendments offered by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and

An amendment by Ms. KAPTUR regarding biofuels, which will be debatable for 20 minutes;

An amendment by Ms. KAPTUR regarding APHIS;

An amendment by Ms. KAPTUR regarding credit cards;

An amendment by Ms. KAPTUR regarding the Website of the Department of Agriculture;

An amendment by Mr. BROWN of Ohio regarding food safety, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as specified, each such amendment shall be debatable for 10 minutes, and debate on each amendment shall be equally divided and controlled by the proponent and an opponent.

All points of order against each of the amendments shall be considered as reserved pending completion of the debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except for one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BONILLA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

The motion was agreed to.

□ 1525

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2673, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. ACKERMAN) had been postponed, and the bill was open for amendment through page 72, line 23.

Pursuant to the order of the House today, no further amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and

An amendment by Ms. KAPTUR regarding biofuels, which will be debatable for 20 minutes;

An amendment by Ms. KAPTUR regarding APHIS;

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An amendment by Mr. BROWN of Ohio regarding food safety, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as specified, each such amendment shall be debatable for 10 minutes, and debate on each amendment shall be equally divided and controlled by the proponent and an opponent.

All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

The CHAIRMAN pro tempore. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, we would accept the amendment.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

I thank my good friend from Iowa for that, and I just for purposes of the RECORD wish to state that this amendment concerns the recent allegations that have been put forward about individuals at the Department of Agriculture misusing their Federal credit cards that they possess on behalf of the agency.

□ 1530

We look forward to working with the majority to ensure prompt prosecution and also actions being taken by the Department of Agriculture for us to monitor them as they move forward to make sure that this never happens again. I thank the gentleman for his support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to issue a final rule in Docket No. 02–

06201, "Cost-Sharing for Animal and Plant Health Emergency Programs," 68 Fed. Reg. 40541-40553 (July 8, 2003).

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. LATHAM. Mr. Chairman, we would accept the amendment of the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Iowa (Mr. LATHAM). Just for purposes of the debate and the record, let us show that this amendment would prohibit the U.S. Department of Agriculture from finalizing a rule on cost sharing between the Federal Government and co-operators, our States, local governments and industry groups on the cost of responding to animal or pest emergencies that threaten U.S. agriculture. We believe this to be a Federal responsibility.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

"SEC. . No funds appropriated or made available by this Act may be used to identify by photograph on a department's or agency's website any Member of the House of Representatives or the Senate within 60 days before a federal general election."

The CHAIRMAN pro tempore. All points of order are reserved.

Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. LATHAM. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, we would accept the amendment.

Ms. KAPTUR. Mr. Chairman, I thank the chairman and appreciate the chairman's acceptance of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

Under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount on page 3, line 9, the following: "(reduced by $20,000,000)".

Under the heading "RENEWABLE ENERGY PROGRAM", insert after the dollar amount on page 43, line 4, the following: "(increased by $20,000,000)".

The CHAIRMAN pro tempore. All points of order are reserved.

Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. LATHAM. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, we would be more than happy to accept the amendment, and we would like to expedite the process if we could.

Ms. KAPTUR. The gentleman will accept this amendment on biofuels?

Mr. LATHAM. If we could expedite the process.

Ms. KAPTUR. Mr. Chairman, I would be more than pleased to accept the gentleman's acceptance and to say that there could be no more important action of this government than dragging the U.S. Department of Agriculture into the 21st century, and helping America to become energy self-sufficient at last.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments?

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to thank the gentleman from Iowa (Mr. LATHAM) for moving this bill along. I know there are other Members who may be on their way to the floor right now, and we wanted to allow a little time for that. But meanwhile, I wanted to say a word about the overall bill and again to express my deep disappointment that the overall level of this discretionary bill is about 5 percent below last year's appropriated levels.

I come from a part of the country where we have experienced quite a bit of flooding. We know that later this year we are going to have some additional requests for disaster assistance. With the limited amount of funding in this bill and the cuts across various accounts, it is going to make it very difficult, barring a supplemental of some sort, to meet all of the requirements that are necessary.

As we look toward Members asking us how good is this bill, I guess the bottom line on this bill is that it is not nearly good enough in view of the challenges that are facing agriculture today.

We appreciate all of the Members who have come down here today to offer amendments. I think that every single one that was passed and awaits votes this afternoon has improved the bill. Those that deal with downed animals, those that deal with the Office of Civil Rights, those that deal with our historically black colleges and Tuskegee Institute, those that deal with improving the U.S. Department of Agriculture's attention to biofuels production, all of these are improvements.

We were very pleased to see the gentlewoman from Guam (Mr. BORDALLO) come to the floor to talk about the insular territories and their very, very significant dependence on agriculture, and over time the actual ignorance by our government toward these critical areas to our country.

If I might just say an additional word on the energy title, one of the reasons we were so concerned about the U.S. Department of Agriculture's inattention to new fuels production is that there is not a corner of rural America where this is not uppermost in people's minds. Whether it is biodiesel, whether it is ethanol, farmers can see the future. Many of them are inventing it. Without question, rural America holds at least a minimum of 20 percent of the potential to displace our overreliance on imported petroleum.

The budget, however, that the administration presented to us was severely underfunded. Not only was the Department of Agriculture not encouraged to move into the 21st century in energy production, but, in fact, the Department of Energy's accounts that deal with energy production and renewable energies were reduced 28 percent in the area of biomass, for example. Members should imagine a future where our capability in producing soy diesel and ethanol is enhanced by the Government of the United States assisting our farmers to bring new energy products online. These can actually produce real value-added and real income to the farm families of our country in the form of new fuels. We could do nothing more important in the first half of this century, in my opinion in the first decade of this century, than helping to convert from the hydrocarbon age to the carbohydrate age.

Today, over 3 million vehicles on our roads already use E-85, ethanol, made of 85 percent ethanol. Every one of these vehicles is made by our manufacturers. The problem is if you buy a vehicle and you take it to the service station, drivers cannot get the fuel in every State and in every location. You can get it in Iowa. You can get it in Minnesota. Try to get it in Ohio.

The real question is how do we move this industry forward when we know our farmers would rather produce to the market rather than produce to the mailboxes with subsidy payments. I am enjoying this opportunity to have the chairman of the authorizing committee sitting listening to this because I look for a great partnership between the Committee on Appropriations and the authorizing committee in the area of new fuels.

It has been a real disappointment to watch the lethargy at the Department of Agriculture when energy futurists can see the potential in every account. Take a look at research. We have not even invented the plants yet that can give us the most Btus per ton. We are using existing technology to produce the fuels that we are processing today. But just in the research accounts, we are behind the times in getting the plants that would give us the most convertible sugars, the most Btus per ton.

Take a look at how processing facilities are being built across the country, by farmers in places like the State of Minnesota. The State of Minnesota is such a leader; I believe she had the first ethanol plant in America. If we are going to have a national project for biofuels production, we should call it the Minnesota Project because they absolutely were first. Although when I was down in Iowa talking to farmers, they said yes, but Iowa farmers working in Minnesota actually accomplished it!

My point is that some parts of America have seen the future. Farmers are using our waste products from the field, for example, and blending them rather than putting them in landfills or burning them heedlessly produces a Btu stream that we can process and then convert.

I think that the record shows by January 2002, last year, there were well over 100 major fleets in our country that had implemented biodiesel programs, and the leading Federal agency for converting vehicles is not the Department of Agriculture. It is the U.S. Postal Service. I believe they have over 12,000 vehicles that use clean-burning fuels.

We look at the U.S. Air Force, Army, U.S. Department of Energy, NASA, State fleets in States like my own, Ohio, Iowa, Virginia, Missouri, Delaware and New Jersey, city buses in places like the Cincinnati metropolitan area and the bi-state area of St. Louis, and major public utility fleets such as Commonwealth Edison, Florida Power & Light, Duke Energy, Alabama Power and others.

The CHAIRMAN pro tempore. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 5 additional minutes.)

Ms. KAPTUR. Mr. Chairman, we appreciate the opportunity this afternoon to plant the seeds of biofuels in the U.S. Department of Agriculture budget for the year 2004.

Ms. DELAURO. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, last week during consideration of the Labor-HHS appropriations bill, I spoke of how this administration and this Congress are making a choice between tax cuts for the wealthiest Americans and other pressing priorities.

As a member of the subcommittee, I know that the programs in this bill represent many of these vital priorities supporting our farmers, revitalizing our rural communities, and helping the most needy in our country meet their most basic nutritional needs, and safeguarding our food supply. Yet as a result of the budget allocation given to our subcommittee, the bill includes a nearly 5 percent decrease in funding for agriculture, America's leading domestic industry which brings approximately $2.1 billion into my State of Connecticut's economy and provides 50,000 jobs for Connecticut each year.

One of the most critical things we do in this bill is ensure the safety of our Nation's food supply; 76 million Americans become sick and 5,000 people die every year from food-borne illness. At a time when there have been record amounts of recalls and ongoing concerns about USDA performance and the integrity of our food supply, this bill underfunds food inspection by $12 million.

Last week we found out that imported meat inspections have gone down from 17 to 6 percent in the last year.

□ 1545

This bill is headed in the wrong direction.

In addition, this bill prevents implementation of country-of-origin labeling for meat and meat products. Country-of-origin labeling gives people the information that they need to make an informed choice to protect the safety of their families. Thirty-five other countries we trade with, including Canada, Mexico and members of the European Union, already have a country-of-origin labeling system in place.

And American families recognize the need for this labeling. People say that they are willing to pay more to know where their food is coming from. At a time when food imports are increasing but the number of inspections of imported meat is decreasing, consumers deserve that right to know where their food is coming from. Given the record 56 million pounds of recalled meat last year, again, that is 56 million pounds of recalled meat, this effort is also about being able to trace back contaminated product in the event of a recall. Knowing the source of an outbreak is a critical part of that process so that we can quickly take action to prevent people from getting sick.

Country-of-origin labeling will not violate trade agreements or lead to retaliation. It will not bankrupt the food industry. It will simply let consumers know where their food is coming from. I hope my colleagues will support the Rehberg-Hooley amendment to remove this provision from the bill.

I am also concerned that the WIC program, which helps ensure that the nutritional needs of women and children are met, may not be funded sufficiently in this bill. That leaves no room for error. If the need increases, if food or infant formula prices increase, there will be no funds available to help those who depend the most on the program.

Another priority is prescription drugs, which are increasing on average at a rate of 20 percent annually. The generic drugs program at FDA helps us address those concerns by speeding the approval of affordable drugs. Yet this bill underfunds that program by $5 million, in addition to underfunding the Best Pharmaceuticals for Children Act and the patient safety and adverse reporting initiative. All are critically important to ensuring the health and safety of every American.

Mr. Chairman, budgets reveal priorities. They reveal values. This bill includes agencies and programs charged with some of our most important responsibilities, many of which protect and oversee the public health. Now is not the time to choose tax cuts for the wealthy over these vital priorities. We must do better. Failure is not an option.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. RYAN of Wisconsin, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DAVIS OF TENNESSEE

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Davis of Tennessee moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:
>
> (1) To reject the provisions of subtitle C of title II of the House bill.
>
> (2) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

The SPEAKER pro tempore. Under the rule, the gentleman from Tennessee (Mr. DAVIS) will be recognized for 30 minutes and the gentleman from Louisiana (Mr. TAUZIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs conferees to do two simple things, two things that the House-passed bill does not accomplish. One, it asks them to provide a guaranteed prescription drug benefit for all our seniors. Number two, it asks them to preserve Medicare as we know it today.

Specifically, this motion instructs the House not to abandon seniors to the mercy of private insurance and pharmaceutical companies. It makes a promise to our seniors. It tells them that if private insurance companies cannot make enough money off them, they can still get a prescription drug benefit.

Mr. Speaker, without this provision, the odds of seniors in my district getting a prescription drug benefit under this bill are virtually slim to none. How do I know this? For years now, private insurance companies have had an opportunity to try and make money off the seniors in my district by offering them a Medicare+Choice benefit. And how many have decided it is worth their while? Only a few.

I know the people in my district, the people of the Appalachian Mountains, of the Cumberland Plateau and southern middle Tennessee, are not alone, the people who live in Byrdstown or in Tracy City or in Kelso or in Hohenwald in our district. Already, private HMOs have abandoned over 2 million seniors.

The second part of this motion is about nothing less than preserving Medicare, a program millions of seniors have come to expect and to trust. Under the House-passed bill, Medicare as we know it will cease to exist in 7 short years, in 2010. Instead of Medicare, seniors will get a voucher for their health care and told to go shopping and will be forced to beg insurance companies and HMOs to offer prescription drug coverage to them, a request that many insurance companies are already on record as saying that they will not be able to fulfill. HMOs will compete against Medicare for younger, healthier seniors, while jacking up the prices for seniors who have chronic conditions and are in need of more care. These "left behind" seniors will have no choice but to remain in traditional Medicare which will be starved of funds, unable to compete with insurance companies and HMOs, and thus will be forced to raise seniors' premiums.

Privatization of Medicare will break up the huge and successful risk pool that Medicare has provided. With only the sickest patients enrolled, Medicare's costs will rise until it costs more than the voucher allotment. Medicare will be forced to price itself out of existence.

Make no mistake. That is exactly the point. During the debate on the bill, here is what was said: "To those who say the bill would end Medicare as we know it, our answer is: We certainly hope so. Old-fashioned Medicare isn't very good."

Well, I disagree and I have talked to many seniors in Tennessee who disagree as well. Medicare in the past 38 years has been very good to millions of seniors, but it should be even better. It should include a prescription drug benefit that is guaranteed, that is affordable, and that is accessible to all seniors. Our seniors deserve it, and we in this House Chamber should demand it.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. DAVIS) and ask unanimous consent that he be allowed to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin (Mr. GREEN) on behalf of the Committee on Ways and Means and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there were two visions of Medicare prescription drug bills before the House several weeks ago. The vision offered by the Democratic Party is revisited upon us today in this motion to instruct. That vision was one of simply a government program for prescription drugs. It was one that eliminated any real possibility of competitive reform. It was one that literally provided for the government to always make sure that prescription drugs were available. In short, it literally put the government in the business of deciding what prescription drugs, at what price and when they might be available for seniors.

There was another vision offered on the floor which was adopted by the House when it rejected overwhelmingly the Democratic vision. The vision that was offered on this side of the House that was finally approved in that long night of voting was a vision that literally said we are going to literally provide a $400 billion drug benefit for seniors. But, as part of the deal, we are also going to require Medicare itself to undergo reforms, to make sure that the Medicare system does not itself go bankrupt or bust the business of government as the years go by.

There were predictions, for example, that by the year 2070 if we did not accept the vision of reforming Medicare, of making sure that there were competitive choices available for consumers so that Medicare itself would become more and more efficient, less bureaucratic, more responsive to Medicare doctors and Medicare patients, if we did not do that by the year 2070, entitlements in this country would eat up every single dollar raised from taxpayers, leaving no money to operate this body, the Congress or the courts or the Defense Department or any other vital function of our government.

That is the choice we have again in this motion to instruct. The Democratic motion to instruct simply says, adopt that Democratic vision of a government-provided Medicare benefit only with no competition offered to that system and no tension between the private competition offered and the public system to ensure that the public system remains as intensely efficient as possible under the law. So in effect what this motion does is to strike the competitive features of the vision of Medicare reform adopted on the House floor and to rely instead upon government-backed, government-fallback medicine for Americans.

Let me state very clearly again. The vision adopted on the floor of the House was to provide $400 billion of government-provided Medicare prescription drug assistance to seniors, to seniors who wanted to stay within the Medicare program or seniors who might want to choose some other competitive private plan that would be offered under that vision. The vision adopted by the House was exactly that, competition, more stores in town, a government store and private stores as well. The vision rejected that is again offered on the floor of the House is government medicine only, government medicine without the competitive choices that seniors should have.

This motion to instruct should be rejected.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself 2½ minutes.

The motion to instruct represents an attempt to identify two areas that must be addressed if there is to be a compromise, if there is to be a prescription drug benefit under Medicare in this Congress. I daresay virtually every Member of this body has promised to find a way to provide Medicare coverage for prescription drugs. There is a basis for consensus among Republicans and Democrats to operate within the constraints of the budget. This is not the budget many Democrats would have chosen but out of a desire to solve this problem immediately and begin to provide some coverage for the seniors at home that are desperately struggling to meet their drug bills, there is a desire to work together.

The two issues the motion to instruct addresses are very simple. The first is whether or not our seniors are forced to rely exclusively on private plans to get drug coverage. Since this bill was introduced weeks ago, I would say there is not a single private insurance company in Washington or the United States that has come forward to the Federal Government and said, we want your money, we want to provide this private drug benefit you have created. As a matter of fact, in the committee one of the responses that was made by the esteemed chairman to the apparent lack of interest among the private insurance companies was, if necessary, we, the Congress, will subsidize over 99 percent of the cost of these drug benefit plans to encourage the private companies to come in. That not only is a waste of taxpayer dollars, it is an insult to our seniors. Because unless we adopt the Senate fallback provision which says that if two private insurance companies will not provide the drug benefit, traditional Medicare will, we are holding up a false hope for our seniors.

So the first thing the motion to instruct does is take the Senate position that there will be a fallback, traditional fee-for-service drug benefit if two private plans fail to do so.

The second issue addressed by the motion to instruct is the issue of the voucher. Under 2010 in this bill, Medicare as we know it ends. Medicare is converted to a voucher program. Under the voucher plan if you are, as many people are at the age of 65, not entirely healthy, you can safely assume these private insurance companies will not want to insure you. You will not be a good risk. You will not be sufficiently profitable.

Under this bill, unless the motion to instruct is adopted, people who cannot get into a private plan are left with a voucher. The Medicare actuary has estimated that could result in as much as a 25 percent increase in the cost of Medicare to people that have the voucher. We are going to leave people over 65 with health problems without access to Medicare unless this motion to instruct is adopted.

□ 1600

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I would like to address a couple of the points that the gentleman from Florida (Mr. DAVIS) made. In the gentleman from Florida's motion to instruct, it is akin to passing an amendment to say we are going to see to it that Medicare is bankrupt faster than it is already going bankrupt. The problem we are trying to deal with, Mr. Speaker, is this: we already have financial problems with Medicare. As it stands today, if we do not even do anything and we do not add any benefits like prescription drug benefit to Medicare, it is going insolvent in 10 years. At the height of the baby boom retirement when we have 77 million retirees in place in America, more than the 40 million we have today, almost double, we are going to exhaust all of the Medicare trust fund by the year 2036.

So what we are trying to do here is this: we recognize so clearly that Medicare is an outdated program. Medicare is not modern. It is not comprehensive. It does not cover all the comprehensive health care needs a person has over the age of 65, especially; and that is why we out of the House passed very comprehensive legislation, comprehensive legislation to help not only add a prescription drug benefit to all in Medicare but give them access to comprehensive health care so they do not have to go out and buy a costly supplemental insurance plan, so they do not have to pay out of pocket with high retail prices with the buying power of one person for their prescription drugs.

We have great comprehensive reforms for the current generation of retirees. But the one very important part of what we passed in the House is not only do we improve Medicare for today's generation of retirees by making it more modern; we also have very important reforms in this bill to make sure that the program is actually solvent for the next generation when they retire, and that is what we are trying to accomplish.

If we simply add a benefit to Medicare on top of the current program in its current structure, all we end up accomplishing is accelerating the bankruptcy of Medicare. Mr. Speaker, we owe it to all Americans, not just the current generation of retirees, to fix this program; but we owe it to the next generation, the baby boom generation, to make sure that this program is there for them when they retire.

The reforms that are in question that are being jettisoned or gutted in this motion to instruct are the very important reforms that get us to solvency for the baby boom generation, and those reforms are not vouchers. Those reforms are defined benefit plans that simply give seniors the same access to comprehensive health care plans that we as Members of Congress have and all other Federal employees and our families have; and those plans in competition with one another for our business, for the seniors' business will help reduce long-term costs so we can extend the solvency of this program for the baby boomers.

As to the very important criticism, but very wrong criticism, that this is going to hurt the people who are not healthy, the sick and low-income, that is completely false, Mr. Speaker. This legislation very clearly has guaranteed issue. No plan can pick and choose who they are going to cover in Medicare. If they are in Wisconsin as a person of the age of 65, Medicare eligible, and they want an enhanced plan like a private PPO or Blue Cross like my wife chose for us in the Federal Employee Health Benefit Plan, everybody who is entitled to Medicare is entitled to that plan. These private plans cannot cherrypick and cannot deny people based on preexisting conditions. And that I would add can be found on page 260.

Another very important part is that this has risk-adjustment payments. So if, for example, sicker people are going into a plan, they will have risk-adjustment payments, and that can be found on page 248 as well. So I would simply direct my colleagues to the legislation to find out that this does have risk-adjustment payments so it will not have a problem with healthy or nonhealthy people going into one plan or another. This language is what we must pass into law, not just out of the House, to save this vital program for the next generation while improving Medicare for the current generation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK), the ranking Democrat on the Subcommittee on Health of the Committee on Ways and Means.

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to inquire of the distinguished gentleman from Wisconsin if he could tell me how many years their bill in the House would extend the financial life of the Medicare program.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, the actuaries will not certify that it will extend the solvency of Medicare by any certain number of days.

Mr. STARK. Mr. Speaker, I thank the gentleman for his answer and reclaim my time.

Mr. Scully, the director of CMS, said last week that it would not extend the solvency of Medicare 1 day and indeed might shorten the solvency, and that is of course from the Republican director of CMS. Further, both GAO and MedPac, bipartisan groups, have reported to us that the proposed privatized plans that are in the Republican House bill will increase the cost to Medicare for every senior who is foolish enough to sign up for them. So not only does the Republican plan not save any money in Medicare. It is in very grave danger of costing Medicare money for no extra benefit. But we must not try to focus in merely an hour on the multitude problems that exist in the House bill.

We are constrained in this motion to deal with portions of the bill that are before us, and so there are two principal elements here: one, to eliminate the cockamammie premium support competition, whatever one wants to call it, Medicare+Choice that starts at 2010 in the House-passed bill. As I have said before, the Republican experts in Health and Human Services tell us it will not save any money and will probably reduce the solvency of the Medicare trust fund. GAO and MedPac tell us that these programs will create additional costs to Medicare over the standardized system.

Secondly, there is no fall-back in the House plan. There is no plan in the House plan. There is an estimate of what we might do, but there is nothing in the House plan that would require a benefit to be provided. Nothing. At least the Senate bill has a provision to ensure that there will be a Medicare program to provide a drug benefit in all communities should there be no insurance company reckless enough to try to understand what the House position is and take the subsidies needed to encourage it to participate. So if we want to have any plan at all and make sure that the law provides for it, we must recede to the Republican part, and if we want to keep Medicare solvent, we must drop the House portion which has the premium support. Those two are the basic elements that are needed before this plan could go forward under any circumstances.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Let me reiterate again, the motion to instruct, to all Members of the House who are paying attention to this debate, basically says to the Senate and House conferees: accept the Senate language, take the Senate bill, take the Democratic vision that was rejected overwhelmingly on this House floor, and make it the conference report. It basically recedes to the Senate provisions and eliminates the basic competitive elements that were approved on this House floor in this historic vote just several weeks ago.

My friend from Wisconsin made the case, but let me make it again. The argument that we need to instruct the conferees to adopt the Senate provision because somehow the seniors who are sickest and eldest in our society are going to lose Medicare in 2010 is just absolutely wrong. The fact is that they are not going to be driven into a small class of people only covered by Medicare because, as my friend points out, the private plans we vision coming into effect have guaranteed issue. They cannot refuse anybody. So if their mother, grandmother, grandfather wants to take one of these private plans because they offer a better, more efficient system of health care than does the Government plan, they will have a right to take it. They cannot be denied no matter how old or how sick they are.

Secondly, I want to point out that the basic frame of the bill we passed a couple of weeks ago on the House floor said to the poorest in our society, those living below 135 percent of poverty that we are providing this new prescription drug benefit virtually free of charge. The only thing they pay is a copay on the drug, but the premiums are free. The deductibles are covered. In fact, we provide for the poorest in America the best benefit of any Medicare prescription drug plan that we had yet considered on the floor of the House until just 2 weeks ago. So the poorest are covered. Those who are the sickest who want to choose a better plan have guaranteed access to those plans under the bill we adopted on the House floor.

This motion to instruct is virtually, literally saying that we should reverse the votes we took on the House floor; we should approve that Democratic vision of the government trying to do it all in a system that is already failing because it is beginning to go bust and a system that is too bureaucratic and literally too complex for even the providers to follow today.

Our bill provides for bureaucratic reform, regulatory reform, guaranteed issue for seniors who are the sickest to choose whatever plan they want. And most importantly, it provides for free coverage in effect for all those living under poverty for this new prescription drug benefit program. So to argue that we have to adopt this motion to instruct for the oldest and the sickest and the poorest in our society is not quite accurate. On the contrary, the motion to instruct simply says go into debate with the Senate and yield in advance, give in to the Senate that there will be no competition in Medicare, give into the Senate that the government is going to be the provider of this new benefit and seniors will never have the kind of choices that Members of this body have in choosing the kind of health care plans that best suit them in their conditions, in their health care needs, in their particular problems as they find it and as they make choices in the future.

Let us reject this motion to instruct just as we rejected the Democratic vision on the floor several weeks ago.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DOOLEY), who has been a leader on this issue in the House.

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of this motion to instruct. And what we are really trying to do in essence is to have this body of the House of Representatives join with a bipartisan majority in the Senate that passed by 76 votes a measure to ensure that we would guarantee seniors a prescription drug benefit. For those of us who are so supportive of the Medicare fall-back provisions in the Senate, this is crucial to Medicare recipients. If we are going to stand up and be able to promise to senior citizens on Medicare throughout this country that there will, in fact, be a prescription drug benefit in Medicare, we must accept the Senate fallback provisions.

□ 1615

Why should we do this? Because we have a clear example in the past, where we have allowed private plans to offer Medicare+Choice on the promise that every senior in the United States would have access to a Medicare+Choice plan. The private plans did not provide it.

And the same thing will happen with the House-passed prescription drug plan. By offering a drug plan through private insurance, if there is no Medicare fallback as the Senate has, there is no guarantee, there is no ability that we will live up to the promise that we will provide a prescription drug benefit under Medicare.

We ought to have reason to be greatly concerned, because the Wall Street analysts, who really did an assessment of the likelihood of private insurers offering this benefit, have come to the conclusion that it is quite unlikely, because this is a stand-alone drug policy that is difficult to provide and they do not think the private sector will stand up and provide that.

Furthermore, the approach that the House bill is taking is one which tries to bribe the private insurance companies to provide this prescription drug benefit. They come to the conclusion that if the private sector is not stepping up to provide this benefit that the Federal Government is going to step up and provide taxpayer money to further subsidize the private insurer to offer this benefit.

This is not the approach we should be taking. If we are going to guarantee a prescription drug benefit, accept the Senate fallback provisions.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 7 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the chairwoman of the Subcommittee on Health of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

First, let us get some facts straight. Any senior watching this debate needs to understand that the law provides a Medicare bundle of benefits, period. That bundle of benefits will be provided to seniors through the Medicare fee-for-service program and through any plan that cares to participate in Medicare. But the law defines that bundle of benefits, and there is nothing in this bill that changes that law. So do not scare seniors that something is going to happen to their benefits. There is not any plan that can participate under this bill that is not obliged to offer the Medicare bundle of benefits.

Then let us look at a statement made earlier about costs. All this bill does is allow the government to pay a plan the same amount per average senior beneficiary that we spend anyway per senior under Medicare. Not a penny more; not a penny less. So this is not going to increase Medicare spending. This is not going to explode spending.

That is why CBO and OMB disagreed, because in the private sector, yes, plan costs are rising, but in this program we are only paying the plan precisely what it costs us for the care of an average senior under Medicare; no more and no less. So that is not the issue.

There is only one issue here in terms of the plans in competition. In 2010, something important happens. Our seniors have the right to know in 2010 what the plan in any area where it provides the care for 20 percent of the seniors, what the average premiums are in those plans and what it is costing Medicare to provide care for the average senior under Medicare in those same areas. This is just a sort of "right-to-know" issue. Then, when you know, you can make the choice.

If by that time, 2010, the plans have gotten a lot more efficient and are either offering a lot more benefits for the same money or lower premiums or are inefficient and it is costing them more and Medicare turns out to be the more efficient provider, which many of you on the other side of the aisle have always claimed was true, then, Medicare's premiums will be lower and it will make the plans look bad. If in fact the plans are more efficient providers than Medicare, then the premium amount will be somewhat higher for the Medicare plan and seniors will have a choice.

The whole process is prejudiced toward weighting the Medicare premiums heavier than anyone else's premiums and phasing in any discrepancy. But the bottom line is that nobody in the private sector is going to be paid any more than the average we spend for a senior under Medicare. So if Medicare cannot compete on those terms, I will tell you, the seniors have a right to know, and, under this bill, they will.

Now, let us look at this fallback issue. One of the reasons our bill is so very efficient and the most efficient and rated by CBO as saving the most money for our seniors under the prescription drug program is because the plan's sponsors have not only the tools to manage prescription drugs in a cost-effective way, they have the motivation.

I will tell you, how many times have you seen your kid in college have all the preparation, have good skills, but they did not care enough to work hard and get an A instead of a B-plus? It is not just a matter of tools, of intelligence, of skills, it is a matter of will, of desire.

The reason CBO gives us so much higher an efficiency quota than any other plan is because our plans have not the big motivation we gave them a few years ago, we decided that was too hard for them to meet, but just a little motivation. They have a little reason to care whether or not they notice whether seniors are going to get the lowest cost prescription that will help them, the generic where it is appropriate, so on and so forth, or negotiate hard with the manufacturers to get the lowest prices.

So if you do a fallback and a guarantee, what plan in their right mind is going to get in? They are going to wait until you get to the fallback so they have no risk.

If you do not have that, two things happen. First of all, this is a very big market. A lot of companies cannot afford not to be plan sponsors. So they are going to get in, and they are going to get in early. Twenty-eight plans wanted to get in when the President offered his discount card just as a voluntary thing. Those same 28 companies are going to be interested when, under this bill, they get the right to offer a discount card. Why? Because they want to line up their participants so when the real plan comes along with the subsidies, the taxpayer subsidies, they will already have a constituency signed up in their program.

But this is entirely too big a business for plan sponsors not to want to be part of it, so they will accept that risk.

In our bill we guarantee not one fallback but two fallbacks: One that is a pure drug fallback, and one is a plan fallback. How are we going to get it? There are lots of way. You will have Federal Employee Health Benefit Plans that already contract the drug benefit with a plan sponsor. That plan sponsor might very well be interested in providing drugs-only to seniors. He is already in the district; he is already working with the Federal Government. That is one option.

Other options are to entice enhanced plans and advantage plans to provide that. There are lots of ways to do this. But if you check off and you check out the responsibility for some risk in the game, then you will never have the price cuts, you will never have the efficiency, and our seniors will be the victims.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me time.

If Members listen carefully to the last speaker, the gentlewoman from Connecticut, I think they understand why we need this motion to instruct, because seniors need to know that the drug benefit is going to be a real one, not one that could depend on the whims of one insurance company or another.

When the gentlewoman from Connecticut (Mrs. JOHNSON) went through her explanation, she had 25 ways this will all work, this company will compete against that company. Well, the truth of the matter is these companies do not want to compete with each other, and that is why the Republican bill gives money to the insurance companies to try to get them to provide the benefit, rather than put it in as a benefit in Medicare, which is the way Medicare pays for doctors and hospitals and physical therapists and occupational therapists.

So what we are hoping to do is have the conferees come back with the Senate provision that says, if all this insurance business does not work out as the Republicans hope it will, seniors can count on a prescription drug benefit being there.

The second reason why we need this instruction to the conferees is we do not want the Republican conferees to use the prescription drug issue as a stalking horse to destroy the Medicare program as seniors know it and like it and want it to continue. They should not use this to undermine and privatize the Medicare program.

We should not adopt provisions that will force a Medicare beneficiary to pay more simply to stay in regular Medicare, and we should not force them into a choice between paying more or entering a plan that takes away their ability to see their own doctor.

I listened with much attention to what our Republican colleagues were saying in this debate, and it is Orwellian: "We are going to reform an outdated program that is going broke."

Well, this is not an outdated program. It is an excellent program. And it is not going broke, because every time there is a problem with that trust fund, simple changes can be made to adjust it so it stays viable. But if it is going broke, why did the Republicans give all that money away in tax breaks to millionaires? We should be using it to make sure Medicare will be there for the seniors that are on the program now and those who are going to be looking to it, especially the baby boom generation.

The gentleman from Louisiana (Mr. TAUZIN), my friend, my chairman, said, "Those Democrats are asking us to take the Democratic bill." We are not asking that at all. We are asking that we take the provision in the Senate-passed bill, which passed by a large bipartisan majority, rather than the provisions that passed by one vote, mainly Republican votes, in the House of Representatives.

I think that we ought to cast away these Orwellian statements, like "this will be like Federal employees," when we know it will not be the same. Let us instruct the conferees. Vote aye.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me point out to my friend from California, the Committee on Energy and Commerce had a chance to look at the Senate-passed bill. My colleagues on the other side offered it in the markup of the Committee on Energy and Commerce, and it was resoundingly rejected by the Committee on Energy and Commerce in markup.

I notice my friend did not choose to offer the Senate-passed bill as the final motion on the House floor on the debate just several weeks ago. Instead, they chose to offer their vision instead of the Senate-passed bill. Now you wonder why they claim the Senate-passed bill is such a great bill.

Let me also point out the problem I think of this whole Medicare debate and why this bill was so important and why for several Congresses now we have passed Medicare reform and a prescription drug benefits bill over to the other Chamber, never to see them become law. The problem is, why have Medicare prescription drugs not been added to Medicare many, many years ago?

Medicine changed many years ago. When Medicare first started, Medicare was all about taking a senior to a hospital and putting them in a hospital bed and caring for them in a hospital. We know that medicine has changed during that period of time. Medicare has not.

The whole purpose, the whole reason we have been in this massive, historic debate over Medicare prescription drugs is because no one in past decades before this majority came around chose to modernize Medicare with a prescription drug benefit; and without a prescription drug benefit, indeed Medicare is outdated. It is not up to the task of taking care of senior citizens today. It is built around a premise that we are going to put them all in the hospital. It is not built around the correct premise today that many seniors depend upon prescription drugs to maintain their health, to prevent the need to go to the hospital, to maintain their condition, to prevent the spread of disease that has begun to inflict their bodies, indeed, to make sure that those diseases are kept in some sort of control.

Prescription drugs is the way in which so many seniors depend upon health maintenance today. To claim that Medicare is not outdated, when for decades it has not been updated with a prescription drug benefit, is not only wrong, it is, I think, the reason we have had this great debate in this Chamber for the last several Congresses and the reason why this majority is so very proud to say that we finally passed a bill that really has a chance of becoming law.

We are going to go now into a conference with the Senate and we are going to debate the issues of whether competition should be a part of this program or whether the government should be the sole provider of this new benefit. We are going to debate in the Senate whether the reforms this House agreed upon are better than the Senate-passed bill which was rejected in the Committee on Energy and Commerce. I think we will win that debate. But we cannot win it if we give up with this motion to instruct and say we will take the Senate bill, which was already rejected in the Committee on Energy and Commerce and not even offered on the floor by my friends on the other side when they had the chance to do so.

The bottom line is this motion to instruct takes us backwards. It indeed says, well, Medicare, which has not been updated, which has not been modernized to take care of seniors' real needs today, will be the sole provider forever of health care needs for seniors, when we know that competitive choices ought to be available to them.

□ 1630

It says, we will count on the government always to be the provider of these new benefits, and that seniors will not have the choice of going to a better plan if they can find one and, in fact, if one is offered to them in their community. It says, even if we are putting up the cost of the premiums, they will not have that choice. That takes us backwards.

We ought not take a backwards step today in this Chamber. We ought to move forward, take on the Senate and defeat the Senate bill, as we did in committee in the conference, and come out with a better bill that looks much more like the House bill passed on the House floor several weeks ago.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I am glad I was here for the remarks of the gentleman from Louisiana (Mr. TAUZIN). We do not have to destroy Medicare to add a prescription drug benefit. Add prescription drugs to Medicare. We do not need to change Medicare to add a prescription drug benefit. Keep Medicare. It is not outdated. Bring it up to date, if we want to put it that way, by putting in a prescription drug benefit in Medicare. But you do not do that. You are using prescription drug benefits to change and destroy the Medicare system.

The actuary says, under the Republican plan, by 2010, the likely increase in costs for the present Medicare will be 25 percent. You are not only eroding the possibility of use, you are, in the end, destroying Medicare as we know it. And we Democrats will be glad to go to the electorate in 2004 with the Republican notion that Medicare is outdated, I say to the gentleman from Wisconsin (Mr. RYAN) or to the gentleman from Louisiana (Mr. TAUZIN), the notion that Medicare is failing, ask the seniors of this country whether it is outdated or whether it is failing. They are going to say, we need prescription drugs; give it to us.

Our Republican colleagues do not do that, though they use it as an excuse for changing or destroying Medicare. What they do is have a prescription drug program that is an insurance program without any assurance whatsoever. There is no assured premium, there is no assured deductible, there is no assured set of drugs, and there is really no assured plan. There is no assured plan. The insurance carriers are supposed to come into this, and if they do not, what is there? There is an empty container of pills, I guess. That is what we are left with.

So essentially what our Republican colleagues are doing is using the alleged bankruptcy of Medicare as a smoke screen to destroy it. They are talking about 2036 to wreck Medicare 25 years earlier. That is what you want us to do in the conference committee. Go ahead, try it. If you try it, I hope you fail. If you succeed, we Democrats are all going to vote no. It was not very overwhelming, I think it was one vote, was it not, that took you 45 extra minutes to pass your bill?

Mr. Speaker, we will be glad to go to the country with the Republican plan against ours, destroying Medicare versus our determination to save it and make it even better.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the dean of the House and the ranking member on the House Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the motion to instruct the conferees. The motion is very simple. It says to my colleagues and to the conference, reject the motion to privatize Medicare which is included in the Republican plan. That is what it says. The Republicans have never liked Medicare. I sat in the chair and I watched them with the dirty looks they had on their faces when we passed the legislation the first time. They have not changed since. Mr. Armey and Mr. Gingrich and now the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, have pointed out that that is their purpose, to kill Medicare as we know it now. It is my hope that this motion to instruct will prevent that kind of unfortunate event from taking place.

The Democrats oppose very strongly leaving seniors naked to the magic of the marketplace. The magic my Republican colleagues would apply to the senior citizens is to see to it that their benefits under Medicare would magically disappear and to see the magical disappearance of huge sums of Federal money into the pockets of the insurance companies who would be the principal beneficiaries of this legislation as opposed to the senior citizens.

We already know that these private plans do not work. They cost more, some 13.2 percent according to a GAO study which was made. Four hundred thousand seniors got dumped last year from these plans, and it is interesting to note that only a small percentage of people in the rural areas have these kinds of plans available to them.

Now, what will happen if this takes place? Under this privatized Medicare, seniors and taxpayers are going to pay more out of their own pockets. The life of the Medicare trust fund is not going to be expended; the Republicans have already agreed to that. The privatization provisions of H.R. 1 that begin in 2010 would give the Medicare beneficiaries a fixed voucher which would magically shrink as time passes, and the insurance lobby and the HMOs would get massive influxes of government cash and unlimited subsidies which are nowhere defined in the legislation except to say that they shall be sufficient to ease people into these plans to cause them to do it.

Privatization of Medicare would take away serious and important rights from seniors today. Seniors today get access to their doctor, hospital, home health care agency, or nursing home facility guaranteed. That will not happen under this legislation. Under this privatized Medicare model, insurance plans would determine which doctors seniors could see and what drugs they would take. Insurance companies would determine which benefits and treatments would be covered and how much the seniors would pay. All of this would change year by year at the whim of people who are administering this legislation at this particular time, who not only support the legislation but who do not like Medicare and who want a change.

America's seniors are being visited with bait and switch. The bait is they say they are going to give some kind of prescription pharmaceutical benefits. That is mostly hooey, and there is not much in the way of pharmaceutical benefits here. But they would be called upon, or largely forced, to switch from Medicare as we now know it, and they would find themselves then in the cold-hearted hands of the same miserable HMOs that have been denying them the rights that they need and that they want and that triggered this House in responding a year ago to putting forward a Patients' Bill of Rights to try and afford them some rights to appeal, some rights to be protected and some rights to control their own treatment. That is what is at stake here.

So when my colleagues vote on this matter, remember, my colleagues are voting to protect the rights of senior citizens. They are voting to prevent privatization of Medicare, an outrage that should not be permitted by this Congress.

Mr. TAUZIN. Mr. Speaker, I yield myself just 1 minute to respond to my good friend.

First of all, I am not sure who was in this Chamber way back when Medicare was first adopted by the House. I assume my friend, the dean of the House, was here, but I do not know of anybody else who was who currently serves in the Chamber. I can tell my colleagues there were no only dirty looks on this side when it comes to Medicare. We support Medicare, believe in it.

My mother depends upon it. As I have often said on this House floor, she is a three-time cancer survivor who loves Medicare. That is why when we wrote this bill we preserved her opportunity to remain in fee-for-service Medicare if she chooses. But I want to give her something else, and that is why this bill provides for competitive choices for her so that she can choose a premium-based insurance program if it is better for her. If she wants to stay under Medicare, she can. In either case, she gets the Medicare prescription drug benefit that was not available to her all of these years until this majority came forward and provided one in this bill.

Reject this motion to instruct. Let us go to the conference with the Senate and let us be hopeful and positive that we can negotiate with the Senate a version that will pass the House and Senate and get signed into law.

Seniors understand. They are tired of waiting. They are tired of this debate. They are ready for a law that gives them a prescription drug benefit, and so is my mother.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, if the Republicans love Medicare so much, why did they not put this drug benefit in the Medicare program like the hospitalization program and a physician program? Unless that is called tough love. Because under the bill, seniors, grandma and grandpa have to go out and buy a policy outside of Medicare.

Mr. Speaker, there has been a lot of talk about if we pass this motion we are going to bankrupt the program. There is a lot of talk about this is the vision for Medicare. Well, let me remind my colleagues that this bill passed by a vote of 215 to 214, one slim vote. In fact, the rollcall was held open for almost an hour so the Republican leadership could twist some arms around here, make some promises, and finally get the bill to pass.

What we are asking today is to change two sections of this 700-page bill. Two years ago, we had a hearing on this bill before the Committee on Ways and Means, and before the hearing were some insurance association people and we asked them point-blank, do you think your members are going to sell a drug-only policy to the seniors of the country? And they said, are you nuts? Before we get the premium in the bank from the policy, the senior who just bought the policy will have filed three claims. There is no way it is going to work.

So what we are asking for today is for a fallback position. If you are so sure it is going to work, the fallback position will never be in effect. But if, in fact, you are wrong, what we are saying then is, then let us have the Medicare program provide grandma the drug benefit.

But that is not what is going on here. We are told that grandma should go and get a private HMO. I come from Milwaukee, Wisconsin. We have four companies selling those HMOs. The last one is going bankrupt and will be out of business shortly. In fact, over 2.5 million seniors in this country were kicked out of their HMO policies.

It is a failed experiment. This Republican bill starts the experiment again, even though we know it does not work.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I would like to address a few of the points that were made here on the floor. The gentleman from California, I think he has left the floor, said, Medicare is really not going broke. That is a new one to me. Because, Mr. Speaker, if we take a look at Medicare, the actuaries, I am not talking about the Congressional Budget Office even, but the actuaries are telling us, Medicare has a $13.2 trillion liability today. Today's Medicare program is going insolvent in 10 years, before doing anything, before adding any benefit.

For example, if we had to actually pass legislation right here through taxes and we wanted to make Medicare solvent for the next generation, today we would have to raise Medicare FICA taxes by 80 percent. An 80 percent FICA tax hike is what would be required to fix this unfunded liability. Maybe that is, after all, what some on the other side are seeking to achieve.

What we are trying to achieve here, Mr. Speaker, is to improve Medicare today by making it more comprehensive for today's seniors but also to save it for that baby boom generation. This motion to instruct will not save Medicare. It will bankrupt Medicare.

So when we take a look at the reforms we have in this bill that the other side is targeting to try and jettison from this product, what we are simply trying to do is add choices. Give seniors more choices so they, like us in Congress, Federal workers can choose who their provider is. If they like what they have, if they have traditional Medicare and they like it and they have their drugs paid for by their employer or their supplemental paid for by someone else, great. They are the lucky ones, wonderful. They can keep it.

But if like many of the constituents I have in Wisconsin, they have to dig deep into their pockets and buy a very costly supplemental, then they have to pay for their drugs out-of-pocket. Medicare is outdated for them. It is not comprehensive.

□ 1645

We want to make it comprehensive. And by giving seniors more choices, that active choice drives competition because providers, all of those providers who are regulated and overseen by Medicare, who have to give a comprehensive benefit regulated by Medicare, those providers competing against each other for seniors' business will bring competition to the system and competition to the system will bring down costs over the long run. And the only way to make Medicare solvent for the baby boom generation is to bring down costs over the long run, otherwise we will have to raise taxes or we will have to cut benefits. That is what we want to avoid.

Now, this is not Medicare+Choice. One of the speakers, the gentleman from Michigan, said this is the same old problem again, like Medicare+Choice. This is anything but Medicare+Choice. This is much like what Federal employees have, and that is the title of this bill that the motion to instruct seeks to remove. And the concept basically goes like this: today, under Medicare, if you want to get reimbursed as a provider, you have got to have an operation, a procedure. Medicare pays providers to operate on people, to have procedures. But if you give, as a provider, a person preventative medicine, disease management, keep them healthy, have better results, you do not get paid. So the incentive structure is really bizarre.

What we want to do is reward providers for keeping people healthy, for giving them preventative medicine, for giving them disease management, for keeping them healthy, out of the hospital, out of the operating room. And guess what? Not only is that a healthier, happier life, it saves money; and that is what we are trying to do over the long run so we can modernize this program, give seniors the same options and choices like we as Members of Congress have; and if we can accomplish that, we can save money over the long run and save this very important, very vital program for the baby boom generation when they retire.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I was amazed to listen to the gentleman from Wisconsin (Mr. RYAN) on three points.

First of all, he said that Medicare is going broke. Well, Medicare is not going broke. It is doing fine. But the only reason it is losing money is because of Republican policies. If you remember in the last years of the Clinton administration, the day when Medicare might go insolvent kept going further and further away because we were paying down the debt. But once the Republicans came in and the Republican President came into power, all of the sudden with all of these tax cuts and all of this borrowing to pay for the debt, which is now something like $500 billion, yes, they are taking money away from the Medicare trust fund, and so that day of reckoning gets closer and closer.

You have caused the problem with the solvency of Medicare because of your tax policies as Republicans.

Then you talked about Federal employees and Members of Congress. Well, I was here last year when the gentleman from Florida (Mr. DAVIS) got up on the floor and demanded that we pass a resolution that said that Federal employees and Members of Congress would not have to enter into this Republican Medicare prescription drug program that you are proposing because the fact of the matter is it is not as generous, what you are proposing is not as generous as what Members of Congress and Federal employees have, and that is why you wanted to make sure that they were insulated and would not be part of the program.

Finally, you said you wanted to keep costs down. Well, the easiest way to keep costs down is to allow, as the Senate bill does, to negotiate drug prices so that the Secretary of Health and Human Services can negotiate on behalf of all the seniors and lower drug costs. But you do not want to do that. You put a noninterference clause in the House bill so he cannot negotiate and lower prices. So do not tell me about saving money. You are not saving money. You are not saving the program. You are killing the program.

And I listened also in amazement to the statements that were made by my chairman, who I respect a great deal, the chairman of the Committee on Energy and Commerce. But the fact of the matter is you know if we do not go to conference and adopt significant portions of this Senate bill, we will not have a bill. The President will not have a bill to sign. So when we say that we want a drug benefit and we want to make sure there is a fall-back so if there is no HMO in the area or no two HMOs in the area, that we guarantee that there is a drug benefit, you know that if we do not put that in the bill, we will never get the votes in the Senate to pass the bill and there will not be a drug benefit.

You know also that if we have this House version that says that by 2010 we are going to get out of Medicare, we are going to have a voucher and that the traditional Medicare is going to cost more, that the Senators will never pass this bill. It will never go to the President. So what we are trying to say here with this motion to instruct is, if you really want to continue the Medicare program, do not have a voucher, do not kill the program and force people to pay more for traditional Medicare. And if you really want a drug benefit, make sure there is a fall-back to traditional Medicare and you can get a drug benefit. Because you know darn well that if in a given area there is not the HMO or the private plan that is going to be offered, then the person will not get the drug benefit.

But even more than that, practically speaking, if you do not go a certain way in the direction of the Senate bill and compromise a little, because you know that passed overwhelmingly, we will never have a bill that goes to the President. So be realistic and pass this motion to instruct.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me time.

For 3 years the House Republicans have done what the Democrats failed to do for the 30 years they were in the majority and that is pass prescription drug coverage for seniors. And every time we have moved to pass legislation, our colleagues and friends on the other side of the aisle have done their best to throw up road blocks and Mediscare, complete this year to buying TV ads already, attacking members of the committee who voted for prescription drug coverage. They want to make it a campaign issue, and that is wrong.

My parents until their death relied upon Medicare, and they paid for their prescription drugs out of their own pockets because their plan did not cover it. My in-laws and others in my district need this help, and they need it now.

Our budget sets aside $400 billion, $400 billion to help provide prescription drug coverage for seniors. The last time the Democrats put forward a budget, they reserved 360-some billion; $400 billion is what we are putting forward over the next 10 years.

Their plan, for which they did not even have a budget, would cost a trillion dollars. Now, on the one hand they will say Medicare is not going insolvent, and yet my colleague from New Jersey just blamed Republicans for whatever insolvency there may be. You cannot have it both ways.

The way we want it is not to negotiate with ourselves. We want to negotiate with the Senate to come out with the best package possible to make sure that every senior in America has access to affordable prescription drug coverage, and coverage that we can afford to continue for the length of Medicare, which should be forever.

We have got to get this right. We have to do it right. We have to use the competitive forces of the marketplace to make sure that we squeeze out the excesses so that we can extend the benefit, especially to those who need it most. And our legislation does that. It targets the greatest relief, the greatest help to the seniors most in need. And representing the 12th poorest district in this country, I will tell you, I am proud of this bill. I am proud of what it will do for our low-income seniors, and I am proud of what it will do for Medicare and America.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, seniors must have a guaranteed drug coverage plan. Has the private market through Medicare+Choice plans been able to do this? On the contrary.

The privatization experiment with Medicare+Choice has shown that privatization is a failure. Privatized health care works by limiting coverage to healthy people and shifting more costs onto patients. Medicare HMOs have done just that by raising premiums and co-payments and dropping patients every year. Last year, the Medicare+Choice program eliminated coverage for half a million seniors. For those few seniors who still have coverage, they pay more and they get less.

This experience should teach Congress that relying solely on the private market is a losing strategy for seniors. Only Medicare has been able to provide reliable, stable coverage. Only Medicare has been able to minimize excess waste and overhead in order to keep costs down. To compare, private plans have 15 percent administrative costs compared to 2 percent for Medicare. A GAO report has confirmed that Medicare HMOs are responsible for increasing Medicare costs.

Mr. DAVIS of Florida. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Florida (Mr. DAVIS) has 2½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 1 minute remaining.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the legislation that passed this body a few weeks ago will essentially turn the Medicare program over to private health insurance and the HMOs, the very organizations that have dropped 52 percent of the Medicare enrollees in my State of Connecticut over the last 4 years. It will do so by requiring fee-for-service Medicare to compete against private plans to offer doctor and hospital coverage by the year 2010.

You know the phrase "buyer beware"? Let me just say, seniors beware. There has been no HMO or private health insurer who has come forward to date since the passage of this legislation to say they want to do this. And they do not want to do it. Why? Because they do not believe that it is going to be profitable to them. And what they want from the Federal Government is a guarantee that they will get subsidies from the Federal Government to make sure that their profit margins are what they want.

The goal of the Republican bill is simple: lure beneficiaries away from the program. Leave Medicare to care for only the sickest seniors. Drive up the program's costs and effectively turn Medicare into a program that could be cut or even eliminated.

This is the beginning of the end of Medicare. It will turn it into a voucher program. And you know, down the road, if seniors decide to choose the Medicare program versus a private program, they will be penalized by paying a higher premium. That is the choice that they are going to have. It is not the Medicare in which my 89-year-old mother is enrolled today, one that has provided quality health care and a measure of economic security to hundreds of millions of seniors over the past 4 decades.

Let us not privatize Medicare. Let us strengthen it so that, in fact, we can prepare for the retirement of the baby boom generation. Let us provide them a real benefit that offers seniors a reliable prescription drug benefit that does not change from ZIP code to ZIP code the way this motion to instruction wants to engage in.

Let me tell you that the Medicare prescription drug proposal that has been proposed on the other side does not begin until 2006, pegs their costs to the increased cost of prescription drugs, and does not allow any government to drive down the costs of prescription drugs.

It is wrong. Let us pass this motion to instruct and do something that will be beneficial for seniors.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) has 1 minute remaining. The gentleman from Florida (Mr. DAVIS) has 30 seconds remaining.

Mr. TAUZIN. Mr. Speaker, I yield myself the final minute on our side.

Mr. Speaker, I think it is important to point out that while the bill we passed, passed by only one vote, without the nine brave Democratic votes who came with us 2 weeks ago to vote for a Medicare prescription drug reform bill to the Senate, that bill would not have passed. I want to thank those nine brave Democrats for standing tall against a lot of pressure to do the right thing.

Secondly, I want to point out that the Democratic vision that is literally represented by this motion to instruct was defeated when the substitute was offered on the House floor by 175 for to 255 votes against. It was soundly defeated. This vision of a government does it all. The government provides the benefit; and no one else, no competition, no reform was defeated.

Third, I want to point out that these are not my numbers. These are the actuaries who work for Medicare; the Medicare actuaries tell us by the year 2016 Medicare starts paying out more money than it is taking in. And the actual date on which insolvency occurs is 2026. That is what we are up against.

Defeat this motion to instruct. It is an old vision that was defeated on the House floor. Support us going into conference with our new vision, which is a Medicare guaranteed benefit, fee-for-service for seniors whether they stay in Medicare or choose one of these new options. You defeat the new options, and you defeat those vital reforms as we go in to conference. Vote "no" on this motion to instruct.

Mr. DAVIS of Florida. Mr. Speaker, the only defense in support of a voucher was a misstatement on the other side that there is a guaranteed issue that even seniors with health problems over 65 are guaranteed HMO coverage. That is a false statement.

There is no guarantee with respect to the level of coverage. There is no guarantee with respect to the price or affordability.

Mr. RYAN of Wisconsin. If the gentleman will yield, on page 182 of the bill.

Mr. DAVIS of Florida. Mr. Speaker, I reclaim my time.

□ 1700

What we are left with is any senior over 65 that has a health problem at all under the statement of the chief actuarial of Medicare, this is not a Democratic or Republican statement, can experience up to a 25 percent increase in price and is left with a voucher in no way to afford traditional fee-for-service Medicare.

There are seniors in this country, they are not just Democrats, Republicans or Independents, they are senior citizens. They have outlived their good health, their savings. They tried to plan responsibly for their retirement. Unless we adopt the motion to instruct and defeat this voucher, we will leave these seniors in the cold.

I urge adoption of the motion to instruct.

The SPEAKER pro tempore (Mr. CULBERSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Tennessee (Mr. DAVIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DAVIS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

HONORING AND CONGRATULATING CHAMBERS OF COMMERCE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 215) honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

The Clerk read as follows:

H. CON. RES. 215

Whereas chambers of commerce throughout the United States contribute to the improvement of their communities and the strengthening of their local and regional economies;

Whereas in the Detroit, Michigan area, the Detroit Regional Chamber, originally known as the Detroit Board of Commerce, typifies the public-spirited contributions made by the chambers of commerce;

Whereas, on June 30, 1903, the Detroit Board of Commerce was formally organized with 253 charter members;

Whereas the Detroit Board of Commerce played a prominent role in the formation of the United States Chamber of Commerce;

Whereas the Detroit Board of Commerce participated in the "Good Roads for Michigan" campaign in 1910 and 1911, helping to gain voter approval of a $2,000,000 bond proposal to improve the roads of Wayne County, Michigan;

Whereas, in 1925, the Safety Council of the Detroit Board of Commerce helped develop the first traffic lights in Detroit;

Whereas, in 1927, the Detroit Board of Commerce brought together all of the cities, villages, and townships in southeast Michigan to tentatively establish boundaries for a metropolitan district for Detroit, embracing all or parts of Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties at the request of the United States Census Bureau in advance of the 1930 census;

Whereas, in 1932, the Federal Home Loan Bank Board designated the Detroit Board of Commerce as the authorized agent for stock subscriptions in the Federal Home Loan Bank, as an early response to the Great Depression;

Whereas, in 1945, the Detroit Board of Commerce promoted the extension of Victory Loans to veterans returning from service in the United States Armed Forces during World War II as a way of expressing gratitude for the veterans' wartime service, and raised more than half of the total amount contributed in Wayne County, Michigan;

Whereas, in 1969, the Detroit Board of Commerce, then known as the Greater Detroit Chamber of Commerce, was instrumental in the establishment of a bus network connecting inner-city workers with their jobs, which resulted in the creation of the Southeast Metropolitan Transportation Authority, now known as SMART;

Whereas the Detroit Board of Commerce has been known by several names during its century of existence, eventually becoming known as the Detroit Regional Chamber in November 1997;

Whereas the Detroit Regional Chamber is the largest chamber of commerce in the United States and has been in existence for over 100 years;

Whereas more than 19,000 businesses across southeast Michigan have decided to make an initial investment in the Detroit Regional Chamber to help develop the region;

Whereas the Detroit Regional Chamber has supported the concept of regionalism in southeast Michigan, representing the concerns of businesses and the region as a whole;

Whereas the mission of the Detroit Regional Chamber is to help power the economy of southeastern Michigan;

Whereas the Detroit Regional Chamber successfully advocates public policy concerns on behalf of its members at the local, regional, State, and National levels;

Whereas the Detroit Regional Chamber has implemented programs promoting diversity in its work force and has won recognition for such efforts;

Whereas the Detroit Regional Chamber is committed to promoting the interests of its members in the global marketplace through economic development efforts; and

Whereas on June 30, 2003, the Detroit Regional Chamber celebrates its 100th anniversary: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors and congratulates chambers of commerce for their efforts that contribute to the improvement of their communities and the strengthening of their local and regional economies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 215, a resolution to honor and congratulate the chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

At the Federal level, the U.S. Chamber of Commerce makes up the world's largest not-for-profit business federation. It represents 3 million businesses, 3,000 State and local chambers, 830 business associations and 92 American Chambers of Commerce abroad. These groups are of all sizes and shapes, from large Fortune 500 companies to home-based one-person operations. A full 96 percent of the membership is made up of businesses with fewer than 100 employees.

The real work that is done in the trenches is done by local and regional chambers of commerce. It is these organizations that employ labor law experts, human resource professionals and pro-business staff lobbyists within one organization to bring businesses resources that they need. They provide help and information from the big picture of public policy to the nitty-gritty of complex employment laws.

In addition, these local and regional chambers give small businesses a legislative voice to promote business, protect the private sector from excessive government mandates and help prepare States for prosperous futures.

Mr. Speaker, I can tell my colleagues as well that these local chambers of commerce are leaders in their communities, assisting in civic organizations and in community pride work, cleaning up communities, helping neighbors, working on community events, helping for charitable causes, the men and women, the entrepreneurs of our communities who are really the success story of our economy.

Mr. Speaker, I ask that all Members join me in supporting H. Con. Res. 215, supporting and honoring our chambers of commerce and their members. They offer unprecedented benefits, discounts and opportunities to business, which helps make States, regions and localities strong, healthy and vibrant.

Mr. Speaker, I reserve balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise to join my colleagues in support of this fine legislation, H. Con. Res. 215, and I join in the congratulations of the Detroit Regional Chamber of Commerce on its 100th anniversary.

I want to first thank the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the Committee on Energy and Commerce, for making this event possible, and I also want to commend my good friend the gentleman from Michigan (Mr. KNOLLENBERG) for his leadership and for the fine work that he has done on this legislation. I also thank all of my Michigan colleagues who joined on as co-sponsors; and, indeed, this is good legislation.

Mr. Speaker, the business community has been much enriched by the fine work of the Detroit Regional Chamber of Commerce and by its work as a major economic engine for southeastern Michigan. It has played an enormously important role over Michigan's prosperity in the last 100 years.

Beginning in 1903 with 253 charter members, the Detroit Regional Chamber grew into what it is today, the largest chamber of commerce in the United States with more than 1,000 active members. During that time, the Detroit Regional Chamber has made many important contributions to the communities, not only in my district but throughout the entire part of southeastern Michigan. It began with its important participation in the Campaign for Good Roads in 1910 and 1911. As it has gone forward to do its splendid work in establishing mass transit systems, the SMART bus system, the Detroit Regional Chamber has indeed proven itself a reliable community leader in southeastern Michigan in all kinds of good causes.

With a new century coming on, new challenges face our region. Judging from the past 100 years, the Detroit Regional Chamber will continue to remain an important leader that southeastern Michigan has come to depend upon. I am sure that my colleagues and I stand ready to continue working with the Detroit Regional Chamber and other community leaders to meet the challenges that face our part of the country.

Mr. Speaker, I salute the Detroit Regional Chamber on its 100th anniversary and wish it great success in the 21st century.

Mr. KNOLLENBERG. Mr. Speaker, today we pay tribute to chambers of commerce for their efforts to improve our communities and strengthen economy. I would like to take this opportunity to congratulate the Detroit Regional Chamber in particular. This year it is celebrating its 100th anniversary of existence.

Chambers of commerce are integral to millions of companies, large and small, throughout this country. They represent businesses and promote their interests before federal, state, and local governments. The Detroit Regional Chamber is no different. Currently over 19,000 businesses across southeast Michigan are members of the Detroit Regional Chamber, and that number continues to grow.

During their century of existence, the Detroit Regional Chamber has had a major impact on Michigan and the United States economy. House Concurrent Resolution 215 highlights its excellence and I am pleased so many of my colleagues from Michigan could cosponsor the resolution. I would particularly like to thank my friend, the ranking member of the House Energy and Commerce Committee and fellow Michigander, Congressman JOHN DINGELL, for introducing this resolution with me and working with the Chairman to see this resolution could be brought to the floor today.

House Concurrent Resolution 215 recognizes many of the chief accomplishments of the Detroit Regional Chamber. In 1903, the Detroit Board of Commerce was formally organized with 253 charter members. Since then, it has been known by several names, most recently in 1997 it officially became the Detroit Regional Chamber.

The resolution points out the Detroit Regional Chamber's involvement in a 1910–11 campaign to gain voter approval of a $2 million bond proposal to improve the roads of Wayne County and played a prominent role in the formation of the United States Chamber of Commerce. It also notes the Detroit Regional Chamber's help to develop the first traffic lights in Detroit in 1925 and the establishment of a bus network connecting inner-city workers with their jobs in 1969, which resulted in the creation of the Southeast Metropolitan Transportation Authority (SMART).

Later this week on Wednesday the Detroit Regional Chamber will celebrate their one hundred year anniversary at Greenfield Village in Dearborn. Unfortunately, I will be here in the House of Representatives and will not be able to attend, but I am pleased the House could recognize the Detroit Regional Chamber by considering this resolution.

I urge my colleagues to support this resolution.

Mr. LEVIN. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 215, to honor this nation's chambers of commerce for their contributions to help strengthen communities and local economies, and in particular to congratulate the Detroit Regional Chamber on celebrating its 100th anniversary.

Originally established on June 30, 1903 as the Detroit Board of Commerce, the Detroit Regional Chamber was formed with 253 charter members. The Chamber has seen many changes since that time—the organization has grown to include more than 19,000 businesses and has had several name changes. What has not changed is the chamber's record of service to the residents and businesses of the Metro Detroit area.

The Chamber has taken a leadership role in public policy in dealings with both the Michigan State Legislature and the U.S. Congress on legislation that may impact the business community. In recent years, they have effectively focused their efforts more broadly on coordinating the vital effort around efficient and secure operations at the U.S.-Canada border. Their annual Leadership Policy Conference, brings together business, government and community leaders to discuss a wide array of issues, from health care to energy policy and economic development to ethics. In attending these conferences, I have seen how the Detroit Regional Chamber has been increasingly involved in discussing and confronting the wide variety of challenges facing the City of Detroit and relations with the entire metropolitan area.

The Chamber also provides small business and international trade counseling and works to develop the region's economic viability by attracting people, money and jobs. The Chamber is also heavily involved in working toward transportation solutions to improve the ability of the workers in the region to get to their jobs.

It is fitting that we should take the time to recognize the 100th anniversary of the Detroit Regional Chamber and I offer my best wishes for their continued success as they begin their second century of service to Metro Detroit.

Mr. Speaker, I urge all my colleagues to support H. Con. Res. 215.

Mr. CONYERS. Mr. Speaker, I rise today to honor the Detroit Regional Chamber of Commerce as it celebrates its 100th anniversary. The Chamber has been consistently working over the past century on a wide range of issues running the gamut from public transportation to maintaining a quality and competitive workforce. For more than three generations the Chamber has played an integral part in the astounding growth and change throughout Detroit and Southeast Michigan. I am confident in the 21st century, which faces many new challenges, that the Chamber and its members will continue to make Michigan an outstanding place for families and businesses alike.

When less than a dozen businessmen got together February 3, 1903, to more effectively represent the merchants of Detroit, they were working in an environment drastically different from that of today. At the same time, the Ford Motor Company, then a small family business, had the nearly impossible dream nurtured by the young Henry Ford, that automobiles could be mass produced and made affordable to families in America. Much of the area was still rural and the automobile industry was only in its infancy.

Michael J. Murphy, the president of the Murphy Chair Company was the first leader of the Detroit Regional Chamber and in 1911, realized that the manufacture of automobiles could have a far reaching impact on our economy and lifestyle the Chamber developed a campaign named "Good Roads For Michigan" campaign, and secured voter approval of a modest bond proposal the proceeds of which would then be used to improve Wayne County's then-woeful roads. Meanwhile, as its membership grew the Chamber found it necessary to expand, and build a modern three-story building as its headquarters.

The Chamber's early success was a sign of things to come. In 1920, Detroit police officer William Potts determined to do something about the problem of automobile traffic, rising at the time in Michigan as elsewhere. With thirty-seven dollars, he created the world's first traffic light, at Woodward and Michigan Avenues in Detroit. At about the same time, African American inventor Garrett Morgan invented the first electric automatic traffic light, providing the prototype on which today's four-way traffic lights are based, and which led the way for the creation of Davison Highway, the nation's very first expressway. The Chamber helped to install these first traffic lights, and through this magnificent technology, helped enhance the economic prospects of Michigan and indeed the world. The Chamber would go on to support the establishment of a train route between Detroit and Washington, D.C., providing a critical link between government and automotive innovation.

The Chamber's leadership has gone far beyond just doing business. In 1965, the Chamber took a dramatic step in favor of the Civil Rights movement, when it published an appeal in support of the United Negro College Fund, stating, "We must open the doors of opportunity." The Chamber further distinguished itself in 1975, when it decided to begin offering health insurance plans to companies with under 25 employees. This program remains extremely successful and has provided Detroit small businesses with health insurance for nearly 35 years.

Today, the Detroit Regional Chamber continues its astounding work. Under the leadership of Chairman of the Board Benjamin C. Maibach III, the Chamber strives to improve upon its past successes. It now has over 18,000 members, including the most diverse Board of Directors in its history. They include former Detroit Mayor Dennis Archer, Attorney David Baker Lewis, Dr. Arthur Porter, Frank Fountain, Roderick Gillum, Dr. Irvin Reid, Linda Watters, the Rev. Jim Holley, Yousif Ghafari, John James, Elham Jabiru-Shayota, Dr. Fern Espino, and Dr. J. Carlos Borrego.

I have great respect for the history surrounding the Chamber, and believe its efforts to improve the quality of life for all of Southeast Michigan's residents will continue. There is every reason to believe that the Detroit Chamber's next century will be even more successful than its first.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 215.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE HARLEY-DAVIDSON MOTOR COMPANY

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 296) recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

The Clerk read as follows:

H. RES. 296

Whereas in 1903, boyhood friends, hobby designers, and tinkerers William S. Harley, then 21 years old, and Arthur Davidson, then 20 years old, completed the design and manufacture of their first motorcycle, with help from Arthur Davidson's brothers, Walter Davidson and William A. Davidson;

Whereas, also in 1903, Harley and the Davidson brothers completed 2 additional motorcycles in a makeshift "factory" shed in the Davidson family's backyard at the corner of 38th Street and Highland Boulevard in Milwaukee, Wisconsin;

Whereas the design features and construction quality of the early Harley-Davidson motorcycles proved significantly more innovative and durable than most other motorcycles of the era, giving Harley-Davidson a distinct competitive advantage;

Whereas in 1905, Walter Davidson won the first of many motorcycle competition events, giving rise to a strong tradition of victory in motorcycle racing that continues today;

Whereas in 1906, Harley-Davidson Motor Company constructed its first building, financed by the Davidsons' uncle James McClay, on the site of the Company's current world headquarters one block north of the Davidson home site, and manufactured 50 motorcycles that year;

Whereas in 1907, Harley-Davidson Motor Company was incorporated and its 18 employees purchased shares;

Whereas in 1908, the first motorcycle for police duty was delivered to the Detroit Police Department, beginning Harley-Davidson's long and close relationship with law enforcement agencies;

Whereas in 1909, to enhance power and performance, Harley-Davidson added a second cylinder to its motorcycle, giving birth to its hallmark 45-degree V-Twin configuration and the legendary Harley-Davidson sound;

Whereas during the years 1907 through 1913, manufacturing space at least doubled every year, reaching nearly 300,000 square feet by 1914;

Whereas Arthur Davidson, during Harley-Davidson's formative years, set up a worldwide dealer network that would serve as the focal point of the company's "close to the customer" philosophy;

Whereas Harley-Davidson early in its history began marketing motorcycles as a sport and leisure pursuit, thus laying the groundwork for long-term prosperity;

Whereas in 1916, Harley-Davidson launched "The Enthusiast" magazine, which today is the longest running continuously published motorcycle magazine in the world;

Whereas also in 1916, Harley-Davidson motorcycles saw their first military duty in skirmishes in border disputes along the United States border with Mexico;

Whereas in World War I, Harley-Davidson supplied 17,000 motorcycles for dispatch and scouting use by the Allied armed forces, and the first Allied soldier to enter Germany after the signing of the Armistice was riding a Harley-Davidson motorcycle;

Whereas by 1920, Harley-Davidson was the world's largest motorcycle manufacturer, both in terms of floor space and production, with continual engineering and design innovation;

Whereas during the Great Depression of the 1930s, the company survived when all but 1 other domestic motorcycle manufacturer failed, on the strength of its product quality, the loyalty of its employees, dealers, and customers, steady police and commercial business, and a growing international presence;

Whereas in 1936, Harley-Davidson demonstrated foresight, resolve, and faith in the future by introducing the company's first overhead valve engine, the "Knucklehead" as it would come to be known, on its Model EL motorcycle, thus establishing the widely recognized classic Harley-Davidson look and the company's reputation for styling;

Whereas Harley-Davidson workers in 1937 elected to be represented by the United Auto Workers of America, thus launching a proud tradition of working with Harley-Davidson to further build the company through advocacy and the development of effective programs and policies;

Whereas William H. Davidson, son of the late founder William A. Davidson, became president of Harley-Davidson in 1942 and would lead the company until 1971;

Whereas Harley-Davidson built more than 90,000 motorcycles for United States and Allied armed forces use during World War II, earning 4 Army-Navy "E" Awards for excellence in wartime production;

Whereas Harley-Davidson, during the 1950s and 1960s, recharged its sales and popularity with new models, including the Sportster and the Electra Glide, new engines, and other technological advances;

Whereas the Company developed the concept of the "factory custom" motorcycle with the 1971 introduction of the Super Glide and the 1977 Low Rider, under the design leadership of William "Willie G" Davidson, vice president of Styling and grandson of company founder William A. Davidson;

Whereas since 1980, as a national corporate sponsor of the Muscular Dystrophy Association, Harley-Davidson has raised more than $40,000,000 through company, dealer, customer, and supplier contributions, to fund research and health services;

Whereas in 1981, a group of 13 Harley-Davidson executives, led by chairman and CEO Vaughn Beals purchased Harley-Davidson from its then corporate parent AMF Incorporated;

Whereas by 1986, Harley-Davidson, against incredible odds, restored the company's reputation for quality and innovation and returned the company to vitality, thus ensuring a highly successful initial public stock offering;

Whereas throughout the 1980s and 1990s, Harley-Davidson became a national role model for positive labor-management relations, product innovation, manufacturing quality and efficiency, and phenomenal growth;

Whereas President Ronald Reagan, President William J. Clinton, and President George W. Bush all have visited Harley-Davidson manufacturing facilities and extolled the example set by Harley-Davidson through its practices;

Whereas the Harley Owners Group, with more than 800,000 members and 1,200 chapters worldwide, is celebrating its 20th anniversary year in 2003 as a driving force in the company's heralded "close to the customer" operating philosophy; and

Whereas Harley-Davidson Motor Company is today the world's leading seller of large displacement (651 cc plus) motorcycles, with annual revenues in excess of $4,000,000,000, annual motorcycle shipments in excess of 290,000 units, strong international sales, and 17 consecutive years of annual revenue and earnings growth since becoming a publicly held company: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements of Harley-Davidson Motor Company, widely regarded as a tremendous American business success story and one of the top performing companies in America, as its employees, retirees, suppliers, dealers, customers, motorcycle enthusiasts, and friends worldwide commemorate and celebrate its 100th anniversary milestone;

(2) recognizes the great impact that Harley-Davidson has had on the business, social, and cultural landscape and lives of Americans and citizens of all nations, as a quintessential icon of Americana; and

(3) congratulates the Harley-Davidson Motor Company for this achievement and trusts that Harley-Davidson will have an even greater impact in the 21st century and beyond as a leading force for innovative business practices and products that will continue to provide enjoyment, transportation, and delight for generations to come.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 296, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company.

The history of the Harley-Davidson Company is the story of an American dream. Four young men began to experiment with the internal combustion engine in a tiny wooden shed. The motorcycle they developed and built goes on to serve for 100,000 miles and under five owners. That is the beginning of a legacy that has lasted a century and continues to go on strong today.

Harley-Davidson is an American institution, Mr. Speaker. The company also has a close tie with the American law enforcement community and with the U.S. during times of war. Harley-Davidson built motorcycles for the Detroit Police Department in 1906 and went on to build cycles for use by allied forces during World War I and built more than 90,000 motorcycles for the U.S. and allied forces during World War II.

This is a company that has weathered the ups and downs of the American economy, during times of war and of peace. And in keeping with the spirit of the United States, it never gave up, never stopped striving for success and always continued to push forward.

Not only is Harley-Davidson a strong employer and provider of an excellent motorcycle, the company also has a heart. For 23 years, Harley-Davidson has supported the Muscular Dystrophy Association, raising over $40 million in company, dealer, customer and supplier contributions. Harley-Davidson hopes to raise a minimum of $5 million as part of its Road to a Cure during the 100th anniversary celebration.

I urge my colleagues to join me in supporting H. Res. 296, celebrating Harley-Davidson's 100th anniversary, as well as its amazing accomplishments and achievements in providing motorcycles, jobs and excitement over the course of a century.

While I have never been a Harley-Davidson motorcycle owner, I can tell my colleagues that my neighbors are, and they are emphatic about it, I would say nearly addicted, over Harley-Davidson's motorcycles. In fact, one of my neighbors has an antique that he has restored; and it is a gorgeous bike that he rode back to I think it is Sturgis for the big confab of motorcyclists.

So to those Harley-Davidson's riders in this Chamber now, congratulations on a great motorcycle; and to Harley-Davidson, the maker of those motorcycles, congratulations on your centennial.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I commend the distinguished gentleman from Louisiana, chairman of the Committee on Energy and Commerce, for moving this legislation so expeditiously to the House floor.

I rise in support of H. Res. 296, recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, a great institution, manufactured great motorcycles and motor vehicles and one which has contributed mightily to American culture, American industry, which has a splendid relationship with the United Auto Workers and with labor. Indeed, their relationship with labor is a role model for labor-management relations and product innovation, as well as manufacturing quality and efficiency.

My constituents enjoy their vehicles; and I commend Harley-Davidson on its 100th anniversary, wish it great success in the next 100 years.

Mr. Speaker, with great pride and pleasure, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), my distinguished friend, a great Member of Congress, with my thanks and commendation for introducing this legislation.

Mr. KLECZKA. Mr. Speaker, let me thank the gentleman from Michigan (Mr. DINGELL) for yielding time and also to recognize the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, for expediting this resolution through the Committee on Energy and Commerce.

Mr. Speaker, the resolution before the House today recognizes the 100th anniversary of the Harley-Davidson Motor Company. In 1903, four men, William Harley and brothers Arthur, Walter and William Davidson, completed work on their first motorcycle in a small shed in Milwaukee, Wisconsin. The company founded that day has gone on to produce the world's finest and most popular motorbikes. Today, Harley-Davidson has 8,168 employees throughout the country, with nearly 4,000 working in Wisconsin.

What started as a small business at the beginning of the last century soon developed into the largest motorcycle producer in the country. Harleys can be seen at nearly every turn in recent American history.

During World War I, Harley-Davidson supplied most of the 20,000 motorcycles used by the Armed Forces. The day after the armistice was signed, Corporal Roy Holtz of Chippewa Falls, Wisconsin, was the first American to enter Germany. He was riding a Harley-Davidson.

During World War II, Harley-Davidson suspended production of its civilian motorcycles. The company produced some 90,000 motorcycles for U.S. soldiers and was awarded four Army-Navy "E" Awards for excellence during wartime and for their wartime production.

In 1953, Harley-Davidson became the sole U.S. motorcycle manufacturer, a distinction it would hold for the next 46 years.

□ 1715

During this time, Harley produced some of its most innovative designs. The first Sportster was offered, which premiered a 55-cubic inch overhead valve engine.

Also the Super Glide and the Super Glide II were introduced with a rubber-isolated, 5-speed powertrain and welded stamp frame. Additionally, the Ultra Classic Electra Glide debuted. This motorcycle became the first Harley to include sequential port electronic fuel injection.

To celebrate its 100th anniversary, Harley-Davidson has planned a 3-day gala beginning on August 28 in Milwaukee, Wisconsin. It will include exhibits on design and manufacturing of the Harleys, music, fireworks and ceremonies on Lake Michigan, and a parade of 100,000 Harleys through downtown Milwaukee. Leading up to the festivities will be events in every corner of the country.

Harley-Davidson is a remarkable corporation that demonstrates American ingenuity, dedication, and workmanship. I urge my colleagues to join me in honoring Harley-Davidson for the jobs they create, the quality of the products they manufacture, and their lasting contributions to motorcycling in this country and around the world.

Mr. WALDEN of Oregon. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman on the Committee on Energy and Commerce for expediting this bill, and I thank the gentleman from Wisconsin (Mr. KLECZKA) for drafting this legislation and moving it through the committee and bringing it here to the floor today.

I represent the First Congressional District of Wisconsin, which is just below Milwaukee. We in our area have a number of the employees that work for Harley. We have the distribution center in Franklin. We also make Buell motorcycles, which is a division of Harley-Davidson. Eric Buell, an entrepreneurial upstart, started Buell Motorcycles, it is now a part of Harley, and that is very much in keeping with the tradition of Harley-Davidson. We have 4,000 employees just in the Milwaukee area who are so proud to produce Harley-Davidson motorcycles.

Harley-Davidson is an icon in the American culture. They more than just represent the American idea and dream of entrepreneurship, of starting a business in a woodshed in Milwaukee in 1903, and bringing it to a wonderful corporation providing a lot of jobs and pleasure.

Mr. Speaker, more than that, Harley-Davidson is America. It is America because it brings our beautiful hogs all around the world. It is an ambassador of some of the greatest craftmanship of America. What is occurring this year on its 100th-year anniversary is events are taking place not just in Wisconsin, not just in America, but events are taking place all over the world to celebrate the 100th-year anniversary of this wonderful motorcycle, all of which are culminating in a huge event at the end of August in Milwaukee, Wisconsin. We are anticipating 10,000 motorcycles to ride in on that weekend with 200,000 people coming.

I want to add my voice to the rest of those who have spoken today to commemorate Harley-Davidson, an American icon in our culture, something which has been there to provide for our American defense forces in World War I and World War II, has provided great jobs and given a lot of pride to the workers, and something that has given great pride to the riders and owners who restore these beautiful Harley-Davidson motorcycles.

Mr. KIND. Mr. Speaker, I rise today to recognize the 100th anniversary of the founding of the Harley-Davidson Motor Company, an institution that has been a significant part of the social, economic, and cultural heritage of the United States.

Harley-Davidson is special to Wisconsin. In 1903, William S. Harley and Arthur Davidson designed and produced their first motorcycle. They continued to manufacture motorcycles, with help from Walter and William Davidson in Milwaukee, Wisconsin, and soon the city became headquarters for the Harley-Davidson Motor Company.

Since the first small shop opened a century ago, Harley-Davidson has designed and produced millions of motorcycles enjoyed by people all over the globe. From the first V-twin powered motorcycle in 1909 to the Softail Deuce in 2003, Harley-Davidson has proven itself to be a leader in technological innovation, a tradition we hope will continue for years to come.

Mr. Speaker, Harley-Davidson has come to the service for this country when asked and without hesitation. During World War I, the company supplied 17,000 motorcycles for dispatch and scouting use by the Allied armed forces. In fact, the first Allied soldier to enter Germany after the signing of the Armistice was riding a Harley. At the outbreak of World War II, the company almost entirely suspended its civilian line in favor of military production. By war's end, almost 90,000 motorcycles were produced for the military.

When we constantly hear stories of corporate greed and misconduct, it is refreshing to have a company like Harley-Davidson leading by example by donating millions to reputable charities. For example, since 1980 the company has been a national corporate sponsor of the Muscular Dystrophy Association, raising more than $40 million to fund research and health services.

The impeccable craftsmanship and high-reliability of Harley-Davidson motorcycles is evident in the company's intensely loyal fan base. Since its inception 20 years ago, the Harley Owners Group, affectionately known as "H.O.G.," has grown to more than 800,000 members and 1,200 chapters worldwide.

Mr. Speaker, I want to take this opportunity to congratulate the 8,168 employees, over 4,000 of which are in the great state of Wisconsin, Harley-Davidson for their 100 years of hard work and dedication. Each of them is part of a company that has enjoyed a long, rich history and tradition. I know I stand with the rest of my colleagues in wishing Harley-Davidson the best of luck for the next 100 years.

Mr. SENSENBRENNER. Mr. Speaker, today I rise to express my strong support for H. Res. 296, which recognizes the 100th anniversary of one of America's greatest companies—the Harley-Davidson Motor Company.

For one hundred years, Harley-Davidson has been a testament to American hard work, perseverance, and ingenuity. Today, Harley-Davidson remains an American institution and is recognized all over the world as the manufacturer of the best motorcycles in the world.

Born in Milwaukee, Wisconsin, the company retains its domestic roots by maintaining production facilities in Missouri, Alabama, Pennsylvania, and, of course, Wisconsin. I am proud to have in my district, Harley-Davidson powertrain operations in Wauwatosa and Menomonee Falls, and a product development center in Wauwatosa.

I am pleased to echo the sentiments of former President Ronald Reagan, who called Harley-Davidson "an American success story". To all the members of the Harley-Davidson family, please allow me to express my sincerest congratulations on the 100th anniversary of this great American company.

Mr. WALDEN of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and agree to the resolution, H. Res. 296.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2330) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burmese Freedom and Democracy Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The State Peace and Development Council (SPDC) has failed to transfer power to the National League for Democracy (NLD) whose parliamentarians won an overwhelming victory in the 1990 elections in Burma.

(2) The SPDC has failed to enter into meaningful, political dialogue with the NLD and ethnic minorities and has dismissed the efforts of United Nations Special Envoy Razali bin Ismail to further such dialogue.

(3) According to the State Department's "Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma" dated March 28, 2003, the SPDC has become "more confrontational" in its exchanges with the NLD.

(4) On May 30, 2003, the SPDC, threatened by continued support for the NLD throughout Burma, brutally attacked NLD supporters, killed and injured scores of civilians, and arrested democracy advocate Aung San Suu Kyi and other activists.

(5) The SPDC continues egregious human rights violations against Burmese citizens, uses rape as a weapon of intimidation and torture against women, and forcibly conscripts child-soldiers for the use in fighting indigenous ethnic groups.

(6) The SPDC is engaged in ethnic cleansing against minorities within Burma, including the Karen, Karenni, and Shan people, which constitutes a crime against humanity and has directly led to more than 600,000 internally displaced people living within Burma and more than 130,000 people from Burma living in refugee camps along the Thai-Burma border.

(7) The ethnic cleansing campaign of the SPDC is in sharp contrast to the traditional peaceful coexistence in Burma of Buddhists, Muslims, Christians, and people of traditional beliefs.

(8) The SPDC has demonstrably failed to cooperate with the United States in stopping the flood of heroin and methamphetamines being grown, refined, manufactured, and transported in areas under the control of the SPDC serving to flood the region and much of the world with these illicit drugs.

(9) The SPDC provides safety, security, and engages in business dealings with narcotics traffickers under indictment by United States authorities, and other producers and traffickers of narcotics.

(10) The International Labor Organization (ILO), for the first time in its 82-year history, adopted in 2000, a resolution recommending that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the SPDC do not abet the government-sponsored system of forced, compulsory, or slave labor in Burma, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced, compulsory, or slave labor.

(11) The SPDC has integrated the Burmese military and its surrogates into all facets of the economy effectively destroying any free enterprise system.

(12) Investment in Burmese companies and purchases from them serve to provide the SPDC with currency that is used to finance its instruments of terror and repression against the Burmese people.

(13) On April 15, 2003, the American Apparel and Footwear Association expressed its "strong support for a full and immediate ban on U.S. textiles, apparel and footwear imports from Burma" and called upon the United States Government to "impose an outright ban on U.S. imports" of these items until Burma demonstrates respect for basic human and labor rights of its citizens.

(14) The policy of the United States, as articulated by the President on April 24, 2003, is to officially recognize the NLD as the legitimate representative of the Burmese people as determined by the 1990 election.

(15) The United States must work closely with other nations, including Thailand, a close ally of the United States, to highlight attention to the SPDC's systematic abuses of human rights in Burma, to ensure that nongovernmental organizations promoting human rights and political freedom in Burma are allowed to operate freely and without harassment, and to craft a multilateral sanctions regime against Burma in order to pressure the SPDC to meet the conditions identified in section 3(a)(3) of this Act.

SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILITARY REGIME OF BURMA.

(a) General Ban.—

(1) In general.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (3), beginning 30 days after the date of the enactment of this Act, the President shall ban the importation of any article that is a product of Burma.

(2) Ban on imports from certain companies.—The import restrictions contained in paragraph (1) shall apply to, among other entities—

(A) the SPDC, any ministry of the SPDC, a member of the SPDC or an immediate family member of such member;

(B) known narcotics traffickers from Burma or an immediate family member of such narcotics trafficker;

(C) the Union of Myanmar Economics Holdings Incorporated (UMEHI) or any company in which the UMEHI has a fiduciary interest;

(D) the Myanmar Economic Corporation (MEC) or any company in which the MEC has a fiduciary interest;

(E) the Union Solidarity and Development Association (USDA); and

(F) any successor entity for the SPDC, UMEHI, MEC, or USDA.

(3) Conditions described.—The conditions described in this paragraph are the following:

(A) The SPDC has made substantial and measurable progress to end violations of internationally recognized human rights including rape, and the Secretary of State, after consultation with the ILO Secretary General and relevant nongovernmental organizations, reports to the appropriate congressional committees that the SPDC no longer systematically violates workers rights, including the use of forced and child labor, and conscription of child-soldiers.

(B) The SPDC has made measurable and substantial progress toward implementing a democratic government including—

(i) releasing all political prisoners;

(ii) allowing freedom of speech and the press;

(iii) allowing freedom of association;

(iv) permitting the peaceful exercise of religion; and

(v) bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma's ethnic nationalities on the transfer of power to a civilian government accountable to the Burmese people through democratic elections under the rule of law.

(C) Pursuant to section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), Burma has not been designated as a country that has failed demonstrably to make substantial efforts to adhere to its obligations under international counternarcotics agreements and to take other effective counternarcotics measures, including, but not limited to (i) the arrest and extradition of all individuals under indictment in the United States for narcotics trafficking, (ii) concrete and measurable actions to stem the flow of illicit drug money into Burma's banking system and economic enterprises, and (iii) actions to stop the manufacture and export of methamphetamines.

(4) Appropriate congressional committees.—In this subsection, the term "appropriate congressional committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(b) Waiver Authorities.—The President may waive the prohibitions described in this section for any or all articles that are a product of Burma if the President determines and notifies the Committees on Appropriations, Finance, and Foreign Relations of the Senate and the Committees on Appropriations, International Relations, and Ways and Means of the House of Representatives that to do so is in the national interest of the United States.

SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.

(a) Reporting Requirement.—Not later than 60 days after the date of enactment of this Act, the President shall take such action as is necessary to direct, and promulgate regulations to the same, that any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association, shall promptly report those funds or assets to the Office of Foreign Assets Control.

(b) Additional Authority.—The President may take such action as may be necessary to impose a sanctions regime to freeze such funds or assets, subject to such terms and conditions as the President determines to be appropriate.

(c) Delegation.—The President may delegate the duties and authorities under this section to such Federal officers or other officials as the President deems appropriate.

SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITUTIONS.

The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose, and vote against the extension by such institution of any loan or financial or technical assistance to Burma until such time as the conditions described in section 3(a)(3) are met.

SEC. 6. EXPANSION OF VISA BAN.

(a) In General.—

(1) Visa ban.—The President is authorized to deny visas and entry to the former and present leadership of the SPDC or the Union Solidarity Development Association.

(2) Updates.—The Secretary of State shall coordinate on a biannual basis with representatives of the European Union to allow officials of the United States and the European Union to ensure a high degree of coordination of lists of individuals banned from obtaining a visa by the European Union for the reason described in paragraph (1) and those banned from receiving a visa from the United States.

(b) Publication.—The Secretary of State shall post on the Department of State's website the names of individuals whose entry into the United States is banned under subsection (a).

SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINATION OF INFORMATION.

Congress encourages the Secretary of State to highlight the abysmal record of the SPDC to the international community and use all appropriate fora, including the Association of Southeast Asian Nations Regional Forum and Asian Nations Regional Forum, to encourage other states to restrict financial resources to the SPDC and Burmese companies while offering political recognition and support to Burma's democratic movement including the National League for Democracy and Burma's ethnic groups.

SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.

(a) In General.—The President is authorized to use all available resources to assist Burmese democracy activists dedicated to nonviolent opposition to the regime in their efforts to promote freedom, democracy, and human rights in Burma, including a listing of constraints on such programming.

(b) Reports.—

(1) First report.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a comprehensive report on its short- and long-term programs and activities to support democracy activists in Burma, including a list of constraints on such programming.

(2) Report on resources.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report identifying resources that will be necessary for the reconstruction of Burma, after the SPDC is removed from power, including—

(A) the formation of democratic institutions;

(B) establishing the rule of law;

(C) establishing freedom of the press;

(D) providing for the successful reintegration of military officers and personnel into Burmese society; and

(E) providing health, educational, and economic development.

(3) Report on trade sanctions.—Not later than 90 days before the date on which the import restrictions contained in section 3(a)(1) are to expire, the Secretary of State, in consultation with the United States Trade Representative and the heads of appropriate agencies, shall submit to the Committees on Appropriations, Finance, and Foreign Relations of the Senate, and the Committees on Appropriations, International Relations, and Ways and Means of the House of Representatives, a report on—

(A) bilateral and multilateral measures undertaken by the United States Government and other governments to promote human rights and democracy in Burma;

(B) the extent to which actions related to trade with Burma taken pursuant to this Act have been effective in—

(i) improving conditions in Burma, including human rights violations, arrest and detention of democracy activists, forced and child labor, and the status of dialogue between the SPDC and the NLD and ethnic minorities;

(ii) furthering the policy objections of the United States toward Burma; and,

(C) the impact of actions relating to trade take pursuant to this Act on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States.

SEC. 9. DURATION OF SANCTIONS.

(a) Termination by Request From Democratic Burma.—The President may terminate any provision in this Act upon the request of a democratically elected government in Burma, provided that all the conditions in section 3(a)(3) have been met.

(b) Continuation of Import Sanctions.—

(1) Expiration.—The import restrictions contained in section 3(a)(1) shall expire 1 year from the date of enactment of this Act unless renewed under paragraph (2) of this section.

(2) Resolution by congress.—The import restrictions contained in section 3(a)(1) may be renewed annually for a 1-year period if, prior to the anniversary of the date of enactment of this Act, and each year thereafter, a renewal resolution is enacted into law in accordance with subsection (c).

(3) Limitation.—The import restrictions contained in section 3(a)(1) may be renewed for a maximum of three years from the date of the enactment of this Act.

(c) Renewal Resolutions.—

(1) In general.—For purposes of this section, the term "renewal resolution" means a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: "That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003."

(2) Procedures.—

(A) In general.—A renewal resolution—

(i) may be introduced in either House of Congress by any member of such House at any time within the 90-day period before the expiration of the import restrictions contained in section 3(a)(1); and

(ii) the provisions of subparagraph (B) shall apply.

(B) Expedited consideration.—The provisions of section 152(b), (c), (d), (e), and (f) of the Trade Act of 1974 (19 U.S.C. 2192 (b), (c), (d), (e), and (f)) apply to a renewal resolution under this Act as if such resolution were a resolution described in section 152(a) of the Trade Act of 1974.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 2330.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join with my colleagues on the committee, particularly with the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), to support this important and timely initiative. I would also like to thank the majority leadership, as well as our colleagues with the Committee on Ways and Means, Committee on Financial Services, and Committee on the Judiciary, for their constructive suggestions and cooperation in expediting passage of this bill.

On June 10, the Subcommittee on Asia and the Pacific considered and favorably reported to the full committee H.R. 2330, the Burmese Freedom and Democracy Act of 2003. The full committee adopted the bill on June 12. The amended text before us incorporates suggested changes from the administration as well as the Committee on Ways and Means.

At the outset, let me note that none of us takes lightly a decision to impose sanctions on another country. In the case of Burma, however, over the last several months the U.S. has watched with growing frustration and dismay as prospects for a transition to democracy have withered in the face of the ruling military regime's determination to maintain an iron grip on power.

As my colleagues are aware, Aung San Suu Kyi's release from house arrest a little over a year ago generated some optimism in Burma and abroad about prospects for political change. The ruling State Peace and Development Council, the SPDC, allowed her certain freedom of movement. The opposition National League for Democracy received permission to reopen a number of branch offices throughout the country, and increasing numbers of political prisoners were released.

In recent days and months, the basis for cautious optimism about the prospect of progressive change has evaporated. The regime refused to hold substantive political discussions with the NLD and ethnic minority groups, while operatives and thugs associated with the regime began a campaign of harassment that escalated into the premeditated ambush on Aung San Suu Kyi's motorcade on May 30 of this year.

We are all, of course, pleased at the news that the United Nations Special Envoy for Burma was recently allowed to see Aung San Suu Kyi and that she is apparently in "feisty spirits" and credible health.

However, the brutal attack by the regime's henchmen on Daw Suu's traveling party, the broader crackdown against pro-democracy forces, and the vastly diminished prospects for a democratic transition leave the United States with no option but to reassess its already limited relationship with the Government of Burma.

While economic sanctions are seldom successful, the long train of abuses perpetrated by Burma's military regime leaves the U.S. and other members of the international community, most particularly Burma's neighbors in ASEAN, with no ethical alternative but to embrace a broader array of diplomatic and economic policy options, including sanctions, in this case Burmese imports to the United States, and utilization of the U.N. Security Council, to help bring about a restoration of democracy.

Here it should be stressed that the restrictions in this bill are immediately released if commonsense, democratic conditions are met, and that the sanctions must be approved annually by Congress. In addition, the President has been given authority to waive any or all provisions of this bill based on a national interest standard.

Mr. Speaker, Burma merits sustained U.S. attention not only because the actions of the regime offend core American values, but because developments inside the country impact peace and stability in Southeast Asia. Our primary objectives must continue to be focused on human rights, democracy, refugee assistance, and an end to Burmese production and trafficking of elicit narcotics. However, we also have an interest in reaching out to the Burmese people with humanitarian assistance, including medical interventions to help stem the devastating effect of HIV-AIDS. Such humanitarian assistance will not be affected by this legislation.

The great tragedy of the current circumstance is that in the early 1960s Burma was potentially the most prosperous country in Southeast Asia. Today, after 40 years of military misrule, its economy is in a shambles, health and educational services are in precipitous decline, while its citizens continue to suffer human rights abuses and repression.

Sadly, it has become all too apparent that Burma's military leadership is prepared to sacrifice the best interests of its people to pursue the power games of a power elite. In this circumstance, the world community has been left with no option but to rally to the cause of freedom and human rights by mobilizing concerted diplomatic and economic pressure against the ruling regime. I urge passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2330, the Burmese Freedom and Democracy Act. I first wish to express my deepest appreciation to the gentleman from Illinois (Mr. HYDE) for moving forward with this important piece of legislation so quickly, and to the 51 cosponsors of our legislation. I particularly want to thank the gentleman from New York (Mr. KING), the gentleman from Iowa (Mr. LEACH), and the gentleman from New Jersey (Mr. SMITH) for their leadership on this issue. I also thank the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), for working so closely and cooperatively with us on this legislation.

Mr. Speaker, 2 years ago this month I introduced legislation in the House to ban all imports from Burma as a result of the Burmese regime's failure to move towards freedom and democracy. But my colleagues and I withheld from pressing that legislation after Aung San Suu Kyi was freed from house arrest and there appeared to be a process for dialogue and national reconciliation in Burma.

But, Mr. Speaker, just 6 weeks ago the entire landscape in Burma changed dramatically. The Burmese government hired thugs to brutally attack Nobel Prize winner Aung San Suu Kyi and her aides as they were on their way to meet with their supporters. Aung San Suu Kyi was arrested and thrown in jail. Her key aides were brutally killed. Her supporters around the nation have been jailed, and the offices of her political party have been closed.

In short, the thug regime of Burma has sunk to new lows, securing its place in the world's rogues gallery of human rights abusers. The ruling dictatorship simply cannot accept the fact that this brave and courageous woman, Aung San Suu Kyi, a champion of democracy, remains wildly popular in Burma despite years of house arrest, persecution and repression.

Now that the Rangoon regime has recommitted itself to destroying all democratic opposition in Burma, it is clear that dialogue is dead, national reconciliation is dead, and it is equally clear that we must adopt a new approach towards Burma and that new approach must include tough sanctions.

Our legislation will impose a comprehensive import ban on products made in Burma until a series of human rights and democracy conditions have been met. We will freeze the assets of the Burmese regime in the United States, codify the existing policy of the United States to oppose lending to Burma by international financial institutions, we shall strengthen the visa ban on Burma, and we will support democracy activists in Burma.

These are tough measures, but no tougher than Burma's ruling thugs deserve. They had a chance to deal seriously with this great woman, a champion of democracy, Aung San Suu Kyi, and instead they viciously attacked this Nobel Laureate. This is an unacceptable situation.

□ 1730

The legislation before us has strong bipartisan support, it reflects important suggestions made by the administration, and I urge all of my colleagues to support democracy in Burma and to support this important legislative measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), one of the leading spokespeople in the world on the subject of human rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the chairman, the gentleman from Iowa (Mr. LEACH), for his kind remarks. I want to especially thank him for his leadership on this issue and all human rights, especially in Asia. He has been outspoken and a very, very effective lawmaker. I want to thank him for his leadership.

I also want to thank the gentleman from California (Mr. LANTOS) for his sponsorship of this very important piece of legislation which we have before the body today.

I do rise in strong support of H.R. 2330, the Burmese Freedom and Democracy Act. As I think my colleagues are well aware, on May 30 a group of government-affiliated thugs carried out a premeditated ambush of the motorcade of Burma democracy leader and Nobel laureate Aung San Suu Kyi, who has been jailed since then. An undetermined number of her supporters were murdered in that vicious attack.

Burma's military dictatorship, which euphemistically calls itself the State Peace and Development Council, has maintained its grip on power for the past 15 years with the use of brutal force. Although Aung San Suu Kyi's National League for Democracy won the majority of National Assembly seats in a free and fair election in 1990, the junta nullified the results and imprisoned hundreds of NLD leaders. The military regime has committed numerous other human rights abuses, such as large-scale forced labor and the use of rape as a weapon in its fight against insurgencies by ethnic minorities.

With this latest outrage, Mr. Speaker, the Burmese regime has exhausted the patience of the United States and hopefully the rest of the international community. I applaud the gentleman from California again for these efforts, for his ongoing efforts, but especially for his efforts in drafting and introducing H.R. 2330, the Burmese Freedom and Democracy Act, which the Committee on International Relations reported favorably on June 17. The bill includes a number of measures, such as a ban on trade that supports the military regime, and will send an unequivocal message to the generals in Rangoon: The people of Burma must be allowed to pursue the path of peaceful democratic development that they bravely chose 13 years ago.

Although trade sanctions are sometimes the source of controversy on this floor, they are more than justified in this situation both because of the Burmese regime's egregious behavior and because export trade is a key source of foreign exchange for the junta and its apparatus of repression. The bill includes waiver authority for the President and outlines generous conditions under which sanctions could be lifted. In addition, the text before us requires annual reapproval of the trade ban and imposes a 3-year sunset on the sanctions.

Mr. Speaker, I urge all Members to support this very important human rights legislation.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA), ranking member of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the distinguished chairman of our committee, the gentleman from Illinois (Mr. HYDE), and our senior ranking member on this side of the aisle, the gentleman from California (Mr. LANTOS), for their support of this important legislation. Certainly I would be remiss if I did not express my appreciation to the chairman of the Subcommittee on Asia and the Pacific, the gentleman from Iowa (Mr. LEACH), not only for his leadership but certainly for his initiative and the fact that we did call a subcommittee hearing on this very important issue that is now before this body.

I believe, Mr. Speaker, this is kind of like the last effort that we could do as a body to express very serious and very grave concerns about what has happened to the government of Burma. I think my colleagues, and especially my good friend from New Jersey (Mr. SMITH) has given some specifics of the issues that are now before us concerning Burma and the problems and the fact that for years now this country has been ruled by a military junta, I think to the point now that we have tried our patience in the best way possible.

One of the concerns that I raise, Mr. Speaker, is the fact that other countries in the Asia-Pacific region continue to recognize Burma; and they continue to conduct trade relations with Burma. It is my sincere hope that, by passage of this legislation and providing sanctions against this military junta, hopefully that it will produce some positive results and that hopefully our government, and certainly I commend our Secretary of State, Secretary Powell, for expressing the same concerns that the Congress has given for the past several years.

Mr. Speaker, again, I want to commend my good friend, the chairman of our subcommittee, for not only having a hearing, we have heard from the parties concerned, and I believe this legislation is well overdue. I urge my colleagues to pass this legislation.

Mr. LANTOS. Mr. Speaker, I urge all colleagues to vote for this legislation. We are striking a blow for freedom and democracy.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Let me thank again my good friend, the gentleman from California (Mr. LANTOS), for his leadership on this issue but also so many other issues that affect human rights around the world.

To the gentleman from American Samoa (Mr. FALEOMAVAEGA), let me say I do not think there is anyone that understands the region of Southeast Asia more comprehensively or well than he does. I am always in debt to his judgment.

I would just like to stress that, while it is awkward for a legislative body to ever comment on the affairs of other countries, this particular legislation is designed to show friendship and support for the people of Burma and also to underscore that repression and despotism have no place in the world today. I also would underscore that it is an expression of solidarity with other peoples of Southeast Asia. For example, for the first time in its 36 years' existence, the Association of Southeast Asian Nations has taken a stand of rebuke to the government of Burma in its first statement of internal intervention in its history. This is a very serious matter for the region as well as for the international community, but most of all this is an expression of concern for the Burmese people for whom the United States has had a long and sustaining interest.

Mr. Speaker, I urge again passage of this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. I thank the gentleman for yielding and also especially for his recognition of the fact that other countries in the surrounding area have expressed serious concerns about the problems affecting the government of Burma.

I do recall that years ago I raised the same concerns at issue with some of the highest levels of officials in one country to mind and the question that we do not give official recognition or we do not have official diplomatic relationship with Burma and the advice that was given to me is, we should. Hopefully that the interactions and the continuous relationship, that by some way or some means that will bring more democracy and a greater sense of understanding not only with that country but certainly for all democratic-loving people around the world. I think this body has waited not for months, not for 1 year, but for years and years, and there seems to be no improvement of the situation, the promises that were made by these military rulers that there would be more democratic reforms given. This has not been the case.

I just wanted to add that observation to my good friend, the chairman of the subcommittee. While given that recognition, I think it is high time that the Congress does take action and we do so with every bit the right of this body. It is a very serious matter to put sanctions on any country for that matter. I sincerely hope that it will result in some positive improvements in the promises that this military junta had made for years and years and still have not taken place.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a member of the Subcommittee on Asia and the Pacific as well as someone with whom I am honored to have recently cowritten an editorial.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this resolution this afternoon and commend him, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH).

There is truly a bipartisan consensus on our committee that the time has long since passed for us to address the critical need to change the regime in Burma and to be able to recognize the courage of Aung San Suu Kyi, the potential we have there to have a transformational effect in that troubled country.

It was my great privilege to spend an afternoon with my children in her compound when she was under house arrest. Watching the harassment we went through just to go there with the charge, thinking about what that represented, this brave woman, insightful, being surrounded by thugs at a time when her country was ravaged in terms of AIDS, in terms of economic deprivation, in terms of the atrocities that have been documented on this floor already this afternoon in terms of what the junta has inflicted upon their people.

It seems to me that it is an opportunity for us at a time when people want the United States to throw its weight around the world that we focus on this troubled country that has a recognized leader, that has the potential for us to bring together the force that we saw in South Africa, to be able to focus time, energy, attention in a peaceful fashion but to force the junta to know that we mean business as it regards Burma. I am one that will continue to call it Burma unless and until that name is changed by the democratic majority of that country, and I think the name is a small symbol of why we need to stand up to push back.

This resolution, I think, is a starting place. But beyond that, I hope, Mr. Speaker, that there will be an opportunity for Members in this Chamber to pick up this cause, to beat this drum, to carry it to those who are in business, NGO, other governments, because I think there is now an opportunity for this consensus to work.

I am pleased with the work that our committee has done, I hope the House will unite behind it, and I hope that each Member of this Chamber will find something that he or she can do to advance this important cause.

Mr. MANZULLO. Mr. Speaker, I rise today to express my concern over H.R. 2330. While I support the intentions of H.R. 2330 to strengthen democratic forces in Burma and hold the Burmese military junta accountable for its human rights violations, I am concerned that this legislation's general ban on trade will adversely affect U.S. small business and economic development in Burma.

I am appreciative of the changes made to the original version of this bill such as requiring an annual affirmative vote of Congress to renew the import ban against Burma and changing the standard for the President to waive the ban from the "national security interest" to "national interest" of the United States. However, these changes will not ultimately solve the problems of my constituent who owns a small business, Chaang Trading Company, in Rockford, Illinois. Chaang Trading Company imports fine, handcrafted cultural goods from Southeast Asia and distributes them nationwide.

The import ban in H.R. 2330 would almost certainly destroy this four-person company as 80 percent of Chaang's business depends on trade with Burma. Chaang purchases its Burmese products directly from artisan shops, and not from the military government of Burma. These Burmese shops are owned by ordinary citizens and employ ordinary citizens. Therefore, the import ban in this legislation would undermine the provisions in section 8 of H.R. 2330 to support democracy activists in Burma through economic development by actually hurting the very people we are trying to help—small business artisans who have nothing to do with the repressive military government of Burma. I therefore urge my colleagues to be cognizant of the unintended consequences of using trade sanctions as a weapon to change policy in foreign countries.

It would be my hope and wish that as the Administration implements this bill that it would take into account the concerns of small companies like Chaang Trading Company in Rockford so that they can continue to trade with skilled artisans from Burma who have nothing to do with the repressive military government.

Mr. KIRK. Mr. Speaker, I rise today in strong support of H.R. 2330, the Burmese Freedom and Democracy Act of 2003. Today, as her people call for freedom and democracy, the Burmese military junta maintains a policy of repression and government-sponsored violence.

In 1990, the National League for Democracy, a party committed to peace and democratic principles in Burma, won the majority of National Assembly seats, offering real hope for change in Burma. Despite the overwhelming public call for democracy, the military regime nullified the election results and imprisoned and murdered several NLD leaders. While this act of government-sponsored aggression took place over a decade ago, the Burmese regime continues to brutally repress the people's opposition movement today.

In May, the Burmese regime ordered the ambush of a motorcade carrying several leaders of Burma's democracy movement, including Nobel laureate Aung San Suu Kyi, the elected leader of her country, who has remained in detention by the regime since that murderous attack.

The Burmese regime has been granted countless opportunities to peacefully transfer power to the people while avoiding further bloodshed. In response to the international community's ongoing efforts to bring peace to the region, Burmese leaders have only responded with further acts of repression, aggression, and state-sponsored terror against its own people. Today, over 600,000 citizens within Burma have been displaced from their homes on account of brutal ethnic cleansing techniques employed by the Burmese regime. In response, we must make every effort to bring awareness to the mistreatment of Aung San Suu Kyi and other pro-democracy opposition leaders.

The Burmese Freedom and Democracy Act would take comprehensive steps to enhance efforts for democracy in Burma, while strengthening international sanctions against the Burmese junta. I urge my colleagues to support this initiative as part of the international community's response to the junta's ongoing state-sponsored terror against the people of Burma.

Mr. SOUDER. Mr. Speaker, I rise in strong support of H.R. 2330 and of the people of Burma. The people of Burma toil every day under the cruel and heavy yoke of military dictatorship. The military rulers of Burma stifle dissent, persecute minorities, and thwart every attempt at democracy.

Recently, the democratically elected and legal leader of Burma, Aung San Suu Kyi, was viciously attacked by agents of the military dictatorship while on her way to meet supporters of democracy. Following the attack, she was re-imprisoned by the military tyrants of Burma. Visitation has been limited and there is no sign that she will be released from prison any time soon.

The military junta in Burma continues to persecute minority groups. Burma has more than 600,000 internally displaced people. Furthermore, over 100,000 people are living in refugee camps along the Thai-Burma border.

The Karen, Karenni, and Shan people have borne the brunt of this persecution. Where Burma was once a country of peaceful coexistence, it has, under this brutal regime, become a place of strife and discord.

Now more than ever, the democratic forces at work in Burma need the support of the United States of America. H.R. 2330 is a step in the right direction. This bill, which I am proud to co-sponsor, will impose sanctions on the evil regime currently in control of Burma.

The bill will prohibit any article from being imported into the United States that is produced, mined, manufactured, grown, or assembled in Burma. In 2002, Burma exported over $356 million worth of products to the United States. This included apparel, teak wood, precious stones, and seafood. H.R. 2330 will put an end to these exports and send a message to the illegal government of Burma.

H.R. 2330 also directs the Secretary of the Treasury to freeze the assets of the military junta. While the country is mired in poverty, the ruling elite are looting the country for their own benefit. This legislation will keep the junta from accessing their ill-gotten gains. Furthermore, the bill will prohibit the leaders of this Burmese nightmare from entering the United States.

Support for this bill will make it clear to those Burmese despots that their military dictatorship, which maintains power through force and terror, is unacceptable. This bill will make it clear that the United States of America supports freedom and democracy in Burma. We support the National League for Democracy. And we support Burma's democratically elected leader, Aung San Suu Kyi.

Burma was once a prosperous country but the military has ground the country into poverty. Burma is rich in resources but the military despots have squandered these riches for their own gain. Burma's peoples once lived side by side with one another but the military has seen fit to mistreat some groups and drive them from their homes. This must end.

The United States must help to foster democracy in Burma. I urge all of my colleagues to support H.R. 2330 and to work for democracy in Burma.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 2330, the "Burmese Freedom and Democracy Act of 2003." I would like to commend both Chairman HYDE and Mr. LANTOS for their efforts on this important legislation.

The House Financial Services Committee received a referral on H.R. 2330 as a result of sections four and five of the bill, which address Burma's relationship with the international financial institutions.

Specificaly, section four of this legislation directs the Secretary of the Treasury to freeze any assets of the Burmese regime located within the United States. Section five directs the Secretary of the Treasury to instruct the U.S. director at each international financial institution in which the U.S. participates to oppose and vote against the extension of any loan or financial assistance to Burma until certain conditions are met.

The House Financial Services Committee waived consideration of this bill in the hopes of expediting the legislative process and providing needed relief to the Burmese people. This bill accomplishes that end by supporting democratic forces in Burma and recognizing the National League of Democracy as the legitimate representative of the Burmese people.

As a fervent supporter of free trade, free minds, and free people, I call on the Burmese regime to allow the benefits of democracy to grow. I urge my colleagues to support H.R. 2330.

Mr. PITTS. Mr. Speaker, I strongly support H.R. 2330, the Burmese Freedom and Democracy Act of 2003 and urge all my colleagues to support this bill.

The military regime is guilty of ethnic cleansing, systematic rape, forced porterage, destruction of homes, villages and food sources, the use of human land mine sweepers, and the detention of over 1200 political prisoners.

Two excellent reports describe the horrifying systematic campaign of rape against the Shan, Karenni, Karen, Mon, Tavoyan and other ethnic groups.

In the study License to Rape, investigators found that in “25 percent of the incidents documented, the girls or women were killed following the rape, by being shot, suffocated, beaten, stabbed or burned to death.”

In the study, No Safe Place: Burma's Army and the Rape of Ethnic Women, there is clear documentation of the military raping women fleeing the fighting, raping those incarcerated in military camps, raping those forced into labor for military, and raping women out foraging for food.

In one case, a young women heard her sister's cries “‘They are raping me’—but could do nothing to stop it. A day after she was taken, the soldiers brought her body back for the family to bury. Her wounds indicated clearly that she had been raped, perhaps to death. Despite the fact that the soldiers continued to return to their village after the murder,” the young women and her family were too afraid to complain.

The suffering of the people of Burma has gone on too long.

Sadly, the international community has shown little willingness to vigorously address the issues facing the people of Burma, but H.R. 2330 is an important step to directly impact the situation in the country.

I urge the dictatorship release Aung San Suu Kyi from detention.

I also urge the dictatorship of Burma to immediately engage in a tri-partite dialogue with the National League for Democracy and the ethnic minorities.

Only when the rights of the NLD and the ethnic minorities are recognized and protected will there be peace in Burma.

Mr. Speaker, a regime that engaged in this horrifying campaign of systematic rape to decimate the ethnic minorities, in addition to all the other human rights violations it commits, must be stopped.

I urge my colleagues to support the Burmese Freedom and Democracy Act.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 2330, the Burmese Freedom and Democracy Act of 2003. Furthermore, this Member, as a co-sponsor of the legislation, would like to thank the Ranking Member of the House International Relations Committee, the distinguished gentleman from California (Mr. LANTOS) and the distinguished gentleman from New York (Mr. KING) for writing and introducing this timely legislation which enjoys bipartisan support. Also, the Chairman of the House International Relations Committee, the distinguished gentleman from Illinois (Mr. HYDE) is to be commended for his efforts to bring this bill to the Floor.

This bill would impose sanctions upon companies associated with Burma's current ruling party, the State Peace and Development Council (SPDC). If the President would certify that the SPDC has made “substantial and measurable progress” toward ending human rights violations and implementing democratic reform, the sanctions could be lifted.

Generally, this Member is opposed to bilateral sanctions because they frequently prove to be ineffective and, indeed, counterproductive to the policy consequence sought. However, the ruling junta's arrest and subsequent detention of Burmese democracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi was such an egregious affront to democracy and rule of law that the government deserves swift and harsh punishment from the international community.

Mr. Speaker, this Member strongly urges his colleagues to vote for H.R. 2330.

Mr. KING of New York. Mr. Speaker, as the lead republican sponsor, I rise today in full support of the Burmese Freedom and Democracy Act.

Two months ago, Burmese opposition leader and Nobel Peace Prize laureate, Aung San Suu Kyi was placed under house arrest by Burma's ruling junta after a bloody clash between her supporters and thugs of the military regime.

For the last fifteen years, Suu Kyi has waged a struggle against one of the world's most oppressive governments. Burma's military regime has committed widespread human rights abuses, including forced labor and the use of rape as a weapon against insurgences by ethnic minorities. In addition, this regime supports international narcotic trafficking and provides a safe haven for drug traffickers targeted by the United States for prosecution.

That is why I am proud to be a part of this legislation which will authorize a number of sanctions against the Burmese government and its entities, unless a series of democratic conditions are met. I want to thank the Gentleman from California, Mr. LANTOS for his tireless work on this issue. I urge my colleagues to support this needed measure.

Mr. ENGLISH. Mr. Speaker, I would like to take this opportunity to strenuously condemn the Burmese State Peace and Development Council (SPDC) and its latest acts of violence against the democratic movement in Burma.

As many of us know, in 1990, the Burmese people elected Aung San Suu Kyi and her party, the National League for Democracy (NLD), to lead their country. The NLD won an astounding 82 percent of the popular vote, dealing a shattering defeat to the absolutist State Law and Order Restoration Council (SLORC). In perhaps one of the great crimes against democracy in history, the SLORC refused to seat the newly elected parliament and imprisoned the leaders of the NLD. Ms. Suu Kyi was placed under house arrest, where she has remained for much of the last 13 years.

The State Peace and Development Council, as the government is now known, continues to wage war on its own people and to lead Burma toward rogue nation status. The SPDC is notorious for using rape and imprisonment as an instrument of political influence on its citizens and is known to force children to fight indigenous ethnic groups in the country. This brutal form of governance is combined with military dominance of heavy industry and a sickly economy dependent upon black market and illicit exports.

Now, the SPDC seems committed to stiffening its repression of the Burmese people. After toying with several international initiatives aimed at restoring democracy to the country, the SPDC has essentially halted talks with a spasm of violence directed against the NLD organization. On May 30, a motorcade carrying Ms. Suu Kyi through the country was attacked by an organized group of armed criminals. In the process, a number of NLD members were reportedly tortured and murdered, while Ms. Suu Kyi was taken into “protective custody” by the government. It seems that the only “protection” was being given to an illegitimate regime against the popular, peaceful NLD leader.

This pattern of vicious oppression in Burma must come to an end and Ms. Suu Kyi must be released unharmed. I urge the President and Secretary of State Powell to take the necessary measures to ensure her safe release and to fully support the National League for Democracy. I further ask my friends in Congress to work with the Administration to ensure that we supply maximum support to the NLD and that we forcefully denounce the actions of the dictatorial junta now reigning over Burma.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 2330, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 44 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BROWN of South Carolina) at 6 o'clock and 30 minutes p.m.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2673.

□ 1832

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 2673) making further appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the bill was open for amendment through page 72, line 23.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following orders: amendment by the gentleman from Montana (Mr. REHBERG), amendment by the gentleman from Oregon (Mr. BLUMENAUER), amendment by the gentleman from Colorado (Mr. HEFLEY), amendment by the gentleman from New York (Mr. ACKERMAN).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. REHBERG

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Montana (Mr. REHBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 208, not voting 33, as follows:

[Roll No. 354]

AYES—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Bartlett (MD)
Bass
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Bonner
Bono
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Buyer
Cannon
Capito
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Costello
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Fattah
Filner
Ford
Frank (MA)
Gephardt
Gibbons
Gordon
Goss
Green (TX)
Grijalva
Harman
Hastings (FL)
Hefley
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (FL)
Miller, George
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Osborne
Pallone
Pascrell
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Quinn
Rahall
Rangel
Regula
Rehberg
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Solis
Stark
Stearns
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Watson
Watt
Weiner
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—208

Akin
Ballance
Ballenger
Barrett (SC)
Beauprez
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Blunt
Boehner
Bonilla
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capps
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
McCotter
McInnis
McIntyre
McKeon
Meeks (NY)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walsh
Wamp
Waxman
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Bishop (UT)
Cramer
Davis (IL)
DeLay
Duncan
Everett
Fletcher
Gutierrez
Hinchey
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Moran (VA)
Myrick
Owens
Payne
Rush
Sanders
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1854

Messrs. PORTER, TANNER, BALLANCE and DEMINT changed their vote from "aye" to "no."

Mr. DICKS, Mrs. CUBIN and Mr. MARKEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 354, I was delayed in traffic. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. BLUMENAUER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 179, not voting 33, as follows:

[Roll No. 355]

AYES—222

Ackerman
Akin
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Dunn
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Gallegly
Gerlach
Gibbons
Gonzalez
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Hastings (FL)
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (FL)
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Pallone
Pascrell
Pelosi
Petri
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—179

Abercrombie
Alexander
Bachus
Ballenger
Barrett (SC)
Beauprez
Bell
Bereuter
Berry
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Edwards
Emerson
English
Feeney
Flake
Forbes
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hostettler
Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson, Sam
Kennedy (MN)
Kingston
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
McCrery
McInnis
McIntyre
McKeon
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Walden (OR)
Walsh
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Cramer
Davis (IL)
DeLay
Duncan
Everett
Fletcher
Gephardt
Gutierrez
Hinchey
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Payne
Peterson (MN)
Rush
Sanders
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1904

Mr. ROHRABACHER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 68, noes 333, not voting 33, as follows:

[Roll No. 356]

AYES—68

Akin
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Cannon
Capuano
Chabot
Coble
Collins
Cox
Crane
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Doggett
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Hayworth
Hefley
Herger
Hoekstra
Hunter
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kirk
Linder
Manzullo
Matheson
McInnis
Miller (FL)
Miller, Gary
Norwood
Otter
Paul
Petri
Ramstad
Rohrabacher
Royce
Ryan (WI)
Schrock
Sensenbrenner
Shadegg
Shays
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Toomey
Weller

NOES—333

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo

Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Brown (OH)
Cramer
Davis (IL)
DeLay
Everett
Fletcher
Gephardt
Gutierrez
Isakson
Istook
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Payne
Portman
Rush
Taylor (NC)
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain to vote.

☐ 1911

Mr. POMEROY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ACKERMAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ACKERMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 202, not voting 33, as follows:

[Roll No. 357]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Capito
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Harman
Hastings (FL)
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Olver
Pallone
Pascrell
Pelosi
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reynolds
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—202

Akin
Alexander
Bachus
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bell
Bereuter
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Etheridge
Evans
Feeney
Flake
Forbes
Franks (AZ)
Frost
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hyde
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kind
Kingston
Kline
Knollenberg
Kolbe
Lampson
Latham
Leach
Lewis (CA)
Lewis (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Cramer
Davis (IL)
DeLay
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Gutierrez
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Oxley
Payne
Pickering
Rush
Smith (TX)
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1917

Mr. ENGLISH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004".

The CHAIRMAN pro tempore. Under the order of the House of today, the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the order of the House of today, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This 15-minute vote on passage will be followed by a 15-minute vote on the motion to instruct on which proceedings were postponed earlier today. The vote on the motion to suspend the rules and pass H.R. 2330, as amended, will be taken tomorrow.

The vote was taken by electronic device, and there were—yeas 347, nays 64, not voting 23, as follows:

[Roll No. 358]

YEAS—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NAYS—64

Andrews
Baldwin
Berman
Blumenauer
Buyer
Capuano
Conyers
Cox
Crane
DeFazio
Delahunt
DeLauro
Doggett
Filner
Flake
Fossella
Frank (MA)
Franks (AZ)
Green (WI)
Hefley
Inslee
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lee
Levin
Lewis (GA)
McDermott
McGovern
Meehan
Miller (FL)
Miller, Gary
Nadler
Obey
Olver
Pallone
Pascrell
Paul
Petri
Rohrabacher
Rothman
Royce
Ryan (WI)
Sanders
Schakowsky
Sensenbrenner
Shays
Sherman
Slaughter
Smith (WA)
Stark
Stupak
Tancredo
Taylor (MS)
Tierney
Udall (CO)
Van Hollen
Watson
Waxman
Wexler
Wu

NOT VOTING—23

Baker
Barton (TX)
Becerra
Berkley
Davis (IL)
Everett
Fletcher
Gephardt
Gutierrez
Janklow
Jefferson
Keller
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Myrick
Owens
Payne
Rush
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1936

Messrs. DELAHUNT, BERMAN, WAXMAN, MEEHAN, COX and TIERNEY changed their vote from "yea" to "nay."

Mr. EVANS and Mr. TURNER of Ohio changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. HASTINGS of Florida). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. BACA. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 1472, the Don't Feed the Bears Act of 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472 and H.R. 20

Mr. GARY G. MILLER of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1472 and H.R. 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2214

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2214.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Tennessee (Mr. DAVIS), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 221, not voting 23, as follows:

[Roll No. 359]

YEAS—191

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—23

Barton (TX)
Becerra
Berkley
Davis (IL)
Everett
Fletcher
Gephardt
Gutierrez
Janklow
Jefferson
Keller
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Myrick
Owens
Payne
Radanovich
Rush
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). There are 2 minutes remaining in this vote.

☐ 1956

Mr. SCHROCK and Mr. BACHUS changed their vote from "yea" to "nay."

Mr. SANDERS changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unavoidably detained due to mechanical malfunctions on Delta Flight 5007. The airplane had to make an emergency landing and return to Orlando International Airport. I could not vote on the following:

Rollcall No. 354. Had I been present, I would have voted "yes";

Rollcall No. 355. Had I been present, I would have voted "no";

Rollcall No. 356. Had I been present, I would have voted "yes";

Rollcall No. 357. Had I been present, I would have voted "no";

Rollcall No. 358. Had I been present, I would have voted "yes";

Rollcall No. 359. Had I been present, I would have voted "no".

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill and the Senate amendments, and modifications committed to conference: Messrs. TAUZIN, THOMAS and BILIRAKIS, Mrs. JOHNSON of Connecticut, and Messrs. DELAY, DINGELL, RANGEL and BERRY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. FORBES. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AWARDING OF CONGRESSIONAL GOLD MEDAL TO PRIME MINISTER TONY BLAIR

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from the further consideration of the Senate bill (S. 709) to award a congressional gold medal to Prime Minister Tony Blair, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDING.

Congress finds that Prime Minister Tony Blair of the United Kingdom has clearly demonstrated, during a very trying and historic time for our 2 countries, that he is a staunch and steadfast ally of the United States of America.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Prime Minister Tony Blair, in recognition of his outstanding and enduring contributions to maintaining the security of all freedom-loving nations.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material thereon on S. 709, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. VITTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Ms. DELAURO. Mr. Speaker, pursuant to rule XXII, clause 7(c) I announce my intention to offer a motion to instruct conferees on H.R. 1308.

The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

The House conferees shall, as soon as practical after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003.

□ 2000

CELEBRATING THE LIFE OF BENNY CARTER

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, it is with great sadness that I announce the passing of the legendary musician, Benny Carter, this past Saturday at Cedars-Sinai Hospital in Los Angeles. He was 95.

Benny Carter's life and career literally spanned the 20th century. His music encompassed the history of jazz and much more. Ranked with the likes of Johnny Hodges and Charlie Parker, Benny Carter is considered one of the greatest alto saxophonists of all times. Ella Fitzgerald described him as "everything a musician would want to be"; while Miles Davis said, "Everybody ought to listen to Benny. He is a whole musical education." And the great Ben Webster said about Carter, "He is the only person that I get the shakes trying to play my horn behind or with him."

Born in New York in 1907, Carter received his first music lessons from his mother, but was largely a self-taught musician. In the late 1920s he joined Fletcher Henderson's seminal orchestra and in 1931 became musical director for McKinney's Cotton Pickers.

Returning to New York in 1938, Carter formed his own top-flight orchestra and spent much of 1939 and 1940 at Harlem's famed Savoy Ballroom. His arrangements were much in demand and featured on recordings by Benny Goodman, Count Basie, Duke Ellington, Glen Miller, Gene Krupa, and Tommy Dorsey.

We will miss this outstanding and this exemplary musician. May he rest in peace.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PHARMACEUTICAL COMPANIES INFLUENCING RELIGIOUS ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for 21 years I have been in the Congress, and for 21 years I have supported the gentleman from Illinois (Mr. HYDE) and the gentleman from New Jersey (Mr. SMITH) and the people who were fighting for the lives of the unborn, the pro-life organizations. And for 21 years I received accolades from religious organizations all over this country. In fact, the Traditional Values Coalition last year asked me to be a member of their board of directors.

Well, I do not know if my colleagues can see this on television or not, but this was mailed out into my district this past week. It is a picture of a little baby sucking on a pacifier or something, and underneath it is a mother with a package of pills that are supposed to be the RU–486, the abortion pill that would cause an abortion 24 hours after conception, or after conception sometime. It says on the front of it next to this little baby, "Will Congressman DAN BURTON miss an opportunity to protect the sanctity of human life?"

I do not understand that, how a religious organization can be manipulated by the pharmaceutical industry to do this sort of thing. They are supposed to be moral people; and yet I am confident, in fact I am dead sure, that the Traditional Values Coalition did not have the money to mail this kind of trash out to congressional districts all across this country and also do television ads and radio ads going after Congressmen because they believe that seniors ought to be able to get reimported drugs from Canada or Germany or some place else that cost one-sixth or one-tenth of what they cost in the United States.

And the reason the pharmaceutical industry is dead on the reimportation is because they are loading all of their profits on the backs of the American people while they are giving these pharmaceuticals for a much lower price in other parts of the country. Why should Americans pay six times as much money for Tamoxifen as they do in Germany? That is a cancer-fighting drug that women use to save their lives. In Canada and in Germany it costs $60 for a 30- or 60-day supply. In the United States it costs $360. Why should Americans pay that much more than other countries?

It is because the pharmaceutical companies are making so much money; and because they are afraid we are going to pass a reimportation bill, they are going after the people in the Congress who believe that people ought to pay the same prices here as they do other places.

How are they going after us? They are going after us with a meat cleaver, and they are trying to do it under a facade, under a tent so that they do not look like they are the bad guys. I am telling you, the Traditional Values Coalition and the other religious organizations that are putting out this kind of garbage, when they know it is not true, are being funded by the pharmaceutical industries. Now, they might say, oh, no, we are not.

Well, I tell you, tonight on the floor of the U.S. House, I am challenging every one of the religious organizations in this country who have endorsed me year after year after year for reelection, I am challenging them tonight to let us see their financial records because I want to see what the pharmaceutical companies are giving them in order for them to put this kind of stuff out. The gentleman from New Jersey (Mr. SMITH), who is the leading advocate for pro-life in this Congress, is a co-sponsor with me and others for the reimportation of pharmaceuticals to make sure Americans pay a fair price for pharmaceuticals. But the pharmaceutical companies are scared to death of that, and so what they are doing is loading up all of these organizations to come after us and to make us look like we are people that we are not.

So I say once again, Traditional Values Coalition who wanted me to be on your board last year because I am such a great guy, I want to see your financial records. Please show me your financial records and let me know that the pharmaceutical companies are not paying for this trash because I believe they are. And I say the same thing to all the other organizations. Jerry Falwell put an editorial in the paper not long ago about this very same issue, and I think it is a bogus issue, Mr. Falwell; and I would like to see your financial records and Mr. Robertson's and all other religious organizations' financial records who are criticizing us for wanting to reimport pharmaceuticals so Americans pay a fair price.

So please, all of you religious organizations who are concerned about this, as you say you are, let us see your financial records and let us know that you are not taking large amounts of money from the pharmaceutical companies to put out this kind of tripe.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Member to address his remarks to the Chair.

AMERICANS SHOULD KNOW THE TRUTH ABOUT IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, the decision to go to war is the most profound decision that any nation can make. It should be done, of course, judiciously and only with the utmost of care and only as a last resort. This is especially true of democratic republics such as ours, when the actions of the government must be with the consent of the governed.

In order for the governed to give their consent, that consent, of course, must be informed. And it is the responsibility of the government to inform its citizens in an honest and straightforward way with regard to the background and information that it has that causes it to make such profound decisions.

On January 23 of this year, the President of the United States in this room addressed the Joint Session of the Congress as well as the people of the United States. And in that address he made a number of assertions with regard to the state of Iraq and why it was important for us to engage that country in hostility. Among those statements he made was one with regard to the importation of processed uranium from Niger. The President said in his statement that the British Government had informed them that the Government of Niger was importing processed uranium, and that was in the context of Iraq's trying to develop a nuclear weapon.

Now, we know that the President had that information on a first-hand basis. He did not have to quote any information from the British Government. He had it on a first-hand basis because the Vice President of the United States back in March of last year went to the Central Intelligence Agency and asked them to conduct an investigation as to whether or not Iraq was importing processed uranium from Africa.

The Central Intelligence Agency then asked former Ambassador Wilson, who had a long and distinguished career in the Foreign Service including positions in West Africa, asked Mr. Wilson if he would go to Niger to discover whether or not it was possible for Niger to export processed uranium to Iraq for the purpose of building a nuclear weapon.

Ambassador Wilson went there. He spent a considerable amount of time, something in the neighborhood of close to 2 weeks. He interviewed dozens of people. He came back and reported to the Central Intelligence Agency that he found no reason to believe whatsoever that any processed uranium has been exported from Niger. Why? Because the uranium companies there are owned by essentially European countries and the controls are very, very strict and rigid. He examined a number of people who were involved in the companies and their controls, as well as people in the Niger Government. He came away believing there was no way that processed uranium could be exported from Niger to Iraq.

He reported to the Central Intelligence Agency. The Central Intelligence Agency obviously then reported to the Vice President of the United States, who we can only imagine and expect reported to the President of the United States.

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Nevertheless, the President then came here before the House and said that Niger was exporting processed uranium to Iraq when the government, our government, the administration knew, based upon firsthand information as a result of a CIA-sponsored investigation, that that was not the case. In addition, though, now we know that is not the case because we have the report of Mr. Wilson and we have other information that can only compel us to conclude that the President was wrong in his statement; and, in fact, he has admitted he was wrong in that statement, blaming Mr. Tenet.

Also in that address before a joint session of the Congress, the President mentioned the presence of vast quantities of chemical and biological weapons that were also in Iraq, according to his statement to that joint session. He also said that there were delivery mechanisms that were in Iraq and that those delivery mechanisms could be armed very, very quickly with those biological and chemical weapons and they could be used to bring those weapons into conflict against countries in the surrounding region, including Israel, against others, and that this constituted a direct threat to the United States and to our allies.

It has been now nearly 3 months that we have been searching for chemical and biological weapons as well as the means to deliver them in Iraq, and we have found absolutely nothing.

Based upon these two sets of facts, one has to question, what else did the President say that was false and why did we go to war in Iraq? This Congress needs to initiate a full and complete congressional investigation as to the causes surrounding our entry into that war and the prosecution of that war, and it must do so forthwith.

NEW LAWS FOR EDUCATION SAVINGS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I want to talk tonight a little bit about the importance of a college education and some of the laws that this Congress has passed to encourage better savings for education.

Some of the concerns that we need to consider is the fact that individual students and their parents in the future probably are going to have to be more responsible for coming up with a larger share of the funds for their kids' college education.

Benjamin Franklin once said, "An investment in knowledge always pays the best interest." As we move to a high-tech economy, that is certainly truer than ever. High school dropouts earn an average of $360 a week, while high school graduates earn $506. Two-year college graduates earn $598 a week, and 4-year college graduates earn on an average $796. Over a life of work, a college graduate can expect to earn $620,000 more than a community college graduate, $810,000 more than a high school graduate and a whopping $1,115,000 more than a high school dropout.

In addition to dollars, education gives a person more options to do what they want to do in life. This is one of the reasons I tell young people who visit me to study hard. It is also why I started the LeGrand Smith Scholarship Fund for high school seniors from the 7th Congressional District of Michigan. Finally, it is why I have pushed for tax savings for parents and grandparents to save for their children's and grandchildren's education. Simply put, there is nothing that can brighten a young person's future more than education.

The cost of education, while still worthwhile given the earnings difference, it is very expensive. Under present trends, a child born today can expect to pay about $125,000 for 4 years at a State university, about twice that much for a private university. There is a lot of Federal and State government scholarships, tax benefits, work study programs, subsidized loans and financial aid for people in college.

Congress has also created two tax-favored savings programs in recent years that help families save for education, and these two I think are important.

The Coverdell Education Savings Account allows eligible taxpayers to contribute up to $2,000 a year. These contributions are taxable, but the accrued earnings when a person takes them out are not taxable. The accounts are flexible and can be used to pay for educational expenses in grade school, high school or college. They can be even used to defray the costs of home school education. In addition to tuition, the money can be used for books, supplies, equipment, tutoring, services for children with special needs, Internet access, et cetera. These accounts are open to taxpayers earning less than $220,000 a year for couples.

Another option, as I conclude, Mr. Speaker, is the 529 plan. These are tax-deferred educational savings programs that put contributions under management like pension programs. They are often State-sponsored and provide good flexibility. Contributions can be made in a lump sum or in installments, and many States also contribute when a person starts spending that money for a college education. In Michigan, we contribute $1 for every $3 deposited.

I would encourage every friend and family member to think about educational savings for their children, their grandchildren, their nephews, their nieces. The expense of college education is daunting, but investing some now will allow for compound interest and growth over time. For example, even with the current low prospects for a return on earnings, saving just $80 in a month can grow to $31,000 over the 18 years it takes a child to be ready for college. It is important to get started right away.

Mr. Speaker, education is important. Everybody should be looking at the advantages of saving now.

PERHAPS PRIME MINISTER TONY BLAIR WILL ANSWER CONGRESS' QUESTIONS ABOUT INTELLIGENCE ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, Thursday will be a very historic day. Prime Minister Tony Blair of England will be scheduled to appear in this room before a joint session to make a speech and perhaps receive the Congressional Gold Medal. I understand it is not ready yet so he probably will not get it just now.

It was also in this very same room that President Bush said in his State of the Union speech that "the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." It turns out that information Mr. Bush had was already understood to be bogus. Our CIA had already told the British that. Yet the President included that fact in his State of the Union message. Apparently, the British indicated they had other information in addition to the crude forgeries indicating that Iraq was trying to buy uranium from Niger.

This has put President Bush in an awkward position. As people in the administration seek to blame one another and now the British and now the French and now the Italians, why and how did this happen?

Mr. Speaker, we have an historic opportunity. In Parliament, the Prime Minister faces MPs and responds directly to their questions. If we had the British system, we could go to Mr. Bush directly to solve this conundrum instead of relying on Ari Fleischer. Perhaps Mr. Blair will be kind enough to allow us the privilege that British

MPs enjoy and we can ask him what happened. I really want to know. Don't my colleagues?

When we debated the award for Mr. Blair for the Congressional Gold Medal, I objected. I said it was either too early or too late. Either it should have been done when we did not know what was going on, or now that we have got some real questions, it is too late to give it to him. We have got to solve the question of what happened.

I feel even more strongly now that we ought not to proceed in the absence of answers to our questions. It appears that Mr. Blair may have misled our President or at least our President's speechwriters about whether good information existed indicating that Iraq was in the process of buying the components of nuclear weapons.

This is not a small thing. Perhaps Mr. Blair was responsible for the administration's discredited claim that one of the September 11 hijackers met with Iraqi intelligence in Prague. Perhaps Mr. Blair was the source of the administration's discredited claim that Iraq was buying special aluminum tubes for the manufacture of nuclear weapons. These and many more statements made by Mr. Powell, Mr. Rumsfeld, Dr. Rice, Mr. Fleischer and even the President have been found to be incorrect.

We have not been told why our officials made so many misstatements about Iraq prior to going to war. If our leaders were led astray by the Prime Minister, we surely should not honor them with the Congressional Gold Medal. Of course, we certainly ought not to subcontract our decisions on war and peace to a foreign country's intelligence apparatus. How much we may like Mr. Blair means nothing. We ought to trust our own people.

So maybe the problem is with ourselves. For example, why do we spend $30 billion on intelligence and yet no one is capable of fact-checking a State of the Union speech? Why have we sacrificed the lives of more than 200 young Americans? We have been told they would protect our country from immediate danger posed by Saddam's barrels of nerve gas and biological toxins and nuclear weapons and al Qaeda and all the rest, but the information was weak, bad and apparently manipulated.

I think the people of Iraq are better off than they were before the United States took out the Saddam Hussein regime, but I am not sure that these Americans who died there were supposed to die to improve the lives of Iraqis. I think they were ready to die to protect their own country, the United States of America, from weapons of mass destruction that threaten our shores and our people.

I am sure that the young people from Britain who have died were similarly protecting their own country.

Perhaps Mr. Blair will answer our questions when he comes to the Chamber on Thursday. Perhaps as Head of State Mr. Blair will take personal responsibility for the errors that pervaded the intelligence he repeatedly cited and not let people who work for him take the blame. Perhaps Mr. Blair will set an example for our own President to follow. That would be worth a Congressional Gold Medal.

HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about the high cost of prescription drugs, and I am going to be showing a chart and talking about what I think are some pretty stubborn facts. But before I do, I just want to remind the Members of something that Abraham Lincoln said over 100 years ago: You can fool some of the people some of the time, you can even fool all of the people some of the time, but you cannot fool all the people all the time.

Earlier, my colleague, the gentleman from Indiana (Mr. BURTON), rose and showed some righteous indignation about some of the kinds of advertising that are going on right now, and they are now saying that somehow if we are in favor of opening up markets to give Americans access to world-class drugs at world-market prices that somehow we are in favor of abortion, which is just a ludicrous argument to make. It says a lot about those groups, and I think my colleague, the gentleman from Indiana (Mr. BURTON), raised some of the questions about the ethics of those groups who are sending out those brochures and running those ads.

I think it is fair to ask where the money really comes from, and I think we all know where the money really comes from, but at the end of the day I think we ought to ask ourselves about the ethics of the pharmaceutical companies, the companies who are actually paying for those ads, the companies who actually develop and sell RU-486.

Why is it that they want to change the subject? Why is it they do not want to talk about the real issue? They want to talk about anything they can except this chart.

The reason is simple. They cannot defend this chart. They cannot even explain this chart. I have asked them to explain this chart. Let me go through some of the numbers on this chart.

These are not somebody else's numbers. This is not some goofball group from Florida. This is not some left wing or right wing extremist. These are my numbers. Because I went to Germany 2 months ago, and we bought 10 of the most commonly prescribed drugs. The total price in the United States for those same drugs, $1,389.65. We paid $373.30 in Munich, Germany. I cannot explain that. They cannot explain that.

We know that, for example, every day Americans consume thousands of tons of imported foods. Last year, we imported 318,000 tons of plantains. We imported $1.1 billion worth of bananas last year.

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Americans gladly consume those bananas. About 40 percent of the orange juice that we consume in the United States now comes from other countries. We are an importer. Markets work. The reason we import is because we can buy those products cheaper in those markets than we can produce them here in the United States. But in many cases we are not talking about products that are produced somewhere else. Many of these products are produced here. But we are talking about products produced in FDA-approved facilities, drugs like Coumadin, which my father takes.

We bought Coumadin in Munich, Germany for $21. This same Coumadin package in Washington, D.C. sells for $89.95. Let us talk about ethics. Two years ago this package of drugs in the United States sold for $64. Nothing has changed. This drug was developed in the 1940s at the University of Wisconsin Veterinarian School. How did it go from $64 2 years ago to $89 today? Is that ethical? Is that responsible? Yet they sell it in Germany for $21.

My colleague talked about Tamoxifen. The American taxpayers paid to develop Tamoxifen. We paid hundreds of millions of your taxpayer dollars to develop Tamoxifen. They sell it in Germany for $60. A woman suffering from breast cancer here in the United States will pay $360 for this drug. Is that ethical? Is that responsible? Is that the kind of companies we are dealing with? Go down the list.

We had another example in several of the publications. The drug Taxol, we paid for the development. We took it through phase 2 trials at the NIH, the National Institutes of Health. We paid for all of that, hundreds of millions of dollars; and then the company came along and signed a licensing agreement, and we have gotten royalties back of $35 million, but the company has had sales of $9 billion. We got $35 million for the taxpayers after spending almost $500 million for developing the drug, and they got $9 billion in sales.

Let us talk about ethics and being responsible. We had a big debate last year about Enron and the stock holding companies and insider trading. We said this ethics thing has to change. This is one way we change it. We open up markets and hold people accountable, and things will change.

PROPOSED MEDICARE BILLS FALL SHORT

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I, too, feel the unease of those who spoke before me about the information the President gave us on a reason for going to Iraq. I think it requires investigation. It requires us to know the truth. I do hope when Tony Blair comes on Thursday, we will begin to know the truth.

But in the meanwhile, I want to inform American seniors about the Medicare reform bill that will be considered by the House/Senate conferees. I want to protect and respect our seniors, but I am shocked at the bill the House majority passed by only one vote just over a week ago. Medicare beneficiaries have waited a long time for help; but, unfortunately, the proposed legislation falls short of what seniors and disabled Americans have been waiting for.

We are at a time when we know the miracle of science. Prescription drugs can be miraculous in their power to cure and improve the quality of life of our seniors. We in government have the responsibility to capitalize on the advantages of science and help our seniors. By adding a prescription drug benefit to Medicare, a program that seniors know and trust, seniors will have an improved quality of life at a reduced cost to taxpayers over the long term.

A Medicare prescription drug benefit should be affordable, reducing the exorbitant prices of drugs, meaningful with guaranteed benefits, within Medicare, and available to all regardless of where they live.

So it is with great disappointment, Mr. Speaker, that I look at the proposals that were on this floor for Medicare reform. The House Republican bill fails to meet each one of the basic standards. The House bill does nothing to reduce the cost of prescription drugs. It creates a coverage gap so wide that almost 50 percent of seniors will fall into it.

Under the House bill, seniors pay the first $250 of their drug costs, then 20 percent up to $2,000. They will receive no assistance at all between $2,000 and $4,900. The bill also allows insurers to vary their benefit levels and prices around the country. Insurers will be able to limit access to specific drugs and pharmaceuticals. The House bill fails to guarantee the same benefits for the 9.2 million Medicare beneficiaries in rural communities, and it even prohibits the Secretary of HHS from negotiating a better price for seniors.

The bill that was passed by the House is designed to privatize Medicare, leaving seniors at the mercy of the HMOs and private insurance plans.

This bill uses private drug-only plans to administer the prescription drug program. These are plans that do not exist anywhere today. These plans could force seniors to leave trusted doctors and hospitals. Even worse, by 2010 the House bill turns the traditional Medicare program into a voucher program.

The Federal Government should provide a safety net for the citizens of America. Unfortunately, the House-passed bill does not include any important fall-back provisions. Under the Senate-passed bill, if at least two private plans fail to enter the market in a region, the Federal Government will step in and offer beneficiaries a Medicare prescription drug benefit. Private plans have not worked in many parts of the country, and over the past 5 years more than 2 million seniors have been abandoned by private HMOs seeking higher profit elsewhere.

I urge my colleagues to recognize this failure and vote accordingly. American seniors, do not be fooled.

CHINA AND HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, as a member of the Committee on International Relations and the Human Rights Caucus, I rise today to talk about China. I know we in Washington are not talking about China much these days other than China is a great example of economic opportunity for American enterprise, and so it is. But before the Congressional Human Rights Caucus last week, we gathered to hear luminaries like Harry Wu, Chinese dissident, founder of the Laogai Research Foundation, and an even more famous dissident, Way Ting Sheng, a man who has been nominated for the Nobel Peace Prize a half dozen different times, and is known as the Chinese Mandela. They sat in a small congressional hearing room last week and spoke about an astonishing reality in China that I rise to reflect on today. It involves the execution of prisoners on an extraordinary and widespread scale, and the harvest and sale of prisoner human organs; and I am going to speak about what the heartfelt response of the American people ought to be.

It was just 64 years ago that the Nazi propaganda machine flaunted the Olympic Games coming to Munich and used that backdrop of legitimacy to launch the execution of 6 million Jews. In 1980, the Soviet Union touted the decision to have the Olympic Games in Moscow, and on the very eve of those Olympic Games launched its barbarous war against Afghanistan.

Now, as we look at the 2008 Olympic Games headed for Beijing, China, we are reminded of promises by that Communist regime to build eight new stadiums to prepare for the contestants. What they do not say is they have been using the older stadiums to stage sentencing rallies and to publicly condemn prisoners to death. Prisoners are brought to the stadiums, as we learned last week, held in leg irons where audiences are required to watch their sentencing as a lesson in obedience to the law and government; and after the show, prisoners are paraded off to a firing squad. It is frightening and medieval stuff.

China today executes more people than all other countries in the world combined, according to Amnesty International, some 20,000 executions over the last decade, an average of 40 people a week; and that is just what is public, Mr. Speaker. Not only are they engaged in the moral horror of widespread public summary executions, but also China is in the business of carefully executing persons and then quickly harvesting prisoners' organs for sale on the international market. We heard from State Department officials who even acknowledged this.

It is an extraordinary thing, to say the least. The practice of taking human organs from condemned prisoners is in itself condemned by every known standard of medical ethics in the civilized world, and it goes on with American and Western customers paying top dollar for those organs each and every day.

I call on the United States of America and our State Department, as I did in the congressional hearing, to act in a number of ways, to issue a warning through HHS and the CDC to American citizens who are traveling abroad to the Asian Pacific Rim of not only the dangers of obtaining a human organ, but of the profound immorality of doing so. It is imperative that the United States of America speak in moral terms of that which is immoral, and it is immoral to harvest organs from condemned prisoners.

I also challenge the administration to rethink this entire business of engagement and to do as Ronald Reagan did whenever his administration did visit the Evil Empire, the Soviet Union. They met with dissidents; they associated themselves with people who were advancing freedom. The Good Book tells us, I am a friend to those who fear you, and so the United States should be to the Chinese people, a friend to those who cherish liberty and cherish the sanctity of human life and condemn the outrage of mass executions and the harvesting of human organs.

HONORING GEORGE GARCIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, I rise tonight to honor a dear friend from my district, George Garcia, who died early this morning at the age of 51. He was a resident of El Sereno community of East Los Angeles in my district. He was born on May 6, 1952, in Los Angeles and grew up in the community of Chino, California.

At the age of 18, George Garcia answered our Nation's call to duty and voluntarily enlisted in the United States Army. He was signed to the 82nd Airborne Division, where he served with great honor during the Vietnam War. In Vietnam, George served as a "tunnel rat." I asked my colleagues what is a tunnel rat. Apparently these young men in that era courageously dug tunnels behind enemy lines in the Vietnam War.

Upon returning from Vietnam, George married his high school sweetheart, Roberta Melendez. Together, they raised three beautiful children who mourn his loss today, as well as myself and other people from our community. One of his children, George, Jr., is carrying on his father's commitment to defending our Nation as a member of the United States Navy.

Upon returning from Vietnam, George Garcia dedicated his life and career to helping fellow veterans. For the past 25 years, he worked as an employee of the Employment Development Department in California finding jobs for unemployed veterans.

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He founded the San Gabriel Valley East Los Angeles Veterans Employment Committee. He also fought vigorously to address the special needs of Latino veterans, including immigration, substance abuse and education training. George also formed coalitions among multi-ethnic groups and gave numerous hours to grassroots organizing to ensure a voice for his fellow veterans.

Most recently, George dedicated his time and expertise to military families who were waiting to hear about their loved ones who are currently serving in Iraq. He spent many, many years helping us each year provide gifts to poor children during Christmastime in the communities of East Los Angeles. Throughout his life, George Garcia gave unselfishly to his fellow veterans and their families. The imprint of his efforts can be felt throughout the Los Angeles community, and we all grieve for him today.

His commitment to serving his fellow veterans earned him in 2002 the honor of being named the State of California's Veteran of the Year by the Department for Veterans Outreach Programs in the State of California.

Whenever there was an event or a project to help veterans, George was there. I met him years ago as a State Senator in California. Every time I would ask him, what can we do to help the veterans, what can we do to help the homeless veterans, he was there giving his ideas, sharing with his heart and his compassion, tirelessly as a volunteer, no pay, but out of the love of his heart.

I want to ask all my colleagues here to join me in honoring a true American hero. To him and his family, his son and to all those people and all those veterans, homeless veterans who met and touched him, he touched their hearts and he touches our hearts every day. We will remember you, George. We love you. God bless you.

QUESTIONS CONCERNING IRAQI WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the White House has been backtracking on how it was that fraudulent intelligence information was included by the President in his January State of the Union address delivered in this Chamber. Specifically, the statement by President Bush was that Iraq had sought to buy processed uranium for weapons of mass destruction from Niger, Africa. That information was wrong. Indeed, the documents involved appear to contain forged signatures of leaders from those nations who are no longer in office. How could this kind of information be placed in a State of the Union address?

The current Director of the Central Intelligence Agency, Mr. George Tenet, over the weekend has claimed publicly that he will take responsibility for this serious statement that misled Congress, misled the American people and indeed the people of the world about Iraq's intentions and capabilities relative to nuclear weaponry. The real question about this revelation is who exactly knew what and when did they know it? And who is responsible for these words being included in the President's State of the Union address, an address of such major proportion that preceded the invasion?

At the same time as I ponder these questions as I know the American people are, I am in receipt of a letter from an intelligence officer. I have read it and reread it and reread it again. In the letter and in my dealings with intelligence officers, I have been told that they are trained to triple-check, to verify significant intelligence information, triple-check. So when a statement is made in the State of the Union address of such consequence, I ask myself, was it triple-checked? Who really knew what and when did they know it? Surely someone, more than one person in that White House and other places checked and rechecked and then checked again every word and every sentence in the speech.

I know the President practiced the speech before coming here. All Presidents do. So who knew what and when did they know it?

A retired intelligence officer from the Marine Corps wrote me this letter just a few months ago, but his words have been coming back to me, and I reread this after these revelations this weekend, and I want to share some of it with my colleagues. He says he is a retired United States Marine Corps officer with over 30 years of active and reserve service. Upon his retirement from the Marine Corps, he has worked in domestic intelligence and law enforcement in our country at a senior level.

He basically informs me, in starting his letter, that his intelligence background is operationally based. But he says in the letter, first of all, there is no such thing as an intelligence failure, Congresswoman. Intelligence is a command function, just as operations is a command function, just as logistics is a command function. If a commander decides to do something that is not supported by intelligence, then that is a command failure, not an intelligence failure.

He wrote to me that in his opinion the evidence of Iraqi weapons of mass destruction had not been vetted through the intelligence community, and he adamantly believes that that process is absolutely critical to an adequate analysis of the question. I thought about those words a great deal.

He says in his letter, look at the decision to go to war in Iraq. Our Commander in Chief decided to go to war, he planned for an operation, and nobody was about to give him any information to the contrary.

I ask myself, even if they had that information? Who had the information? Who knew what and when did they know it? We have a responsibility to the Constitution, to this country and to the people of the world. We ought to get to the bottom of who knew what and when did they know it.

REGARDING REMARK IN PRESIDENT'S STATE OF THE UNION ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, a little under 20 years ago, the maiden holder of this congressional seat, the Honorable Barbara Jordan, served in this House. She served at a time that this Congress took up the impeachment process of then President Richard Milhous Nixon. Impeachment had not been done in the 20th century; and, of course, it was a very troubling, very serious and very sobering time for America and for this Congress.

As I recollect, Chairman Rodino attempted to work across party lines, and it was at a point of consensus on the House Judiciary Committee to the extent that Republicans conceded that maybe Mr. Nixon should resign that this process operated under. In fact, the Honorable Barbara Jordan was well noted for the words that she would not allow the Constitution to be diminished. It was at that time that I think Congress was at its best, bipartisan, in finding out the truth and telling the truth to the American people.

I was not there in Congress, obviously, and so I do not know whether the media chose to demonize those who felt in their hearts that the truth needed to be told.

We now come to almost 30 years, I believe, later, 2004, and we have a question of integrity and credibility, that on some sense there is a desire to know the truth. I have seen some light as this has unfolded to the American public, but I have also seen the effort to demonize those who would raise this question about what happened with respect to the intelligence that was given to the White House and the National Security Council.

I rise today, Mr. Speaker, to present that this is another serious question of the integrity of government. Just a few years ago, as a member of the House Judiciary Committee, in almost an uncanny way, I participated in an impeachment that my friends on the other side of the aisle thought was imperative so that the American people could know the truth. By them dominating the United States Congress, the articles of impeachment moved forward and a trial was held in the United States Senate against the President of the United States at that time, President William Jefferson Clinton. I may have vigorously disagreed, and I did. I participated in the process through the democratic processes and argued that those charges did not reach a constitutional charge of impeachment. But the process proceeded, and the American people were able to tell or denote for themselves truth or consequences, truth or falsity.

Today I ask the question of my Republican colleagues, is it no less important to find out whether or not the American people were misled as relates to intelligence given that was then recounted in one of the most sacred commentaries to the American people, the State of the Union?

In that address, the President offered that there was evidence that had been received from the British that the Iraqi government had tried to buy uranium from Africa. Whether that statement was vetted, the key word was recent purchase. Because, based upon the overall presentation that was made, it suggested to the Congress and to the American people that there was an urgent need to go to war and an urgent basis upon which to perpetrate a preemptive strike.

We now have the owners of this House, the majority of this House, demonizing those who are simply asking for truth, suggesting it is frivolous, suggesting it has already been answered, asked and answered, and I absolutely disagree.

The American people deserve the truth, Mr. Speaker, because, as we speak, the sons and daughters of Americans are dying in Iraq. None of us would fail to defend this Nation, but it is a travesty that as we find the smudging fingerprints of misrepresentation across this administration that our colleagues would not rise to join us in an unanimous effort to ensure that an investigation is had.

Ambassador Joe Wilson went to Africa in January, February and March of 2002 to investigate this, if you will, representation. He found that there was no truth to this. He said it over and over again.

I have asked for the stepping aside of the CIA Director or the firing so that he can come forward under subpoena and speak the truth to the United States people. I conclude, Mr. Speaker, by simply saying that I will write a resolution of inquiry in order to find out the truth for the American people.

COMMUNICATION FROM THE HONORABLE JOE BACA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE BACA, Member of Congress:

HOUSE OF REPRESENTATIVES,
July 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Superior Court of the State of California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOE BACA,
Congressman, 43rd CD.

ISSUES OF THE WEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening the bulk of my comments I intend to make about issues of the West, issues involving the concept of multiple use, issues delving really around public lands. But preceding those comments I cannot help but give some type of rebuttal to the preceding speakers who in my opinion spoke solely for the purpose of self-serving interests.

Having spent this last weekend looking at the TV periodically and seeing some of the reports that I saw on TV, it is very clear to me that we have a Presidential election coming up in the not-too-distant future. What I saw time and time again, especially by the candidates who intend to oppose George W. Bush for the Presidency of this Nation, what I saw them time and time again on reflecting upon was how they could get their purported goals of being elected President ahead of what are in the best interests of this Nation.

I could not believe my ears this weekend when time and time again we saw those candidates who are seeking the Presidential office next year bashing the President of this country on a basis of which they do not know.

I thought it was very interesting that my colleague, the gentlewoman from Ohio, stood up here and quoted from a so-called intelligence source, from some officer in the military of which she had got a letter. Over and over again in her comments, she lectured, saying that, you know, these things ought to be checked at least three times. I wish I would have had time during her time or I wish she would have yielded during her time so that I could have found out whether or not she had in fact verified her source the very three times upon which she condemned the administration theoretically for not doing.

□ 2100

And to have listened to the previous speaker, the gentlewoman from the State of Texas, who stands up here and blatantly says that the administration across the administration has made misrepresentations. It takes away from this House; it takes away from this country. Even the accused deserve more than what the previous speaker has just given to the administration. The previous speaker does not cite any proof. The previous speaker puts a few nice words in order up here and makes these allegations that there is blatant misrepresentation across the administration. Tell me that statement is anything except intended for self-serving interest. It is one of the most partisan remarks that I have heard since I have been up here in the House.

What they are trying to do is capitalize, capitalize upon 16 words; and by the way, I was involved very intensely in the debate on whether or not we should take action against Iraq, and I do not remember and of course I did not hear all the record, but I heard a lot of the record. I did not remember any of these previous speakers or, in fact, any of the speakers that have condemned the revelations that came out this weekend that perhaps the intelligence was not as good as it should have been or there were 16 words in the State of the Union address, when we debated the resolutions on Iraq, I never heard one of the speakers, not one of them, use as their source the State of the Union speech.

I did not hear one of those speakers refer to the sale from Africa as some type of uranium material. Not once did they cite that as one of their reasons or questions that we should take action against Iraq.

What am I suggesting? I am suggesting they are making an awful lot out of this for one reason, not for the sake of the country, not for the sake of openness, not for the sake of the future and vision in this country and where to take this country. They are making these allegations for one reason and one reason only, and that is to somehow forward their own, forward their own self-interest, which in this particular case is a partisan attack against the President of the United States. They see this as an opening.

I read either on the "Roll Call" or "The Hill" or some other political newspaper today that these words in the State of the Union address may give an opening to the Democrats. Boy, if there is any kind of light at all coming through that door, we can see speakers just like the speakers we heard this evening taking advantage at this time on the floor for their own self-interest to issue a very stinging, self-serving partisan attack against the President. They have not walked one inch in the shoes of our President. They have never walked that mile, and yet they are so quick to jump up and condemn the leadership of this country.

I believe what this country did was right, and let me tell the Members it was not just a partisan decision to go to war. This was a decision on a resolution that was acted on in a bipartisan fashion. It received bipartisan support. And let me tell the Members it was not just this President. Let me show a poster I brought over. This is President Bill Clinton's comments. Look over here to my left. President Bill Clinton on Saddam's threat. February 18, 1998, 5 years ago: "What if Saddam Hussein fails to comply and we fail to act or if we take some ambiguous third route which gives him yet more opportunities to develop his programs of weapons of mass destruction and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will conclude that he can go right on and do more to rebuild an arsenal of devastating destruction." President Bill Clinton saw that danger. President George Bush, the first President Bush, saw that danger, and this President saw this danger.

Do the Members know what is being masked here or what is being diverted, the diversion? What it takes away from is what an evil, horrible, horrible man Saddam Hussein was. And anybody that would stand up to the American people today and even dare to say that the people in Iraq are in worse condition today than they were before we took Saddam Hussein out, in other words, they are saying they were better under the control of Saddam Hussein, has no realization of how horrible this individual was.

In the eyes of many people, he rose to the same level or downgraded to the same level, however one would like to put it, to Adolph Hitler, the same kind of sick, perverted mind, the same treacherous murders. Although Hitler did not gas like Saddam Hussein did, we know that he used these weapons of mass destruction of his own people. We know from his own admissions, and I have got a chart that shows that, from his own admissions Saddam Hussein made to the United Nations of the lists of weapons of mass destruction. We know that in recorded history that he has killed more Muslims than any other person in recorded history. Muslims. This man was a horrible man. There is not a person in this world, not a person in the world that can stand up and show that this man respected any type of human right, any type of human right. This man was a murderer.

And despite what these two previous speakers say, despite what the Democratic leadership is attempting to do to push forward their Democratic candidates for President, no matter how much they attack President George W. Bush, the reality of it is that one of the worst murderers in the history of the world is no longer in authority in Iraq. One of the worst murderers in the history of the world had the greatest country in the world step up to him, and they said do you want to pick on somebody? Pick on somebody your own size. And the United States of America took him out of power.

Thank goodness that this country has able-bodied leaders, and I mean in the mind. Thank goodness this country has the people with the courage to team up with our allies like Tony Blair, who I am privileged to say people talk about a guy who deserves a Profile in Courage, and contrary to the comments by the gentleman from the State of Washington that perhaps he does not deserve this congressional honor that we are going to give him this week, the fact is that he stood, our President stood.

There were a lot of countries in this world that would have stood against Saddam Hussein, but they did not have the wherewithal to take him out. The United States did. The British did. There were other countries in this world who knew of the atrocities, just like some of my colleagues who spoke this evening, they knew of the atrocities that were going on in Iraq; and they did have the wherewithal to join our team, and they purposely hid in the foxhole. They would not come out of the foxhole. And our President and Tony Blair and the people of Britain, the people of Poland, the people of the United States, the people of Australia and some other countries, they did come out of the foxhole; and they used the power for a good purpose, for a good means. They took out an evil man.

And my colleagues on the Democratic side who are making these comments for a very clear partisan purpose, and that is they want to win the Presidential elections next year, that is the only reason we had these speakers here this evening. Mark my word. These speakers would not be making these comments this evening, in my opinion, if there were not a Presidential election coming up. Those comments are tailor made, tailor made for television audiences around this country to somehow impact the upcoming Presidential elections. That is why those comments are made.

The fact of it is when we put all that cloud aside, when we put all of that distortion aside, when we get the static off the radio, the fact is a very evil man was removed from power, and for that the President of this country, the people of this country, the people of Britain, and the people of that willing team ought to be commended. We had the guts to take on an evil man. We had the wherewithal to take that evil man out. And now to see within our own camp, within our own camp on this House floor, some of my colleagues for strictly partisan purposes not stand at this microphone and talk about the evilness of Saddam Hussein, but stand at this microphone and talk about what they would describe as terrible things of our own administration, of our own leadership. What are they going to do, beat themselves up here in front of the American people to show the rest of the world that somehow the United States should hang its head low?

This is a proud country. I am proud to be a Congressman in it, and I will tell the Members this: I am very proud this country stood nose to nose with an evil man and took that evil man out of power. And to all our men and women that are out there in that fighting force, they have every reason to be proud. The decision that was made to send them to battle was the right decision, and the mission that they carried out was carried out in the correct fashion.

I think it is sadly disappointing to have some of my colleagues, who I like personally, they are nice people, but to stand up here for strictly partisan purposes and take shot after shot because we have Presidential elections coming up, taking shot after shot about our President and totally ignoring the evilness of Saddam Hussein, that in itself fits the definition of shamefulness in the Webster Dictionary.

I want to move from this because this was not my original intent. I did not intend to discuss this tonight, but I cannot sit in these House Chambers and listen to speaker after speaker on the Democratic side go up unrebutted. Nobody else, they would not make those kinds of comments in a debate where the other side had a chance to respond to it. They made those comments because they did not think anybody would be responding to them this evening. So I did divert from my comments for a few minutes, and I intend to go back to my comments and my original subject here this evening, but I want these people, the Democrats, to know, and not all of them but the liberals over there, some of these people, their comments will be rebutted. I cannot sit back here and listen to some of that go on.

So my purpose this evening was, as I said earlier, really to talk about kind of the East and the West, primarily the western United States. I come from the State of Colorado. This evening I want to talk a little bit about the West and the public lands of this country and talk a little bit about what public lands are, talk about the issues that revolve around public lands, the forest fires which we have going right now. We speak of young men and women that are fighting in our military forces throughout the world, our young men and women in the military that are stationed in this country to defend this country that are doing their missions as we speak.

We also have many men and women that are also fighting fires as we now speak, fighting fires. We have many law enforcement personnel, many first-aid people, many firefighters across the country engaged in a life-threatening mission. And a lot of this today as we speak are some of the big fires that are starting now in the West. We have got a very dry season out there. Right now in Grand Junction, Colorado, which is the home I am from, it is 105 degrees. It sets a record. It has been setting a record day after day for about a week. So I want to talk a little bit about the fire issues, about the forest issues, about the BLM issues.

So let us begin by talking just for a moment about public lands. What are public lands? It is as the word describes: public lands are lands owned by the public. The United States, throughout the world, basically we have two types of ownership. This is very fundamental, but basic. We have lands that are owned privately, i.e. probably most of those whom I am speaking to this evening on the House floor, they own the land on which their home sits. That is private property. That is private lands, private lands. Public lands are lands that are owned by the people, owned by the government; and in the United States we have tens of millions, actually hundreds of millions of acres of land that are owned by the public. And land owned in private hands is treated differently than land owned by the public for a number of different reasons, many of those which are necessary, many of those which we would expect, many of those which make common sense.

But there is a little history to what happened with public lands in the country. And the first thing we have to do when we have a discussion of public lands is realize that the bulk of public lands is located in the western United States, and there is a reason for that; but let me first of all refer folks over here to my left. This is a map of government lands in the United States. All the color on that map of the United States reflects what I have just described as public lands. These are public lands. And take a look at what we have here. In the East, generally speaking, in fact, really from east of the mountains so even in part of Colorado, eastern Colorado, we go from, say, east to, say, Denver, Colorado, out here to New York City or Washington, D.C., relatively speaking, you do not have many public lands.

□ 2115

In the East, most of your landownership is in private hands. It is not in public hands. Now there are some big exceptions. You have, for example, you have the Everglades Park. Up here, you have the Shenandoah Valley and some of the national parks up there. Up in the Northeast we have a national park and preserves up there.

But take a look at some of these areas. Take a look at the State of Kansas. In a lot of these areas, the only public land is land owned by the local city hall or the fire department or the local courthouse.

Well, then compare that, compare the eastern United States with the western United States. Take a look at the percentage of public lands. I have counties in my district; now, my district is a big district. To give my colleagues an idea, my district alone is about the size of the State of Florida. And if you take a look, I have counties in my district that have 98 percent of their land is in public hands, and it has a big impact. Well, how did that happen? How did so much of the public land end up in one part of the Nation and not dispersed somewhat evenly throughout the rest of the Nation?

Well, clearly there is a story to be told. As we look at the History Channel, for example, you know there is a story to be told, and that is what I want to tell tonight.

In the early days, most of our population obviously was in this area of the country, right along the eastern coast; and what happened is, in those days, we wanted to grow our Nation. That is what the entire world wanted to do. We wanted to grow this new country of ours, these great number of these States, united, called the United States, under one symbol, under a flag. We were so proud, we wanted to grow that country. In order to grow that country, what we needed to do is somehow get people to go out and help us settle the land. The government went out and bought the land.

But unlike today, today, if, for example, I own a piece of property in Hawaii, I do not have to go to Hawaii. I do not have to go to Hawaii for several years as long as I pay my taxes and I have a deed that says I own that property, that property is protected under my rights. It is my land. It is private property.

But in the early days of this country, private property or the land that you claimed was yours was not yours unless you were really on it. A deed did not mean a whole lot. In fact, many of my colleagues have heard the saying, possession is nine-tenths of the law. That is where this came from. In order for you to claim the land, you needed to be on the land, you needed to be tilling the land and, frankly, in a lot of cases, you needed to have a six-shooter strapped to your side.

So we knew that in order for the United States to really keep control of this land, to help grow our great country, we needed to persuade people to leave the East Coast and go to the West. Go west, young man, go west.

Now, this is pretty tough to do. Now, today, when you say to somebody, hey, let us go west of the Colorado mountains, let us go to Aspen or Durango or Steamboat or Glenwood Springs, it is a pretty easy decision to make. You go out there and have a great time. Some of the most beautiful spots in the world are in the Rocky Mountains of Colorado.

But back in the early days of this country, the only thing that you were promised by going west was, one, a free piece of property. But what they did not tell you so much or emphasize so much was that the odds were, most of the women would die in childbirth, most of the men would probably die in accidents in their 20s. You had to worry about snakebites. You had to worry about attacks from different groups, whether it was native Americans or whether it was pirates of our own. They did not have a real justice system out there in the prairies and out there in the West. So it was very dangerous. It did not offer a lot of promise for a long future. They did not have time-shares out in Colorado and out there in those mountains in the early days. It was a tough existence.

So what did the government do to get people to go there? They gave what is really a fundamental dream for every American, and that is the possibility to own your own piece of property. Mr. Speaker, one of the great things of this country, unlike a lot of countries in this world, one of the great things of this country is that you can own your own piece of land. It is yours. And we all dream about it.

I can remember when I was small dreaming of having my own house on my own piece of property up in the mountains. I was born and raised in the mountains. I mean, I dreamed of it. I think of the George Strait song where he talks about the difference between living and living well. He talks about his little home, his little beach house on the beach and watching a thousand sunsets. I mean, we dream of owning property.

That is what the government did. They capitalized on this dream and said, let us offer it to the people. If they go out, our citizens go out and they start a little farm out here in Kansas, let us say out in there somewhere, let us say near Hayes, Kansas, or somewhere, if they go out and till the land, we will give them 160 acres or 320 acres and they can support a family.

Now, that was called homesteading, and we had actually used land for this purpose before. Interesting.

What we had done during the Revolutionary War is the government had actually offered, to the extent that we had that government at that point, like a Department of Interior, so to speak, our government offered to British soldiers free land. You can own your own property, free of the queen, if you defect from the British forces and join our forces. So this was not the first time the government tried this scheme.

So the government did this. They decided, let us go ahead and offer free land and persuade people to go out and occupy the lands, for example, that we got under the Louisiana Purchase. It accomplishes two things. One, it expands our borders; two, it puts people on the land so we can conquer it; and, three, it meets the dreams of a united continental United States.

Mr. Speaker, it worked. We had people, we have seen the movies where they would have a big string or big rope attached and all of these people on horses and wagons, it was like the Gold Rush days. They got to have land.

What happened is that it was a tremendous success, a tremendous success. The people were coming this way, they were coming in here, they were settling all over, up here, up in the north, over here in Kansas in the mid country. They were down there in the south. They were going into Texas. People were looking to settle. They were expanding into this country.

But all of a sudden we found out there was a problem out there. And that was soon these settlers found out that when they hit the Rocky Mountains of Colorado or they hit the mountains of Wyoming or they hit the Rockies up there in Montana or they got into the deserts in Arizona, that 160 acres could not support a family. Out in the area where I live near Grand Junction, Colorado, there are places out there you cannot feed one sheep on 20 acres.

So word got back to the Nation's capital: Hey, our Homestead Act is working pretty well until you hit the mountains of Colorado or the mountains of Montana or Wyoming. When they get out into that rugged country, it is arid, and they discovered that there is a huge difference between the amount of water in the East and water in the West. Let me show my colleagues.

For example, while we are talking about the West here, take a look at what these settlers ran into. Seventy-three percent of the water in this Nation, 73 percent of the precipitation falls right there in the East. That is where they lived. So homesteading up here, a growing pasture where you have that kind of water is a whole lot different than growing pasture out in the Rockies or out in the West.

Take a look here. Over half of the Nation is in this red, and over half of the Nation gets only 14 percent of the water. So as these settlers came to the West, not only did they run into the rugged mountains, but they ran into the fact that it is an arid part of this country.

You cannot raise things on 160 acres that you can, for example, out here in Virginia or over in Florida. I have never seen such magnificent farms as I have seen in Virginia or down in Florida where I have seen those big farms. We have arid conditions in the West. So water played a part, played a role in the difficulty that we faced.

So they went back to Washington and they said, there is no water out there. That is tough country out there. The mountains, these mountains are beautiful, but it is tough living. The people are not settling where we need them to settle. And somebody, and I am making up this number, I am sure historically we could probably find it, but somebody said, well, the way to do it, if a family in Colorado where it is arid out there in the West or Nevada or somewhere cannot make it on 160 acres, maybe we ought to give them, and I make this number up, maybe we ought to give them 2,000 acres. Let us give them an amount of land that would be proportionate to the amount of land that they would need to grow on 160 acres.

The problem was this: The government was under a lot of political heat because they have given away land to what was then called the railroad barons, the Intercontinental Railroad, and there is a book by Stephen Ambrose, which is a fabulous book about the difference in our country that this railroad made, the construction of that railroad. That workforce, we had a workforce ready to go, ready to take orders right after the Civil War, a workforce that understood tough conditions because of the Civil War, and that they could build this railroad with only one power device, by the way, a little tractor out there, it was all built by hand, that they could build that railroad. But, unfortunately, there was some fraud involved in the construction of that railroad, and they were called the railroad barons.

Now, a lot of these people, this railroad would not have been built but for those folks. But amongst their crowd, there were some bad apples. So the political circles in Washington, D.C., were under a lot of political heat: Do not give away any more land. Look what you did. You gave this land for this great railroad and look what these railroad barons did with it. So the government at that time and, in my opinion, the only reason that the government decided to keep this vast amount of land was not because they had visions that the Arizona desert or the Utah desert out here would someday be a national park. That was not the vision, like some groups would like us to believe today. In fact, they did have that vision on specific areas: Theodore Roosevelt, the President, for example, on Yellowstone National Park. But there were specific areas that they did have that vision of great national parks and preservation for all future generations.

But that is not the explanation of why all of this land ended up in public hands or stayed in public hands. The reason is that Washington could not take the political heat at that point in time to give away the land that was necessary to support the families in proportion to the same amount of land they had given in the East. So they came up with a solution, and this is a very important part of my comments. They came up with a solution.

Well, instead of giving the people the land to homestead on, why do we not go ahead and keep the title in the government's name, but we will allow the people the use of it. And thereupon was born the concept of multiple use on public lands. Let the people use the lands, even though the title of the land is in the name of the government and Washington, D.C. That thereupon explains why so much of this land in the West was put into public hands.

Now today one of the challenges that we face living on these public lands, and let me give you an idea of what living on public lands means. In my district, almost every area in my district is completely, and I mean completely, surrounded by land owned by the government. Every community in my district is totally dependent upon those public lands. We get our power across those public lands. We get our water, all of our water, or most of our water originates, comes across, or is stored upon Federal lands. Our recreation is on Federal lands. Our cellular telephone towers are on public lands. Our radio towers, our TV towers, our access, our highways, you name it, we are dependent on public lands.

Many of my colleagues in the East are not. They do not have that problem. In fact, in the East when you want to build a ditch or a major construction project, you go to the planning and zoning authority. In the West, our planning and zoning authority is often in Washington, D.C., because the owner of the land is the United States Government.

And there are a lot of people in the East, unfortunately, not large in population, because we are one country and we have a lot of people who understand the situation that we are in, but we have certain radical environmental organizations that their number one goal is to eliminate the multiple use concept, eliminate that saying that I grew up under: You are now entering White River National Park, for example, White River National Forest in Glenwood Springs, Colorado, a land of many uses. They want to eliminate the human existence off of these lands. They want to get rid of that concept. There are people who do not want us to have ski areas out here. They do not want us hunting on public lands. They do not want us getting our water off public lands.

□ 2130

They are fighting. They do not want power lines on public lands. They do not want us to have parks and recreational areas in certain parts of those public lands. What they want to do is take control of that so we have a constant battle, a battle that is not undiscovered in the East, but certainly is not a primary concern in the East because you do not have to deal with it on a day-to-day basis and we do.

Now, let me talk about one of the big problems we have out there. As I showed you earlier, I showed you a diagram where over half of this Nation gets 14 percent of the water, where that is where the precipitation and that is in the West.

In the West we have got to have water storage. Water storage is absolutely critical. Now, I know that groups like the National Sierra Club, for example, have never in the history of their organization to the best of my knowledge ever supported a water storage project. In fact, the National Sierra Club's number one goal is to take down the major recreational power supplier, flood control and water storage unit in the West called Lake Powell down here in Utah. That is their number one goal. Water storage is critical for us.

The first dam we know to be built in the West was the Anasazi Indians down to the Four Corners. The Four Corners is called that, it is right over here, it is the only place in the Nation where four States come together at once. You can stand in my district right on that corner and be in four States at once. And it is down in there where the Anasazi Indians lived. And what drove the Anasazi Indian out of their settlements that they had had for hundreds and hundreds of years? It was the lack of water. And we found evidence down there, I did not, but the archeologists found evidence down there of dams, the first known storage of water.

If you live in the West you are dependent upon water storage. In the last 3 or 4 years, last year we had a severe drought. This year we have severe heat. In the last couple of years preceding those years, we had much less than usual precipitation. The only way we were able to survive is because we had water storage.

In Colorado, for example, in western Colorado we have all the water we could possibly want in a usual year for about a 60- to 90-day period of time, and that period of time is called the "spring runoff." But after that 60 or the 70 days after the spring runoff, which is the high snow coming and melting off the high mountains, once that runoff runs out of the State, if we do not store it, we do not have it. And the rest of the year, the rest of those days of the year if we do not have stored water, we are in real trouble.

I never knew what a real rain storm was until I came here in the East. Even the drops of rain, even your drops here are significantly larger than the drops of rain that we get in the West. We do not have rain storms like you do back here. It is very tough in the West. We have got to store water. And that is why you will find it is very interesting to see, for example, on some of these environmental score cards, it is very hard to find a so-called environmental organization, primarily the ones on the left, it is hard to find any of them that says anything positive about water storage. But it is very interesting when you look at their so-called environmental score cards, you will see the legislators, the Congressmen in the East at the top with the A's and you will see those in the West that have to support the water storage, that understand and have to deal with public lands, they are at the bottom of the list. They usually get the F's on it. And I can tell you I am down there too because of my support for water storage.

So my comments this evening, which I will wrap up here because I want to do this in a series, I want to leave you with a couple of fact or things that I think are important to carry into any next comments which I would like to make a few nights from now.

Number one, in the United States the largest conglomerate of public lands, keep in mind it is not spread evenly throughout the country, the largest block of public lands is in the West; and it is reflected by the map to my left. All of those colors on that map indicate public lands.

Number two, something very important to remember and I will show this poster again, in the East, what I would call the East, the blue spot, the blue part of this map, that is where 73 percent of the precipitation and the water is found in this country. In the West, specifically the red part, that is over half the Nation in total acreage or size, receives 14 percent of the precipitation. So water storage here is obviously much more important for you to have water on somewhat of a continual basis through the year than water storage might be in the East.

Now, water storage is important in the East because you obviously have production of power; you have flood control, which is very important for you out here. In fact, in the East your problem a lot of times is getting rid of the water. Our problem in the West is being able to keep the water, to be able to store the water.

So I wanted you to go away from my comments this evening keeping in mind that in this area, generally, where most of the public lands are is also where the least amount of water is. So water is very precious. They say in Colorado, they say in the West, I keep saying Colorado because that is my home, but they say in the West that water runs thicker than blood. That is how vital it is out there.

So we have a number of discussions here on this House floor about public lands. We have a number of discussions about issues dealing with public lands. I cannot tell you how many times I have heard some of my colleagues who, giving them the benefit of the doubt, I think are ignorant somewhat of the facts, who attack the fact that we have ski areas out in the West or that we have, God forbid, we cut some timber off some of this land out there or we have recreation or we have mountain bikes that we allow on government lands or we go horseback riding or we allow animals grazing. Before any of you sign on some of these "dear colleague" letters that condemn use on public lands, come to some of us who live in it, come to some of us who experience it every day of our lives, whose families have for generations and generations lived on these public lands or lived on little private holdings that are completely surrounded by these public lands and ask us about those issues.

So, again, this evening, one, I would like you to go away with remembering where the bulk of public lands are in this country. They are in the West. Proportionately speaking, there are only a fraction of the public lands held in the East. And by the way, an interesting history story to help you remember that, in the State of Texas, Texas as you know was its own country at one time and before Texas agreed to join this great Nation, the United States, one of their conditions was that the government could never own land within the boundaries of the State of Texas without permission of the people of the State of Texas. The only State to my understanding of the Union that is like that. Alaska should have done that; 98 percent of Alaska is owned by the government.

So keep that in mind. That is where the bulk of it is. And the second thing, to be repetitive, but it is so important, is the largest percentage of moisture, 73 percent, almost three-quarters of the precipitation and water in this country, is in the East on the private lands. It is on these lands out here where I live, this is where we get in this area, except for the northwest right up here, this big bulk of public lands here gets 14 percent of the water.

So I urge my colleagues this evening, do not sign on to these "dear colleague" letters that say take down Lake Powell. Lake Powell is a vital resource to the survival of the people of the West. Do not sign on to these letters that say we should get rid of the concept of the multiple use. Do not sign on to these letters that say get rid of all the roads on public lands. Do not sign on to these letters that say, for example, take all of this, put people off and put a wilderness designation. And wilderness is a positive term, but what it means in legal terms when you title it wilderness has huge, huge ramifications on the people that are around it.

So in summary I say this: public lands are an important part of this country. They are property of the country. The people of this country do own that, but you have to give consideration to the people who live on those lands and the vitality of those people to be able to survive.

With that, I will wrap up my comments. I look forward to continuing this. We will go into much more detail in a couple nights on water and the consumption of water and the recycling of water.

IRAQ WATCH

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, for 5 or 6 weeks, a number of us have been coming to the floor to discuss our Nation's involvement and our role in Iraq. We have at least four times come here, four of us, the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Illinois (Mr. EMANUEL), and the gentleman from Hawaii (Mr. ABERCROMBIE), and have had a discussion and a lively give and take about Iraq, about what is going right over there, what is going wrong, trying to seek the truth, trying to suggest policy changes, trying to have a full discussion and report to the people of this country. And we have decided to do this every week, every week that the House is in session as long as our country is involved in Iraq.

We are going to call ourselves the Iraq Watch because we think that there are important public policy matters that the American people need to be aware of, that Congress needs to focus on, we need to ask questions about, seek information about, to clarify, to seek policy changes, to make some changes and fundamentally to report to the people of this country on what we know and what we think we all ought to know about what has happened in Iraq.

Now, of the four I named, two of us voted in favor of the military authority sought by the President and two of us voted "no" to exercise that authority. But we all were sold, as was the entire Congress and the American people, with great certainty by the administration and by the President that Saddam Hussein had weapons of mass destruction last fall when the vote was approaching and that he was trying to develop more. The certainty was expressed in public. The certainty was expressed in private.

I have, along with a number of Members of Congress, attended a briefing at the White House, one of a series of briefings. In my case, we were briefed by Condoleezza Rice, the National Security Advisor, and George Tenet, the director of the CIA. We were told with certainty that Saddam Hussein had weapons of mass destruction and was trying to develop more.

Now, there is no question that in the past Hussein had weapons of mass destruction. That has been proven. He used them. He used weapons of mass destruction against his own people. He used them against the Kurds. And he used them against innocent civilians in Iraq. He used them in murderous ways. That is beyond question. But what we were told is that he had them in the fall of 2002, that he was developing more, and that he was an impediment to the peace in the Middle East and to our Nation's security and because of that imminent threat, we needed to exercise preemptive military power to disarm Saddam Hussein.

I voted for it. I would do so again being told the same information as we were told then. I imagine that some of my colleagues who voted "no" would vote "no" again. But the question is we are discovering that things may not have been just what we thought they were. We certainly have won a great military victory. Our armed services, our young men and women in uniform performed admirably and with great courage in Iraq. But we have got two questions, this group has two questions: Fundamentally, is our military mission complete and are we winning the peace in Iraq? And I would submit before I yield to my colleagues that the military mission is not complete and cannot be complete as long as there has not been an accounting of the weapons of mass destruction, where are they and who controls them, and what went wrong regarding our intelligence, how was our intelligence collected, and how was it used by the White House and by the political leadership, and are we doing the right things from a policy standpoint to win the peace.

And I suggest that this group of four and many of our colleagues have a lot of questions about this. I know those questions are shared by the American people; I hope we can give voice to these questions in this Iraq Watch. I hope we can come up with some answers or seek those answers from the administration, and I hope we can report back on a regular basis once a week to the American people.

I yield now to my colleague, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. HOEFFEL) for organizing this. It is interesting that you noted we were militarily successful, and I think everybody takes pride in what our men and women in uniform did in pursuing the mission that they were on.

What I think is unfortunate is that they went into that mission without a plan for the occupation and without a sense of how to seek and secure that peace once the war was over. And that is something that the civilian leaders, that is the type of leadership that the civilian leaders needed to provide and did not.

Let me give you an example of that point. After the war and hostilities ceased in both Bosnia and Kosovo, not a single American soldier was killed in action after the hostility ceased. Why? Because in both cases we had a plan for the occupation, and we had allies, two things missing in this endeavor.

□ 2145

As recently as May, when the Defense Department said we could have won the war and secured peace with 50,000 troops, we now have 150,000 troops. Today there was an announcement that there would be postponement of any troops going home. So no family member knows an exact date as far as the eye can see on the horizon, and there may even be a further call-up for further troops.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. HOEFFEL. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, as my colleague put it also today, India has made a decision through its democratic process that it will not send troops unless there is a United Nations resolution. What I am very, very concerned about is, are we going to end up in Iraq with a vast majority of troops assigned there to ensure security and stability as Americans?

We have heard from the Secretary of Defense, Mr. Rumsfeld, that there will be additional foreign troops sent to Iraq, but when we ask the question where are these troops coming from, what are their numbers, we are met with silence basically. Again, there are reports coming from military sources that indicate that if the situation continues to deteriorate in Iraq we very well might need double, double, the number of troops to ensure again stability and security for the Iraqi people.

Mr. EMANUEL. Mr. Speaker, I would like to note that on the occupation, not only are our troops there, 150,000 U.S. troops now, permanently stationed there, and as my colleague noted that there are other countries who will not, like India, participate without the U.N. There is nothing that has occurred in the postwar Iraq that was not predictable or foreseen pre the war. And I think that although there is a great argument about 16 words that were legitimately said in the well of this Chamber, the people's House, and it is a legitimate question, I think one of the greatest travesties, and I would hope that we would have an inquiry in either the House or the other Chamber, any investigation, on how we went to war without an exit strategy.

There has been a bipartisan agreement for a long time that we never will send American troops, at least post-Vietnam, we would never send American troops into combat without knowing how to exit. We have no plan for the peace and we have no plan to secure the exit of our American men and women.

Mr. HOEFFEL. Mr. Speaker, I can assure the gentleman, as the gentleman from Massachusetts (Mr. DELAHUNT) can, that there was no lack of trying to get that exit strategy from the administration last fall. I wrote letters to the President. I know the gentleman from Massachusetts (Mr. DELAHUNT) participated in similar efforts. He and I serve on the Committee on International Relations. There was great efforts at hearings as well as individual letters written to the administration seeking information.

Mr. EMANUEL. Mr. Speaker, if I may ask then, the gentleman sought pre the war, when there was still the debate in this country going on, if we are there, we win, how are we coming home. That question was attempted to seek an answer?

Mr. HOEFFEL. Yes.

Mr. DELAHUNT. And there were never any answers to those questions.

Mr. HOEFFEL. The gentleman is correct, there were not answers. And there were many more questions, certainly in my letter? How much will it cost? How many troops will it take? How many allies will go in with us? How many allies will stay with us in the post-conflict exercise?

The military victory was never in doubt. No one doubted that, but the question was what kind of risk were we assuming, would we have friends to help us, to absorb some of the cost and to take on some of the responsibility so that the United States would not alone be the subject of frustration and anger after the fact, which is exactly what is happening.

Thirty American soldiers have been assassinated, attacked, ambushed and assassinated since the President declared military victory. About 75 altogether have died, but 30 have been killed directly.

Mr. EMANUEL. Mr. Speaker, if the gentleman would continue to yield for a second, according to the Associated Press today, I think as well both killed and died in a humvee accident, there has been 84 deaths in 79 days since the President landed on the Lincoln aircraft carrier. Eighty-four Americans have died, 30 plus through assassination, others through humvees turning over, other accidents, but 84 Americans are not coming home to their loved ones, to see their children. There is no doubt.

I think that that, to me, one of the great travesties here is that there is not a plan for the occupation. There is not a plan for the exit strategy. And last week we learned now finally after, I do not know why we have to browbeat this answer, but we have spent and are planning on spending $1 billion a week.

Mr. DELAHUNT. As far as the eye can see.

Mr. EMANUEL. That is right, a minimum of 4 years. That is $50 billion a year if my math works, and I still I think I am pretty good at it. That comes to $200 billion on the occupation side of Iraq. We spend $12 billion, $12 billion on just college assistance at the Federal level, $12 billion versus $200 billion. Two billion dollars would give health insurance to every uninsured American and guarantee a bare minimum for the other, not just the 42 million but those who are actually being cut from the rolls.

There is much that we can do here at home for that same cost, not that we are not for the reconstruction of Iraq. Now that we have won the war, I think we all believe that it is pretty essential to invest in Iraq's future, but, remember, this is the very time that we are going to invest. This is $50 billion we are going to spend now on Iraq this year for the occupation.

Our colleagues and a number of them have a rebuild America account for $50 billion to be roads, bridges, economic development, investment in infrastructure to move people and goods and services. We will not find the money for that. Yet we are going to do more deficit financing and burden our country with debt to build $50 billion worth of occupation resources for Iraq.

Mr. DELAHUNT. Mr. Speaker, I think it is important to note that those estimates, and my colleague just used them of $50 billion, are based on what we know today. The reality is, back in April, Secretary Rumsfeld recently acknowledged that the amount of dollars necessary, simply for the military presence, put aside the cost of reconstruction, that estimate has doubled from some $2 billion to $4 billion a month. I dare say that I would not be surprised if 6 months from now we find that that $4 billion estimate has mushroomed to a significantly higher amount.

I think we also owe a debt to the recently retired General of the Army, General Shinseki, who when he mentioned that at least 200,000 troops was necessary to ensure peace and stability in Iraq, that estimate by the General was dismissed, in fact derided, by Secretary Rumsfeld, who mentioned a figure of 125,000. This is beginning to remind me of those CBO estimates, about surplus, of trillions of dollars of surpluses on an annual basis that have turned into deficits as far as the eye can see.

So, again, the number of troops and the estimate of just the cost of sustaining a military presence there is $4 billion.

Mr. EMANUEL. Mr. Speaker, if the gentleman will continue to yield, as my colleague knows, as I think all my colleagues know, as they obviously tried to get answers to how we were going to secure the country, how many allies we are going to have, what was our exit strategy, and it was like pulling teeth to get that. We tried to get answers to the questions how much would it cost, how many troops. Anybody that spoke in the hundreds of thousands were forced out.

Now we are trying to get answers for who put a statement in the President's State of the Union, and we are now ended up blaming the Italians it looks like. First, it was the British. The British blamed the Italians. The Italians say they do not know where the document came from.

The director of the CIA, all the men and women in Virginia have done a wonderful job dedicating their lives to trying to assess information and give our civilian leaders the best intelligence and estimates they have, and every time we try to get information it is pulling teeth.

Mr. HOEFFEL. Mr. Speaker, reclaiming my time, we know exactly whose fault it was. It is George Tenet. That is what Condoleeza Rice is saying. That is what the Vice President is saying. Everybody's quite willing to blame George Tenet for that information being in the State of the Union that should not have been there. Does anybody in this House or watching throughout America believe that George Tenet alone is responsible?

Mr. EMANUEL. Single-handedly.

Mr. Speaker, if the gentleman will yield, I have written a few or participated in a few of the processes of writing a State of the Union.

In October, this line about gathering uranium from Niger was edited out of the President's speech. The way it works in the White House is that speech is sent around to the NSE team. So State looks at it, Defense looks at it, CIA looks at it, FBI I am sure gets a little clearance through Justice, probably not the FBI, and they check the assignment. There is an editing. The national security staff underneath Condoleeza Rice has to run that process. So the same people that were working on the October speech that dismissed this assessment of Niger was the same group working on the State of the Union. How one person is responsible, that what was a team effort in October but has become a single person failure in January, only 3 months later, when nothing changed, as we would say back in Chicago, that dog just will not hunt.

Mr. DELAHUNT. Do they really say that in Chicago?

Mr. EMANUEL. Periodically, on the northwest side, we have a couple of dogs that hunt.

Mr. DELAHUNT. Mr. Speaker, can I just add to that?

I was interested in the comments that were made by representatives of the administration during the course of the past 3 or 4 days, including the statement obviously by the director of Central Intelligence.

Unfortunately, as my colleague points out, the statements themselves I think create more confusion. There is more ambiguity and less clarity now as to what happened. So while it might be that George Tenet, the director of Central Intelligence, ought to have made a comment about the inclusion of the accusation relative to the West Africa country of Niger, I guess the question is, who put those words in there to begin with? Who put it in there?

I will tell my colleagues what I find. I think the only reasonable conclusion that can be drawn is that we have different agencies or individuals within the agencies that have access to information, that we are not communicating with each other. And that should really profoundly disturb all of us in the aftermath of the tragedy of September 11 because we should have learned from the attack on the United States on September 11 that cooperation and coordination are essential.

For example, the gentleman from Illinois references the President made a speech on October 7 in Cincinnati. There was a reference to the purchase of highly enriched uranium from Niger. During the course of the review of that particular speech, the CIA correctly warned the President not to use that intelligence in that particular speech. Maybe he forgot about that particular process. Maybe he was unaware of it.

Mr. EMANUEL. Mr. Speaker, what I want to try to do is try to demystify this process. It was not like the CIA got the speech and itself edited it out. This is a coordinated process. National security does it, its team. There is a domestic team. There is an economic team. So when the CIA probably said, no, you cannot use this, everybody's eyes in State, Defense, NSE, everybody's eyes saw that it was not valid. That is the same team that edits and previews and reviews the President's speech in January. So everybody who was participatory in the October speech was the same body sitting in the room participating in the State of the Union speech.

□ 2200

I think again people this weekend, for whom George Tenet seems to be wearing the laundry, or they are throwing him under the truck, remember, this was not good enough 2 weeks later for the Secretary of State who said, and I am quoting, "This is crap, I am not going to use this." The Secretary of State threw it out.

We had George Tenet sitting behind them at the U.N. 2 weeks after the State of the Union. They knew it was not good then. If it was not good enough for the Secretary of State 2 weeks after the State of the Union, it was not good enough for the President in October, but somehow it has become good enough for the President at the State of the Union, a speech on the doorstep of a war where the world was hanging on every word.

Mr. DELAHUNT. It is as if the right hand did not know what the left hand was doing. It is as if nobody is in charge. That is the only reasonable conclusion that one can infer from this murky explanation, this passing almost a legalistic argument.

Mr. EMANUEL. Remember, the same people that wrote that speech were participating in crafting this policy, and they have now set out a course of $1 billion a week of occupation, $50 billion a year of U.S. taxpayer money for the occupation and reconstruction of Iraq. Yet when we talk this week about increasing funding for Head Start, we are told no money. Last week when we voted and there was a 6-year freeze put on Pell Grants, college assistance for people trying to open up the doors for higher education for themselves, we are told there are no resources. Yet we will be asked later on to commit resources to the occupation and reconstruction of Iraq to the tune of $50 billion. Yet here at home, we will be told there are no resources for health care or infrastructure.

The gentleman may say that the right hand did not know what the left hand was doing; I wonder if anybody knows what they are planning in Iraq and what they are planning here at home when it comes to our own economic development. The American people from World War II forward have been tremendously generous around the world, and yet they cannot continue to be asked to be that generous when their own needs and hopes and dreams for their own children are being denied, whether that is in the area of health care, investment in our environment, or our own economic development.

I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Illinois (Mr. EMANUEL) have asked some questions not just for rhetorical effect, but which throw some light on some very interesting aspects of this whole dilemma, which the Secretary of Defense says is over with, which the National Security Adviser says we have to move on from. I am asking why. Who committed these forgeries? I keep hearing about it. I keep asking the questions. We cannot get anybody in front of us to answer the questions. Who committed these forgeries? The word "forgery," the phrase is used all the time; but there does not seem to be the slightest inclination to find out what was at stake. Did they appear by spontaneous combustion? Was this an immaculate conception of forgery? I do not think so. There were reasons for it.

Now we see the aspect of the Sunday talk shows. They are very interesting these days. Turn off the sound and watch the eyes and the expressions of the people who are speaking. Just watch that. Get the body language down, and Members will see the tension that is there because they do not want to answer the question who benefited from having this kind of an observation in that speech by the President. It has nothing to do with 16 words or a single sentence. It has everything to do with the reasons behind that being recommended to the President.

This is not an accusation against the President. We are not going to determine that down here tonight as to what the President did or did not do with respect to that speech. The President is having a difficult enough time as it is other than to say it was somebody else's fault. That is something that we can take up with the President when it comes to election time, but that is not the issue here.

The issue here is who and what was behind the insistence that that sentence and that that observation go into that speech. I think the answer is out there. I think what is involved in that answer has to do with who benefited from it.

Mr. DELAHUNT. Mr. Speaker, I think it is absolutely essential that the

American people receive the answers to that question and to all the other questions that have been offered. Earlier this evening the gentleman from the other side of the aisle mentioned the talk shows and the statements that are being made have a political context to them.

We have been here, as the gentleman well knows, for 5 weeks posing these questions. This is not motivated by Democratic intent to secure political advantage. If we did not do this, we would be abrogating our responsibility within our system to find the truth. It is about a search for the truth, and I dare say it is now time for the President of the United States and Congress to come together to create an independent commission, not one that has partisan overtones, but one, for example, that served this country well under the leadership of two former Senators, a Republican from New Hampshire, Warren Rudman, and a Democratic from Colorado, Gary Hart, who I think made an extraordinary contribution by a year's worth of hearings, even more, which ended up with a product that tragically predicted what occurred on September 11. We need that because I do not want to hear on this floor accusations about partisanship. This is about the future of America. That is what this is about. This ought not be about politics. Let us depoliticize that now and let the Republican and the Democratic leadership with the White House create an independent commission to reveal to the American people the truth.

Mr. HOEFFEL. Mr. Speaker, I agree with the gentleman; and before we go any further, we have been joined by the gentleman from Washington (Mr. INSLEE), and I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I wholeheartedly concur with the suggestion by the gentleman from Massachusetts (Mr. DELAHUNT) that we need a bipartisan, independent investigation of this. The reason that I have joined this effort tonight, and I have delayed doing so for a few weeks in the hopes that the administration would be more forthcoming about this intelligence failure, but what inspired me to come here tonight are the comments of Condoleezza Rice and Mr. Rumsfeld who said this is the end of the story; we can forget about these issues.

I am here to say this is not the end of the story; this is maybe the end of the beginning of the story. The type of questions that Americans are asking tonight as to how a fraudulent, forged document got into the address of the leader of the free world to the people of this country and to the world and to the House of Representatives, how that happened is just one of the questions. I know many of us have been hearing a lot of talk and dialogue about how that happened. And it was as predictable as rain in Seattle that George Tenet was going to get thrown overboard by this administration at some point. It is amazing it took so long.

The point I want to make tonight is that I do not think we should get seized on whether this was 16 words or 16,000 words. The fact of the matter is that there is a whole boatload of other questions that this independent Republican and Democratic commission needs answered, and I want to pose just a couple.

The first question this commission needs to answer is why was the President successful in convincing over 50 percent of the Americans that Saddam Hussein was behind the attack on September 11 and was in cahoots with al Qaeda when in fact the intelligence had enormous amounts of information that that was not true?

Why did the President of the United States in urging America to start a preemptive war not level with the American people to tell the American people all of the intelligence, not just the selective intelligence? And let me just mention one fact. As reported in The New York Times on June 9, 2003, two of the highest-ranking leaders of al Qaeda in American custody have told the CIA in separate interrogations that the terrorist organization did not work jointly with the Iraqi government of Saddam Hussein according to several intelligence officials. Abu Zubaydah, a Qaeda planner and recruiter until his capture in March 2002, told questioners last year before the war that the idea of working with Mr. Hussein's government had been discussed among Qaeda leaders, but had been rejected. The same statement came from Khalid Sheikh Mohammed, who insisted that the group did not work with Mr. Hussein.

Do Members recall President Bush telling the American people that the two highest operatives in our custody in Guantanamo Bay had told our intelligence services that they had nothing to do with Saddam Hussein? I do not remember that information being disclosed to the American people, nor do I remember the President quoting Greg Fieldman, a former State Department intelligence official, who said, "There was no significant pattern of cooperation between Iraq and the al Qaeda terrorist operations." Intelligence agencies agreed on a "lack of meaningful connection to al Qaeda" and said so to the White House and Congress. I do not recall the President sharing that intelligence information with the United States or the world.

Mr. DELAHUNT. Mr. Speaker, I do not know if the gentleman from Washington (Mr. INSLEE) is familiar with the report that was printed last week in The New York Times that a senior intelligence agent, Iraqi intelligence agent by the name of Ahmed Al-Ani was arrested. I imagine the gentleman does remember, however, that some suggested he had met in Prague and the Czech Republic with Mohammed Atta, who was the ring leader in the attack on the United States back on 9/11. That appeared in the media and administration officials said that that evidence held up. That alleged meeting occurred in April 2001, 5 months before 9/11.

Since then, most intelligence agencies, both American and allies, have cast doubt on the credibility of that purported meeting; but it was used by administration officials to argue there was an alliance of some sort between Osama bin Laden and Saddam Hussein. And of course we all know that the rationale for the attack on Iraq was based on two premises: Saddam Hussein had in his possession weapons of mass destruction, particularly nuclear weapons or close to achieving the development or the possession of nuclear weapons, and that he could provide and was purportedly inclined to use terrorist organizations such as al Qaeda for the use of those weapons against the United States.

So that theory, as the gentleman suggests, was crucial, that fact of the alleged meeting was crucial to that particular theory. But again, there is serious doubt as to whether that meeting occurred.

It is interesting to note that both the FBI and the CIA investigated and could find no evidence whatsoever that at the pertinent times did Mr. Atta leave the United States to go to the Czech Republic for that meeting. However, it did serve the purpose of creating a sense of urgency that quick action had to be taken against Iraq.

Mr. EMANUEL. If the gentleman would yield, I would say there is a very legitimate need to look into and acquire through the rearview mirror how did we get to this point, what were the justifications; and I too want to add my voice, although there has been a lot of controversy over the weekend about how did the sentence get into the President's speech. It is very important that we not lose sight, now that we are there, how was it that we had no plan for this occupation.

Time Magazine reports that NATO allies, important allies who have been with us in Afghanistan and other missions in Bosnia and Kosovo, will not join us in Iraq. They do not see a U.N. legitimacy for the effort or plan for the occupation. There are important countries who have traditionally been shoulder to shoulder with America, were in Gulf War I, were in Bosnia, Kosovo, Afghanistan, every U.S. mission to free the world of a tyrant of some nature, have decided not to join this effort and will not postwar join this effort.

□ 2215

So as we look back, I think it is important to look forward. Again, I would remind my colleagues that in our plan for the reconstruction of Iraq we cite 20,000 units of housing for Iraq, yet the President's budget has 5,000 units of housing for America.

The President's reconstruction of Iraq calls for 13 million Iraqis, half the Iraqi population, to get universal health care. Yet 42 million Americans work full time with no health care and no plan for health care by this administration.

There are 4 million Iraqi children who will be provided early childhood education. This week on the House floor we will debate the Head Start bill. 58,000 children in America will be cut from Head Start. 1.2 million will never be given the opportunity who are eligible for Head Start to go to Head Start.

12,500 schools in Iraq are planned for reconstruction and rebuilding with all books and supplies. Yet here in the United States, teachers must take out of their own salary the wages to pay for books and supplies. We have to give them a tax credit to reimburse them what should be provided by the school authority.

The Umm Qasr port in Iraq is built from start to finish, from top to bottom; yet the Corps of Engineers is being cut by 10 percent here in the United States.

So as we rebuild Iraq, we reconstruct Iraq, America is in the process of its own deconstruction. If we do not have an economic plan for America that is beyond what has been provided and we do not have a plan for Iraq's reconstruction that includes our allies, I would remind my colleagues that in both Bosnia and Kosovo, we had a plan for the occupation and we had allies. The two things that are missing today, a plan and allies.

Mr. ABERCROMBIE. The gentleman's analysis brings forward again the question then: Who benefits from this reconstruction in Iraq? While we cannot have schools built in this country, while we cannot have hospitals paid for, when we cannot get health care for our people, who benefits? Who is getting the contracts for this? Who is getting the no-bid contracts? Where is the money coming from? Supposedly from the oil revenues. Oil revenues then will be passing right out of Iraq and down to Texas, to Haliburton Company, to some of the other construction companies that are benefiting from hundreds of millions of dollars that are now being allocated into their pockets directly for this reconstruction, not in the United States but in Iraq.

Mr. EMANUEL. My colleague asks who is benefiting. I do not have the answer to that, but I do have the answer for who is paying. That is the United States taxpayer.

Again, I want to remind our colleagues, for 60 years the American people have showed their unbelievable generosity. Every time they have been called upon to serve or to contribute, they have done it. Yet this is the one time in history that while we deny American people the access to education, health care and improved investment in their environment and economic development, we are asking them to call forth in a tremendous effort not seen since World War II to make an investment in another country's economic future when we have told them to shorten the horizons for their own children, to shorten their own homes and dreams for what they can provide their family. Yet we are calling upon them to once again show their generosity to Iraq that talks about a health care plan, an economic development plan, an education plan for Iraq and yet those same agenda items that we talk about here at home, we do not have.

As we know, a number of my colleagues have signed on, I have my own bill called the American Parity Act that says whatever we invest in Iraq, whatever goal we set in Iraq, we have to set here at home equally. Whether that comes from half the population getting health care, half the schools being reconstructed and modernized, teachers being paid, 4 million kids in early childhood education, reconstruction of a port for economic development purposes, we have got to do that agenda item here at home. Otherwise, the generosity of the American people showed over the last 60 years will come short and rightfully so.

Mr. HOEFFEL. I thank the gentleman from Illinois for pointing out the inconsistency of our admirable generosity to those overseas and our moral obligation to help rebuild a nation, a country that we had to use military power against but our failure to live up to that same moral obligation to our own citizens.

Let me ask my colleagues to respond to what we would like to see happen in Iraq. There are 8 or 10 or 15 things perhaps that we might recommend. I would suggest one, and perhaps my colleagues can make further comment.

I think we need to start with a full explanation by the President of his vision for what is happening, for the costs that he believes will be necessary to complete the reconstruction, the timetable for that, the number of U.S. military forces that would be needed.

The President needs to come clean. He has a growing credibility gap in my view because of the use and possible misuse of the intelligence leading up to the war, the statements made with such certainty that we are now learning the White House was being advised by intelligence agencies that things were not so certain at all and by the fact, as we have commented earlier tonight, that since the President, as our colleague from Illinois says, flew onto that aircraft carrier and declared victory, that 30 American soldiers have been assassinated and 84, as the gentleman points out, have died in some fashion since military victory has been declared. We need to know what the President thinks. We need to know what he believes will be necessary. He has got to tell the American people what is coming. That would be my suggestion for just a fundamental need.

Mr. EMANUEL. I want to say one thing before I have to go, and our colleague from Massachusetts noted this. That is not a different question than the Republican Senator, RICHARD LUGAR, had asked, the head of the Foreign Relations Committee. This again, I think it is important, we have people with different views on the war, but these are questions not from Democrats and Republicans, these are questions as God-loving and people who love their country who want to see America in front of the world stand tall are expecting. So the question you asked again is not a Democrat trying to get partisan political gain, it is a question that the Republican Senator, chairman of the Foreign Relations Committee, asked, questions that another Senator, Republican from Nebraska, equally asked. This is not inquiry for political gain. We all now, regardless of party, are vested in our success and bringing as many of our men and women home as we can safely as soon as possible.

So your question I would also like to note so nobody who may tune in and turn on the television right now and think we are trying to get partisan or political advantage, note that these are similar questions that Republicans have asked, people of all stripes, from all backgrounds and all economic incomes and regardless of their political affiliations saying we need to get level here. Where is it we are going? How are we getting there? Whether it is an inquiry to what happened in the past but also an inquiry into the future. These are not Democratic questions. These are questions that people who love their country think need to be answered.

Mr. ABERCROMBIE. Again in furtherance of what the gentleman from Illinois has indicated and others here this evening, these are the same questions that many of us asked of President Clinton. This is not something that has suddenly sprung into being. And they were asked in a bipartisan basis, too.

My colleagues will remember that some of us, Republicans and Democrats alike, had these same questions for President Clinton with respect to Kosovo, with respect to the activities that took place in the Balkans. We had these same questions of ourselves as to what was expected of us. I think that as a result, what the gentleman from Pennsylvania (Mr. HOEFFEL) has indicated is perhaps a start for us in terms of the questions that need to be asked, I think, needs a bit of reiteration.

I find it very strange that when President Carter was in office, people in the media, particularly Nightline, would come on every evening, day 292 of the hostages and the number of hostages that were still in Iran, on day 292, three, four, five, 300, whatever it was. Yet we go now to casualties, deaths, we are not talking about those that are maimed, and this casual dismissal by some of the, I am sorry to say, some of the highest officials in the administration now of, well, this is all over, intelligence changes from day to day. You never know what it is from day to day, this almost sarcastic dismissal of these questions.

There are young people out at Walter Reed right now who may not have been killed, a casualty in that sense, but they are surely there as casualties, with loss of limbs and a lifetime in front of them of having to deal with the pain and suffering of grievous wounds. Perhaps Nightline might take up this idea. It is day, what number, since the President said that the war was over.

This is not something that we said. This is not something that other people said. This is something the President declared, and some of us have been challenged on our patriotism and challenged on our support for troops because we are not sufficiently quiet, because we do not acknowledge that the so-called ending of the war really ended.

It does not end when somebody dies. It does not end when somebody is grievously wounded. It does not end when a parent or loved one has to try and understand and we have to explain when we go home why the war is over but the killing goes on and the maiming goes on.

So I think we are going to need to have some accounting as to how many days past the end of the war the killing and the maiming goes on and what those numbers are. Because those numbers are real. They are not philosophical abstractions. They are not merely the recitation of numbers from an Office of Management and Budget or a Congressional Budget Office, some entity, some institution that has no reality to the mothers and fathers and the loved ones of those who have to bear the brunt of the policies that we in the government of the United States are bringing forward to the people of the United States as being in the strategic interests of this Nation.

So I think that the questions that are being asked are not just questions about the past and how something happened but to try and understand what took place in the past so that we do not continue to make the same mistakes and the same observations that lead to this kind of grievous result.

Mr. DELAHUNT. The gentleman indicated that some, and very few, have questioned the patriotism of those who ask the questions that are being posed here tonight. It is my feeling and my position that it would be a failure, it would be unpatriotic not to pose these questions. And as others have indicated, this is not about partisanship. None of us here tonight and in the course of the past 4 or 5 weeks have indulged in partisan sniping. But I do believe that the President is at a particular moment in terms of his administration that he should intervene and stop the sniping that is occurring within the administration, among individuals and agencies.

I mentioned earlier that a senior Iraqi intelligence agent who was arrested last week, who purportedly had that information meeting with Mohammad Atta, in that same report in the New York Times there was an attack on the CIA by Mr. Richard Perle who currently serves on the Pentagon's Defense Policy Board. I know the gentleman from Hawaii is aware that he resigned as chairman of the board because of potential conflict of interest concerns that he had since many of his private business clients stood to profit from contracts dealing with the reconstruction of Iraq.

It should be noted that Mr. Perle is considered a leader among the so-called neo-conservative bloc in the administration. He also has close ties with certain Iraqi exiles, such as Ahmed Chalabi. And it is true, and this should be stated very clearly, he advocated in an article that he wrote for the New York Times shortly after September 11 that the U.S. must strike at Saddam Hussein. So he is clearly predisposed towards the policy that was effected by this administration. My understanding is he was one of the most significant proponents of the war in Iraq.

Now, however, with the capture of this individual, Al-Ani, he fears that if the CIA conducts the interrogation that they will play down evidence that the alleged meeting with Mohammad Atta ever occurred. With all due respect to Mr. Perle, that is a very serious charge that impugns the integrity of men and women in the CIA that risk their life in behalf of their country every day of the year.

Of course, the CIA properly responded in my opinion that they need to be presented with something other than the opinions of Mr. Perle and his suspicions; and they claim, and I have to agree, that he sounds to be more predisposed to a certain conclusion than anyone they are familiar with.

□ 2230

This quote that I read was he is just shopping for an interrogator who will cook the books to his liking. We cannot have that sniping going on. It is time for the President to take charge and to intervene, be forthcoming, reveal all of the information. Presumably the interview with Mr. Al-Ani has occurred already. Let the American people know. Maybe he did have a meeting with Mohammed Atta; maybe he did not. But it is time to let the American people know.

Mr. INSLEE. Mr. Speaker, I want to answer the gentleman from Pennsylvania's (Mr. HOEFFEL) original question about what we should do in Iraq now, with two points.

One, I think it is important for the President to clear the decks to restore our credibility on this issue because our ability to act in Iraq is negatively affected by this credibility issue, and many of us believe and I believe that the best thing the President could do in that regard is to embrace a bipartisan review of the intelligence failure here. Having a respected Republican like Warren Rudman or someone else run a commission to have sort of a referee to figure out what happened here is a lot better than to have the flacks at various agencies throwing grenades at each other in the newspapers.

If we really want to find out here why forgeries ended up at the State of the Union address, why we did not get the straight scoop about the intelligence coming out of Iraq, why the President told us there was no doubt, and that was his word, no doubt that Iraq had some of the most lethal weapons ever devised by man and we cannot find a thimbleful to date of mustard gas, the best way is through an independent commission; and this is good for the administration, not just good for the people. And this is not a debate. We may find some of these weapons to date. That still may occur. This is not a debate even about the propriety of the war. Even if one thinks the war was justified about humanity and civil rights in Iraq, they have still got to join us in a bipartisan belief that truth from the American President is the most precious commodity we have in international affairs. We have all got to be joining that in a bipartisan manner; so I say clearing the decks first.

But the second issue, if I can, it is just imperative that we engage allies in this effort, in this maybe 2-, maybe 3-, maybe 4-, maybe 5-year effort to restore order and some sense of civility in Iraq, and I would encourage the administration to shuck aside its unilateral approach that unfortunately they have adopted for so long in Iraq and welcome our allies to get in there to shoulder some of this burden. Iraq is not a prize. It is not a glorious prize for the American people. It is a burden. We still have people not coming home from Iraq, and that burden ought to be shared with every nation in the civilized world rather than just Americans. And to date, unfortunately, this administration still has not been willing to embrace allies to get them in there taking sniper fire instead of our neighbors' kids, and I hope we will see it that way.

Mr. DELAHUNT. Mr. Speaker, it is time to pick up on that to end grudge diplomacy. Let us get past that. Let us move on. Let us understand that the only way we can bring stability to Iraq without breaking the bank and without putting at risk the lives of American military personnel is to bring in our traditional allies, whether they be the Germans or the French. Let us put that in the past. Otherwise, we are going to see these deficits that I referred to earlier balloon into numbers that will absolutely be a drag of incredible magnitude on the American economy.

Mr. ABERCROMBIE. Mr. Speaker, on that point in reference to what the gentleman from Washington (Mr. INSLEE) said and the gentleman from Pennsylvania (Mr. HOEFFEL) observed to kick off this discussion, as the gentleman from Pennsylvania (Mr. HOEFFEL) can see, his question was so pertinent that we have not gotten much further in it, and for good reason, because it requires some explication. The problem is here, if we do not do this, is a credibility gap. What will the President be able to say about North Korea? What will he be able to say about the Philippines? What will he be able to say about Colombia? What will he be able to say further about Afghanistan?

Afghanistan seems to have disappeared; yet I know there were two attacks yesterday, one on the American base and one on U.N. personnel. I do not believe anybody was killed, but who knows? Now we are told there are more attacks in Iraq than necessarily are being reported. I suppose that gets quotidian now. If they are on the 11 o'clock news at night, they have got fires to report, they have assaults to report or basketball players or the latest boxer to embarrass himself or something of that nature. They hardly have time to fit in anymore how many people got killed today. It is almost a loss leader in the news.

And so if we do not have some answers here, if the President does not take control and stop being dismissive of these questions as merely revising history or some other sarcastic observation, he is not going to be able nor will the administration be able to convince others who may find it in their interest to join with us in other circumstances. He will not be able to find anyone who is going to be willing to take us at our word. That is why this is so serious. It is way beyond partisan. Other people will occupy these seats down here. Other people will come to occupy our place. We are here only as long as the faith and trust of the people in our constituencies are willing to put us here. No one owns a seat in this Congress. No one owns a seat at 1600 Pennsylvania Avenue either. We are only as good as the credibility with our own people before we can hope to influence others.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments. I think our time is getting short. Any final comments from the gentleman from Washington (Mr. INSLEE) or the gentleman from Massachusetts (Mr. DELAHUNT)?

Mr. DELAHUNT. Mr. Speaker, I will just follow the gentleman from Hawaii (Mr. ABERCROMBIE) by saying that when I first heard the President in response to attacks on U.S. soldiers in the way that he does suggest bring them on, I remember wanting to say to the President that what we should be doing, President Bush, is to bring allies on to this coalition and make it a genuine coalition of democracies to assist in terms of the reconstruction so that American taxpayers do not bear the burden almost exclusively and that American men and women who have served admirably can come home.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments. I thank the gentleman from Hawaii (Mr. ABERCROMBIE). The Iraq Watch is going to be hard at work. I thank my colleagues for being part of this. We will be back next week to ask more questions, to seek more information, and to try to better educate our colleagues in the Congress and the American people regarding the challenges of our role in Iraq.

CRITICAL ISSUES FACING AMERICA

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for half the time until midnight, approximately 40 minutes, as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I first of all want to start off my comments tonight by saying I guess I am pleased to say and proud to say that there is a young man that I want to pay tribute to for just a moment, and his name is Randy Gifford. He is in California right now. He has had a number of really very exciting things happen in the near past because one is that he had his first child. He and his dear wife have given birth to a young boy by the name of Gabriel, and that was just the beginning of a lot of really good things that have been happening to them recently; and in fact I just found out a little bit ago that he had his first film, the first film that he has written and directed accepted to be debuted at the Breckenridge Film Festival in Colorado, and I have no doubt that this talented young man will soon be looking back at this particular accomplishment as the first step in a journey that is going to be a very successful one and one that he can look back on with great pride. I look at it with great pride because he is my son.

I wanted to discuss a number of things tonight, and so many issues come to the fore, so many important decisions need to be made by this Congress and so many challenging issues confront us that it is hard to pick from this panoply of different agendas which one we should focus on. I certainly will talk about immigration. It is always a topic that I think needs to be discussed and needs to be dealt with in the light of day, but before that let me just talk about a couple of other things.

And I listened to my colleagues on the other side tonight discuss their concerns with regard to Iraq, and really a lot of what they said boiled down to a concern, I guess, over the veracity of the administration and whether our goals, the goals of the United States as set out by the President of the United States were legitimate. Was the President being truthful? Was this some sort of scam, I guess, that was being played on the American public? To actually put men and women of this country, our young men and women who serve us so well in the Armed Forces, would we really place them at risk if we were not sure, if we did not believe with all our hearts that the vital interests of the United States were at risk? And I certainly understand that there can be questions about the authenticity of information that we received, whether or not the information that was received from all the various sources from which we gathered information were legitimate and what weight we should have put on some sources and some decisions as opposed to others. All that is of course legitimate fodder for discussion and debate.

At a certain point it does sound, as I listened to my friends on the other side talk about this issue, that there is something that motivates them that perhaps goes beyond that desire for a legitimate understanding of exactly what happened and what were the circumstances that brought us to where we are today. I must admit to a certain extent it does seem like what is underlying the rhetoric is an overwhelming desire to find something wrong, to find something out that is bad, that is negative, that would perhaps lead to some sort of political change in this Nation, and that at some point in time it does sound to me like that desire supersedes all of the other desires and that the quest for legitimate inquiry is left behind in the dust and the desire to make political hay takes hold.

And there is so much that can be said, and there are so many little technical points here and there; and I think that the administration and especially Secretary Rumsfeld, who I saw on television over the weekend, had done such a great job in explaining in very simple terms, in very common sense ways, in very honest analysis what we believe to be the case, how we got the information we got, how that information led to a series of decisions that eventually meant a commitment of U.S. forces in Iraq.

By the way, those of us who are in the position having to vote to support that decision, none of us come to that place, I think, easily. Certainly I know I did not. I do not think there is a Member of this Congress, frankly, who cavalierly cast a vote on something like that. And all of us wonder, and certainly I do, whenever I have to cast a vote to send someone's children off to war, I have to think about whether or not I am willing to send my son Randy or his brother Ray, and this is the highest possible standard I can imagine for any of us; but it is the standard we should all use because of course it is perhaps somewhat easier to vote to send someone else's children off to war than it is one's own; so we have to think about this very carefully: Am I willing to do this? Are the risks to the Nation so great that we would actually commit our forces?

□ 2245

I believed, and I still believe, that the risks were that great. But it was not easy. It was not easy. Because I do not for a moment think that American power should be projected around the world in a cavalier fashion; and I believe that, for the most part, this country, under this President, has committed American troops only after it became apparent that that was the only option available to us and that it was in the pursuit of legitimate and laudable goals, both in the defense of the United States and the liberation of the people of Iraq.

Interestingly, we see e-mails from the troops on the ground in Iraq, we see alternate sources of news, I guess I should say, on the Internet and even some of the popular media that portray a completely different picture of what is going on in Iraq today than what the popular media portrays. Every day the popular media suggests that things are falling apart in Iraq, that our involvement there is not turning out to be a positive thing. And certainly, every day, the most unfortunate news that we receive is that some American has either been hurt or wounded, hurt or killed in Iraq, and this is, especially to the family of those folks who have been wounded or killed, this is the ultimate in the sacrifice that this Nation has made and has asked them to make. So for them, it is everything.

We must, however, try to put it in perspective and understand what it is that we are trying to gain, what it is that we are trying to do there and who the enemy really is. And that is a very, very wide-ranging question, who the enemy really is and what it is we are trying to accomplish.

But I think that the goals were laudable. I believe that our President operated with the best information available to him and made a decision and, although a very difficult one, I believe he made it with his heart in the right place.

Not too long ago, Mr. Speaker, I heard of an exchange between Secretary of State Colin Powell and the Archbishop of Canterbury; and, in a way, I think this exchange sums up in a very succinct way what it is that motivates America today and what has motivated America for most of its history in terms of any sort of foreign policy goals. I think we can be proud of what it is that we have either accomplished or are trying to accomplish. Because it is not for territorial gain. It is not for any sort of economic gain. It is not for that that America extends its power around the world, or projects its power around the world, or risks its men and women. And in this exchange that I mentioned, I think again it characterizes it better than I ever, ever could in any other words.

The Archbishop of Canterbury said to Secretary of State Colin Powell, and I am having to paraphrase here, because I do not have the exact quote, but it was very close to this. He said, isn't it true, Mr. Secretary, that the war in Iraq is nothing more than a desire on the part of the United States to extend its hegemony around the world and to maybe even, as an imperialistic power, gain control of other lands and places and people? And Secretary of State Powell said, Archbishop, you know, over the last hundred years or so, the United States has sent its young men and women off to defend freedom in far-off lands all over the world, and many of them did not come back. And the only thing we ever asked for in return, he said, the only land we ever wanted in return for that expenditure of our blood was the land necessary to bury the folks who did not return. And I think that is the truth about America.

I think that it is something that we can be proud of. It is unfortunate that lives have to be expended in the quest for our own peace and security, but that is the nature of this world. I do believe with all my heart that we are in another very, very dangerous and very challenging battle, and it may be called a clash of civilizations. I happen to believe that it is. There are many people who would challenge that, I am sure, and want to characterize what is happening is as just a series of small engagements here and there brought about by individuals who have "hijacked a religion." I believe it is more serious than that, and I believe that the battle is bigger than that. I believe it is a clash of civilizations.

I believe western civilization is, in fact, at stake. The values, the principles that we stand for are being challenged around the world, and they are at risk. And it is extremely important for Americans to understand what is at risk and why we fight. Because if it is not for what I have just said, then the fight may be in vain and lives expended for naught. But if the fight is for what I suggest it is, then it is worth the endeavor. It is even worth the thought that we have to send our own off to war.

Now what worries me about the kind of discussion we have had on the floor tonight and has been happening almost every week certainly for the last several weeks by members of the other party is that in a way, as I say, to the extent that they are trying to simply make sure that the decisions that were made were good ones or what information we may have made those decisions upon was faulty or good, all of that is appropriate, and I do not for a moment suggest that it should not be a discussion on the floor of the House. But after a while it begins to play into the hands of those people who, in fact, do hope for the demise of this civilization and of our country in particular, because we represent its best and brightest hope.

So it is important for us, after all the rhetoric is done, all of the partisan snipes have been made, sniping has been made, that we revisit this basic underlying fact: that there is a challenge to the United States of America and to western civilization. It is posed by radicals, Islamists, people who cannot see a world in which they can coexist with western ideals, the ideals of individual freedom, the rule of law, and the ability for men and women to select from whatever they want to select from to follow, the dictates of their heart when it comes to a religion that they choose to adhere to. These things are true. The evidence is there. Thousands of Americans are dead in this battle and are dead at the hands of the people who are trying to accomplish what I have just described, the overthrow of western civilization and of the United States in particular.

So please keep that in mind. Let us put this in perspective. The threat is real. The challenge is enormous. And it is incumbent upon every one of us to tell America what is at stake. It is incumbent upon every one of us to talk about the values that we should cherish and, for the most part, do cherish. It is incumbent upon the President and the Members of this body to tell the American people that there are things, in fact, worth defending, that there are principles worth risking life and limb for. And this thing in Iraq, this battle in Iraq is just a battle in a war, a war that is going to be fought for a long time, a war that will claim many more lives, unfortunately, and depressingly.

But that is the truth, and not facing it head on leaves us open to a very, I think, corrosive sort of influence that I hope we can avoid. Because, in fact, as I say, the stakes are great. The risk is great. So it is important I think for us all to put that into perspective when we listen to the rhetoric of our friends on the other side of the aisle.

Western civilization and America in particular is worth fighting for. It is worth saving. It is the best and greatest hope of mankind, I believe. And people should be willing to say that here on this floor and from the White House and in the media. It is worth fighting for.

Now, let me go on to several other topics, if I could. When we talk about what is worth fighting for and where to commit American troops, there is another issue that is developing right now and it is the debate over whether or not we should be sending troops to Liberia as "peacekeepers." Well, there is not a lot of peace in Liberia to keep right now. We would have to create it. This is the difference. I mean, we have to ask ourselves. This is the question that I think is incredibly legitimate: What are the vital interests of the United States that are at stake in Liberia? Is it a place of great human rights abuses? It is undeniably that. Are there places throughout the world where those abuses are just as great if not greater? Undeniably so. Are there places on the African continent where human rights abuses are even greater than in Liberia? Absolutely so.

I think, of course, immediately of Sudan, a country with which I have some intimate knowledge, having traveled there, having been the sponsor of the Sudan Peace Act and having committed as much as any other Member of this Congress to bringing an end to that conflict in that war-torn nation. But never in the discussion of the problems in Sudan did I ever suggest putting American troops in there because, of course, I could not see that, in fact, it did rise to that level, that it rose to the level of a situation that placed American vital interests at stake. I want to do everything I can, everything possible to bring an end to the conflict there and an end to the conflict in Liberia. But American troops I do not believe should go there.

I do not believe that American troops should have been used in Bosnia. I would not have voted for it. I must admit to my colleagues that I believed it was an adventure that we should not have embarked upon, even though there were horrendous atrocities there. I did not see where it was in the interests of the United States. What was the threat from Bosnia to the United States? I do not believe it existed. And do we do what we can to help logistically? Do we send materials? Do we send aid? Absolutely. I think that is a laudable goal, again. But it does not rise to the level that I mentioned earlier, which is what I need to tell me whether or not I will vote to send American men and women and/or my own children off to war.

So I hope we do not commit troops in Liberia, Mr. Speaker.

□ 2300

I hope that we will do what we can. I hope we will provide what we can to the members of the African Union, or to ECOFS, the Economic Community of African States. I believe we should, in fact, do what we can to support them logistically, but I do not believe that troops are necessary there or even would be a good thing for the region.

Today as we see over and over again by reports continually coming back to us even though there are people today in Liberia saying that they want Americans there, many of those same folks would, I fear, in a short time be saying that they want Americans out and be doing things in order to effect that eventual end. So I want an end to the fighting. I want to do what we can. I would not sends troops there, and I hope we do not.

Now, that is the kind of foreign policy discussion and I could certainly go on at length about each one of these things, but because this is that hour where we sometimes have to share the last hour with another speaker, my time has been cut in half so I want to get on to two more things, and these are on the domestic-policy sides of things. I wanted to really make a couple of comments about some things that are happening that are, I think, again, worthy of note and certainly issues that are becoming quite controversial in the United States.

Now, we have had a lot of discussion recently about a new provision for Medicare that adds $400 billion or so, it could go up to what those people suggest is a trillion dollars in cost, to add prescription benefits to the Medicare plan. And I am a "no" vote, and I do believe that it is not the right thing to do. I do not believe we should expand this program.

I believe that Medicare itself is a program that is in desperate need of reform and the amount of reform that comes with the bill that we talked about earlier, that we passed on this floor earlier, the amount of reform is rather small. The amount of mandates for a new program, mandatory spending is really high. I just do not think it balances out, but I think there is a way to achieve a reduction in the costs of prescription drugs for every senior in the United States and that is to allow reimportation.

What does that mean? It means that in Canada and Mexico and other countries around the world, drugs are being sold, exactly the same drugs are being sold at much lower prices than any American is able to buy them at their drug store or pharmacy. So how does that happen?

It happens that the countries on both sides of the United States have laws that restrict the amount that can be charged for drugs. And so you say to yourself, well, then why are the pharmaceutical companies selling drugs in those countries? Well, they are making a profit they say, but not enough of a profit to support all of the research that needs to be done and all of the advertising that is being done on television in the United States to push their drugs.

Well, I must tell you that I think that is not a legitimate excuse for having the cost of one drug be $1 in one country and $20 in the other for a single pill. And I want to let the market dictate the actual cost of the drugs and the profit to the companies, and so I would allow for reimportation.

Well, let me tell you what has happened recently. The pharmaceutical companies have put on a full court press here because the possibility is that this idea of the gentleman from Minnesota (Mr. GUTKNECHT), he has been the primary sponsor of this concept for quite some time. And because it is finally coming to the floor, it is finally raising up to a level where people can begin to think about the possibility of it passing, the drug companies are going ballistic. And they have gone out and sought out all kinds of friends that would not have necessarily thought would have been supporters of their side of the coin.

Earlier this week, the Traditional Values Coalition, an organization in which I am certainly familiar and in the past have been supportive, they sent out a letter stating that the passage of this Gutknecht bill I was telling you about, the drug reimportation bill, would effectively repeal the prohibition on mailing abortion products around the world.

Now, they say that it would allow abortion-inducing drugs to be mailed from international locations to individuals in the United States who are not pharmacists or doctors. These unscrupulous individuals would then be free to mail these abortion-producing drugs throughout the Nation to our daughters without parental knowledge.

This is a direct quote from the mailing that went out from the Traditional Values Coalition who I believe, I must tell you, Mr. Speaker, I believe they have been co-opted here. And I just wonder to what extent they have actually benefited as a result of their decision to come in in opposition to the reimportation bill. Have they benefited financially? I would like to see whether or not this has been the case, because my hunch is they have.

These mailers were sent out in en masse in a congressional district of a number of Members, myself included, who are and have always been and will continue to be staunchly pro-life. I have a 100 percent voting record on pro-life issues.

The gentleman from Minnesota's (Mr. GUTKNECHT) bill, which the Traditional Values Coalition has characterized as the Abortion Drug Importation Act, is a pharmaceutical market access bill, completely separate from other Federal laws which govern the administration and distribution of specific drugs. In fact, if the Gutknecht bill passes, RU–486, the abortion bill, will still be governed by the same distribution regulations it currently falls under. The idea that under the Gutknecht bill pregnant teenagers would be able to mail in for a bottle of RU–486 pills as if they were aspirin is political scare-mongering of the worst and lowest kind.

Now, I have seen the disinformation mailings that the Traditional Values Coalition is sending out. And in addition to being ridiculously disingenuous, they are also very slick, very expensive, which begs the question: Who is really behind these efforts? The Traditional Values Coalition has obtained huge pro-life voting lists which have to be purchased to be used by other groups, and targeted conservative pro-life Members who are in competitive races. Their tactics are reprehensible, immoral, unethical, and belie the name of the group. In fact, their actions represent anything but traditional values.

There are, in fact, legitimate arguments to be made both for and against the merits of reimportation, but it is ludicrous to suggest that it is somehow an abortion issue. I simply wanted to bring that to the attention of the body tonight, Mr. Speaker, because I believe with all my heart in the concept of, I am a pro-life Member of this body and I believe in protecting life at its earliest beginning, at conception. And I have voted that way, and I want that to be the culture of this country; I want us to be a pro-life Nation. And I worry that actions like this taken by the Traditional Values Coalition actually hurt that effort because it places the coalition, I think, in a light that it should not be seen in, does not want to be seen in.

I think it implies that they are willing to actually profit from the discussion of this, and they want to profit even if they have to fudge the facts a little bit. And it does not help them, and it does not help our cause. So I am going to join with other Members of the pro-life coalition in the House of Representatives to denounce this activity on the part of the Traditional Values Coalition and to say in no uncertain terms that this kind of lobbying is absolutely unacceptable, and it is certainly at the least disingenuous.

That is the first of the domestic policy issues. And then I suppose to no one's surprise, the final domestic policy issue with which I want to deal tonight is, of course, immigration. I want to spend a little time, the remaining time I have, as a matter of fact, on the discussion of one specific aspect of immigration and that is the toll that massive immigration is taking on the jobs of Americans, both low-skilled, low-wage jobs and high-skilled, high-wage jobs, spending a little time on the latter, H1B visas in particular.

H1B visas, I will be using that term quite a bit, and let me explain what that means. An H1B visa is simply a category of visa that we hand out to people all over the world so that they can come to the United States for a specific purpose. In this case, the H1B visas were created specifically for sort of high-tech or white collar workers who were ostensibly needed in the United States because that industry was growing, as you recall, the bubble was expanding dramatically and everybody and their brother was making money at it; and there was a lot of employment and many of the firms came to us, many of the very high-tech firms came to this Congress and said, we have to have more people. We cannot fill the jobs we have here in the computer sciences, computer technology, high-tech jobs; we cannot fill them with people coming out of our colleges because there just are not enough.

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There are not enough of them so we need to go outside the country and bring people in here for a certain period of time until we can actually fill the job with an American citizen, and so Congress responded and created something called the H–1B visa. It was expanded in 1999 when the Congress raised the cap to 195,000 a year from its previous level of about 65,000.

In 2000, Congress enacted the American Competitiveness and Workforce Improvement Act which expanded the program again, contained few protections for American workers. Congress was persuaded at the time that there was a critical shortage of computer scientists, software engineers and programmers.

Even if that were true and I would tell my colleagues that now we are finding out that maybe that was not as accurate as we had hoped, maybe some of the testimony that was provided by companies like Sun Microsystems when they testified to the Senate and said that they really needed these people and that they would never displace American workers, apparently it sort of I guess was not true. They are now saying, no, that they did, in fact, replace American workers and did so because essentially foreign workers will work for less.

Whatever was the case in 1998, 1996 in terms of the need for this particular program, no shortage exists today in the program. No program shortage exists in terms of the supply of labor for the high-tech industries in America, does not exist. It is not there. No one can suggest that there are no American workers today who are seeking jobs in the high-tech field because we know that that is not true.

We know that as a matter of fact that the area that has been hit hardest by the drop in the dot com bubble, the burst of that dot com bubble I should say, where unemployment ranges maybe 7 to 7.5 percent, there is massive unemployment and underemployment of American workers in the computer field.

The number of H–1B visas is supposedly limited by a cap, but that cap is often exceeded through loopholes and extensions, and beginning in 2000, all universities and nonprofits were exempted from the cap. In 1998, the cap was supposed to be 65,000. Do my colleagues know how many actually came in? Two hundred and five thousand. In 1999, the cap was 115,000. Do my colleagues know how many we took in? Two hundred and thirty-four thousand.

In the year 2000, the cap was 115,000. We took in 294,000. In 2001, the cap was 107,000. We took in 384,000. In 2002, when the cap went to 195,000, we took in 294,100. In 2000, Congress added an exemption for universities and nonprofits. As I say, in the 2 years of 2001 and 2002, 342,000 H–1B visas were issued in this category. If we add to this number the number of visas already issued not yet up for renewal, it is clear that there are well over 600,000 H–1B visa holders employed in 2002.

There are a number of problems with the program as it has been operated since it was expanded in 1998. Do we need the program? Is the program based on valid analysis of real labor market conditions? I would say it is not adequately tied to demonstrated labor shortages in the fields of computer science and technology. In fact, in 1996, the Department of Labor's Inspector General found that the program does not protect workers' jobs. It allows aliens to immigrate based on attachment to a specific job and then shops their services in competition with equally or more qualified workers without regard to the prevailing wage.

All of these things they are supposed to not be able to do. They are not supposed to be able to dislocate any American worker. They are not supposed to be able to pay anything less than the going wage, but in fact, it has happened continuously and indiscriminately.

The Department of Labor's certification program does not meet its intent of excluding foreign workers when qualified, willing, U.S. workers are available. In 2000, a report by the National Research Council concluded that there is no analytical base on which to set the proper level of H–1B visas and that decisions to increase or reduce the cap on such visas are fundamentally political.

Continuing cries of shortages come from high-tech industry lobbyists, yet academic and government studies fail to find evidence of any shortage. A National Research Council report in 2001 concluded that the H–1B visas have an adverse impact on wage levels. According to estimates among professionals in the field, there are at least 800,000 unemployed and underemployed computer technicians and programmers in the United States of America. Could it be that there is a relationship between this number and the 1,300,000 plus H–1B visas now in this country?

The U.S. Bureau of Labor Statistics report that unemployment among electronics engineers has soared to 7 percent. Among computer hardware engineers the rate is 6.5 percent. The Institute of Electrical and Electronics Engineers says that these employees lost 241,000 jobs over the past 2 years, and computer scientists and systems analysts lost 175,000 jobs.

One of the Nation's leading academic experts on the computer science industry, Dr. Norman Matloff of the University of California at Davis, has demonstrated that there is no shortage of U.S. workers to fill these jobs. A UCLA study cited by Dr. Matloff shows that H–1B workers are paid 30 percent less than comparable Americans, and a Cornell University Study found that this difference is 20 to 30 percent.

Remember, this was started out to be a temporary program. It was supposed to be a response to a temporary labor shortage in the computer science industry. Yet, by its structure, it has become a way for foreign workers to enter our labor market and then take up permanent residence.

The 3-year term of the H–1B visa can be renewed for a second 3-year term for a total of 6 years. After 3 years, the worker can begin his petition for a change in status to permanent resident, and hundreds of thousands have done that. A 6-year term is not a temporary visa, and it ought to be changed to a single 2-year term that is not renewable. In fact, this whole program ought to be abolished. There is no need for it, and you cannot prove it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY). The Chair wishes to inform the gentleman that he will be recognized for an additional 20 minutes.

Mr. TANCREDO. Mr. Speaker, I thank the Chair.

We have to ask ourselves, are there adequate worker protections in the H–1B visa program? All right. The present program pays lip service to worker protection, but in reality an independent study by the Department of Labor's own Inspector General has shown that these protections are a sham.

The Institute of Electrical and Electronic Engineers believes that so-called safeguards to prevent employers from laying off workers and hiring H–1B employees are ineffective and limited to the employers' actions over a 90-day period prior to the hiring of H–1Bs. This 90-day rule is easily evaded and must be expanded to 6 months if the program is retained. Also, H–1B workers who are laid off must be required to return to their country of origin within 60-days.

A General Accounting Office report found that the training funds appropriated and aimed at helping displaced U.S. workers are misused and benefit comparatively few U.S. workers.

Lastly, are the qualifications and experiences of H–1B visa workers frequently fraudulent? That is a great question. Accusations that H–1B visa applicants often falsify their educational background and experience were verified by the State Department's Inspector General. Documents are frequently and routinely falsified.

A yearlong study of the H–1B visa application from the American Consulate in India found that 45 percent of the work experience claims were fraudulent. There are places in India that they call body shops. These are simply companies that are set up for the purpose of creating these false documents, false degrees and diplomas and attaching them to the H–1B workers, sending them on. Once that worker gets here, it really does not matter because no one really comments on it, and they become part of our labor pool.

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The Department of Labor Inspector General has averaged 14 indictments and 11 convictions in the labor certification program each year since 1996; and believe me, that is the tiniest tip of the iceberg. The program could be amended and reformed and its major abuses corrected, but the simple fact is we do not need the program at all. It should be repealed, and I have introduced a bill to do just that.

We could reduce the cap to 25,000 or 35,000; but the truth is we do not even need 10,000 new H–1B visas when we have unemployment of 7 percent among software engineers.

That is why I have introduced H.R. 2688 to repeal the H–1B program. It is now in the Committee of the Judiciary, and I ask for Members' support of this measure. I also have to say that this is just an example of something that I think needs to be discussed on this floor, and the American people have to understand and we need to tell them about it. That is the fact that we have embarked, both the Congress of the United States and the administration, and this is not new, this has been a long time in coming, we have embarked upon a cheap labor program. We have decided that it is in the best interests of someone, certainly the corporations, especially the high-tech corporations, to do what is necessary to reduce the wage rates of American workers who were employed in that industry.

We have testimony, we have hundreds and hundreds of examples, we have tons of empirical evidence to show that the whole H–1B program is a fraud and that the idea that it came as a result of some need that still exists is ludicrous. So why are we still doing it? Why do we allow the 1 million or more H–1B visa holders who are living here essentially illegally, why do we allow them to stay? One reason, Mr. Speaker. It is because the high-tech corporations of this country have opposed it. They have put a great deal of their money into lobbying against any reversal of this program and of the whole philosophy of cheap labor.

Maybe it is something that we cannot avoid that we will be forced, that all American workers will be forced to lower their wages, lower their standard of living to meet the competitors around the word who are competing for these jobs. If that is it, I want somebody who believes that to stand up and tell the American people that is where we are going and they will have to take less money for what they are doing, what they want to do for the rest of their lives, the jobs they are involved in, or become underemployed or unemployed. Maybe they have to sell their homes and get a smaller house and their whole standard of living has to change because of this whole new world economy.

If that is the case, and I do not believe it is, but if that is what we believe to be the case, tell the American people that is what we are doing. Do not hide it under these things called temporary worker visas that are necessary because of the great demand that exists for these jobs and the low supply of labor in the United States to fill that demand, because that is absolutely and clearly a sham. It is a lie that is untrue, and we should not continue to perpetrate that lie.

We have talked about the problems with the massive immigration into this country, specifically in the area of jobs and what it has done to the labor markets. We concentrated for a long time on low-skilled, low-wage workers and what the effect of massive immigration of folks in that particular category meant to low-skilled, low-wage workers here. Guess what it is. This is not brain surgery, as they say.

It is pretty simple to understand that if you bring millions of people into this country every single year who have very few skills, that they are going to compete with other low-skilled, low-wage workers in America. And these are primarily recent immigrants. But even those people who have been here for many years because, unfortunately, many times people who are in the minority communities who are stuck in these low-wage jobs, they are the most negatively affected by massive immigration because it is their jobs that are at risk, and it is their wages that go down. It is a cheap labor policy.

Yet we hear from both sides of the aisle how we need to encourage this phenomenon. From the Democrats who are petrified of actually impeding the flow of illegal immigrants into this country, or legal immigrants, for fear that their voting constituent rolls would be impaired negatively, that the numbers would not be rising as quickly as they would like of potential voters for the Democratic Party, because they fear that political outcome and because a significant chunk of their supporters come from immigrant groups and immigration groups that want to expand immigration into the country, because that is the case, they will do nothing to impede this flow.

On my side of the aisle there is this desire for cheap labor. We want to respond to the needs of corporations in this country that have lobbied so hard to get cheaper labor. Well, both of these agendas I think are unworthy of our efforts. Both sides of the aisle should think about something that is far more important than the immediate political future of either party, and that is the effect of this kind of massive immigration, legal and illegal, on the people of this country.

Is it right and proper that our own Nation's borders should be porous so as to allow the flow of millions of people into this country to take the jobs of American citizens, to force people either to work for less money than they were working for just a few years ago or be unemployed, in order to achieve these political goals that I have just described, cheap labor and greater political benefit, greater potential voter pool? I think it is despicable, Mr. Speaker; but that is exactly where we are. That is exactly where we are because there is no other way that you can possibly explain this phenomenon.

How can we explain the fact that maybe 70 percent of the population consistently tells pollsters that they are in desperate need and they have a great desire for control of immigration, for securing our borders, for even reducing the amount of legal immigration so we can actually integrate those people, the millions that have come in in the recent past?

People say we are a Nation of immigrants. In this Nation's past we have had periods of high immigration, but we have had periods of very low immigration. It has been cyclical. It has not been a constantly increasing pattern since the day the Nation was founded. There are many decades with low-to-almost-nonexistent immigration in terms of the ratio of people coming and leaving, and yet the economy actually grew. In the late 1940s and early 1950s, immigration was a very small percentage of the population growth of this country, and yet we had an enormous growth rate in the productivity of the country and in the economy itself.

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There are many times in our Nation's history where that has happened. We do not need massive immigration to fuel economic growth. We can point to the areas, as I say, the times in the past where this economic growth has been achieved without massive immigration. We need a time-out. We need some time to actually in a way, if you will, digest the massive numbers of people that have come in and to help them get integrated into this country. That has been the process in the past. But we are abandoning that for the political goals that I have identified here. We are suggesting that we can keep the doors open forever, that our borders can and, in fact, should be erased.

There are people who believe that. I want them to stand up in front of this body and defend it. I want them to say that we need to have open borders, because that is what they really want.

I think that it is just, as I said earlier, about the need to tell the American people exactly what it is we are involved with even in the clash of civilizations. It is important to tell the American people what we are involved with in terms of our immigration policy and let them make the decision as to whether we are right or wrong, who is right or wrong.

Maybe I am 180 degrees off base. Maybe I am completely wrong about my concerns with regard to immigration and the impact it will have on this country, the negative impact. Let us get it debated. I want somebody to stand up and say, no. In fact, we need to abolish the borders. We need to repeal all the laws on immigration. We are just a region. We are not really a country at all. Lines on the map, they have become anachronistic, not important at all; and, in fact, markets should determine the flow of goods and services and people and that is all. Markets should determine everything.

Maybe they have got a case to make. Let them make it to the American people. I believe that we have a duty to the people of this Nation to tell them exactly what is at stake here, just as I said earlier about the war on terrorism, what is at stake.

Mr. Speaker, I believe with all my heart that massive immigration into this country will not only determine what kind of a country we become, that is divided, balkanized or united, it will determine whether or not we will be a country, a nation, at all. There are folks who want us to simply be a place on the earth that has residents, not citizens. The whole concept of citizenship is under attack every single day.

Constantly, we are seeing proposals, especially on the other side of the aisle but not uniquely from the Democrats, something from our side, too, proposals to have amnesty for people who are living here illegally, proposals to extend all kinds of benefits to people who are living here illegally, proposals to give people who are living here illegally, who have violated the laws of the land to come in, proposals to say to them, we not only will teach all of your children in K–12, we will teach them in higher education at taxpayers' expense, that we will give you driver's licenses, that we will give you social service benefits, and that we will in fact even let you vote.

There are places called sanctuary cities popping up all over the country, and they are telling their police forces in these cities that they are not to cooperate with the INS in any way, shape or form. They are telling people in the community that they can come and vote if they are simply residents of the community, not citizens of the United States but simply residents of a community.

I ask you, Mr. Speaker, if in fact that is what we are doing, if in fact you provide all of the benefits of citizenship to people who are not citizens and in fact are not even here legally, then what in the world is the value of the word? What is the value of citizenship? It is destroyed. It means nothing. That is what is at stake here. It is not just jobs. Believe me, if you are one of the folks that is out of work, that is a pretty important issue. But it is not even the most important issue for the Nation to deal with right now.

We have got to think about what is the effect of the elimination of the concept of citizenship. What does it mean when a nation abandons its own borders? What does it mean when it tells people by the millions that they should attach themselves not to the principles of the United States, the principles of western civilization but they should actually hang onto the political and cultural heritage that they came with and that they came from, they should keep it, and they should keep the language, not become immersed in an English language, not become part of the American mosaic but stay separate and distinct. How does that benefit us if our goal is to create a continuing American society revolving around the ideals on which this Nation was founded?

And that is important to understand, that this country uniquely was founded on ideas, nothing else. No other country has that distinction. Ideas are the only thing that holds us together here. It is not culture, it is not language, it is not habit, not custom, none of those, not the color of our skin, not our ethnicity, none of those things do we have in common in this Nation. What holds us together is an adherence to principles.

Mr. Speaker, I fear that that adherence is being destroyed in the pursuit, in this incredible desire, I call it the cult of multiculturalism that permeates our society, the cult of multiculturalism.

Multicultural is a term that can be positive in many respects. You can explain how important it is to be a diverse country and the value of that and all that, and I can certainly understand that. As an Italian American, I certainly appreciate my heritage and try to pass it on to my children, but I stop far short of suggesting that that heritage has anything superior to offer to the American culture that my grandparents accepted and desired and had a strong desire to move into as quickly as possible. It is the cult of multiculturalism that permeates our society, this desire to destroy everything that is good about America, to say to children, there is nothing unique about America, nothing good about America, that every other society is as good if not better, that all cultures, no matter what they do, if they force women to be thrown on the funeral pyre of their husband, if they stone women for adultery, if they perform various operations on them. You can go on and on and on about certain things other cultures do and you can say, it's okay, it is just another culture.

Mr. Speaker, I think that western civilization is superior. I do. I believe it is superior. I think it has at least as much to offer, and if you do not want to buy that, then consider it has at least to offer as any other culture in the world. There are many things that we should be prideful of, there are many things that are part of western civilization and American culture that we should try to hang on to and fight for. It goes back to that first discussion we had tonight. It is very hard to make sure that you can do that if your own society is being torn apart, being cut up into little pieces, everybody is put into victimized classes and told that whatever culture they came from was better, was superior and they should hang on to it; politically, hang on to it; ethnically, hang on to it; linguistically, hang on to it.

This is not what America was founded on. It has to be discussed, has to be brought to the attention of the American public and ask them for their opinion and then reflect that opinion here in this body and in the White House. This issue has got to be brought up in every debate, in every election in the country from city council to the President of the United States. It is the overriding domestic issue. It will determine where we are as a Nation; and, as I say, it will determine if we are a Nation. That is why it is important. That is why I bring it to this body night after night as long as I have the voice to do so.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Mr. Lincoln Diaz-Balart of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–206) on the resolution (H. Res. 316) providing for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Becerra (at the request of Ms. Pelosi) for today on account of personal reasons.

Mr. Jefferson (at the request of Ms. Pelosi) for today through July 17 on account of official business.

Mr. Everett (at the request of Mr. DeLay) for today on account of attending to business in the State.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. Kaptur) to revise and extend their remarks and include extraneous material:)

Mr. Hinchey, for 5 minutes, today.

Mr. McDermott, for 5 minutes, today.

Ms. Watson, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Ms. Solis, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Ms. Jackson-Lee of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. Pence) to revise and extend their remarks and include extraneous material:)

Mr. Gutknecht, for 5 minutes, today and July 15, 16, and 17.

Mrs. Miller of Michigan, for 5 minutes, July 16.

Mr. Moran of Kansas, for 5 minutes, July 21.

Mr. Pence, for 5 minutes, today and July 15 and 16.

Mr. Jones of North Carolina, for 5 minutes, July 16.

Mr. Burgess, for 5 minutes, July 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Cox, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $975.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 886. An act to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes; to the Committee on Resources.

ADJOURNMENT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 15, 2003, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3143. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Emamectin; Pesticide Tolerance [OPP-2003-0220; FRL-7316-6] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3144. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerance [OPP-2003-0196; FRL-7311-2] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3145. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerance [OPP-2003-0136; FRL-7310-7] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3146. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Bank Holding Companies and Change in Bank Control [Regulation Y; Docket No. R-1146] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3147. A letter from the Director, Regulations Policy and Managment Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — New Drug, Antibiotic, and Biological Drug Product Regulations; Accelerated Approval; Technical Amendment [Docket No. 91N-0278] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3148. A letter from the Director, Regulations Policy and Managment Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Antiperspirant Drug Products For Over-the-Counter Human Use; Final Monograph [Docket No. 78N-0064] (RIN: 0910-AA01) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3149. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems, Child Restraint Anchorage Systems [Docket No. NHTSA-03-15438] (RIN: 2127-AH99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3150. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA-03-15351] (RIN: 2127-AI34) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3151. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-02-13678] (RIN: 2127-AI32) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3152. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for Santa Barbara, California [CA-282-0392; FRL-7515-3] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3153. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to State Implementation Plan [GA-60, GA-61-200332(a); FRL-7524-6] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3154. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Revisions to the Kentucky Nitrogen Oxides Budget and Allowance Trading Program [KY-142, 144-200330, FRL-7516-1] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3155. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 180-1180a; FRL-7513-9] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3156. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Wisconsin; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets using MOBILE6 [WI116-01-7346a; FRL-7515-5] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3157. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Correction of Designation of Areas for Air Quality Planning Purposes; California — PM-10 Nonattainment Areas [CA093-CORR; FRL-7516-9] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3158. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposals of Residential Lead-Based Paint Waste [FRL-7514-7] (RIN: 2050-AE86) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3159. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [OPPT-2003-0002; FRL-7314-5] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3160. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Polychlorinated Biphenyls; Use of Porous Surfaces; Amendment in Response to Court Decision [OPPT-2003-0029; FRL-7314-2] (RIN: 2070-AC01) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3161. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Qatar (Transmittal No. 06-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3162. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the Sultanate of Oman (Transmittal No. 07-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3163. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Thailand (Transmittal No. 04-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3164. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the United Arab Emirates (Transmittal No. 05-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3165. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the Philippines (Transmittal No. 08-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3166. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3167. A letter from the White House Liaison, Department of Health and Human Sevices, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3168. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3169. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report on federal vacancy confirmed in Senate, position of Assistant Secretary for Congressional and Intergovernmental Relations; to the Committee on Government Reform.

3170. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-098-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3171. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-128-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3172. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Submission of Certain Reports; Technical Amendment [FRL-7513-8] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3173. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 061803B] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3174. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting The Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries; Correction [Docket No. 011219306-2283-02; I.D. 110501A] (RIN: 0648-AM44) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3175. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Allocation of Fiscal Year 2003 Operator Training Grants — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3176. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Pollutant Discharge Elimination System--Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities; Final Rule [FRL-7514-9] (RIN: 2040-AD85) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3177. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Supplemental Allocation of Fiscal Year 2003 Operator Training Grants for Wastewater Security — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3178. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government Property--Instructions for

Preparing NASA Form 1018 — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3179. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-51) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following actions occurred on July 11, 2003]

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; with an amendment (Rept. 108–105, Pt. 4). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2330. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; with an amendment (Rept. 108–159, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 14, 2000]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1375. A bill to provide regulatory relief and improve productivity for insured depositor institutions, and for other purposes; with an amendment (Rept. 108–152, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2086. A bill to reauthorize the Office of National Drug Control Policy; with an amendment (Rept. 108–167 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 116. A bill to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimmons Army Medical Center, Aurora, Colorado; with an amendment (Rept. 108–200). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1113. A bill to authorize an exchange of land at Fort Frederica National Monument, and for other purposes; with an amendment (Rept. 108–201). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 901. A bill to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes; with an amendment (Rept. 108–202). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1209. A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; (Rept. 108–203). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1284. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project (Rept. 108–204). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE. Committee on International Relations. H.R. 2441. A bill to establish the Millennium Challenge Account to provide increased support for developing countries that have fostered democracy and the rule of law, invested in their citizens, and promoted economic freedom; to assess the impact and effectiveness of United States economic assistance; to authorize the expansion of the Peace Corps, and for other purposes; with an amendment (Rept. 108–205). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART, L.: Committee on Rules. H. Res. 316. A resolution providing for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes (Rept. 108–206). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following actions occurred on July 11, 2003]

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 1562 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Ways and Means and Financial Services discharged from further consideration. H.R. 2330 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on July 14, 2003]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce and the Permanent Select Committee on Intelligence discharged from further consideration. H.R. 2086 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 2714. A bill to reauthorize the State Justice Institute; to the Committee on the Judiciary.

By Mr. RADANOVICH:

H.R. 2715. A bill to provide for necessary improvements to facilities at Yosemite National Park, and for other purposes; to the Committee on Resources.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. CASE, and Mr. FALEOMAVAEGA):

H.R. 2716. A bill to amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid; to the Committee on Resources, and in addition to the Committees on International Relations, Energy and Commerce, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. STARK, and Mr. HINCHEY):

H.R. 2717. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program to provide for the voluntary certification of Internet and mail-order pharmacies, to amend such Act to authorize, subject to certain conditions, the importation by individuals of prescription drugs from Canada for personal use, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H.R. 2718. A bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. POMEROY, Mr. RAMSTAD, Mr. SANDLIN, Mr. MATSUI, Mr. KLECZKA, and Mr. TANNER):

H.R. 2719. A bill to provide special funding requirements for certain pension plans maintained by commercial passenger air carriers; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. REYNOLDS, Mr. KIRK, Mr. HOEKSTRA, Mr. LIPINSKI, Mr. EHLERS, Mr. LEVIN, Mr. LATOURETTE, Mr. KENNEDY of Minnesota, Mr. GREEN of Wisconsin, Mr. CHOCOLA, Mr. STUPAK, Mr. MURTHA, Mr. DAVIS of Illinois, Mr. KLECZKA, Mr. BROWN of Ohio, Ms. SLAUGHTER, Ms. MCCOLLUM, Mr. HOEFFEL, and Mr. ENGLISH):

H.R. 2720. A bill to authorize appropriations for State programs and activities for the restoration of the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself and Mr. EVANS):

H.R. 2721. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide certain relief under that Act for members of the reserve components who are attending postsecondary educational institutions when called or ordered to active duty; to the Committee on Veterans' Affairs.

By Mr. PITTS (for himself, Mr. NEUGEBAUER, Mr. OTTER, Mr. MCGOVERN, Mr. BURGESS, Ms. HOOLEY of Oregon, Mr. FOLEY, Mr. ENGLISH, Ms. WOOLSEY, Mr. GILCHREST, Mr. CALVERT, Mr. FRANK of Massachusetts, Mr. HOSTETTLER, Mr. HOLDEN, Mr. TAYLOR of Mississippi, Mr. BEREUTER, Mr. SIMPSON, and Mr. HASTINGS of Florida):

H.R. 2722. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON:

H.R. 2723. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

H.R. 2724. A bill to amend the Fair Credit Reporting Act to prohibit the use of any information in any consumer report by any credit card issuer that is unrelated to the transactions and experience of the card issuer with the consumer to increase the annual percentage rate applicable to credit extended to the consumer, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Florida (for himself, Mr. BEREUTER, Mr. WEXLER, Mr. KING of New York, Mr. DEUTSCH, Mr. McDERMOTT, Mr. MATSUI, Mr. BERMAN, Mr. SKELTON, Mr. GREENWOOD, Mr. SHIMKUS, Mr. CROWLEY, Mr. HOEFFEL, Mr. ENGEL, Mr. BROWN of Ohio, Mr. SMITH of Washington, Mrs. JO ANN DAVIS of Virginia, Mrs. LOWEY, Mr. DELAHUNT, Mr. SCHIFF, Mr. KIND, and Mr. NADLER):

H. Con. Res. 242. Concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

139. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 77 memorializing the President of the United States and Congress to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; to the Committee on Armed Services.

140. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 57 memorializing the United States Congress to enact legislation amending Title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

141. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 03-1037, memorializing that the Colorado General Assembly support the establishment of a Veterans Affairs Medical Center at Fitzsimons and the enactment of H.R. 116, the "Veterans' New Fitzsimons Health Care Facilities Act of 2003"; to the Committee on Veterans' Affairs.

142. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 45 urging Congress to enact the "Veterans Health Care Funding Guarantee Act of 2003," and make veterans health care mandatory to ensure that veterans have access to timely, quality health care; to the Committee on Veterans' Affairs.

143. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 03-016 memorializing President George W. Bush along with his cabinet, the United States Congress and the United Nations for their unwavering determination to either disarm Saddam Hussein or remove him from power and also expresses its support of the men and women of the United States armed forces for their courage and dedication to this mission; jointly to the Committees on Armed Services and International Relations.

144. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 03-001 memorializing the United States Congress that the General Assembly of the state of Colorado reaffirms its commitment to strengthening our cities and counties as the first line of defense of our people, and to giving our first responders the training, equipment, and resources they need to respond to terrorist attacks; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. FROST.

H.R. 44: Mr. FOLEY.

H.R. 49: Mr. HAYES, Mr. COBLE, Mr. SPRATT, and Mr. MILLER of Florida.

H.R. 110: Mr. SCHROCK.

H.R. 195: Mr. DEMINT.

H.R. 235: Mrs. BLACKBURN and Mr. KLINE.

H.R. 284: Mr. FROST and Ms. SOLIS.

H.R. 303: Mr. CANNON.

H.R. 339: Mr. SESSIONS.

H.R. 375: Mr. LOBIONDO.

H.R. 394: Mr. BAIRD.

H.R. 401: Mr. MOORE.

H.R. 463: Mr. HOUGHTON and Ms. McCOLLUM.

H.R. 465: Mr. SKELTON.

H.R. 466: Mr. CHOCOLA and Mr. WATT.

H.R. 490: Mr. MOORE.

H.R. 528: Mr. SHAYS.

H.R. 569: Mr. OBERSTAR.

H.R. 684: Mr. KING of Iowa.

H.R. 713: Mr. ABERCROMBIE and Mr. PALLONE.

H.R. 716: Mrs. MALONEY and Mr. PLATTS.

H.R. 792: Mr. RYAN of Ohio, Mr. PLATTS, Mr. SHUSTER, Mrs. MALONEY, Mr. HINCHEY, Mr. FEENEY, Mr. TANCREDO, and Mr. CHOCOLA.

H.R. 806: Ms. LINDA T. SÁNCHEZ of California and Mr. ABERCROMBIE.

H.R. 808: Mrs. JONES of Ohio.

H.R. 852: Ms. PELOSI, Mr. PALLONE, Mr. FROST, Mr. KILDEE, and Mr. OBERSTAR.

H.R. 919: Mr. WELDON of Florida.

H.R. 931: Mr. HERGER.

H.R. 942: Mr. LIPINSKI, Mr. TOWNS, Ms. ESHOO, Mr. BROWN of Ohio, and Mrs. MYRICK.

H.R. 965: Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. NORTON, and Mr. HOYER.

H.R. 980: Mr. PLATTS.

H.R. 995: Mr. FRANK of Massachusetts.

H.R. 996: Mr. CLYBURN and Mr. MORAN of Kansas.

H.R. 997: Mrs. CUBIN, Mr. HERGER, and Mr. CALVERT.

H.R. 1005: Mr. GREEN of Wisconsin.

H.R. 1070: Ms. McCOLLUM.

H.R. 1117: Mr. KING of Iowa, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1137: Mr. KING of Iowa.

H.R. 1169: Mr. CULBERSON.

H.R. 1172: Ms. JACKSON-LEE of Texas.

H.R. 1225: Mr. PRICE of North Carolina and Mr. YOUNG of Florida.

H.R. 1358: Mr. BERMAN.

H.R. 1530: Mr. PETERSON of Minnesota.

H.R. 1532: Mr. RYAN of Ohio, Ms. JACKSON-LEE of Texas, Mr. LOBIONDO, Mr. LANGEVIN, Mr. HONDA, and Mr. WELDON of Pennsylvania.

H.R. 1606: Mr. LEWIS of Kentucky.

H.R. 1633: Ms. ESHOO and Mrs. TAUSCHER.

H.R. 1676: Mr. BACHUS, Mr. MOORE, and Mr. DOOLEY of California.

H.R. 1708: Mr. LIPINSKI, Mr. GUTIERREZ, Mrs. TAUSCHER, Mr. MICHAUD, and Mr. GEORGE MILLER of California.

H.R. 1720: Mr. LOBIONDO and Mr. BROWN of South Carolina.

H.R. 1749: Mr. NEY, Mr. KING of Iowa, Mr. SHUSTER, and Mr. BASS.

H.R. 1819: Mr. FOLEY.

H.R. 1858: Mr. EMANUEL, Mr. HOEFFEL, and Mr. SNYDER.

H.R. 1906: Mr. SANDERS.

H.R. 1958: Ms. MILLENDER-McDONALD.

H.R. 2013: Mr. BEREUTER.

H.R. 2047: Mr. HAYWORTH, Mrs. JONES of Ohio, and Mr. BECERRA.

H.R. 2052: Mr. EVERETT, Ms. BERKLEY, and Mr. SMITH of Washington.

H.R. 2071: Ms. WOOLSEY, Mr. OBERSTAR, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Ms. ESHOO, and Mr. McDERMOTT.

H.R. 2096: Mr. SHAYS, Mr. ANDREWS, Mr. McHUGH, Mr. BONNER, Mr. LATHAM, Mr. CROWLEY, Mr. UPTON, and Mr. SCHIFF.

H.R. 2133: Mr. BARTLETT of Maryland.

H.R. 2134: Mr. WILSON of South Carolina.

H.R. 2198: Mr. HOEFFEL.

H.R. 2214: Mr. JANKLOW, Mr. BRADLEY of New Hampshire, Mr. BOEHLERT, Mr. NETHERCUTT, and Mr. CUNNINGHAM.

H.R. 2216: Mrs. JONES of Ohio and Mr. CALVERT.

H.R. 2233: Mr. SABO.

H.R. 2303: Mr. SIMPSON, Mr. OTTER, and Mrs. CUBIN.

H.R. 2318: Mr. GREEN of Wisconsin.

H.R. 2392: Mr. SCHIFF.

H.R. 2441: Mr. BACHUS, Mr. LEACH, Mr. McCOTTER, Mr. ENGLISH, Mr. OXLEY, Mr. WHITFIELD, Mr. SIMMONS, Mr. PICKERING, Mr. TERRY, Mrs. MILLER of Michigan, Mr. SMITH of New Jersey, Mr. UPTON, Mr. KING of New York, Mr. BALLENGER, Mr. THORNBERRY, Mr. NETHERCUTT, Mrs. WILSON of New Mexico, Mr. JOHNSON of Illinois, Mr. ISSA, Mrs. NORTHUP, Mr. ROHRABACHER, Mr. HOUGHTON, Mr. CONYERS, Mr. ACKERMAN, Mr. GRIJALVA, Mr. BOUCHER, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. TIERNEY, Mr. CASE, Mr. FARR, Mr. MORAN of Virginia, Mr. BERMAN, Mr. UDALL of Colorado, Mr. FROST, Ms. WOOLSEY, Mr. WELLER, Mr. LATOURETTE, Mr. FALEOMAVAEGA, Mr. BLUMENAUER, Mr. BELL, Mr. ENGEL, Mr. SNYDER, Mr. SMITH of Washington, Mr. BALLANCE, Ms. ROS-LEHTINEN, Mr. ROGERS of Michigan, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, Mrs. BONO, and Mr. ROYCE.

H.R. 2442: Mr. FRANK of Massachusetts, Mr. FROST, Mr. THOMPSON of Mississippi, Mr. RAHALL, Mr. SPRATT, Mr. LEVIN, and Mr. GUTIERREZ.

H.R. 2462: Mr. ALLEN, Mr. DINGELL, and Mr. GORDON.

H.R. 2466: Mr. WELDON of Florida, Mr. LANTOS, and Mr. DAVIS of Illinois.

H.R. 2482: Mrs. NAPOLITANO.

H.R. 2497: Mr. CLAY and Mr. McGOVERN.

H.R. 2498: Mr. GRIJALVA.

H.R. 2505: Ms. WATSON, Ms. NORTON, Mr. FARR, and Mr. RUSH.

H.R. 2515: Mr. HALL.

H.R. 2517: Mr. GREEN of Wisconsin.

H.R. 2526: Mr. McDERMOTT.

H.R. 2556: Mr. AKIN.

H.R. 2563: Mr. JEFFERSON, Mr. GRIJALVA, Mr. RANGEL, Mr. FROST, Mr. BROWN of Ohio, Mr. McNULTY, Mr. TOWNS, Mr. SPRATT, Mr. HINCHEY, Mr. BALLANCE, Mr. ABERCROMBIE, Ms. MAJETTE, Mr. BOUCHER, Mr. KUCINICH, and Mr. RUSH.

H.R. 2568: Mr. MICHAUD.

H.R. 2601: Mr. Owens.

H.R. 2605: Mr. Frost, Mr. Clay, Mr. Gonzalez, Mr. Udall of Colorado, Ms. Norton, Mr. Kucinich, and Mr. Kennedy of Rhode Island.

H.R. 2622: Mr. Frost and Mr. Ramstad.

H.R. 2625: Mr. Grijalva, Ms. Jackson-Lee of Texas, Mr. Stark, Mr. Abercrombie, Mrs. Lowey, Mr. Inslee, Mr. McGovern, and Mr. Sanders.

H.R. 2665: Mr. Baca and Ms. Kilpatrick.

H.R. 2680: Mr. Olver, Mr. Brady of Pennsylvania, Mr. Duncan, Mr. McNulty, Mr. Pastor, Mr. Strickland, Mr. Deutsch, and Mr. Tierney.

H.R. 2704: Mr. Baird and Mr. Engel.

H. Con. Res. 56: Ms. Hart.

H. Con. Res. 60: Mr. Radanovich and Mr. Hoeffel.

H. Con. Res. 98: Mr. Gary G. Miller of California, Mr. Camp, Mr. Barton of Texas, and Mr. Bachus.

H. Con. Res. 119: Mr. Forbes, Mr. Barton of Texas, and Mr. Owens.

H. Con. Res. 164: Mr. Otter.

H. Con. Res. 235: Ms. Jackson-Lee of Texas, Mr. Gillmor, Mr. Shimkus, Ms. Carson of Indiana, Mr. Thompson of Mississippi, Mr. Ryun of Kansas, Ms. Lofgren, Mr. Weiner, Mr. Rothman, Mr. Owens, Mr. McNulty, Mr. Upton, Mr. Simmons, Mrs. Jones of Ohio, and Mr. Foley.

H. Con. Res. 240: Mr. Cummings, Mr. Meek of Florida, Ms. Carson of Indiana, Mr. Jefferson, Mr. Bishop of Georgia, Mr. Ballance, Mr. Watt, Mr. Conyers, Mr. Wynn, Ms. Eddie Bernice Johnson of Texas, Mr. Rush, Mrs. Christensen, Mr. Davis of Alabama, Mr. Clyburn, Mr. Scott of Georgia, Ms. Kilpatrick, Mr. Lewis of Georgia, Mr. Scott of Virginia, Mr. Clay, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mr. Davis of Illinois, Mr. Bell, Mr. Frank of Massachusetts, Ms. McCollum, and Ms. Woolsey.

H. Res. 38: Mr. Pallone.

H. Res. 103: Mr. Strickland.

H. Res. 136: Mr. Simpson.

H. Res. 304: Ms. Hart.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 20: Mr. Gary G. Miller of California.

H.R. 1472: Mr. Tancredo, Mr. Peterson of Pennsylvania, Mr. Vitter, Mr. Baca, Mr. Forbes, Mrs. Jo Ann Davis of Virginia, and Mr. Gary G. Miller of California.

H.R. 2214: Mr. Blumenauer.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

23. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 193 of 2003 petitioning the United States Congress to not move the "Head Start" program from the Department of Health and Human Services to the Department of Education and that these monies set aside for this vital program not be "block granted" to the individual states; to the Committee on Education and the Workforce.

24. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 198 requesting that the President of the United States restore executive funding to many youth programs that were severely cut and that have helped produced productive members of society; to the Committee on Education and the Workforce.

25. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 199 of 2003 petitioning the United States Congress to restore funding to many youth programs that were severely cut during the 2003 fiscal year budget negotiations; to the Committee on Education and the Workforce.

26. Also, a petition of the Council of the County of Maui, Hawaii, relative to Resolution No. 03-53 urging the President and the United States Congress to recognize the value, importance, and successes of the Head Start program, to maintain the highest funding levels and to keep the Head Start program in the Department of Health and Human Services; to the Committee on Education and the Workforce.

27. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 196 of 2003 petitioning the United States Congress to restore cuts to Medicaid, including eliminating the President's proposed Medicaid cap that will increase the burden to New York and Rockland County from federally mandated and optional Medicaid programs; to the Committee on Energy and Commerce.

28. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 146 of 2003 expressing recommendation that President George W. Bush appoint Congressman Benjamin Gilman as United States Ambassador to Ireland; to the Committee on International Relations.

29. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 140 of 2003 petitioning the United States Congress to enact The State and Local Aid and Economic Stimulus Act of 2003 (Senate Law S. 201 IS, HR 1211 IH); to the Committee on Government Reform.

30. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 182 of 2003 petitioning the United States Congress to restore funding to battered women's shelter and services program under the federal "Violence Against Women Act"; to the Committee on the Judiciary.

31. Also, a petition of City of Detroit City Council, Detroit, Michigan, relative to a resolution urging the United States Congress to reject S. 659 and H.R. 1036, legislation which seeks to grant the Firearm Industry special protections against legal action; to the Committee on the Judiciary.

32. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 151 of 2003 requesting the United States Environmental Protection Agency to immediately implement without delay the remediation plan in the Hudson River; to the Committee on Transportation and Infrastructure.

33. Also, a petition of the Avoyelles Parish Police Jury, Marksville, Louisiana, relative to a resolution expressing support of the United States Armed Forces, the Reserves and the National Guard who, in call of their Commander in Chief, courageously stand ready to make the ultimate sacrifice so that all Americans can continue to live freely and without fear; jointly to the Committees on Armed Services and International Relations.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1950

Offered By: Mr. Kennedy of Minnesota to the Amendment Offered By: Mr. Hyde

Amendment No. 1: In section 2103(a)(1)(C)(ii) of the amendment, add at the end before the semicolon the following: ", including, with respect to investment in the health of its citizens, a calculation of the amount of both public and private expenditures on health initiatives as a percentage of the gross domestic product of the country".

H.R. 2673

Offered By: Mr. Blumenauer

Amendment No. 1: Under the heading "Agriculture Buildings and Facilities and Rental Payments", insert after the dollar amount on page 5, line 1, the following: "(reduced by $800,000)".

Under the heading "Office of the Inspector General", insert after the dollar amount on page 7, line 18, the following: "(increased by $800,000)".

H.R. 2673

Offered By: Mr. Davis of Alabama

Amendment No. 2: Page 3, line 9, after the dollar amount, insert "(reduced by $3,500,000)".

Page 11, line 13, after the dollar amount, insert "(increased by $2,000,000)".

Page 13, line 5, after the dollar amount, insert "(increased by $2,000,000)".

Page 13, line 23, after the dollar amount, insert "(increased by $1,500,000)".

Page 14, line 14, after the dollar amount, insert "(increased by $1,500,000)".

H.R. 2673

Offered By: Mr. Hefley

Amendment No. 3: Add at the end (before the short title) the following new section:

Sec. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

H.R. 2673

Offered By: Mr. Ballance

Amendment No. 4: Under the heading "common computing environment", insert after the dollar amount on page 3, line 9, the following: "(reduced by $8,656,000)".

Under the heading "Office of the Assistant Secretary for Civil Rights", insert after the dollar amount on page 4, line 6, the following: "(increased by $411,000)".

Under the heading "Departmental Administration", insert after the dollar amount on page 6, line 3, the following: "(increased by $2,005,000)".

Under the heading "CSREES-research and education activities", insert after the dollar amounts on page 11, line 13, and page 12, line 16, the following: "(increased by $600,000)".

Under the heading "outreach for socially disadvantaged farmers", insert after the dollar amount on page 16, line 12, the following: "(increased by $5,000,000)".

H.R. 2691

Offered By: Mr. Holt

Amendment No. 2: At the end of the bill (before the short title) insert the following section:

Sec. 3___. None of the funds made available in this Act may be used to manage recreational snowmobile use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway, except in accordance with National Park Service One-Year Delay Rule published November 18, 2002 (36 CFR part 7, RIN 1024–AD06).

H.R. 2691

OFFERED BY: MR. RAHALL

AMENDMENT NO. 3: Strike section 137.

H.R. 2691

OFFERED BY: MR. RAHALL

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds made available by this Act may be used to kill, or assist others in killing, any Bison in the Yellowstone National Park herd.

H.R. 2691

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 338, on approval of H. Res 310, providing for the consideration of H.R. 2211, the "Ready to Teach Act." Had I been present, I would have voted "nay" on H. Res 310.

IN RECOGNITION OF THE VIETNAM VETERANS OF AMERICA, QUEENS CHAPTER #32 ON THE OCCASION OF THE DEDICATION OF 76TH AVENUE IN GLENDALE, NEW YORK AS "VIETNAM VETERANS LANE"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the veterans of the Vietnam War and to honor in particular the members of the Queens Chapter #32 of the Vietnam Veterans of America. All of us owe a tremendous debt of gratitude to the Americans who served abroad in the armed forces during our nation's longest and perhaps most difficult military conflict. I am pleased to recognize the service to our country of all the members of Queens Chapter #32 of the Vietnam Veterans of America and of its President, Pastor Toro, Jr.

This month, in recognition of their service to our nation and to our city, the Queens Chapter #32 of the Vietnam Veterans of America is being honored by the rededication of a portion of 76th Avenue as "Vietnam Veterans Lane." This thoroughfare, located between Woodhaven Boulevard and 88th Street in the Glendale neighborhood of the Borough of Queens in New York City, is the permanent location of Queens Chapter #32 of the Vietnam Veterans of America. The members of the Queens Chapter #32 have truly earned our gratitude, admiration, and appreciation.

At the dedication ceremony for Vietnam Veterans Lane, the "Order of the Silver Rose" will be presented to several Chapter members who have suffered from a multitude of illnesses and symptoms associated with exposure to "Agent Orange." These veterans continue to pay a price for their willingness to serve our country, and it is only fitting that we acknowledge their sacrifice on behalf of all of us.

Although it has been just over three decades since our troops engaged in active combat in Vietnam, we will never forget the bravery of all those who served and the ultimate sacrifice of the more than 58,000 military personnel who gave their lives in service to their country.

Mr. Speaker, I ask my colleagues to join me honoring the veterans of the Vietnam War. It is a fitting tribute that New York City is naming a street in honor of those who served in Vietnam.

CONGRATULATIONS TO TAIWAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, Taiwan President Chen Shui-bian recently celebrated his third anniversary in office. He has done many good things for his country and strengthened Taiwan's ties with America.

Taiwan has been very cooperative with the United States in our global war against terrorism, and Taiwan has pledged assistance to post-war Iraq. In addition, Taiwan has provided medical assistance and humanitarian aid to a number of African nations.

We hope Taiwan will continue to prosper in the future. We are glad to hear that Taiwan has been declared SARS free and it is now safe to travel to Taiwan and other parts of Asia.

We also hope that the United States will soon increase trade opportunities with Taiwan by launching negotiations on a free trade agreement.

Congratulations, President Chen.

TRIBUTE TO DEPUTY CHIEF MICHAEL J. SIKA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to an exceptional individual, Michael J. Sika, who was officially sworn in as Deputy Chief of Detectives for the Passaic County prosecutor's Office on Wednesday, July 2, 2003.

For the past 22 years, Deputy Chief Sika has devoted himself to ensuring the safety of the people of New Jersey. It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth.

Michael Sika began his career in law enforcement in 1981 as a New Jersey State S.P.C.A. Officer. In 1983, he was promoted to Sergeant and assigned to the Special Investigations in the Severe Cruelty to Animals Unit where he and his unit targeted pit bull fighting and cock fighting matches.

It was only four short years later that Michael began working as a Passaic County Investigator in the Prosecutor's Office. In addition to his duties in the Juvenile Court Unit, the Court Squad / Extraditions Unit and the Environmental Prosecutor's Unit, Michael began to augment his previous training in Title 4—Statutes, Arrest, Search & Seizure and Firearms, by attending the Division of Criminal Justice Training Academy where he received the Academic Excellence Award.

Mr. Speaker, perhaps most impressive is the work that Michael has done since his 1992 promotion to the position of Sergeant in charge of the Environmental Crimes Unit. During his eleven year tenure with the Environmental Crimes Unit, Michael worked with Federal, State, and Local authorities in the investigations of over 300 cases involving hazardous waste. He attended numerous courses in Explosives, Weapons of Mass Destruction, and Haz-Mat Techniques, and he has served as a Certified Instructor in Firearms and Environmental Crimes at the Passaic Police Academy since 1994.

In September 2002, Michael Sika was promoted to the rank of Captain and assigned as the Commander of the newly formed Passaic County narcotics Task Force. Less than a year later, he was promoted to Acting Deputy Chief, and was subsequently reassigned to assist Chief Glenn Brown in the reorganization of the Investigators' Staff of the Prosecutor's Office.

Mr. Speaker, the job of a United States congressman involves so much that is rewarding, yet nothing compares to recognizing the accomplishments of such an outstanding individual. Deputy chief Michael Sika's long history of service to the people of Passaic County, and his commitment to educating those that choose to follow in his footsteps is beyond compare.

Mr. Speaker, I ask that you join our colleagues, the Passaic County Prosecutor's Office and me in recognizing the invaluable service of Deputy Chief Michael J. Sika.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. FRANKS of Arizona. Mr. Speaker, June 25, I attended the funeral of the Honorable Bob Stump in Phoenix, Arizona and missed votes on the following measures:

S. 858—To extend the Abraham Lincoln Bicentennial Commission, and for other purposes (#312). Had I been present, I would have voted "aye."

H.R. 2474—To require that funds made available for fiscal years 2003 and 2004 for the Bill Emerson and Mickey Leland Hunger Fellowships be administered through the Congressional Hunger Center (#313). Had I been present, I would have voted "aye."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.J. Res. 40—To recognize the important service to the Nation provided by the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary (#314). Had I been present, I would have voted "aye."

H. Con. Res. 49—To express the sense of the Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences (#315). Had I been present, I would have voted "aye."

H. Res. 199—To call on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release, and for other purposes (#316). Had I been present, I would have voted "aye."

H. Res. 294—To condemn the terrorism inflicted on Israel since the Aqaba Summit and expressing solidarity with the Israeli people in their fight against terrorism (#317). Had I been present, I would have voted "aye."

THE STATE OF AFRICA: THE BENEFITS OF THE AFRICAN GROWTH AND OPPORTUNITY ACT—NEXT STEPS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. RANGEL. Mr. Speaker, the African Growth and Opportunity Act (AGOA) has been in effect for over 2½ years. It was implemented on October 2, 2000.

At present, 38 sub-Saharan African countries are designated as eligible under the African Growth and Opportunity Act (AGOA); however, implementation of trade benefits for two of these countries, Democratic Republic of Congo and the Gambia, is not final. Two other countries achieved eligibility on January 1, 2003, Côte d'Ivoire and Sierra Leone. (The attachment lists the eligible 38 countries.)

To date, small countries near South Africa have been the most successful users of the program so far—Lesotho and Swaziland have tripled exports to the United States since 1999. Lesotho's exports to the United States, for example, are up from $110 million to $321 million in 2002. In practical terms, these sales have created 15,000 jobs. Farther north, export growth has been strong in Kenya—whose government believes AGOA has created 150,000 local jobs. South Africa is now an auto exporter, shipping 17,000 cars to the United States in the first 10 months of 2002.

Additionally, 19 AGOA countries have met the additional requirements to receive duty-free and quota-free treatment for exports of their apparel and textiles products. Seventeen of the 19 countries have qualified for the provisions for less-developed countries, which allows the use of non-U.S. and non-AGOA fabric through September 30, 2004 (only Mauritius and South Africa are not eligible).

AGOA's sectoral effects to date have been most evident in the textiles and apparel sector. In 3 years, AGOA textile and apparel exports to the United States have doubled, rising from $570 million in 1999 to $1.1 billion for 2002. This total comprises 9 percent of all AGOA exports. AGOA exports now comprise approximately 2 percent of all U.S. textile and apparel imports—a 100 percent increase from 2000, when AGOA took effect. Africa's 92 percent export growth rate in textile and apparel products is 10 times that for China, Latin America, Europe and other major textile and apparel exporters.

Energy-related exports from AGOA countries continue to predominate; however, their overall share is declining, e.g., down to 76 percent of AGOA imports in 2002, from 83 percent in 2001. Additionally, the reason for the decline is not because energy exports from AGOA countries have dropped, but rather other imports have increased. For example, AGOA imports of transportation equipment were 4 percent of all AGOA imports in 2001, but those imports grew by 81 percent and are now 6 percent of all imports under AGOA.

Not all African countries have participated fully and equally in AGOA's remarkable early record of success. Progress has been less evident for Tanzania, Ethiopia and much of West Africa. Moreover, despite the success in textiles and apparel, overall U.S. imports from Africa dropped by $3.4 billion, or about 25 percent, last year. This is because most African countries still rely on natural resources (especially oil, diamonds and precious metals) whose prices are volatile. Higher light-manufactured exports were thus offset by lower prices for oil and natural gas early in 2002, which cut Africa's energy export revenue by about $4 billion, while South Africa saw a $400 million decline in exports of platinum, palladium and rhodium.

More serious in the long term is that AGOA benefits are limited in agriculture. Here, largely due to lower coffee and cocoa prices, Africa's exports are down by 4.5 percent (or $25 million) since 1999. EU and American subsidies also probably hamper African farmers trying to diversify out of tropical commodities. However, AGOA does seem to be helping Africa export value-added agricultural products; while preserved fruits, vegetables and juices are still a small percentage of Africa's total farm exports, they are up from $22 million to $39 million since 1999, with South Africa the leading supplier.

To ensure that AGOA's early successes continue, it needs to be updated, extended and expanded to meet the current and future challenges in the U.S.-Africa trading relationship. Key issues that need to be addressed include the following:

The more liberal apparel benefits for least-developed AGOA countries are set to expire in 2004, just as worldwide quotas will be eliminated. (Currently, least-developed AGOA beneficiaries can use third country fabric in qualifying apparel. This flexibility was necessary because few of these countries have fabric-making capacity.)

I propose to extend LDC benefits for a short period of time, while creating incentives for LDC countries to develop fabric-making capacity. All AGOA benefits (apparel and otherwise) expire in 2008. The President has already indicated he will support an extension of the overall program beyond 2008. I propose to make AGOA benefits permanent. Sub-Saharan Africa has a tremendous amount of opportunity to export agricultural products. Unfortunately, many of the products do not meet U.S. sanitary/phytosanitary requirements. Currently, there are only about three USDA personnel (APHIS workers) providing technical assistance to the Africans to meet U.S. standards. Include a provision providing substantially more technical assistance for development of the agricultural sector.

The AGOA apparel rules of origin (yarn forward requirements, very specific rules on findings, trimmings, etc.) are fairly onerous, and in many cases, make little commercial sense. Streamline the rules of origin.

The United States is currently a party to dozens of international tax treaties with other countries. These treaties prevent double taxation for U.S. firms operating abroad, and include transparency requirements for other countries' systems of taxation.

Include a provision encouraging the Secretary of the Treasury to negotiate tax treaties with appropriate AGOA countries.

HIV/AIDS, malaria and tuberculosis epidemics continue to plague the continent. Include a provision to provide tax credits to U.S. firms with operations in AGOA countries when they make cash contributions to the global fund to fight HIV/AIDS, malaria and tuberculosis.

The main deterrent to African investment is the lack of infrastructure in AGOA countries. Find a way to increase development in this area—perhaps through OPIC or the World Bank/IMF. There are several areas where Congress can clarify its intent. An AGOA III bill would be a natural venue to address these issues.

Imports under AGOA have been a significant share of all U.S. imports from sub-Saharan Africa. In 2001, AGOA imports were $8.2 billion, or 39 percent of the total U.S. imports from sub-Saharan Africa of $21 billion. In 2002, AGOA imports rose to $9 billion, or 49 percent of the total U.S. imports of $18.2 billion from the region.

Since petroleum imports are by far the major imports under AGOA, Nigeria, a leading oil producer, is the major import supplier under AGOA. Nigeria supplied 60 percent of AGOA imports in 2002, and together with South Africa (15 percent) and Gabon (13 percent), accounted for 88 percent of all AGOA imports last year. In comparison, 14 AGOA-eligible countries accounted for less than 1 percent of AGOA imports, and of those, 5 did not ship anything.

In 2002, the 107th Congress approved several amendments to the AGOA in the Trade Act of 2002. These amendments are commonly called AGOA II. They include doubling the cap for apparel assembled in an AGOA country from fabric made in an AGOA country to 7 percent of overall imports over an 8-year period (by 2008). However, the cap under the special rule for lesser-developed countries was left unchanged. They allowed Namibia and Botswana to qualify for the special rule for less-developed countries, even though their per capita incomes exceed the limit set under AGOA. They clarified that AGOA benefits be given to "knit-to-shape" articles, garments cut in both the United States and an AGOA beneficiary country ("hybrid cutting"), and merino wool sweaters knit in AGOA beneficiary countries. They authorized $9.5 million to the Customs Service for textile transhipment enforcement, and broadened trade adjustment assistance to cover production shifts to an AGOA beneficiary country.

The United States and five southern African countries (Botswana, Lesotho, Namibia, South Africa and Swaziland) are scheduled to begin free trade agreement (FTA) negotiations in late May. Preliminary discussions have focused on the negotiation's timetable and framework. Once begun, FTA negotiating rounds are expected to occur every 7 weeks with the target completion date set for the end of 2004. USTR notified Congress of its intent to enter into these negotiations in November 2002. Since this will be the United States' first FTA in sub-Saharan Africa, other AGOA countries will be watching the process closely to determine how they might take advantage of such an opportunity in the future.

USTR appears to understand that a more "developmental" approach needs to be taken with the SACU FTA. Specifically, USTR has told Congressional staff that they: (1) recognize the need for asymmetrical treatment, i.e., treating Botswana, Swaziland, Nambia and, particularly, Lesotho (an LLDC country) differently than South Africa; and (2) will strive to provide sufficient technical assistance to help these countries eventually become full FTA trading partners. An initial $2 million in U.S. funds has already been set aside for new trade capacity building initiatives related to the FTA. USTR believes they can attain these goals even while addressing U.S. industries' interests.

SACU is the largest U.S. export market in sub-Saharan Africa. U.S. exports to SACU totaled more than $3.1 billion in 2001—most to South Africa ($3 billion). Leading U.S. sales to the region include machinery, vehicles, aircraft, medical instruments, plastics, chemicals, cereals, pharmaceuticals and wood and paper products. U.S. foreign direct investment in the SACU countries totaled $2.8 billion in 2000, largely in manufacturing, wholesaling and services.

The five SACU countries are leading beneficiaries of the African Growth and Opportunity Act (AGOA). The SACU countries were the top U.S. supplier of non-fuel goods under AGOA in 2001, accounting for more than a quarter of U.S. non-fuel imports from eligible sub-Saharan African countries. (Since oil exports boost the export numbers for many African countries, one needs to look at non-fuel exports to assess the benefit of AGOA.) Between 2000 and 2001, total U.S. non-fuel AGOA goods from South Africa grew by more than 30 percent, from Lesotho by 53 percent, and from Swaziland by 50 percent. Increases were seen in the textile and apparel, transportation equipment and agriculture sectors. As a result of AGOA, Namibia received a multimillion investment in an integrated textile and clothing production complex, and negotiations are under way for two additional factories.

ELIGIBLE AGOA COUNTRIES

(1) Benin, (2) Botswana*, (3) Cameroon*, (4) Cape Verde*, (5) Central African Republic, (6) Chad, (7) Congo, (8) Côte d'Ivoire, (9) Democratic Republic of Congo, (10) Djibouti, (11) Eritrea, (12) Ethiopia*, (13) Gabonese Republic, (14) The Gambia, (15) Ghana*, (16) Guinea, (17) Guinea-Bissau, (18) Kenya*, (19) Lesotho*, (20) Madagascar*, (21) Malawi*, (22) Mali, (23) Mauritania, (24) Mauritius*, (25) Mozambique*, (26) Namibia*, (27) Niger, (28) Nigeria, (29) Rwanda*, (30) Sao Tome and Principe, (31) Senegal*, (32) Seychelles, (33) Sierra Leone, (34) South Africa*, (35) Swaziland*, (36) Tanzania*, (37) Uganda*, (38) Zambia*. (*Countries eligible for apparel provision.)

TRIBUTE TO CHIEF GLENN L. BROWN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding individual, Chief Glenn L. Brown, who was officially sworn in as Chief of Detectives for the Passaic County Prosecutor's Office on Wednesday, July 2, 2003.

Chief Brown has dedicated the past 27 years to tirelessly serving the people of Passaic County. It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth.

Glenn Brown began what would become a distinguished career in public safety in 1980 when he was appointed to the Paterson Fire Department. His dedication and valor was widely noted and, during his tenure with the Fire Department, he received numerous citations from the NJ State FMBA, the American Legion, FMBA #2, Firehouse Magazine, former Mayor of Paterson Frank X. Graves, and the Paterson City Council.

In 1989, Chief Brown was appointed to the Passaic County Prosecutor's Office where he was initially assigned to the Narcotics Task Force. In 1992, he was promoted to Senior Investigator and reassigned to the Arson Section of the Major Crimes Unit where he undertook the training of all County Arson Investigators. It was while working in this capacity that Chief Brown helped to establish the Red CAP Program which significantly reduced the number of fires in vacant buildings in the city of Paterson. Largely due to the success of this program, the Passaic County Arson Unit was officially named Arson Unit of the Year in 1998.

As a Senior Investigator within the Major Crimes Unit, Chief Brown was frequently placed in charge of handling Special Investigations and assisting the Sheriff's Department Bomb Squad. He was promoted to Sergeant in 1997, at which point he formally took charge of the Unit. Three years later, Chief Brown was promoted to Lieutenant, becoming second in command of the Major Crimes Unit.

In September 2002, then Lieutenant Brown was promoted to Deputy Chief of Detectives and placed in command of the Passaic County Prosecutor's investigative staff. A mere eight months later he became Acting Chief of Detectives where his first task was to reorganize the Prosecutor's Office investigative staff.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing individuals who have devoted themselves to serving the special needs of the people in their community. Chief Brown's long history of leadership and service to the people of Paterson and Passaic County is unparalleled.

Mr. Speaker, I ask that you join our colleagues, the Passaic County Prosecutor's Office and me in recognizing the invaluable service of Chief Glenn L. Brown.0.1.

TRIBUTE TO ROBERT J. GRAVES ON HIS 90TH BIRTHDAY

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Robert J. Graves, who will be celebrating his 90th birthday on July 17th of this year. As a leader in the agriculture industry for over half a century and a veteran of World War II, Mr. Graves has served both his country and community with inspiring dedication.

Robert Jackson Graves was born in 1913 in Manhattan, Kansas, the first of five children. In 1935, Mr. Graves graduated from the University of Maryland at College Park with a BA in Agriculture Economics. After graduation, Mr. Graves took a job at the U.S. Department of Agriculture as a Regional Director for Marketing Administration.

After a few short years with the Department of Agriculture, Mr. Graves went to serve our country in World War II. When a tropical disease forced his return to the states, Mr. Graves continued to serve our country by working in procurement and supply for the U.S. Navy while stationed in Philadelphia and Washington, D.C.

After the war, Mr. Graves' work endeavors brought him to California's San Joaquin Valley, where, as a contractor, he supervised the building of a number of migrant farmworker camps. It was in the San Joaquin Valley that he found success as an entrepreneur, starting the Real Fresh Milk Company, which utilized a patented process developed by his father. The company produced a line of innovative dairy products, and it was his efforts to market globally that made his fresh milk a highly coveted commodity on military bases throughout Southeast Asia and the Middle East.

Mr. Graves continued to contribute to the growth and development of the United States food industry through his extensive involvement with the National Food Processors Association, where he served on the Board of Directors for six years, chaired the Public Affairs Council, and served as Director of the National Food Laboratory Inc.

Mr. Graves has remained involved with California agriculture over the past thirty years through his association with the walnut industry. He has held many prestigious posts in this capacity, serving as a member of the Sun-Diamond Growers board of directors for 24 years before he retired in 2000. During this time he also served as a member of the Federal Walnut Marketing Board, and he currently serves as the alternate director of the California Walnut Marketing Association.

Mr. Speaker, Mr. Graves has served his country and his community with pride and determination. I ask my colleagues to join me today in congratulating Robert J. Graves as he celebrates his 90th birthday.

PERSONAL EXPLANATION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mrs. MUSGRAVE. Mr. Speaker, if I had been present during the vote on the Intelligence Authorization Act of 2004, I would have voted "yea."

TRIBUTE TO MR. SELVIN J. WHITE, SR. AND MRS. JEANNE A. WHITE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life of a couple who I am proud to call my friends. Mr. Selvin J. White, Sr. and Mrs. Jeanne A. White celebrated their 50th wedding anniversary on July 5, 2003, at the Spain Restaurant in Newark, New Jersey.

For the past fifty years, Mr. and Mrs. White have wholeheartedly committed themselves to serving the families of the city of Newark, New Jersey. It is only fitting that, upon the auspicious occasion of their 50th Wedding Anniversary, they be honored, in this, the permanent record of the greatest freely elected body on earth.

Selvin and Jeanne White first met at a Newark family gathering in January 1951. They were married two years latter, in July 1953. From the very beginning of their marriage, Selvin and Jeanne dedicated much of their time and energy to serving the members of their community.

Jeanne, a graduate from the Newark State Teachers College with a B.S. in Elementary Education, began teaching Special Education/Hard of Hearing students in Elizabeth in 1953. Her devotion to the students whom she taught has always been self-evident, though perhaps never more so than in her decision to remain in the classroom even after receiving her Master of Arts Degree and Doctoral Equivalency Degree in School Administration and Supervision from the prestigious Seton Hall University. The leadership, compassion, and love that she has shared has made a lasting impression on the lives of all how have had the pleasure of knowing her.

Like his wife, Selvin has been extremely active in the city of Newark and its environs. A Deacon at the First Mt. Zion Baptist Church for almost 30 years. Selvin and his wife have worked tirelessly to improve the social and academic possibilities available to the city's youth. The Newark Chancellor Avenue School Youth Organization, the Newark South Ward Little League, the Newark Chancellor Avenue School Parent Teacher Association, and the Weequahic High School Parent Teacher Association are just a few of the numerous organizations with which they have been involved. Most recently, they have worked to establish and ensure the continuation of the First Mount Zion Baptist Church Scholarship Fund to help assist youth in the congregation attend college.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing two individuals who have so generously given of themselves to the community in which they live. Selvin and Jeanne's long history of leadership, compassion, and service to the people of Newark is unparalleled. Many Newark families owe them a debt of gratitude.

Mr. Speaker, I ask that you join our colleagues, their only son, Selvin J. White, Jr., the members of the White family, and me in recognizing the invaluable service of Selvin J. White, Sr. and Jeanne A. White.

RECOGNIZING THE EXTRAORDINARY ACHIEVEMENT OF THE PEOPLE OF TAIWAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I stand today to welcome the much-anticipated announcement made by the World Health Organization, WHO, on July 5th that the country of Taiwan has been removed from the list of areas still at risk of further transmission of the disastrous epidemic known as SARS.

My sympathies are extended to the citizens of Taiwan whose lives have been transformed in recent months by the fear, devastation and uncertainty that has been instilled in those regions where the SARS virus has laid its insidious roots. I admire the will and determination of the Taiwanese people who have responded to loss of life, economic instability, and a strained health system with an admirable show of strength and national unity.

Although we are optimistic that a resurgence of such fearful outbreaks will never occur again, it is important that we gain valuable lessons from the SARS epidemic in a global context. I anticipate that the WHO will abide by the resolution on SARS passed by the World Health Assembly on May 28, 2003 to continue cooperating closely with Taiwan.

The global disease prevention network has proven to be a forceful unit in combating and curbing health threats and its devastating effects. I trust that after Taiwan's ordeal through SARS, the WHO will invite Taiwan to join this cohesive body in order to strengthen and invigorate this task force in preparation for future exigency.

Mr. Speaker, I would like to congratulate the people of Taiwan for their extraordinary resilience in battling an epidemic that has brought distress and anguish to many parts of the world.

TRIBUTE TO THE U.S. VETERANS OF TEMPLE SHOLOM

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr Speaker, I would like to call to your attention the great service and patriotism demonstrated by the members of the congregation of Temple Sholom in Cedar Grove, New Jersey who so valiantly served and fought on behalf of the American people. On Friday, May 23, 2003, at the Sabbath eve service, the Brotherhood of Temple Sholom commenced the celebration of Memorial Day Weekend by honoring those members of its congregation who are veterans of the armed forces of the United States of America.

As a veteran of the United States Army and the Army Reserve, I am honored to join the Brotherhood of Temple Sholom in paying tribute to the great dedication and loyalty that these men have demonstrated for their country. In giving so generously of themselves, they have ensured the safety of our country, while defending the human right to justice, freedom, and peace throughout the world. Their selfless and unquestioning commitment to promoting the tenets of liberty and democracy on which our country is founded deserves an expression of our esteem.

I believe it is only fitting that each of these men and their contributions to the United States of America be saluted, in this, the permanent record of the greatest freely elected body on earth.

The members of the congregation of Temple Sholom who served on active duty in the armed forces of the United States are: Marcel Bollag, 2nd Lieutenant, United States Army, WWII; Samuel Brummer, Pfc., United States Army, WWII; Norman Cohen, Pfc., United States Army; Charlie Dryfoos, SP 3, United States Army, WWII; Stuart J. Freedman, Captain, United States Army; Jerome Gold, Chief Warrant Officer, United States Army, WWII, 1941–1945; Jerome Goodman, Corporal, United States Army, WWII; Irving Greenberg, Corporal, United States Army, 1946–1948; Martin M. Gross, Lieutenant, United States Army, WWII; Dr. Richard Kaiser, Lieutenant Commander, United States Navy, 1971–1973; Arthur Kleinberg, Pfc., United States Army, Korean War, 1954–1955; Arthur Kolodkin, Corporal, United States Army, Korean War; Arthur Krupp, Corporal, United States Army, WWII, 1942–1946; Philip Kupchik, Sergeant, United States Army, WWII; Irving Levinson, Tech 2nd Grade, United States Army, WWII; Ed Maged, Pfc., United States Air Force, 1944–1946; Jerry Marks, SP 4, United States Army, Korean War; Joe Nadler, Sergeant, United States Army, Korean War, 1954–1956; David Neumann, Sergeant, United States Army, WWII; Ashley Paston, Pfc., United States Army, WWII, 1944–1945; Rabbi Norman R. Patz, Chaplain, United States Navy, 1965–1967; Alan Reifenberg Corporal, United States Marine Corps, currently serving in Iraq; Ray Rowen, Pfc., United States Army, WWII, Korean War; Stanley Scheiner, Sergeant, United States Army, 1956–1958; Stanley Sigman, Sergeant, United States Army Air

Corps, WWII; Stanley Silverman, Lieutenant, United States Navy Air Corps, WWII, 1942–1946; Stephen Sobel, 1st Lieutenant, United States Air Force, 1958–1960; Carl Solomon, Ordnance Officer, United States Army, Korean War, 1952–1954; Ben Steinberg, Pfc., United States Army, WWII; Bernard Sterling, 1st Lieutenant, United States Army, WWII; Lee Wasserman, Corporal, United States Army, WWII; Morris Wishnack, United States Army, 1957, 1961–1962; Peter Wolff, Pfc., United States Army, WWII; and Hersh Zitt, United States Army Air Corps, WWII.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to learning about and recognizing the sacrifices and patriotism of this country's veterans.

Mr. Speaker, I ask that you join our colleagues, the Brotherhood of Temple Sholom, and me in recognizing the outstanding and invaluable efforts of these brave men.

TRIBUTE TO WILMINGTON TRUST COMPANY, 100 YEARS OF BUSINESS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. CASTLE. Mr. Speaker, It is with great pleasure that I rise today to honor and pay tribute to a leader in the business and banking community—Wilmington Trust Company, one of the nation's principal providers of wealth advisory, banking, and corporate client services. Wilmington Trust is celebrating 100 years of business, a milestone few companies manage to achieve. This company has proved outstanding over the years and on behalf of myself and the citizens of the First State, I would like to congratulate Wilmington Trust on all of their accomplishments in the past 100 years and offer it continued success in the many years to come.

Today, I recognize Wilmington Trust for their accomplishments in the State of Delaware as well as the rest of the nation. Serving clients in 60 countries demonstrates their strong loyalty and support from all their customers.

Family, friends, and fellow Delawareans can now take a moment to truly appreciate everything Wilmington Trust has offered to the community. One hundred years ago, T. Coleman duPont recognized the need for secure financial resources in Delaware's growing business sector. The company has never had an unprofitable year and is currently only one of 159 public companies to have increased its dividend for over 20 consecutive years.

July 8, 1903, marks the first day for the banking, trust, and safe deposit company, originally run out of the dining room of a private residence. Mr. duPont served with remarkable vision as President and Chairman of the company from 1903–1912. After being with Wilmington Trust for over 30 years, Robert V.A. Harra, Jr. was elected President in 1996 and is currently continuing at this position. The current Chairman, Ted T. Cecala, was elected in 1996 and has worked for Wilmington Trust for over 20 years.

This centennial celebration signifies 100 years of service, growth, and commitment to the company's founding principles of integrity, stability, continuity, independence, and excellence. These core beliefs will help form the foundation for Wilmington Trust's promising future.

Wilmington Trust's accomplishments and contributions cannot be commended enough. As the company celebrates their diamond anniversary, we can be sure their contributions will continue for many years. Their commitment to serving the community has earned Wilmington Trust a permanent place in Delaware's history.

TRIBUTE TO LLOYD GAYLES REESE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life of an outstanding individual, Mr. Lloyd Gayles Reese of Paterson, NJ, who sadly passed away earlier this week. It is only fitting that his legacy be immortalized in this, the permanent record of the greatest freely elected body on earth.

Lloyd began his life's journey on January 22, 1938. Born the second son of Theodore and Cornelia Gayles Reese, Lloyd spent this formative years in Westfield, AL. Already known for its production of steel and the baseball legend, Willie Mays, Westfield would also become known for producing a musical legend as well. Whether through vocal talent or mastering an instrument, the entire Reese family was musically blessed.

During his grade school and high school years Lloyd was devoted to playing the piano. Upon graduating high school, he was offered several college scholarships for his musical talent. Choosing to attend Miles College in Birmingham to be close to his family proved to be a wise choice for Lloyd. While at Miles, his self-composed songs and lyrics gained national attention upon being published in a national anthology of college poems.

Lloyd's musical talent was discovered by the late Dorothy Love Coates who witnessed his abilities at the Municipal Auditorium in Birmingham. She quickly hired Lloyd to travel with the "Original Gospel Harmonettes." His career with the group was abrupt, however, as Lloyd was drafted to serve in the Army.

Service to his country did not deter Lloyd's passion and dedication to music. He formed "The Originals," a singing group at the Dugway Proving Ground Army Post, in Utah, where Lloyd was stationed. The group was so popular that they participated in All-Army concerts.

Upon receiving an honorable discharge from the Army, Lloyd came to my hometown of Paterson, NJ. Upon his arrival, he became the choir director for the Solid Rock Baptist Church. Lloyd's dedication and talent with the choir led to their recording on the Verve-MGM label. This was only the beginning of many records for Lloyd. Throughout his professional career, he enjoyed such hits as "Until we Meet Again" and "Spread a Little Sunshine." Due to the success of his musical endeavors, Lloyd was able to perform on the great stages in America, including Radio City Music Hall, in New York City.

Lloyd returned to focusing on choir performances after the passing of his oldest brother Theodore Reese, Jr. He began working with the United Presbyterian Church and the Community Baptist Church of Love, both in Paterson. In addition he joined the William Paterson College community as the Choir Director.

"Professor Reese" spent his life devoted to his talent and his family. The legacy he leaves us with, should remind us all to be true to our talents and our loved ones. Lloyd has left an indelible mark on everyone who has heard and experienced his music.

Mr. Speaker, I ask that you join me, our colleagues, Lloyd's family and friends, the Community Baptist Church of Love, City of Paterson and all who have been touched by Lloyd Gayles Reese in recognizing the life of a great man.

A TRIBUTE TO MAJOR JAMES EWALD

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. CAMP. Mr. Speaker, today I would like to pay special tribute to Major James Ewald for his faithful service to his country and his bold display of courage during the events unfolding on April 8, 2003.

Major James Ewald joined the Air Force on January 15, 1989 and served on active duty until July 1, 1998 when he joined the Michigan Air National Guard's 110th Fighter Wing. Since his transfer to the 110th, Major Ewald has deployed with the unit to numerous stateside training exercises and recently returned from a 4-month tour of duty in Kuwait. While serving in support of Operation Iraqi Freedom, he flew over 30 combat sorties. One such flight occurred on April 8, 2003, when Major Ewald's aircraft was struck by an Iraqi surface-to-air missile, rendering his craft only marginally flyable. Major Ewald flew the wounded-bird for 12 minutes before ejecting. He then evaded capture by masking his presence in thick foliage while awaiting his rescue.

I commend Major Ewald for his extreme devotion to his country. He responded to his country's call of duty, giving of himself for the causes of liberty, justice, and peace. His dedication and sacrifice for his country serves as a shining example to all Americans.

On behalf of the 4th Congressional District of Michigan, I am truly honored to have the opportunity to acknowledge Major Ewald and welcome him home. The United States is deeply indebted to him for all of his efforts and commitment.

As family and friends gather with Major Ewald today, please allow me to join in thanking him for his patriotism, selflessness, and heroic efforts in protecting America's freedom.

TRIBUTE TO MS. GEORGETTE HAUSER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of a woman I am proud to represent in the United States Congress, Ms. Georgette Hauser. Georgette was honored on Sunday, April 27, 2003, for her 35 years of dedicated service at the Memorial Day Nursery School in my hometown of Paterson, New Jersey.

It is only fitting that she be honored, in this, the permanent record of the greatest freely elected body on earth, for she has a long history of caring, leadership, and commitment to the children of the Silk City.

Her intense involvement in the Memorial Day Nursery began when Georgette served as a board member. After witnessing the needs of the children in the program she became a volunteer administrator for the non-profit school. Her first hand experience with the important role the nursery had in the Paterson community, Georgette knew that she was exactly where she was meant to be.

For the next 3 decades, Georgette served as the head of the Memorial Day Nursery School and is still there today. Through her position at the nursery school, she became aware of the need for quality educational facilities for the children of Paterson. Georgette became part of a formative group looking to provide just that. She helped to form Paterson's first charter school. Although the charter school did not succeed, it gave Georgette further insight into the City's educational needs.

Since her experience with the charter school, Georgette has continued to work towards expanding and improving the City's preschool program. As head of the State of New Jersey's oldest nursery school. Georgette has witnessed many changes in her 35 years there.

Today, the Memorial Day Nursery is celebrating its 116th anniversary with the grand opening of its new campus, appropriately named the Hauser Campus. The legacy Georgette has created at the Memorial Day School and the City of Paterson will live on forever.

Georgette has stated that while she may be turning 80 next year, she still has more work to do. When asked about retiring Georgette has been quoted as saying "What am I going to do if I retire? Sit and chitchat? Forget it."

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the accomplishments of individuals like Georgette Hauser. Her concern for the education and well being of children is unparalleled. We are grateful for her years of dedication and hard work on behalf of the children of Paterson.

Mr. Speaker, I ask that you join our colleagues, the City of Paterson, Georgette's family and friends, all those who have been touched by Georgette and me in recognizing the outstanding and invaluable service of Ms. Georgette Hauser.

HONORING ALBERT DEWITT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monay, July 14, 2003

Ms. LEE. Mr. Speaker, Mr. STARK and I rise today to honor the memory of Alameda City Councilmember Albert DeWitt. Al passed Thursday, July 3, 2003 at the age of 70 after a two-year battle with stomach cancer. He was a staunch advocate for racial equality and affordable housing.

Al spent 9 years on the council after he retired as a mechanic at the Alameda Naval Air Station and almost 40 years in the U.S. Army Reserve, where he earned the rank of Colonel. He was elected on November 8, 1994 as the first African-American Alameda City Council member. He served as Vice Mayor for two years and then acting Mayor for a time last year.

Mr. DeWitt was born and raised in Alabama. He joined the Army in 1950 and served for three years in Germany, where he met and married Josepha Kerler. The couple moved to Berkeley and then Alameda, and raised three children: Albert Hans, Barry and Lisa. He faced prejudice and racism as he rose through the ranks of the Army and Army reserve, but that did not embitter him. He served our country with dedication and distinction.

Councilmember DeWitt studied at Oakland Jr. College. He later went to Golden Gate University at night while working days as a mechanic. In later years, he moved to Washington, D.C. and earned a master's degree in public administration at George Washington University. He was also a graduate of the Industrial College of the Armed Forces, Washington, D.C.

Al served as president of the local NAACP and as a commissioner with the Alameda Housing Authority. He was active with the American Legion, Boys and Girls Club, Library 2000, Kiwanis, Alameda Historic Society and Museum, Navy League and was a member of the Board of Directors of the Alameda Council Boy Scouts of America.

Councilmember DeWitt was a remarkable human being who dedicated his life in service to others. He shared his wisdom and provided us tremendous support. He leaves his wife Virginia, ex-wife, six brothers and sisters, three children, and three grandchildren to cherish his memory. We take great pride in joining his friends, colleagues, constituents and family to salute the wonderful Albert DeWitt. Let us celebrate his legacy by undertaking to uphold the ideals of equality that he held so dear.

TRIBUTE TO JOHN M. MOSCINSKI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of a man I am proud to represent in Congress, Mr. John R. Moscinski. John was recognized on Monday, May 05, 2003 by the Township of Little Falls, New Jersey.

It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth, for he has a long history of dedication, leadership, and commitment to his community.

John Moscinski was born on October 25, 1920. After graduating from a local high school John proudly served his nation in the Second World War as a Tech Sergeant. Upon his return to the United States, he enrolled in New York University under the G.I. Bill. After two years, however, he had to leave his college studies to support his wife and two children by working two jobs.

John attributes his life's accomplishments to the values and training he received while in the Civilian Conservation Corps, a program initiated by President Roosevelt during the great depression. Beyond the physical skills he acquired working in this program, John also gained valuable leadership qualities. His leadership abilities would prove to be essential when he took a position with the modern day replica of the CCC, the Northeast Americorps Advisory Board. John continues to remain active in his community.

He is currently a member of senior citizen groups in Little Falls and West Paterson, New Jersey as well as a member of the support group at the Veterans Administration hospital in Lyons, New Jersey.

In addition to his involvement in the community, John has remained steadfast in his desire to complete his college education. At the age of 78 he received his Bachelor of Science degree in Health Services from Montclair State University and this year, at the age of 82 he will receive his Master of Arts degree in Community Health as well.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the accomplishments of individuals like John Moscinski. I applaud the Township of Little Falls for their initiative in naming May 9, 2003 as John Moscinski Day.

Mr. Speaker, I ask that you join our colleagues, the Township of Little Falls, John's family and friends, all those who have been touched by John and me in recognizing the outstanding and invaluable achievements of John Moscinski.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. GIBBONS. Mr. Speaker, as I was absent during the legislative days of July 8, 9, and 10, 2003 on an authorized Congressional Delegation trip abroad, I would like to submit, for the record, the way I would have voted on rollcall votes No. 334 through No. 353: No. 334: "No"; No. 335: "Yes"; No. 336: "Yes"; No. 337: "Yes"; No. 338: "Yes"; No. 339: "Yes"; No. 340: "Yes"; No. 341: "Yes"; No. 342: "Yes"; No. 343: "Yes"; No. 344: "Yes"; No. 345: "Yes"; No. 346: "Yes"; No. 347: "No"; No. 348: "No"; No. 349: "No"; No. 350: "No"; No. 351: "No"; No. 352: "Yes"; No. 353: "Yes".

TRIBUTE TO MR. EUGENE DE BELLIS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the work of an outstanding individual, Mr. Eugene De Bellis, of Clifton, New Jersey, who was recognized by the De Bellis School of Performing Arts on Sunday, June 22, 2003, for his lifelong dedication to musical education and the performance arts.

As a musician and music educator, Mr. De Bellis has spent his life fostering the arts. His creativity, boundless generosity, and commitment to the cultural enrichment of others have helped to shape the careers of a number of professionals within the music industry. Therefore, it is only fitting that Mr. Eugene De Bellis be honored, in this, the permanent record of thet greatest freely elected body on earth.

Eugene De Bellis began what would become a distinguished career in music at the early age of nine when he first undertook the study of solfeggio, violin, piano, and accordion. Eugene's musical talent was soon recognized and, several years later, he was invited to study at a private music school in New York.

As a teenager, Mr. De Bellis performed in Newark, New Jersey, in various bands comprised of musicians from the American Federation of Musicians (Local 16). He continued his formal musical training at the Pietro Deiro Conservatory of Music in New York, while pursuing independent studies in piano performance with Professor Ulysses Senerchia, and Music Theory and Harmony with Professor Otto Cesana and Professor Joseph Biviano of NBC in New York City.

In 1948, Mr. De Bellis began attending Seton Hall University. His tenure there was short-lived, however, and he left Seton Hall after a mere two years to be inducted into the United States Army. While in the United States Army, Mr. De Bellis attended the 9th Infantry Division Band School, and graduated to become a training officer for the Field Army Corp and a member of the prestigious United States Army Band.

Upon leaving the Army, Mr. De Bellis returned to New York to pursue a bachelor's degree in Music Education at New York University. His desire to instill an understanding and love of music in other young artists led to his decision to organize his own private school. In a response to the great need for a school of music in Newark, New Jersey, the De Bellis School of Performing Arts opened its doors in 1952. Fifty-one years later, the De Bellis School of Performing Arts continues to offer courses to students of Instrumental Music, Dance, Voice, and Drama.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the accomplishments of individuals like Eugene De Bellis. His passion and commitment to music education and the community of Newark is unparalleled.

Mr. Speaker, I ask that you join our colleagues, Eugene's family and friends, the faculty and students at the De Bellis School of Performing Arts, and me in recognizing the outstanding and invaluable service of Eugene De Bellis.

TRIBUTE TO GERALD V. PIERARD

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. WELLER. Mr. Speaker, I rise today to honor the memory of my friend and constituent, Gerald V. Pierard, the Mayor of the Village of Coal City, whose untimely death occurred on July 9, 2003.

A native of Coal City and graduate of Coal City High School, Mayor Pierard spent much of his adult life serving the citizens of Coal City. Serving a term as Commissioner and then 2 terms as Mayor, the citizens of Coal City displayed their esteem for Mayor Pierard by reelecting without opposition earlier this year to yet another term as their Mayor.

Mayor Pierard also served his country as an officer and fighter pilot in the United States Air Force. He will rest with honor in the Abraham Lincoln National Cemetery.

After his graduation from the University of Illinois and military service, Mayor Pierard returned to the community he loved and began his career of service to Coal City. Largely because of his strong leadership, the Village of Coal City is today well positioned for future growth and prosperity. Displaying great vision, Mayor Pierard expanded the boundaries of Coal City and made major infrastructure improvements such as new streets, a new water system and a new sewage treatment system his priorities. The citizens of Coal City and their families will clearly benefit from the new jobs and higher standard of living which will come about as the result of Mayor Pierard's dedication to his home town.

I am proud to recognize Mayor Gerald V. Pierard as a veteran, family man and progressive community leader—a truly fine example of an outstanding American citizen.

Mr. Speaker, I urge this body to identify and recognize outstanding citizens in their own districts whose actions have so strongly benefitted and strengthened their communities and our great Nation.

TRIBUTE TO THE PATERSON ROTARY CLUB NO. 70

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding organization, Paterson Rotary Club #70 that, on Wednesday, June 18, 2003, celebrated 90 years of service.

As a lifelong resident and former mayor of Paterson, I cannot think of another organization that has dedicated itself more to serving the special needs of the city's diverse community. It is only fitting that Paterson Rotary Club #70 be honored, in this, the permanent record of the greatest freely elected body on earth.

Established in 1913, Paterson Rotary #70 held its first meeting of civic leaders and professional businessmen on February 25th at Crawford's Restaurant in Paterson, New Jersey. Over the ensuing 90 years, the members of the Paterson Club have exemplified the Rotary's time-honored motto "Service Above Self."

From its inception, Paterson Rotary #70 has dedicated itself to assisting the local youth of Paterson. One of its earliest projects was the establishment of the Rotary Student Loan Fund which has enabled numerous young men and women to continue their education in colleges and universities around the country. While still in its formative years, the Paterson Rotary similarly chose to support the Paterson YMCA and, in the 1940s, the club assumed an instrumental role in the construction of a large social hall at the YMCA's summer camp at Silver Lake in Sussex County.

Over the years the Paterson Rotary has expanded the scope of its service to include regular support of the Memorial Day Nursery, the Gift of Life Program, and the Salvation Army. Yet its initial focus on the youth of Paterson has not been forgotten. Acting in the spirit with which it was founded, the Rotary Club currently sponsors various self-help programs for local students, High School Interact Clubs, and numerous Rotary Youth Leadership Awards, while providing support for the local PAL, the Boys and Girls Club, the Boy Scouts, the Paterson Education Fund, and the Nathaniel Lieberman Scholarship Fund for Paterson students pursuing careers in music.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing organizations such as the Paterson Rotary that give so much to their community. Paterson Rotary #70's long history of leadership and service to the city of Paterson is unparalleled.

Mr. Speaker, I ask that you join our colleagues, the members of the Rotary, the city of Paterson, and me in recognizing the outstanding and invaluable service of Paterson Rotary Club #70.

TRIBUTE TO MAJOR JAMES "CHOCKS" EWALD

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. KILPATRICK. Mr. Speaker, I rise today to recognize the bravery of one of Michigan's fine Air Guardsmen. Major James "Chocks" Ewald of the Michigan Air National Guard 110th Fighter Wing made courageous decisions when his aircraft was hit by a surface-to-air missile while flying over Baghdad, Iraq on April 8, 2003.

On April 8, 2003, Major James "Chocks" Ewald took off from Al Jaber Air Base Kuwait on his second mission of the day. He and his wingman learned that they would be among the first Close Air Support aircraft to fly over the city of Baghdad. His aircraft was shot at numerous times during the next 30 minutes, while he provided vital intelligence about Iraqi ambush positions. The flight was low on fuel and leaving Baghdad when it was suddenly struck by a surface-to-air missile. Major Ewald flew the wounded-bird for about 12 minutes, while preparing for an injury-free ejection. Before ejecting, he and his wingman managed to complete several battle damage checklists, identify critical aircraft system operations, make tentative plans for aircraft recovery, and gather important information about threats affecting future Close Air Support operations. A friendly U.S. Army forces rescued Major Ewald 15 minutes after his parachute landing. Following a physical examination, he returned to active duty.

Major James "Chocks" Ewald entered the active duty Air Force on January 15, 1989 and served in the active duty until July 1, 1998 when he joined the Michigan Air National Guard. During his active-duty career, he flew in support of contingency operations over Bosnia, Operation Deny Flight, in support of the United Nations Forces in the Republic of Korea, and over Iraq in support of Operation Southern Watch. In 1998, he separated from active-duty and joined the 110th Fighter Wing where he has served as Flight Instructor and Squadron Weapons Officer. Since his transfer to the 110th, Major Ewald has deployed with the unit to numerous stateside training exercises and recently returned from a four-month tour of duty in Kuwait in support of Operation Iraqi Freedom where he flew over 30 combat sorties.

With the heroic example of Major James "Chocks" Ewald, I would also like to laud all 1,500 members of Michigan Air and Army National Guard who are now serving their country in Operation Iraqi Freedom.

ANGEL ANTHONY LEON GUERRERO SANTOS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to former Guam Senator Angel Anthony Leon Guerrero Santos, III, a tireless champion of the rights of the Chamorro people. Sadly, Angel passed away on July 6, 2003 after suffering from a degenerative illness.

Angel was born on April 14, 1959 to Amanda Leon Guerrero Santos and Angel Cruz Santos II. He was father to Angel Ray Anthony Santos IV, Sheila Marie Santos Indalecio, Christopher Ray Pangelinan Santos, Vanessa Joy Gumataotao Santos, Francine Nicole Gumataotao Santos (dec.), Brandon Scott Gumataotao Santos, Taga Hurao Santos-Salas, Ke'puha Hirao Santos-Salas, and Sosanbra Elisha Santos-Salas.

Angel was a 13-year veteran of the U.S. Air Force. He served three terms as a Senator in the Guam Legislature. His belief in the inalienable right of the Chamorro people to self-determination and his dedication to preserving the language and culture led to the establishment of Nasion Chamoru of which he was a founding member and spokesman.

Angel was well-known for his outspoken stance on cultural, environmental and human-rights issues. But he will perhaps be most remembered for his efforts to return lands taken after World War II. It was this battle that led him to successfully pursue a seat in the 23rd, 24th and 26th Guam Legislatures where he authored Guam Public Law 23–141 which mandated the return of excess lands to the original landowners.

Angel fought passionately against issues that stirred much debate. Whether it was land rights or corruption allegations, he was outspoken. When he felt there was an injustice, he fought against it. He often led causes that were controversial. Sometimes those issues made him unpopular with some people. But he loved his home and his people. In every community, people always need someone to stand out in front to lead against those controversial issues, and Angel was that man. His courage in the face of opposition, the strength of conviction and determination to succeed made him a hero to the Chamorro people and earned him the respect of those around him.

As we mourn the untimely passing of Guam's native son, Angel Anthony Leon Guerrero Santos, III, let us remember his inspiring words:

> We cannot be passive or silent when human beings endure suffering or humiliation. We must step forward and take sides. We must assist immediately. At times, we may fail. At times, we may make mistakes. But we must never make the mistake of failing to try. People deserve nothing less.—Angel Santos, 1994
>
> Generations will come and generations will pass, but if no generation has the conscience, the courage and moral conviction to right the wrong doings of the past; then, the next generation will have to live with the same injustices of the future.—Angel Santos, 1999

On behalf of the people of Guam, I extend our deepest sympathies and prayers to his family and friends of Angel Anthony Leon Guerrero Santos, III. Adios Angel. Si Yu'us Ma'ase.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Thursday, July 10, I was unavoidably detained due to a prior obligation in my district.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yes" on rollcall No. 348, "yes" on rollcall No. 349, "yes" on rollcall No. 350, "yes" on rollcall No. 351, "no" on rollcall No. 352, and "no" on rollcall No. 353.

TRIBUTE TO THE DETROIT REGIONAL CHAMBER OF COMMERCE

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. KILPATRICK. Mr. Speaker, I rise today to laud the Detroit Regional Chamber's leading role in fostering Michigan's prosperity over the past century.

The Detroit Regional Chamber was founded in 1903 with 253 charter members. It is now the largest Chamber of Commerce in the United States with more than 19,000 active members. For a century, the Detroit Regional Chamber has made many important contributions throughout Southeast Michigan. From its significant participation in the "Campaign for Good Roads" in 1910 and 1911 to its influential work toward setting up the SMART bus system, the Detroit Regional Chamber has demonstrated itself as a dependable community leader in Southeast Michigan.

With a new century come new challenges for our region. Looking at its endeavors in the past 100 years, the Detroit Regional Chamber will continue to remain the important leader that Southeastern Michigan has come to depend upon. I stand ready and look forward to cooperating with the Detroit Regional Chamber and other community leaders to meet these new challenges.

I salute the Detroit Regional Chamber on its 100th anniversary and I thank the officers and staff of the Chamber for their hard work. They have worked tirelessly to make Detroit attractive to the business community. I appreciate all that they do. With their continued hard work, I am confident they will achieve greater accomplishments for the Detroit Chamber of Commerce and the City of Detroit in the 21st century.

FREDERICK W. ROSEN

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. DEAL of Georgia. Mr. Speaker, I rise today to pay tribute to a great American, Frederick (Fred) W. Rosen. Mr. Rosen was a Naval Officer, a businessman, a hometown hero, and above all, a patriot. He was a friend to a President and national leaders and a witness to history. For his contributions to Dalton, Georgia and indeed the history of this great nation, I pay honor to him posthumously; Mr. Rosen died peacefully on July 14, 2003.

Fred Rosen was born in 1917 in Brooklyn, New York, the son of Eastern European Jewish immigrants. In the 1930s, as the Depression consumed the nation, Mr. Rosen's brother Ira moved to Dalton, Georgia seeking opportunity in the textile industry by opening the La Rose Bedspread Company. Mr. Rosen was a loyal Bulldog, attending the University of Georgia and playing football there. His brother Ira ran the business with Mr. Rosen, while brother Eli became a physician who practiced in Dalton. Mr. Rosen's sister, Helene, who survives him, today resides near Hartford, Connecticut.

In 1941, Fred Rosen answered Lt. Commander John D. Bulkeley's call for the "toughest, hard-boiled men who can take all the punishment in the world" and joined the Navy. Arriving in Charleston, S.C., Mr. Rosen met a young man from Boston named John F. Kennedy. The two trained alongside one another to serve on the Navy's newest vessel—the PT Boat, a vessel designed for stealth in the darkness. Rosen achieved the rank of Lt. Commander, becoming the skipper of his own ship, PT 207 of the squadron MTB Ron 15. During WWII, the squadron engaged in 73 actions and 55 OSS missions with 30 enemy vessels destroyed.

From 1941–1944, Mr. Rosen served in the Mediterranean and received ribbons for more than half a dozen missions and a Purple Heart, awarded in 1943, for a burned hand which resulted from the only time his boat was shelled by the Germans. Later in the war, PT 207 under Mr. Rosen's command sank a German naval ship. From 1944 until the end of the war, he served aboard an aircraft carrier in the Pacific theater.

In August of 1943, Herbert L Matthews of The New York Times, climbed aboard Mr. Rosen's PT Boat, bringing Americans their first glimpse of the Navy's newest naval creation. Matthews' account of traveling aboard the small ship through unfortunate weather brought Americans closer to the plight of their fighting forces abroad. Matthews wrote: "I have never seen men more tired than the officers who barely managed to stand up in the gray light of dawn, still streaked with lightening from a heavy rainstorm that we had run into during the night."

Mr. Rosen was a witness to history, as he remained friendly after leaving military service with Kennedy and also future Undersecretary of the Navy Paul B. Fay. When Kennedy married Jacqueline Bouvier, he was the only PT boat commander in attendance. Mr. Rosen was on the board of PT Boat Men for Kennedy, which campaigned for the candidate during his presidential campaign in 1960. In 1961, Mr. Rosen was invited to witness his dear friend being sworn in as President of the United States. In March of 1962, Mr. Rosen and his fellow PT Boat Men presented Kennedy with a Steuben Glass replica of the famed Boat, which sat on his desk in the Oval Office as long as he was President. Just after Kennedy's assassination, Mr. Rosen said to a local paper: "I hope we pull through this crisis and don't lose our sense of morality."

Fred Rosen was a model citizen in Dalton, Georgia. After the war, he and his brother Ira opened Enduro Mills, one of the many factories that made Dalton the Carpet Capital of America. He was married to Anita James Rosen. Although the couple never had children, Mr. Rosen was a family man, maintaining long distance relationships with his cousins, his siblings and their children and grandchildren.

Fred Rosen will be sorely missed by the people of Dalton, Georgia and the Rosen family scattered throughout the nation. His Navy service helped bring freedom to Europe and the United States, his local successes in Dalton brought jobs to our community, and his personal charisma brought a whole family together. Mr. Speaker, it is my honor to recognize Mr. Frederick W. Rosen.

HONORING THE SOUTHWEST H.S. CHAMPIONSHIP COLOR GUARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize the accomplishments of the Southwest High School Championship Color Guard.

Under the direction of Daniel J.U. Garcia, a Vietnam Marine Corps Veteran, and Mike Singh, a Korean War Navy Veteran and Chief Deputy in California's Imperial County Sheriffs Office, the Color Guard has made history by earning five Championship Titles!

After being named the Imperial County High School Color Guard Parade Champions and the California Pageantry Productions Association Parade Champions, the team entered the Sharp Judging Association of California and the State Exhibition Color Guard Championship at Knotts Berry Farm, California and was named State Champions on March 22nd. They went on to become National Champions at the Sharp Judged Association Championship Competition on May 17th in San Dimas, California and were subsequently named International Champions at the Southwestern Regional International Championships on May 31st in Las Vegas.

From the beginning, the Color Guard made a pact to present our National Colors and our five Military Service Flags with pride, dignity, and honor. The Color Guard members provide their own funding through fundraising activities for individual uniforms and for food, lodging and transportation to the sanctioned parades and competitions. They also set a goal to represent their families, friends, teachers, and school with honor during competitions. The team members set high standards for themselves and adhere to a rigid, written contract that was signed by parents, team members and coaches. The focus became "team effort, team spirit, and team accomplishment."

During their quest for the five Championship titles, the Color Guard entered and participated in numerous parades, winning first place trophies in all parade entry competitions throughout California. In addition, they have performed at countywide elementary and high schools on special holidays and at college and university ceremonies, including many graduation exercises. They have appeared at the Korean War Veterans Association, the American Legion Post Ceremonies, and the Veterans of Foreign Wars and at ground breaking and ribbon cutting ceremonies throughout Imperial County.

The members of the Color Guard include: Sindy De La Torre, Lieutenant, First Rifle; Maria Cabrera, Sergeant, Second Rifle; Cristobal Oviedo, Sergeant, Third Rifle; Maria Padilla, Sergeant, Fourth Rifle; Jessica Oviedo, Sergeant, American National Flag, First Flag; Marcia Luna, Sergeant, California Flag, Second Flag; Ivette Beltran, Sergeant, U.S. Army Flag, Third Flag; Eva Cabrera, Sergeant, U.S. Navy Flag, Fourth Flag; Brenda Hinojosa, Lieutenant, Marine Corp Flag, Fifth Flag; Adriana Villarreal, Sergeant, U.S. Air Force, Sixth Flag.

I offer my congratulations to the Southwest High School Championship Color Guard on their fine achievements and their service to our community. They represent the best of our young men and women, and we can be proud of each individual, as well as of their team accomplishments.

INTRODUCTION OF THE COMPACT IMPACT REIMBURSEMENT ACT

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. CASE. Mr. Speaker, I join my colleague from Guam, Congresswoman MADELEINE BORDALLO, as an original cosponsor of the Compact-Impact Reimbursement Act, which she is introducing today. This legislation assists Hawaii and other U.S. jurisdictions with costs associated with migration resulting from the Compact of Free Association between the United States and the Federated States of Micronesia and the Republic of the Marshall Islands. The measure is a followup to hearings held by the House Resources and International Relations Committees on renegotiated expiring provisions of the Compact agreement.

At the outset, let me say that I fully support our country's continued recognition of the strategic importance of the Freely Associated States to our national security interests in the Western Pacific Region, and the special relationships our countries have shared based on the U.N. trusteeship system as well as mutual respect and friendship.

It should come as no surprise that my State of Hawaii continues to have great interest in U.S. policy toward these areas given our geographic proximity and close ties in the Pacific, and thus continues its historic support of the Compacts of Free Association. Having said that, however, we continue also our historic concerns with the U.S. Government's administration and coordination of Federal assistance and policy toward Micronesia, and especially the issue of Compact Impact Aid to Hawaii and other affected U.S. jurisdictions.

The Administration has proposed, as part of the renegotiated Compact agreements, $15 million in Compact Impact Aid to be collectively shared by affected U.S. jurisdictions, including Hawaii.

This level of assistance is completely inadequate, given the actual costs that all of our jurisdictions have incurred since 1986. Moreover, the Administration has provided no clear justification on where it even came up with the $15 million figure. In fact, in recent years, the Department of Interior has reported that supportable "best estimates" in 1997 for fiscal impact costs in our jurisdictions are over $30 million annually.

While Hawaii has spent more than $100 million on State benefits to FAS citizens since 1986, it has received less than $10 million in

Compact Impact Aid from the Federal Government. In 2002 alone, the State of Hawaii estimates that it has spent over $32 million in assistance for FAS citizens, most on educational costs.

I have repeatedly said that since our costs are primarily in the field of education and health care, then other Federal agencies, particularly the Departments of Education and Health and Human Services, should be part of an overall Federal and Compact Impact assistance strategy and program. The easiest route, of course, would be to simply increase the Compact proposal of $15 million to at least $35 million in mandatory spending.

Other ways to ameliorate Compact Impact costs include making FAS citizens eligible for key Federal social programs that will offset the costs borne by our jurisdictions and providing our jurisdictions with the clear authority to receive other Federal assistance and make referrals to DOD medical facilities. Today's legislation gives the Administration these other alternatives to providing assistance to our areas.

A section-by-section summary of our proposal is as follows:

THE COMPACT-IMPACT REIMBURSEMENT ACT

Objective—To amend the Compact of Free Association Act of 1985 (Public Law 99–239) to provide for more adequate Compact-Impact aid to Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands (CNMI), and American Samoa.

Section 1. Short Title. The Compact-Impact Reimbursement Act.

Section 2. Appropriations and Medicaid Eligibility. Increases Compact-Impact aid to $35 million per year to mitigate impact on Guam, the State of Hawaii, the CNMI, and American Samoa. Funding would be based on a pro rata formula reflecting a census, to be conducted no less than every five years, of citizens of the Freely Associated States (FAS) living in Guam, the State of Hawaii, the CNMI, and American Samoa; would provide FAS citizens who migrate to Guam, Hawaii, the CNMI or American Samoa eligibility for Medicaid. The Federal Medical Assistance Percentage (FMAP) for providing health services would be 100 percent.

Section 3. Food Stamps Eligibility. Would provide FAS citizens who migrate to Guam, the State of Hawaii, the CNMI or American Samoa eligibility for the food stamp program under the Food Stamp Act of 1977.

Section 4. Extension of Communicable Disease Control Programs to Affected U.S. Jurisdictions. The Compact of Free Association Act of 1985 would be amended to reauthorize appropriations for grants to the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, Guam, the State of Hawaii, the CNMI, and American Samoa. Current law simply authorizes this assistance for the Federated States of Micronesia.

Section 5. Extends Referral Authority to Affected U.S. Jurisdictions. Reauthorizes the availability of medical facilities of the Department of Defense (DoD) for FAS citizens upon referral by government authorities responsible for the provision of medical services in the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, Guam, the State of Hawaii, the CNMI, and American Samoa. Current law only allows use of DoD facilities for FAS citizens currently referred by the governments of the Federated States of Micronesia and the Republic of the Marshall Islands.

Section 6. Authorizes Reconciliation of Medical Referral Debts. Directs the United States Government to make available to the governments of Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau funds needed to pay obligations incurred for the use of medical facilities in the United States, including in Guam, the State of Hawaii, the CNMI, and American Samoa, prior to October 1, 2003. Under current law, such authorization applies to debt accrued before September 1, 1985.

In closing, Mr. Speaker, I want to reiterate my support and, I believe, the support of my State for the Compacts, but also the great importance of adequate Compact Impact Aid to Hawaii, whether by appropriate general funding or legislation such as this or both.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF DON MOSER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Don Moser for his 32 years of service as chairman of the Murfreesboro, Tennessee, Water and Sewer Board. He was appointed to the board on July 20, 1971, and retired on July 3, 2003.

As a member of the Water and Sewer Board, Don was responsible for general supervision and control of operation, maintenance, and improvement and extension of the city's Water and Sewer Department. He has been a key leader in developing the plans for building and enlarging facilities for both drinking water and wastewater treatment in my hometown of Murfreesboro. Also, his experience as a banking professional allowed him to provide sound fiscal expertise to the Water and Sewer Board.

Don's role as chairman over the years has been instrumental in facilitating growth within the department. With the completion of Interstate 24 in the early 1970s, the department extended water and sewer service to the Murfreesboro interchanges and brought new industries and jobs to the city. During his tenure on the board, many new standards and upgrades were established to improve efficiency and service. In 1971, more than 27,000 people lived in Murfreesboro, and the Water and Sewer Department served more than 7,000 customers. Today, the department serves more than 27,000 customers, and the city has a population of more than 75,000. And the assets of the utility plant at the department have grown from $14 million dollars in 1971 to well over $196 million in 2002.

Don has served his community in a variety of roles, including being a member of the city's Pension Committee since December 3, 1971. He has served the city under four mayors: Hollis Westbrooks, Joe Jackson, Richard Reeves and the current mayor of Murfreesboro, Tommy Bragg.

Don has earned the respect of the entire community during his tireless service to the public, as has his wife, Jean, who has been a steadfast partner in all this. Don's leadership and work ethic will be sorely missed on the Murfreesboro Water and Sewer Board. I cordially congratulate Don on his distinguished career as a public servant and wish him well in future endeavors.

PROJECT BIOSHIELD ACT OF 2003

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. COX. Mr. Speaker, I hereby submit for inclusion in the RECORD the cost estimate from the Congressional Budget Office for H.R. 2122, the Project BioShield Act of 2003, reflecting that implementing H.R. 2122 would increase discretionary spending by $0.3 billion in 2004. The Public Printer estimates that the cost of including the CBO estimate in the RECORD is $975. Because this estimate dated July 9, 2003, was not received by the Committee in time for inclusion in the Committee Report on the legislation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 2003.

Hon. CHRISTOPHER COX,
Chairman, Select Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2122, the Project BioShield Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Jeanne De Sa, who can be reached at 226–9010, and Sam Papenfuss, who can be reached at 226–2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 9, 2003

(H.R. 2122: Project BioShield Act of 2003—As ordered reported by the Select Committee on Homeland Security on June 26, 2003)

SUMMARY

H.R. 2122 would amend the Public Health Service Act (PHSA) to authorize appropriations of up to $5.6 billion for fiscal years 2004 through 2013 for procurement of certain security countermeasures (drugs, devices, and biological products to treat, identify, and prevent the public health consequences of terrorism). Of that amount, $890 million could be obligated in fiscal year 2004 and up to $3.4 billion could be obligated during fiscal years 2004 through 2008. Funding to buy these security countermeasures would be provided to the Department of Homeland Security (DHS), but the Department of Health and Human Services (HHS) would be responsible for procuring and stockpiling the countermeasures.

In addition, H.R. 2122 would authorize the appropriation of $5 million in 2004 and such sums as may be necessary for 2005 and 2006 for DHS to hire analysts to assess biological, chemical, nuclear, and radiological threats. The bill also would authorize appropriations of such sums as may be necessary for fiscal years 2003 through 2006 for DHS to acquire and deploy secure facilities to receive classified information and products.

Assuming appropriation of the authorized amounts and including administrative costs, CBO estimates that implementing H.R. 2122 would increase discretionary spending by $0.3

billion in 2004, $3.2 billion for fiscal years 2004 through 2008, and $5.7 billion over the 2004–2013 period. In addition, H.R. 2122 would relax certain requirements for federal agencies related to the development and approval of countermeasures. The bill would provide HHS with increased authority and flexibility to award contracts and grants for research and development of qualified countermeasures, hire technical experts, and procure items necessary for research. Those provisions might result in higher discretionary spending, but CBO does not have sufficient information to estimate their budgetary effect.

The bill also would authorize the Food and Drug Administration (FDA) to approve the use of certain security countermeasures during emergencies designated by the Secretary of HHS. CBO estimates this provision would have no budgetary effect.

H.R. 2122 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

ESTMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2122 is shown in the following table. The costs of this legislation fall within budget function 550 (health).

	By fiscal year, in millions of dollars										
	2003	2004	2005	2006	2007	2008	2009	2010	2011–	2012	2013
CHANGES IN DISCRETIONARY SPENDING											
Project BioShield:											
Estimated Authorization Level	....	890	2,528	–	....	2,175	–	–	....	....	....
Estimated Outlays	....	270	680	870	770	510	440	560	650	490	250
Personnel:–											
Estimated Authorization Level	....	5	5	5	....	....	....	....	....	....	....
Estimated Outlays	....	5	5	5	....	....	....	....	....	....	....
Infrastructure:											
Estimated Authorization Level	20	20	20	20	....	....	....	....	....	....	....
Estimated Outlays–	....	10	16	18–	18	12	4	2	....	....	....
Administrative Costs:											
Estimated Authorization Level	....	9–	9	9	9	10	10	10	10	11	11
Estimated Outlays	....	7	8	9	9	10	10	10	10	11	11
Total:											
Estimated Authorization Level	20	924	2,562	34–	9	10	2.185	10–	10	11	11
Estimated Outlays	–	292	709	902	797	532	454	572	660	501–	261

BASIS OF ESTIMATE

CBO assumes that this bill will be enacted before the end of fiscal year 2003.

Procurement of Security Countermeasures: Project BioShield

Under current law, MS administers the Strategic National Stockpile (SNS), which contains drugs, diagnostic devices, vaccines, and other biological products to combat the public health consequences of a terrorist attack or other public health emergencies. DHS currently provides the financing for those efforts, which include the procurement of a new smallpox vaccine and stockpiling of that vaccine and older versions of the vaccine. Authorization for those programs was established in the Public Health Security and Bioterrorism Preparedness Response Act of 2002 (Public Law 107-88). That act authorized appropriations of $640 million in 2002 and such sums as may be necessary for fiscal years 2003 through 2006 for the SNS and $509 million in 2002 and such sums as may be necessary for fiscal years 2003 through 2006 for the development of the smallpox vaccine. About $400 million was appropriated in 2003 for those activities.

H.R. 2122 would modify the existing authorizations for the SNS and for the development of the smallpox vaccine by codifying the provision in the PHSA instead of in Public Law 107-88. CBO estimates that this modification would have no budgetary effect.

H.R. 2122 also would authorize DHS to augment the SNS with certain additional products. That effort, called Project BioShield, would allow the federal government to enter into contracts to procure security countermeasures, which are defined in the bill as drugs, devices, biological products, vaccines, vaccine adjuvants, antivirals, or diagnostic tests used to treat, identify, or prevent harm from biological, chemical, nuclear, or radiological agents that the Secretary determines are a material threat. Such drugs, devices, or biological products would have to be licensed or approved by the FDA, or otherwise determined by the Secretary of HHS to have the potential to be licensed or approved by the FDA. The federal government also could acquire products used to treat the adverse effects of drugs or biologic products used as security countermeasures.

The rate at which the funding authorized by the bill would be appropriated and spent would depend upon many factors, including the nature of advances in biotechnology, the degree of industry interest and capacity, the threat environment, and government priorities. Assuming appropriation of the authorized amounts, current and future Administrations would have the discretion to enter into multiple contracts for the manufacture of security countermeasures or to cease contracting altogether for a period of years.

To estimate spending under H.R. 2122, CBO consulted with Administration officials about activities they are planning or would consider if Project BioShield were enacted. Officials described plans to acquire and maintain stockpiles of seven security countermeasures to combat five biological agents. The Administration estimates that the cost of procuring, storing, and replacing those countermeasures would be about $5.6 billion over the 2004–2013 period if there were no constraints on funding.

Those currently planned acquisitions do not include any countermeasures for chemical, radiological, or nuclear agents, and they address only a subset of the threats for which research and development activities on countermeasures is being conducted or funded by HHS, the Department of Defense (DOD), and the private sector. Based on information provided by government officials and in consultation with outside experts, CBO has concluded that it is likely that drugs, devices, or biological products addressing some of those other threats will be developed in the coming decade and that some of those countermeasures would be stockpiled under Project BioShield if funds were appropriated for that purpose. CBO's estimate does not assume that any specific product would be developed and procured at any specific time. It does, however, account for a range of possibilities that would be available to the government if the authorized funds are appropriated.

Authorities and Requirements Under H.R. 2122. H.R. 2122 would authorize appropriations of up to $5.6 billion for fiscal years 2004 through 2013 for the federal government to enter into contracts to procure security countermeasures. Of that amount, $890 million could be obligated in fiscal year 2004 and up to $3.4 billion could be obligated during fiscal years 2004 through 2008.

Decisions regarding what types of security countermeasures to procure would be made by the President after reviewing recommendations of the Secretaries of DHS and HHS. Subject to Presidential approval and a determination that inclusion of certain countermeasures in the stockpile is appropriate, the Secretaries of DHS and HHS would seek potential vendors to produce the countermeasures and enter into contracts to buy the countermeasures from those vendors. In making that determination, the Secretary would determine and consider several factors, including the quantity of the product necessary for the stockpile, the feasibility of obtaining sufficient quantities of the product within five years, and whether there is a significant commercial market for the product other than as a security countermeasure. Those factors would not be requirements for procurement, but considerations in determining the appropriateness for inclusion of the countermeasure in the stockpile.

The Secretary of HHS would be responsible for arranging the procurement, including negotiating the quantity, price, and production schedule in five-year contracts or cooperative agreements, though eight-year contracts would be permitted for first awards. Payment would be conditioned on the delivery of a substantial portion of promised units. However, the Secretary could provide an advance payment of not to exceed 10 percent of the contract if the Secretary determines such payment is necessary to the project's success. The Secretary could pay vendors for storage, shipping, and handling and would be permitted to use noncompetitive procedures if the product is available only from a limited number of sources. Additional countermeasures for the same threat also could be procured, if they were to provide improved safety or effectiveness or otherwise enhance public health preparedness.

The authorized funds could not be used for the purchase of vaccines under contracts entered into prior to enactment, or for administrative costs. Based on information from Administration officials, CBO expects that funding would not be available specifically for research and development, although the price for the completed products would probably cover some development costs.

In addition, H.R. 2122 would allow HHS to produce the vaccines and other countermeasures if HHS and DHS determined that the government could produce the countermeasure more cheaply or more quickly than through the normal procurement process. This authority would not allow the government to spend more money than is authorized and appropriated for this purpose.

The Administration's Plans to Implement Project BioShield. Based on existing science and a current assessment of potential threats to public health, the Administration has identified several agents for which countermeasures are needed to protect the public health and could be included in Project BioShield. Those agents are smallpox, anthrax, botulinum toxin, plague, and Ebola. The Administration estimates that spending for countermeasures under Project BioShield, including purchase, storage, and replacement costs, would total about $5.6 billion over the 2004–2013 period, assuming the successful development of those countermeasures and no constraints on funding. More than half of those costs would be for the improved smallpox and anthrax vaccines. A brief description follows of the security countermeasures the Administration plans to acquire and stockpile.

Smallpox. Under Project BioShield, the Administration plans to procure a next-generation version of the smallpox vaccine called modified vaccinia Ankara (MVA). This new vaccine is an attenuated version of the existing vaccine and may be used to safely vaccinate about 30 million individuals with compromised immune systems, eczema, or certain other high-risk conditions. Under the authority provided for Project BioShield, HHS plans to purchase 60 million doses of the new vaccine at about $15 per dose over a three-year period for a cost of about $900 million. The Administration expects to be able to enter into contracts and begin acquiring the vaccine in 2004. Additional costs for inventory management and replacement of expired stocks over the 2007–2013 period would likely add another $1 billion, according to Administration estimates, but could be lower if long-term refrigerated storage proves to be effective.

Anthrax. The Administration also expects to purchase about 60 million doses of a next-generation anthrax vaccine, called a recombinant protective antigen (rPA) vaccine, under Project BioShield. The rPA vaccine would require fewer doses per person than the current vaccine, and potentially could be effective for people who have already been exposed to anthrax, giving the government the ability to vaccinate about 20 million people. The Administration anticipates beginning the procurement process in the next few years and spending about $700 million on the vaccine over a three-year period. Because the rPA anthrax vaccine has an expected shelf life of five to six years, additional costs would be incurred for inventory management and replacement. The Administration estimates that costs for the rPA vaccine could total $1.4 billion over the 2004–2013 period.

Botulinum Toxin. Under current law, HHS has stockpiled some antitoxins to treat botulism, a paralytic and often fatal illness caused by a nerve toxin produced by the botulinum bacteria. However, those antitoxins are no longer manufactured, and the manufacturing process, which requires horse serum, is complicated and time intensive. After identifying a manufacturer, the Administration plans to spend about $800 million acquiring newly produced antitoxin at a cost of about $2,000 per dose as part of Project BioShield. Acquisition would be spread over a three-year period, beginning in the next few years. This antitoxin would require specialized storage and refrigeration.

In addition, the Administration has indicated that it would like to purchase both a vaccine that would protect against botulism and monoclonal antibodies to neutralize the effects of the toxin. (Monoclonal antibodies are engineered proteins that can neutralize and destroy certain pathogens and toxins.) The Administration anticipates buying vaccine and monoclonal antibodies by 2007 or 2008, at a cost of about $140 million for 750,000 doses of the vaccine and $750 million for monoclonal antibodies. The Administration estimates that spending for botulinum countermeasures, including the cost of storage and inventory management, would total $1.8 billion over the 2004–2013 period.

Plague. Plague is an infectious disease caused by a bacterium. Plague has several forms—pneumonic, bubonic, and septicemic—and can be treated by existing antibiotics. A vaccine for the plague is currently in the research and development phase, with the expectation that a product potentially could reach the advanced development phase next year. Beginning in 2005, the Administration expects to procure about 2 million doses (enough to treat people in areas surrounding any outbreak) at an estimated cost of about $40 per dose—for a total cost of about $80 million. With additional costs related to the acquisition of the vaccine, the Administration estimates spending on plague countermeasures would total about $220 million over the 2004–2013 period.

Ebola. There is no current treatment for Ebola, one of several viral hemorrhagic fevers, but the National Institutes of Health (NIH) is conducting research on a vaccine that the Administration would be interested in purchasing when it reaches an advanced development stage. Under current plans, the Administration intends to purchase enough vaccine for 3 million individuals to prevent the spread of an outbreak. Because this vaccine is still in the research and development phase, when the vaccine would become available and the potential cost per dose are unclear. The Administration assumes the vaccine will become available in 2005, and estimates the price to be about $30 per dose, for a total acquisition cost of $90 million. Combined with other costs related to the Ebola vaccine, including storage and replacement, the Administration anticipates spending would total about $260 million over the 2004–2013 period for this aspect of Project BioShield.

CBO's Estimate of the Potential Cost of Project BioShield. CBO has estimated both the cost of implementing the Administration's plan and the potential cost of acquiring other products not encompassed by that plan.

CBO's Estimate of the Administration's Plan. Without any funding constraints, CBO expects that the Administration's plans for MVA smallpox vaccine, the anthrax rPA vaccine, and the botulism antitoxins would likely take shape as described, albeit more slowly than the Administration estimates. CBO estimates that spending for vaccines and monoclonal antibodies for botulism and vaccines for plague and Ebola would likely be lower than the Administration estimates, even without funding constraints. CBO's lower estimate reflects the possibility that development of those vaccines and monoclonal antibodies might not succeed as quickly as the Administration's estimate assumes. It also reflects the possibility that Project BioShield would spend less on some of the botulism countermeasures if all three countermeasures (vaccine, antitoxins, and monoclonal antibodies) became available.

CBO estimates that about $5.2 billion would be required to procure products identified by the Administration over the 2004–2013 period.

Estimated Spending for Products Not Listed in the Administration's Plan. Under the bill, other countermeasures not in the Administration's plan could be purchased with appropriations provided through Project BioShield. Consequently, the specific security countermeasures that would be acquired under H.R. 2122 are likely to evolve over time as the result of many factors, including scientific advances, the interest and cooperation of biotech and other manufacturing companies, the emergence of new threats, and changes in this and future Administrations' assessments of which potential countermeasures should be a priority. Barriers to technological advance such as restricted laboratory space or shortage of primates for testing could slow development of countermeasures for certain agents. At the same time, rapid advances in products currently in the early-stage research and development could present the government with unforseen countermeasure options. Acquisition of countermeasures also would be affected by whether this and future Administrations decide to procure products that require more than five years to be licensed or have a significant commercial market.

Acquisitions under the bill might include additional countermeasures for agents addressed by the Administration's plan. For instance, potential emerging treatments include the use of monoclonal antibodies. This technology has had initial application in the treatment of cancer, and possibly could be applied to anthrax, the plague, or viral hemorrhagic fevers in the coming years. Other potential countermeasures include new antiviral drugs to treat smallpox and viral hemorrhagic fevers (both biodefense research priorities for NIH) and a narrow-spectrum antibiotic for anthrax.

In addition, CBO's research indicates there are numerous other biological agents for which countermeasures ultimately could be purchased under Project BioShield. HHS has established three classes of biological agents that pose significant risks to national security and the public health. Category A agents pose the greatest risk due to their ease of transmission, mortality rates, and overall risk to the public. All of the agents included in the Administration's plan are considered Category A agents, but that initial plan does not address such Category A agents as tularemia, a bacterial infection affecting the respiratory system, and viral hemorrhagic fevers other than Ebola. Vaccines for both of those agents are biodefense research priorities of NIH. Further, the government might seek countermeasures for some Category B and C agents, including toxins such as ricin, certain bacteria such as brucellosis, and several forms of viral encephalitis.

Also, under the authority provided by the bill, the government could procure countermeasures against chemical agents (nerve, blister, blood, and pulmonary agents) and radiological and nuclear agents. The Administration currently does not plan to use the bill's authority to purchase agents that could mitigate threats from these sources, but it could do so if the perceived threat from these agents changed or if certain treatments became scientifically feasible. Countermeasures that could be acquired under Project BioShield include existing treatments for many nerve gases (including VX, Sarin, and Soman gas), Prussian Blue (a treatment for certain types of radiation poisoning), and hydroxycobalamin (a treatment for cyanide poisoning that is in an advanced stage of development).

Finally, under H.R. 2122, Project BioShield would be able to purchase devices to detect and diagnose pathogens and other agents. Costs for such devices also are not included in the Administration's estimate.

To estimate potential spending for additional countermeasures not mentioned in the Administration's plan, CBO identified several category A, B, and C biological agents and chemical and radiological agents for which countermeasures exist or are under development. The set of selected agents and countermeasures is not intended as a prediction of which countermeasures would be acquired by Project BioShield. Rather, it is intended to be representative of the countermeasures that would be eligible for acquisition if current research and development activities succeed in producing qualified countermeasures during the coming decade.

For each of the representative biological agents, CBO determined whether the countermeasure is likely to be a vaccine, an antitoxin or antiviral, or a monoclonal antibody, the dosage and method of delivery (intravenously or in pill form), and the amount necessary to treat the population that could potentially be affected. The estimate assumes that vaccines would cost $30 to $40 per dose, on average, with Project BioShield acquiring 500,000 to 2 million doses of qualified vaccines, depending on whether the agent is infectious. CBO estimates that monoclonal antibodies would cost $5,000 per treatment, and that Project BioShield would acquire enough to treat several hundred thousand people if qualified products became available. The estimate assumes that, if other types of qualified antivirals or antitoxins became available, Project BioShield would acquire enough to treat 500,000 people, at costs ranging from $2,000 to $5,000 per person for certain intravenously-administered forms. Other countermeasures could be less expensive on a per-person basis. For example, certain antivirals or narrow-spectrum antibiotics in pill form could cost about $100 per treatment, CBO estimates. Additionally, CBO estimates that per-person costs would average $50 for Prussian Blue, $100 for intravenous treatments for hydrogen cyanide, and $300 per treatment for countermeasures for certain radiological and nuclear agents. If Project BioShield acquired those types of countermeasures, CBO assumes that the quantity procured would be sufficient to respond to simultaneous events in several large cities.

Under optimistic assumptions about when countermeasures for the representative agents would become available, the cost of acquiring, storing, and replacing all qualified countermeasures for those agents could total $10 billion to $20 billion during the 2004–2013 period. However, CBO assumes that research and development efforts for some countermeasures will proceed slowly or be unsuccessful, and that the Administration would not acquire all products that could be designated as security countermeasures.

Assuming appropriation of the authorized amount, CBO estimates that discretionary spending to acquire and store BioShield products would total $0.3 billion in 2004 and $5.5 billion over the 2004–2013 period. Acquisition costs would comprise 70 percent to 80 percent of that amount, while inventory management and replacement costs would make up the balance.

H.R. 2122 also would authorize appropriations of $5 million in 2004 and such sums as may be necessary in 2005 and 2006 for DHS to hire analysts to assess threats from biological, chemical, nuclear, and radiological agents. CBO estimates that about $5 million annually would be necessary to implement this provision in 2005 and 2006. We estimate that this provision would increase discretionary spending by $5 million in 2004 and $15 million over the 2004–2006 period, assuming appropriation of the estimated amounts.

The bill would authorize appropriation of such sums as may be necessary over the 2003–2006 period for DHS to acquire and deploy secure facilities for the processing of classified information. Those costs would depend upon what types of facilities DHS would choose to acquire. Based on the construction of similar installations at DOD facilities, CBO estimates that DHS could require up to $20 million a year for that purpose. CBO estimates that implementing this provision would increase discretionary spending by $80 million over the 2004-2010 period.

CBO also estimates that implementing Project BioShield would add to the administrative costs of HHS and DHS, both for the contracting process and managing the stockpile. Funding for those costs would come from appropriated funds. Based on current spending for program support services for bioterrorism-related activities (including the SNS) at the Centers for Disease Control and Prevention, CBO estimates that administrative costs would be about $10 million a year. Subject to the appropriation of necessary amounts, CBO estimates that discretionary spending for such costs would increase by $7 million in 2004 and $0.1 billion over the 2004-2013 period.

Research and Development Into Qualified Countermeasures

H.R. 2122 would authorize the Secretary of HHS to expedite procurement and peer review for research related to qualified countermeasures. The bill also would allow the Secretary to secure the services of experts or consultants with relevant expertise. Implementation of these measures could increase the resources required by the agency, accelerate spending, or both. CBO does not have sufficient information to estimate the additional resources that might be required by the agency or the rate at which spending might accelerate under the bill. Such spending would come from appropriated funds.

Authorization for Medical Products for Use in Emergencies

The FDA's regulatory process allows for expedited approval of security countermeasures under current law. Pursuant to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the FDA may allow certain drugs, devices, and biologics defined as priority countermeasures to move more quickly through the agency's regulatory process. To further expedite the development of security countermeasures, the FDA has implemented a rule that allows approval of certain drugs based on tests in animals.

H.R. 2122 would allow the Secretary of HHS to authorize the FDA to approve the use of certain drugs or devices for use during periods designated as emergencies by the Secretary of HHS, DHS, or Defense. The authorization would remain in effect for no more than one year, unless the Secretary determines otherwise based on the nature of the emergency. When the Secretary authorizes the emergency use of a product that is an unapproved use of an approved product, the bill would provide some flexibility to manufacturers in carrying out activities under the emergency use authorization.

Based on information from Administration officials, CBO expects that implementing this provision in H.R. 2122 would not increase costs to the FAA. Over the past year, the FDA has hired about 100 people to review drug applications and provide assistance to companies engaged in research and development into security countermeasures. Thus, the agency already has the infrastructure to handle the additional authority related to the proposed emergency-use authorization and would not require additional resources. Therefore, CBO estimates that this provision of H.R. 2122 would have no budgetary effect.

PREVIOUS CBO ESTIMATES

S. 15, the Project BioShield Act of 2003, as reported by the Senate Committee on Health, Education, Labor, and Pensions on March 25, 2003, would amend the PHSA to create permanent, indefinite funding authority for the procurement of certain biomedical countermeasures. In its cost estimate dated May 7, 2003, CBO estimated that enacting S. 15 would increase direct spending by $270 million in 2004 and $8.1 billion over the 2004–2013 period.

Although both H.R. 2122 and S. 15 would authorize programs to procure countermeasures to protect the public health against terrorism, H.R. 2122 would not affect direct spending; instead, the bill would authorize appropriations of up to $5.6 billion over the 2004–2013 period. Estimated spending under H.R. 2122 is less than under S. 15 because the House bill would authorize a set amount of appropriations, whereas the Senate bill would provide unlimited direct spending authority.

In several areas, H.R. 2122 would allow the Secretary more flexibility regarding what products could be procured and how contracts would be structured. H.R. 2122 would allow the procurement of countermeasures even if they have a significant commercial application, while S. 15 would restrict the procurement authority to those without such applications. While S. 15 would require the Secretary to determine that a countermeasure is likely to be approved by the FDA within five years as a condition of procurement, H.R. 2122 would require only that the Secretary consider whether a five-year limit is feasible. H.R. 2122 would provide additional flexibility in contracting by permitting the Secretary to extend first-time contracts to eight years (versus five in S. 15) and would allow the Secretary discretion to provide a 10 percent advance to companies developing new products. Those provisions would accelerate spending relative to S. 15.

On June 6, 2003, CBO transmitted a cost estimate for H.R. 2122 as ordered reported by the House Committee on Energy and Commerce on May 15, 2003. On the same date, CBO transmitted a cost estimate for H.R. 2122 as ordered reported by the House Committee on Government Reform on May 22, 2003. Those versions of H.R. 2122 are nearly identical to the version of H.R. 2122 approved by the Select Committee on Homeland Security. However, H.R. 2122 as approved by the Select Committee on Homeland Security contains two additional authorizations—an estimated $15 million over the 2004–2006 period for hiring analysts and such sums as may be necessary over the 2003–2006 period for the construction of secure installations.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2122 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeanne De Sa (226-9010) and Sam Papenfuss (226-2840); Impact on State, Local, and Tribal Governments: Leo Lex (225-3220); and Impact on the Private Sector: Samuel Kina (226-2666).

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

INTRODUCTION OF THE COMPACT IMPACT REIMBURSEMENT ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. BORDALLO. Mr. Speaker, today, along with my colleagues, Mr. ABERCROMBIE, Mr. CASE, and Mr. FALEOMAVAEGA, I am introducing a bill to amend the Compact of Free Association Act of 1985 to provide for adequate Compact-impact aid and to continue authority for valuable U.S. assistance for citizens of the Freely Associated States. Compact-impact aid is assistance that has been provided by the Federal Government from time to time over the past seventeen years to Guam, the Commonwealth of the Northern Mariana Islands, and more recently, the State of Hawaii, to mitigate the impact and adverse financial consequences arising from immigration permitted under the Compacts of Free Association with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. These three island states are all former Trust Territories of the United Nations that were administered by the United States from 1946 to 1986.

In 1985, Congress passed legislation affording these islands the opportunity to become sovereign states in free association with the United States. In enacting the Compact of Free Association Act (Public Law 99-239), Congress authorized unrestricted migration from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau to the United States, including its territories. Since the implementation of the Compacts in 1986, many citizens of the Freely Associated States (FAS) have availed themselves of the immigration provisions and traveled to Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii for work and residence. These FAS citizens have entered our classrooms, utilized our hospitals, and availed themselves of other social services, to a significant degree. The General Accounting Office has documented the impact of this migration (GAO-02-40). One of the major concerns for Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii remains the reimbursement of costs incurred by our jurisdictions due to the Compacts.

As Congress prepares to reauthorize the Compacts, we must ensure that the issue of Compact-impact is adequately and comprehensively addressed. Our bill proposes that more accountable and reliable means be utilized on the part of the Federal Government to help Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, recoup the costs of providing critical education, medical and other social services for citizens of the Freely Associated States who migrate to our islands. Our bill proposes to utilize Medicaid to reimburse the costs of medical services furnished to FAS citizens. Clearly, Medicaid is a preferred option as it is an existing means-tested program with its own accountability controls and eligibility standards. Our bill would also grant FAS citizens eligibility for food stamps. Additionally, our bill proposes to extend authority for grants to the governments of the Republic of the Marshall Islands, Republic of Palau, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the State of Hawaii, to control and prevent the spread of communicable diseases. Current law simply authorizes this assistance for the Federated States of Micronesia. The bill also proposes to extend referral authority for medical facilities of the Department of Defense to the Republic of Palau, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the State of Hawaii. Current law restricts referral authority to the Federated States of Micronesia and the Republic of the Marshall Islands. Lastly, our bill would make available to the governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau funds needed to pay obligations incurred for the use of medical facilities in the United States prior to October 1, 2003. Under current law, such authorization applies to debt accrued before September 1, 1985.

The governments of Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii, have provided health, educational, and other social services to the citizens of these Freely Associated States in good faith with the expectation that such incurred costs would be reimbursed by the United States Government. We have before us an opportunity to address this most important issue within the context of the reauthorization of the Compacts of Free Association. It is my sincere desire to work with my colleagues to ensure that the provisions proposed by this bill are seriously considered in the reauthorization process.

REMOVAL OF NAME AS A COSPONSOR OF H.R. 20

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 20. While the bill's stated purpose is to authorize appropriations for state water revolving funds (which I fully support), I regret that it has been transformed into an attempt to expand the Davis-Bacon Act.

I believe that adding Davis-Bacon to this important debate is entirely inappropriate. The fact that the two debates have become inextricably linked is irresponsible and unfair to Americans who rely on Congress to act to ensure their water is clean and safe.

In my state of California, the reauthorization of this program would translate into over $1 billion in additional funds to address the state's clean water needs. As such, I remain steadfast in my commitment to the passage of a water infrastructure bill this year.

INTRODUCING THE GREAT LAKES RESTORATION FINANCING ACT OF 2003

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. EMANUEL. Mr. Speaker, today along with Congressman REYNOLDS and a bipartisan coalition of members from the Great Lakes states, I am proud to introduce the Great Lakes Restoration Financing Act of 2003.

Holding one-fifth of the world's fresh surface water supply and nine-tenths of the U.S. supply, the Great Lakes and their connecting channels form the largest freshwater system on Earth. Thirty years after passage of the U.S. Clean Water Act, Great Lakes water quality has improved, but the Lakes remain unhealthy for wildlife and people and there is clear and convincing evidence that the ecosystem is deteriorating.

For example, bacteria from sewage overflows led to a record 897 beach closings in 2002 on Lake Michigan alone. Additionally, twenty percent of the Great Lakes shoreline contains polluted sediments. Further, state and local authorities have issued more than 1,500 fish consumption advisories in the Great Lakes.

Clearly in crisis, the Great Lakes are the source of drinking water for 28 million people. The Everglades, the source of freshwater for much of the state of Florida, faced a similar threat in the mid-1990's. Congress responded with the creation of a massive restoration effort. Building on that successful national model, the Great Lakes Restoration Fund would establish a funding source for Lakes restoration and revitalization based upon President Bush's Great Lakes plan.

Following the President's "Great Lakes Strategy 2002" as its guide, the Great Lakes Restoration Fund would provide states with significant funds for Lakes restoration. Specifically, the Fund would ensure the economic and ecologic sustainability of the Lakes, clean up toxic hot spots, combat invasive species, control pollution from urban and agricultural runoff, restore and conserve wetlands and critical coastal habitat, and increase public education of Great Lakes issues.

The United States is blessed with tremendous natural resources. The Great Lakes undoubtedly rank among the most treasured of these resources, but if this body allows them to deteriorate further—if we can no longer drink the water, and no longer swim at our beaches—we will have failed American families.

Mr. Speaker, we refuse to let this happen. This bill will begin to heal the damage done over the years. I strongly encourage my colleagues to support us in this important endeavor by cosponsoring the Great Lakes Restoration Financing Act of 2003.

TRIBUTE TO NOEL HARLAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to a dedicated educator from my district. Noel Harlan of Alamosa, Colorado is a role model for his students both in and out of the classroom. Noel, a teacher and bus driver in the Alamosa School District, is this year's recipient of the Driver of the Year Award given by the Colorado State Pupil Transportation Association. I join with my colleagues in offering him our congratulations.

Noel began working for the Alamosa school district in 1965 and soon found that working for a small school provided him the opportunity to expand his duties. While primarily a science teacher, he often taught other subjects, such as English Literature and Archaeology. Noel enjoyed working with children, so when a position as the school's bus driver became available he seized the opportunity. The new job provided Noel with extra income, as well as increased interaction with his students. Noel excelled behind the wheel, driving over 750,000 miles without an accident. With enthusiasm and diligence, Noel helped the morning commute become an enjoyable, safe ride.

Mr. Speaker, Noel Harlan's commitment to the students of Alamosa is certainly deserving of praise before this body of Congress and this nation. I am proud knowing that Noel has had an impact on so many of today's youth and I wish him many more years of safe driving and teaching. Thank you, Noel, for the service that you have provided to our community.

RECOGNIZING DR. KRISHNA REDDY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize a great community leader and President of the Indian American Friendship Council, Dr. Krishna Reddy, for his commitment to the advancement of the U.S-India relationship and the Indian-American community.

Dr. Reddy has a remarkable record of advocating on behalf of the Indian-American community. As Founder and President of the Indian American Friendship Council, Dr. Reddy has demonstrated his tremendous dedication to improving U.S-India relations. His expertise and service has undoubtedly led to increased dialogue and solidarity between these two democracies.

Dr. Reddy's commitment to engaging the Indian-American community in the political process and ensuring that Indian-Americans have a voice in our government is also commendable. His organized efforts have helped educate Congress about issues important to India and the Indian-American community and fostered relationships between Members of Congress and Indian-Americans nationwide.

It is a great honor to pay tribute to Dr. Krishna Reddy and the Indian American Friendship Council.

TRIBUTE TO GENE RIZZI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Gene Rizzi and thank him for his many contributions to Pueblo, Colorado. Gene has spent over 33 years helping grow and improve Lake Pueblo and its facilities as a member of the Colorado Division of Parks and Outdoor Recreation. As he plans his retirement, I am honored to recognize Gene and his many contributions before this body of Congress today.

Gene began his service at Lake Pueblo in 1977 when the lake first opened. As Assistant Park Manager, he has helped improve the facilities at the lake, including the creation of a new swimming beach and a variety of campgrounds. His hard work has helped make Lake Pueblo a fun, safe place to enjoy the outdoors. His co-workers note that Gene will do whatever it takes to make the park work most effectively. While at Lake Pueblo, Gene has done everything from rescuing boats to fighting fires. His hard work and dedication has made Gene one of the many exemplary employees of the Colorado Division of Parks and Outdoor Recreation, one whose impact will forever show in the operation of Lake Pueblo.

Mr. Speaker, Gene Rizzi has spent his life giving back to others by wholeheartedly embracing public service. I am happy knowing that after his 33 years of service in recreation, Gene will finally be able to relax and enjoy retirement himself. Thank you, Gene, for your hard work and dedication to Pueblo. I wish you all the best in your future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 15, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 16

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine proposed legislation to make permanent the moratorium on taxes on Internet access.

SR-253

Commerce, Science, and Transportation

Oceans, Fisheries and Coast Guard Subcommittee

To hold hearings to examine the Marine Mammal Protection Act.

SR-428A

10 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the semi-annual monetary policy report of the Federal Reserve System.

SD-538

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by joint hearings with the House Committee on Resources to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SD-106

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the recent General Accounting Office report entitled: "An Overall Strategy and Indicators for Measuring Progress Are Needed to Better Achieve Restoration Goals", focusing on the ramifications of an uncoordinated Great Lakes restoration strategy, current management of various environmental programs, and possible next steps to improve the management of Great Lakes programs.

SD-342

11 a.m.

Appropriations

Energy and Water Development Subcommittee

Business meeting to markup proposed legislation making appropriations for energy and water development programs for the fiscal year ending September 30, 2004.

SD-138

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine competition in the marketplace in relation to hospital group purchasing.

SD-226

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-216

JULY 17

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

Environment and Public Works

To hold hearings to examine the importation of exotic species and the impact on public health and safety.

SD-406

Foreign Relations
To hold hearings to examine benefits for U.S. victims of international terrorism.
SD–419

Governmental Affairs
To resume hearings to examine certain situations where parents must relinquish custody in order to secure mental health services for their children.
SD–342

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulatory oversight of government sponsored enterprise accounting practices.
SD–538

Energy and Natural Resources
To resume hearings to examine the improved understanding of the governance of the Department of Energy laboratories.
SD–366

Finance
To hold hearings to examine nursing home quality.
SD–215

JULY 18

9:30 a.m.
Judiciary
To hold hearings to examine the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, Henry F. Floyd, to be United States District Judge for the District of South Carolina, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, R. David Proctor, to be United States District Judge for the Northern District of Alabama, and Rene Acosta, of Virginia, to be an Assistant Attorney General, Department of Justice.
SD–226

JULY 21

2 p.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine the risks and benefits to consumers related to government sponsored enterprises.
SD–342

JULY 22

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed.
Room to be announced

Health, Education, Labor, and Pensions
To hold hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and in life.
SD–430

Judiciary
To hold hearings to examine bankruptcy and competition issues in relation to the WorldCom Case.
SD–226

JULY 23

10 a.m.
Indian Affairs
To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.
SR–485

Judiciary
To hold oversight hearings to examine certain pending matters.
SD–226

Judiciary
To resume oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Commission.
SD–226

JULY 24

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold oversight hearings to examine the competitive sourcing effort within the National Park Service.
SD–366

JULY 30

10 a.m.
Indian Affairs
To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.
SR–485

SEPTEMBER 16

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.
SH–216

CANCELLATIONS

JULY 16

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine the nomination of Suedeen G. Kelly, of New Mexico, to be a Member of Federal Energy Regulatory Commission.
SD–366

POSTPONEMENTS

10 a.m.
Judiciary
To hold oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Comission.
SD–226

Health, Education, Labor, and Pensions
Business meeting to markup the proposed Patient Safety and Quality Improvement Act of 2003.
SD–430

SENATE—*Tuesday, July 15, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Let us pray.

Creator God, Lord of the universe, You have done great things for us. You lend us heartbeats and protect us from dangers seen and unseen. You breathe purpose into our lives. Lord, forgive us when we travel the road of aimless living and major in minors or minor in majors. Save us from a cynicism that usually sees the glass as half empty. Help us, today, to discern Your will for us, and draw us together in unity. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Ohio is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the majority leader, the Senate will be in a period for morning business until 10:30 a.m., with the time under the control of the two leaders or their designees. Following morning business, the Senate will resume debate on H.R. 2658, the Department of Defense appropriations bill. The chairman and ranking member were able to work through several amendments yesterday and we will continue the amendment process today.

There are several Senators who want to speak on the bill but the majority leader remains hopeful that we can complete action on this vital appropriations bill during today's session. Rollcall votes will occur throughout the day today.

The Senate will recess for the weekly party lunches from 12:30 to 2:15 p.m.

Mr. REID. Will the Senator yield?

Mr. DEWINE. Yes.

Mr. REID. Before the distinguished President pro tempore and chairman of the Appropriations Committee leaves the Chamber, I say that we all are aware of and concerned about—as always, impressions are made by things visual—I am very concerned today because the distinguished Senator from Alaska is wearing his Hulk tie. That is usually a sign of a very difficult day in the Senate. I hope that is not the case.

A couple of years ago we had an appropriations process with a most difficult end to an appropriations bill but we did finish it. One of the nicest gifts that was ever given to me—I will not say it was ugly but it was quite a tie—was given to me by the chairman of the Appropriations Committee, Senator STEVENS, as a result of the good work I had done. I have worn that tie a couple of times, although not for very long.

I do hope things go well on the bill today. I know it is a difficult bill, that he and Senator INOUYE have tried to work through it, but I think he may be a little too optimistic that we are going to finish it today. When he wears the Hulk tie, we never know what is going to happen.

Mr. DEWINE. I say to my colleague that when I see that tie, I think it is simply a good indication that the Senate will get a lot of work done. That is usually an indication that my colleague from Alaska is resolved to see the job through.

Mr. REID. A lot of work done or else.

Mr. DEWINE. Or else, yes, that is absolutely true.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business until the hour of 10:30, with the time equally divided between the two leaders or their designees.

The Senator from Ohio.

TRIBUTE TO LUCEILLE FLEMING

Mr. DEWINE. Mr. President, I rise today to pay tribute to an extraordinary individual, a woman of great vision and passion who has dedicated her life to helping people in their time of need. Her name is Luceille Fleming, and she just retired this past Friday, ending her over 14-year tenure as the first and only Director of the Ohio Department of Alcohol and Drug Addiction Services.

Luceille Fleming is an extremely intelligent, wonderfully caring woman who has given so much to the State of Ohio. To say that she will be missed is an understatement, because Luceille Fleming built this Ohio agency from the ground up and turned it into a nationally-recognized statewide drug and alcohol treatment network. Simply put, Luceille Fleming has spent the last 14 years saving lives. She led the effort to create a system that has helped countless Ohioans to help themselves, to reclaim their lives from all-consuming addictions.

While I have come to the Senate Floor today to speak about Director Fleming's contributions to my home State of Ohio, she actually came to Ohio from Pennsylvania. After graduating from Chatham College in Pittsburgh, Director Fleming began her career as a communications specialist for a CBS affiliate in Harrisburg, PA. She then went on to found and run her own company called Dunhill of Harrisburg. In these positions, she cultivated her skills as a great leader and a great motivator.

In 1977, she became the executive director of the Alcoholism and Addiction Association of Pennsylvania. In this position, she established the first successful statewide collaboration in Pennsylvania between alcoholism treatment efforts and drug abuse treatment efforts. She brought the treatment groups together with the recognition that both alcoholism and drug abuse are addictions. Today, that connection between alcoholism and drug addiction seem so logical. It has become an accepted notion. But it was Luceille who was at the forefront of bringing these two groups together.

From there, Luceille was appointed deputy secretary of Health for Drug and Alcohol Programs in Pennsylvania. She supervised the policy and implementation of the State's drug and alcohol treatment effort. This experience at the State government level gave Luceille insights into how an effective statewide alcohol and drug addiction services agency should be run.

Fortunately, Luceille was willing to bring these insights to our State of Ohio. In 1989, Luceille was hired after an exhaustive search to develop a cabinet-level agency to manage a statewide substance-abuse treatment network. She was hired by then-Governor Dick Celeste. Prior to her arrival, Ohio had two different agencies overseeing drug and alcohol treatment programs. A panel recommended combining the two agencies. Luceille was tasked with the creation of that single agency. It was a huge job but one for which she was more than qualified. While she excelled

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in her previous positions, as director of the Ohio Department of Alcohol and Drug Addiction Services, Luceille truly thrived. Under Director Fleming's leadership, the agency developed innovative programs, reaching out to many different communities. Director Fleming fostered programs for juveniles and children, including youth mentoring, Head Start, and underage drinking prevention. She also established and supervised programs that served women recovering from substance abuse, helping them to reunite with their children. What could be more important than that?

During her 14-year tenure under three Ohio Governors, including the current occupant of the chair, one of Director Fleming's top priorities was the expansion of the drug courts program which helped reduce recidivism, encouraging the proper treatment of offenders with substance abuse programs. When Director Fleming started, there was only one drug court in the State of Ohio. Today, there are 55. That is thanks, certainly, to the current occupant of the chair, and it is also thanks to Director Luceille Fleming.

I have had the pleasure of working with Luceille directly, both when I was serving as lieutenant governor and now as Senator. Her experience, her judgment have proven invaluable to me. I have sought her advice many times, both as lieutenant governor and now for the last 9 years as Senator. I can tell Members of the Senate, many days I have picked up the phone and called Luceille to get her advice on a bill or program. She has always been very candid, very open, very helpful, and had very good insight.

I am grateful for her advice and her expertise as we collaborated on the safe and drug-free schools bill and other bills. Luceille's insights and contributions added tremendously to that law and helped make it a truly effective piece of legislation.

After Luceille's retirement was announced, I read several news stories about her career and her contributions to the State of Ohio. While reading, I was struck in particular by one quote from Paul Coleman, president of Maryhaven, a substance abuse treatment center in Ohio. He said Director Fleming has "a passion that burns to help people." Paul Coleman's statement says it all. If I had to come up with one statement that sums up Luceille Fleming, it would be she truly has a passion that burns to help people and she has channeled this passion into a life of service and dedication to others.

Luceille Fleming retired last week at the age of 79—yes, 79—to take a breather and enjoy some time off. Those who know Luceille know she probably won't take a lot of time off and she will plunge back into something. She has been working at the Department of Alcohol and Drug Addiction Services since she was 65 years old. Most people at that point in their life would have decided to take it easy, kick back, and maybe relax. But not Luceille. She instead decided to take a position in government to build a State agency from the ground up. Her energy and her drive are truly remarkable.

I conclude my remarks with a quote from Luceille herself. Upon taking her position with the agency, somebody asked at her first press conference about her age. To this question she simply said: "Well, you know, I think the hair thins, the hips thicken, but the mind sharpens."

I cannot speak to the first two parts of that statement, but I can tell you for certain that the last part is true in regard to Luceille. Luceille is sharp, she is bright, she is focused—more today than ever. She has helped so many people during her career, and the people of Ohio and the Nation are, indeed, grateful.

Luceille, you will be missed at the agency. You will be missed in the State of Ohio. We are grateful for what you have done.

The Presiding Officer and I had the opportunity to work with Luceille. It was my job as lieutenant governor to work with the current occupant of the chair, my colleague from the State of Ohio, in the drug addiction area, substance abuse area, when I was lieutenant governor and the current occupant of the chair was Governor. Dick Celeste, former Governor, picked Luceille to head up this new agency, to create this new agency. She had run it for a number of years and built it up. Then-Governor-elect VOINOVICH had taken over, and it was our job to decide whether Luceille was going to continue in that position. We looked all over the State of Ohio and across the country to determine who should occupy that position. After a long search, we decided—then-Governor-elect VOINOVICH decided that Luceille Fleming, the person who was in that position, was the best person to continue.

We were not disappointed. We had the opportunity to work with Luceille, to sit in Cabinet meetings with her. I had the chance to work with her many times on a detailed basis to talk about substance abuse problems, alcohol and addiction problems, wrestled with these problems, problems in the prisons, problems in our communities. She is just an amazing person, someone who truly understands the gravity of the problem, how it infests our communities, the damage it does to our young people. She was always optimistic, always believed we could do more, always said: MIKE, if we could just move in this direction, if we could just move forward a little bit more, we could save some lives. We could turn some young people's lives around. We can make a difference. Let's try this. Let's try that. We can do better. To see someone now 79 who still has that optimism, who still has that belief—we can do better, we can do more—is a wonderful thing to see.

I salute Luceille Fleming for her 14 years of service to the State of Ohio, for her optimism, for her vision.

Luceille, thank you for the work you have done. Those in Ohio who have worked with you are truly grateful for your service to the people of the State. We appreciate it very much. You are a true visionary. You are a dear person, someone who has contributed a great deal to our State and to the people we always serve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

BUILDUP TO WAR ON IRAQ

Mr. LEVIN. Mr. President, last week, CIA Director George Tenet accepted responsibility for having gone along with the African uranium statement in the President's State of the Union address. His acknowledgment that it should not have been included in the address and his acceptance of responsibility was appropriate. But his explanation of the CIA's acquiescence in allowing the use of a clearly misleading statement raises more questions than it answers, and statements by other administration officials, particularly National Security Adviser Condoleezza Rice, compound the problem.

Even more troubling, however, is the fact that the uranium statement appears to be but one of a number of several questionable statements and exaggerations by the intelligence community and administration officials that were issued in the buildup to the war. The importance of objective and credible intelligence cannot be overstated. It is therefore essential that we have a thorough, open and bipartisan inquiry into the objectivity, credibility and use of U.S. intelligence before the Iraq war.

First, relative to the uranium issue:

> The President in his State of the Union Message said that the British Government had learned that Iraq recently sought to purchase significant quantities of uranium from Africa. The sole purpose of that statement was to make the American people believe that the American Government believed the statement to be true and that it was strong evidence of Iraq's attempt to obtain nuclear weapons. But the truth was that, at the very time the words were spoken, our Government did not believe it was true. Condoleezza Rice's effort to justify the statement on the

> grounds that it was "technically accurate" doesn't address the heart of the matter, which is that the statement was calculated to create a false impression. It is simply wrong to make a statement whose purpose is to make people believe something when you do not believe it yourself.

It is all well and good that the CIA has acknowledged its role in caving in to pressure from the National Security Council to concur in something which it did not believe. But Director Tenet's acknowledgment raises further questions of who was pushing the false impression at the National Security Council. The NSC should not misuse intelligence that way.

The President's statement that Iraq was attempting to acquire African uranium was not a "mistake." It was not inadvertent. It was not a slip. It was negotiated between the CIA and the NSC. It was calculated, and it was misleading. And what compounds its misleading nature is that the CIA not only "differed with the British dossier on the reliability of the uranium reporting," to use Director Tenet's words, but the CIA had also "expressed [its] reservations" to the British in September 2002, nearly 5 months before the State of the Union Address. Furthermore, the CIA pressed the White House to remove a similar reference from the President's speech on October 7, 2002, and the White House did so—nearly 4 months before the State of the Union Address.

The uranium issue is not just about sixteen words. It is about the conscious decisions that were made, apparently by the NSC and concurred in by the CIA, to create a false impression. And it is not an isolated example. There is troubling evidence of other dubious statements and exaggerations by the intelligence community and administration officials.

Relative to aluminum tubes, in a speech before the U.N. General Assembly on September 12, 2002, President Bush said, "Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon." In fact, an unclassified intelligence assessment in October acknowledged that some intelligence specialists "believe that these tubes are probably intended for conventional weapons programs," and on February 5, 2003, Secretary of State Colin Powell told the U.N. Security Council that "we all know there are differences of opinion," and that "there is controversy about what these tubes are for." The International Atomic Energy Agency, after conducting an inquiry into the aluminum tubes issue, concluded they were not for uranium enrichment.

On the Iraq-al-Qaida connection: On September 27 of last year, Secretary of Defense Donald Rumsfeld described the administration's search for hard evidence for a connection between Iraq and al-Qaida. He said, "We ended up with five or six sentences that were bullet-proof. We could say them, they are factual, they are exactly accurate. They demonstrate that there are in fact al-Qaida in Iraq." While Secretary Rumsfeld later went on to say, "They are not beyond a reasonable doubt," he did not say there was considerable uncertainty in the intelligence community about the nature and extent of ties between Iraq and al-Qaida. It was certainly never a "bullet- proof" case.

On nuclear reconstitution, last Sunday, Ms. Rice said, "We have never said that we thought he [Saddam] had nuclear weapons." But Vice President CHENEY said on March 16, "We believe he [Saddam] has, in fact, reconstituted nuclear weapons."

On the question of certainty that Iraq possesses chemical and biological weapons, on August 26, 2002, Vice President CHENEY said: "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us." On September 26, 2002, President Bush said, "The Iraqi regime possesses biological and chemical weapons." On March 17, 2003, President Bush told the Nation that "intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised." And on March 30, 2003, Secretary of Defense Donald Rumsfeld said, "We know where they [weapons of mass destruction] are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat." The fruitless search to date for Saddam Hussein's weapons of mass destruction during and after our entry into Iraq suggests that our intelligence was either way off the mark or seriously stretched.

As to mobile biological warfare labs, on May 28, 2003, the CIA posted on its Web site a document it prepared with the Defense Intelligence Agency entitled, "Iraqi Mobile Biological Warfare Agent Production Plants." This report, which is still on the CIA Web site, concluded that the two trailers found in Iraq were for biological warfare agent production, even though other experts and intelligence community members do not agree with that conclusion, or believe there is not enough evidence to reach such a conclusion. None of these alternative views have been posted on the CIA's Web page.

On White House Web site photos, on October 8, 2002, the White House placed three sets of satellite photos on its Web site, with the headline, "Construction at three Iraqi nuclear weapons-related facilities." Although one of the facilities was not nuclear-related, the captions of the photos gave the impression that Iraq was proceeding with work on weapons of mass destruction at these facilities, although UNMOVIC and IAEA inspections at these facilities found no prohibited activities or weapons. For instances, related to the Al Furat manufacturing facility, the caption notes that "the building was originally intended to house a centrifuge enrichment cascade operation supporting Iraq's uranium enrichment efforts" and that after construction resumed in 2001, "the building appears operational."

So the misleading statement about African uranium is not an isolated issue. There is a significant amount of troubling evidence that it was part of a pattern of exaggeration and misleading statements. That is what a thorough, open and bipartisan investigation should examine.

Finally, again relative to the uranium statement, I am deeply troubled by Ms. Rice's continuing justification of the use of the statement in the President's State of the Union Address. She repeatedly says it was "accurate," despite the fact that its clear aim was to create a false impression. Her statement and Director Tenet's statement raise more questions than they answer. Here are some of those questions:

One, who in the administration was pressing the CIA to concur in a statement that the CIA did not believe was true, and why did they do so even after the CIA objected to the text?

Two, who at the CIA was involved in pressing the White House to remove the similar reference from the October 7 speech, and what reasons did they give for removing it?

Three, who in the White House was involved in removing a similar reference from the President's speech on October 7, nearly 4 months before the State of the Union speech?

Four, who at the CIA knew about the decision to tell the British intelligence service in September, 2002 of CIA's "reservations" about the inclusion of references to Iraqi efforts to obtain uranium from Africa in the British intelligence service's September 24 dossier?

Five, given the doubts of the U.S. Intelligence Community, why didn't the President say in his State of the Union speech not only that "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa" but that "our U.S. intelligence community has serious doubts about such reporting"?

Six, how and when did the U.S. Government receive the forged documents on Niger, and when did it become aware that they might be bogus?

And, seven, what role did the Office of the Vice President have in bringing about an inquiry into Iraq's purported efforts to obtain uranium from Niger? Was the Vice President's staff briefed on the results of Ambassador Wilson's trip to Niger?

These and many other questions underscore the critical importance of a bipartisan, open, and thorough inquiry into the objectivity and credibility of intelligence concerning the presence of weapons of mass destruction in Iraq immediately before the war and the alleged Iraq al-Qaida connection, and the use of such intelligence by the Department of Defense in policy decisions, military planning and the conduct of operations in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate the Defense appropriations bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will resume consideration of H.R. 2658, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Michigan for his thorough and thoughtful statement involving many of the questions that need to be asked and need to be answered. His recommendation to the Senate and to our country that there be a thorough investigation, a bipartisan investigation, where these questions can be answered and the information provided, in my view, is essential.

We have become more and more confused over the course of the last several days with regard to the conflicting information provided by the administration on these and other key questions. We must find a way with which each of these questions can be clarified and for the administration to come forth with a clear acknowledgement of the need for this clarification is essential.

The American people deserve a thorough, complete, open review of each and every one of these questions. The Intelligence Committee has begun its work, and I commend the distinguished ranking member for his efforts and his persistence in bringing it to this point. I think this has now gone beyond the matter of just intelligence, as the Senator from Michigan has pointed out with questions and the concerns he raised in his speech this morning.

We will address these questions both legislatively and rhetorically over the course of the next several days. But I have very fundamental questions with regard to the bill itself. Others have raised them.

Why is it that there is not one dime requested for the Iraqi operation in the Defense appropriations bill? Why is it that there is not one dime requested for the Defense Department's efforts in the war on terror? Not one dime. I am just baffled. It is sort of legislative never-never land for us to be involved in a war that we are already told by the Secretary of Defense—at least with regard to Iraq and Afghanistan—is costing this country $5 billion a month, and there is not $1 requested in this bill for that operation.

How in the world can we be on the Senate floor talking about something as consequential as this—not only to us but to the world—and not have a better appreciation of what the costs and implications and fiscal consequences are? So that, too, will be a matter that I hope will be the subject of great debate in the Senate Chamber.

We admire the work done by our military. We are grateful for the extraordinary effort and sacrifice made by the Armed Forces. Many of our National Guard and Reserve personnel have been in that country now for over 6 months. The sacrifice and the extraordinary effort they have made on behalf of their country ought to be commended. But another question comes to mind as we consider that sacrifice: Why are we doing it alone? And why is it the administration continues to refuse to request additional resources, officially, from NATO? Why is it they are unwilling to ask the United Nations to urge its members to provide military force and civilian police? Why is that not a part of the administration position?

We find ourselves in a very unusual set of circumstances. We are debating the single largest Defense appropriations bill in history but a bill that does not in any way reflect the cost of our presence and the effort being made at this very moment in Iraq or in Afghanistan or the war on terror.

We know it is going to continue to cost this country billions of dollars each and every month, but we do not know why the administration refuses to ask others officially for help, especially NATO, and we certainly do not know the answers to the questions raised by the distinguished Senator from Michigan just moments ago.

We must have those answers, and I hope during the course of this debate we can find mechanisms and subscribe to procedures that will ensure that the American people have all the facts.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. STEVENS. Mr. President, I do not mean to be disrespectful and interrupt the distinguished leader, but I wonder if the Democratic leader knows that I am responsible for not having more money for Iraq in this bill. We met with the President and the Secretary of Defense and pointed out the enormous amount of money we had provided in the supplemental passed earlier this year for that action in Iraq. We had to have money to meet some of the problems caused by my interpretation of the budget resolution in not having enough money for some of the other subcommittees.

We worked out the arrangement whereby we took $3.1 billion out of this bill and allocated it to other subcommittees with the understanding that if additional moneys are needed in Iraq because of our actions there, beyond what we have already provided, that we will have a supplemental in the spring.

We anticipate the moneys we provided in the massive supplemental, $62.6 billion, is sufficient to carry them forward. As a matter of fact, there are not only sufficient funds, but in this bill we actually rescinded about $3 billion of the supplemental to make it available to other areas of defense, not having it totally earmarked to Iraq.

We are trying to manage this money. The distinguished Democratic leader is exactly right. The costs are running somewhere around $4 billion to $5 billion a month. We expect that to start tapering down as this involvement in Iraq continues. It is certainly not the same as when we were building up forces and transmitting personnel and material to Iraq. We have tried to manage this situation and keep a firm hand on the expenditures in Iraq. In doing so, we made more money available to other subcommittees because they have problems related to homeland security and other matters.

While I am honest in the fact that I do not think we have enough money yet for some of those subcommittees, I do think we have more money available for nondefense matters, for homeland security matters, than we would have had had we continued with the approach that was in the budget to start.

I congratulate the Democratic leader for stating frankly his feelings about the overall involvement in terms of our being in Iraq almost alone. We do have support from other nations, but we do not have the involvement of other troops to the extent I, too, would like to see take place. I hope that will occur. But I hope the leader will understand, one of the reasons the money is not there now, in terms of asking for more money for Iraq, is that I pleaded with the President and the Secretary to give us a little running room on those other bills and to realize that we thought there was adequate money to carry us through this calendar year—that means at least the first quarter of this next fiscal year—for the involvement in Iraq.

It is my hope that by the time we get to January and February, we will find the amount of money we are spending in Iraq is much less than it is right now, and that we can, in fact, shift gears a little bit as far as that involvement.

Iraqis should have, I am told, somewhere around $7 billion of income from oil by the end of this year. If that cashflow starts going into their economy and into their own local security rather than into the military budgets, as it was in the past, I think we will achieve the constraints we need in terms of the expenditures of Federal U.S. dollars in Iraq. I hope the Senator understands that point.

I just happened to be here at the time the Senator made his statement. I do, as a matter of fact, take pride in the fact the President and his people did listen to us. Chairman YOUNG and I explained the problems of this budget resolution and its impact on the other subcommittees which, as the Democratic leader knows, the budget resolution was less than the President had requested in this year's appropriations process.

I hope we will await the developments in Iraq and we can all see whether the administration will ask for more money in 2004, starting some time after the first of next year, if that is necessary.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, if I may respond, as the Senator from Alaska knows, I am a big admirer of the distinguished Senator from Alaska, the chairman of the Appropriations Committee. There are no two more able Members of this Senate than the Senator from Alaska and the Senator from Hawaii, his ranking member.

I appreciate, first, the chairman's explanation, and I also appreciate the fact that he could foresee the budgetary and appropriations problems that could have been generated as a result of the allocation made initially by the administration. We are able to address some of the other concerns in other subcommittees on appropriations in part because he saw the problems arise and took action to avoid them.

I guess I go back to a fundamental question of management, not by him but of the administration, a fundamental question about what it is they anticipate will be the costs involving fighting the war in Iraq—not for this year but for the next fiscal year that this particular appropriations bill addresses.

It will take $60 billion to address those concerns in the next fiscal year. We appropriated in the supplemental $68 billion in this fiscal year. Obviously, that will take us into the first part of the next fiscal year. The question from us to the administration ought to be: Why have you not made a specific proposal with regard to the commitment that will be required in Iraq for the next fiscal year? If it is $60 billion, request it. If it is $60 billion, defend it. If it is $60 billion, give us some appreciation of how it will be spent and why we are the only ones spending it. Why is it that other countries are not more engaged? Why have you not asked? Those are the questions that any appropriations bill ought to address.

I supported the supplemental and most likely, whenever another one is requested, if it comes, I will support it. But it is not good fiscal management to take these matters piecemeal, to expect through a supplemental process—which, I might add, is not offset, which simply adds to the deficit. We now see a deficit of some $450 billion. If we take Social Security out, it is $600 billion, and we are still not at the end of this fiscal year.

We have serious management and budget considerations that have to be taken into account but are only exacerbated by these supplemental budgets that are offered, considered, and voted upon throughout the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232

Mr. STEVENS. Mr. President, I will make a statement while I am trying to locate the amendment I am going to offer. The 2004 budget request included no funding for the establishment of additional weapons of mass destruction civil support teams. There are currently 32 teams that are certified and operational. The plan is to field a total of 55 teams to ensure there is at least 1 team established in each State and territory.

The Senate Armed Services Committee included additional manpower and funding to establish 12 additional teams in fiscal year 2004. We included additional National Guard manpower for these teams, but we did not provide operation and maintenance or procurement funding.

I will send an amendment to the desk and ask that we consider it. This amendment conforms our bill to that of the Senate-passed national defense authorization bill regarding what we call CSTSs of the funds provided to the Department of Defense. This amendment would earmark $39.3 million in operation and maintenance funds, $25.9 million in procurement, and $1 million in research and development funds. I present the amendment as one that is offset and merely allocates funds to these teams as required by the Senate-passed authorization bill. I believe it has the support of my colleague Senator INOUYE.

Mr. INOUYE. Yes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. WARNER, proposes an amendment numbered 1232.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for 12 additional Weapons of Mass Destruction Civil Support Teams)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Amounts appropriated by this Act may be used for the establishment and support of 12 additional Weapons of Mass Destruction Civil Support Teams, as follows:

(1) Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to $23,300,000.

(2) Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $16,000,000.

(3) Of the amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY", up to $25,900,000.

(4) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $1,000,000.

Mr. STEVENS. I ask for the immediate consideration and adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1232) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Does the Senator wish some time?

I say to the Chair, in about 20 minutes we will have a package of amendments we have cleared and we are prepared to offer under unanimous consent.

I ask unanimous consent that we have a period for routine morning business until the hour of 11:15 with Senators being permitted to speak therein.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, we have Senators who want to speak on the bill.

Mr. STEVENS. I am misinformed. I withdraw that request.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his forbearance. I thank my colleague, Senator REID, for making this arrangement for me to speak out today on the 2004 Defense appropriations bill as a member of the Senate Armed Services Committee.

As I begin my remarks today, I am cognizant that a funeral service is about to begin in Minnesota. It is the funeral of the first Minnesota soldier to die in Iraq this year, PFC Edward J. Herrgott of Shakopee, MN. Private Herrgott was only 20 years old. He said he joined the Army so he could earn some money to go to school and become a police officer. He was patrolling in front of the Baghdad Museum on September 3 when a sniper's bullet ended his life.

Private Herrgott is an American hero. He stood guard in 115-degree heat, in the most dangerous city in the world, because his commanding officer assigned him that duty. He went to Iraq because his Commander in Chief, the President of the United States, assigned him that duty.

It took extraordinary courage and patriotism for him to perform that duty, to stand guard in that sweltering heat in the midst of that ever-present danger. Private Herrgott lost his life performing his duty. He lost his life 63 days after his Commander in Chief declared that major hostilities were over in Iraq. They did not end on May 1 for Private Herrgott, nor for the 77 other American soldiers who have died in Iraq since then, nor for the hundreds more who have been wounded, nor for the 145,000 other American soldiers who still risk their lives in Iraq every day and every night and wonder when will they come home.

Congress also bears responsibility for sending Private Herrgott and those 145,000 other brave men and women to Iraq. Last October, Congress voted to give their constitutional responsibility to declare war over to President Bush. Congress gave the President what he wanted, what he insisted then he must have, a blank check, a blank check signed in advance, authorizing the President to use whatever means necessary, including the use of force in Iraq, whenever, and with whomever, for however long, at whatever cost, until the President decides to end that war. Congress gave the President all of that authority and all of that responsibility. I did not vote for it, but a majority did, and now we must pay for that war.

Last week in the Senate Armed Services Committee, we were told by the Secretary of Defense that the war in Iraq is costing $3.9 billion per month and that the continuing military operations in Afghanistan are costing $900 million per month. That is a combined $4.8 billion a month, totaling $57.6 billion over 12 months. That is $57.6 billion which I thought was going to be in this 2004 Defense Appropriations bill, and the distinguished chairman of the Senate Appropriations Committee, who has been engaged in these matters for far more years than I have been around, has clarified the circumstances why that money is not in there now.

But I point out that the estimate of over $1 billion a week is probably way too low. According to this week's Newsweek magazine:

> That billion a week is just the beginning. It doesn't include the cost of running Iraq's government and rebuilding it, which could be an additional billion a month—according to pre-war United Nations estimates.

Nor does it include presumably, as this article details, the $1.2 billion which Ambassador Bremer's budget says must be spent up front in capital improvements if Iraq's oil production is to get under way again. Nor does it include the $680 million given to the Bechtel Corporation for infrastructure improvements; nor, I suspect, the $3 billion to $5 billion that it is estimated is necessary to make emergency repairs to Iraq's electrical power system.

So why is it that we cannot get from the administration a clear, direct, and reliable accounting about the cost of this war? I am guessing it has something to do with today's report that the Federal budget for fiscal year 2003 is expected to run a $450 billion deficit, and the next year's deficit may be as high as $500 billion, without even including all of the costs of the war efforts.

Those are staggering deficits. This year's deficit will be over 50 percent greater than the largest annual deficit in U.S. history, and it results from the most colossal financial mismanagement that has ever been witnessed in this country's history, the worst ever.

Just 2 years and 2 months ago, President Bush submitted his administration's first budget for fiscal year 2002 and the years beyond. It was a proud document dated April 9, 2001. The President stated:

> This budget offers a new vision of governing for our Nation.

His budget projected a $5.6 trillion surplus for the 10 fiscal years from 2002 through 2011. It promised to save the entire Social Security surplus of $2.6 trillion; to spend every penny, it said, of Medicare tax and premium collections on Medicare; to achieve historic levels of debt reduction, $2 trillion over 10 years; to provide $1.6 trillion in tax relief; and set aside a $1.4 trillion reserve for additional needs, debt service, and contingencies.

As we all know, there have been big contingencies since then, but not enough to justify the total destruction of all of those promises, not enough to warrant the abandonment of a fiscally responsible Federal budget, which was bequeathed to this administration by the administration which preceded it.

For fiscal year 2003, the fiscal year we are in presently, just 2 years and 2 months ago President Bush predicted a $262 billion surplus in the combined Federal budget for that year. The on-budget operating fund surplus was expected to be $49 billion; the off-budget Social Security surplus, $193 billion.

The Social Security surplus now is expected to be slightly less than was predicted then, but still $160 billion. But combined, the Federal budget deficit of $450 billion means the operating fund, the main operating account of the Federal Government, this year will run a deficit of over $600 billion. A $49 billion surplus was expected 2 years and 2 months ago and a $610 billion deficit is expected today.

The non-Social Security revenue for this year, in personal and corporate income taxes, capital gains tax, estate tax, and the excise tax was projected to exceed expenditures in fiscal year 2002, as they did in the year 2000 under President Bill Clinton—for the first time in 40 years. But now in actuality, those progressive taxes, which have constituted almost the entire tax base of the operating accounts of the Federal Government for all these years, those revenues generated will only amount to two-thirds of expenditures. The two tax bills of 2001 and 2003 have decimated the progressive tax base of the Federal Government. And 2004 is expected to be no better. If anything, it is projected to get even worse. The change from expectations to now the projection of a $500 billion deficit means a change of over $750 billion in projections.

Saving the Social Security surplus—that is gone. Every year—this year, next year, every year in the foreseeable future—it is going to be wiped out to nothing.

Reducing the national debt by $2 trillion? That is gone. In fact, according to the President's own Office of Management and Budget, if we adopt his budgets as he has proposed them, we will increase the national debt by $2 trillion over the next 10 years.

Setting up a reserve fund? Forget that, too.

Lowering the growth in discretionary spending to 4 percent a year? Not yet. The President's request for the last 3 years has increased that by 9 percent, 10 percent, and 11 percent, and that does not include these so-called supplemental appropriations, which is maybe one of the reasons that is the preferred approach—come back in, in the middle of the year, and ask for the increased money everybody knows is going to be needed to fund the operations in Iraq and Afghanistan.

It is very frustrating, I find, to not be able to get clear, reliable facts from this administration. They act as though this is their government, that we in Congress do not even exist, or that we are an unnecessary and unwanted intrusion into their affairs. So much for a new vision of government. So much for a new tone of bipartisanship. It has become worse, not better. Instead of facing up to these realities, the administration is trying to hide them.

When I returned from Minnesota last night, I was given a book, by a colleague, Senator BENNETT of Utah:

"Reagan, Man Of Principle," by John Harmer, a former State senator in California. I just glanced through the beginning pages of it.

I was struck by this anecdote from the senator. He had been involved as the majority leader there, trying to work out the redistricting bill for 1971. California was going to set the lines for the legislative districts for the State for the next 10 years. They finally, after all this thrashing back and forth and cutting deals and making arrangements, got agreement. Governor Reagan—President-to-be—vetoed that bill.

So in frustration, the State senator came to President Reagan. He said, reading now directly:

> "What exactly do you want?" I asked, in total frustration.
>
> His response was so purely honorable that I dared not repeat it to my senatorial colleagues, knowing that they would hoot me out of the room. Yet, though I did not fully appreciate it at the time, the response was just one of many examples of Reagan's strength as a political leader. Reagan, like Thomas Jefferson, had a fundamental faith in the American people and their ability to make the right decisions if only they had all the facts. Not just the Republicans among the people, but of all the people, once they had all of the facts. . . .

I am skipping ahead here, but Governor Reagan said to State Senator Harmer:

> "I am really disappointed . . . that individual Republicans are so willing to sell out the best interests of the people in order to save themselves. That is not what I regard as worthy of my signature."
>
> "John," he said, "I'm as dedicated to the Republican cause as you are. Our party's core philosophy represents the best assurance for the continued freedom and prosperity of the nation. But I am not the governor of just the Republicans. There are millions of people out there who, whether they voted for me or not, expect me to represent them with good judgement and integrity. The issue is not one of protecting what you call the Republican base. The issue is to do that which is right in principle."

That could apply to the Democratic majorities in other States. There is no monopoly, I have learned here, in truth or wisdom or virtue. But that principle, "to do what is right," and that principle, "to present all the facts forthrightly to the American people," are principles that are certainly needed even more in Washington today, and that stands in marked contrast to what we experience in Washington today.

We are not being trusted with the facts: Not about the budget, not about the timetables for troop deployments and bringing the troops back home, and not about the circumstances that led up to this war in Iraq. We have a right to those facts here in the Congress. More important, the American people have a right to those facts. We have a right to know how much this war is costing and how we are going to pay for it. We have a right to know how long our troops are going to be over there in Iraq. We have a right to know how we got into that war in Iraq and how what we were told over the last months squares with the truth as it was known at the time.

What were the facts that led President Bush to say before the Nation, in a televised speech last October 7, that Saddam Hussein could have a nuclear weapon in less than a year when we now know there was no such program in evidence there? Or that Iraq is exploring using unmanned aerial vehicles for missions, targeting the United States, when in fact it was known back then and certainly is known today that those missiles, which were not even used against our invading forces, thank God, had a range of only a few hundred miles and were no threat to the United States?

What facts led Vice President CHENEY to say last August 26 that there is no doubt Saddam Hussein now has weapons of mass destruction, there is no doubt that he is amassing them to use against our friends, our allies, and against us? What caused National Security Adviser Condoleezza Rice to say last September that Iraq had provided chemical weapons training to al-Qaida members? What prompted Secretary of Defense Rumsfeld to say last fall that the United States must act quickly to save potentially tens of thousands of citizens? What led the President to say that Saddam Hussein could strike the United States first and inflict massive and sudden horror?

These are the questions I have. These are some of the facts that need to become known, as the distinguished ranking member of the Senate Armed Services Committee said just before me on the floor. We need a bipartisan investigation into all these circumstances, into what was known by the intelligence community, what was reported to members of the administration.

What was reported in top secret briefings to members of the Armed Services Committee which I was invited to attend, 20 or more such briefings over the course of last fall and early into this year?

What was being told to the administration that was at variance with that information? What caused the administration to speak so emphatically, with certainty, about acts which it seems were not so factual and which were not even presented as absolute facts in the briefings which I attended at the time? We have a right to those answers. Thus far it has been very difficult to get the agreement from colleagues on the other side to undertake these investigations or inquiries, whatever euphemism we use.

The Senate Intelligence Committee evidently, and hopefully, has agreed to undertake such an inquiry. We have not been able to obtain that consent in the Senate Armed Services Committee. In fact, we are being told such a bipartisan investigation is not going to be forthcoming.

What recourse does that leave? How do we get to the truth when those in possession of the facts and the information will not provide them? How can we get to the truth when we cannot conduct a bipartisan inquiry or intelligence into obtaining that truth? What does it say about those who would not provide that information or that opportunity to seek the truth? What do they have to hide? What are they afraid we might find out? Why is it we cannot know the circumstances that caused the Commander in Chief to send 150,000 U.S. troops to Iraq, including PFC Edward Herrott being buried in Minnesota this morning, to whom I pay my greatest respects.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Nevada.

Mr. REID. Mr. President, I remember reading a book I enjoyed very much by James Michener called "Caravans," an excellent history of Afghanistan. Of all the books he wrote, the only one I enjoyed more than that was "Hawaii." When I read "Caravans," I knew very little about Afghanistan. After I finished the book, I knew a lot more about Afghanistan and the constant struggles of the Afghan people.

America first focused on Afghanistan during the Cold War. The Soviets came in and brutally tried to take over that country. As we know now, American forces supplied arms to the Afghan people, who courageously drove the Soviets out of Afghanistan. Many scholars believe that defeat marked the beginning of the end of the Soviet Union. After almost 80 years, the impoverished country of Afghanistan was the reason for the fall of one of the greatest powers in the history of the world.

I will return to the subject of Afghanistan in a moment, but first I want to comment on what some of my colleagues have said this morning about the situation in Iraq. I supported the resolution that authorized the use of force in that country, and my vote was based on more than the evidence of Saddam Hussein's weapons of mass destruction. Still, the controversy that has arisen concerning these weaspons has hurt America in the international community. All the turmoil going on now, the accusations of coverups, the exaggerations and half truths, which persuaded some of my colleagues to vote for the resolution—it has damaged our country's credibility. It could take a long time to repair that damage.

The ongoing fight against terrorism has challenged our military as never before. But I think all my colleagues would agree that our men and women in uniform have risen to the task and performed heroically.

As pointed out by the distinguished senior Senator from Minnesota, Mr.

DAYTON, American soldiers are still dying in Iraq. Another was killed just yesterday.

I was impressed with the statement of the Senator from Minnesota because he mentioned not only a fallen soldier, but also the other casualities of war; that is, people who have lost limbs, people who are paralyzed, people who are disfigured as a result of incendiary devices, people who are scarred permanently—and I'm referring also to the psychological scars that will be with these men and women for the rest of their lives.

All of our troops have performed heroically. It is our constitutional responsibility to ensure that our military gets the resources it needs to remain the strongest in the world. The bill we are considering today does that. It was not an easy task, and it is a tribute, as I have said already, to the two managers of the bill, the senior Senator from Alaska and the senior Senator from Hawaii, and of course their fine staffs. But, interestingly enough, as the Democratic leader mentioned today, this bill does not fund continuing operations in Afghanistan or Iraq. I have great admiration for the two managers of this bill, as I said on the floor yesterday. These two Senators are role models for me. These Senators have distinguished careers and represent their States as well as they can be represented. They both understand Defense issues from personal experience.

They both served their country in war. The Senator from Hawaii earned the highest honor that our country can confer upon an American military hero—the Congressional Medal of Honor. We sometimes take this great man for granted, but I try never to do that.

I can remember traveling with the distinguished Senator from Alaska to Czechoslovakia when the Iron Curtain was still down. I can remember in Prague, Czechoslovakia, encountering a man in a World War II flight jacket. It led to a conversation with the Senator from Alaska because that is the kind of jacket he wore.

I have the greatest respect for these two fine men. But I think this bill should have money in it to fund military operations for the next fiscal year in Afghanistan and Iraq. I say, as one of the appropriators, that I think it was genius how the chairman of the Appropriations Committee has allowed the appropriations bills to go forward this year. I think we are going to finish all of the appropriations bills in a reasonable period of time. It was genius how the Senator from Alaska found the money. It was enough to set what we call 302(b) allocations. Those are allocations for the 13 subcommittees. But for his ability to take some money from defense and put it into domestic programs, we could not have gotten that done. I acknowledge from a legislative standpoint how important it was to do that.

But I think we should fund these bills prospectively as we do with everything else.

I heard an exchange between the Senator from Alaska and the Democratic leader about the decision being made by the President and the Republican leaders on enough money to take the military in Afghanistan and Iraq probably up to the first of the year. But we can't fund appropriations bills based upon one-quarter of a fiscal year. We have to fund them for a full year.

The reason this is done, of course, is that we have a supplemental appropriations bill for emergency expenditures. They don't count against the budget rules we have around here. As a result of that, they add to the deficit. I wish that were not how we had to do things this year. But I accept that it has been done. Unless there is some magic that occurs, or something that I don't see which is untoward, I will support the supplemental appropriations bill. We have to support the military.

But I have to say this is not the way to do things around here. I continue to believe that any operation that puts our young men and women at risk should be funded through the regular appropriations process which allows people an opportunity to weigh in on our priorities, policy judgments, and efforts.

Last week, I came to the Senate floor and urged my colleagues to support our neighbor, Mexico. I acknowledge and appreciate the Members of the Senate having supported that amendment. Today, as we consider our military priorities for the coming year, I want to speak today about what I fear has become another forgotten commitment, the reconstruction of Afghanistan.

Keep in mind, Mr. President, that we walked away from the people of Afghanistan once before. We supplied them with weapons. After the Soviets took tail and ran, the United States followed suit. We no longer were interested in Afghanistan after we won that battle of the Cold War. The chaos that ensued after we left led to the rise of the Taliban, one of the most brutal, repressive tyrannies in the history of the world. Remember. We walked away once before. We cannot allow history to repeat itself.

When U.S.-led forces defeated the Taliban more than 19 months ago, President Bush promised a "Marshall Plan for Afghanistan," and he assured us that our Nation would help Afghanistan become a stable, self-governing state free from the clutches of terrorism. I welcome that commitment from the President. The people of Afghanistan deserve that.

In the months immediately after the war, Afghanistan appeared to be making progress. A council of Afghans elected Hamid Karzai, a very courageous man, to lead an interim government. But we haven't done much to help this courageous man. As hope returned to Afghanistan for the first time in many years, the administration redirected its focus toward Iraq. Afghanistan virtually fell off the radar screen. Now, the Afghan people are paying the price. In short, all is not well in Afghanistan.

What are the current conditions? The security situation is particularly threatening. I was in a meeting this morning. I asked my Senate friends to guess how many troops are in Afghanistan today. The answer surprises people. I got different estimates—40,000, 20,000. We have 9,000 troops in Afghanistan. Where are they? They are in Kabul. The rest of the country is a jungle.

Outside Kabul, there is no security unless you are on the good side of one of the warlords. Aid workers don't feel safe. They don't travel through the country anymore. Many of the organizations have pulled out. In some of the provinces of Afghanistan—particularly in the southeast region—there is anarchy. Where there isn't anarchy, warlords are in control. These warlords seek only to enrich and empower themselves instead of helping President Karzai to address the urgent needs of the people. They fight among themselves and hoard Afghanistan's precious resources. Afghanistan does enjoy the luxaries of fertile land, oil and riches. Afghanistan is a country that is driven by poverty. It is a desert.

On rare occasions when the warlords aren't battling each other, they are joining together to weaken the central government. The absence of central authority in Afghanistan isn't anything new. That is why we had to cooperate with some of these warlords when we fought the Taliban. But when the war ended, we promised the Afghan people we would help them develop a stable country. That came from our President. We are reneging on that promise.

We simply can't accept a warlord-dominated Afghanistan. That would spell certain defeat for a long-term war against terrorism.

I came to this floor and said there is a need for the interim government in Afghanistan to include women. The Taliban brutalized women, but in some areas of Afghanistan women are not doing much better now than they were under the old regime. Some warlords are imposing Taliban-like restrictions on women and girls.

What does that mean? This means they are treated like nonpeople. It means they cannot show their faces. It means they cannot go anyplace unless they have their husband with them. They cannot even go to school. Some of the schools that were opened just for girls after the war have closed up.

Border security in Afghanistan is nonexistent. Is Osama bin Laden in Afghanistan? Is he near the country's border with Pakistan? It does not matter. He's certainly not in Kabul, where most of our forces are stationed. The rest of the territory is controlled by warlords or is in complete anarchy.

Afghanistan's porous border with Pakistan has allowed pro-Taliban elements to slip in and out at will, on the rare occasions they need to escape U.S. forces searching remote areas. Iran continues to try to influence affairs in the areas around Kabul.

The Afghan army does not have the manpower, training, or the resources to deal with these cross-border incursions. The hinterlands of Afghanistan are essentially up for grabs to the lethal, devious, and dangerous insurgents that were cast out of Kabul at the start of Operation Enduring Freedom some 20 months ago.

Economically, the landscape is bleak, to say the least. Fifty percent of the population in Afghanistan lives in absolute poverty. The average life expectancy in Afghanistan is 46 years. It goes without saying there are exceptionally high rates of malnutrition and child and maternal mortality. Up to 7.5 million Afghans are said to be dependent on external food aid. It is the only food they get. Unemployment—we don't know how high it is but we know it is well over 50 percent. Illiteracy—maybe one out of four can read and write; maybe one out of four. Seventy percent of Afghans cannot read or write.

But the real impetus for me to come here and say how I feel about this issue is the result of my reading Newsweek magazine last week. Newsweek had a feature story about the No. 1 product in Afghanistan: poppies, used in the production of heroin. Unfortunately, the development of illegal narcotics is the one sector of Afghanistan's economy that has experienced positive growth.

Last year, Afghanistan regained the dubious title of the world's largest opium producer, and it is on track this year to produce even more. Afghanistan accounts for almost 80 percent of the world's illicit opium production.

It has been a long time, but I used to do criminal law work. The first case I ever had—at that time Clark County, Las Vegas, did not have a public defender. I was appointed by Judge Zenoff, Department 1, the Eighth Judicial Court, Clark County, to represent a young man who was in jail. I can still remember his name: Humbert Gregory Torres, the first criminal case I ever had.

I went to the jail. I was a new lawyer. I had my suit and tie on. I went to the jail and talked to a man through the bars. I thought: This guy's a criminal? He should be a movie star. He was so handsome. He was a heroin addict, and had been since he was 15 years old.

When I met him in that jail, he was 20 years old. He was smart, handsome but terribly addicted to heroin. I saw the life he led after that. Because it was my first case, I kept in touch with him, represented him in many different battles with the law. He went to prison. I don't know where Greg is now. I am sure he is not in a good situation. Last I heard, he was back in prison.

Heroin destroys people, families, neighborhoods, and societies. It is a horrible thing. That young man did not want to be addicted to heroin. He got addicted to it when he was a little boy in New York City. He could have done anything with his life had he not been addicted to heroin. Instead, he became a criminal.

Well, almost 80 percent of the product that gets to people like Greg Torres comes from Afghanistan. Drug laboratories are sprouting up across Afghanistan, producing heroin that eventually finds its way into our country, our cities, and our neighborhoods.

Most of the money from this deadly trade does not even go to the impoverished farmers, but instead to corrupt civil servants and drug lords. Look at the Newsweek article. It tells of a senior general in northern Afghanistan who brought in experts from Burma to help him operate a string of heroin labs, and of a senior police official in a northeastern province operating a heroin lab in the garden of his home.

The nexus between the illegal drug trade and civil servants is very clear but even more troubling is the link between the opium trade and the remaining Taliban extremists. It is no coincidence, according to the United Nations, that Taliban insurgents are most prominent in the poppy-producing provinces of Afghanistan. This "unholy alliance" serves the interests of the drug lords, who need the protection, and the Taliban, who want the money.

We have the Drug Enforcement Administration, of course. Its agents are very professional, and very well trained. We have really unloaded on Afghan drug lords with these agents. We have two in Afghanistan—two DEA agents in the entire country. Eighty percent of all the heroin in the world is produced in that country, and we have two Drug Enforcement Administration officers there. With that kind of manpower, I'm sure we'll get to the bottom of this. I am being a little facetious, but I don't know what two agents can expect to accomplish.

Amid the drug, economic, and security crises plaguing Afghanistan, we cannot forget that the key government and private financial institutions were all destroyed under the Taliban. The image I see when I think of the Taliban is of them destroying that huge, historic, religious monument, which had been there for more than 1,000 years, by shooting rockets from airplanes. That is what the Taliban is all about.

We can't forget that they destroyed key government and private financial institutions. Recovery and reconstruction in Afghanistan therefore is an enormous challenge, but if we fall short, the consequences will be enormous. We cannot afford to fail in Afghanistan, and yet we are not doing anything to address the problems there.

Some are saying: So what? Does it matter? I don't think it is possible to exaggerate the stakes in Afghanistan. It is, of course, the front line in the war on terrorism. That is why we went there in the first place. Terrorists had built training camps there. The September 11 attackers all had contact with terrorists in Afghanistan.

Although a diverse and committed international force is participating in the reconstruction effort—there are several thousand international people in Kabul—we can't pass the buck and say reconstruction in Afghanistan is somebody else's responsibility. It is our responsibility. We led the war there. We need to lead the reconstruction.

We have a responsibility to help Afghans create a stable, self-governing state with the resources for long-term economic development. If we succeed, we will have denied the terrorists a strategically located base. We will have put a long-suffering people in a position to lift themselves to freedom and prosperity. We will have created a model that can help the international community in reconstruction efforts elsewhere. And we will have silenced skeptics around the world who thought the United States would not fulfill its promise to Afghanistan and would cut and run a second time. These are the benefits of success.

The costs of failure are almost too troubling to imagine. Terrorists could again regain a foothold. The Afghan people would remain impoverished under a fundamentalist regime. And this confluence between a failed state in a strategically vital area and terrorist forces could result in lethal consequences, as we so painfully learned in 2001.

What can we do? As the President stands ready to deploy troops to Liberia—and I have been to Liberia and acknowledge that it deserves our attention—we cannot forget about Afghanistan. The President also is weighing options on what to do about force protection in Iraq. As important an issue as that is, I again implore him not to forget our promise to the Afghan people.

There is much more we can do. The report issued last month by Ambassador Frank Wisner and the Council on Foreign Relations provides an excellent roadmap. First, with regard to security measures, we need to maintain adequate military forces until Afghanistan can assume the responsibility itself. We should also be seeking ways to bolster the international security forces there as well as substantially expanding the proposed size of the Afghan Army, which at its peak will stand at 10,000 soldiers. This hardly seems adequate for a country of 28 million people. Reconstruction efforts cannot be effective until the territory beyond Kabul is secure.

Second, politically and diplomatically we need to support the Afghans as they organize presidential and parliamentary elections to be held next year. We need to continue to press Iran and Pakistan to secure the border region and end their interference in Afghan affairs, and we need to continue to assist the Afghans in developing a vibrant civil society that is inhospitable to extremism.

Third, reconstruction measures must resume fully. Despite the urgency of the situation, road building and other major reconstruction projects have stalled. Despite receiving billions of dollars in financial commitments from the international community, President Karzai still faces a gap of $276 million in his very modest budget. Afghanistan will require $15 billion over the next 5 years in reconstruction funds, over and above humanitarian aid.

Congress has authorized funds to cover one-third of this total. Authorizing it, as we have learned, doesn't mean much. We have to appropriate the money. It is great to issue press releases about all the things we are going to do with this program and that program, but in the Congress there is a two-step procedure: We authorize and appropriate. If we don't appropriate, the authorization is meaningless. We should fully fund the authorization so that, among other things, we can complete construction of the road linking Kabul and Kandahar.

The United States obviously can't cover reconstruction costs on its own. I don't expect us to do so. The reconstruction effort will fail unless we persuade other countries to live up to their financial commitments. But we cannot do that until we fulfill our own obligations.

President Bush has the power to place the reconstruction of Afghanistan back on the world agenda. But as I said earlier, the issue seems to have fallen off the White House radar screen. I say to President Bush: Fulfill the promise you made to the Afghan people and to the American people, and deliver on your Marshall Plan for Afghanistan. The Congress will support those efforts. We will do so not only for the Afghan people but also for the security and safety of the United States and its allies.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that at the hour of 2:15 p.m. the Senator from West Virginia be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1233 THROUGH 1236, EN BLOC

Mr. STEVENS. Mr. President, I have amendments from our side of the aisle which have been cleared.

The first is Senator Roberts' amendment to make amounts available for research, development, test, and evaluation defense-wide, $2 million for the development of integrated systems analysis capabilities for bioterrorism and response exercises.

Second is Senator Lott's, to set aside Marine Corps procurement funds for use for the procurement of nitrile rubber collapsible storage units.

Next is for Senators Graham and Hollings of South Carolina to make amounts available for research, development, test, and evaluation, Navy, $6 million for Marine Corps communications systems for the Critical Infrastructure Protection Center.

Finally, another is for Senator Lott to set aside other procurement, Army funds, for the procurement of TSC–750 computer systems.

I ask unanimous consent to offer the amendments en bloc and have them reported en bloc and considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. Stevens] proposes amendments en bloc numbered 1233 through 1236.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1233

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $2,000,000 for the development of integrated systems analysis capabilities for bioterrorism response exercises)

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Defense-Wide", up to $2,000,000 may be available for the development of integrated systems analysis capabilities for bioterrorism response exercises.

AMENDMENT NO. 1234

(Purpose: To set aside Marine Corps procurement funds for use for the procurement of nitrile rubber collapsible storage units)

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. Of the amount appropriated by title III under the heading "Procurement, Marine Corps", up to $1,500,000 may be used for the procurement of highly versatile nitrile rubber collapsible storage units.

AMENDMENT NO. 1235

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy, $6,000,000 for Marine Corps Communications Systems (PE#0206313M) for the Critical Infrastructure Protection Center)

Insert after section 8123 the following:

Sec. 8124. Of the appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Navy", up to $3,000,000 may be available for Marine Corps Communications Systems (PE#0206313M) for Critical Infrastructure Protection.

AMENDMENT NO. 1236

(Purpose: To set aside Other Procurement, Army funds for the procurement of TSC-750 computer systems)

Sec. 8124. Of the total amount appropriated by title III under the heading "Other Procurement, Army", up to $1,500,000 may be used for for the procurement of TSC–750 computer systems.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENTS NOS. 1237 AND 1238, EN BLOC

Mr. INOUYE. Mr. President, if I may continue, on behalf of Mr. Miller, the Senator from Georgia, I have sent to the desk an amendment to make available from amounts available for research, development, test, and evaluation for the Navy, $1 million for the Trouble Reports Information Data Warehouse; and for the Senators from Florida, Mr. Graham and Mr. Nelson, an amendment to make available from amounts available for operation and maintenance, Navy, $2 million for night vision goggles in advanced helicopter training. I ask unanimous consent that these amendments be considered en bloc and passed.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. Inouye] proposes amendments en bloc numbered 1237 and 1238.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1237

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Navy, $1,000,000 for the Trouble Reports Information Data Warehouse)

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Navy", up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

AMENDMENT NO. 1238

(Purpose: To make available from amounts available for Operation and Maintenance, Navy, $2,000,000 for night vision goggles in advanced helicopter training)

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title II of this Act under the heading "Operation and Maintenance, Navy", up to

$2,000,000 may be available for night vision goggles in advanced helicopter training.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that at 12:15 the Senate proceed to executive session and immediately vote on the confirmation of Calendar No. 295, Lonny R. Suko of Washington to be a U.S. District Judge for the Eastern District of Washington, without further intervening action or debate; and I further ask that following that vote, the President be immediately notified of the Senate's action, the Senate then resume legislative session, and recess as under the previous order.

Mr. REID. Reserving the right to object, Mr. President, this is the 136th judge that we will have approved during the term of President Bush. We have turned down two. As Senator LEAHY said on the floor yesterday, the number of judicial vacancies is the lowest number in more than 13 years. I ask that the unanimous consent request be modified to allow Senator MURRAY 5 minutes to speak on this judge at 12:10, prior to the vote.

MORNING BUSINESS

Mr. STEVENS. That is fine. Also, I ask unanimous consent that the time preceding Senator MURRAY's statement be a period of morning business with Senators permitted to speak therein for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, are we in morning business.

The PRESIDING OFFICER. We are in a period of morning business with Senators allowed to speak for up to 5 minutes.

TRAVEL TO CUBA

Mr. DORGAN. Mr. President, I just came from a conference about 30 minutes ago dealing with the issue of travel; that is, the right of the American people to travel. We have the right to travel almost anywhere. I have been to China, a Communist country; Vietnam, a Communist country; I can go to Iran or North Korea.

The American people have a right to travel almost anywhere in the world—except for Cuba. Why? Because with respect to Cuba, we have had a 40-year embargo, which not only embargoes trade between this country and Cuba but prohibits the American people from traveling in Cuba.

We have an organization in the Department of Treasury called OFAC, Office of Financial Assets Control, I believe it is. OFAC is an agency that is supposed to be tracking terrorists at this point. Following 9/11, we understand there are all kinds of terrorists and others who wish this country ill and are willing to murder Americans. We have the FBI, the CIA, and a whole range of interests trying to track terrorists. As I said, one part of that is a little organization inside the Treasury Department called OFAC.

OFAC is supposed to look at all the money trails to track terrorists. But that is not all they do. OFAC, as I speak today, has folks in the Treasury Department tracking American citizens who are traveling in Cuba.

I want to give an example of what they are doing. There is a woman named Joan Slote. She is a grandmother. She is also a world-class senior citizen cyclist. She was a medal winner at the 1993 senior olympics. She has bicycled through 21 different countries. She still bicycles 100 miles a week. She is in her seventies. This weekend, the Washington Post wrote a story about Joan Slote. She went with a group of Canadians to take a bicycling trip to Cuba. She believed it was legal for Americans to bicycle in Cuba. It was certainly legal for Canadians to do so. She openly told the U.S. Customs agents that she had been there.

When she got home, she received from OFAC, this little agency in the Treasury Department, a notice that she was being fined $10,000. She did not respond to OFAC's missive because her son had a brain tumor and she was attending to her sick son, who later died. So OFAC said: Sorry, you are fined $10,000. You did not respond, so you know what we are going to do? We are going to start taking your Social Security payments.

Here is a retired grandmother of six attending to her son who dies, who went bicycling in Cuba prior to that and now gets fined $10,000 and has the Treasury Department saying they are going to take this woman's Social Security payments.

I do not understand it. I guess it is the Forrest Gump film, isn't it, that says: Stupid is as stupid does. Life is just a box of chocolates. I have no idea.

What on earth can be happening at the Treasury Department that has people in OFAC, who are supposed to be tracking terrorists, tracking little old ladies, retired people bicycling in Cuba, and fining them $10,000. Or if it is not Joan Slote, perhaps it is a 77-year-old World War II veteran who fought for this country many years ago. He posted some information on a Web site he created about a licensed meeting of United States/Cuba Sister Cities Association in Havana. The OFAC organization down in the Treasury Department accused this 77-year-old World War II veteran of organizing, arranging, promoting, and otherwise facilitating the attendance of persons at the conference in Cuba without a license. The fact is, this guy did not even attend. He did not go to the conference. It was licensed by OFAC. He did not attend the conference, but he put something on his Web site that had to do with sister cities, and now OFAC is after him. So this 77-year-old World War II veteran has to hire a lawyer. Or perhaps it is the fellow from Washington State whose dad was a Cuban. His dad died, and he wanted his ashes spread on the soil in Cuba. So this young man took an urn with his father's ashes to Cuba. Guess what happened to him. We have these vigilant folks down at the Treasury Department—no, not tracking terrorists, not protecting this country—tracking a man who took the urn with his father's ashes to distribute them in Cuba.

What on earth can they be thinking about? Yes, it is true, we have a law, and the law in this country says: Let's punish Fidel Castro by limiting the right of the American people to travel. Some of us think that is dumb—d-u-m-b dumb. It does not hurt Fidel Castro to say to the American people we are going to limit your travel opportunities. We have had debate after debate in this Chamber, and in every circumstance we have said the same thing: The way to resolve the issue with Communist China is to lead them to a better place on human rights. How do we lead them? Through engagement, trade, and travel. We encourage trade and travel with China, a Communist country.

Vietnam: How do we engage Vietnam to lead them toward a better future with more rights for their citizens—more civil rights, more human rights? Through engagement, through travel, and trade, because we do that with Communist countries. Both political parties have said that is the right thing to do.

For 40 years, our country has had an embargo with respect to the country of

Cuba. For 40 years, we have indicated that we will punish Fidel Castro by limiting the right of the American people to travel. Forty years of failed policy ought to be enough to convince us to change the law.

I have no interest in Fidel Castro except that he limits the rights of the Cuban people. I went to Havana on an official trip. I demanded to see an economist named Martha who was imprisoned. I was refused the opportunity to do so.

The fact is, human rights and civil rights in Cuba are not where they ought to be. The Cuban people are not free, but we will not, in my judgment, advance rights for the Cuban people by deciding to embrace a policy that has failed for 40 years. We will and should, it seems to me, encourage trade and travel with respect to Cuba because that is the quickest way to undermine Fidel Castro. The quickest way to undermine this regime is through trade and travel, just as we preach it will do in China, in Vietnam, and in other areas of the world.

In addition to restricting travel, we have had this terribly ill-considered ban on trade. It is, in my judgment, always immoral to use food as a weapon, and yet we have done that with Cuba. It is interesting; the law was changed briefly, and as result of the law change I helped engineer in the Senate, along with my former colleague who is now Attorney General, Senator Ashcroft—I offered with Senator Ashcroft, legislation that became law that opens just a bit the ability to ship food to Cuba so we can sell food to Cuba. Last year, for the first time in 42 years, 22 train carloads of dried peas left North Dakota's farms and elevators to be shipped to Cuba.

Using food as a weapon, as we have done for four decades with Cuba, does not hurt Fidel Castro. Does anybody here think he has missed a meal in 42 years because we have an embargo on food shipments to Cuba? Does anybody think Fidel Castro misses breakfast, dinner, or lunch? Absolutely not.

Using food as a weapon hurts sick people, poor people, and hungry people, and it is basically an immoral policy, in my judgment.

The issue of trade and travel is important. It is not in any way supportive of Fidel Castro for us to say a 40-year embargo does not work and that the same strategy we use with respect to China and Vietnam does work, and that is engagement through trade and travel. It undermines the ground on which dictators sit. It undermines their capability to govern, and that is what we ought to do.

This afternoon, we are marking up the Agriculture appropriations bill, and I am going to offer an amendment to that bill. We have U.S. agricultural experts who have been denied the opportunity to go to Cuba to sell American agricultural products. As I said, Senator Ashcroft and I opened the door just a bit, and we have been selling some products to Cuba. But in order to do that, Cuba has to run the transaction through a French bank because it cannot even be run through a U.S. financial enterprise. It makes no sense to me, but that is the restriction.

I am going to offer an amendment that says at least those who are moving back and forth to sell and buy agricultural commodities ought to be able to travel. Let's at least begin the first step dealing with this issue of travel.

I will end by saying again, it is illogical, in my judgment, to attempt to injure Fidel Castro by restricting the right of the American people to travel. Does anybody really think that at the Treasury Department today we have these folks in gray suits and tiny little glasses, and probably green eyeshades, pouring over all this data—what are they looking for? Are they looking for financial information to track terrorists to put terrorists in jail? No, that is not what they are looking for. They are trying to find a grandmother from Illinois who answered an ad for a bicycling trip in Cuba so they can fine her $10,000 and attach her Social Security checks. Shame on them. Yes, that is what the law says. Shame on us. In my judgment, we ought to change the law. It does not make any sense.

My hope is that perhaps with my colleague, Senator ENZI, who just left the Chamber, and others—Republicans and Democrats—who believe the restricting of the right of the American people to travel makes no sense at all, my hope is that Republicans and Democrats can work together to change this law and stop OFAC from doing what it is now doing. It is hard to find adjectives to describe the basic stupidity of our country chasing little old ladies who ride a bicycle in Cuba and levying $10,000 fines on them and then saying: If you do not pay it, we will attach your Social Security check.

Why are we doing that? Because we are saying a person cannot travel, or we are restricting their right to travel because we want to injure Fidel Castro. The way to injure Fidel Castro is the way we have done with China and Vietnam, which are Communist countries, and that is engagement through trade and travel that undermines the governments of those countries. That is what we ought to do with Cuba.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF LONNY R. SUKO, TO BE UNITED STATES DISTRICT JUDGE, FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the Senate will now go into executive session to consider the nomination of Lonny R. Suko, which the clerk will report.

The legislative clerk read the nomination of Lonny R. Suko, to be United States District Judge for the Eastern District of Washington.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, my colleagues will be voting momentarily on the nomination of Lonny Suko, and I rise today to support his nomination for U.S. District Court Judge for the Eastern District of Washington State.

Lonny Suko is a distinguished lawyer and U.S. magistrate judge from my home State of Washington. I am honored to support his confirmation as a district court judge. He was unanimously reported out of the full Judiciary Committee on July 10. Judge Suko has strong bi-partisan support, and for good reason. He has handled some of the most difficult cases in Eastern Washington in the past decade, and he has won the respect of everyone who has come before him. That is one of the reasons why Judge Suko enjoys such strong support from a diverse group of attorneys and community leaders in Washington State.

Both Senator CANTWELL and I assisted the President in choosing him from a list of very qualified candidates. Lonny Suko has spent his life living and serving Eastern Washington. He is a graduate of my alma mater, Washington State University, and of the University of Idaho School of Law. He has had a distinguished career as a lawyer and a U.S. magistrate judge. In private practice, Lonny Suko had a sucessful practice defending both plaintiffs and defendants in a variety of tort, contract, creditor-debtor, and public sector cases. He has also distinguished himself as a U.S. magistrate judge, serving part-time from 1971 to 1991, and full time since 1991. As I mentioned, Judge Suko handled some of the most challenging cases in recent history in Eastern Washington. He heard the injury and death claims of more than two dozen plaintiffs who were victimized by a gunman at Fairchild Air Force Base in the early 1990's. He was involved in several other high profile settlements.

In all of those cases, Judge Suko won high praise for his judicial demeanor, his fairness and his respect for all parties. Judge Suko clearly meets the standards of fairness, even-handedness, and adherence to the law that we expect of our Federal judges. Outside of his many professional credentials, I have met with him, and have been impressed by his professionalism and decency. Therefore, it is my pleasure to support for confirmation to the Federal bench such a great lawyer and judge who I believe will make an exceptional

Federal judge. He has served the people of our State well. I urge my colleagues to support his nomination.

I yield the floor.

Mr. LEAHY. Mr. President, this nomination from Washington State has the support of the Democratic Senators from that State. Senator MURRAY and Senator CANTWELL have both worked hard to establish a bipartisan process for making recommendations to the President for Federal judicial vacancies in their State. They are to be commended for their work. They support the nomination of Lonny R. Suko, whose nomination is a product of Washington's bipartisan selection commission.

With this confirmation today, the third so far this week, the Senate will have confirmed 136 judicial nominees of this President. These include 36 confirmed just this year. That number equals the number of judges confirmed during all of 1997, exceeds the 34 judges confirmed in all of 1999, and is more than double the number of judges confirmed in the entire 1996 session. Thus, we are well ahead of the pace that the Republican majority used to maintain when reviewing President Clinton's nominees.

We have reduced judicial vacancies to the lowest number in 13 years and currently have more Federal judges on the bench than at any time in our history.

Working with home State Senators from both parties helps make the confirmation process proceed more smoothly as we have demonstrated over and over and demonstrated again today.

I congratulate the nominee and his family on his confirmation today

Ms. CANTWELL. Mr. President, I am very pleased that the Senate will be acting today to confirm Lonny Suko as a District Court Judge for Eastern Washington.

Lonny Suko is extremely well qualified. He has been a full-time Federal magistrate judge in Yakima, WA, since 1995. And before that he was a part-time magistrate judge from 1971 until 1991. With 28 years of experience on the Federal bench, elevating him to be a Federal district court judge is a natural step.

Lonny Suko's nomination is the result of the hard work of an eastern Washington-based judicial selection committee. The selection committee process was negotiated between the White House, Senator MURRAY, and myself. Six qualified members of the legal community in Eastern Washington selected by our local Members of Congress and by Senator MURRAY and myself put in long hours interviewing and selecting three qualified candidates to send to the President. The White House agreed with my judgment that Lonny Suko was the most qualified candidate for this position.

Prior to his full-time work as a U.S. magistrate judge, Lonny Suko was also a partner in the firm of Lyon, Weigand & Suko, where his career in private practice involved extensive representation of plaintiffs and defendants in civil litigation as well as extensive mediation experience. Though he has lived in Yakima for the past 30 years, Mr. Suko has connections throughout eastern Washington. He is originally from Spokane, graduated Phi Beta Kappa from Washington State University in Pullman, and started his legal career as a clerk to Judge Charles L. Powell, who was then the Chief Judge of the Eastern District of Washington in Spokane.

We wish Judge Suko well in his new position and have confidence that he will be an excellent addition to our distinguished Federal bench.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Magistrate Judge Lonny R. Suko to be a U.S. District Court Judge for the Eastern District of Washington.

Judge Suko has been part of the Washington legal community for over three decades. After graduating from law school in 1968, Judge Suko clerked for the Honorable Charles L. Powell in the Eastern District of Washington. In 1969, he joined the Lyon Law Offices, where he served as associate, partner, and shareholder. As an attorney, Judge Suko litigated primarily civil matters.

In 1971, Judge Suko was appointed part-time United States magistrate judge, a position he held while practicing law full time until 1991 when the position was discontinued. In 1995, Judge Suko ascended to the bench once again when he was appointed as a full-time Federal Magistrate Judge for the United States District Court Eastern District of Washington. As a magistrate judge, Judge Suko presides over both criminal and civil matters.

Judge Suko has been rated unanimously well qualified by the American Bar Association, and enjoys bipartisan support. I am confident Judge Suko will make an excellent Federal judge. I commend President Bush for nominating him and urge my colleagues to join me in supporting this nomination.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, have the yeas and nays been ordered on this judicial nomination?

The PRESIDING OFFICER. They have not.

Mr. LOTT. I suggest that we move to the vote. Is there a prearranged time?

The PRESIDING OFFICER. The vote is to occur at 12:15.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Lonny R. Suko to be a United States District Judge for the Eastern District of Washington?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—6

Edwards
Graham (FL)
Kerry
Lieberman
Miller
Sununu

The nomination was confirmed

Mrs. MURRAY. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative action.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALLARD).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD is still occupied in the caucus. It has not terminated yet. I don't think this will in any way offend the two managers of the bill. I ask unanimous consent that the Senator from South Dakota be recognized for 20 minutes and following that Senator BYRD will be recognized. The order now in effect would have Senator BYRD recognized at 2:15. He will be recognized at 2:35; Senator JOHNSON will speak now for 20 minutes. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I approach the current Department of Defense appropriations bill and our current status in Iraq and the Middle East from somewhat of a unique circumstance: as a Senator but also the father of a soldier who has served in Iraq. My oldest son Brooks, a staff sergeant with the 101st Airborne Infantry over the past roughly 5 years, has now served in four wars—in Bosnia, Kosovo, Afghanistan, and most recently Iraq. I appreciate profoundly how much our Nation owes to our military. These young men and women are professional. They are skilled. They are courageous. They are taking on a job few other Americans would want to do for any amount of compensation. We can take great pride in America that our military is the finest in the world.

In that context, no one is more supportive of our military personnel and their families than I am. The deployment tempo has been enormous. Many families have seen the absence of their husbands and wives, brothers and sisters, sons and daughters for a great amount of time, and the tension and stress of the families has been great. We owe gratitude to the families of our military as well.

I voted for a resolution authorizing force. I think the world is a better place without Saddam Hussein. But that resolution was based on two major pillars. One was that there was an imminent threat to the security of the region and to America because of the presence of weaponized weapons of mass destruction and, secondly, that the President was to go to the United Nations and our allies and try to internationalize a strategy relative to Iraq to the best degree possible.

Now we find ourselves in a circumstance where there is great doubt about the quality, the credibility of the intelligence the President shared with the American public. He was quoted in the paper this morning saying, our intelligence is "darn good."

What is at stake is not just the presence of weapons of mass destruction. It is possible that perhaps some will ultimately be found. But what is at stake is the credibility of America in the world community. It turns out that the statements about nuclear weapons were simply false. The CIA knew that. It turns out that ties between Saddam Hussein and al-Qaida at 9/11 were nonexistent. Yet over half of America to this day thinks there is some connection between Saddam Hussein and 9/11, when there was none—zero.

Well, this is particularly troubling at a time when this administration has enunciated a radically new approach to military affairs abroad, saying that we will from now on be willing to take on preemptive war—preemptive war, of course, is based on the quality of intelligence—and that we will do it unilaterally if need be; the rest of the world community doesn't count.

Thirdly, that if we so choose, we will use nuclear weapons in a first-strike capacity. This new Bush doctrine is intended, apparently, to make the United States sound like the toughest country on the block. To the contrary, it should not be a surprise to anyone that this kind of strategy, coupled with faulty intelligence and perhaps a manipulation of what intelligence was there in a false, misleading way, has in fact lost the support of our allies around the world when, after 9/11, the United States had the near unanimous support of the world community. Now that has been largely lost, and even our allies express contempt for the American policy abroad and our role in the world.

It should come as no surprise to anybody that this unilateralist, first-strike capability, all premised on faulty and shaky intelligence and manipulation of intelligence, actually puts America at greater risk than before. It leads to—and it should come as no surprise—an arms race greater than before, where other countries may believe that the only way to defend themselves against a unilateral, preemptive nuclear attack from the United States is to arm themselves to the hilt, perhaps with their own nuclear weapons—certainly weapons of mass destruction. Now we find that this strategy will lead to a less secure, more troubled world. It is something this Congress and this Senate need to rethink.

With the contempt toward the United States this spurs, like internationalism, greater terrorism, more people willing to join terrorist groups, I think it is fair to say there is a greater threat of terror applied to the United States and our allies today than there was before.

Secondly, the lack of international concern, the lack of diplomacy, and the failure of American diplomacy to pull together a greater alliance and cohesion—certainly in the Western World, but in the world in general—have led to America being even more targeted than before by the powers of hate around the world.

We were told at the time that there was great urgency for this conflict and that we would be in and we would be out and we would restore democracy. How foolish and naive that looks today. Now we are being told that this conflict and our presence in Iraq could easily last 4 years, perhaps 10 years, at a cost of $100 billion, conceivably, over the coming year, while our men and women in uniform, who are doing courageous work, find themselves in a near shooting gallery environment in Iraq, with very little contribution from our allies. Some of those contributions are even discouraged by the United States.

To put some context on this—because our troops are on the ground and our troops are being killed daily, because our taxpayers are paying virtually 100 percent of the cost of this—we now find ourselves with an administration telling us we cannot afford full funding for VA health care so our veterans can get the medical services they need because we don't have the $2 billion extra. We are spending $4 billion a month in Iraq, and we are going to do that for years, perhaps for a decade. We are being told we don't have enough money for Amtrak because it costs a half billion dollars more. We are going to spend $100 billion in the coming year in this faraway place, but we don't have the funding for education or health care. And the reason the prescription drug plan is so faulty and viewed with dissatisfaction by American seniors is that the funds are not there to fund a decent plan. Yet all of those costs are a tiny fraction of what we are committed to send into the far distant future in the Middle East.

We have 200,000 troops abroad total, with some 140,000 to 150,000 in the Middle East; we have 1,000 in Saudi Arabia; we have 1,300 in Bahrain; we have 4,000 in Qatar; we have 145,000 in Iraq; we have 11,000 in Pakistan; we have 14,000 in Turkey; we have 1,000 in Egypt; and we have over 1,000 in Djibouti.

We have troops scattered all over the world. Their families want to know when they are coming home. Employers want to know when they are coming home. Nobody can say. Nobody has a timeframe, other than to know that our military is going to be under tremendous stress for a long, unforeseeable time.

At the same time, we have budding conflicts in North Korea, Liberia, Iran, and the existing conflict in Afghanistan. It doesn't take a genius to figure out that this is going to lead to enormously difficult problems in terms of recruiting and retaining military active-duty Guard and Reserve. My son confides in me, after 4 wars in 5 years, in talking to his colleagues in the U.S. Army, there are more and more of them saying: I thought this would be a career, but frankly this is destroying my family, my future. We cannot be deployed at this kind of tempo forever.

It appears that that will be the case because the United States has taken such a unilateral approach—to become the policeman for the entire world without the participation of our allies, without the U.N., without the regional groups. When will this President learn that we are the world's major military power but we cannot be the policeman for the world, we cannot be doing all this ourselves? We need to bring together our allies, and we need the diplomacy to make that happen.

So while we are asking our military to be deployed at an enormous tempo, while we are losing men and women daily in Afghanistan and Iraq—and we have another conflict on the near horizon in Liberia—the President says we cannot afford the full combat pay increase that the Senate requested. How many of you would go live in a hole in the wall in Iraq and be fired at from every angle as you walk down the street, and your President says we won't give you that extra $100 a month. One hundred dollars a month? How many in this Chamber would encourage their children to serve in that environment?

We are being told by the White House we cannot afford the full funding for health care. Our vets are going to have to wait in line for another year to get the access to health care that they deserve and that they are owed because we don't have the funding. The President says he will veto any legislation we pass in the Senate to expand access to health care for our National Guard and our Reserve troops. He will veto it. There is plenty of money to go around for an enormous tax cut to enrich the wealthiest families in this Nation, but when it comes time to do modest things for our own soldiers, the President is not there. We need to hold him accountable for this irresponsibility.

There is enormous damage being done to the credibility of our Nation by what has transpired over these past months. We can be proud of our military, proud of our troops. We know Saddam Hussein was a thug and the world is better without him. But when we see what has happened due to the lack of an international alliance, due to our unilateralism, due to faulty intelligence, or the manipulation of our intelligence, when we see what happened to world opinion relative to the United States, and now the unwillingness of the rest of the world to work with us to stabilize the world military situation, we find ourselves in a terrible hole and how a $450 billion deficit reported just today—a record deficit, where we are going to borrow from the Social Security trust fund for the remainder of the decade in order to pay for all of this—we need to regroup.

Our U.S. troops, our men and women in uniform, deserve better. We American citizens deserve better as well. I simply have to share my frustration and, yes, my anger, at the circumstances we find ourselves in today due to profound failings of this administration in the conduct of our military strategy in the Middle East and all that portends for the future of this country and our role in the world, all that means for the taxpayers of this country, all that means in the inability to fund our schools, our health care, our environment, and all the needs of infrastructure we need to get our economy going again. Our country deserves better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from South Dakota leaves the floor, I wish to say that many of us speak about the conflict in Iraq and Afghanistan from a distance. The Senator from South Dakota does not speak from a distance. His son has been involved in both conflicts, carrying a rifle for the U.S. Army and being shot at.

I was with, as many of us were, Senator JOHNSON during the height of the military conflict in Iraq when every day he was happy the day ended without getting a message that his son had been injured or killed in Iraq. I was here when Senator JOHNSON received a letter from his son written on a K-ration wrapper from a foxhole in Iraq. So Senator JOHNSON has a right to be upset, to speak with indignation because he looks at it differently than all the rest of us because he was the only Senator with a son in combat in Iraq.

His son has come home. He is one of the lucky ones. As we see on the front of the Washington Post today, large contingencies which were expecting to come home next month have been ordered to stay in Iraq. They do not know when they will be home.

I extend my appreciation to Senator and Mrs. JOHNSON for being the parents of a stalwart American hero, someone who has fought over the last 5 years in four American wars.

Mr. JOHNSON. Mr. President, may I respond to my colleague and my friend from Nevada. There are hundreds of thousands of parents all across America who do daily, as my wife Barbara and I have done, and that is to watch the news, follow the news as closely as possible with both pride in our sons and daughters, husbands and wives, but dread as well.

As we did, there are hundreds of thousands of parents and loved ones across this country who follow with great intensity the daily reports about deaths and injuries. There are families all across our country as we speak who know that at any moment there could be a catastrophic, life-shattering report of the loss or injury of their loved ones.

When people talk about acceptable levels of casualties, I hope more and more Americans understand there are real families, real faces involved, and that we owe an enormous debt of gratitude to our military. They are the greatest in the world. They do as they are ordered to serve, and I hope we stand not only with these men and women in uniform but with their families who have no idea, in most cases, when they are coming back, many suffering great financial hardship but also emotional hardship, the loss of parenting, the loss of key employers as a great consequence.

While we follow this war and the aftermath of the war with great concern, we also should remember this is not just numbers. This is not a game. This is a very real situation that is going on in the lives of very real American families, and all of these issues need to be approached with that kind of somber awareness and commitment that we do the best we can for our troops and their families.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I wish to join with my colleague from Nevada in commending the distinguished Senator from South Dakota for his powerful statement, for the eloquence and the passion he has demonstrated in expressing himself this afternoon.

I have said on countless occasions that no one could be more proud to call him a colleague than I. We have heard yet another demonstration of the reason I am so confident in my ability to say that as we heard him this afternoon.

I will never forget my colleague sharing with me a postcard his son sent while he was in Iraq. It was on the back of an MRE, one of these meals the military eats every day. He had carved it out, writing on the back, put the address on the front, and sent it to his father and mother to report that he was well, to report that he believed in what he was doing.

It has to be an emotional moment to receive that from your son. He invoked that emotion again today in speaking for all families who have members of the military in Iraq; that it is wrong to minimize these losses; that it is wrong to, in some way, depersonalize the extraordinary impact it has when one of these sons or daughters is lost.

Hans Gukeisen was one of those who did lose his life. He was from Lead, SD. He was a helicopter pilot. He lost his life rescuing an Iraqi child. He is now buried in the Black Hills National Cemetery. I just received a message from his father a couple of days ago lamenting, expressing the sense of loss that only a father can.

As we face these questions, as we struggle to ensure we have the information this Congress deserves, let us also be appreciative of the extraordinary sacrifice made by those who are there; those who are no longer living as a result of having been there; and those, hopefully, who will never have to go but are prepared to do so today.

I was disappointed to learn just within the last week that the Secretary of Defense indicated that he could not support an amendment we adopted 82 to 10, I believe, which would have provided health insurance to National Guard personnel once they come home. They are eligible for it now. They are not when they come home. That is a disparity, an inequity, a problem I cannot fully appreciate, but they can, and it is yet another indication of the sacrifice they made to be there for their country.

As others have noted, they have been there for months and months. We owe it to them to give them some better understanding of the length of time they will stay. We owe it to them to send as clear a message as we can that we have a plan and that they can put their lives on a similar plan once they know what the plan for the country will be. But it appears there is no plan today. We do not know how long we will stay, and I think it is imperative that we find out.

These and other questions, as I said earlier today, Mr. President, are ones that have to be addressed during this debate and consideration of this bill. I am hopeful we can put in place legislatively the assurances that we will require before we vote on this bill later on, whenever that may be.

So again, let me thank the distinguished Senator from South Dakota for his eloquence, for his passion, and for his partnership.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized for the purposes of an amendment.

AMENDMENT NO. 1244

(Purpose: To prohibit excessive deployments overseas of members of the Guard and Reserves)

Mr. BYRD. Mr. President, I thank the Chair for his consideration and courtesy.

Our National Guard and the Reserves of each of our military services have become more than a source of manpower during times of national crisis. Members of the Reserve components have become an indispensable tool to carry out military operations and homeland security missions.

As of last week, there were 204,100 Guard and Reserve personnel on active duty. Some are stationed within the United States, performing homeland security missions. Many are deployed overseas, in foreign lands, thousands of miles from home, to places such as Iraq and Afghanistan.

Since September 11, 2001, we have activated more Guard and Reserve personnel than at any time since the Korean war but countless reservists, especially those who are now serving in Iraq, have not even been told when their deployment will end. Nobody knows when they will return home to their families, their friends, and their home communities.

Adding to the uncertainty, some Reserve units that are now being activated are simply being told to prepare to deploy for 1 to 2 years. This is no way to treat our National Guard and Reserve forces. How would Senators like to be treated like that? Are we keeping our citizen soldiers away from their jobs and their homes for too long? Are we? There are a growing number of West Virginians who say yes.

My office has received an increasing number of letters, phone calls, and e-mails from West Virginians asking when their loved ones who serve in the Reserve components will be coming home. How long? How long will that vacant chair be at the dinner table? How long will that husband, that father, be away from home, unable to carry that child to bed and tuck it under the cover at night? How long, Mr. Rumsfeld, I ask?

Some of the reports in these communications are very alarming. Senators read their mail as I read mine. Other Senators, I am sure, are getting the same question from those who are living there in the face of danger every second of every minute of every hour of every day, in the hot sands, 130 degrees, 120 degrees, 110 degrees. There they are. All of these letters express a deep frustration with the length of deployment of National Guard men and women and other Reserve units.

A number of troops and their families have expressed desperation at trying to get any sort of information about when their units will be returning to the United States, and it is about the same frustration that we as their elected representatives are getting when we ask questions of this administration to appear before our committee.

After reviewing what some of these units have gone through, I can see why people are frustrated. Let us take the case of one engineering unit from West Virginia. After shipping out in January 2003, this unit advanced deep into Iraq, along with front-line fighting forces. During the war, they bridged a river under heavy Iraqi fire. I have several reports that members of this unit are able to call home only once every several weeks, and that now they are only helping to haul Iraqi ammunition. This unit has not been given a date to return to the United States, and rumors are now circling that they will remain in Iraq until January 2004, until the snow falls in West Virginia.

Another National Guard unit has struggled through back-to-back-to-back deployments. This unit was mobilized for State duty in response to flooding in West Virginia in the summer of 2001. After September 11, this unit spent 1 year in Federal duty performing homeland security missions. After 3 months' rest, the unit was again called to duty and this time sent to the Persian Gulf region in February 2003, where they remain to this day. There has been no word, none, on when this unit will return home. Hear me, Senators.

One of my constituents wrote about her husband who was deployed to the Persian Gulf in December 2002, told he would return as soon as the war was over. After the President made his visit to the aircraft carrier *Abraham Lincoln* and gave his speech under the giant banner which read "Mission Accomplished," this reservist still has not been sent home. In fact, he was given five different dates to return to West Virginia and then sent to another country in the region with the possibility of extending his deployment to September. To add insult to injury, this reservist had to pay for his own food and lodging while he was awaiting new orders after the war.

Hear me. Hear me, Mr. President. These stories should not come as a complete surprise to my colleagues. I am confident every Senator has been receiving mail with similar reports of deployments with no end, unclear missions, shortages in supplies, and countless other problems.

I have read similar problems in the newspaper about members of the Active-Duty Forces. This morning, there is an article in the Los Angeles Times about another delay in the homecoming of the war-weary 3rd Infantry Division. Less than a week after Secretary Rumsfeld announced to the Armed Services Committee that this division would be home by September, 10,000 of these soldiers have now been told to prepare to stay in Iraq indefinitely, an equal number of that army of Greeks which was led by Xenophon back home after the war, after the Battle of Cunaxa. Ten thousand have now been told to prepare to stay in Iraq indefinitely. These troops ought to have the chance to come home, too.

There are two reasons why I am particularly concerned about the long deployments of the Guard and Reserve. First, the National Guard has important responsibilities to their own States. Right now, this very minute, West Virginia has all of its Guard and Reserve engineer units deployed overseas, along with all of their earthmovers, their dump trucks, their equipment. If the summer storms cause more flooding and mudslides in the West Virginia hills, who is Governor Wise going to go to for help?

We have watched those storms sweep over the mountains of West Virginia and come down those rugged, ragged, steep slopes into the valleys and cause terrible floods to come rushing down, wiping out lives and property. Who is Governor Wise going to go to for help? The engineers of the West Virginia National Guard cannot answer the call from the hot sands of Iraq. My State would either have to rely on expensive contractors to recover from the storms or wait 2 or 3 days for National Guard units from neighboring States to respond. West Virginians need our National Guard in West Virginia.

Second, members of the Guard and Reserve are part-time soldiers. They are proud to serve their country but they did not sign up to serve full-time duty. We must exercise greater discretion when mobilizing the reserves just as we did decades ago.

According to the Congressional Research Service, from 1945 to 1989, there were only four involuntary callups of Reserve Forces. In 1945, I was in Florida, welding in the shipyard to the end of World War II. According to the Congressional Research Service, from that date 1945 to 1989, there were only four involuntary callups of reservists. Since then, there have been six involuntary deployments. It is unreasonable to dip into the Guard and Reserve so frequently, to pull those men and women away from their civilian careers and away from their families and expect them to serve overseas with no indication of when their mission will end.

There are serious defects from protracted deployments of the National Guard and the Reserve. There is growing frustration, I am telling you. It is growing. The frustration is there and it is growing.

Hear me, Mr. President, down at the other end of the avenue. Hear me, Mr. Rumsfeld. Hear me, Senators. That frustration is growing. Growing frustration among members of the Guard and Reserves mean that many troops may finally elect to take their hard-earned retirement. Many junior personnel are likely to decide they do not want to put their families through months or even years of hardship again and they will choose not to reenlist once their duty has been completed.

As we speak, unit commanders are bracing for a heavy loss of personnel once the deployed units are rotated home. The time has come for Congress to say: Enough is enough. Let us put an end to open-ended and back-to-back deployments of the National Guard and Reserve. Our part-time troops need to get back to their homes. They need to get back to their families.

They need to get back to their full-time jobs.

That is why I offer an amendment to limit the involuntary deployment of National Guard and Reserve personnel to 6 months for any single overseas deployment and not more than 1 deployment in any 12-month period.

When we send the National Guard to peacekeeping missions in the Balkans, they are overseas for 6 months. Why should we ask our reservists to serve longer in Iraq or Afghanistan? Why should we ask our reservists to put up with back-to-back deployment?

Secretary Rumsfeld announced this week that he is seeking long-term changes to reduce dependence on the involuntary mobilization of National Guard and Reserves for not more than 1 year out of every 6 years. This is a commendable action, and we need to take a look at the long-term structure of our Armed Forces. But Secretary Rumsfeld's proposed changes do nothing to address the problems our reservists and their families are facing today.

My amendment will make an immediate impact on the problem of open-ended deployments for the National Guard and the Reserves. My amendment will make the Defense Department tell our reservists when they will be coming home because no funds in this bill may be spent to keep a Guard or Reserve unit overseas for more than 6 months.

We need to start rotating our Reserve Forces back home. Right now, there are 204,100 Reserve personnel who are not at their civilian jobs. These absences are leaving huge gaps in private businesses and essential government services.

In West Virginia, 10 percent of the State police have been called to active duty. Countless employers across the country are working shorthanded, waiting for the day that one of their employees will return home from their service to our country. Families are struggling to make up the income lost by having a provider receive modest paychecks from the Pentagon as opposed to the good pay of civilian careers, such as doctors, lawyers, coal miners, teachers, or even plumbers.

One can only wonder how much the endless cycle of deployments has affected our economy over the last 2 years. But it is clear that we need these part-time members of the military back in our communities.

My amendment would allow us to tell the members of the National Guard and the Reserve that they will return home within 6 months of being sent overseas. Congress should act in order to provide a measure of stability to the deployment our reservists are facing. We should give the same measure of stability to their families and their employers.

I urge my colleagues to support the amendment. I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1244:

Insert after section 8123 the following:

SEC. 8124. Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of Defense, including funds appropriated for the Department before the date of the enactment of this Act that remain available for obligation as of that date, may be available for the involuntary call or order to active duty of any member of the National Guard or other Reserve component for purposes of the deployment of the member overseas as follows:

(1) A single deployment overseas of 180 days or more.

(2) More than one deployment overseas in any 360-day period.

Mr. STEVENS. Mr. President, the Senator from West Virginia has touched on a subject that many of us believe should be explored. I think in order to look at it, we have to look at a little bit of history. That history, as far as the Department of Defense is concerned, is not too pleasant.

In the Clinton administration, I remember distinctly being down at the White House when the President showed us his plan for defense expenditures. He showed us a chart that showed a constant decline in defense expenditures. At the end of 6 or 7 years, it started to go back up. He was going to use that money to reorder priorities of the country. That was his plan, and that is what he executed.

As a consequence, the military people of this country had to figure out how to defend the country. Many of us who worked in matters relating to defense here in the Congress worked with them. The concept that was developed by the Defense Department and approved by Congress was the total force concept. The total force is those who are regularly in the Army, Navy, Air Force, and Marines. And it was augmented by the National Guard and by the Reserve.

When we deploy forces now overseas, almost every unit of the regular military has, along with it, portions of its personnel who come from the Guard or Reserve. They are already identified before deployments take place. This is the total force going out into these operations. This happened during the Clinton administration in Bosnia, and it happened in Kosovo. There were National Guard as well as Reserves deployed with the regular units. The concept of deployment is one that people in the services understand.

The problem the Senator from West Virginia has correctly identified is the repeated deployments that have taken place. When we think about it, starting in Haiti, starting in Bosnia and in Kosovo, we had a series of deployments, and then in this administration in Afghanistan and Iraq.

Those have all taken place in a continuum of a lifetime of the current force. It is an evolving force. People enter and others leave. But we are still dealing with a total force. You are not dealing with the kind of forces that were in place when I first came to the Senate or when we served in in World War II. There were massive divisions called up. They had a cadre of permanent people in the U.S. Army. Back then, we were in the Army of the United States. That was the draftee portion that was added to the Army. Each section of the military had that in days gone by. But they were temporary people. They were drafted. They were not involved in a citizen-soldier-citizen military concept.

When we evolved into this picture that we are in right now, we developed recruiting techniques to recruit people.

The Senator from West Virginia mentions the police of West Virginia. I am sure the same thing happens in almost every State in the Union. The police are encouraged to join the National Guard and the Reserve so they can be part of the military police forces as they are deployed. They may even have expertise that they got in the military services before they became policemen. And they agreed to come back and fulfill that same expertise as a member of the service when their unit was deployed. The Reserve and Guard units are called up because they have expertise in particular areas. They are part of a function that is included in the total force.

The problem isn't the duration of the deployment; it is the frequency of the deployments, as far as I am concerned.

The Senator from Hawaii will recall that he and I went to Prince Sultan several years ago and talked to the pilots who were not reenlisting. This was occurring during the Clinton administration. They were not reenlisting because they had been deployed to Italy; they had been deployed to Bosnia; they had been deployed to fly what we call the "continuous air patrol"—the cap over Iraq. Once they finished the cap over Iraq, they were back in Bosnia again or they were deployed to do some special activities in the Korean area.

Several times when forces were built up as tensions increased, we deployed some forces. They were brought back later. But it wasn't the duration of any one of the deployments, in my judgment; it was the frequency of several deployments.

I remember talking to one pilot who was not going to reenlist because he had been away from his family I think 10 months out of the year.

This was something that was just not contemplated by the total force, whether they were Regular or Guard or Reserve. It is not just the Guard and Reserve. It is the total force in terms of the number of deployments and the length and duration of the rotations that are taking place. Those I think have to be studied, and they have to be studied very carefully to determine where we are going.

Unfortunately, I must disagree with my friend from West Virginia. If we followed his suggestion, we would put down just a blanket rule concerning the time of the deployment period or the number of deployments in any 360-day period. And this would be not more than one.

President Clinton could not have fought in Bosnia and Kosovo and maintained the blockade of Iraq, as he did as Commander in Chief, under this kind of a law. In fact, I do not think any Commander in Chief could command our total force with that kind of a law. But what we have to look at is the number of times that you are deployed in any one period of your service. There are people who still enlist for a period of time. If they enlist in the Guard or the Reserve or the regular forces, I think we ought to assure them, if they are in each category, there ought to be a different standard. In the regular services, those are 365-day-a-year deployments, period.

This concept of applying this policy only to the Reserve component, I think—and I assume by that the Senator includes the National Guard—is not proper, in my judgment. We have to look at the total force and say, if you are a part of that force, this is what will apply to you.

I think there should be some distinctions between the regular services and the Guard and the Reserve so that a person could make a choice based on his or her circumstance as to how often and for what duration deployments might take place.

We developed, in World War II, a concept of points. Again, my friend from Hawaii and I probably are of the few people in the Senate who can remember that. But you got points for the number of months you were deployed overseas. You might have been deployed to France or Italy or England but you built up points. As you reached the zenith on points, you were eligible then to be rotated back home, back to the continental U.S.

That system is almost implied in what the Senator is raising because if you have been deployed more than once in a 360-day period, you could not go again, I take it, until that period was exhausted. But the concept of when a person should be entitled to be returned to the continental U.S., and how many times they can be deployed overseas in any one—we used to call them "hitches"—enlistment period I think has to be explored.

I have just reviewed this, and I want to find a way to raise this so the Senate will understand the issues as we see them with regard to this policy. We need to establish a review by people who are decidedly interested in addressing the problems that Senator BYRD has outlined to give us some judgment, as quickly as possible, on what we should do.

One of the basic questions, in my mind, is, should it be a law, or should we mandate there be regulations issued that encompass certain criteria that must be met by those regulations, or should we direct the Commander in Chief to issue an Executive order?

There are several ways this could be changed. I take it one of the questions that should be addressed in this amendment, too, is the question of whether the rules should be the same during a period such as we are in now—this is a period of engagement overseas, at the direction of the President, approved by the Congress, by the way, but it is not in response to a declaration of war. I think once we get into a period of total war, as in terms of a declaration of war passed by Congress, then all bets are off. In fact, that triggers, once again, if that happens, as I understand the law, the draft again. We go into entirely different circumstances in terms of manpower and encouraging people to come. We will have to address that sometime.

Just parenthetically, I remember offering the amendment, once in my youth, on the floor, to extend the draft to cover women. Maybe the Senators do not remember that but I did, and it was defeated. We thought it would be defeated but we then went ahead to defeat the draft. We eliminated the draft. Once we agreed we would not draft women, we eliminated the discrimination in being able to draft men. I think, should we ever get into total war again, God forbid, we will have to look into the concept of a draft and how we execute it.

But, very clearly, what we are talking about now, being deployed for more than one 360-day period—I would have been able to come back from China very quickly if we only had 360 days. There were many people who served overseas for more than 2 to 3 years during World War II. By the way, they did not build up the points that were necessary to come home because those points primarily arose, as I recall, in periods of combat—at least you got greater credit while you were in combat.

I never had to worry about points, Mr. President. I enjoyed what I was doing, and maybe I didn't want to quit flying, so I was very pleased to stay where I was.

What we are trying to do is develop a policy that comprehensively examines the issue of overseas deployments and analyzes any resulting personnel readiness or operation tempo strains on the

Active Guard and Reserve Forces, and to apply this concept to the total force.

We want to examine overseas rotation policies and practices and determine how those policies—for the whole force—impact military readiness, individual and unit training, the quality of life for military service members and their families, their dependents, the retention of career and noncareer military service members, and the impact on reenlistments of the policies that are pursued.

We want to specifically get some recommendations on ways to reduce the burden of overseas military deployments while maintaining military readiness, overseas presence, and supporting the national military strategy and the ability to respond to the President's orders as Commander in Chief.

I particularly think we ought to find some way to recognize that there has to be times when the Commander in Chief has the right to obtain the forces that he and his military advisers believe are necessary to maintain our national defense.

Again, parenthetically, I am reading a novel now. I believe I told Senator BYRD and others about it. It is about the Revolutionary War. During that period, the Washington Army was a national army but there still was not a national government and they did not have permanent enlistments. They had enlistments for periods of days or weeks or months. Often Washington found he did not have the forces in one week that he had the week before, and he had to wait until he was augmented by further forces that came to him from the State militias.

What are the State militias today? They are the National Guards. Our history of militias in the United States has given us the National Guards.

This amendment offered by Senator BYRD really applies to the National Guard, too. The National Guard has another commander in chief, unless they are, in fact, mobilized by the President; and that is the Governor of each State. It is only when they are mobilized that they would come under this proposal of Senator BYRD.

What I am saying is, we have many problems out there that have now been perceived because of the multiple deployments of our forces in the last 10 to 12 years. One of them became apparent to me as I talked to military people in my home State of Alaska; that is, we now have, in many instances, couples who are both in the military. Sometimes they are actually in different units, at different bases, but they are married and they have families. We have the problem of units being deployed and finding that both parents might be deployed at the same time, with minor children involved. That is something that ought to be looked at. We ought to have some limits on overseas deployment, period.

Now, for instance, I believe about half of our marines today are in Okinawa. They are stationed there almost permanently. The Marines have fewer married people, I understand, but they do have some problems with regard to family deployments, and I think that concept ought to be looked at.

We ought to look at the question of unaccompanied tours, the reverse side of that. How long should the marines or any of these individuals be stationed overseas when they are not accompanied by their spouse or their families?

I distinctly remember the time Senator HOLLINGS and I were asked to go to Europe by Senator Stennis. We went to study a problem that was coming because in those days, this is back in the 1970s, we had unaccompanied tours in terms of our basic force assigned to the protection of Europe and NATO. When these young people got a leave, they came home. They got married. And pretty soon the wives and younger children would follow the father, and they were living in these really sad circumstances.

Senator HOLLINGS and I went to what we called a walkup, cold-water flat in Germany, where a young woman and her children were living. They had one little burner, and they had cold water. This young woman had to care for those children, and the husband was not allowed any funds for that deployment because he was unaccompanied. They had to literally live off the local economy and somehow survive.

I have to tell you, these young people, who were then draftees still going to Germany, weren't very well paid at all. They had a tough life. I still give much credit to Senator John Stennis for what he did for the military people because we followed through on every single issue he raised. And one by one we tried to solve the question of the quality of life of these young people. We increased the rotation with families. We increased the allowances for housing and various other quality-of-life items. Senator Stennis rightly has been credited as one of those who brought about a great deal of that change.

This is another change, however. This is a change of a rapid number of deployments on various issues where we have been involved—Somalia, Haiti, Kosovo, Bosnia, Afghanistan, and Iraq. They all happened during our watch. And in many instances they involved the same people.

I congratulate Senator BYRD for raising the issue, but I respectfully say his amendment is not the way to do it. I didn't see the Senator's amendment until just a few minutes ago. I am drafting an amendment which I will offer to the Senator's amendment.

There is a great deal of interest in what is going on. I have just been notified that the Enlisted Association of the National Guard, the Reserve Officers Association, and the National Guard association has asked me to oppose the Senator's amendment. We believe Senator BYRD has good intentions but that the way this is done, if this would become law, would be too abrupt and would not really alleviate the pressures. We believe there should be much more consideration going into how these limitations on deployment will be brought about. We particularly do not want to take the risk that passing a very strict limitation on either the number of deployments or the time for the deployments would have on our national security.

We are about ready to enter into another deployment. We all know the Commander in Chief has decided that some of our forces will go to Liberia. This again is going to raise the issue. But we have tried to deal with some of these issues by increasing compensation, by doing the things we think we should do to ease the burden on National Guard and Reserve personnel when they serve and to increase the amount they get towards credit for retirement and for promotion and for an increase in eligibility for pay.

I do think we are dealing with something that everyone is talking about restructuring and everybody is talking about revamping the policies. Secretary Rumsfeld has told us he intends to issue a draft of a plan for a sweeping restructuring of the 900,000 National Guard and Reserve forces. He wants to deal with the question in a way that would bring about a reduction in the need for calling up large numbers of reservists in a war and do away with the concept in some instances.

He considered it to be, according to the clipping I have just received, a matter of utmost urgency. I believe it is of utmost urgency, too. I would like the opportunity to review the plans the Secretary wants to put into effect. I think if they are plans that would be counter to the goals we currently are trying to achieve, we should find a way to work together.

The Secretary issued a statement on July 9. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,
Washington, DC, July 9, 2003.

Memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Under Secretaries of Defense.

Subject: Rebalancing forces.

The balance of capabilities in the Active and Reserve components today is not the best for the future. We need to promote judicious and prudent use of the Reserve components with force rebalancing initiatives that reduce strain through the efficient application of manpower and technological solutions based on a disciplined force requirements process.

> To that end there are three principal objectives that I want to achieve. They are:
>
> Structure active and reserve forces to reduce the need for involuntary mobilization of the Guard and Reserve. Eliminate the need for involuntary mobilization during the first 15 days of a rapid response operation (or for any alerts to mobilize prior to the operation). Structure forces in order to limit involuntary mobilization to not more than one year every 6 years.
>
> Establish a more rigorous process for reviewing joint requirements, which ensures that force structure is designed appropriately and which validates requests for forces in time to provide timely notice of mobilization.
>
> Make the mobilization and demobilization process more efficient. When Reservists are used, ensure that they are given meaningful work and work for which alternative manpower is not readily available. Retain on active duty only as long as absolutely necessary.
>
> I consider this a matter of the utmost urgency. I expect each of you to tailor the actions in the attachment to your specific organization and report back to USD (P&R) by memo on your assessment and plan for implementation NLT July 31, 2003. Follow up actions may be reviewed at a future SROC as necessary.
>
> Donald Rumsfeld.

Mr. STEVENS. It reads:

> . . . there are three principal objectives that I want to achieve. They are:
>
> Structure active and reserve forces to reduce the need for involuntary mobilization of the Guard and Reserves. Eliminate the need for involuntary mobilization during the first 15 days of a rapid response operation (or for any alerts to mobilize prior to the operation). Structure forces in order to limit involuntary mobilization to not more than one every 6 years.
>
> Establish a more rigorous process for reviewing joint requirements.

I am just picking portions of this statement. It will be in the Record.

> Make the mobilization and demobilization process more efficient.

We agree with that. We ought to agree that there should be a review of that. I hope, however, the Secretary also would undertake some review of the impact of what he is talking about in terms of looking at what it will do to our enlistment rates, our retention rates and, in particular, into the viewpoints of the individual Governors who, after all, have a basic responsibility for the National Guard itself.

I would like to introduce the amendment. I don't have it ready.

Does Senator Inouye have any comment on this? I need to get the draft of the amendment. Would the Senator wish me to yield the floor?

I yield the floor.

Mr. INOUYE. Mr. President, I just want to say I support my chairman on this matter. I congratulate Senator Byrd for bringing this to our attention because it is an important matter that concerns all Americans. I hope this proposal by Chairman Stevens will be acceptable to all Members of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. Crapo). The Senator from West Virginia.

Mr. BYRD. Mr. President, while the Senate is awaiting Mr. Stevens' amendment, let me read some excerpts from some of my constituents. I referred to letters from my constituents during my comments on the amendment which I offered. Here is a constituent who writes as follows:

> I am writing to express some of my concerns with so many of our West Virginia guardsmen and women deployed.
>
> I am under the impression that the duty of the National Guard and Air National Guard is to fill in and help the active duty in times of need. Many of our West Virginia Guard have been deployed for quite a while now, but it seems as though very few have come home yet. The combat portion of the war seems to be nearing an end, and a couple of months have passed for supplies and human aid to reach the people of Iraq. It seems to me that our Guards men and women have fulfilled their duty and should be sent home soon. A recent severe flooding in our State could use the help of service men and women here at home. I feel that our West Virginia Guards men and women have contributed their portion of duty to this war for the time being and deserve to come home now and begin rotations with other units to cover the needs of our active duty overseas. I do not want to see our State suffer during this time of need for their services here.
>
> I am very proud of our service members within our State because I believe they do an excellent job for us as a State and for the Nation. They are always prepared to perform any tasks they are called to do. I personally believe that we can use their services here at home for the time being and that they have accomplished their duties overseas. I wanted to explain my concerns to you about the need for our Guard men and women to return home soon.

From another letter I present these excerpts:

> I am writing asking for your intervention and help in the swift return to the United States for my son's unit serving in Iraq. His unit has had no real mission since it was sent to Iraq.

He mentions his unit, which I will not mention here. He says:

> They have been pumping fuel which is not fit for use in trucks or planes. Most of the time, they end up pumping it on the ground just to settle the dust. They have been in the very dangerous sections of Iraq, north and east of Baghdad. At a family support meeting, we were told that the soldiers are now being rationed water—one 20-ounce bottle a day. They have no way of communicating with us back home. Their food is limited and they are living in extremely miserable conditions. We were urged to contact you for help. Mail is not getting to them and we rarely receive mail from them. They are not part of the rebuilding of the country. They are not involved in any constructive activity—only the danger of being in convoys and the sniper fire which has been reportedly happening regularly.
>
> This war is not over, as our President continuously tells the Nation. Our soldiers are not home. Please help. My son chose to serve his country and for this I am very proud. But this mission has gone into some bizarre and impossible conditions for our sons and daughters. Please help bring them home soon.

Another letter is as follows, and I will excerpt certain paragraphs:

> As you are aware from my last letter that these men have been deployed for quite a long time, they were gone for a year with the last deployment, as well as State duty for floods and now this deployment. For this deployment, these men have been deployed since February of this year, and here we are already in the middle of May. They were sent overseas without any real kind of indication as to when they will return home. I have gotten some form of answer [from a certain office in the service] that the current policy is for the men to be deployed for 6 months overseas. However, that is not any guarantee either. We are still looking at 2 years of deployment for these men. I just find it so hard to believe that there is no one out there that can help get these men home before that timeframe. I don't understand why it can't be a total of 6 months.
>
> There are many family members, including mothers and fathers, of these soldiers who would be very grateful to you if you can make this happen for us.

Another letter:

> On December 1, 2002, my husband [she writes his name, which I shall not divulge] was deployed for the war in Iraq, and he was told that he would return to continue in his normal career when the war was over. Since then, he has been scheduled to return to the United States on five occasions.

She gives the dates.

> He is still in Germany. He is having to pay for his meals and a hotel room, while awaiting a flight somewhere in Africa, as directed by his commander, although there are no legal or valid orders to do so. As of today, my husband has been deployed, mobilized, 200 days. His orders state his deployment is not to exceed 179 days. . . . My husband is a West Virginia National Guard soldier who has been deployed over 6 months, who by regulation should have been redeployed to his home station before being assigned to a new theater, as stated in his orders. . . . Morale is at an all-time low for my husband, myself, and our family, and all the soldiers and families I have spoken to.
>
> Anything you could do to make this situation right would be so greatly appreciated than I could possibly let you know. Please help me get my soldier home.

It was signed by his wife.

Mr. President, I will not go further in reading letters, but I have many of them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, this is a very complex issue.

I wish to remind the Senate that in this bill, we have added $2 million for employer support for Guard and Reserve to help address problems with recent deployments. I was just informed there was a Rand study of deployments. The authors looked at the issue in the wake of the high rate of military deployments through the nineties, and the prospect that deployment will rise even more.

The authors found, paraphrasing part of this report, that reenlistment was higher among members who deployed compared with those who did not, and sizable increases in deployment all appeared unlikely to reduce reenlistment rates. Research suggested past deployment influences current reenlistment behavior because it enables members to learn about their preferences of deployment and about its frequency and duration, which may revise members' previously held, more naive expectations.

I have had some letters similar to what Senator BYRD has just read. I do think there are individual problems, and that is our job as Members of the Congress, this body in particular, to look into those and try to remedy them and see they do not happen again. I again commend the Senator for addressing the problem.

There are existing provisions of the United States Code, specifically sections 12301, 12302, and 12304, that detail the varying levels of mobilization, the number of forces the President can call up and the amount of time those forces can be activated and actions required with respect to Congress.

There is no question there is already a law concerning this situation, and by law the President of the United States has the authority to deploy members of the Guard and Reserve overseas as appropriate and within the context of the laws I just mentioned.

This amendment would obviously change those laws, and if nothing else, before we change those laws, we should give the legislative committees, the Armed Services Committee, the opportunity to look at the subject. I think their review should be based upon a review of people with competence who have had experience in the problem of assisting the Commander in Chief to deal with the Reserve components of our military.

I am told the standard rotation is a deployment of 180 days. Those deployment days do not include preparation or recovery time, and typically the units may be mobilized for 230 days in order to complete the 180-day deployment. This would put a restriction on that past policy as it has been carried out.

We should have some in-depth review of the relationships of these policies of rotation, deployment, and mobilization days, as well as the impact on families and upon their employers, as the Senator has mentioned.

Without question, employers are affected and without question small cities and towns, such as exist in my State and I know exist in West Virginia, are impaired if these durations are for too long.

Clearly, we have come through a period which now I think we ought to review a little bit, and I will speak later today about the reliance of the Department of Defense on supplemental appropriations for contingency and peacekeeping operations in the past two decades. That is something that has to be addressed, and the Senator from Nevada addressed it earlier today, and I will discuss those.

For now, though, again coming back to this basic problem of this amendment, do you think we can say the Secretary of Defense has already issued a statement of intent to devise a plan to deal with a portion of these problems? There is no question we have a difficult future to deal with because we still have forces in Kosovo; we still have forces in Haiti; we still have forces in Bosnia; we still have forces in Korea; we still have forces in Okinawa; we still have forces in Diego Garcia; we have forces at King Sultan Airfield in Saudi Arabia.

The Senator from Hawaii and I represent two areas that have what they call forward-deployed forces. I say to the Senator from West Virginia, often when we have forces deployed from Alaska and Hawaii to go overseas, we then get replacements who are really people who have been called up, Guard and Reserve units, to come to our forward-deployed areas to fill in those spots. They are not considered deployed overseas. If they were from West Virginia, they would be away from West Virginia for a substantial period of time. The Senator's amendment would not cover those people.

In terms of review, I hope, if we are successful in establishing a commission to bring this about, that there will be a basic review of the overall concept of deployment, whether it is overseas or otherwise, when it takes members of the armed services away from their home duty station and their families and particularly those who have multiple family members of the military who could be affected by deployment at the same time.

One of the difficulties I have is now looking at Africa and what is going to happen in Africa. We have had repeated demands for the President to deploy forces there, increased demand to look at more than one nation that is going through a period of rebellion and riotous conduct. I think that may be one of the worst deployment problems we will have in the future, is to find forces to undertake those objectives, fulfill the objectives of the Commander in Chief's orders if we are at the same time still in Afghanistan, Bosnia, Korea, Kosovo, and Iraq.

It is mind-boggling, to say the least, to deal with the concept of deployment at the present time, the requirements overseas to maintain the policies of the United States.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. BYRD. The distinguished Senator speaks of our forces being deployed in various and sundry continents, countries, and climes. Are these guardsmen and reservists whom the Senator is talking about?

Mr. STEVENS. Under the total force concept, there could be National Guardsmen and Reserve in any of the units deployed overseas.

Mr. BYRD. He speaks of Kosovo. Are those National Guardsmen and Reserve deployed there?

Mr. STEVENS. I do not know the current component, Mr. President, but we did see some reservists and Guard people in Kosovo when we were there. We visited Fort Bonnsteel. We saw them in Bosnia, and we saw them in Afghanistan. I am specifically told the National Guard currently has a mission in Bosnia.

Mr. BYRD. Are they limited to 6 months?

Mr. STEVENS. Currently, I believe there is a 6-month deployment limit, but they do not charge against that deployment period the time necessary to get them ready to go over, or the time they use in demobilization when they get back.

Mr. BYRD. But the time there, are they limited to 6 months?

Mr. STEVENS. That is my understanding.

Mr. BYRD. Then why shouldn't the people in the hot sands of Saudi Arabia, Kuwait, and Iraq be likewise?

Mr. STEVENS. They are. I just read that law. They are subject to the same law. I am told the standard rotation period is 180 days. Those days do not include any preparation or recovery time. The units are typically mobilized for 230 days or more to complete the 180-day requirement, but it applies to all forces. It does apply to our forces in Iraq, Afghanistan, Kosovo—they are all subject to coming back after 180 days.

Mr. BYRD. Is the Senator aware of any complaints from his National Guard in Alaska or other Reserve units there that they are being held longer than the 180 days and being redeployed for a longer period?

Mr. STEVENS. The Senator used the word "redeployment," which is another matter. Deployment is limited to 180 days. There is currently no limit on the number of deployments, as I understand it. The problem that I and the Senator from Hawaii discussed with various members of the armed services Regular Guard and Reserve has been the problem of successive deployments. Active duty tours are limited to 180 days under most circumstances when they are not considered to be a home station, such as Korea and Okinawa.

For the deployment into these areas, as I understand it, like the Balkans, Afghanistan, or Iraq, the limitation on the deployment is 180 days, but there is no limitation on the number of rotations that one could take to another place overseas when they are brought back.

Mr. BYRD. I am trying to get some predictability worked into the equation. That is the reason I have offered this amendment. I am getting these letters from the men and women from West Virginia who are in Iraq. They want to come home. They think they have served the time that was indicated to them they would serve and yet they are serving longer.

Mr. REID. Will the distinguished Senator yield for a question?

Mr. BYRD. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I thank the Chair.

Yes, I am glad to yield to the Senator.

Mr. REID. It is my understanding this amendment does two things. I wonder if the Senator from West Virginia would indicate if my understanding of the amendment is correct. First, that Guard and Reserve Forces could be deployed for no longer than 180 days. That is 6 months, is that right?

Mr. BYRD. Right.

Mr. REID. And the second part of the amendment says they cannot be deployed twice during a 1-year period of time, is that right?

Mr. BYRD. In essence, the Senator is precisely correct.

Mr. REID. I say to my friend from West Virginia that the people of Nevada are like the people of West Virginia. We get inquiries all the time about when their sons or daughters are going to be able to come home. The Senator from Alaska said they not only are overseas for a long period of time but they have training outside the State of Nevada getting ready to go for long periods of time.

Mr. BYRD. Yes.

Mr. REID. So I hope my colleagues will listen very closely to this debate and approve the amendment of the Senator from West Virginia. It is very simple. If someone is a guard or reservist, they will be deployed no more than 180 days, and if they are a guard or reservist they cannot be deployed overseas twice in any 1-year period of time?

Mr. BYRD. They are entitled to know. They are employed and they are entitled to have their expectations met. Here we are with our men and women in Iraq. They are there like sitting ducks. It is like a shooting gallery. They are in an area I am sure we would find very difficult to live in. We will be talking more about reasons why they were told they were going and about the problems with certain intelligence that had an impression, I am sure, a persuasive impression on some of the Members of Congress who voted to give this President the power to send our men and women into harm's way, but we will save that for another day.

Mr. REID. Will the Senator yield for another question?

Mr. BYRD. What I am trying to do is make it possible for these men and women who are in the Guard and Reserve units to return home to their children, their families, their wives, their mothers, their fathers, their jobs, their communities. Communities have been hit hard in this country. Communities have been hit hard in West Virginia. These men and women answered the call. They have served well. They have demonstrated great courage, bravery, and patriotism. Why should we not keep our word to these people? Why should we not be up front with them?

Mr. REID. Will the Senator yield for another question?

Mr. BYRD. Yes.

Mr. REID. One of the concerns I have and the reason we need some definition for the obligations of these men and women in the Guard and Reserve is that we are having trouble in Nevada recruiting new people for the Guard and Reserve. These weekend soldiers are becoming year-long soldiers and we in Nevada, I think, are no different than any other State. I believe we need a definite period of time they can be obligated to go overseas and how many times they have to go overseas, are obligated to go overseas, or we are not going to get people to join the Guard and Reserve.

Will the Senator agree with that statement?

Mr. BYRD. I agree with that statement, and I think the administration ought to tell these people how long they are going to stay over there. They are not told they are going to be over there just 6 months. They are not told they will be there 9 months or a year. This administration has failed to tell our people, who are put in harm's way by this administration's policy of preemptive strikes, what this administration intends. Congress has not been told how long these people are going to be there, what are the costs.

We hear every day—the President spoke on the *Abraham Lincoln* with a sign, a banner, fluttering overhead, "mission accomplished." The mission has not been accomplished. What was the mission? I am not sure we know what the mission was.

I appreciate the statements and the questions by the Senator from Nevada. I appreciate also the words of the distinguished Senator from Alaska. He is a very reasonable man and a reasonable legislator.

We talk about a study, but we study things to death around here. We need to act, and that is what I am trying to do. I am trying to bring some succor, comfort, relief, and satisfaction to the families of our Guard and reservists who are waiting the return of those men and women.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. There may be some misunderstanding in the minds of those who have been called up, or the dependents of those who have been called up, concerning existing law. The existing law does limit the deployment for overseas to 180 days. They must be rotated in that period of time. As I have said, it takes 230 days to complete that because of the time to call them up. They have to give them notice. They report. They then are put into units and then they are sent overseas.

When they come back, they come into the units where they are going to be really demobilized and it takes some time then, too. I do not think we have a disagreement with the Senator from West Virginia about the need to ease the pressure on these continuing forces caused by the concept of total force, but there seems to be one misunderstanding. It is the unit that is deployed for the 180 days—in some instances members are deployed individually to fill in units. They would be subject to the same limitation, but the basic concept of the law deals with being able to deploy members of the Guard and Reserve as appropriate within the context of the law I have mentioned.

AMENDMENT NO. 1255 TO AMENDMENT NO. 1244

Mr. President, I have my amendment, which I send to the desk, and I will give a copy to my friend from West Virginia. I submit this amendment on behalf of myself and the Senator from Hawaii as a bipartisan approach to deal with the issues and try to bring them together.

The Secretary of Defense has a group going ahead on this. We obviously believe the Congress should be involved in some way. I ask that that amendment be in order to be called up at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. STEVENS. I apologize. I am offering this amendment in the second degree to the Byrd amendment.

The PRESIDING OFFICER. The Senator wants his amendment to be a second-degree amendment, is that correct?

Mr. STEVENS. That is correct, as an amendment to the Byrd amendment.

The PRESIDING OFFICER. The Senate will withhold while we evaluate the amendment and make the necessary changes.

The amendment is being revised to be a second-degree amendment to the Byrd amendment. Is that the Senator's intent?

Mr. STEVENS. That is my intention.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 1255 to amendment No. 1244.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a commission to study overseas deployments)

Strike all after the word sec. and insert:

8124 (a) There is established a Commission on Overseas Deployments.

(b)(1) The Commission shall be composed of 11 members of whom—

(A) three shall be appointed the President;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) two shall be appointed by the Majority Leader of the Senate, in consultation with the Secretary of Defense;

(D) two shall be appointed by the Minority Leader of the Senate, in consultation with any person who served as Secretary of Defense pursuant to an appointment to such position by President Jimmy Carter or President Bill Clinton; and

(E) two shall be appointed by the Minority Leader of the House of Representatives.

(2) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The Commission shall meet at the call of the Chairman. The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(4) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) The Commission shall select a Chairman and Vice Chairman from among its members.

(c) The Commission shall—

(1) conduct a comprehensive examination of overseas deployments of members of the Armed Forces, and analyze the resulting adverse effects on personnel, readiness, and operation tempos on members of the active and reserve components of the Armed Forces;

(2) examine current overseas rotation policies and practices for active and reserve component forces and how those policies and practices affect military readiness, unit and individual training, quality-of-life for members and their dependents, and retention of career and noncareer members.

(d)(1) Not later than 120 days after the date of the enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

(2) The report shall include recommendations on ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support for the National Military Strategy.

(3) The report and recommendations shall also address the overall size, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployments and presence, the adequacy of the current balance and mix of active and reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods of overseas tours, and unaccompanied tours in hardship locations.

(e) The Commission shall consult with the congressional defense committees in carrying out its duties under this section.

(f) The Commission shall terminate 90 days after the submission of the report under subsection (d).

(g) Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $3,000,000 may be used for carrying out this section.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alaska.

Mr. STEVENS. If I could explain this proposal, it would create a commission on overseas deployments to have 11 members: 3 appointed by the President, 2 appointed by the Speaker, 2 appointed by the minority leader of the House, 2 appointed by the majority leader of the Senate, and 2 by the minority leader of the Senate. They would be appointed the term of the commission. We ask for the commission to hold its first meeting not later than 30 days after they have been appointed. They have the duty to give us a report within 120 days after enactment of the act—obviously, that would be a period of 90 days for their basic work—and they would recommend ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support of the national military strategy.

The report and recommendations shall address the overall side, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployment and presence, and the adequacy of the current balance and mix of Active and Reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods for overseas tours and unaccompanied tours and hardship locations.

I believe this commission would have a duty to give us some basic information to address the problem raised by the Senator from West Virginia.

Incidentally, I now have the numbers the Senator from West Virginia asked. There were Reserve and Guard organizations deployed. They were in Operation Noble Eagle, which was Afghanistan, Kosovo, Iraqi crisis, Bosnia, Haiti, Somalia, Kuwait, and Iraq. We have had a sizable deployment of Guard and Reserve personnel—the Reserve component is what they refer to—in all of those instances. I do have the numbers and the duration.

As I indicated, the rotation schedule was that which I mentioned, which is 180 days for deployment overseas. I urge the Senator from West Virginia to consider supporting the amendment we have offered to his amendment to assure we have the right mix of Active-Duty and Reserve components and that we devise means to reduce our forces with the least disruption on the lives of the service members involved.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. BYRD. The distinguished Senator said the reservists should be deployed for 180 days.

Mr. STEVENS. That is the current law.

Mr. BYRD. That is what my amendment says.

Mr. STEVENS. Not quite. We do not interpret it that way. It goes further than existing law.

Existing law says the units can be deployed for no more than 180 days but under the current law, the time and preparing for that deployment and the time after that deployment to be redeployed, say, another place such as england or somewhere, to be put together so they can be brought home, those times don't count against the 180 days.

The Senator's amendment adds a dimension not included in existing law, not more than one deployment in any 360-day period.

Mr. BYRD. Is there a final deadline for this commission to report?

Mr. STEVENS. One hundred and twenty days from enactment of the basic appropriations bills, yes, sir.

Mr. BYRD. I am afraid our guards men and women will have to serve a long time. Many of them have already been serving a long time, in their estimation. They will have to serve a much longer time if they wait the appointment of the commission and then the rendering by that commission. I see its first meeting will not be later than 30 days after the date on which all members of the commission have been appointed.

Mr. STEVENS. The Senator is correct in many ways. The difficulty is the current practice is 180 days but none of these people, to my knowledge, have been over there 180 days yet. This operation has not been ongoing for 180 days. There may, however, be people deployed previously in this current timeframe who were deployed to one place, brought home, and then deployed again in the same year. That is true. That is what the Secretary of Defense has said he is trying to address. That is what this commission is trying to address, some way to provide some guidelines so members of the Active-Duty and Reserve components can determine how long they will be deployed away from their homes in any period.

Mr. BYRD. The Senator gave me this amendment, a 4-page amendment but page 3 is missing.

I thank the Senator. The third page which was missing is the page that had on it the provision:

> Not later than 120 days after the date of enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

So that is 120 days, so that is 4 months, not later than 4 months, by the time this commission is created, is established and has its first meeting and then reports back to the appropriate committees. I hope surely our young men and women will be home by then without any such report. This is going to be a long time.

That is what I see with this. We need to act. We can study this to death. This is kind of like questioning Secretary Rumsfeld. When I asked him a question in the Armed Services Committee the other day, my question was, How much has our country been spending on the average per month in Iraq?

And he says to me: Well, I'm sorry, Senator, we don't have that information at hand. We will get it for you. We don't have that information at hand.

I asked, How much have we been spending per month in Afghanistan? I got the same answer. Senator, we don't have that information. We will be glad to get it for you.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. In a moment, if I may.

I am referring to the cavalier treatment that we peons on the Armed Services Committee get from this great Secretary of Defense that we have downtown. He says, Well, Senator, we don't have that information.

Here we are with the top man—the man at the Pentagon, the greatest defense department in the world, the most expensive one, the one that handles more money than any other defense department in the world. As a matter of fact, we are spending more money each year than all of the other 18 NATO nations combined, plus the six remaining rogue nations, plus China, plus Russia. That is almost half of the total moneys that the world spends for defense. We are treated like children by this Secretary of Defense: Well, Senator we don't have that information.

It would seem to me that would be elemental. It would seem to me that a Secretary of Defense would know how much money we spend on national defense; that he would know how much money we are spending on average in Iraq per month. He would know that. He should know that would be one of the first questions he would be asked by the Armed Services Committee when he comes before it. I would think so. You are the Secretary of Defense. How much are we spending in Iraq monthly? Then to have to turn and say, Well, Senator, I don't have that information. It would take us a while to assemble it. That is the way it is here. It is going to take quite a while.

It is going to take quite a while to get this commission started, if we follow the recommendations of the distinguished Senator from Alaska. I ascribe to him a far greater degree of appreciation for what we are doing and a far greater degree of understanding of the need for us to act than I do some of the people downtown. But here we are being asked for a study.

What I am saying is that way of dealing with Members of Congress and committees, saying, Well, we don't have that information; we will get it for you—by the time we get that information, the time is long past for the committee to ask the next question, if we need the answer to the first question in order to ask the second question. We are going to have to wait to be able to ask the second question. That is a cavalier way of handling people. I have been around here 50 years. I am on to that kind of game.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. Not yet. I am not talking about the Senator. I am talking about our distinguished Secretary of Defense and the way he handles us children on the Armed Services Committee.

Mr. STEVENS. I would like to tell the Senate about the way the last administration treated this Senate.

Mr. BYRD. The Senator can wait a minute.

Mr. President, I have the floor. I have the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Now I yield to the Senator for whatever he wishes to say.

Mr. STEVENS. Mr. President, I think the Senator from West Virginia is well aware of what the last administration did. They just spent money. They didn't even tell us where they were taking it from. Twice in 1999, we had to have supplementals. They didn't even tell us in the supplementals what funds they used. They deployed forces, and they took money from the accounts we had already appropriated for other purposes. Every time President Clinton deployed forces, that is what he did.

This time, this President came and asked for a supplemental. He has money he is spending, but he cannot tell us precisely day by day what they are spending. They asked for money in advance. They got money in advance.

He did not disturb the individual accounts of the various services. He did not cause the chaos in terms of defense that the last administration did.

I will defend my friend, this Secretary of Defense. If the Senator wants to defend the last Secretary of Defense, I will let him do it. But I know what happened. In 1998, 1999, and 2000—we had 2 supplementals in 1999. That represented money that was used under the food and farm act concept of ancient law of the United States. The President took money from other accounts and just spent it. He didn't ask us for it. He didn't tell us what he was using it for. He never would account for it. Even when he asked for a supplemental, he didn't tell us what unit he took it from. We had to look for the unit and put the money back where it belonged.

This administration is doing it right. When they ask for money in advance, they are spending money and accounting for it as they account for their bills normally in their normal reports. But they did not take money from the individual units.

They took money from the Air Force and Army and spent it somewhere else without telling anybody.

You want to get me excited about something, I will get excited about the way the last administration handled the Department of Defense. They decreased funding and used the money in a manner totally unheard of in the history of the United States. It would have ruined the military had it not been for the concept of the consolidated force structure. The military saved itself by using Reserve and Guard units in the proper way.

But their funding came from moneys that were for entirely different purposes. I believe they took money from the procurement account from time to time. Normally, they took the operation and maintenance money. That is the steaming money. That is money for flying hours. That is money for drilling. That is money for equipment. That is money for munitions. They just depleted money, and deployed forces to Bosnia and Kosovo without asking at all. There was no advance request. There was no notice given.

If the Senator wants to get excited about the way funding is being used now, they are using the funds which they asked Congress for. I was the one who presented the bill. Congress approved it. The President signed the law. And the Secretary of Defense has the right to use that money according to laws that we pass. And he is following those laws, to the best of my knowledge.

Mr. BYRD. Mr. President, may I say to my distinguished friend, I don't worry. He can get excited as many times as he wishes. I have excited many people in my time around here, before the Senator from Alaska came here. He can get excited all he wishes. I will be glad to wait while he gets excited again, if he would like.

He reminds me of the pharisee and the publican who went up into the tower. The publican said, "Oh, Lord, I don't do what this man does. I don't do as he does. I give my tithes. I give one-tenth of all I earn." And he went on to talk about his attributes. The other poor man in the tower said, "Oh, Lord. Forgive me. I am a sinner."

So don't point to Clinton, when the Senator talks to me—or to any other President. I am talking about this administration. We can't excuse this administration because of something some other administration may have done. The people on that side are good at that. Many of them are always pointing out what we did, what Clinton did, or what this one did, or what that one did. That time is past. We can't excuse our own sins on the basis of the sins of others.

I am talking about this President, this administration, your administration, your Secretary of Defense. You can stand up and defend him all you wish, my friend. And I shouldn't say "you." I shouldn't speak in the second person under the Senate rules. Maybe I got a little excited also.

But the Senator isn't going to run that old fish along the side of me. He can get excited all he wants. He is noted for his temper. Temper is a good thing. We all have some of it.

But I am saying here that when we ask questions of his friend, the Senator from Alaska's friend, Mr. Rumsfeld, we get treated cavalierly, and many times get a lecture. It is about time we get rid of that kind of treatment. Secretary Rumsfeld, with all due respect to him, wasn't elected by the American people to that job he has today. He was appointed to it. He was confirmed in it by this Senate. I was not appointed to anything.

So let's don't attempt to respond to what I hope were sincere questions here by pointing to what a previous administration may have done. I did not agree with everything that happened in the previous administration. The supplemental requested by the Clinton administration is in no way appropriate to the cost of Iraq. Bosnia and Kosovo were minuscule in comparison to the cost of Iraq.

Let's talk about Iraq, and let's talk about this administration. We have to deal with the problems that confront the Senate today. I am not going to ask my constituents to settle for a study. We need to act. And we Senators have a duty to vote on my amendment. When we talk about a supplemental, that is a way to—and I speak always with great reverence to my friend, Senator STEVENS; and he is my friend, he is going to be my friend, and I am his, but this is a way to hide costs from the American people, huge costs that can be anticipated, and that are driven by policy decisions made in this White House.

There is no reason for a supplemental request in this instance. Congress is not an ATM machine. This White House wants to be accountable to no one. We have a responsibility to the taxpayer to exercise oversight over these monies.

I have nothing else I wish to say at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do agree to a great extent with the Senator from West Virginia, except that I reiterate I am proud to defend this administration. This administration asked for the money, told us what it was for. As a matter of fact, in one instance, the President asked for $10 billion for the global war on terrorism as a contingency fund and, together with the Senator from West Virginia, I helped deny that request. The Congress asked that the administration define the costs and contingencies, and they did. And that money was included in the big supplemental we passed for defense. We asked for it and received the statement of what the money was to be spent for.

We asked them to tell us what they were going to spend the money on in Iraq. It was detailed. It was in the fund that was given to them.

Again, I defend this administration because, to their credit, they agreed we have rescinded in this bill $3.1 billion of that supplemental we gave to the Department and took the money back and put it for other functions in the Department. Now, the last administration would have taken that money and put it there, anyway. They agreed we should take it back, and now we are going through the process of reappropriating the same money in this bill for 2004 because it is not going to be used according to what they told us they were going to use it for in terms of the Iraq supplemental.

But, Mr. President, a friend in the House, watching this event, has sent to me a statement that was made in the House Armed Services Committee on April 3 of this year by Sergeant First Class Steven Davis of the U.S. Army Reserve. I think it is significant to have this comment at this time, and I am pleased that my friends are listening. I am going to read the statement word for word.

Sergeant First Class Steven Davis said:

> Mr. Chairman, members of this distinguished subcommittee, thank you for the opportunity to be here today and for allowing me to be a participant in this panel.
>
> My name is Sergeant First Class Steven Davis and I am a Military Policeman in the Army Reserve. I have been serving in the United States Army for 15 years, seven of which have been in the Army Reserve. I am assigned to the Military Police Port Security Detachment in Pocahontas, Iowa. I have been mobilized once since I have been in the Army Reserve. I was mobilized on September 23, 2001, for Operation Noble Eagle, and I served one year state side in North Carolina.
>
> In my experience, with both the regular Army and the Army Reserve, I believe that the two are very much integrated. I had positive contacts with reserve soldiers when I was on active duty, and I have also had positive contact with the active Army since I have been a reserve soldier. Most recently during our deployment to Sunny Point, North Carolina, we were directly assigned to the 597th Transportation Group. From the moment we arrived, I felt as though we belonged there. I remember during a welcome meeting, COL Heiter, the Commander of the 597th, made it very clear to everyone in the room that the members of my unit would be treated as any other soldier at Sunny Point. The Command emphasis set the tone for our one-year star. Our forces integrated flawlessly with the existing Department of Defense forces, which is what we were trained to do. We were able to work together as a cohesive team, and everyone's moral was high.
>
> As for the question, did the recent deployment change or affect the reservist's intention to continue to serve. I believe the deployment made our unit stronger and more willing. From month to month we go ask ourselves, are we really needed?? Why are we doing this? Then September 11th came and all our questions were answered. Yes, we were needed, and yes, we were important. On September 12, 2001, we had 24 soldiers, myself included, volunteer to go on a security mission to an unknown place. The 24 volunteers left for Beaumont, Texas, on September 13th, 2001. Ten days later, on September 23rd, the remainder of our unit was mobilized and sent to North Carolina, where we spent our tour of duty. When our year was up, and we all got the word that we were going home, we were told the New York unit was going to take our place, but that they did not have enough people. Twenty-two soldiers from my unit volunteered to stay with them, not for 3 or 6 months, but for another year. Some of the soldiers were married and some were college students. Why did they stay when they did not have to? I would say it was because they knew they had a job to do, and they weren't going to leave until it was finished.
>
> The one problem that we encountered during our deployment was medical benefits. The Army did a great job of providing the coverage, and teaching the soldiers how to use the coverage. However, our family members did not have the advantage of having a representative available to inform them. This created many headaches for the soldiers, who would try to trouble shoot the problems long distance. I believe a local representative, available for family members would have been very helpful and would have saved the soldiers a lot of time on the telephone.

I read that because it is indicative of the feeling of our young people. We talked at one of our hearings to the Guard and Reserve members, and we found that as the deployments increased, enlistments increased; and as deployments increased, reenlistments increased.

We are having complaints from some people who believe they should have come home sooner, but none have been over there a year yet. None of them have been over there 6 months yet. Even under the current, existing law, the Senator's amendment will not affect them. Well, I am told some in Kuwait have been there 6 months by now, and they should be rotating home. But, as a practical matter, the existing law provides for the deployment limitation, the existing regulations and practice for rotation in deployment every 180 days.

However, again, I come back and ask my friend from West Virginia to support us in this effort to have this reviewed. I hope the Senator has read the composition of the commission we would like to create: people appointed by the President, people appointed by the leaders of the two bodies. I do believe an 11-member commission is sufficient. I envision that they would call on former Secretaries of Defense and their assistants, former commanding officers, generals, and members of the Guard and Reserve from the enlisted area. So we would have a representative group to give us their advice.

Respectfully, I think we need their advice on how to deal with the complex problems of dealing with rotation and deployment limitations in this day of a very complex total force that our military defense units face today.

I urge my friend to reflect and let us adopt our amendment and create this commission, and we will be back here in 5 months. That, I think, would be sufficient to deal with this problem. And it will give us a forward-looking concept as far as deployment strategy, rotation strategy, and benefit strategy for members of our Armed Forces.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I rise today to address the amendment offered by the distinguished Senator from West Virginia and the second-degree amendment offered by Chairman STEVENS.

I think we all realize the tremendous strain that the deployments, the call-ups have placed on our Guard and Reserve and actually the continuing deployments place upon the active members of the military. That is a well-deserved concern. We must take into account how calling upon our troops, whether active or reserve, puts stress on them and their families.

I believe very strongly that Senator STEVENS has in his amendment adopted the appropriate approach—appointing a commission to examine the overseas deployments of members of the Armed Forces, the overseas rotation policies and practices for Active and Reserve component forces, and how these policies and practices affect military readiness, unit and individual training, quality of life for members and their dependents, and retention of career and noncareer members.

In examining this issue, as cochairman of the National Guard caucus, we sent out a request, an urgent request, for information from the Guard on their views on these policies. MG Richard Alexander, retired major general, president of the National Guard Association, has written me a letter—which I will, at the end of my remarks, ask to include in the RECORD—noting and commending the efforts of Senator BYRD to bring this issue to the forefront but saying that the National Guard Association is opposed to the amendment. Understanding the intent behind the amendment, it does, unfortunately, reduce the ability of the President to utilize the National Guard and Reserve and places a large, unnecessary restriction on the Department of Defense.

He writes:

> The National Guard, as part of the Total Force, shoulders the burdens of our nation. Senior level members of the Office of the Secretary of Defense and the Department of Defense have iterated the importance of the Guard and Reserve to be able to carry out this nation's will.

The members of the National Guard and Reserve with whom I am most familiar take very highly their obligation and responsibility to be available when the President must mobilize them in the national interest. They wish to be considered an active part of the military when we are at war. The single deployment limitation of 180 days or more, for example, may unnecessarily restrict the effectiveness of the Guard if they are called into service.

They say you can only be there 6 months and then you are gone. That really ties the hands of the Secretary of Defense and makes the Guard less likely to be called upon. In those circumstances, the missions for which our Guard members in Missouri and around the Nation train so assiduously may be lost.

The Reserve Officers Association of the United States says, in reference to the amendment of the Senator from West Virginia:

> Although we understand the amendment is well intentioned, these restrictions are not needed and such determinations are best left with the Military Departments and services.
>
> In today's security environment we must ensure that our military commanders have flexibility to execute their mission with all available forces.

Finally, the Enlisted Association of the National Guard, EANGUS, the executive director, MSG Michael Cline, Retired, writes that there is clearly concern about the pressures of frequent deployment on National Guard and Reserve members. But much more consideration needs to go into how that will be accomplished. Limiting deployment of National Guard and Reserve members could negatively impact our national security during an overseas operation.

These are the reasons that I believe the amendment offered by the Senator from Alaska is the preferred means of dealing with this question. Clearly, it is of concern to all of us because while we all recognize and acknowledge that the National Guard and Reserves have been called upon more and more over the last several years in various conflicts, our citizen soldiers have answered those calls to duty with a forbearance and spirit of service to their Nation that we all admire.

I will reference a book authored by a good friend, former chief of the National Guard Bureau, General John Conoway, "Call Out the Guard." He underscores the commitment of our citizen soldiers. He said:

> As we saw during Desert Storm, the readiness of the individual Reservists was generally high in Operation Desert Storm/Shield. An amazing 99.9 percent of Army National Guard personnel who were called reported for active duty. Ninety-four percent were ready for deployment; the remaining 5.9 percent were either waiting for initial duty training, high school students, members attending officer candidate, missing pantographic x-rays, or were medical personnel willing to go anyway, but prevented from doing so due to critical civilian jobs.

My question is, why would we want to limit or restrict those who sign up to serve their country and defend freedom when their country needs them?

If you ask any guards man or woman, he or she would not stand down when his or her country needed them. Whether the defense of freedom merits a two-week deployment or a 180-day deployment, our guards men and women stand ready to contribute to the fight. The fact is, today our dedicated soldiers, sailors, airmen, and marines in the Active Duty rely on and recognize the tremendous value the National Guard brings to the fight and the seamless interoperability that exists between the Guard, Reserve, and Active Duty. Again, to quote from GEN Conoway, he quotes General Charles Horner, stating:

> The Guard and Reserve performed very well.

He went on further to say that he "couldn't even tell the difference between the active, Guard, and Reserve; and that's the way it is supposed to be."

That is what we found wherever the National Guard has been called—Desert Shield, Desert Storm, Kosovo, et cetera. They have been excellent members of the team. It is a validation of the total force policy that ensures the National Guard and Reserves are a ready, relevant, and reliable fighting force, capable of responding to any mission they are called upon to conduct. I fear that limiting the role arbitrarily to a 180-day deployment would be a limitation that would reduce the very real direct impact and connection our Guard has with the citizens of this Nation and with their obligation for our national security.

Just as we saw by calling up the National Guard and Reserves from over 6,000 communities during Desert Storm, community support was assured as their loved ones marched off to defend freedom. We all want our service men and women to return home as soon as possible. But under this circumstance, I feel the original amendment is too restrictive on our military services by limiting the amount of time our Guard and Reserve can be deployed. I urge my colleagues to support the alternative. There is a real question here, and I commend the Senator from West Virginia for raising these concerns. But I think they should be studied, as the chairman of the Defense Appropriations Subcommittee and the full committee has suggested.

I urge we support the Stevens amendment. I ask unanimous consent that the letters from the National Guard Association, Reserve Officers Association of the United States, and the Enlisted Association of the National Guard be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EANGUS,
Alexandria, VA, July 15, 2003.

Hon. CHRISTOPHER S. "KIT" BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: EANGUS understands that Senator Byrd has introduced an amendment to the FY2004 Defense Appropriations bill which would prohibit excessive overseas deployments of members of the Guard and Reserves. EANGUS is strongly opposed to this action.

This amendment would limit overseas deployments to less than 180 days and prohibit more than one deployment per year. This legislation is too restrictive.

Many believe that something must be done to alleviate the pressures of frequent deployments of National Guard and Reserve members, but much more consideration needs to go into how that will be accomplished. Limiting deployment of National Guard and Reserve members could negatively impact our national security during an overseas operation.

Thank you for your diligence and efforts on behalf of the Enlisted men and women of the National Guard.

Respectfully,

MSG (Ret) MICHAEL P. CLINE AUS,
Executive Director.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, July 15, 2003.

Ref. S. 1382—Mr. Byrd's political amendment "To prohibit excessive deployment overseas of members of the Guard and Reserve."

Although we understand the amendment is well intentioned, these restrictions are not needed and such determinations are best left with the Military Departments and Services.

In today's security environment we must ensure that our military commanders have flexibility to execute their mission with all available forces.

ROBERT A. MCINTOSH,
Major General, USAFR (Ret.),
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, July 15, 2003.

Hon. CHRISTOPHER "KIT" BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: It is on behalf of the men and women of the National Guard Association of the United States (NGAUS), I am writing to express our concern about Senator Byrd's amendment limiting the involuntary call up of the National Guard and Reserve component to:

1. A single deployment overseas of 180 days or more.

2. More than one deployment overseas in any 360-day period.

The NGAUS is opposed to this amendment. While we understand the intent behind the amendment, reducing the ability of the President to utilize the National Guard and Reserves places a large unnecessary restriction on the Department of Defense. The National Guard, as part of the Total Force, shoulders the burdens of our nation. Senior level members of the Office of the Secretary of Defense and the Department of Defense have iterated the importance of the Guard and Reserve to be able to carry out this nation's will.

We applaud the efforts of Senator Byrd in bringing this issue to the forefront. However, while judicious utilization of the Guard is prudent, the Byrd amendment is not in the best interest of the National Guard.

Respectfully,

RICHARD C. ALEXANDER,
Major General (Ret), AUS, President.

Mr. BOND. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I want to congratulate my friend and colleague, the Senator from West Virginia, for his constancy in terms of ensuring to the best of his ability and the best of this institution's ability that we were going to meet our constitutional responsibilities some months ago, and understanding the Constitution, and that the issue of making war is something that was reserved to the Congress of the United States, and the extraordinary service he provided for our country in reminding us of our responsibilities in the United States to make a judgment and decision about sending and committing our men and women overseas in this conflict.

I welcomed the opportunity to join with him at that time. His eloquence, passion, and knowledge of this institution and the history of the Constitution still ring in my ears from that experience. I think history will show that even though he did not at that time persuade the majority of the Members of the Senate, when history evaluates that effort it will be one of the important contributions he has made, and he has made many to this institution.

As we all understand, he is a person who has placed the interests of this institution at the forefront of his agenda on many occasions, and it is a better institution and it is living up to its historic role as our Founding Fathers wanted it to be because of his contribution.

So I thank him for what he has done and particularly in terms of the whole issue of policy toward Iraq. I welcomed again his comments earlier today. I was unable to catch all of them, but I will study them closely during the evening time, and I know as we are considering the Defense appropriations, we will hear more from him about the issue of American troops overseas, the National Guard and Reserve here at home—the importance of them, and also about what we as a country are going to do in terms of funding this commitment that has been made in terms of Iraq as well as Afghanistan.

The issue of the Guard and Reserve comes to us in a very clear way because of the number of troops we have over in Iraq at the present time. As the Senator knows full well, we have effectively half of all of the Army divisions tied up either in Iraq or Afghanistan. Eighteen out of the 35 or 36 combat divisions are in Iraq. So even when we talk to 148,000 troops, and 22 percent or 23 percent of our Army over there, when you are talking about the combat arms of the United States and the location of those service men and women, we are talking about in Iraq. And when we are talking about the Reserve and the Guard, in my State of Massachusetts, it is the fastest tempo that we have had, I believe, since the end of World War II—13 times higher today than the average over the previous years.

I know he has spelled this out in great detail about what this has meant. What we do know is that it has meant really a stronger military because of the Guard and the Reserve in my own State, having known those individuals and visited those facilities and met those leaders. They are as committed as any military men and women who have served in our country. They provide indispensable services. But as has been pointed out, we are straining these individuals.

Mr. President, last fall, many of us emphasized in the Senate that 9/11 had not nullified the long-standing basic principle that war should be the last resort. We felt that America should not go to war against Iraq unless and until all other reasonable alternatives for a peaceful solution had been exhausted.

Then—as now—I believed that the threat posed by Saddam Hussein was not serious enough or imminent enough to justify a rush to war, and that we were going to war under false pretenses. Then—as now—I believed that war would distract from our broader war against terrorism and that we should not go to war with Iraq without the clear support of the international community. Then—as now—I believed that without a systematic reexamination, with dubious and even false rationalization, and without the informed consent of the American people, the Bush administration was drastically altering our long-standing foreign policy against preventive war, in order to justify its preconceived determination to invade Iraq.

Supporters and opponents of the war alike were enormously proud of the way our troops performed in Operation Iraqi Freedom. The speed and success of their mission demonstrated the outstanding strength of the Nation's armed forces. As a citizen of Massachusetts and a member of the Armed Services Committee in the Senate, it never ceases to amaze me how far we have come in the two centuries since the embattled farmers at Concord Bridge fired the shot heard around the world.

In the past decade alone, technology has put vast changes in warfare on fast-forward. We redefined the nature of modern warfare in the Persian Gulf war, we redefined it again in Afghanistan, and yet again in Iraq. We have by far the world's best military on the ground, on the sea, and in the air. It is no accident that so few paid the ultimate sacrifice during those 3 tumultuous weeks in March and April in Iraq.

It was a foregone conclusion that we would win the war. But pride goes before a fall, and the all-important question now is whether we can win the peace. In fact, we are at serious risk of losing it.

Our policy toward Iraq is adrift. Each day, our troops and their families are paying the price. Our clear national interest in the emergence of a peaceful, stable, democratic Iraq is being undermined.

Since May 1, when President Bush announced aboard the USS *Abraham Lincoln* aircraft carrier that "major combat operations" in Iraq had ended, 81 more American troops have died. For the men and women of our Armed Forces who are dodging bullets in the streets and alleys of Baghdad and other parts of Iraq, the battle is far from over. President Bush says of the attackers, "Bring 'em on." But how do you console a family by telling them that their son or daughter is a casualty of the post-war period?

The debate may go on for many months or even years about our intelligence failures before the war began. As we now know, despite the claim made in the State of the Union Address, Saddam was not purchasing uranium from Africa to build nuclear weapons.

Despite all the intelligence we were shown in the months leading up to war, despite the additional intelligence they said was there but could not be shared, we have yet to uncover any evidence that Iraq was stockpiling chemical or biological weapons. There was and is no evidence that Saddam was conspiring with al-Qaida. What was the imminent threat to the United States that required us to launch a preventive war in Iraq with very little international support? It is a disgrace that the case for war seems to have been based on shoddy intelligence, hyped intelligence, and even false intelligence. We have undermined America's prestige and credibility in the world and undermined the trust that Americans should and must have in what their nation tells them. How many will doubt a future claim of danger even if it is real?

The failures of intelligence were bad enough. But the real failure of intelligence was our failure to understand Iraq.

There is no question that long before the war began, a serious issue was raised about the danger of winning the war and losing the peace. In fact, it was one of the principal arguments against going to war.

Before the war began, 11 separate agencies of the United States Government worked with 280 Iraqi citizens in the State Department's so-called "Future of Iraq" working groups.

In numerous briefings, Pentagon officials assured us on the Senate Armed Services Committee that firm plans were in place to secure and rebuild Iraq. But the reality is that the administration had no realistic plan. We knew the post-war rebuilding of Iraq would be difficult. Based on our experience in Bosnia, Kosovo, East Timor, and Afghanistan, we knew that security could be a profound problem, and that there would be challenges from a restless population. We knew that building a national police force and a credible new government would be complicated tasks. These are not new issues. But rather than learning from past experience in these previous conflicts, the administration was blinded by its own ideological bravado. It rushed ahead without planning for contingencies or raising even basic questions about likely events.

The foundation of our post-war policy was built on a quicksand of false assumptions, and the result has been chaos for the Iraqi people, and continuing mortal danger for our troops. The truth, as our colleague Senator JOHN KERRY starkly stated last week, is clearer with each passing day and each new casualty: "The administration went to war without a thorough plan to win the peace."

The Pentagon assumed that we would be able to draw on thousands of Saddam's police force to protect security—but in the critical early weeks that followed the war, they were nowhere to be found, and too many of their officers turned out to be thugs and torturers.

The Pentagon assumed that the bulk of the Iraqi Armed Forces could be used to supplement our forces—but those soldiers did not join us.

The Pentagon assumed that some Iraqi exile leaders could return to Iraq to rally the population and lead the new government—but they were resented by the Iraqi people and the exiles were put on hold.

The Pentagon assumed that after a few hundred of Saddam's top advisers were removed from power, large numbers of local officials would remain to run the government—but the government crumbled.

The Pentagon assumed that Americans would be welcomed as liberators—but for large numbers of Iraqis, we went from liberators to occupiers in a few short weeks. The dancing in the streets after the fall of the statue of Saddam was accompanied by an orgy of massive looting and chaos and was followed by growing frustration even from those who first saw us as liberators.

There was egg on the face of the administration and its peace plan from Day 1. Plan A was so obviously the wrong plan that GEN Garner, the man sent to oversee it, was abruptly replaced on Day 21, and Paul Bremer was rushed in to make up Plan B as he went along.

Today, Paul Bremer rules the country from Saddam's palace, while the Iraqi people too often sit in the dark without adequate water or electricity.

Hospital equipment and medical supplies have been stolen. Power grids in major cities are being sabotaged.

Cynicism and anger toward America are growing. Many Iraqis believe that we are unwilling—rather than unable—to restore basic services. They are losing faith and trust in our promise of a reconstructed, stable, peaceful future. They fear that Saddam may still be alive.

Under fire from guerrillas determined to see America fail, our soldiers are now performing police functions for which they have little training. They are building schools and hospitals—a task for which they are ill prepared. We are straining their endurance, and they want to know how long they will have to stay in Iraq.

That America would be seen as occupier should have come as no surprise. Former Secretary of State James Baker wrote in the New York Times last August, "If we are to change the regime in Iraq, we will have to occupy the country militarily."

Retired four-star Marine Corps General and former Central Command Commander Anthony Zinni said last August that we would "inherit the country of Iraq" and "put soldiers that are already stretched so thin all around the world into a security force there forever."

James Webb, an Assistant Secretary of Defense and Secretary of the Navy in the Reagan administration, warned last September that we could occupy Iraq "for the next 30 to 50 years."

We knew—or should have known—that if we went into Iraq without the genuine support of the international community, there would be no easy way out. As James Webb also warned, "Those who are pushing for a unilateral war in Iraq know full well that there is no exit strategy if we invade and stay."

The White House is only just beginning to face the truth. On July 3, President Bush finally agreed that rebuilding Iraq would be a "massive and long-term undertaking."

But that undertaking cannot be sustained—and no foreign policy in this free society can succeed—unless it is supported by our people. With the administration's credibility frayed, and distrust rising here at home, it is time for President Bush to level with America. It is time for him to hear and heed the words of the great World War II general and great post-war Secretary of State George Marshall in his historic commencement address at Harvard in 1947:

> An essential part of any successful action on the part of the United States is an understanding on the part of the people of America of the character of the problem and the remedies to be applied.

The Marshall Plan proposed in that address became one of the great achievements of the 20th century. It succeeded because it involved a coordinated effort by the United States and many nations of Europe to advance the recovery of the continent after the war, and Marshall won the Nobel Peace Prize. Is it too much to ask that we now be guided by that example?

President Bush should face the truth and level with the American people about the cost of stabilization and reconstruction in Iraq—both financial and human. We need a plan—a real plan, to which we are truly committed—to share the burden with the international community, including old allies who can be enlisted if we make a genuine effort to heal the divisive past.

Our troops are now sent overseas for longer stretches than ever—because we rely on their skill and talents to meet commitments on a global scale. More than 150,000 of our troops are in Iraq, and many have been deployed in the region for close to a year. Half of our Army divisions are in Iraq or Afghanistan. Of 33 Army combat brigades, 18 are in Iraq.

The strain is also great for citizens serving in the Guard and Reserves because we must depend upon them with greater frequency, ever since we reduced our forces after the cold war.

More than 150,000 Guard and Reserve soldiers have been mobilized; 13,000 have been on active duty for at least a year. Others return home from deployments, only to be turned around and sent overseas for another tour. In fact, today our Reservists are spending 13 times longer in active duty than they did a decade ago, forced to put their lives on hold, missing births of their children, dealing with family crises by phone and e-mail.

Open-ended missions are a serious strain on our forces and their families. It is difficult to continue to put these patriotic men and women through the deployment grinder year after year and expect them to hold up indefinitely.

It is also difficult to sustain the cost of such missions. We are now spending $3.9 billion a month in Iraq. With the ongoing cost of the war on terrorism, our operations in Afghanistan, and our potential new responsibilities around the globe, in places such as West Africa, let alone Iran and North Korea, we are creating an unsustainable financial burden at a time of exploding budget deficits, soaring demands for homeland security, and mounting needs for health care, education, and other domestic priorities.

Despite the escalating cost of the military operation in Iraq, not one cent of its cost is included in the defense-spending legislation being considered this very week in the Senate. Not one penny. How will we pay the bill? To this question, there is only resounding silence at the White House, another refusal to level with the American people.

As a Nation with honor, responsibility, and the vision of a better world, America cannot invade and then cut and run from Iraq. But we also can't afford the continuing cost—in dollars or in blood—of stubbornly continuing to go-it-alone. If our national security is at stake, we will spare no cost. But we have options here that reach beyond the checkbook of the American people.

Working with the international community, we can develop and implement an effective strategy to change a failed course, reduce the burden and risk to our soldiers, stabilize Iraq, and deliver on the promise of a better future for the Iraqi people.

As we all know, a number of countries supported our military action against Saddam Hussein. Many others did not. But if the administration is willing to put the national interest ahead of its own ideological pride, I believe that we can secure broad international support and participation in the stabilization and reconstruction of Iraq. After all, so much is clearly at stake for the rest of the world.

At issue are the stability and the future of the entire highly volatile region. None would be immune from the dangers that a disunited and disorganized Iraq could present for its neighbors and for nations everywhere.

These are not just American or British concerns. They are true international concerns. America cannot be effective in its mission in Iraq if old wounds don't heal and bitterness continues to fester. We need to take the chip off our shoulder, mend fences with France and with Germany, and stop the divisiveness.

As we seek to stabilize and democratize Iraq, we do not need to go it alone and should not try to. If we diversify the faces of the security force, it is far less likely that Iraqis will see us as the enemy, oppressor, and occupier. We want the 25 million citizens of Iraq to see the forces that are there as friends and partners in their pursuit of freedom.

We need to bring regional forces into Iraq—especially Muslim ones. Countries like Jordan, Pakistan, and Egypt could transform this mission with both their diversity and their expertise. The United Arab Emirates have contributed to the effort in Kosovo. Morocco and Albania and Turkey have worked with us in Bosnia. Countries such as France, Germany, Italy, Argentina, and Spain could provide well-trained police.

Reaching out to other countries and bringing them into the post-war process is the surest path to a stable Iraq. But most other nations are unlikely to send troops to serve in what is perceived as an American occupation. They will be more likely to do their part if an international mission is approved by the United Nations and organized by NATO.

Secretary Rumsfeld insists that we are reaching out to the international community and that we are working with NATO. But the Secretary General of NATO, Lord Robertson, says that the alliance as an institution has never been asked to play the formal role in Iraq that it plays in Bosnia and Kosovo, and soon will play in Afghanistan. Nor has the Secretary General of the United Nations, Kofi Annan, been asked to seek international consent for a truly multilateral force. The United States insists on a coalition of the few, dominated and controlled by our Nation.

Instead of asking our Armed Forces to carry out a mission for which they are not trained and to do so alone, we need to rely on the expertise and resources of the international community. The United Nations has assumed that responsibility in other countries in the past. It is one of the major reasons why the U.N. was created—to bring international vision and strength to the difficult issues of peace keeping and nationbuilding after the Second World War. Necessity is the mother of invention. In the case of Iraq, President Bush has at last been persuaded to abandon his strong opposition to nationbuilding. The challenge now is to persuade him to move beyond unilateral nationbuilding.

The new Iraqi council announced on Sunday was a step in the right direction. But it would have been much more effective if the U.N. Special Representative—and not the U.S. Government—was seen as sponsoring its creation.

If America alone sets up a new government in Baghdad, it may fail—if not now, later; if not while our forces are there, as soon as they are gone. Those who join such a government run the risk of being dismissed by the Iraqi people as American puppets. And for as long as America alone is calling the tune, Iraqi moderates may remain in the background, and possibly even oppose us.

Our interests in the emergence of a true democracy in Iraq are best fulfilled by involving the world community and especially other Arab nations as partners in helping the Iraqis themselves shape a new Iraq. Only then will a new Iraqi government be viewed as legitimate by the Iraqi people.

So it is time for the administration to stop giving lip service to international participation and start genuinely seeking and accepting it—on reasonable terms, and with a real commitment to it. President Bush's meeting with U.N Secretary General Kofi Annan at the White House yesterday should be the beginning of a renewed relationship and a shift in attitude at 1600 Pennsylvania Avenue about the rightness and the practical imperative of working with others.

The U.N. has a mandate for humanitarian issues. But it has only an advisory role in the civil administration of Iraq. That has to change. The U.N. should have a formal role in overseeing the establishment of a political process. The U.N.—rather than the United States and Britain—should preside over the evolution of the new Iraqi government. Doing so will win international legitimacy and marshal international support for this challenge, minimizing the danger that Iraqis will regard their government as a puppet of ours.

With Arab-speaking spokesmen, the U.N. could also convey a different image and a different message to the people of that country, a sense of reassurance that an overwhelmingly American occupation never can.

NATO, as an institution, should clearly be in Iraq as well. Military experts believe it will take at least 200,000 troops to stabilize Iraq. Our goal should be to include NATO and some of its 2-million-member pool of armed forces in military operations as soon as possible. America would provide a majority of the troops, but over time the overall number of forces would decrease.

As in Kosovo and Bosnia, we should ask the United Nations Security Council to authorize NATO to organize an international security force to demilitarize and stabilize Iraq. Doing so does not mean that the United States should or must relinquish all military control. On the contrary, we would have a significant role in the NATO force, and could continue to have the defining role in Iraq. An American commander was in charge of American troops in Bosnia, and the head of NATO forces in Europe is—and always has been—an American.

Secretary Rumsfeld told the Armed Services Committee last week that except for the area around Baghdad, most of Iraq is already secure. If that is so—and we have to hope this estimate is more accurate than others we have heard—then why not reduce the burden on our military and decide that this large area of Iraq, which needs police forces as well as combat troops, should be turned over as soon as possible to a United Nations-approved and NATO-led force? Why not allow American and coalition forces to secure the area around Baghdad, and allow other nations to provide security for the rest of Iraq?

Finally, as long as Iraq continues to dominate our attention, we cannot give other aspects of the war against terrorism the focus they deserve.

Has the American occupation of Iraq defeated Osama bin Laden and al-Qaida? No.

Has it increased our security against the continuing al-Qaida threats in Afghanistan and other terrorist sanctuaries? No.

Has our action in Iraq led Osama bin Laden and al-Qaida to lay aside their sworn purpose of killing Americans and destroying our way of life? No.

It is not just what happens in Iraq itself, as important as that issue is, but the continuing urgency of the ongoing fight against terrorism that should compel this administration to enlist allies in an international plan for a peaceful Iraq. Otherwise, we run the grave risk of exposing our Nation to more terrorist attacks.

America won the war in Iraq, as we knew we would, but if our present policy continues, we may lose the peace. We must rise to the challenge of international co-operation. Saddam Hussein may no longer be in power, but the people of Iraq will not truly be liberated until they live in a secure country. And the war will not be over until the fighting stops on the ground, democracy takes hold, and the people of Iraq are able to govern themselves.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the Senator from Massachusetts for his statement in support of the amendment and also for his overly gracious and charitable statement at the beginning of his remarks concerning my previous efforts in regard to the whole question of Iraq.

I am hoping other Senators will speak on the amendment, but in the meantime I say that soldiers whom we are using in our National Guard and Reserve are entitled to fairness. They are entitled to know how long their tour of duty will extend. After all, we were told that our men and women would be welcomed not as occupiers but as liberators. We were told that our men and women would be welcomed with flowers and smiles.

Our men and women in the Reserve components are beginning to wonder if they were misled. We are using our National Guard and Reserve in a way which is unfair to them and to their families. We cannot ask them to wait for some study now while they bide their time. It is not their fault that the White House decided to wage a war without considering the aftermath in Iraq. It is not their fault that a policy of preemption may demand many more troops than we can muster. We need to give our Guard and Reserve some relief from the turmoil of being constantly deployed. We owe them more than a study. We owe them action.

If this amendment were accepted, it would push the administration to internationalize the peacekeeping in Iraq. I hope other nations will join in keeping the peace in Iraq so that our own guardsmen and reservists will be relieved and will be able to come home.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, my understanding is that there is a first-degree amendment by my distinguished ranking member, the former chairman of our Budget Committee, that I very vigorously favor with respect to the National Guard and the Reserve. I know that the Reserve officers at the C–17 unit under General Black at the field in Charleston, SC, were alerted on September 12, the day after 9/11, and they are still flying. Now, that is quite a burden. Many are straining to make their rent payments and their house payments.

When we had a hearing about 2 months ago and the distinguished Secretary of Defense, Donald Rumsfeld, came, after listening, I said: Mr. Secretary, what you need is not a money supplement but a manpower supplement.

In that vein, I want to say as much as I can in support of my chairman, but I deter for the simple reason that the money is not in this particular Defense appropriations bill for Iraq, and there is a good reason for it.

Now, there should be gratitude for little things that happen. I first express my gratitude to the distinguished editor and publisher of the Washington Post, Mr. Donald Graham. I complained in an op-ed piece some weeks ago that they were not covering the budget amounts and that we ought to have truth in budgeting, and because we have come to the highest budget deficit in the history of the U.S. Government, that ought to be covered as front-page news. Today it is. We have moved from page A4 to page 1. I have my copy of today's Post, and front and center on page one are the articles: "The Budget Deficit May Surpass $450 Billion" and "Budget Woes Trickle Down."

I happened to be a State Governor, and I received a AAA rating from Standard&Poors and Moody's, and we have maintained that in South Carolina. We have to have a balanced budget.

I coauthored Gramm-Rudman-Hollings, which happened under President Reagan. I have been in the vineyard. But the headline here states: "The Budget Deficit May Surpass $450 Billion," and I want to thank Jonathan Weisman, the author of this particular story, and Fred Hiatt, the editorial page editor, for including this.

I said we just move up in inches. Let's look at the Mid-Session Review of the Budget of the United States Government by the Office of Management and Budget, the Executive Office of the President, signed by Joshua Bolton, Director, as of yesterday, July 15.

We find out why Mitch left town. Mitch Daniels is gone. Now we know why Ari Fleischer is gone. Both Mitch and Ari skipped town. Why? Just look at this document. They have no tricky answers for this one. This is the Administration's writing, and I am reading on page 1 their statement:

> The deficit for 2003 is now estimated at $455 billion.

That is on page 1. One learns, after years up here, how to read these things. So on page 57, you get to the actual deficit, how much we get in revenues and how much we spend, and if spending exceeds revenues, then there is a deficit. If we look at table 20 on page 57, we will find the total gross Federal debt for 2002 was $6,198,000,000,000 and it will go up to $6,896,000,000,000 this year. That is why Mitch left town. Compute that and the deficit will not be an estimated $455 billion; it will be $698 billion. They estimate a $698 billion deficit for the year 2003.

But, wait, we have actual numbers as of this minute. As of July 14th, yesterday, the Treasury says the debt to the penny is $478 billion. So it is already more than the $455 billion they say it will be at the end of the year. I guess that is why Paul O'Neill left town, too. They are all leaving if they have anything to do with fiscal matters, and so now we have John Snow as Treasury Secretary.

What did President Bush say when he came to town? I have the exact quote, taken from his first address to a Joint Session of Congress in 2001:

> To make sure the retirement savings of America's seniors are not diverted in any other program, my budget protects all $2.6 trillion of the Social Security surplus for Social Security and for Social Security alone.

Well, he is spending the trust funds when he says on page 1, $455 billion. He is spending $163 billion of Social Security, plus another $30 billion of other trust funds.

What we have is a Social Security trust fund, the Medicare trust fund, the military retirees trust fund, the civil service retirees trust fund, the highway, the airport, the railway trust fund, the unemployment compensation trust fund—which will be drained, incidentally; we will have to fill that back up. We are spending it on any and everything but unemployment. This is Enron bookkeeping. We are spending Social Security moneys on any and everything but Social Security.

But the President, when he was speaking when he was speaking right after he took office in February 2001, said that wasn't all he was going to do.

He goes on and says:

> We should approach our Nation's budget as any prudent family would, with a contingency fund for emergencies. We are going to have a contingency fund for emergencies or additional spending needs. My budget sets aside $1 trillion over 10 years for additional needs. That is 1 trillion additional reasons you can feel comfortable supporting this budget.

Now, Iraq and Afghanistan and the whole kit and kaboodle, put in Liberia and whatever country he wants to run to, we have 14 peacekeeping missions, then we have Kuwait, then we have Afghanistan, then we have Iraq, and now he is looking for another country to send the military to. We don't have enough National Guard or anybody in uniform to get to that country, I can tell you that right now.

But that has not cost $1 trillion. It has not cost $1 trillion. But he had $1 trillion set aside before September 11, so why can't he pay for this out of that?

Now, let's find out what he said last year in the State of the Union:

> Our budget will run a deficit that will be small and short-term so long as Congress restrains spending and acts in a fiscally responsible manner.

Well, all the spending bills were signed by President George W. Bush. So I take it since that was his admonition to us, he must have had that in mind for himself. And he signed only fiscally responsible budgets.

He also said:

> The way out of this recession, the way to create jobs, is to grow the economy by encouraging investment in factories and equipment and by speeding up tax relief so people will have more money to spend.

There were plenty of tax cuts, but he hasn't created any jobs.

One more—let's go to January of 2003, to what he said in his State of the Union then:

> We will not pass along our problems to other Congresses, to other presidents and other generations. Tax relief will help our economy immediately.

Immediately? He got yet more tax cuts, and we still have 3.8 million Americans, the highest in 20 years, receiving unemployment compensation. There have been over 3 million Americans who have lost their jobs since President Bush took office.

I think of President Clinton. He created 20 million jobs, and President Bush already has lost 3 million. Where is the immediacy that his budget is going to take care of?

> We will not pass along our problems to other Congresses, other presidents and other generations.

That is exactly what we are doing—$698 billion in bills. Mark it down. Poor Mitch, he got free. Mitch Daniels escaped to Indiana. He did not want to come before the Budget Committee and answer any questions, I tell you, and Ari Fleischer says: This is enough for me, I'm gone. Everybody is going to run—out of Washington.

I have worked with the Senator from West Virginia and my chairman, Senator INOUYE, who is most responsible on budget matters and we balanced the budget. They want to forget that. Eight years under William Jefferson Clinton and we came from a $403 billion deficit in 1992 to finally getting in the black. We gradually got it down. I voted to increase taxes on Social Security. I voted to increase gas taxes. I voted for all of those tax increases and we acted responsibly.

George W. Bush comes to town and what does he do? He says: Tomorrow, don't worry about it. He has some fellow hidden out in the Pacific, he is far enough from Washington, out in California and Boston who says, don't worry about deficits and all. The youngsters are keeping IRA savings accounts and when their IRA savings accounts trigger you will not have to worry about deficits. There is no conscience with this charade. This is the best off-Broadway show you will find going on in the National Government, the National Congress.

I hope we can sober up and pull in our horns. We have so much manpower. We do not have the manpower of the Chinese. We have to maintain our security on the superiority of technology, and Iraq proved that. We had the superior technology. But we have been cutting back on that.

I have a hearing tomorrow morning where we are going to be cutting back the advanced technology. We are cutting back on education programs. We are cutting back on all the important investments.

I ask unanimous consent to print page 1 and page 57 of the Midsession Review for the fiscal year 2004 of the budget of the U.S. Government in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

The President's Budget, released in February, focuses on the challenges posed by three overriding national priorities: winning the war against terrorism, securing the homeland, and restoring strong economic growth and job creation. Significant program has been made in all three areas.

This Mid-Session Review of the Budget revises the estimates of receipts, outlays, and the deficit to reflect economic, legislative, and other developments since February. The deficit for 2003 is now estimated at $455 billion, up from the $304 billion deficit estimated in February, for the following reasons:

Economic and Other Reestimates. The economic assumptions for this review, discussed later in the chapter "Economic Assumptions," reflect weaker-than-anticipated economic growth since February. Slower growth, lower estimates of wage and salary income, and other economic factors have reduced receipts from the levels estimated in the budget. In the interest of cautious and prudent forecasting, the revised estimates also include a downward adjustment for revenue uncertainty of $15 billion in 2003, $30 billion in 2004, and $15 billion in 2005. These reestimates in receipts are partially offset by lower outlays due to revised economic and technical assumptions. The net effect of all economic and other reestimates is to raise the projected deficit by $66 billion in 2003 and $95 billion in 2004.

Iraq War. Funding for Operation Iraqi Freedom in supplemental appropriations enacted in April, including costs for military action and reconstruction assistance, increases spending by $47 billion in 2003 and $20 billion in 2004. These estimates do not reflect what the Administration has previously indicated are expected but undermined additional costs arising from ongoing operations in Iraq, extending beyond 2003.

Jobs and Growth Act. Enactment of a jobs and growth bill that was larger for 2003 and 2004 than proposed in the February Budget raises the projected deficit by $13 billion in 2003 and $36 billion in 2004. Of this increase, $9 billion in 2003 and $11 billion in 2004 is due to temporary state fiscal assistance included in the final enacted bill. In later years, the enacted tax relief is smaller than proposed in the Budget, which reduces the deficit projected in those years relative to the February estimates.

Other Legislation and Policy Changes. Final 2003 appropriations action, non-war related costs in the April supplemental, extension of the program to help unemployed Americans by providing an additional 13 weeks of unemployment benefits, and other policy changes raise spending by $26 billion in 2003, $17 billion in 2004, and smaller amounts in subsequent years.

The reasons for changes in receipts and spending from the February Budget are discussed further in the "Receipts" and "Spending" chapters of this Review.

The deficit is projected to increase slightly from $455 billion in 2003 to $475 billion in 2004. As a share of the economy, the projected deficit remains steady in these two years, at 4.2 percent of Gross Domestic Product (GDP). These deficit levels are well below the postwar deficit peak of 6.0 percent of GDP in 1983, and are lower than in six of the last twenty years.

TABLE 20.—FEDERAL GOVERNMENT FINANCING AND DEBT

[In billions of dollars]

	2002 actual	Estimate					
		2003	2004	2005	2006	2007	2008
Financing:							
Unified budget deficit (−)	−158	−455	−475	−304	−238	−213	−226
Financing other than the change in debt held by the public:							
Premiums paid (−) on buybacks of Treasury securities	−4						
Net purchases (−) of non-Federal securities by the National Railroad Retirement Investment Trust	−2	−18	1	1	1	1	1
Changes in:[1]							
Treasury operating cash balance	−17	16					
Compensating balances[2]	−14	−25	52				
Checks outstanding, etc.[3]	−12	−3					
Seigniorage on coins	1	1	1	1	1	1	1
Less: Net financing disbursements:							
Direct loan financing accounts	−15	−13	−19	−15	−20	−21	−21
Guaranteed loan financing accounts	−2	2	3	2	3	1	1
Total, financing other than the change in debt held by the public	−63	−40	38	−12	−16	−17	−18
Total, requirement to borrow from the public	−221	−496	−437	−316	−254	−230	−244
Change in debt held by the public	221	496	437	316	254	230	244
Changes in Debt Subject to Limitation:							
Change in debt held by the public	221	496	437	316	254	230	244
Change in debt held by Government accounts	208	202	253	275	280	294	307
Change in other factors	*	16	*	*	*	*	1
Total, change in debt subject to statutory limitation	429	713	690	591	534	524	551
Debt Subject to Statutory Limitation, End of Year:							
Debt issued by Treasury	6,171	6,869	7,560	8,151	8,685	9,209	9,760
Adjustment for Treasury debt not subject to limitation and agency debt subject to limitation[4]	−15	−*	−*	−*	−*	−*	−*
Adjustment for discount and premium[5]	6	6	6	6	6	6	6
Total, debt subject to statutory limitation[6]	6,161	6,875	7,565	8,156	8,690	9,215	9,766
Debt Outstanding, End of Year:							
Gross Federal debt:[7]							
Debt issued by Treasury	6,171	6,869	7,560	8,151	8,685	9,209	9,760
Debt issued by other agencies	27	27	27	26	26	26	25
Total, gross Federal debt	6,198	6,896	7,586	8,177	8,711	9,235	9,785
Held by:							
Debt held by Government accounts	2,658	2,860	3,113	3,388	3,668	3,962	4,269
Debt held by the public[8]	3,540	4,036	4,473	4,789	5,043	5,272	5,516

* $500 million or less.

[1] A decrease in the Treasury operating cash balance or compensating balances (which are assets) would be a means of financing a deficit and therefore has a positive sign. An increase in checks outstanding (which is a liability) would also be a means of financing a deficit and therefore also has a positive sign.

[2] Compensating balances are non-interest bearing Treasury bank deposits that Treasury mainly uses to compensate banks for collecting tax and non-tax receipts under financial agency agreements. Most of the balances estimated at the end of 2003 are required to be invested in nonmarketable Depository Compensation Securities issued by the Treasury; the rest of the balances, and the entire amount in previous years, is invested in the way that the banks decide. The Administration has proposed legislation that would allow Treasury to replace compensating balances by an appropriation.

[3] Besides checks outstanding, includes accrued interest payable on Treasury debt, miscellaneous liability accounts, allocations of special drawing rights; and, as an offset, cash and monetary assets (other than the Treasury operating cash balance and compensating balances), miscellaneous asset accounts, and profit on sale of gold.

[4] Consists primarily of Federal Financing Bank debt in 2002.

[5] Consists of unamortized discount (less premium) on public issues of Treasury notes and bonds (other than zero-coupon bonds) and unrealized discount on Government account series securities.

[6] The statutory debt limit is $7,384 billion.

[7] Treasury securities held by the public and zero-coupon bonds held by Government accounts are almost all measured at sales price plus amortized discount or less amortized premium. Agency debt securities are almost all measured at face value. Treasury securities in the Government account series are measured at face value less unrealized discount (if any).

[8] At the end of 2002, the Federal Reserve Banks held $604.2 billion of Federal securities and the rest of the public held $2,936.2 billion. Debt held by the Federal Reserve Banks is not estimated for future years.

Mr. HOLLINGS. There you go. Instead of $455 billion in deficits, we are running right this minute, according to the Secretary of the Treasury, in excess of $455 billion. We do not have to wait until the end of September. We are already up to $470 billion.

The "Public Debt to the Penny," I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEBT TO THE PENNY

	Amount
Current:	
07/14/2003	$6,705,859,055,894.83
Current Month:	
07/11/2003	$6,659,621,392,684.00
07/10/2003	6,659,226,260,487.87
07/09/2003	6,660,190,974,044.60
07/08/2003	6,661,139,880,068.78
07/07/2003	6,656,880,050,796.69
07/03/2003	6,656,271,436,016.11
07/02/2003	6,664,585,450,219.34
07/01/2003	6,661,149,640,189.12
Prior Months:	
06/30/2003	6,670,121,155,027.26
05/30/2003	6,558,146,735,285.55
04/30/2003	6,460,380,745,789.28
03/31/2003	6,460,776,256,578.16
02/28/2003	6,445,790,102,794.08
01/31/2003	6,401,376,662,047.32
12/31/2002	6,405,707,456,847.53
11/29/2002	6,343,460,146,781.79
10/31/2002	6,282,527,974,378.50
Prior Fiscal Years:	
09/30/2002	6,228,235,965,597.16
09/28/2001	5,807,463,412,200.06
09/29/2000	5,674,178,209,886.86
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

THE DEBT TO THE PENNY AND WHO HOLDS IT

[Debt held by the public vs. intragovernmental holdings]

	Debt held by the public	Intragovernmental holdings	Total
Current:			
07/14/2003	$3,866,723,997,104.30	$2,839,135,058,790.53	$6,705,859,055,894.4
Current Month:			
07/11/2003	3,820,773,321,549.88	2,838,848,071,134.12	6,659,621,392,684.0
07/10/2003	3,820,833,957,669.25	2,838,392,302,818.62	6,659,226,260,487.8
07/09/2003	3,820,333,904,766.11	2,839,857,069,278.49	6,660,190,974,044.6
07/08/2003	3,818,105,259,943.75	2,843,034,620,125.03	6,661,139,880,068.7
07/07/2003	3,817,909,677,373.27	2,838,970,373,423.42	6,656,880,050,796.6
07/03/2003	3,817,524,856,163.49	2,838,746,579,852.62	6,656,271,436,016.1
07/02/2003	3,813,751,975,812.24	2,850,833,474,407.10	6,664,585,450,219.3
07/01/2003	3,813,425,178,154.99	2,847,724,462,034.13	6,661,149,640,189.1
Prior Months:			
06/30/2003	3,816,831,315,563.84	2,853,289,839,463.42	6,670,121,155,027.2
05/30/2003	3,776,621,896,107.35	2,781,524,839,178.20	6,558,146,735,285.5
04/30/2003	3,702,844,997,678.07	2,757,535,748,111.21	6,460,380,745,789.2
03/31/2003	3,711,311,962,399.17	2,749,464,294,178.99	6,460,776,256,578.1
02/28/2003	3,683,881,032,284.53	2,761,909,070,509.55	6,445,790,102,794.0
01/31/2003	3,636,978,106,813.83	2,764,398,555,233.49	6,401,376,662,047.3
12/31/2002	3,647,939,770,383.73	2,757,767,686,463.80	6,405,707,456,847.5
11/29/2002	3,649,352,539,575.36	2,694,107,607,206.43	6,343,460,146,781.7
10/31/2002	3,586,523,556,148.57	2,696,004,418,229.93	6,282,527,974,378.5
Prior Fiscal Years:			
09/30/2002	3,553,180,247,874.74	2,675,055,717,722.42	6,228,235,965,597.1
09/28/2001	3,339,310,176,094.74	2,468,153,236,105.32	5,807,463,412,200.0
09/29/2000	3,405,303,490,221.20	2,268,874,719,665.66	5,674,178,209,886.8
09/30/1999	3,636,104,594,501.81	2,020,166,307,131.62	5,656,270,901,633.4
09/30/1998	3,733,864,472,163.53	1,792,328,536,734.09	5,526,193,008,897.6
09/30/1997	3,789,667,546,849.60	1,623,478,464,547.74	5,413,146,011,397.3

Mr. HOLLINGS. Otherwise, you have heard the comments. It is going up to $698 billion, and it will probably be even more than that. They are trying to be as conservative as they can, I take it.

I appreciate the distinguished author of the amendment yielding me time to talk on a peripheral matter. But it goes right to the heart of why they do not include money for Iraq in the Defense appropriations bills.

Mr. BYRD. That is right. What the Senator has been quoting isn't included either. They don't include the cost of the war.

Mr. HOLLINGS. No, they don't put in the cost of the war.

Mr. NELSON of Florida. Madam President, will the Senator yield?

Mr. HOLLINGS. I would be delighted to yield to the Senator.

Mr. NELSON of Florida. I think the point just made by the Senator from West Virginia and the Senator from South Carolina is most important. With this misinformation about the budget, isn't it curious that it comes at a time when we are discussing the Defense appropriations bill? There is not one penny in this bill, as pointed out by the Senator from West Virginia, for the war in Iraq. Just in Iraq, the war is costing $1 billion a week—$4 billion a month. That doesn't include all of the other necessary military expenditures, such as in Afghanistan and in Bosnia. Yet we are considering a Defense appropriations bill that does not have any money in here for the war in Iraq.

Mr. STEVENS. Will the Senator yield right there?

Mr. NELSON of Florida. The Senator from South Carolina controls the time.

Mr. HOLLINGS. I have the floor. I would be glad to yield to the distinguished Senator from Alaska for a comment.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. STEVENS. The money to pay the salaries for everyone in Iraq is in this bill. The money to pay for operations is in this bill. The problem is the special money for the deployment costs were in the supplemental which we already passed. There was more than was necessary. We have already taken $3 billion out of that. They are operating on what is left. We appropriated $60-plus billion before.

Let me assure the Senator that there is money in this bill for Iraq. There is money to pay the salaries and support for the military personnel. Some 60 percent of the money in this bill is support for them. It is there. No matter where they are in the world, they are paid from money in this bill.

Mr. NELSON of Florida. Will the Senator yield?

Mr. HOLLINGS. Let me yield the floor so the Senator from West Virginia can straighten the point out.

Mr. BYRD. The men and women are being paid their salaries, even if they are from West Virginia. If they were all from West Virginia, they would be paid their salaries. We are talking about the additional costs, the incremental costs, and how much it costs this country to wage war in Iraq per month. We are not talking about the salaries. They get paid no matter where they are. We are talking about the additional costs of Iraq. Let us be clear about that. Additional costs are almost $1 billion a day for Iraq.

Mr. STEVENS. No.

Mr. BYRD. One billion dollars a week. That was a misstatement. I know better than that—$1 billion a week.

Mr. NELSON of Florida. Will the Senator from West Virginia yield?

Mr. BYRD. Yes.

Mr. NELSON of Florida. Madam President, this Senator would like for the Senator from West Virginia to clarify, since the Senator from South Carolina has pointed out that we are talking about an annual deficit not close to $500 billion but now it might be approaching a $700 billion annual deficit, is that not all the more the responsibility of the Senate, which is part of the legislative branch? Under the Constitution, it is supposed to control the purse strings. Would that not make it all the more incumbent upon us to insist on what is going to be the supplemental bill to pay for the war so that we exercise our constitutional duty?

Mr. BYRD. Absolutely. The American people are entitled to know that. They are going to pay the bill.

Mr. HOLLINGS. Will the distinguished Senator yield so I can bring this into focus?

Mr. BYRD. Yes.

Mr. HOLLINGS. Madam President, if you took the cumulative deficits from President Truman, President Eisenhower, President Kennedy, President Johnson, President Nixon, and President Ford—if you took the deficits for all of the 30 some years which these six President's ran up—it would add up to $358 billion. The deficit this year, according to this President, is going to be almost at $700 billion.

Look at page 57 from the Mid-Session Review released today. See where the gross debt from 2002 to September 30, 2003, is in black and white; that is almost $700 billion. We are doubling the 30 plus-year deficit of Republican and Democratic Presidents—paying for the cost of World War II, all the costs of Korea, all the costs of 10 years in Vietnam. We always paid our way.

Abraham Lincoln, the father of the party over there on the other side of the aisle, put a tax on dividends and on estates in order to pay for the Civil War.

Now you folks come and want to take the tax off dividends, saying there is no tomorrow.

Mr. INHOFE. Madam President, will the Senator yield?

Mr. HOLLINGS. I would be delighted to yield.

Mr. INHOFE. I know it is a difficult thing to deal with when you talk about the benefits of reducing taxes and giving people more choices to do with it what they wish. A great Democrat President, John F. Kennedy, back in the 1960s, said: We need to have more money to put these programs together, and the best way to increase revenues is to decrease marginal rates. He did that, and increased revenues nearly a third.

In 1980, the total amount of money that was raised from marginal rates was $244 billion. In 1990, it was $466 billion. It almost doubled in the period of time that the greatest reduction in rates took place.

Every time since World War I, this has happened when we did that.

This Senator doesn't like to sit here and hear somebody talking about reducing rates and, therefore, that is the reason for the deficit.

Mr. HOLLINGS. According to the Concord Coalition—let me refer first to them—you have diminished revenues $3.12 trillion in 3 years and three tax cuts.

I know the distinguished Senator from Oklahoma doesn't want to refer to the loss of all those revenues. But when the market sees that, they say: Well, wait a minute. Yes, you can cut the interest rate a quarter of a point under Alan Greenspan. But that means the Government will be crowding the financial market with its sharp elbows crowding out corporate finance, and they freeze in place. And we run huge deficits in the balance of trade. We are running trade deficits of $500 billion, that is $1.5 billion a day. The foreign investors who helped cause that bubble are frozen in place. Then the poor worker finds as he opens his mouth that his job has gone overseas, so he gets lockjaw and freezes in place.

This is not like Jack Kennedy who inherited almost a balanced budget. We started this fiscal year with $428 billion in budget deficits from last year. This year, it is $698 billion, according to the President of the United States.

Mr. INHOFE. If the Senator will yield on that point.

Mr. HOLLINGS. Yes.

Mr. INHOFE. This Senator wants to bring up the point that there is no reason to come in here and talk about which party was responsible. We all know, and the Senator from South Carolina knows, that the recession we are in right now began in March of 2000.

Mr. HOLLINGS. It only lasted for 3 years.

Mr. INHOFE. Not under a Republican administration. If the Senator feels strongly about believing the Concord Coalition over that great former President John Kennedy, it is his option to do that.

Mr. HOLLINGS. That is right. It is bipartisan. Kennedy wasn't bipartisan. He was a Democrat. This is bipartisan.

Mr. INHOFE. I didn't say he was bipartisan. He said he advocated a reduction in tax rates to increase revenue, and it worked. Look at the Democrat Governor out in New Mexico who did the same thing. It is one of the very few States that is increasing revenue right now. He is the only Governor I know—Democrat or Republican—who is reducing marginal rates.

Mr. HOLLINGS. Madam President, I am sure these other nine Republican Governors quoted in this "Budget Woes Trickle Down"—I am sure they would love to be able to reduce rates. I know my Republican Governor of South Carolina would love to reduce rates. They are not given that option. This "Budget Woes Trickle Down" and those nine Republican Governors are having to raise taxes. Kentucky let the prisoners out. They are cutting back all the programs. Higher education is decimated. Every college president is increasing tuition.

"Budget Woes Trickle Down." They are not cutting taxes.

Let's get right to where we are.

Mr. INHOFE. If the Senator will yield, I agree they are not cutting taxes. One of the Democrat Governors is cutting taxes and look what is happening to the revenues out in the State of New Mexico. They are going up.

Mr. HOLLINGS. Bill Richardson is the only exception I have been able to find.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. HOLLINGS. Yes.

Mr. NELSON of Florida. I want to ask the Senator, when this Senator was assigned to the Budget Committee and the administration came forth with a budget, I questioned the figures because what was expressed was that we were not going to raid the Social Security trust fund to pay the normal expenditures of Government. Clearly, that is what the people in the country do not want. They do not want the Social Security trust fund raided to pay for expenses.

Now, the Senator has come up with a new budget document that is saying the annual deficit could be as high as $500 billion but it could also be, by the words on the paper, $700 billion?

Mr. HOLLINGS. That is right, $698 billion—spending Social Security tax moneys. That is the revenues. That is how they get to the $455 billion on page 1.

But let me point this out because we were here in 1983, and the distinguished Chair remembers this, we had the Greenspan commission. That really started over on the House side with our good friend Wilbur Mills, who had been chairman of the Ways and Means Committee. He upped the ante along with President Nixon, decimating the trust fund.

So by the end of the 1970s we appointed the Greenspan commission. After a 3-year study, they came with section 21. It says we are going to have an inordinate increase in payroll taxes, graduated up so as to take care of the baby boomers in the next generation. Section 21 says: And put this money in trust and don't spend it on anything but Social Security.

Now my friend from Florida, what happens is, it took us from 1983 to 1990, I think it was. It was on November 5, 1990, George Walker Herbert Bush, President Bush's father, he signed into law section 13301. Section 13301 of the Budget Act, says: You shall not report a budget, either the President or the Congress, spending Social Security trust funds on anything other than Social Security. We put that into law and they continued to violate it. They continued to spend it. That is 13301.

The vote in the Senate was 98 to 2 for that particular provision. It is in the law today, in the Budget Act. But that is what they are doing. That is when the distinguished President started off and he took office in 2001 and he said: I am setting aside $2.3 trillion to take care of the needs of Social Security.

He was following through on a pledge that he made in the campaign. But we spend Social Security moneys on any and everything but Social Security, and run around like a dog chasing his tail saying we have to fix Social Security, we have to fix Social Security, we have to fix it, and they have all kinds of plans: invest in the stock market, get an IRA, take this percent, that percent, retire early, don't retire—you know, on and on.

All they need do is obey section 13301 of the law, the Budget Act, and not spend Social Security revenues on anything and everything but Social Security. That is all they have to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, since we are on the Defense Appropriations subcommittee bill, I want to follow up on the remarks of the Senator from South Carolina. I thank him for his comments.

I say this Senator is quite concerned about the legislated budgetary sleight of hand that has been apparent throughout this budgetary process. I don't like it. I don't think it is instructive to the country. I think it is budget fakery and that, although it has certainly been employed on both sides of the aisle over the years in the history of this Republic, particularly at a time now where the numbers are getting so large, where the annual deficit—that is spending more than we have coming in in revenue—is getting so large, if you believe the figures the Senator from South Carolina has just spoken about from a budget document that was just released—upwards of $500 billion on one page and upwards of $700 billion on another page—that is spending that much more in this fiscal year than we have coming in in revenue—that is not a way to get our economic engine purring again. That is not a way of stopping the economic recession. Because if there are more people chasing the available dollars that we need to borrow, then there is more demand on the money. What is going to be the result on the cost of the money? The cost of the money is going to go up. That is going to be the interest rates that are going to go up, and that is all the more going to stall us trying to get out of the recession.

It is perplexing to me, to say it in the mildest terms that I can, as to why we have all this budgetary sleight of hand, why we have this budgetary fakery. Why can't we just be up straight, aboveboard: this is what it is and this is the plan to get out from under it. But there seems to be an agenda to try to mask, to obscure what is the real situation.

Since we are on the Defense Appropriations subcommittee bill, I want to bring up a matter of grave concern that I have. That is, as we continue to battle, as we continue to prosecute the war against terrorists—be that in Afghanistan, be that in Iraq, be that in America—we have to have timely and accurate intelligence. That has to be a given. There can't be any fudging or fakery or sleight of hand. It has to be the best estimate of all the intelligence agencies. So I get quite concerned.

Mr. BYRD. Will the Senator yield?

Mr. NELSON of Florida. I yield to the Senator from West Virginia.

Mr. BYRD. And it should not be based on unsubstantiated——

Mr. NELSON of Florida. Unsubstantiated.

Mr. BYRD. So-called evidence that is produced by the intelligence agencies of another country, another state.

Mr. NELSON of Florida. That is precisely the point I want to make. I thank the Senator from West Virginia for underscoring that. Because I get a little concerned, I got a little upset when I read in Sunday's Washington Post:

> CIA director George J. Tenet successfully intervened with White House officials to have a reference to Iraq seeking uranium from Niger removed from a Presidential speech last October. . . .

Continuing:

> Tenet argued personally to White House officials, including deputy national security adviser Stephen Hadley, that the allegation should not be used because it came from only a single source, according to one senior official.

That was in October. Three months later, in the President's State of the Union speech, the very reference that was exorcised from the speech in October was inserted.

I want the Senator from West Virginia to hear this reference. I want the Senator from West Virginia to verify what I am saying because, according to the Washington Post, when the Director of the CIA removed that reference to Iraq seeking uranium from Niger in October, the very same reference was inserted 3 months later in the President's State of the Union speech but with a qualifier, and the qualifier was: according to British intelligence, even though 3 months earlier the CIA Director had that reference stricken because it was not true.

Mr. BYRD. Yes.

Mr. NELSON of Florida. What does that suggest is going on with regard to accurate, timely, and truthful intelligence?

Mr. BYRD. Well, it suggests we are going down the wrong path when the President of the United States leads our country into war, leads our men and women into war, based on evidence that is supposed to have been developed by another country's agencies, that evidence not being substantiated by our own intelligence agencies.

So it is very evident we were just grasping for a straw to hang our hats on. I happen to believe that this administration intended from the beginning to go to war in Iraq, that this administration intended from the beginning to invade Iraq.

How many times has the Senator from Florida heard the President say, with reference to the U.N., "If you don't do it, we will. If you don't do it, we will"? They were not waiting on the U.N. to come along. We already had our minds made up to go into Iraq.

And anybody who heard Karl Rove or read about Karl Rove's statement to the National Republican Committee—in January of last year, I believe it was, yes—when he indicated to the National Republican Committee that: this homeland security horse was the one we could ride to victory politically on, and that the national Republican efforts should make, as its center strategy, the subject of homeland security—it was evident to me they were going to ride that horse to the utmost until the horse dropped or got across the victory goal line in the election.

Mr. NELSON of Florida. I thank the Senator for his response.

Mr. BYRD. And I think it was a misuse. It is a misuse. It is just an effort now, as they look back, to cover their skirts because it is clear, so far as the evidence thus far is concerned, that there was no such uranium coming from Africa. That was virtually a fictitious thing, and our people knew it. They knew it in October of last year, as the Senator has pointed out.

Mr. NELSON of Florida. Madam President, I was in Iraq last week, as the blood of a Florida soldier was still soaking into the parched sands of Baghdad. I still feel that we have sufficient security interests of the United States for us to be in Iraq, and, clearly, we better draw this to a successful conclusion to politically and economically stabilize that country.

But I can tell you, when I read this kind of information that suggests that the American people and their Representatives in the Congress were being fed information that was not accurate—and it was intentional—then I get very concerned for this country's ability to conduct our war against terrorists, for we are only going to be successful in a war against terrorists from timely and accurate and truthful intelligence.

Mr. BYRD. The administration misled the American people when it tried to leave the impression that the war on terrorism is engaged in by—in other words, that Saddam Hussein and al-Qaida could be linked. That has not been shown to be a fact. And the American people, according to the polls I read some time ago, seemed to be half of the belief that those who took the planes into the Twin Towers were Iraqis. The truth is, not one of those hijackers of planes flown into the Twin Towers on 9/11—not one of those hijackers was an Iraqi, not one. Not one was from Iraq.

So where is the link? Where is the link?

Mr. NELSON of Florida. I thank the Senator from West Virginia. I will have more to say about this as the debate continues on Defense appropriations. I will speak to this issue that I have raised here. It is of grave concern to me.

I want, in the course of this debate, for us to be told in this debate a satisfactory explanation of why we are not planning for the supplemental on the Defense appropriations for the war in Iraq, why we are not planning for that and stating that in this Defense appropriations bill. I think that should be a part of the debate for all of the Senators to engage in.

I yield the floor.

Mrs. BOXER. Mr. President, I support the amendment offered by Senator BYRD to assure that the deployments of National Guard and Reservists do not exceed 180 days. The amendment further mandates that Guard and Reservists are not deployed more than once in a 60-day period.

As a member of the Senate Foreign Relations Committee, I asked many questions of the administration as it made its case for war. Two of the questions that were never answered involved the length of our deployment and the ability of the international community to share the burden of rebuilding Iraq.

Because of the failure of the administration to answer these questions, some of our troops face the possibility of spending more time than expected in Iraq. Our Guard and Reservists have fought bravely. We have to see that they are rotated home and replaced with other troops on a timely basis.

I want to read part of a letter I received from one Californian asking that a Marine Reserve Unit return to the United States:

> The members of the Marine Reserve unit ANGLICO are important members of our society. They are hard working citizens who contribute to our economy. Their families are feeling the financial strain of their continued and unnecessary absence. These Marines are eager to come home to contribute to the continued success of our surrounding communities. I am asking you to please look into this matter and help facilitate the homecoming of our Marines.

Because of security concerns, the DoD was unable to shed any light on when this particular unit was to return home. But it highlights the sacrifice our communities are making to support this action in Iraq.

I believe the U.S. should fulfill its duty and provide for the reconstruction of Iraq. However, I call on the President to ask our allies to help share the burden and I ask him to ensure that our Guard and Reservists are rotated out of Iraq on a regular basis.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, this has been an interesting debate, but in the course of the debate we found that we have agreement that we have to do something about the basic subject of rotation and deployment as it applies to the Guard and Reserve as well as the active portions of our total force.

I think, in the interest of all concerned, it would be best to put aside both Senator BYRD's amendment and the one that Senator INOUYE and I have offered and see if we cannot get further information from the Department and try to work with the Department in terms of this new policy that is projected.

So on that basis and the debate that has taken place so far, I move to table Senator BYRD's amendment, which would take with it my second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1244.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 31, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—64

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dodd
Dole
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kohl
Kyl
Landrieu
Leahy
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—31

Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Corzine
Daschle
Dayton
Dorgan
Durbin
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Lautenberg
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Sununu

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1257 THROUGH 1259, EN BLOC

Mr. STEVENS. Mr. President, I have three amendments which have been cleared. Senator INOUYE has similar ones for his side. Right after that, we will have a consent agreement that we will present, and if we are successful in getting that consent agreement, we would not have any further votes tonight but we will have to wait until we present that agreement.

I send to the desk three amendments en bloc, one from Senator VOINOVICH to make available from amounts available for research, development, test, and evaluation, defensewide, $3 million for the long-range biometric target identification system; an amendment on behalf of myself and Senator INOUYE for Senator ROBERTS which earmarks $2,500,000 for the study of geospatial visualization technologies; and a third amendment by Senator ALLEN to make available from amounts available for research, development, test, and evaluation, Navy, $4 million for the high speed antiradiation demonstration airframe/propulsion section.

I send those to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 1257, 1258, and 1259.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1257

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $3,000,000 for the Long Range Biometric Target Identification System)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $3,000,000 may be available for the Long Range Biometric Target Identification System.

AMENDMENT NO. 1258

On page 120, between lines 17 and 18, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $2,500,000 may be used for the study of geospatial visualization technologies.

AMENDMENT NO. 1259

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy $4,000,000 for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $4,000,000 may be available for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section (PE#0603114N).

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1257, 1258, and 1259) were agreed to en bloc.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1260 THROUGH 1263, EN BLOC

Mr. INOUYE. Mr. President, I have four amendments I ask to have considered en bloc. The first is submitted by Senators BINGAMAN and DOMENICI providing for $3,500,000 for the National Consortia on MASINT research; the second by Senator CONRAD for research, development, test, and evaluation for the Army, $3,500,000 for the Medical Vanguard Project; third, submitted by Senator BREAUX to make available from amounts available for research, development, test, and evaluation, $800,000 for the Tulane Center for Missile Defense, Louisiana; and the final and fourth from Senator REED of Rhode Island to make available from amounts available for Defense Production Act purchases $3,000,000 for a flexible aerogel material supplier initiative.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments numbered 1260 through 1263, en bloc.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1260

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "Research and Development Defense Wide", up to $3,500,000 may be used for National Consortia on Masins Research For Program Element Number 0305884L.

AMENDMENT NO. 1261

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Army $3,500,000 for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,500,000 may be available for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project.

AMENDMENT NO. 1262

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $800,000 for the Tulane Center for Missile Defense, Louisiana)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $800,000 may be available for the Tulane Center for Missile Defense, Louisiana.

AMENDMENT NO. 1263

(Purpose: To make available from amounts available for Defense Production Act Purchases, ($3,000,000) for a Flexible Aerogel material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "DEFENSE PRODUCTION ACT PURCHASES", up to $3,000,000 may be available for Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1260 through 1263) were agreed to en bloc.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Missouri has a statement I would like to respond to, and I ask unanimous consent that I be allowed to yield to him for his portion of the statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. TALENT. Mr. President, I rise in support of the bill in general, and second, I thank the chairman for his support of hypersonics funding in the bill. The bill increases funding above last year's appropriated level. I do have a couple of concerns and I appreciate the chairman's willingness to address them with me in a colloquy.

Hypersonics are the future of aerospace. Later this year NASA will carry out a further test of the X43–A. This will be done as part of NASA's hyper-X project, a program devoted to the study and creation of vehicles that use air-breathing engines at hypersonic speed. If this test is successful, the aerospace industry will prove that the physics of hypersonics are correct and our engineers can begin creating the models that will become the future of the aerospace industry.

This technology will yield unprecedented results, opening up new commercial markets for industry, furthering human and robotic exploration in the solar system, and significantly improving national security. This transformational technology holds great promise for the development of missiles, unmanned combat air vehicles, manned flight and next-generation space shuttles. I thank the chairman for his support, and I ask him for his comments about hypersonics.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate the advocacy of our colleague from Missouri on the issue of hypersonics, and I know, as a member of the Armed Services Committee, he has been a champion of this issue and raised it several times.

I agree with the Senator on hypersonics technology. It is very important for the future of the aerospace industry. Over the next 10 years or more, the U.S. will develop and test a series of ground and flight demonstrators that will be powered by air-breathing rocket or turbine-based engines or ram/scramjets. It is a very interesting technology. I agree with Senator TALENT that this technology has the potential to revolutionize our commercial transport industry, space travel, as well as the military capabilities.

I look forward to working with the Senator from Missouri on this important issue as the chairman of the Defense Subcommittee and generally. I think it is a very interesting subject.

Mr. TALENT. I close by thanking the chairman again and look forward to continuing to work with him and the committee to advance the technology and research necessary to ensure a strong hypersonics program. I thank the chairman for the colloquy.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that Senator DORGAN be recognized to offer an amendment on budget costs. I further ask consent that when the Senate resumes consideration of the amendment on Wednesday, there be an additional 30 minutes equally divided in relation to the Dorgan amendment; provided further that at the expiration of that time Senator BINGAMAN be recognized to offer an amendment regarding detainees; provided further that there then be a 40-minute period equally divided in the usual form; further, that following that time the Senate proceed to a vote in relation to the Dorgan amendment to be followed by a vote in relation to the Bingaman amendment with no amendments in order to the amendments prior to the votes, and with 2 minutes for debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, at 10 a.m. the Secretary of State will be in the building for a briefing. The debate on the Burma amendment should not involve all Senators. I thought originally we would have a recess during that period of time but the majority leader has decided not to do that. I understand why. But that is still available.

Mr. STEVENS. I have a further consent agreement. Does the distinguished leader wish to have that set forth before he agrees for the first unanimous consent?

I reoffer the first request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that at 10 a.m. tomorrow, Wednesday, the Senate proceed to the immediate consideration of House bill 2330, the Burma sanctions bill, under the following conditions: One hour of debate equally divided in the usual form; Then upon the use or yielding back of time, the bill be read the third time and the Senate proceed to a vote with no amendments in order to the bill, at a time to be determined by the majority leader after consultation with the Democratic leader, with particular reference to the prior agreement we have already entered into.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am now authorized by the majority leader to say there will be no more record votes tonight.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1264

Mr. DORGAN. Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1264.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require from the President a budget amendment for the budget for fiscal year 2004 on the amounts requested for military operations in Iraq in fiscal year 2004)

Insert after section 8123 the following:

SEC. 8124. Not later than July 29, 2003, the President shall submit to Congress a budget amendment to the budget of the President for fiscal year 2004, as submitted to Congress in 2003 under section 1105(a) of title 31, United States Code, setting forth in full the amounts required for fiscal year 2004 for United States military operations in Iraq and Afghanistan in fiscal year 2004.

Mr. DORGAN. Mr. President, I will speak briefly. I will speak further tomorrow on this subject. This relates to something I spoke about yesterday. It may well be that the Congress—in this case, the Senate—feels it is appropriate to ignore the added costs of Afghanistan and Iraq in next year's budget, but I happen to think that makes no sense at all. If we know, reasonably, that we are going to spend an additional $1 billion a month in Afghanistan and perhaps $4 billion a month in Iraq—that is perhaps a $50 or $60 billion additional expenditure—it seems to me we ought to address that question now; not only address what are the additional costs with respect to Iraq and Afghanistan but where we will find the money.

What will likely happen is what happened last year. The President made the case he did not know what the costs might be in Iraq and therefore did not include anything in the budget for it, but we have been through now at least an initial phase of the war, with continuing violence in Iraq. We know from Secretary Rumsfeld's position earlier this week we may well see an increase of troop strength in the area. We know the comptroller of the Pentagon says they have a pretty good sense of what will be on the ground for the next fiscal year—referring both to Afghanistan and Iraq.

If that is the case, and if we are now appropriating money for the Department of Defense, why not try to learn from the administration what figures they are using for additional costs in the coming year and what they recommend we appropriate and how they recommend we find the money.

My amendment is very simple. It asks the President to submit an amended budget to the Congress within the next 2 weeks setting out what he thinks the costs will be in Iraq and Afghanistan above that which is already in the Department of Defense budget, and then recommending how we would cover that, how we would pay for it. That, after all, is a starting point that comes from the executive budget, and then to be considered by the Congress.

This is a very incomplete picture and an incomplete process if we are staring anywhere from $50 to $60 billion in additional costs right square in the face and pretending it does not exist.

My amendment is very simple. I deeply appreciate the work that Senator STEVENS and Senator INOUYE have done on this bill. I happen to be on that subcommittee. These two are some remarkable men in this Senate and have distinguished war records and have a distinguished record of service to our entire country. I appreciate very much their work on this bill. But I do think it is important for the Congress to answer this question: Is this the way we should continue to handle these extra costs?

Now these extra costs are becoming very large, $5 billion a month. It is quite clear from statements this week that the Pentagon knows or has some notion of what these extra costs will be. It makes no sense to pass an appropriations bill and pretend they do not exist.

I will speak at greater length tomorrow morning on this subject, but I really believe we need to address this as a Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, unless there is a unanimous consent request to proceed to another matter, I would like to speak for a few moments in support of Senator DORGAN's amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. DURBIN. I know the Senator from North Dakota has to leave and will be back tomorrow to discuss his amendment, but doesn't it strike those following this debate as strange that we are considering the appropriation for the Department of Defense for the next year and it includes everything except Iraq and Afghanistan?

If this is truly an appropriations bill, if the Senate is meeting its responsibility in reviewing the requests of the administration to make certain they are reasonable, how can we, in good conscience, pass a bill without any reference to the costs of the war? That, of course, is a good turn of events for the administration because they do not have to explain how they will pay for it.

This morning's newspapers across America disclosed we are facing a record-breaking budget deficit. We have gone, over the span of 3 years, from over $200 billion in surplus each year to over $450 billion in deficit. That does not count the Social Security portion which is about another $160 billion. We are facing record-breaking budget deficits. And now as we debate appropriations bills, these bills are not speaking to the reality of official spending under the Bush administration.

To think we would consider this Department of Defense bill and not include the money necessary for the war in Iraq is to suggest that this bill does not tell the whole story.

Just last week in the Armed Services Committee, Secretary Rumsfeld, our Secretary of Defense, appeared before the committee and was asked by Senator BYRD of West Virginia, what is the cost of the war in Iraq? Secretary Rumsfeld, in charge of the largest military operation on the face of the Earth, said, I don't know. Senator BYRD said, you better find out. These are questions asked by Congress of Secretaries of Defense through history. So there was a break in the action and Senators came over for a vote and when we returned, Secretary Rumsfeld said, I have been told it will be about $3.9 billion per month, roughly $1 billion a week for Iraq. When asked about Afghanistan, he suggested it would be somewhere in the range of $1 billion a month.

That means we are going to spend roughly $5 billion a month that is not accounted for in this bill. So we know we are going to spend the money. We are never going to shortchange our men and women in uniform. Why isn't this Bush administration, in all candor and honesty, coming to us with a bill that includes the costs of the war?

Senator DORGAN, my colleague from North Dakota, asked that obvious question and asked the Senate to vote on it. It will be interesting tomorrow to see if those who believe the Senate has a responsibility for oversight and also believe this administration has a responsibility to be honest about the costs of the war, will, in fact, support the Dorgan amendment. I certainly will. I hope my colleagues on both sides of the aisle will, as well.

This is a tough amendment because it puts the administration on the spot. They have to explain where they are going to come up with a substantial amount of money, but I think that is the burden they asked for when they assumed office. We need to face it squarely, as do they.

I also say, despite the obvious monetary costs of the war, what I find in traveling back to Illinois is the people are less concerned about the monetary costs than the human costs of this war. It is tough to calculate how many of our great men and women have died since President Bush declared military victory in the first part of May. But we know almost on a daily basis that we are losing some of our finest soldiers, men and women, well trained for military combat, who are now in the position of maintaining peace in Iraq, trying to establish a civil society. It is not an easy task. These men and women, trained with the highest technology, so successful on the battlefield, now find themselves on patrol, guarding college campuses, guarding museums, enforcing curfews, dealing with scuffles and fights in public marketplaces. As they go in to try to quell this violence and bring peace to the situation, sadly, many of them are being attacked by Iraqis. Some are being killed.

To those who follow this debate, I say we can try in this bill to ignore the dollar costs of this war but, trust me, families across America, the people of this country, know the human costs on a daily basis. They are asking us the hard questions.

Senator LUGAR of Indiana, whom I respect very much, visited Iraq. He came back and said, in all candor, he believed we would be in that country for 5 years. He said he felt that was a minimum. I hope he is wrong. But I respect his judgment and his insight. If we are to be there for 5 years, if 150,000 troops or any portion of those troops will remain for that period of time, it is a massive investment by the United States in Iraq. It calls into question our basic strategy in trying to establish civil order.

I cannot for the life of me understand why this administration has not gone to the United Nations and asked them to assume responsibility with us for the future of Iraq. Why hasn't this government come to the Senate and asked the same thing? If we could replace American troops in the field, guardsmen and reserves who have been there for long periods of time away from their family, if we could replace them and bring them home by bringing in troops from other countries, that would certainly be very positive.

In this morning's newspapers Prime Minister Vajpayee of India said the United States requested 17,000 Indian troops and he declined the invitation. He said he might join an effort sponsored by the United Nations. Those are his conditions. I don't know the conditions of other countries.

What is clear to me now is that though the coalition of the willing was enough to win the military end of the war, the coalition of the willing is incapable of meeting the responsibility today of establishing and maintaining order in Iraq. That coalition has really come down to two major countries, Great Britain and the United States. We are shouldering this burden, not just on the monetary side but on the side of human cost.

I think this administration should be conscious of the fact that many Americans, supportive of the invasion of Iraq, supportive of eliminating Saddam Hussein, are now raising serious questions about the duration and cost of our occupation of Iraq.

The same thing can be said, obviously, of Afghanistan. I am a big supporter of Hamid Karzai. I think he has done a remarkable job as the leader in Afghanistan, bringing some order to a country which has known chaos for too many years. But we know he needs help. Too many tribal warlords control portions of the country that should be controlled by some central authority coming out of Kabul, the capital of Afghanistan. That is not the case.

The President of Pakistan recently visited the United States. President Musharraf said to President Bush: If you want one piece of advice, send more troops to Afghanistan. We don't have enough people there to maintain order. Our troop strength is estimated to be between 8,500 and 10,000. That points to the need for this bill to be more inclusive on the real cost of the war in Afghanistan and Iraq. We need to face this head on.

For the Department of Defense appropriations bill to speak to national security and ignore 150,000 men and women in uniform in Iraq and the cost to our country, as well as another 8,500 or so in Afghanistan, really misses the point. We need a bill that is complete. The Dorgan amendment will move us in that direction. I will support it tomorrow, and I hope my colleagues will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, no one regrets the deaths that are occurring in Iraq any more than I, or anyone else here, particularly those of us who served in the uniform of our country. We know the seriousness of being involved in Iraq.

The offensive operations in Iraq started in March. I believe it was March 19. This budget was presented to us long before that. It did not have money for Iraq. As a matter of fact, we have handled this concept of the war in Iraq on the same basis as Bosnia, Kosovo, et cetera—with one exception. The President came to us and asked for a supplemental for Iraq, and we passed it. The money is there. He asked for the money; we gave it to him. I don't understand this demand, now, for another supplemental. We do not need any more money right now. We are continuing to spend the money Congress provided, over $60 billion.

I have a little sense of politics in this. I don't quite understand. Politics are never raised on the floor of the Senate, obviously. But clearly the political implication is, somehow or other, the deaths are related to the fact that the President has not asked for any money. We have plenty of money right now to run this war. The costs of the war are coming down. As I pointed out previously here this afternoon, all of the costs of the manpower for fighting in Iraq are in this bill. The costs that are not in this bill, that are being paid from the supplemental, are the incremental costs of moving forces to Iraq, moving materiel to Iraq, moving people back from Iraq, taking care of our global expenses, and conducting the war in Iraq.

The President came in and asked for a $10 billion contingency fund. I joined in saying no, you can't have a contingency fund. We gave him the money he requested, the money whose use they detailed. But we didn't put up $10 billion as a contingency fund because we didn't think it was necessary, and I still don't think it is necessary. But we do understand if the cost of the war in Iraq will somehow exceed what we have already provided, the President will come for a supplemental in time. He has done that.

We are funding the war in Iraq on an incremental basis from a supplemental fund we gave the President. Again, we gave him so much money, we rescinded $3 billion in this bill. Three billion dollars of the previous supplemental have been rescinded and spread around in other areas of the Department of Defense.

I think we ought to get back into some historical context here. We have had a series of peacekeeping operations, so-called peacekeeping operations. There were people killed in Bosnia. There was a war in Bosnia. There is a war in Kosovo. There is a war in Afghanistan. This administration has asked for the money, and we have given it to them. The money we gave them, by the way, the $60 billion-plus, was for the whole area that was commanded by General Franks. It was the war zone. That included Afghanistan as well as Iraq.

We have had, unfortunately, in the past—and I also mentioned this today—we had in connection with Bosnia and Kosovo a policy of the administration, the previous administration, to not ask for money at all. They took the money from the O&M accounts of the Departments, the various forces—Army, Air Force, Navy, Marines—and spent it. They never told us where they were spending it. When they came up and asked for a supplemental to replace it, they asked us for the money to replace the accounts. We never really got detailed descriptions of how much money was spent per day in Bosnia or Kosovo. I don't know where this is coming from.

As a matter of fact, Senator INOUYE and I have been involved in managing this bill, now, since 1981. We can tell the Senate the way we are handling the bill now is the way we should handle a bill for defense. We pay the money for the regular costs, and the Department asks us for the extraordinary costs. The last administration had the money for the personnel and regular costs in the bill, but they took some of that money and fought the war in Bosnia and fought the war in Kosovo and then came up for a supplemental. This administration came for the supplemental first.

They have the money. It is in the bank. They are spending it. And somehow they are being criticized for not asking for a supplemental.

I oppose this amendment. I intend to oppose it. I intend, as a matter of fact, to make a motion to table it in the future.

There is an agreement for debate. We are in a situation where, as far as I am concerned, we should not ask the Department to come and ask for moneys on a contingency basis. That is really what the Senator is suggesting—ask for money, what you might spend in the future, beyond what we have already given you. There is a bank over there. They have the money.

To ask for a budget amendment for the fiscal year 2004, to be submitted this year, I don't understand at all. It wasn't required by the congressional budget resolution, by the way. If this was so important, why didn't someone raise it in connection with the congressional budget resolution that passed after we went to war? And we are at war.

I really believe it is time we understand what is going on. I do not want to see us get another supplemental request this year. We have 13 appropriations bills to pass. They have plenty of money. Why tie us up in another supplemental? Everyone knows a supplemental this time of year would become a Christmas tree. Everyone is going to offer amendments to do things they didn't get in the other bills, and every one would be a demand for an emergency.

As long as I am chairman, we are going to try to have some discipline with regard to dealing with money. The discipline is, we follow the budget. I have committed to follow the budget. We are following the congressional budget. In order to do so, we had to ask the President's permission. Chairman YOUNG, chairman of the House Appropriations Committee, and I asked for permission to take $3 billion off the President's request that is in this bill for defense. We admit we took $3.1 billion from what the President asked for in his budget request and put it in other subcommittees. Because of the fact the congressional budget resolution was $2.6 billion below the President's budget, we needed to find money to fund operations of those other departments that would not fit within that bill.

We are proceeding on a basis that I think makes sense. I hope we will have bipartisan support for it. But one thing we don't need is another supplemental at this time dealing with Defense when Defense has money to continue to operate in Iraq. When they run out of money or come close to it, I assume they will come and ask for more. I presume the cost per week is going to go down. It has been fairly high. The incremental cost was over $34 billion last month, as I understand it. Under the circumstances, if it continues to wind down, I believe the monthly cost will decline and the Department will be able to get through this fiscal year with the money they have. If they need more money in the calendar year 2004, they can come in and ask for it. But I predict—I hope I am right—they are not going to need any more money in calendar year 2003 for either fiscal year 2003 or the first quarter of 2004. If they do, and that could happen—God forbid this thing could blow up over there and we would have to send more forces back in. I don't know. No one can predict what happens in a situation like we have now. We want to as rapidly as possible cease being an occupation force.

This reminds me of some of harassment that took place during World War II when we had operating forces in areas where part of the enemy was not subdued and there were sniper attacks. There were bombing attacks. It was a disaster for people in uniform, who suffered even after the war was over. There were some deaths in World War II. I think this is a sad thing.

I hear a call to bring the troops home. One of the reasons the troops are there is to protect one another and protect the people we just freed. I thought the price of freedom was in fact doing what our people are doing; that is, following the commands of the Commander in Chief.

It is a very tough thing to say, but once we undertake action such as this, our national image would be absolutely tarred if we brought these people home before there was security for the people who have been liberated from that regime, the Baath party of Saddam Hussein. We can't leave them exposed, nor can we leave exposed our people who are trying to bring about reconstruction. I think we have to use common sense.

To say the President shall submit a budget amendment—by the way, I don't know of any requirement anywhere in the law that the President has to submit a budget resolution before. I don't know that Congress has ever said the President shall present a budget amendment for a specific amendment of money or a specific item. I have been here 35 years. I can't remember such a requirement before in my life. For no other reason, I would oppose that because he is the President. The Constitution gives him some powers. It gives us powers. One of the powers is to exercise the power of the purse. But we are not the ones who can command the President to ask for the money. He is the President. If he wants the money, he should ask for it. If he doesn't need it, we should not compel him to ask for it. I am sure if he needs it, he will be the first one to ask for it.

As a matter of fact, I have heard comments about our President on this floor lately that are sort of derogatory. I think he is a fine man. He is a great President. He is doing a good job. He is honest. He is forthcoming. He admits if he makes mistakes, and then he gets highly criticized for having made the mistakes. Everybody makes mistakes from time to time. It takes a real man to say he has made one.

That is why I came to the floor yesterday and congratulated George Tenet for having taken the step of admitting he bore the responsibility for the error in handling the reference in the President's State of the Union message.

But this President is doing a good job. This Secretary of Defense is doing a good job. I think the American people should be proud of them. In my home State, they are certainly proud of them. And they are proud of the young men and women in uniform representing our country over there.

I think the very thought that somehow something is going wrong here and because something is going wrong here people are dying in Iraq is just a terrible thing. People are dying in Iraq, unfortunately, because there are snipers. There are terrorists loose in Iraq. I thought we were conducting a global war against terrorism. What is going on in Iraq is terrorism. There has been a regime change. There are people opposed to that change, and they are trying to kill our people over there. They are trying to protect their own brothers and sisters in their own country.

I hope the Senate settles down a little bit. In the past, we have handled this bill very expeditiously because of our respect for men and women in uniform. This is the money to pay those people who represent our country throughout the world. They are deployed in many countries. They read about what goes on here. They listen to it. They have it on C-SPAN.

By the way, it is a very interesting thing for this generation to go overseas compared to my time overseas. I never got a phone call after I left my home until I got back. These young people have phone calls every day. They have e-mail. They use the Web. They conduct their classes when they are deployed overseas and continue their studies. It is a different world. They know what is going on here.

I hope they understand what we are trying to do is get this bill passed and make sure they get their pay raise; make sure everything is in place in time so when September 30 comes, this bill will have passed and become law and be there for the protection of our men and women in uniform.

I regret deeply that we have to handle an amendment like this. We know the amounts required for the fiscal year 2004 military operations in Iraq and Afghanistan. We already put the money up. They are reporting monthly on what they spend.

Now we want to predict how much they are going to spend. I really do not see the relevancy of this amendment. Tomorrow, I hope to end the debate by moving to table. I hope the Senate will support that motion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

JOINT AIR TO SURFACE STAND-OFF MISSILE (JASSM)

Mr. SHELBY. Mr. President, I am reminded that both the distinguished chairman and the ranking member have been strong proponents of the JASSM program in the past.

The JASSM program is less than 30 days from completing operational test and is scheduled for a full rate production decision in November of this year. Both DOD and the Air Force have sufficient confidence in JASSM that they have proposed to use fiscal year 2003 Iraqi freedom funds to procure additional missiles. In addition, I would note that the Navy is scheduled to join the Air Force in future JASSM procurements and this production ramp is critical to meeting both the Navy and Air Force inventory requirements.

I hope that we can work in conference to find a path that will protect the existing contract while at the same time provide the Air Force these vitally needed "go-to-war" assets.

Mr. STEVENS. I thank the Senator for bringing this matter to my attention. He has my assurance that we will consider this matter in conference.

Mr. INOUYE. I agree with the chairman and will join him in reviewing this matter for conference.

DIGITIZATION OF DEPARTMENT OF DEFENSE MANUALS

Mr. INOUYE. Mr. President, beginning in fiscal year 2003 and continuing this year, the Defense Appropriations Subcommittee has included funds for the digitization of Department of Defense, DoD, manuals and has directed that the work be performed by information technology firms owned and operated by Native Americans located in impoverished Native communities. These Native firms came together and formed a corporation, the Intertribal Information Technology Corporation, that could serve as the prime contractor in an effort to facilitate the contracting relationship with the Department of Defense.

This consortium of firms has been working with mentoring information technology companies who already have existing contracts with the Department of Defense. I have had two briefings on the progress that is being made by the Native firms and their mentoring companies on existing DoD contract work, and have been advised that the performance of the Native firms is both exemplary and highly efficient. A few months ago, I had the opportunity to attend the dedication of the Native Hawaiian information technology firm that is part of this consortium, and was further impressed with the capacity of these Native firms to carry out the digitization work.

Mr. STEVENS. I agree. The war in Iraq demonstrated the important of having the highly-mobile maintenance capability that the digitization of DoD manuals enabled our forces to employ. For many years, the Senator and I have shared a concern about the high unemployment rates in Native communities. This program serves as one effective means of addressing those high unemployment rates while also providing the Defense Department with new sources of supply for digitization services.

Mr. INOUYE. As the Senator knows, the ten Native-owned firms that came together to establish a new Small Business Act 8(a) firm is composed of American Indian, Alaska Native and Native Hawaiian information technology companies. To my knowledge, this is the first business enterprise to be jointly owned by the three indigenous populations of the United States.

This new jointly-owned firm was established so that DoD would only have to award a single contract rather than having to award ten separate contracts to each of the ten participating firms. In establishing the jointly-owned firm, it was well understood that the jointly-owned firm would subcontract the digitization work to the ten participating Native-owned firms, and that the jointly-owned firm would assume administrative responsibilities and provide technical support to the ten Native Firms to ensure the highest quality production.

This innovative approach reflects the intent of the Congress that the digitization work be performed by Native firms that can not only produce quality products for the Government, but that in the process of doing so, can also generate jobs in the economically-disadvantaged communities that they serve.

Mr. STEVENS. It is my understanding that the contract with the jointly-owned firm was to have been awarded on June 2 of this year, but that DoD officials are now expressing some reluctance to allow the jointly-owned firm to pass the digitization work through to the Native firms because the customary practice is to have the prime contractor perform the majority of the work. I am also told, however, that there is an exception to this practice provided for in regulation, particularly when the Government had directed or identified a specific source for the provision of services, as we did in the fiscal year 2003 Department of Defense Appropriations Act.

Mr. INOUYE. Yes, that is my understanding as well. I am advised that the exception can be applied while still assuring full compliance with all procurement requirements. So I would ask, is it the intent and directive of the Appropriations Committee that the Department of Defense employ all legal measures available under the law to accomplish the intent of the Congress in having the digitization work performed by the ten participating Native-owned firms through a single DoD contract with the jointly-owned firms?

Mr. STEVENS. This is the intent. This new program is already proving to be a highly-efficient means of addressing the Department's needs for the digitization of DoD manuals, and we would expect the Defense Department to employ every legal authority at its disposal to implement the program as Congress intended it to be implemented

AIR FORCE ADVANCED POWER TRANSFORMATION OFFICE

Mr. CHAMBLISS. Mr. President, I rise today to express my support for the mission of the U.S. Air Force, USAF, Advanced Power Transformation Office, APTO, at Robins Air Force Base in Georgia. This transformation office was established to advise and assist military installations all over the world in their development of alternative fueled vehicles.

Mr. STEVENS. If the Senator from Georgia would yield for a question, I have learned that the Energy Policy Act authorizes the APTO to enter into public-private collaborative agreements to encourage the development and deployment of alternative fuel vehicles and alternative hydrogen fueling infrastructures. Does the Senator know whether the transformation office in Georgia has taken advantage of this opportunity?

Mr. CHAMBLISS. As my colleague from Alaska has suggested, the APTO has entered a public-private collaborative project with the Southern Hydrogen Fuel Cell Research Partnership, which has then entered into a further agreement with the Georgia Tech Research Institute. This Georgia-based collaborative advances the national interest in the study of hydrogen-powered vehicles and fueling system designs. The APTO also hopes to accelerate the development of hydrogen power technology to determine whether it is feasible for both military and commercial use. Because of the importance of this project, I urge the Air Force to continue to support this important initiative.

Mr. STEVENS. The committee also notes the importance and value of the efforts of the Advanced Power Transformation Office and encourages the Air Force to continue funding and support for this important initiative.

Mr. CHAMBLISS. I thank the distinguished Senator from Alaska, and I yield the floor.

SAC POSITION ON OBJECTIVE FORCE CANNON

Mr. INHOFE. Mr. President, I rise in support of S. 1382, the Department of Defense appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations. I take a moment to talk about the urgent need for the non-line of sight cannon and to commend the actions the Senate Appropriations Committee has taken to meet this key need.

We have heard testimony from the most senior members of the Army uniformed and civilian leadership that organic Army indirect fire is one of the most urgent needs in today's military environment.

When Congress agreed to allow the Department of Defense to terminate the Crusader program last year, it did so with the explicit understanding the Crusader technology would be used to form the basis of a new lighter, more easily deployable non-line of sight cannon, which would be ready no later than 2008.

Indeed, during the last session we enacted law to that effect, and also stipulated that development of the non-line of sight cannon would be undertaken as part of the Army's Artillery Systems Demonstration and Validation program element, which is the only place within the budget that cannon artillery research and development is funded.

The designation of the non-line of sight cannon as a congressional special interest by the Senate Appropriations Committee goes even further than last year's legislation to ensure that this need is met. I ask the chairman to comment on the need for this further step.

Mr. STEVENS. In an effort to ensure full compliance with Congress's intent to fully fund the non-line of sight cannon program, the Senate Appropriations Committee has designated the program as a congressional special interest and appropriated funding in a separate program element devoted to the advanced development of artillery systems.

Mr. INHOFE. With limited resources available for the competing needs of modernization and force sustainment, it is imperative that crucial programs like non-line of sight cannon receive the requisite congressional oversight to ensure their timely development and fielding in accordance with the priority they enjoy.

I thank the Senator, and my other colleagues on the Appropriations Committee for their efforts to ensure that this vital program receives the funding it needs.

SUPPLIES OF MEALS READY TO EAT

Mr. BAYH. Would the chairman yield for an inquiry on the subject of MRE supplies?

Mr. STEVENS. I would yield to the Senator from Indiana for a question.

Mr. BAYH. Mr. President, during Operation Iraqi Freedom, our military relied upon MREs to an extent never before seen in the history of modern combat. Due to concerns about the safety of the local food supply, Operation Iraqi Freedom and the subsequent mission has relief almost entirely on MREs to feed our soldiers. It is my understanding at the height of the operation, the Department of Defense was consuming roughly 300,000 cases of MREs per week. Is the chairman aware of this unprecedented use of MREs?

Mr. STEVENS. I was aware of the reliance on MREs, yes.

Mr. BAYH. I would further point out at the height of the operation, some estimate that DOD was down to a worldwide reserve of some 400,000 cases. To summarize, DOD was within a week of running out of food for our soldiers in the field. Thanks to a surge in production by MRE producers on very little notice, DOD managed to stave off a logistical and potential military disaster. Is the chairman aware of how close we came to literally running out of food?

Mr. STEVENS. I was not. But I certainly believe the committee should look into it.

Mr. BAYH. Surprisingly, the Defense Logistics Agency, DLA, has still not chosen to replenish an adequate reserve of MREs. In addition, DLA has cut MRE production despite the fact that our troops in Iraq are still consuming MREs at an unprecedented rate. Would the chairman consider this matter in conference and have the managers address it if the committee finds the problem to be as grave as it would appear?

Mr. STEVENS. We would be willing to look at that possibility.

Mr. LOTT. Would the chairman yield for me to add further to the discussion at hand?

Mr. STEVENS. I yield to the Senator from Mississippi.

Mr. LOTT. Part of any military exercise or experience is an afteraction review to learn what went right and wrong and how to improve on things in future situations. It would seem that the MRE supply issue is just such an issue. Obviously DLA did not have reserve stocks of food on hand going into this operation. Obviously no one anticipated the consumption rate we have experienced in the past few months. But it seems apparent that the reliance upon MREs isn't going to change in the foreseeable future.

I can think of a number of things that could go wrong during a military operation, but running out of food has to be one of the worst. So I can't imagine why DLA is cutting production when we haven't even started to replenish our reserves. It would seem simple enough that if anything DLA should be increasing production and increasing reserves so that we never face this potential disaster again.

I am informed that an adequate reserve based upon the new realities we have discovered in the past few months would ultimately be 10.5 million cases. Well, we are about 10 million cases away from that goal so we better get started on meeting that target. I too would certainly welcome anything the chairman could do to address this problem in conference and compel DLA to up the reserve stocks of MREs to an adequate level. I yield back of the chairman.

Mr. STEVENS. We are going to take a close look at this problem and see what is or isn't being done to address it and take corrective action if necessary.

COST-SHARING OF DEFENSE MEDICAL RESEARCH

Mr. LEAHY. Mr. President, I would like to take this chance to thank Chairman STEVENS for his leadership in funding the Army Peer-Reviewed Breast Cancer Research Program at $150 million in this bill. I would also like to take a moment to enter into a colloquy with the distinguished chair of the Appropriations Committee about the report language in the committee report on cost-sharing in such medical research. Mr. Chairman, when I read this report language, it seems clear that the intent of the language is to determine if there is some way to contain medical research costs within the defense budget.

We all know that the Army Peer-Reviewed Breast Cancer Research Program, BCRP, has proven to be efficient and highly effective, and the committee has supported its efforts strongly. The flexibility of this program allows the Army to administer it in such a way as to maximize its limited resources. The BCRP is able to quickly respond to current scientific advances, and is able to fill gaps by focusing on research that is traditionally underfunded. It is also responsive, not just to the scientific community, but also to the public.

Mr. STEVENS. Yes, the Senator from Vermont is correct. The committee is seeking to determine alternative ways to fund increases in these kinds of projects, but not undermine the effectiveness of ongoing programs. The committee has received numerous requests to start up new medical research programs. In many cases these requests cannot be met when trying to meet other valid military requirements with limited resources. The language is certainly not specifically designed to undermine the integrity of the existing DOD BCRP, and the committee recognizes it as innovative, extremely accountable and transparent in its approach to medical research.

Mr. LEAHY. I thank the chairman. I would also like to clarify the language in this provision about the agencies to perform the study. Am I right in reading the word "consultation," in reference to the offices, institutes, and bureaus performing the study, to mean a continual process of discussion and collaboration? Consultation almost always involves more than simple briefings, but a consistent, mutual back-and-forth designed to ensure the objectivity, soundness, and fairness of a research process.

I personally hope that the Assistant Secretary of Defense for Health Affairs will go even beyond that notion and rely heavily on the expertise of the Institute of Medicine, which has reviewed programs like the Army Peer-Reviewed Breast Cancer Research Programs on several occasions.

Mr. STEVENS. Yes, that is right. The language clearly foresees that the Assistant Secretary of Defense for Health Affairs will work closely with the service Surgeons General and the Institute of Medicine to develop and conduct a sensible, objective, and fair analysis of cost-sharing options for future medical research programs.

Mr. LEAHY. I thank my good friend from Alaska for his support of programs like the Army Peer-Reviewed Breast Cancer Research Program. Recently one of the staunch advocates of this program in my home State of Vermont, Patt Barr, passed away. One of my lasting memories of Pat is seeing her standing in the hallway here in the Capitol, well past midnight, patiently explaining to individual Senators why the Department of Defense should include funds for breast cancer research in its medical budget. Mr. Chairman, your support and spirit has keep her legacy living on.

LASER PEENING

Mr. DEWINE. Mr. President, I rise today to discuss an important matter with my friend, the distinguished committee chairman.

I have been a long-time supporter of laser peening technology. Laser peening is a revolutionary materials processing technology that has proven very effective in solving many of the fatigue problems currently plaguing military engines, such as the F101 engine in the B-1 bomber. Laser peening has been scientifically and battlefield proven to extend fatigue life and fatigue strength of metal parts.

In recognition of the benefits of laser peening, the Army has initiated an effort to establish a technology insertion program that would employ laser peening in support of major Army helicopter programs. Congress provided $1 million to begin this effort in fiscal year 2002.

Laser peening technology is being evaluated to extend the life of flight critical components on Army helicopters—including the CH-47 Chinook, AH-64 Apache, and UH-60 Black Hawk. These components are subject to fretting fatigue, wear that results when two metal components rub against each other. Without laser peening, fretting produces cracks that penetrate deep into the component surface, causing fracture, failure, and ultimately requiring part replacement. Laser peening will be applied to families of components such as integrally bladed rotors, gears, and bearing raceways to significantly increase service life and reliability. These components are used in all of the Army's helicopters and ground vehicles with turbine engines, including the Comanche, Black Hawk, and Apache helicopters and the M2 Abrams tank.

Stated simply, laser peening will improve the performance, extend the service life and reduce the cost of these critical systems. Without continued support for laser peening technology, this program will halt and these savings and improvements will never be realized.

In recognition of the tremendous potential for laser peening for the Army, I would ask the chairman's assistance in allowing the funds available for Research, Development, Test and Evaluation for the Army to be used for laser peening for Army aircraft and ground equipment.

Mr. STEVENS. I thank the Senator for his interest in this issue. I recognize the importance of laser peening technology, and I promise the Senator that I will be certain to give his request careful consideration as we proceed with action on the Department of Defense Appropriations bill for fiscal year 2004.

Ms. LANDRIEU. Mr. President I rise today to discuss the defense appropriations bill before us this week and the excellent work the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member of the Defense Subcommittee, Senator INOUYE, have done to bring a very good bill before the Senate under a tight budget. Additionally, we are engaged in operations in Afghanistan and Iraq, which make it critical that we approve a bill that gives the men and women in the field the tools they need. Senator STEVENS and Senator INOUYE have crafted a bill to benefit our armed forces in a time of war. Additionally, the bill is forward looking and meets our transformational goals to modernize the U.S. military.

On Saturday, LPD-17, USS *San Antonio*, will be christened at Avondale Shipyard in Louisiana. The *San Antonio* will move from dry-dock into the Mississippi River, where she will undergo final preparations before she can be delivered to the United States Navy and the Marines. It will be a day to celebrate. There can be no doubt about America's need for the LPD class of ships. The LPD is designed to bring the fight to our enemy.

But the LPD program has suffered bumps and bruises along the way. She has experienced delays and cost-overruns. Some tough love was needed to bring efficiency to the program. Today, however, the LPD program is back on track. It is on time and on budget. It is a fitting coincidence that we will christen the *San Antonio* at a time when the LPD program is healthy.

The LPD program could not have been brought back to even keel without the guidance and support of Senators STEVENS and INOUYE. They have been long-time advocates of the LPD program. I cannot thank them enough for keeping faith in a program that is absolutely vital to our Marines.

In this bill, Senators STEVENS and INOUYE helped the LPD overcome yet another hurdle. When the President's budget for shipbuilding came out in February, the President recommended the construction of LPD-23 to begin in fiscal year 2006, not fiscal year 2005 as originally planned. The Department of Defense sought to push back the production rate of the LPD program, which, if enacted, will only cause the LPD program to experience price increases, once again. Moreover, if the recommendation holds, over 2,000 layoffs of highly skilled workers could occur at Avondale and Ingalls in Mississippi. Fortunately, the chair and ranking member support keeping LPD-23 on schedule for fiscal year 2005. I am appreciative, and I know the Marine Corps and people of Louisiana are appreciative.

During the debate on the budget resolution, I offered a resolution to increase spending for the National Guard and Reserve forces by $1.1 billion to meet unfunded equipment requirements. Our Guard and Reserve forces make up over 40 percent of our armed forces personnel, yet for years they barely received 8 percent of the funds in the defense budgets. Our Armed Forces could not have performed as brilliantly as they did in Operation Enduring Freedom and Operation Iraqi Freedom without our reliance on our National Guard and Reserve. Over 320,000 guardsmen and reservists have been activated since September 11, 2001. Many have been called up two and three times, which places tremendous stresses on the lives of our troops and their loved ones. Our citizen soldiers are being asked to perform the same tasks as our active forces, and they are doing so with expertise. But, they often have hand-me-down equipment. There are people near and dear to me stationed right now in Iraq in the Reserves. When their lives are on the line, I do not want them wondering if their Vietnam era equipment will work.

Again, I am pleased Senators STEVENS and INOUYE have made a strong commitment to bolstering our National Guard and Reserve. They funded the National Guard and Reserve equipment account at $750 million. This will allow our Guard and Reserve forces to purchase key equipment for modernization, such as laser targeting pods. The Senate also commits key funds to the modernization and long-term sustainment of the National Guard: $175 million for upgrades to National Guard Bradley fighting vehicles; $50 million and pledge for full funding for a Stryker Brigade for the National Guard, $70 million for Black Hawk helicopters, and $17 million to stand up 12 additional weapons of mass destruction civil support teams. This money will be well invested, and I know the men in women in our National Guard and Reserve will put this equipment to good use.

I also wish to thank Senator STEVENS and Senator INOUYE for their continued support of the National D-Day Museum in New Orleans, LA. Last year, we were saddened by the death of one of America's greatest historians, Dr. Stephen Ambrose. His works have chronicled, for perpetuity, the lives of Lewis and Clark, Dwight Eisenhower, and the millions of brave Americans who took up a call to arms in World War II in order to protect the United States and liberate the world.

In 1991, Dr. Ambrose embarked on a mission to create a museum to honor America's war heroes. He wanted to place the Museum in New Orleans because Andrew Jackson Higgins was a New Orleanian. Most people in the U.S. do not know who Andrew Jackson Higgins is, but we owe a great debt to Mr. Higgins. He created the landing crafts, or Higgins boats, used to carry U.S. G.I.s to the shores of northern France for the D-day invasion of 1944. In Dr. Ambrose's interviews with President Eisenhower, President Eisenhower stated that Andrew Jackson Higgins' boats were the reason America won World War II.

In June of 2000, on the 56th anniversary of D-day, the National D-Day Museum opened its doors and fulfilled the realization of Dr. Ambrose's dream. The museum has been a run-away success. When you walk through its exhibits, you cannot keep from being immersed in the history. To see a veteran explaining to his grand-children what life was like in World War II is truly remarkable.

Just last week, on July 7, the 1 millionth visitor walked through the doors of the D-Day Museum. It is an extraordinary accomplishment for a museum to welcome 1 million visitors in 37 months. Visitors to the Museum are saying they traveled to New Orleans just to tour the National D-Day Museum. Usually, people say they visit New Orleans for the food or the music. It is a true testament to the D-Day Museum that people are now thinking of the D-Day Museum before they think of creole food and jazz as reasons to vacation in New Orleans. Again, we might not be celebrating the millionth visitor if it were not for the commitments of Senator STEVENS and Senator INOUYE to help Dr. Ambrose make his dream a reality. The people of Louisiana and all one million visitors are grateful.

In closing, I look forward to approving the Defense appropriations bill and hope we can move to conference quickly so that we can best provide for our troops. I would be remiss if I did not commend the Defense Appropriations Subcommittee staff members their diligence, too. Senators STEVENS and INOUYE navigated difficult waters and came up with a good bill, and for that I am appreciative.

Mr. HARKIN. Mr. President, I am very pleased we were able to maintain continued strong funding for the Army Peer-Reviewed Breast Cancer Research Program, BCRP, and for a number of other medical research programs in this bill. The BCRP has made a real difference in supporting innovative, effective research to help the many women and men who get breast cancer in this country. Because of its success, other medical research programs have been added, and there is always interest in adding more. The chairman has expressed concern about the potential effect of these new requests on the Defense budget, and the committee report includes language requesting the Department to look at possible additional sources of funding. I look forward to working with the Department, the Institute of Medicine, and others to ensure that this review strengthens the medical research programs and does not undermine or bias them, and I look forward to working with the chairman to ensure continued strong funding for these important programs.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mrs. MURRAY. Mr. President, on Friday, July 11, 2003, I was unavoidably absent from the Senate and missed three rollcall votes. Had I been present, I would have voted "yes" on rollcall vote Nos. 272, 273 and 274. I particularly want the record to indicate my support for the Legislative Branch and Military Construction appropriations measures.

PROTECTING THE NATION'S PASSENGER AVIATION SYSTEM

Mr. KENNEDY. Mr. President, last week I joined Massport CEO Craig Coy, Logan Airport's Federal Security Director George Naccara, and Congressman Stephen F. Lynch to mark a significant milestone in our efforts to better protect the Nation's passenger aviation system. The occasion was the announcement that the Transportation Security Administration and Massport had reached an agreement concerning Federal reimbursements for Massport's installation of a comprehensive explosive detection baggage screening system.

That the announcement was made at Logan Airport was fitting because since 9/11 Massport has been a leader among airport operators in strengthening aviation security. In fact, Logan was the only major airport in the country to have met the deadline mandated by Congress in the Aviation and Transportation Security Act by having its permanent baggage screening system up and running by December 31, 2002.

In order to accomplish this feat, Massport had to invest nearly $146 million of its own money before it was clear that the Federal Government would reimburse any of these costs. Additionally, meeting this deadline required the around-the-clock efforts of over 700 laborers who completed 2 years of construction in less than 6 months. Finally, this effort required Massport to work in close collaboration with the Transportation Security Administration, an agency headed by dedicated and talented professionals, but also one that, having just been created, was still working to define its mission and scope in the 9/11 environment.

While there are still many security enhancements to be completed at Logan—as there are at every major airport in the country—solid and consistent progress is being made under Massport's new CEO, Craig Coy, and his management team. Just as they have done with regard to the new baggage screening system, Massport's leadership, security officials, and professional staff continue to work to define complex security challenges and to meet those challenges. And I believe they are setting a very strong example for those public agencies across the country charged with the complicated and costly responsibilities of protecting key pieces of our Nation's transportation, energy transmission, and public health infrastructure.

The manner in which Massport is approaching these new challenges is outlined succinctly in an April 1 Boston Business Journal editorial by John A. Quelch, a Harvard Business School professor and the current chairman of the board of the Massachusetts Port Authority. The performance model Quelch describes is, I think, instructive for other public agencies—and some corporate boards—that are struggling to adopt a governance structure that encourages performance and works to eliminate obstacles to achievement.

I ask unanimous consent to print the text of Chairman Quelch's article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Business Journal, Apr. 1, 2003]

BETTER GOVERNANCE IN PUBLIC AGENCIES?

(By John A. Quelch)

Corporate executives say they're concerned that new and improved governance requirements will prove onerous and irrelevant, dissuade talented people from serving as non-executive directors, and eat up valuable board time that could be spent better on discussing the health of the business.

To ease their minds, these executives need look no further than well-run public agencies, where tough governance practices enhance professionalism and can be a source of competitive advantage.

Take, for instance, the Massachusetts Port Authority. With $350 million in annual revenues, Massport runs Logan Airport and the Port of Boston. Massport is governed by a politically balanced board of six members plus a chairman, appointed for staggered seven-year terms of the Massachusetts Governor. Following the tragedy of 9/11, an independent commission called for reduced political patronage in Massport appointments. A professional CEO with corporate experience was appointed following a nationwide search. A new, politically independent, chairman was also appointed.

Massport has since become a model of public agency governance. Consider these practices from which many corporations could learn a thing or two:

Frequent Oversight. The Board meets ten times a year, typically for four hours. Meeting agendas follow a systematic pattern, varying with the annual planning and budgeting cycle. Five committees, each chaired by a board member and with its own charter, meet at least twice a year and report back to the Board. These committees cover audit, human resources and compensation, security, community affairs, and facilities and real estate.

Zero Compensation. Board members are not compensated. Yet, despite the workload, attendance is consistent and commitment is high. Members are attracted by a shared interest in transportation and economic development challenges, and by the opportunity to apply their professional expertise in the public interest.

Voting Transparency. The state public meeting law requires all Massport board and board committee meetings open to the public. Discussions of security issues, litigation and real estate and collective bargaining negotiations can be held in executive session if agreed to by a public roll call vote of board members. Any member can request a roll call vote if (s)he wishes to put each board member on the record.

Patronage Control. A sunshine policy adopted by Massport requires that requests for patronage appointments be reported to legal counsel. All job openings have to be posted internally and externally and requests for charitable contributions are all channeled through an employee committee which disburses an annual budget and reports to the board.

Conflicts of Interest. Each board member maintains a Register of Interests, recording his or her outside employment, directorships in public companies and any governmental appointments. State law requires disclosure and/or recusal where conflicts arise.

Audit Independence. Massport's auditors provide no other consulting services to the agency and the audit partner must be rotated every five years. An internal audit function reports directly to and is evaluated by the board.

Shared Leadership. The roles of the chairman and chief executive are, by board resolution, separated, as is common practice in European companies but not the USA. The CEO is selected and evaluated by the board. All decision-making authority of the CEO is delegated from the board. Senior management appointments, as well as substantial financial commitments, require board approvals.

Improved governance is essential to enhancing Massport's newfound political independence and managerial professionalism. These efforts are enhancing the pride and commitment of the pro bono bond members, and commanding the respect of bond rating agencies and other stakeholders.

Though public agencies are not required to do so, Massport is now in compliance with almost all relevant New York Stock Exchange corporate governance recommendations. In addition, Massport's CEO and CFO are leading the way among public agencies by being the first in the nation to voluntarily sign off on the annual accounts according to the terms of the Sarbanes-Oxley Act.

If the corporate world is to regain public confidence, it might do the unthinkable and follow the lead of public agencies that good governance can enhance rather then hinder performance.

TRIBUTE TO BONJWING

Mr. BROWNBACK. Mr. President, I rise to recognize my staff member Bonjwing Lee on this 15th day of July, 2003.

It is with both regret and heartfelt joy that my staff and I see Bonjwing leave my office today. I as well as many of my staff member have had the blessing of knowing Bonjwing nearly the entire 7 years of my tenure thus far in the Senate. Hailing from Kansas City, MO, he first came to service in my office as a bright young college student at Northwestern University and in the subsequent years has become a friend and family member to the Brownback crew and me.

For the past year and a half, Bonjwing has worked with me as a legislative aide. Professionally, the "Jwinger," as he is affectionately called by his colleagues, has demonstrated diligence, dedication, kindness, and humility in his work, and his outstanding service has been deeply appreciated. Beyond the office, I am honored to call Bonjwing a personal friend. Through talks we have shared and interactions, I have come to know Bonjwing as a remarkable young man with unique perspectives. I have learned a great deal from his cultural heritage, his religious faith, active endeavors, talents, and amazing experiences, and for this I thank him.

Although I lose a valued staff member today and will miss his presence and company, I heartily congratulate Bonjwing Lee on his many successes and prayerfully wish him well as he heads off to take on the rigors of legal study at the University of Michigan School of Law this fall and to an exciting future beyond. As he has taught me that the Chinese never say goodbye, instead parting company with a promise, "we shall meet again," I remain optimistic that our paths will cross again and look forward to my next meeting with Bonjwing.

I wish to leave Bonjwing with a verse from the Book of Philippians, IV: 9

> Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.

HOSPICE AND HOME CARE IMPROVES QUALITY OF LIFE

• Mrs. BOXER. Mr. President, I rise today to tell you of two of my constituents from Merced, CA. I recently met with both of them and learned how the availability of home hospice and home health care in their homes improved their lives.

I had the opportunity to visit Carmel Flinders, a 93-year-old retired teacher with an engaging personality and a voracious appetite for reading books who lives at her home in Merced. On Christmas Eve, she was preparing for a large family gathering and unfortunately broke her hip and had to be rushed to Sacramento for surgery. Thanks to home health care paid for by Medicare, Carmel was able to return home and resume her life, supported by home health care workers and family members. She had the help of Rigo Mayoral, a caring physical therapist, who works for California Home Care and Hospice. She also benefitted from the assistance of Kim Holmes, a gifted nurse recently named Home Health Nurse of the year. It was inspiring to meet Carmel Flinders and the health care workers who have contributed to her strong recovery.

Americo Martignoni, and his wife, Eleanor, lived in the lovely home that they built more than 40 years ago. Americo was a retired farmer and veteran who was able to live at home with hospice care for the last 11 months. He was visited every week by Kerry Cheek, a licensed vocational nurse, and also assisted by Kaye Moyer, a certified home health aide. A lung cancer patient, with an indomitable spirit, Americo loved Eleanor's polenta and her legendary biscotti. These special people have a wonderful and supportive family of which they are so proud. Home hospice care, paid through Medicare, improved their lives while saving dollars. Mr. Martignoni died on July 7th at his home. He was a remarkable man and I extend my deepest condolences to his wife Eleanor and his family.

Medicare will soon celebrate its 38th birthday. It is gratifying to see this program at work, making a difference in the lives of my constituents. I saw the importance of this program through the eyes of two remarkable Americans, Carmel Flinders and Americo Martignoni.•

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

FREE TRADE AND WORKER PROTECTIONS

• Mr. KERRY. Mr. President, the Senate will soon consider implementing legislation for the Chile and Singapore Free Trade Agreements. These FTAs are comprehensive in nature and will serve well the interests of the United States and these two very important trading partners.

However, I am increasingly concerned with the notion that the Chile and Singapore FTAs should serve as models or templates for future trade negotiations. I feel strongly that future negotiations must reflect the particular concerns and uniqueness of each trading partner. This seems obvious, but those who follow trade negotiations have warned that the Bush administration may claim that the standards of the Chile and Singapore agreements are universally applicable. I hope those warnings are wrong because provisions that are acceptable given the circumstances in Chile and Singapore may not be acceptable in agreements with countries in very different situations.

International trade enhances economic opportunity and can serve to improve workers' rights. As such, future trade agreements must build upon the progress made to date by including comprehensive worker protections and strong enforcement provisions.

Over the past decade, the treatment of labor and environmental issues in trade agreements has evolved both in emphasis and enforcement. NAFTA represents an early stage in this evolution, addressing labor and environmental issues in the context of the agreement, albeit in side accords. The United States-Jordan Free Trade Agreement was the first FTA to include labor provisions in the actual text of the agreement and to subject those provisions to the same dispute settlement procedure as all other elements of the agreement.

Although the Chile and Singapore agreements should be the next step forward in this evolution towards strong and effectively enforced labor and environmental standards, they are in fact a step back. Unlike the United States-Jordan FTA, the only labor provision subject to dispute settlement is the requirement that each trading partner enforce its existing labor laws. Furthermore, there is no enforcement mechanism to ensure that Chile and Singapore will strive to uphold basic international labor rights.

As we pursue future trade agreements, we must encourage policies that avoid a downward spiral in working or environmental conditions. Trade agreements must be a catalyst to improve these standards. To achieve this end, American trade policy must be flexible: we must maintain a broad adherence to basic principles and at the same time address the unique characteristics of each trading partner.

Maintaining this flexibility is of utmost importance in our ongoing trade negotiations with six Central American countries. These countries provide an entirely different set of political and economic conditions than Chile, Singapore, and our other FTA partners. The administration must not ignore the fact that critical differences exist between the CAFTA countries and Chile and Singapore in labor and environmental areas. A fully enforceable obligation to adopt and enforce basic labor standards will improve the broader socioeconomic dynamics in Central America. I have recently written to Ambassador Zoellick on this topic, along with Senators BAUCUS, BINGAMAN, and JEFFORDS. We expressed concern that the labor rights situation in a number of the Central American countries presents concerns of a significant degree different from those underlying the negotiations of the United States-Singapore and United States-Chile FTAs and urged that the CAFTA negotiations ought not be tied to previously negotiated agreements.

I will monitor progress of future trade negotiations closely and fully expect to see substantial progress in several areas. In particular, the inclusion of basic worker protections, as well as strong monitoring and enforcement provisions, are necessary to meet the challenges of an inclusive and progressive trade policy. •

COMMENDING CHARLES E. "CHUCK" FRANK

• Mr. DURBIN. Mr. President, I wish to offer praise of Charles E. "Chuck" Frank of Chicago, IL, for his ongoing efforts to improve our environment. Mr. Frank's stance on environmental issues deserves particular commendation because in addition to being an active supporter of the environment, he is in the business of selling cars and trucks at one of the Chicago area's largest car dealerships, which was founded by his legendary father, "Z" Frank.

Mr. Frank's love for the outdoors started in the early years of his life when he spent hours camping, fishing, and pursuing other activities immersed in nature. His love and respect for the environment did not stop with childhood. Mr. Frank has made a personal and professional commitment to protect the environment that he so loved to ensure that future generations will be able to experience the same natural wonders that he was able to. This commitment led Mr. Frank to join the Sierra Club in 1975, and now he is a lifetime member and Vice President of the Sierra Club Foundation.

Mr. Frank has demonstrated his commitment to the environment he loves by working with the Sierra Club to secure a significant increase in the Corporate Average Fuel Economy standards. Offering a unique perspective from inside the automobile industry, he believes the current CAFE standards of 27.5 miles per gallon for cars and 20.7 miles per gallon for trucks are standards the fail to meet consumers' demands both for more cost-effective vehicles and solutions to the worsening problems of air pollution and global warming. He believes the technology in his industry can surpass the current standards, and believes that an increase to 40 miles per gallon for cars and 27.5 miles per gallon for trucks is entirely possible. Mr. Frank strongly advocates increasing the CAFE standards to these proposed levels to ensure stronger customer satisfaction and improved environmental conditions.

Mr. Frank has termed his business, "The Country's #1 Conscientious Chevy Dealer," In Mr. Frank's case, this slogan goes beyond simple rhetoric and is absolutely true of his approach to his business. Mr. Frank believes so strongly in the need for an increase in the CAFE that he has pledged part of his business profits to the Sierra Club Clean Air Campaign. He is currently running advertisements in the Chicago area that detail the need for a raise in the CAFE standards and offer consumers an opportunity to have Mr. Frank's car dealership donate $200 to the Sierra Club for each car or truck sold. I commend Mr. Frank for demonstrating that issues that affect our Nation's public health and environment are just as important as the bottom line.

The tireless work that Chuck Frank has done as a champion of the environment and as a manager in the automobile industry should be an inspiration for us all to enact legislation to raise the CAFE standards. Mr. Frank's unique position demonstrates that business and environmental issues can go hand-in-hand. I thank Chuck Frank for his unwavering support for consumers of this country and the environment, and I am confident that his work will help move us toward the increase in CAFE standards that is so needed in this country.•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

LAW ENFORCEMENT OFFICERS SAFETY ACT

• Mr. KERRY. Mr. President, I rise today to express my support for S. 253, the Law Enforcement Officers Safety Act. This groundbreaking legislation will enable law enforcement officers to protect themselves and our communities, wherever they are, whenever they are needed. This legislation authorizes off-duty and qualified retired officers to carry a firearm anywhere in the Nation to help ensure the safety and well-being of law abiding citizens. While I strongly support this goal, I hope that amendments on the Senator floor will add additional common sense restrictions to the bill.

Today, the authority of off-duty police officer to carry concealed weapons varies widely from State to State. This complex patchwork of Federal, State and local laws places an undue and unnecessary limitation on professionals sworn to defend the public interest. The Law Enforcement Officers Safety Act would allow active law enforcement officers to carry their weapons while traveling outside their own jurisdiction, anywhere in the country. However, the bill also preserves State laws that restrict the carrying of concealed weapons on private or government property.

Although we need to supplement the nationwide effort to increase security, it is critical that enactment of such legislation be limited to current licensed professionals. This new authority to carry concealed firearms should complement existing duty of police officers to protect their communities however, it must also provide clear channels of accountability.

I hope that the Senate will consider including the following common sense restrictions to improve this legislation for our officers and our citizens. First, we should limit this new authority to currently employed law enforcement officers. This will allow for reliable oversight by State and local authorities. We should also restrict the off-duty officer's firearm selection to handguns. This will reduce the potential for abuse and the unnecessary violence that high-powered weapons may induce. We should also prevent off-duty officers from carrying weapons in places where alcohol is served. Clearly, guns and alcohol are a deadly combination, even in the hands of trained professionals.

Finally, even as we take comfort in the greater protection this legislation will provide, we must not lose sight of the fact that there is no substitute for a uniformed, on-duty police officer. The reluctance of the administration to provide adequate State fiscal relief has forced many police departments to downsize their police forces at a time when they have never been in greater demand. In addition, the inadequate funding of First Responders within the Homeland Security Department puts even greater strain on police departments and threatens our national security. Furthermore, the decision by Congress and this administration to deny level funding for the successful Community Oriented Policing program is a betrayal of the very communities that the Law Enforcement Officers Safety Act is designed to protect. Though there is much to be gained by supplementing community security with armed and trained citizens, there is also much to be lost by law enforcement entities are not fully funded.

I intend to support the Law Enforcement Officer's Safety Act. It is my hope that this is only the first step to giving those responsible for our protection the tools and resources that are necessary to uphold their oath.

TRIBUTE TO ANNE MARIE PEDERSON

• Mr. BUNNING. Mr. President, I pay tribute to one of Kentucky's most benevolent humanitarians. Ann Marie Pederson, a graduate student at the University of Louisville, volunteers in the English-as-a-second-language, ESL, program through Kentucky Refugee Ministries. Through this program, Anne Marie works with refugees from over 25 different nationalities and ethnic groups throughout Kentucky.

Kentucky Refugee Ministries is a refugee resettlement office for the Episcopal Migration Ministries and Church World Service. The organization assists refugees legally admitted to the United States as victims of persecution for religious or political belief. Anne Marie became involved with Kentucky Refugee Ministries after volunteering with a similar program in Jordan in 2000. Anne Marie, a rhetorician and composition graduate student at the University of Louisville, also obtained a master's degree in creative writing from George Mason University. Remarkably, English is her only language.

In one of her assignments, Anne Marie assisted a Bosnian family in accomplishing basic daily activities like shopping, driving, and setting up bank accounts. She also taught English conversation skills to two sisters from a Congolese refugee camp. Anne Marie is a mentor to refugee children from Kosovo, Mexico, and Jordan, serving as both a friend and a teacher.

Her generosity and kindness has improved the lives of refugees in countless ways. Her patience, instruction, and friendship is an example for us all. Anne Marie Pederson is an exemplar of charity and a tribute to Kentucky. I thank the Senator for allowing me to recognize Anne Marie Pederson and voice her praises. She is Kentucky at its best.•

IN REMEMBRANCE OF R. HUGH BRADY

• Mr. CRAIG. Mr. President, it is never easy to say good-bye to a long-time friend, and it is even tougher when a community has to mourn the loss of a true humanitarian. Last Thursday, one of the most charitable men I have ever had the pleasure of knowing passed away at the age of 74 after a courageous battle with cancer.

His name was Hugh Brady and for many children in Idaho, he was the man who made sure they had the necessary sporting equipment to participate in the games they loved. In 1954, Hugh was hired as a salesman for Idaho Sporting Goods in Boise and traveled all over a three-State area providing uniforms and equipment to schools that needed it, especially those in the more rural areas. He became sole owner of Idaho Sporting Goods in 1969 and over the years sponsored thousands of children and teams in all types of sports.

On August 6, Hugh will be inducted into Idaho High School Activities Association Hall of Fame for his kind-hearted efforts off the field and his immense support for any child who had a desire to play no matter their ability. He wanted so badly to attend the ceremony, but it was not meant to be. Instead it will be a time to celebrate his wonderful life and reflect upon how one man was able to touch so many lives for the better.

Hugh lived by a simple rule he picked up from a used car salesman many years ago, and it served him well: Be honest to your wife, your banker and your customers. He expected honesty from his employees and to this day Idaho Sporting Goods is one of the most trusted businesses in Idaho.

I would like to pass along my heartfelt condolences to Hugh's family. Cherle, his wife of 52 years, and their 11 children are regulars around the Boise sports scene. Whether in the stands or on the field, the Brady's prove great ambassadors for athletics. His 33 grandchildren and 11 great-grandchildren carry on their tradition today. We will miss you, Hugh, but we will never forget all you gave so that others could play.

PEACHES FROM SOUTH CAROLINA FARMERS

• Mr. HOLLINGS. Mr. President, today, 10,000 fresh, juicy peaches from my home State have been delivered to offices throughout the Senate, House, and U.S. Capitol. I want to thank the South Carolina Farm Bureau Federation and the South Carolina Peach Council for giving my colleagues and their staffs this taste of South Carolina.

For a tiny State, South Carolina is second only to California in peach production. This year we expect to harvest

130 million pounds, and because of all the rain the peaches are plumper and juicier than they have ever been. So with all due respect to my colleagues from Georgia, South Carolina is known as the "Tastier Peach State" for good reason.

I hope as all of us enjoy these peaches, we think about the farmers who get up early every morning and labor all summer in the heat and humidity to bring us this. We are so fortunate to have in this country safe, plentiful, and affordable fresh fruit and vegetables and none of us should ever take that for granted.

Finally, I remind the rest of America to ask for South Carolina peaches at their groceries.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-SINGAPORE FREE TRADE AGREEMENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States

I am pleased to transmit legislation and supporting documents to implement the United States-Singapore Free Trade Agreement (FTA). The Agreement will further open Singapore's markets and increase competition and consumer choice. This is America's first FTA with an Asian-Pacific nation, and we hope it will serve as a benchmark for future free trade agreements with other nations in the region. The Agreement will enhance prosperity in the United States and Singapore, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the "Trade Act"). The Congress can help us take another important step by approving this Agreement and the implementing legislation. Without this Agreement, U.S. workers and businesses could be placed at a competitive disadvantage, because Singapore has signed or is currently working on free trade agreements with Japan, Canada, Australia, Mexico, and India.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. The Agreement locks in tariff-free access for all U.S. goods, including textile and agriculture products, and addresses other barriers to trade. It opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Through this FTA, Singapore will grant substantial additional market access to U.S. firms across a broad spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications. The Agreement also incorporates commitments on regulatory transparency that will be of special help to services business.

This Agreement provides state-of-the-art intellecutural property protection, including significant commitments on trade in digital products. It ensures that electronic commerce will stay free of duties and discriminatory rules. In addition, Singapore will accede to international treaties dealing with copyright and access issues for the Internet.

United States citizens and businesses that invest in Singapore will have significant increased protections. This Agreement enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Singapore will provide U.S. investors with important substantive protections that Singaporean investors already enjoy in the United States.

Singapore and the United States have also agreed to cooperate on the environment and labor issues and to establish mechanisms to support those efforts. The FTA obligates each country to enforce its own labor and environmental laws and makes clear that domestic labor or environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Singapore is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic, security, and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 15, 2003.*

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-CHILE FREE TRADE AGREEMENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Chile Free Trade Agreement (FTA). The Agreement will further open Chile's markets for U.S. manufactured goods, agricultural products, services, and investors. It will increase competition and consumer choice. The FTA will enhance prosperity in the United States and Chile, serve the interest of expanding U.S. commerce, and advance our overall national interest.

The U.S.-Chile FTA is the first United States free trade agreement with a South American country. We hope the FTA will add momentum to Chile's continued implementation of the free market economic policies that have made Chile a model for its Latin American neighbors. This Agreement will also encourage other countries in the Western Hemisphere to follow Chile's path, furthering our efforts to establish a Free Trade Area of the Americas.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the "Trade Act"). The Congress can help us take another important step by approving this Agreement and the implementing legislation. United States workers and businesses are currently at a competitive disadvantage in the Chilean market. Chile is an associate member in Mercosur and has FTAs with many other countries, including Canada, Mexico, and the 15 members of the European Union. Securing an FTA with Chile will ensure that U.S. workers and businesses will receive treatment in the Chilean market that is as good as or better than their competitors.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. More than 85 percent of trade in consumer and industrial goods between the United States and Chile will be free of duties immediately upon implementation, and most remaining tariffs on

U.S. exports to Chile will be eliminated within 4 years after that. More than three-quarters of U.S. farm goods will enter Chile duty free within 4 years and all duties on such goods will be phased out over 12 years. At the same time, the Agreement includes measures to ensure that U.S. firms and farmers have an opportunity to adjust to imports from Chile.

This Agreement opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Chile will grant substantial market access to U.S. firms across nearly the entire spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications.

This Agreement provides for state-of-the-art intellectual property protection and recognizes the importance of trade in the digital age by including significant commitments on trade in digital products. In addition, it ensures that electronic commerce will stay free of duties and discriminatory rules.

United States citizens and businesses that invest in Chile will have significant increased protections. This Agreement promotes rule of law and enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Chile will provide U.S. investors with important substantive protections that Chilean investors already enjoy in the United States.

The United States and Chile have also agreed to cooperate on environment and labor issues and to establish mechanisms to support those efforts. A number of important cooperative projects that will promote environmental protection are identified for future work. The FTA encourages the adoption of high labor and environmental standards, obligates each country to enforce its own labor and environmental laws, and makes clear that domestic labor and environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Chile is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 15, 2003.*

MESSAGES FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

H.R. 2673. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message further announced that the House had agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 215. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafetaria plans and flexible spending arrangements, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. TAUZIN, Mr. THOMAS, Mr. BILIRAKIS, Mrs. JOHNSON of Connecticut, Mr. DELAY, Mr. DINGELL, Mr. RANGEL, and Mr. BERRY.

ENROLLED BILL SIGNED

At 7:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

MEASURE REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 215. Concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–181. A joint resolution adopted by the Assembly of the State of Nevada relative to trade between the Republic of China on Taiwan and the United States; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 4

Whereas, it is our belief that it is the responsibility of the United States to promote the values of freedom, democracy, and a commitment to open markets and the free exchange of both goods and ideas both at home and abroad; and

Whereas, the Republic of China on Taiwan shares these values with the United States and has struggled throughout the past 50 years to create what is today an open and thriving democracy; and

Whereas, the United States must continue to support the growth of democracy and ongoing market opening in Taiwan if this relationship is to evolve and reflect the changing nature of the global system in the 21st Century; and

Whereas, despite the fact that Taiwan only recently became a member of the World Trade Organization and that it has no formal trade agreement with the United States, Taiwan has nevertheless emerged as the United States' eighth largest trading partner; and

Whereas, American businesses and workers have benefited greatly from this dynamic trade relationship, most recently in the computer and electronics sector; and

Whereas, Taiwan is a gateway to other Pacific Rim markets for United States exports, helping to preserve peace and stability within the entire region; and

Whereas, United States agricultural products have been particularly underrepresented in the list of United States exports to the region despite the importance of the market for growers of corn, wheat and soybeans; and

Whereas, a free trade agreement would not only help Taiwan's economy dramatically expand its already growing entrepreneurial class, but it would also serve an important political function; and

Whereas, the United States needs to support partner countries that are lowering trade barriers; and

Whereas, Taiwan has emerged over the past two decades as one of the United States' most important allies in Asia and throughout the world; and

Whereas, in the interest of supporting, preserving and protecting the democratic fabric of the government of the Republic of China on Taiwan, it is made clear that the United States supports the withdrawal of missiles deployed as a threat against Taiwan by the People's Republic of China; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom of dissent; and

Whereas, it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening, and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals; and

Whereas, the United States should also support the entry of Taiwan into the World Health Organization, the United Nations and other relevant international organizations: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge President George W. Bush and Congress to support a free trade agreement between the United States and Taiwan; and be it further

Resolved, That United States policy should include the pursuit of some initiative in the World Trade Organization that will give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the United States Secretary of State, the Secretary of Health, Education, and Welfare, the Speaker of the United States House of Representatives, the Vice President of the United States as presiding officer of the Senate, the Government of Taiwan, the World Trade Organization and the members of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–182. A resolution from the Senate of the Commonwealth of Pennsylvania relative to the Combat Medical Badge; to the Committee on Armed Services.

RESOLUTION

Whereas, the United States Army has denied the Combat Medical Badge to personnel of the 91 MOS who were assigned to duty aboard helicopter ambulances (DUSTOFF); and

Whereas, from 1962 through 1973, 496,573 missions were flown by DUSTOFF and more than 900,000 casualties were safely evacuated; and

Whereas, DUSTOFF missions are more hazardous than other rotary-wing operations as proven by the aircraft loss rate versus insertion and extraction missions; and

Whereas, the bravery and the medical skills of the aeromedic functioning in the heat of hard combat has often meant the difference between survival and death; and

Whereas, aeromedical personnel are able to triage and provide necessary emergency medical treatment en route to a definitive care facility, and many medics leave the helicopter to load multiple casualties, often under the intense enemy fire unarmed medevacs attract; and

Whereas, selective expansion of the Combat Medical Badge award occurred in the Persian Gulf War when the United States Army Chief of Staff authorized if for medics assigned to armor and ground cavalry units; and

Whereas, the conduct of the Persian Gulf War was characterized by armor and ground cavalry operations, while airmobile operations dominated the Vietnam War from logistics to combat to medevac; Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; and be it further

Resolved, That no inference of any diminution of the prestige of this award be assigned to the lawful and realistic expansion of eligibility; and be it further

Resolved, That initial presentations of the Combat Medical Badge be received by survivors of aeromedical personnel whose names appear on the Vietnam Veterans Memorial Wall; and be it further

Resolved, That copies of this resolution be transmitted to the President, presiding officers of each house of Congress and to each member of Congress from Pennsylvania

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POM–183. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to funding for the American Red Cross Armed Forces Emergency Services; to the Committee on armed Services.

SENATE RESOLUTION NO. 71

Whereas, for over a century, the American Red Cross has served as a link between the people of the United States and their Armed Forces; and

Whereas, under its Congressional Charter of 1905, the American Red Cross is entrusted to deliver emergency messages to members of the Armed Forces and their families; and

Whereas, Military commanders around the world rely on the Red Cross Armed Forces Emergency Services (AFES) to verify the need to approve leave for military personnel, and to provide financial support to enable them to return home when necessary; and

Whereas, in order to meet the Department of Defense requirements for emergency leave verification, Red Cross AFES is on call every hour of everyday and night for 13 million service members and their families; and

Whereas, the Red Cross AFES program maintains a global emergency communications network supported by 392 employees and 28,000 volunteers located in 961 chapters across the nation, on 108 military installations around the world, and at two AFES Centers located at Fort Sill, Oklahoma, and Falls Church, Virginia; and

Whereas, Michigan's 26 Red Cross chapters and its work on three installations provided emergency communications assistance to 6,238 military personnel and their families in fiscal Year 2002. Since last July, the American Red Cross in Michigan has seen a 43% increase in the number of military cases served over last year; and

Whereas, Operation Enduring Freedom, the war on terrorism, and the Iraq conflict have place increased demands on this vital program. The Red Cross and Congress can no longer rely on charitable contributions from the American public to support this required service, especially during the current economic downturn: Now, therefore, be it

Resolved by the Senate, That we memorialize Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004 to help fund costs associated with AFES emergency communications and staff mobilization and deployment. We also support the inclusion of AFES funding in the Department of Defense budget request starting in fiscal year 2005; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–184. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to military bases; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 176

Whereas, beginning in 1988, the Pentagon began to downsize its military base structure with a series of base closures; and

Whereas, Congress accelerated the process by mandating scheduled base realignment and closures (BRAC) over the last decade and a half; and

Whereas, U.S. military bases establish a substantial economic and societal epicenter within the communities in which the bases are located; and

Whereas, the economies of a community, city, and even state become severely dependent upon the commerce and vitality created by the military personnel and their activities in the area; and

Whereas, all across the country, BRACs create a sudden economic vacuum that adversely impacts on the lives of the residents remaining after a military base has closed and its personnel have moved away; and

Whereas, one of the most immediate effects of a military base closure is the loss of jobs as businesses attempt to cope with the sudden decrease in commercial activity; and

Whereas, over the long-term, communities must deal with the extraordinary costs relating to the upkeep and redevelopment of the unoccupied military facilities and surrounding areas; and

Whereas, Hawaii has first-hand experience with the complexities and issues resulting from a military base closure with the closure of Barbers Point Naval Air Station in 1999; and

Whereas, Hawaii continues to struggle with the burdensome economic impacts and redevelopment problems of that closure; and

Whereas, in addition to the short-term economic loss that the State experiences when a base closes, long-term losses from such an exodus includes the loss of access to "dual use technology"; and

Whereas, dual use technology is a term used for formerly high tech military equipment and applications that have been recently declassified for use by the general public for commercial purposes; and

Whereas, Hawaii companies benefit from their proximity to military bases and are able to convert dual use technology to economic gain due to this proximity; and

Whereas, during this time of heightened international tensions, the increased likelihood of attack by terrorists and rogue countries, and the fragile nature of Hawaii's economy further military base closures in the State of Hawaii would reduce the security of the State and the nation; and

Whereas, Hawaii is an island state that is heavily dependent upon air and sea industries; and

Whereas, tourism and federal expenditure are the top two sources of income to Hawaii, with tourism accounting for approximately $11 billion and federal expenditures accounting for $9.1 billion annually; and

Whereas, tourism has suffered greatly since September 11, 2001, and the current wars in the Middle East are causing further declines in visitor travel; and

Whereas, the impacts on the airline and visitor industries will be staggering and require years of recovery for the State's economy; and

Whereas, closure of military bases and the subsequent departure of the military when tourism is floundering would be catastrophic to Hawaii's economy; and

Whereas, the potential impact of base closures in Hawaii is so significant that a special commission should be established to address the issue to prevent base closures in Hawaii when possible: Now, therefore, be it

Resolved, By the Senate of the Twenty-Second Legislative of the State of Hawaii, Regular Session of 2003, the House of Representatives concurring, that the U.S. Congress is urged to discontinue closures of U.S. military bases in the State of Hawaii; and be it further

Resolved, That a Base Realignment and Closing Committee be established to work with federal, state, and military leaders to preserve local military bases and to position Hawaii to inherit work from other bases that are closed; and be it further

Resolved, That the Base Realignment and Closing Committee be comprised of at least the following members:

(1) Two members appointed by the Senate President:

(2) Two members appointed by the Speaker of the House of Representatives; and

(3) Two members appointed by the Governor; and be it further

Resolved, That additional members be appointed to the Base Realignment and Closing Committee as appropriate, from the public and private sectors and the military; and

Resolved, That the Base Realignment and Closing Committee report to the Legislative at least twenty days prior to the convening of the 2004 Regular Session regarding its work to preserve local bases; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the U.S. Senate, Speaker of the U.S. House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii.

POM–185. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to military bases; to the Committee on Armed Services.

SENATE RESOLUTION NO. 124

Whereas, beginning in 1988, the Pentagon began to downsize its military base structure with a series of base closures; and

Whereas, Congress accelerated the process by mandating scheduled base realignment and closures (BRAC) over the last decade and a half; and

Whereas, U.S. military bases establish a substantial economic and societal epicenter within the communities in which the bases are located; and

Whereas, the economies of a community, city, and even state become severely dependent upon the commerce and vitality created by the military personnel and their activities in the area; and

Whereas, all across the country, BRACs create a sudden economic vacuum that adversely impacts on the lives of the residents remaining after a military base has closed and its personnel have moved away; and

Whereas, one of the most immediate effects of a military base closure is the loss of jobs as businesses attempt to cope with the sudden decrease in commercial activity; and

Whereas, over the long-term, communities must deal with the extraordinary costs relating to the upkeep and redevelopment of the unoccupied military facilities and surrounding areas; and

Whereas, Hawaii has first-hand experience with the complexities and issues resulting from a military base closure with the closure of Barbers Point Naval Air Station in 1999; and

Whereas, Hawaii continues to struggle with the burdensome economic impacts and redevelopment problems of that closure; and

Whereas, in addition to the short-term economic loss that the State experiences when a base closes, long-term losses from such an exodus includes the loss of access to "dual use technology"; and

Whereas, dual use technology is a term used for formerly high tech military equipment and applications that have been recently declassified for use by the general public for commercial purposes; and

Whereas, Hawaii companies benefit from their proximity to military bases and are able to convert dual use technology to economic gain due to this proximity; and

Whereas, during this time of heightened international tensions, the increased likelihood of attack by terrorists and rogue countries, and the fragile nature of Hawaii's economy, further military base closures in the State of Hawaii would reduce the security of the State and the nation; and

Whereas, Hawaii is an island state that is heavily dependent upon air and sea industries; and

Whereas, tourism and federal expenditures are the top two sources of income to Hawaii, with tourism accounting for approximately $11 billion and federal expenditures accounting for $9.1 billion annually; and

Whereas, tourism has suffered greatly since September 11, 2001, and the current wars in the Middle East are causing further declines in visitor travel; and

Whereas, the impacts on the airline and visitor industries will be staggering and require years of recovery for the State's economy; and

Whereas, closure of military bases and the subsequent departure of the military when tourism is floundering would be catastrophic to Hawaii's economy; and

Whereas, the potential impact of base closure in Hawaii is so significant that a special commission should be established to address the issue to prevent base closures in Hawaii when possible: Now, therefore be it

Resolved, By the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, that the U.S. Congress is urged to discontinue closures of U.S. military bases in the State of Hawaii; and be it further

Resolved, That a Base Realignment and Closing Committee be established to work with federal, state, and military leaders to preserve local military bases and to position Hawaii to inherit work from other bases that are closed; and be it further

Resolved, That the Base Realignment and Closing Committee be comprised of at least the following members:

(1) Two members appointed by the Senate President;

(2) Two members appointed by the Speaker of the House of Representatives; and

(3) Two members appointed by the Governor; and be it further

Resolved, That additional members be appointed to the Base Realignment and Closing Committee as appropriate, from the public and private sectors and the military; and be it further

Resolved, That the Base Realignment and Closing Committee report to the Legislature at least twenty days prior to the convening of the 2004 Regular Session regarding its work to preserve local bases; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the U.S. Senate, Speaker of the U.S. House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii.

POM–186. A joint resolution adopted by the House of the Legislature of the State of Utah relative to a national missile defense system; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION 15

Whereas, the 1972 Anti Ballistic Missile (ABM) Treaty was signed with a nation that no longer exists;

Whereas, an increasing number of nations—including North Korea—either currently possess the capability to launch missile attacks against the United States or are working to obtain that capability;

Whereas, due in part to advances in technology, the possibility that a missile bearing a weapon of mass destruction will be used against United States forces or interests is higher today than it was during most of the Cold War;

Whereas, terrorist groups, not just states, may have the means to buy intercontinental ballistic missiles;

Whereas, the nation still has no defense against missile attack;

Whereas, the Cold War policy of "mutual assured destruction" assumed in arms control treaties is not sufficient to deter terrorist missile attacks; and

Whereas, defending against a missile attack is the government's moral obligation: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the state's congressional delegation to support and vote for all efforts to build and deploy a national missile defense system as rapidly as possible; be it further

Resolved, The a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–187. A resolution adopted by the House of the Assembly of the Commonwealth of Pennsylvania relative to the Combat Medical Badge; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 172

Whereas, the United States Army has denied the Combat Medical Badge to personnel of the 91 MOS who were assigned to duty aboard helicopter ambulances (DUSTOFF); and

Whereas, from 1962 through 1973, 496,573 missions were flown by DUSTOFF and more than 900,000 casualties were safely evacuated; and

Whereas, DUSTOFF missions are more hazardous than other rotary-wing operations as proven by the aircraft loss rate versus insertion and extraction missions; and

Whereas, the bravery and the medical skills of the aeromedic functioning in the heat of hard combat has often meant the difference between survival and death; and

Whereas, aeromedical personnel are able to triage and provide necessary emergency medical treatment en route to a definitive care facility, and many medics leave the helicopter to load multiple casualties, often under the intense enemy fire unarmed medevacs attract; and

Whereas, selective expansion of the Combat Medical Badge award occurred in the Persian Gulf War when the United States Army Chief of Staff authorized it for medics assigned to armor and ground cavalry units; and

Whereas, the conduct of the Persian Gulf War was characterized by armor and ground cavalry operations, while airmobile operations dominated the Vietnam War from logistics to combat to medevac; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; and be it further

Resolved, That no inference of any diminution of the prestige of this award be assigned to the lawful and realistic expansion of eligibility; and be it further

Resolved, That initial presentations of the Combat Medical Badge be received by survivors of aeromedical personnel whose names appear on the Vietnam Veterans Memorial Wall; and be it further

Resolved, That copies of this resolution be transmitted to the President, presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–188. A resolution from the House of Representatives of the Assembly of the Commonwealth of Pennsylvania relative to the Commonwealth's support for President Bush's actions against Saddam Hussein; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 115

Whereas, the United States Armed Forces, a total force comprised of active, National Guard and Reserve personnel, are now undertaking courageous and determined operations against the forces of Saddam Hussein's Regime; and

Whereas, the dictatorship of Iraq has continued to develop weapons of mass destruction in violation of United Nations Security Council Resolution 1441; and

Whereas, the dictator of Iraq, Saddam Hussein, has demonstrated a willingness to use weapons of mass destruction against neighboring nations and the citizens of Iraq; and

Whereas, Saddam Hussein threatens the Middle East and the global economy with the threat to use weapons of mass * * * Operation Iraqi Freedom, who are providing support and prayers for the loved ones currently engaged in military operations in Iraq; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the members of the President's cabinet, the Chairman of the Joint Chiefs of Staff and to the members of the Pennsylvania congressional delegation.

POM–189. A resolution adopted by the Livingston Parish Council of the State of Louisiana relative to support for President of the United States and the U.S. Armed Forces; to the Committee on Armed Services.

POM–190. A concurrent resolution adopted by the Senate of the Legislature of the State of New Hampshire relative to the Northeast multispecies fishing industry; to the Committee on Commerce, Science, and Transportation.

CONCURRENT RESOLUTION NO. 2

Whereas, the New England fishing industry, including New Hampshire fishermen, have worked tirelessly over the last decade to rebuild the fishing stocks off New England and have increased their community effort to work towards better conservation practices and sustainability; and

Whereas, the new federal fishing restrictions imposed by the National Marine Fisheries Service have severely curtailed fishing opportunities available to New Hampshire fishermen and may well put these small commercial fishermen in financial jeopardy in the present and in the future; and

Whereas, the methodology for estimating fish populations, which became the basis for these new federal fishing restrictions, might be based on faulty science due to the fact that the federal government's research vessel used uncalibrated scientific fishing equipment for more than 2 years, possibly painting a more dire picture of fish stocks than might exist; and

Whereas, a recent federal court ruling required the Secretary of Commerce to publish an interim rule to be in compliance with the overfishing, rebuilding, and by catch provisions of the Sustainable Fisheries Act; and

Whereas, the proposed interim rule proposed additional restrictions to include a freeze on days at sea at the highest annual level used from fishing years 1996 to 2000 and a 20 percent cut from that level; and

Whereas, the use of days at sea from the fishing years 1996 to 2000 as a vessel's new "baseline" fails to take into account a number of factors, including participation in formerly "exempted fisheries," creates inequitable results and thereby unfairly penalizes fisherman who were encouraged to enter these "exempt fisheries"; and

Whereas, the head of stock assessment for the National Marine Fisheries Service has stated faulty gear on a trawler used to collect data about groundfish stocks may have led to inaccurate findings and New Hampshire fishermen have suspected the federal fisheries stock assessments were seriously flawed; and

Whereas, New England fishermen, including New Hampshire fishermen, have readily complied with voluntary conservation measures only to be penalized by this "good faith" compliance; and

Whereas, the goals to allow the regeneration of groundfish stocks in the waters off the New England coast while protecting those individuals and their significant investments who bring that resource to the public are not mutually exclusive; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the United States Senate and House of Representatives seek legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the following conditions have been met, and not before May 1, 2006:

I. all regulations now and in the future must be adjusted based on fairness and equity, and social and economic needs of communities in accordance with the national standards;

II. all collection and analysis of scientific information must be sound and supply the best methods and technology available;

III. All National Oceanic and Atmospheric Administration trawl survey vessels should be independently reviewed for stock status reference points, definitions for all stocks should be implemented, the incorporation of state-of-the-art survey devices should be made on these research vessels, and a independent review made of trawl survey protocol; and

That the Secretary of Commerce be allowed to relax federal regulations on an emergency basis as appropriate to address issues of fairness and equity within the Interim Final Rule; and

That greater federal funding be made for cooperative research within the fishing industry and the scientific community; and

That copies of this resolution be forwarded by the senate clerk to the governor, the executive director of the fish and game department, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Commerce, the administrator of the National Oceanic and Atmospheric Administration, and the members of the New Hampshire congressional delegation.

POM–191. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to regulating spam, unsolicited commercial email; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 93

Whereas, an increasing problem to individuals and businesses using email is the growing volume of unsolicited bulk commercial email messages. What started as an annoyance has become a major problem for many, with estimates of several billion unsolicited bulk messages sent every week. The cost of this mail, both in lost worker time and adding computer equipment to process or block the spam, is an increasing burden for those receiving spam, while the costs of senders are negligible; and

Whereas, along with the problems created by the accelerating volume of spam, other components of this issue include the number of deceptive and offensive messages and the use of this technology to operate a variety of scams; and

Whereas, many states, including Michigan, have discussed ways to cope with the onslaught of unsolicited bulk commercial messages. Congress has also faced this issue. Numerous approaches have been mentioned. These range from requiring truthfulness in return addresses to efforts to increase vigilance against fraud to the creation of "do-not-spam" lists. While the appropriate form of federal response may take one of these or other strategies, it is increasingly clear that federal action is essential and holds far more promise of dealing with the problem effectively than state actions alone; Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to regulate spam, unsolicited bulk commercial email; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–192. A resolution adopted by the Senate of the General Court of the Commonwealth of Massachusetts relative to the development of a national geologic repository; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the Nuclear Waste Policy Act of 1982 established a program requiring the United States Department of Energy to begin accepting and disposing of spent nuclear fuel and waste from all commercial power plants no later than January 31, 1998; and

Whereas, the act required ratepayers, through their electric bills, to fund this program by paying a fee into the Federal Nuclear Waste Fund, a fund into which the ratepayers of the commonwealth have already paid nearly $500,000,000; and

Whereas, the United States Government has failed to meet its obligation to remove spent nuclear fuel from the commonwealth on a priority basis to a centralized federal site, especially the spent fuel stranded at the single-unit decommissioning reactor site in the town of Rowe; and

Whereas, spent nuclear fuel can be stored safely at reactor sites but there are compelling national interests that require completing the siting process necessary to consolidate commercial and defense spent fuel and waste into 1 secure federal repository location; and

Whereas, the President of the United States has recently recommended, after decades of study and the expenditure of billions of ratepayer dollars, that the Yucca Mountain site in the state of Nevada is scientifically sound and suitable for development as the nation's long term geological repository for nuclear waste; and

Whereas, the Department of Energy's alternative plan, if the Yucca Mountain site is not approved for development by the United States Congress, is to end all work at Yucca Mountain and store the spent nuclear fuel at reactor sites for the next 100 to 10,000 years; therefore be it

Resolved, That the Massachusetts General Court calls upon the United States Senate and House of Representatives to adopt a joint resolution in its current session approving Yucca Mountain for development as the nation's permanent geologic repository; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this commonwealth.

POM–193. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to migration to Hawaii from freely associated states; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 36

Whereas, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau (collectively, Freely Associated States), formerly part of the Trust Territory of the Pacific Islands under the United Nations Charter, entered into an agreement with the government of the United States known as the Compact of Free Association (Compact); and

Whereas, the Compact was entered into with these nations in part to terminate the trusteeship, recognize their independence, provide them with critical economic development aid, and allow their people to immigrate freely to the United States; and

Whereas, under the Compact, the United States provides direct economic assistance, federal services, and military protection to these nations, in exchange for defense rights; and

Whereas, the Compact, codified as Title II of Public Law 99–239, was established in 1986 between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia, and in 1994 with the Republic of Palau, codified as Title II of Public Law 99–658; and

Whereas, section 104(e)(1) of Title I, Public Law 99–239, regarding the interpretation of and United States policy regarding the Compact, states that in approving the Compact, "it is not the intent of the Congress to cause any adverse consequences for ... the State of Hawaii"; and

Whereas, section 104(e)(4) of Title I, Public Law 99–239, provides that "if any adverse consequences to ... the State of Hawaii result from implementation of the Compact of Free Association, the Congress will act sympathetically and expeditiously to redress those adverse consequences"; and

Whereas, section 104(e)(5) of Title I, Public Law 99–239, appropriated funds beginning after September 30, 1985, to cover the costs, if any, incurred by Hawaii "resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia"; and

Whereas, section 104(e)(2) of Title I, Public Law 99–239, requires the President of the United States to report annually to the Congress on the impact of the Compact on the State of Hawaii, identifying any adverse consequences resulting from the Compact and making recommendations for corrective action, focusing on such areas as trade, taxation, immigration, labor, and environmental regulations; and

Whereas, section 104(e)(3) of Title I, Public Law 99–239, further provides that in preparing these reports to Congress, the President shall request the views of the government of the State of Hawaii and transmit the full text of those views to Congress as part of those reports; and

Whereas, the interpretation of and United States policy regarding the Compact as set forth in section 104 of Title I, Public Law 99–239, with respect to the Federated States of Micronesia and the Republic of the Marshall Islands, also applies to the Republic of Palau, pursuant to section 102(a) of Title I, Public Law 99–658, thereby making the State of Hawaii eligible for additional funds resulting from increased demands placed on the educational and social services of the State of Hawaii by immigrants from the Freely Associated States; and

Whereas, payments from the United States to the Republic of Marshall Islands and the Federated States of Micronesia under the Compact of Free Association will end on October 1, 2003, and Compact re-negotiation talks have been continuing; and

Whereas, instead of mitigating the incentive for Freely Associated states citizens to migrate by improving the overall quality of life in the Freely Associated States through increased economic aid, the United States has proposed giving additional funds to regions affected by "Compact impacts," while creating "various mechanisms" to ensure that migrants from Freely Associated States are eligible for admission; and

Whereas, although the renegotiated Compacts with the Republic of the Marshall Islands and the Federated States of Micronesia will most likely continue to provide islanders with visa-free entry to the United States, the United States Congress should review the migration issue and increase the amount of aid available for the Compact's educational and social impact on Hawaii; and

Whereas, many residents of the Freely Associated States are attracted to the State of Hawaii due to the State's increased employment and educational opportunities, as well as similar Pacific Island culture and lifestyle; and

Whereas, drawn by the promise of better medical care and a better education for their children, over six thousand Freely Associated State citizens have migrated to and are currently residing in Hawaii; and

Whereas, Freely Associated States citizens that enter the United States may have contagious diseases, criminal records, or chronic health problems—conditions that are normally grounds for inadmissibility into the United States; and

Whereas, the 1996 federal Welfare Reform Act cut off access to federal welfare and medical assistance programs, forcing citizens of the Freely Associated States residing in Hawaii to rely on state aid; and

Whereas, the cost of supporting Freely Associated States citizens residing in Hawaii, largely in healthcare and education, totaled more than $101,000,000 between 1998 and 2002; and

Whereas, Freely Associated States students have higher costs than other students due to poor language and other skills, and because such students enter and leave school a few times each year, their integration into the school system has been difficult; and

Whereas, since the Compact went into effect in 1986 until 2001, Hawaii has spend over $64,000,000 to educate Freely Associated States citizens and their children in public schools, $10,000,000 in 2000 alone; and

Whereas, last year, the number of Freely Associated States students in primary and secondary public schools in Hawaii increased by twenty-eight per cent, resulting in costs to the State of over $13,000,000 for school year 2001–2002, and ringing the total cost for education, since 1988, to about $78,000,000; and

Whereas, during the academic school year 2001–2002, the University of Hawaii lost over $1,200,000 in tuition revenue systemwide, as a result of students from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau paying resident rather than non-resident tuition; and

Whereas, inadequate and delayed federal compensation to Hawaii's education system results in a cost to Hawaii's own children and contributes to Hawaii being substantially below many other states in per pupil expenditures for public school children in kindergarten through twelve; and

Whereas, state medical assistance payments for Freely Associated States citizens from 1998 to 2002 totaled $14,961,427, and financial assistance payments during the same period totaled $13,378,692, with costs borne solely by the State of Hawaii; and

Whereas, the financial stability and viability of private hospitals and medical providers is threatened by staggering debts and write-offs for medical services provided to Freely Associated States citizens residing in Hawaii, in spite of state Medicaid reimbursements; and

Whereas, between 1998 and 2002, $10.1 million in operating losses attributable to healthcare for Freely Associated States citizens residing in Hawaii were incurred at three Honolulu hospitals (the Queen's Medical Center, Straub Clinic and Hospital, and Kapiolani Medical Center for Women and Children), and these types of losses were also incurred at the twenty other hospitals in the State; and

Whereas, community health centers estimate an annual cost of $420,000 for services to Freely Associated States citizens residing in Hawaii; and

Whereas, the Department of Health has also been significantly impacted by the cost of public health services to Freely Associated States citizens residing in Hawaii, with $967,000 spent on screening vaccination and treatment of communicable diseases and $190,000 spent for immunization and outreach by public health nurses; and

Whereas, inadequate and delayed federal compensation threaten to overwhelm Hawaii's health care systems, leading to potential cutbacks in services and personnel that would impact all of Hawaii's citizens; and

Whereas, it is imperative that Hawaii be granted immediate and substantial federal assistance to meet these mounting costs; and

Whereas, the fact that Micronesians should qualify for federal benefits, while residing in Hawaii and the rest of the United States, can best be summed up by the resolution which was adopted September 9, 2001, in Washington, D.C., by Grassroots Organizing for Welfare Leadership, supporting the insertion of language in all federal welfare, food, and housing legislation, because Micronesians are eligible for these and other benefits as "qualified non-immigrants" residing in the United States; and

Whereas, the United States government is now owning up to its responsibility for what the United States did to the Micronesian people by refusing them food stamps and other federal benefits when they come to Hawaii and the rest of the United States seeking help; and

Whereas, the excuse by the United States government to deny any aid to the Micronesians in the United States is the word "non-immigrant" used in the Compact of Free Association to describe Micronesians who move to Hawaii and the United States; and

Whereas, Micronesians have also developed high rates of diabetes, high blood pressure, and obesity as a result of American dietary colonialism; and

Whereas, it is the intent of this Resolution to encourage the responsible entities to implement the provisions of the Compact of Freely Associated States, which authorizes compact impact funds to be made available to states that welcome and provide services to the people of the Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau, because most of the Freely Associated States citizens who migrate to Hawaii do so for medical problems related to the United States' military testing of nuclear bombs; now, therefore,

Resolved, By the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, that the Bush Administration and the United States Congress are requested to appropriate adequate financial impact assistance for health, education, and other social services for Hawaii's Freely Associated States citizens; and

Resolved, That the Bush Administration and the United States Congress are requested to insert language in all federal welfare, food, and housing legislation which says that Micronesians are eligible for federal food stamps, welfare, public housing, and other federal benefits as "qualified non-immigrants" residing in the United States; and

Resolved, That the Bush Administration and the United States Congress are requested to restore Freely Associated States citizens' eligibility for federal public benefits, such as Medicaid, Medicare, and food stamps; and

Resolved, That Hawaii's congressional delegation is requested to introduce legislation in the United States Congress calling for further review of the migration issue and for increased aid for the educational and social impact of the Compact of Free Association, and any newly renegotiated Compact, on the State of Hawaii; and

Resolved, That Hawaii's congressional delegates are requested to assure financial reimbursements, through the establishment of a trust, escrow, or set-aside account, to the State of Hawaii for educational, medical, and social services and to Hawaii's private medical providers who have provided services to Freely Associated States citizens; and

Resolved, That certified copies of this Resolution be transmitted to the President of the United States; U.S. Secretary of State; President of the U.S. Senate; Speaker of the U.S. House of Representatives; members of Hawaii's congressional delegation; the Presidents of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, and their respective Honolulu Offices; the national negotiating teams of the Compact of Free Association; the Governor; State Attorney General; Directors of Health and Human Services; President of the University of Hawaii; Superintendent of Education; Chair of the Board of Agriculture; Grassroots Organizing for Welfare Leadership; Micronesians United; the United Church of Christ; Hawaii Conference of Churches; and the United Methodist Church of Honolulu.

POM–194. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Interstate Traveler Project; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 89

Whereas, the Interstate Traveler Project is an elevated maglev (magnetic levitation) rail mass transit system that is based upon a conduit cluster concept powered by hydrogen and solar power. The project promises to provide travelers with a clean, quiet, safe, reliable mode of transportation. The intent of the project is to create the world's first switchable maglev rail network that will provide interurban/intercity pedestrian, automobile, and light freight transit services. The project will simultaneously produce, store, and distribute hydrogen, which will not only serve as an alternative energy source, but also give Michigan's automakers the incentive to produce hydrogen internal combustion engines, fuel cell cars, and the manufacturing opportunity to build maglev rail cars; and

Whereas, by fully integrating with the interstate highway system, existing transportation infrastructure, and mass transit systems, the Interstate Traveler Project seeks to reduce traffic congestion and air pollution while improving traffic safety and efficiency. The Interstate Traveler Project substations will utilize the existing interstate highway system's entrances and exits, providing a seamless link of private automobiles, pedestrian traffic, existing municipal bus routes, and taxi services. These substations will also support the hydrogen distribution system, as well as fiber optics, water, electricity, and other utilities. Although the Interstate Traveler Project is ideally suited for the interstate highway system, it may also be integrated with existing and abandoned railroad right-of-ways or along other appropriate lands; and

Whereas, the Interstate Traveler Project is consistent with the 2003 State of the Union address, which called on Congress to appropriate $1.2 billion for hydrogen fuel cell technology; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA-21) and/or other related federal programs; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–195. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to custom inspectors in Michigan; to the Committee on Finance.

HOUSE RESOLUTION NO. 281

Whereas, The events of September 11, 2001, have shattered the illusion that past practices are adequate when it comes to security issues. One of the most important elements of security for our state is the need for stronger and more thorough measures at Michigan's international points of entry. While some people have long called for increased resources at border crossings, there is little disputing the significance of this now; and

Whereas, Because of its unique and mutually beneficial relationship with Ontario, Michigan includes some of the busiest crossing points along the entire United States-Canada border. In addition to the number of people who cross the border each year, the amount of equipment and goods here far surpasses the traffic in other regions. The importance of free trade to both our countries is reflected in the volume of material that comes into Michigan each day; and

Whereas, Although there may eventually be other ways to heighten security at border crossings with new technologies and other strategies, the most effective, immediate, and practical approach to take is to increase significantly the number of customs agents working at entry points. No single step offers a greater return than putting more trained and dedicated customs agents at our international border crossings. In addition to the added measure of security from better inspections and examinations of people and goods entering the country, the increased staffing would also bring benefits by reducing delays as much as is practical; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–196. A joint resolution adopted by the Assembly of the State of Nevada relative to the U.S. Social Security Act; to the Committee on Finance.

JOINT RESOLUTION 3

Whereas, In 1977, Congress amended the Social Security Act to provide that pensions earned in federal, state or local government employment not covered by social security be treated as if they were social security benefits, specifically requiring that if a person receives such a government pension, the social security benefits payable to that person as a spouse or surviving spouse be reduced by the amount of the government pension, which provision is commonly known as the Government Pension Offset; and

Whereas, Congress further amended the Social Security Act in 1983, reducing the amount of the Government Pension Offset to an amount equal to two-thirds of the amount of the government pension, but simultaneously enacting what is commonly known as the Windfall Elimination Provision, which requires reductions in the primary social security benefit earned by a person in employment covered by social security if the person also receives a pension from a federal, state or local government not covered by social security; and

Whereas, Government employees in 15 states, including Nevada, earn pension benefits that are not covered by social security; and

Whereas, The reductions in benefits effected by these provisions can be significant, the Windfall Elimination Provisions reducing the earned benefits of a person subject to it by up to 60 percent and the Government Pension Offset eliminating spousal benefits in their entirety for 9 out of every 10 retired government workers to whom it applies; and

Whereas, The retirement security and economic well-being of over 300,000 government retirees is degraded by the Government Pension Offset, some of whose benefits are also subject to reduction pursuant to the Windfall Elimination Provision; and

Whereas, Each provision has had unintentional consequences, the Windfall Elimination Provision causing a relatively larger reduction in benefits paid to workers with low incomes, while the Government Pension Offset applies disproportionately to women, often dropping their income in retirement below the poverty line, with the ironic effect of making them eligible for more costly welfare benefits, such as food stamps; and

Whereas, Growing awareness of the inequities imposed by the Windfall Elimination Provision and the Government Pension Offset threatens efforts to attract and retain persons into public service in the affected states, particularly into teaching, a field which is notoriously underpaid, whose ranks are disproportionately filled with women and for which there is a critical shortage; and

Whereas, There is pending before the 108th Session of Congress the Social Security Fairness Act of 2003, H.R. 594 and S. 349, which would repeal both the Government Pension Offset and the Windfall Elimination Provision; and

Whereas, The repeal of these provisions would restore fairness and equity to the most vulnerable federal, state and local government retirees and eliminate disincentives for public service in the affected states; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge Congress to amend the Social Security Act by repealing the provisions, commonly known as the Government Pension Offset and the Windfall Elimination Provision, that require reductions in the amount of social security benefits paid to persons who also receive pensions earned in federal, state or local government employment not covered by social security; and be it further,

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–197. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to Medicare; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 133

To memorialize the Congress of the United States to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics as well as to ensure beneficiary access to innovative biotechnology drugs.

Whereas, the federal Medicare program for seniors and the disabled has a responsibility to pay enough for beneficial new technologies in order to ensure that beneficiaries have access to the best care; and

Whereas, the Medicare program should be a prudent purchaser of health care items and services, however, decision making should be made according to what is in the best interests of the individual patient, not reimbursement amounts; and

Whereas, the 2003 Medicare Hospital Outpatient Prospective Payment System regulation implemented on January 1, 2003, by the Centers for Medicare and Medicaid Services includes drastic reductions in reimbursements for innovative and biotech drugs covered by Medicare; and

Whereas, the imposed reductions in reimbursements imposed by Centers for Medicare and Medicaid Services may have resulted in limiting beneficiary access to innovative but expensive care; and

Whereas, fair, stable and rational reimbursements, devoid of perverse financial incentives to use cheaper treatments, will ensure patient access to new technologies; and

Whereas, our senior citizens and the disabled deserve access to the best medicine America has to offer. Therefore, be it *Resolved* that the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics and to ensure beneficiary access to innovative biotechnology medicines. Be it further, *Resolved* that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Delegation to the United States Congress.

POM–198. A joint resolution adopted by the Legislature of the State of Maine relative to the social security offsets of the government pension offset and the windfall elimination provision; to the Committee on Finance.

JOINT RESOLUTION

Whereas, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

Whereas, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

Whereas, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of lower- and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages are low to start; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

Whereas, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

Whereas, in some cases, additional support in the form of income, housing, heating, prescription drug and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

Whereas, other participants in Social Security do not have their benefits reduced in this manner; and

Whereas, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

Whereas, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; and

Whereas, bills are present in Congress in both the House of Representatives and the Senate, known as "The Social Security Fairness Acts," that would amend the Social Security Act, 42 United States Code, Chapter 7, Subchapter II and totally repeal both the Government Pension Offset and the Windfall Elimination Provision; now, therefore, be it

Resolved, That We, your Memorialists, request that the President of the United States and the United States Congress work together to support reform proposals that include the following protections for low- and moderate-income government retirees:

1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;
2. Protections permanently ensuring that level of benefits by indexing it to inflation; and
3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; and each Member of the Maine Congressional Delegation.

POM–199. A joint resolution adopted by the Assembly of the State of Nevada relative to compensation for losses of revenue for public education; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION NO. 5

Whereas, For many years, the State of Nevada, along with the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Oregon, Utah, Washington and Wyoming, have grappled with the challenge of providing the best education for their residents; and

Whereas, The State of Nevada and the other western states face unique challenges in achieving this goal; and

Whereas, From 1979 to 1998, the expenditures per pupil increased approximately 28 percent in the western states, 34 percent in the State of Nevada and 57 percent in the remaining states in the Nation; and

Whereas, In the 2000–2001 school year, the pupil-teacher ratio in public schools was approximately 18 to 1 in the western states, 19 to 1 in the State of Nevada and 15 to 1 in the remaining states in the Nation; and

Whereas, The difficulty experienced by Nevada and the other western states in providing quality education to their residents is exacerbated by projections that enrollment in public schools from 2002 to 2011 is expected to increase by approximately 7 percent in Nevada and the other western states and decrease by approximately 3 percent in the remaining states in the Nation; and

Whereas, The ability of the State of Nevada and other western states to fund public education is further hindered by and directly related to the fact that the Federal Government holds large percentages of the land located in those states; and

Whereas, While states fund public education largely with revenue earned from the assessment of state and local property taxes, states cannot assess such property taxes on land in the state held by the Federal Government; and

Whereas, The State of Nevada and the other western states face greater burdens than the remaining states in the Nation in raising revenue from state and local property taxes to fund public education as the Federal Government holds approximately 52 percent of the land located in the western states, 87 percent of the land located in the State of Nevada and only 4 percent of the land located in the remaining states; and

Whereas, According to the Action Plan for Public Lands and Education (APPLE) developed by the APPLE Steering Committee established by Speaker Marty Stephens of the Utah House of Representatives, the estimated annual loss of revenue from the inability of a state to assess property taxes for public education on land in the state held by the Federal Government is approximately $4 billion in the western states and approximately $116 million in the State of Nevada; and

Whereas, The ability of the State of Nevada and other western states to fund public education is also limited by the fact that the Federal Government shares with states only a portion of the royalty revenues that the Federal Government receives from the natural resources on land in the state held by the Federal Government; and

Whereas, The amount of such royalties received by states for public education is further reduced because land held by the Federal Government is less likely to be developed and federal laws often place stipulations on the use of royalty payments made to states; and

Whereas, According to the Action Plan for Public Lands and Education (APPLE), the estimated annual loss of revenue as a result of federal policies concerning royalty payments is approximately $1.8 billion in the western states and approximately $6 million in the State of Nevada; and

Whereas, The Federal Government should compensate the State of Nevada and other western states for the significant impact of lands in those states held by the Federal Government; and

Whereas, Just compensation provided by the Federal Government to the State of Nevada and the other western states will allow those states to be on equal footing with the rest of the Nation in their efforts to provide education for their residents; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the Nevada Legislature urge Congress to appropriate just compensation to the State of Nevada for the losses of revenue for public education from the impact of land held by the Federal Government within the boundaries of the State of Nevada; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–200. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the United States Food and Drug Administration's policies on pharmaceutical sales and pharmaceutical companies; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 105

Whereas, the rules and regulations that the Federal Drug Administration imposes on pharmaceutical companies affect the cost of pharmaceutical research and the cost of retesting drugs; and

Whereas, although they comprise only a small part of the total health care cost, drug prices are rising rapidly; and

Whereas, major pharmaceutical companies are merging thereby creating less drug choices for citizens to choose from; and

Whereas, there is an extremely high cost of bringing a drug to the market. Now, therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to study the impact that the United States Food and Drug Administration's policies, rules, and regulations may have on pharmaceutical companies and the development of new pharmaceuticals. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–201. A joint resolution adopted by the Legislature of the State of Maine relative to the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, on January 8, 2002, President Bush signed into law the No Child Left Behind Act of 2001, referred to in this resolution as "the Act," which applies to all states that accept federal Title I education dollars; and

Whereas, the State of Maine receives federal Title I dollars and is therefore subject to the Act's requirements;

Whereas, the Act mandates that every public school in Maine must make adequate yearly progress toward the goal of 100% student proficiency in math, reading and language arts and science by school year 2013–2014; and

Whereas, the Act requires that an entire school be identified as failing to make adequate yearly progress in any school year when the school as a whole or any one of the following subgroups within that school fails to make such progress: students with learning disabilities and students with limited English proficiency; and

Whereas, it may be extremely difficult for the subgroup of students with disabilities to make adequate yearly progress in each of the measured areas each year, since those students are identified as belonging in that subgroup because of significant educational challenges, well above and beyond the normal challenges encountered by nondisabled students, that adversely affect their capacities to achieve proficiency in the measured areas; and

Whereas, it will be extremely difficult for the subgroup of students with limited English proficiency to meet the adequate yearly progress standard in the area of reading and language arts since those students are required to be tested in English after only 3 years in the public school system, which will rarely be a sufficient time for such students to become proficient in English; and

Whereas, failure by either the disabilities subgroup or the limited English proficiency subgroup in any given year to meet any one of the State's proficiency expectations or that year will result in identification of the school as a whole as failing to make adequate yearly progress; and

Whereas, the Act imposes a series of escalating consequences and financial costs on local schools and school units that fail to make adequate yearly progress for 2 or more years in a row, including offering intradistrict school choice and transportation; supplemental services, including private tutoring for eligible students; and the possibility of wholesale dismissal of teachers, paraprofessionals and administrators who are considered "relevant" to the school's failure to make adequate yearly progress; and

Whereas, the Act requires the State of Maine and local school units to develop additional new testing in grades 3, 5, and 7, which will further limit the time that teachers and students are able to spend on achieving Maine's system of learning results; and

Whereas, the Act also requires that all Maine public school teachers who teach in core academic subjects meet federal "highly qualified" standards by the end of the 2005–2006 school year, with teachers new to the profession all having to pass a rigorous state test in the areas they will be teaching; and

Whereas, the Act also requires that all paraprofessionals and educational technicians working in programs funded by Title I must meet certification standards that are often higher than those that currently apply in Maine; and

Whereas, the Act imposes significant costs on local school units, teachers, and paraprofessionals for the funding of staff development, certification upgrades, course work, choice-related transportation and private tutoring, as well as the unavoidable costs and dislocation that would arise in the event of mandatory school restructuring and staff dismissals; and

Whereas, the State of Maine has had high standards of learning in its system of learning results since 1995, long before enactment of the Act, including a comprehensive statewide assessment of student achievement through the Maine Educational Assessment and including a new system of local assessment to go into effect by the end of the 2003–2004 school year; and

Whereas, the State of Maine for many years has been one of the highest-ranked states in the nation in school achievement, ranking first in the nation in 1999 in the performance of its kindergarten to grade 12 system, ranking first in the nation in 1999 as the best state in which to raise a child, ranking first in the nation in 2001 in the state high school completion rate and regularly ranking among the top states in the nation in student academic performance on national testing in 4th and 8th grades; and

Whereas, the State of Maine has obtained its strong educational achievements through the efforts of its students, teachers and schools and its own system of learning results prior to enactment of the No Child Left Behind Act of 2001; and

Whereas, enactment of the Act resulted in only a $4,600,000 increase in Title I funding for the State of Maine in 2002 over and above the 2001 level that applied before the new Act's mandates; and

Whereas, the congressional appropriation for Title I costs was $3.15 billion short of the congressional authorization in 2002 and $4.32 billion short in 2003 and a projected $6.15 billion short in 2004, for a total shortfall of $13.2 billion over the 3-year period; now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people of the State and on behalf of the State's outstanding system of public elementary and secondary school education, respectfully urge and request that the President of the United States and the Congress of the United States accommodate Maine's special circumstances by issuing a waiver of the requirements under the No Child Left Behind Act of 2001 for the State's public schools; and be it further

Resolved, That in the event that no such waiver is forthcoming, the United States Congress should appropriate full funding of the Act at the authorization levels called for by the Act itself; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

POM–202. A joint resolution adopted by the Legislature of the State of Maine relative to funding for AmeriCorps; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, AmeriCorps is the domestic version of the internationally respected Peace Corps. It consists of 70,000 volunteers who serve either full-time or less than full-time in local schools and nonprofit agencies. AmeriCorps members perform volunteer service that meets a community need and recruit citizens to work alongside them; and

Whereas, over 1,500 Maine people have served full-time and part-time in Maine communities through the federally funded AmeriCorps program during the past 9 years; and

Whereas, during 2003, nearly 200 AmeriCorps volunteers are scheduled to serve in Maine communities to help local nonprofit, educational and municipal organizations address critical health, environmental, educational, housing, public safety and homeland security issues; and

Whereas, Maine AmeriCorps members are catalysts, building stronger communities by engaging, on average, 32 local citizens per AmeriCorps member in volunteer service that solves local problems and meets critical local needs. In 2003, AmeriCorps members can be expected to meet or exceed their 2002 success of 9,000 citizens recruited and placed in service to communities; and

Whereas, in just the last 4 years, AmeriCorps service has qualified Maine citizens for over $2,100,000 in federal financial aid for higher education or payment of student loans; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States recognize the valuable role AmeriCorps plays in Maine communities. We request that AmeriCorps be funded as needed in these times of budget cutting across the Nation in the fiscal year 2003 supplemental budget so that Maine communities are able to receive help from AmeriCorps volunteers and meet the critical needs of our citizens; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–203. A joint resolution adopted by the Legislature of the State of Maine relative to calculating rates in the Woods Wage Survey, establishing heavy equipment operational rates, and removing barriers to the health and safety of persons harvesting forest products; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

Whereas, the United States Department of Labor H–2 Bonded Labor Program is still used to employ loggers by timber harvesting companies that operate in the forests of Maine; and

Whereas, a 1999 United States Department of Labor-sponsored study of the H–2 program and the Maine logging industry recommended a number of changes in the H–2 program; and

Whereas, piece and equipment rates established annually for the H–2 program essentially represent piece and equipment rates not only for Canadian bonds but also United States loggers who work in Maine timber harvesting operations; and

Whereas, the timber harvesting segment of the Maine forest products industry is characterized by greater use of mechanized equipment to harvest the trees in the Maine woods and the rates of operational reimbursement for that equipment have not changed in 30 years; and

Whereas, the 1999 bonded labor study found that "changes to the annual Woods Wage Survey and the establishment of heavy equipment reimbursement rates will make the H–2 program more efficient in ensuring its goals"; and

Whereas, the varying and conflicting definitions of criteria for and application of independent contractor status by federal agencies also represent a significant challenge to the forest products industry and other industries; and

Whereas, these varying and conflicting definitions and applications of independent contractor status make it difficult for members of the forest products industry and other industries to efficiently operate their businesses in compliance with these laws, which are intended to define and characterize the employer-employee relationship; and

Whereas, some of these varying and conflicting definitions and applications of independent contractor status, particularly Section 530 of the federal Revenue Act of 1978, as amended, encourage and enable some industry members to use these laws to gain a competitive advantage over those industry members struggling to obey both the letter and the spirit of these laws; and

Whereas, these varying and conflicting definitions and applications of independent contractor status have made it difficult, if not impossible, for federal agencies to successfully prosecute individuals and businesses who willfully violate the letter and spirit of these laws; now, therefore, be it

Resolved, That We, your Memorialists, for the continued viability of the timber harvesting industry in Maine, respectfully recommend, urge and request the Members of the Maine Congressional Delegation to:

1. Submit and support legislation requiring the United States Department of Labor to establish reimbursement rates for heavy equipment operation under the H–2 program;
2. Urge the United States Department of Labor to conduct a thorough examination of the current methodology for calculating the various rates reflected in the annual Woods Wage Survey for the H–2 program, particularly the methodology for calculating hourly wage rates, and specifically urge the department to examine the methodology for its Woods Wage Survey for accuracy, rigor and types of workers included in the survey's universe;
3. Submit and support legislation to clarify and make more consistent the definitions, applications and criteria for independent contractors in federal law; and
4. Review Section 530 of the federal Revenue Act of 1978, as amended, with the Internal Revenue Service to ensure that is current application does not represent a barrier to the health and safety of those who work in the forest products industry and that, if warranted, the delegation submit and support legislation that will clarify the application of Section 530 of the federal Revenue Act of 1978, as amended; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the United States Department of Labor, to the Commissioner of the United States Internal Revenue Service and to each Member of the Maine Congressional Delegation.

POM–204. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to bovine tuberculosis; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 87

Whereas, Bovine tuberculosis is an infectious disease that poses a significant risk to domestic livestock, wildlife, companion animals, and humans throughout the world; and

Whereas, Bovine tuberculosis has many severe impacts beyond the disease itself. It increases costs, limits markets for livestock producers nationally and internationally, depresses interest in the state's hunting and tourism industries, and requires state resources for its eradication. These factors have impacted the families of northeastern Lower Michigan significantly; and

Whereas, Since the discovery of bovine tuberculosis in wild white-tailed deer in Michigan in 1995, and in cattle in 1998, the state of Michigan, in a partnership with Michigan State University, the livestock industry, the hunting and outdoors community, and local and federal officials, has worked diligently to control, contain, and eradicate the disease; and

Whereas, Through an aggressive testing plan for livestock and wildlife, Michigan is able to demonstrate to other states and the world that this disease is not present throughout the entire state of Michigan and that the tremendous efforts undertaken with both livestock and wildlife are moving the state toward eradication; and

Whereas, Federal assistance on technical, financial, and staff levels has been critical to Michigan's efforts to eradicate bovine tuberculosis; and

Whereas, With many other current and emerging plant and animal diseases, resources are challenged at both the federal and state levels to address these diseases adequately; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to continue providing assistance to Michigan to help eradicate bovine tuberculosis; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Department of Agriculture.

POM–205. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Federal Prison Industries' unfair advantages in business competition; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 103

Whereas, in 1934, Federal Prison Industries (FPI) was created as a government corporation. This system operates more than 100 factories, utilizes more than 20,000 inmate workers, and compiles total sales of approximately $500 million annually from over 150 products; and

Whereas, While the role that FPI plays in promoting the development of marketable skills among inmates has clear merits, this operation enjoys unfair advantages over private sector manufacturers. Even beyond the obvious wages and benefits advantages inmate workers offer, other factors favor FPI. This is especially true through certain governmental procurement policies, including a "mandatory source" requirement that severely limits competition; and

Whereas, Michigan is harmed significantly by the advantages FPI has over private manufacturers, especially within the furniture industry. Thousands of Michigan workers have lost their jobs in recent years, and the favorable policies for FPI are major contributing factors in these job losses; and

Whereas, In the past, legislation has been considered in Congress to address directly the issue of the preferential treatment afforded FPI in bidding for government contracts. This unfair situation needs to be corrected to preserve jobs and to restore fairness in the marketplace; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Office of the President of the United States.

POM–206. A joint resolution adopted by the Senate of the Legislature of the State of Colorado relative to the Aurora Veterans' Memorial; to the Committee on Veterans' Affairs.

SENATE JOINT RESOLUTION 03–029

Whereas, In 1918, the Army established the Army General Hospital No. 21 to serve World War I veterans, which hospital was later renamed Fitzsimons Army Medical Center to honor 1st Lieutenant William T. Fitzsimons, the first Army officer killed in World War I; and

Whereas, On October 7, 2002, the Aurora City Council approved a memorial concept to pay tribute to the many living and fallen military veterans from the city of Aurora; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—"National Debt" monument will be located in Generals' Park, on the Fitzsimons campus; and

Whereas, Artist and veteran Gene Martin will bring his vision to reality with a stunning sculpture entitled "National Debt" depicting a hand reaching down from above, spilling over with dog tags; and

Whereas, The approximately fifty readable dog tags in the sculpture, as well as four of the five black granite base panels, will be engraved with the names and other information of military veterans whose home of record was Aurora and who died as a result of combat action, in the line of duty, during the time since the Spanish-American war; and

Whereas, The proposed sculpture, from bronze and stainless steel with a black granite base, will be surrounded by a fifty-eight foot pentagon-shaped ring of approximately nine thousand commemorative paver and donor bricks located on the ground and vertically on the inside of the inner pentagon-shaped sandstone wall which will incorporate five massive cornerstones, each with a six foot bench; and

Whereas, Three flagpoles will be displayed. Six foot by ten foot American and POW/MIA flags will fly on the center fifty-foot pole, and six foot by ten foot Colorado state and City of Aurora flags will each fly on shorter forty-five foot flagpoles located to the north and south of the center pole. All three flagpoles will face east and will be brilliantly lit at night along with the "National Debt" sculpture; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—"National Debt" monument will permanently honor the spirit and sacrifice of Aurora veterans and their commitment to the defense of our nation and serve as a reminder that we owe a debt of gratitude to our veterans; and

Whereas, A special documentary will be produced explaining the entire history and concept of the memorial, further honoring the fallen heroes who sacrificed their lives; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—"National Debt" monument will also inspire future generations, deepening their appreciation of the accomplishments, dedication, and sacrifices of veterans in creating the foundation for a more stable, peaceful, and prosperous world, and will further serve as a reminder of what can be accomplished when people unite in pursuit of a just cause; and

Whereas, Governor Bill Owens has expressed his support for the establishment of the Aurora Veterans' Memorial at Fitzsimons—"National Debt" monument as evidenced by his letter dated March 17, 2003; now, therefore, be it

Resolved by the Senate of the Sixty-fourth General Assembly of the State of Colorado, the House of Representatives concurring herein: That we, the members of the Sixty-fourth General Assembly of the State of Colorado, recognize and pay tribute to the veterans, living and fallen, of Aurora and of all of Colorado, and we support the efforts of the Aurora Veterans' Affairs Commission in erecting the Aurora Veterans' Memorial at Fitzsimons—"National Debt" monument. Be it further

Resolved, That copies of this Joint Resolution be sent to President George W. Bush; Vice President Richard Cheney; Secretary of State Colin Powell; Secretary of Defense Donald Rumsfeld; Secretary of Veterans Affairs Anthony Principi; Colorado's congressional delegation; Aurora Mayor Paul Tauer; the Aurora City Council; the Aurora Veterans Affairs Commission; and Jerry L. Staples, Director, Aurora Veterans' Memorial at Fitzsimons—"National Debt" monument.

POM–207. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 70

Whereas, on February 11, 2003, Representative Neil Abercrombie, along with other members, introduced H.R. 664 in the United States House of Representatives, which bill was then referred to the Committee on Veterans' Affairs; and

Whereas, H.R. 664 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, H.R. 664 would mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, H.R. 664 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, H.R. 664 would also increase the rate of payment of compensation benefits and burial benefits to certain Filipino veterans designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts; now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the United States Congress is respectfully urged to support the passage of H.R. 664, to improve benefits for Filipino veterans of World War II and the surviving spouses of those veterans; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, and the Secretary of Veterans Affairs.

POM–208. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 69

Whereas, on January 7, 2003, Senator Daniel K. Inouye introduced S. 68 in the United States Senate, which bill was read twice and then referred to the Committee on Veterans' Affairs; and

Whereas, S. 68 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans' Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic; now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii congressional delegation, and the Secretary of Veterans Affairs.

POM–209. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire; to the Committee on Veterans' Affairs.

House Concurrent Resolution No. 8

Whereas, one of the prime missions of the Department of Veterans Affairs is to nurture the health of those who have served their country and who qualify for medical care; and

Whereas, Congress has authorized an increase in the medication copayment from $2 to $7 and applied it to each month's supply rather than each prescription refill, pursuant to the Veterans Millennium Health Care and Benefits Act of 1999; and

Whereas, this change results in a $21 copayment for a 3 months' supply of even minor medications such as aspirin or antacid; and

Whereas, while the Department of Veterans Affairs gains financially, the effect of such changes discourage veterans from seeking help and is contrary to the Department's mission: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the general court of New Hampshire hereby urges that the Congress of the United States make the necessary changes concerning the copayment of $7 per prescription, rather than each prescription refill, and return to the $2 copayment pursuant to the Veterans Millennium Health Care and Benefits Act of 1999; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of Veterans Affairs, and to each member of the New Hampshire congressional delegation.

POM–210. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Texas relative to the State Children's Health Insurance Program; to the Committee on Finance.

House Concurrent Resolution No. 57

Whereas, Federal funding for the State Children's Health Insurance Program (SCHIP), enacted in 1997 by the United States Congress, is provided through state-specific, annual allotments; and

Whereas, Several states have been unable to use all of their allotments, while other states spent all available funds; and

Whereas, Absent a statutory change, states with excess funds from prior years would lose millions in funding and put underserved children's health in jeopardy; and

Whereas, The State of Texas's two-year appropriations cycle delayed the initiation of the SCHIP program, presenting barriers to the full utilization of early-year SCHIP allotments; and

Whereas, The State of Texas began the 2002–2003 biennium enrolling more children in SCHIP faster than any other state in the country; and

Whereas, The State of Texas, specifically, stands to lose $248 million in unspent SCHIP funds: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact legislation amending Title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; and, be it further

Resolved, That the Texas secretary of State forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM–211. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Texas relative to Medicaid spending; to the Committee on Health, Education, Labor, and Pensions.

House Concurrent Resolution No. 56

Whereas, State Medicaid spending currently accounts for approximately 22 percent of total state spending; and

Whereas, Under the Federal Medical Assistance Percentage, the federal share of state Medicaid spending provided to the State of Texas has decreased by 4.2 percent over the past 10 years; and

Whereas, Average monthly Medicaid caseloads in the State of Texas are projected to increase to 2,885,583 by fiscal year 2005 from 2,376,193 in fiscal year 2003; and

Whereas, Prescription drug costs are a major factor driving Medicaid expenditures, and annual Medicaid prescription levels in the State of Texas are projected to rise to 40,257,515 by fiscal year 2005, from 33,859,094 in fiscal year 2003; and

Whereas, The Congressional Budget Office projects that Medicaid spending under the current system will more than double by the year 2012; and

Whereas, Section 1115 of the Social Security Act grants the secretary of health and human services broad authority to waive certain laws relating to Medicaid or SCHIP for the purpose of conducting pilot, experimental or demonstration projects which are likely to promote the objectives of the program; and

Whereas, Section 1115 demonstration waivers allow states to change provisions of their Medicaid or SCHIP programs, including eligibility requirements, the scope of services available, the freedom to choose a provider, a provider's choice to participate in a plan, the method of reimbursing providers, and the statewide application of the program; and

Whereas, The State of Florida has successfully experimented with the "cash and counsel" program, a consumer-directed care model for the purchase of attendant care and other community care services under a Section 1115 demonstration waiver; and

Whereas, In early 2002, both houses of the legislature of the State of Florida voted unanimously to continue with a consumer-directed care approach for the purchase of attendant care and other community care services; Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Secretary of the United States Department of Health and Human Services to authorize any section 1115 demonstration waivers, and any other related waivers, requested by State of Texas for the purposes of implementing a consumer-directed care program for the purchase of attendant care and other community care services under the state Medicaid program; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, the secretary of the United States Department of Health and Human Services and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM–212. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to seafood import restrictions and antibiotics; to the Committee on Health, Education, Labor, and Pensions.

Senate Resolution No. 57

Whereas, on May 8, 2003 Senate Concurrent Resolution No. 18 of the 2003 Regulation Session was enrolled by the Louisiana Legislature; and

Whereas, Senate Concurrent Resolution No. 18 called for the United States Government to improve enforcement of food import restrictions on seafood imports containing chloramphenicol, nitrofurans, and other banned veterinary drugs in order to protect American consumers and ensure the safety of the food supply; and

Whereas, language was added to Senate Concurrent Resolution No. 18 at the request of the American Seafood Distributors Association (ASDA) to state that, "United States based companies involved in the importation and processing of shrimp are opposed to the use of chloramphenicol and are working with the domestic shrimp industry and the Food and Drug Administration to develop effective protocols, including in-country testing, certification of foreign testing facilities and other means to detect banned antibiotics and to exclude all tainted products from the United States market"; and

Whereas, the fact that both the domestic industry and companies importing seafood into the United States are opposed to the use of chloramphenicol and all other banned drugs in imported seafood is a benefit to all United States consumers; and

Whereas, the specific working of the amendment added at the request of the ASDA may be misinterpreted that the Louisiana Legislature supports testing of imported seafood in foreign countries: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana desires to clarify Senate Concurrent Resolution No. 18 of the 2003 Regular Session, enrolled on May 8, 2003, that the Louisiana Legislature only supports the testing of imported seafood by the Federal Food and Drug Administration within the boundaries of the United States; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–213. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to funding for the Louisiana University of Medical Services; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 108

Whereas, Louisiana suffers with one of the worst health environments in the country, including a high infant mortality rate, a high rate of low birth weight babies, and an incidence of stroke that is 1.3 times that of the rest of the country, outside of the "stroke belt"; and

Whereas, despite the best efforts of medical education institutions in Louisiana, the deficit of primary care physicians continues; and

Whereas, less than one-half of the 1998 graduates of medical education institutions in Louisiana selected a primary care specialty; and

Whereas, Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine, is a non-profit organization designed to address the shortage of primary care physicians in small towns, rural areas, and underserved areas; and

Whereas, the faculty and staff of the College of Primary Care Medicine are committed to a teaching program that addresses the shortage of primary care physicians both in Louisiana and nationwide; and

Whereas, throughout the educational experience at the College of Primary Care Medicine of the Louisiana University of Medical Sciences, Inc., the student will be exposed to a wide variety of primary health care settings; and

Whereas, through the program at the College of Primary Care Medicine of the Louisiana University of Medical Sciences, Inc., the traditional basic medical sciences will be thoroughly presented, and students will be given all the tools necessary to be successful on the United States Medical Licensing Examination: Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; and be it further

Resolved, That a copy of this Resolution be transmitted to the President of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the United States Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 1403. A bill to provide for the establishment of a new Department of Veterans Affairs medical facility for veterans in the Columbus, Ohio, area; to the Committee on Veterans' Affairs.

By Mr. MCCAIN (for himself and Mr. STEVENS):

S. 1404. A bill to amend the Ted Stevens Olympic and Amateur Sports Act; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street Moline, Illinois, as the "David Bybee Post Office Building"; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself, Mr. BURNS, Mr. BAUCUS, Mr. JOHNSON, Mr. CRAPO, Mr. DASCHLE, and Mr. CONRAD):

S. 1406. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EDWARDS:

S. 1407. A bill to regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of South Carolina (for himself, Mr. REID, and Mr. MILLER):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 1409. A bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. INOUYE, Mr. GRASSLEY, and Mr. DASCHLE):

S. 1410. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. CHAFEE):

S. 1411. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1412. A bill to suspend the implementation of the revised definitions of Metropolitan Statistical Areas applicable to Kent, Ottawa, Muskegon, and Allegan Counties in the State of Michigan; to the Committee on Governmental Affairs.

By Mrs. BOXER:

S. 1413. A bill to authorize appropriations for conservation grants of the Environmental Protection Agency, to direct the Secretary of the Army and the Secretary of the Interior to conduct expedited feasibility studies of certain water projects in the State of California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. MILLER, Mrs. HUTCHISON, Mr. CRAIG, Mr. CORNYN, Mr. SESSIONS, Mr. DOMENICI, Mr. CHAMBLISS, Mr. BURNS, Mr. SUNUNU, Mr. ENZI, Mr. BUNNING, Mr. ALLEN, Mr. STEVENS, Mr. CAMPBELL, Mr. GRASSLEY, Mr. THOMAS, Mr. GRAHAM of South Carolina, and Mr. CRAPO):

S. 1414. A bill to restore second amendment rights in the District of Columbia; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building"; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. FRIST):

S. 1416. A bill to implement the United States-Chile Free Trade Agreement; to the Committee on Finance and the Committee on the Judiciary, jointly, pursuant to section 2103(b)(3) of Public Law 107–210.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. FRIST):

S. 1417. A bill to implement the United States—Singapore Free Trade Agreement; to the Committee on Finance and the Committee on the Judiciary, jointly, pursuant to section 2103(b)(3) of Public Law 107–210.

By Mr. DORGAN (for himself, Mr. LOTT, Mr. HOLLINGS, Ms. COLLINS, Mr. FEINGOLD, Ms. SNOWE, Mr. KERRY, Mrs. HUTCHISON, and Mr. WYDEN):

S.J. Res. 17. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. SMITH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 300

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 489

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 569

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 593

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 593, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment has occurred.

S. 602

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 602, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 614

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 614, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 622

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 622, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 764

At the request of Mr. CAMPBELL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 793

At the request of Mr. BYRD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 793, a bill to provide for increased energy savings and environmental benefits through the increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.

S. 846

At the request of Mr. SMITH, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 875

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1053

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 1076

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1129

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1344

At the request of Mr. CORZINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1344, a bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions, and for other purposes.

S. 1349

At the request of Mr. SMITH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1387

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1387, a bill to amend the Immigration and Nationality Act to authorize the establishment of guest worker programs, to provide for the adjustment of status of certain aliens unlawfully present in the United States to the status of a non-immigrant guest worker, and for other purposes.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

AMENDMENT NO. 1017

At the request of Mr. ALLARD, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of amendment No. 1017 proposed to S. 1, a bill to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the Medicare program and to strengthen and improve the Medicare program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. STEVENS):

S. 1404. A bill to amend the TED STEVENS Olympic and Amateur Sports Act; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today, I am joined by Senator STEVENS in introducing the United States Olympic Committee Reform Act of 2003. This legislation is designed to reform the governance structure of the United States Olympic Committee, USOC, in response to a series of embarrassing events that has beset the USOC and threatened the organization's credibility in the eyes of our athletes, the American people, and the international sports community.

While the current mission of the USOC is to "preserve and promote the Olympic ideal as an effective, positive role model that inspires all Americans," turmoil within the organization over the past decade has seriously compromised that mission and has amplified significant problems that exist within its governance structure and culture. By failing to place the organization ahead betrayed the Olympic ideals that they pledged to preserve.

The bill that we are introducing today is the product of three hearings held this year by the Senate Committee on Commerce, Science, and Transportation in response to several USOC scandals and in an effort to help begin reforming the organization. It also is informed by the report of an independent commission requested by the Commerce Committee to review the USOC, and a review by an internal USOC task force, both of which were released last month.

The bill would make significant improvements to the governance structure of the USOC by reducing the size of the current board of directors from 124 to nine members and by creating an assembly of USOC stakeholders. Unlike the current duopolistic leadership structure of the USOC, the board would be the primary governing body of the USOC, and it would appoint a chief executive officer to carry out its policies and run its day-to-day operations. As such, the USOC will become a more efficient and effective organization, as well as one with a more logical and transparent structure.

In addition, the bill would maintain the authority of athletes and national governing bodies in the operation of the USOC, require increased financial transparency, and provide whistleblower protection for USOC employees. Most importantly, however, this bill would streamline the organization to allow a larger percentage of USOC revenues to be dedicated to support amateur athletes. Instead of supporting a large and wasteful corporate structure, the reformed USOC will be able to dedicate fewer resources to a small and more effective governing body.

We must be mindful that the Olympic movement is not about people who attach themselves to the USOC for their own benefit. It is a movement that is driven by athletes who dedicate their bodies and souls to improving their God-given talent with the hope of someday realizing their Olympic dreams. The USOC is an entity entrusted by the American people with the privilege of being the custodian of these dreams. We must act quickly to ensure that the self-serving agendas of individual USOC constituencies are no longer paramount to the common objectives of the organization.

The problems that plague the USOC compromise the organization's ability to operate effectively and efficiently and undermine the credibility of the organization. I believe this bill would provide realistic remedial measures to these problems, and I urge my colleagues to support its expeditious enactment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Olympic Committee Reform Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) There is a widespread loss of confidence in the United States Olympic Committee.

(2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.

(3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.

(4) The current governance structure of the United States Olympic Committee is dysfunctional.

(5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.

(6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.

(7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

"SUBCHAPTER III. GOVERNANCE

"§ 220541. Board of directors

"(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

"(b) STRUCTURE OF THE BOARD.—

"(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

"(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

"(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

"(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

"(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

"(3) EX OFFICIO MEMBERS.—The ex officio members are—

"(A) the speaker of the assembly; and

"(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

"(c) TERMS OF OFFICE.—

"(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for reelection, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

"(2) Staggered terms.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

"(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

"(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

"(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

"(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

"(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 2 years; and

"(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 4 years.

"(3) Ex officio members.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

"(d) Voting.—

"(1) Elected members.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

"(2) Ex officio members.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

"(3) Tie votes.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

"(4) Quorum.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

"(e) Chair of the Board.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

"(f) Committees.—

"(1) In general.—The board of directors shall establish the following 4 standing committees:

"(A) The Audit Committee.

"(B) The Compensation Committee.

"(C) The Ethics Committee.

"(D) The Nominating and Governance Committee.

"(2) Committee membership.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

"(A) 3 board members described in subsection (b)(2)(A), selected by the board;

"(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

"(C) 1 board member described in subsection (b)(2)(C), selected by the board.

"(3) Additional committees.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

"(g) Nomination and Election.—

"(1) In general.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes' Advisory Council or the National Governing Bodies' Council, the Athletes' Advisory Council or the National Governing Bodies' Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of the recommended individuals to the board of directors.

"(2) Recusal of members eligible for re-election.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

"(3) Board to elect members.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

"§ 220542. Assembly

"(a) In General.—

"(1) Forum function.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

"(2) Voting on matters relating to the olympic games.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

"(3) Meetings.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

"(4) Annual budget.—The board of directors shall establish an annual budget for the assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

"(b) Structure of the Assembly.—

"(1) In general.—The assembly shall consist of—

"(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

"(B) the International Olympic Committee's members for the United States; and

"(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

"(2) Amateur athlete representation.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

"(c) Voting.—

"(1) Representatives of the national governing bodies.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

"(2) Amateur athletes.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

"(d) Speaker of the Assembly.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a non-voting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

"§ 220543. Chief executive officer

"(a) In General.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

"(b) Duties.—The chief executive officer shall, either directly or by delegation—

"(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

"(2) implement the mission and policies of the corporation, as determined by the Board.

"§ 220544. Whistleblower procedures and protections

"The corporation, through the board of directors, shall establish procedures for—

"(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

"(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.".

(b) Transition.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) Initial Nominating and Governance Committee.—

(1) In general.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete's Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies' Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) ELECTION OF NEW BOARD OF DIRECTORS.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) CONFORMING AMENDMENTS.—

(1) REPRESENTATION REQUIREMENTS.—Section 220504(b) is amended—

(A) by striking "representation of—" and inserting "representation on its board of directors and in its assembly of—"; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

"(B) ensure that—

"(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

"(ii) the voting power held by members of the board of directors who were nominated by the Athlete's Advisory Council is not less than 20 percent of the total voting power held in the board of directors;".

(2) CONSTITUTION AND BYLAWS.—Section 220505(a) is amended—

(A) by striking "bylaws." and inserting "bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.";

(B) by inserting "the board of directors proposes and approves by majority vote such an amendment and" after "only if"; and

(C) by striking "publication," in paragraph (1) and inserting "publication and on its website,".

(3) OMBUDSMAN TO REPORT TO BOARD OF DIRECTORS.—Section 220509(b) is amended—

(A) by inserting "the board of directors and" in paragraph (1)(C) after "report to";

(B) by striking "corporation's executive director" in paragraph (2)(A)(i) and inserting "board of directors";

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

"(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete's Advisory Council.";

(D) by striking "corporation" the first place it appears in paragraph (2)(B) and inserting "board of directors";

(E) by striking "to the corporation's executive committee by either the corporation's executive director" in paragraph (2)(B)(ii) and inserting "by 1 or more members of the board of directors"; and

(F) by striking "corporation's executive committee" in paragraph (2)(B)(iii) and inserting "board of directors".

(4) ELIGIBILITY REQUIREMENTS.—Section 220522(a)(4)(B) is amended by striking "corporation's executive committee" and inserting "board of directors".

(5) CHAPTER ANALYSIS.—The chapter analysis for chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III. GOVERNANCE

"220541. Board of directors
"220542. Assembly
"220543. Chief executive officer
"220544. Whistleblower procedures and protections".

SEC. 5. REPORTS.

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

"(a) BIENNIAL REPORT.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

"(1) annual financial statements—

"(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

"(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;";

(2) by striking "4-year period;" in subsection (a)(2) and inserting "2-year period;"; and

(3) by inserting "free of charge on its website (or via a similar medium that is widely available to the public), and otherwise" in subsection (b) after "persons".

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street Moines, Illinois, as the "David Bybee Post Office Building"; to the Committee on Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to name the U.S. Post Office at 514 17th Street in Moline, IL after my friend, David Bybee, who suffered a fatal heart attack last year.

Dave was a hard working and dedicated public servant who served as a National Business Agent for the Chicago Region of the National Association of Letter Carriers for twenty-five years. In 1967, Mr. Bybee became a letter carrier for the Postal Service and after just two years was elected President of Letter Carriers Local 318. Bybee then became the Regional Administrative Assistant for three years and also worked as Secretary to the Illinois State Association of Letter Carriers from 1971 to 1977. Three years later, Bybee was elected the National Business Agent to the National Association of Letter Carriers for the 17,000 members of the Chicago Region. Mr. Bybee held that position and also served as Vice President of the Illinois AFL–CIO until his death on May 31, 2002.

In recognition of his lifetime work on behalf of the letter carriers of Illinois, the local union he first served as President was named the David M. Bybee Branch of the National Association of Letter Carriers in 1992.

Mr. Bybee did not let his busy work schedule interfere with his family life. He was devoted to his wife, Judy, and their two sons, John and Michael. Dave Bybee also found time to serve his community as fire chief of Carbon Cliff, a school board member, and kept active in the Moline Elks Club.

Post offices are often designated in honor of individuals who have made valuable contributions to their community, State, and country. I can think of no more fitting way to permanently and publicly recognize David Bybee's dedication than to name the Moline, IL post office in his honor. It would be a most appropriate way to commemorate his exemplary service to the Moline community and to postal workers across Illinois and the Nation.

By Mr. DORGAN (for himself, Mr. BURNS, Mr. BAUCUS, Mr. JOHNSON, Mr. CRAPO, Mr. DASCHLE, and Mr. CONRAD):

S. 1406. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today I am reintroducing a bipartisan bill to remedy a long-standing inequity in pesticide pricing between agricultural chemicals sold in Canada and similar use chemicals sold in the United States. This pesticide price disparity has caused an undue cost burden on our American farmers putting them at a distinct disadvantage when competing in the world grain market.

Currently, American and Canadian farmers use the same chemicals on their fields; but they are marketed under different labels and sold at much lower cost north of the border. This bill simply eliminates that inequity by setting up a process that would allow American farmers to access these lower-priced—but substantively identical—pesticides.

This legislation would direct the Environmental Protection Agency, EPA, upon the request of anyone who can comply with the pesticide registration requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, to register a Canadian pesticide for use in the United States. This registration would take effect if, after analysis by the EPA, the pesticides are of similar use and composition in both countries. The bill also has provisions to allow EPA to delegate portions of the registration process to individual states with EPA having the final authority over the process. This is to conserve the resources of the EPA and at the same time utilize the expertise of State agriculture departments around the country.

The new labels for the chemicals would still be under the strict scrutiny of the Environmental Protection Agency as would their use. This would continue to insure safety in the food supply. Food safety is a top priority for all of us. Chemical safety is a top priority for all of us. This bill keeps those priorities intact.

I have come before the Senate time and again to talk about the hidden inequities of trade. Trade must be fair, and the pricing inequities of Canadian and United States similar use pesticides have been a glaring weakness of the free trade initiative. For far too long, American farmers have watched their neighbors to the north apply pesticides that are used in both countries, used on the same crops, and yet Canadian producers get a price cut.

Our farmers are also concerned that similar use pesticides are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities which are subsequently imported and consumed in the United States. They rightfully believe it to be unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. If commodities grown with the use of these Canadian pesticides are deemed safe enough for import and consumption in the United States, why would we make American producers pay 117 percent to 193 percent more in chemical costs to produce the same crops? The current scenario doesn't make sense.

This bill is not an ending, but a beginning. Hidden trade barriers and schemes riddle the fabric of our trade agreements. We cannot continue to accept trade practices that on the one hand hamstring Americans, and on the other hand, unduly promote our competitors. We cannot allow our competitors to sell us commodities treated with lower priced chemicals that are used both in Canada and the United States, tell our consumers that the chemicals used on those commodities are perfectly safe, and yet not give our producers access to those same chemicals at a lower price. This is a classic example of free trade gone bad.

We ought not accept second best all of the time, and this bill is a step in bringing American producers back to a level playing field.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES.

(a) IN GENERAL.—Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a) is amended by adding at the end the following:

“(i) REGISTRATION OF CANADIAN PESTICIDES.—

“(1) DEFINITIONS.—In this subsection:

“(A) CANADIAN PESTICIDE.—The term ‘Canadian pesticide’ means a pesticide that—

“(i) is registered for use as a pesticide in Canada;

“(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under this section; and

“(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

“(B) COMPARABLE DOMESTIC PESTICIDE.—The term ‘comparable domestic pesticide’ means a pesticide—

“(i) that is registered under this section;

“(ii) the registration of which is not under suspension;

“(iii) that is not subject to—

“(I) a notice of intent to cancel or suspend under any provision of this Act;

“(II) a notice for voluntary cancellation under section 6(f); or

“(III) an enforcement action under any provision of this Act;

“(iv) that is used as the basis for comparison for the determinations required under paragraph (4);

“(v) that is registered for use on each site of application for which registration is sought under this subsection;

“(vi) for which no use is the subject of a pending interim administrative review under subsection (c)(8);

“(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

“(viii) that is not classified as a restricted use pesticide under subsection (d).

“(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

“(A) IN GENERAL.—The Administrator may register a Canadian pesticide if the registration—

“(i) complies with this subsection;

“(ii) is consistent with this Act; and

“(iii) has not previously been disapproved by the Administrator.

“(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under this section or section 24(c).

“(C) REGISTRANT.—

“(i) IN GENERAL.—The Administrator may register a Canadian pesticide under this subsection on the application of any person.

“(ii) APPLICATION.—If the Administrator registers a Canadian pesticide under this subsection on application of any person, the applicant shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

“(D) ADMINISTRATOR.—Not later than 60 days after a person submits a complete application for the registration of a Canadian pesticide under this subsection, the Administrator shall—

“(i) approve the application; or

“(ii)(I) disapprove the application; and

“(II) provide the applicant with a statement of the reasons for the disapproval.

“(E) DELEGATION.—

“(i) IN GENERAL.—Subject to clause (ii), the Administrator may delegate a function of the Administrator under this subsection.

“(ii) APPROVAL.—The Administrator shall approve or disapprove any final action taken under this subsection as the result of a function delegated to a State.

“(3) APPLICANT REQUIREMENTS.—A person seeking registration of a Canadian pesticide under this subsection shall—

“(A) demonstrate to the Administrator that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

“(B) submit to the Administrator a copy of—

“(i) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

“(ii) the label approved by the Administrator for the comparable domestic pesticide.

“(4) CRITERIA FOR REGISTRATION.—The Administrator may register a Canadian pesticide under this subsection if the Administrator—

“(A) obtains the confidential statement of formula for the Canadian pesticide;

“(B) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide;

“(C) for each food or feed use authorized by the registration—

“(i) determines that there exists an adequate tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

“(ii) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

“(D) obtains a label approved by the Administrator that—

“(i) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the Administrator; and

“(ii) excludes all labeling statements relating to uses that are not registered by the Administrator; and

“(E) not later than 10 business days after the issuance of the registration, publish in the Federal Register a written notification of the action of the Administrator that includes—

“(i) a description of the determination made under this paragraph; and

“(ii) a statement of the effective date of the registration;

“(5) LABELING OF CANADIAN PESTICIDES.—

“(A) IN GENERAL.—Each container containing a Canadian pesticide registered by the Administrator shall bear the label that is approved by the Administrator under this subsection.

“(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label visible on the container.

“(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator.

“(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

“(i) prepare labels approved by the Administrator for the Canadian pesticide; and

“(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

“(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

“(6) REVOCATION.—

“(A) IN GENERAL.—After the registration of a Canadian pesticide, if the Administrator finds that the Canadian pesticide is not identical or substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide.

“(B) TERMS OF ORDER.—The order—

“(i) shall be effective immediately;

“(ii) may prohibit the sale, distribution, and use of the Canadian pesticide in a State; and

“(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

“(C) Request for hearing.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

“(D) Final order.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

“(E) Judicial review.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

“(F) Procedure.—A final revocation order issued following a hearing shall be reviewable in accordance with section 16.

“(7) Limits on liability.—No action for monetary damages may be heard in any Federal or State court against—

“(A) the Administrator acting as a registering agency under the authority of and consistent with this subsection for injury or damage resulting from the use of a product registered by the Administrator under this subsection; or

“(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

“(8) Provision of information by registrants of comparable domestic pesticides.—

“(A) In general.—On request by the Administrator the registrant of a comparable domestic pesticide shall provide to the Administrator that is seeking to register a Canadian pesticide under this subsection information that is necessary for the Administrator to make the determinations required by paragraph (4).

“(B) Penalty for noncompliance.—

“(i) In general.—If the registrant of a comparable domestic pesticide fails to provide to the Administrator, not later than 15 days after receipt of a written request by the Administrator, information possessed by or reasonably accessible to the registrant that is necessary to make the determinations required by paragraph (4), the Administrator may assess a penalty against the registrant of the comparable pesticide.

“(ii) Amount.—The amount of the penalty shall be equal to the product obtained by multiplying—

“(I) the difference between the per-acre cost of the application of the comparable domestic pesticide and the application of the Canadian pesticide, as determined by the Administrator; and

“(II) the number of acres in the United States devoted to the commodity for which the registration is sought.

“(C) Notice and opportunity for hearing.—No penalty under this paragraph shall be assessed unless the registrant is given notice and opportunity for a hearing in accordance with section 14(a)(3).

“(D) Issues at hearing.—The only issues for resolution at the hearing shall be—

“(i) whether the registrant of the comparable domestic pesticide failed to timely provide to the Administrator the information possessed by or reasonably accessible to the registrant that was necessary to make the determinations required by paragraph (4); and

“(ii) the amount of the penalty.

“(9) Penalty for disclosure.—

“(A) In general.—The Administrator shall not make public information obtained under paragraph (8) that is privileged and confidential and contains or relates to trade secrets or commercial or financial information.

“(B) Disclosure.—Any employee of the Environmental Protection Agency who willfully discloses information described in subparagraph (A) shall be subject to penalties described in section 10(f).

“(10) Data compensation.—The Administrator and a person registering a Canadian pesticide under this subsection shall not be liable for compensation for data supporting the registration if the registration of the Canadian pesticide in Canada and the registration of the comparable domestic pesticide are held by the same registrant or by affiliated entities.

“(11) Formulation changes.—

“(A) In general.—The registrant of a comparable domestic pesticide shall notify the Administrator of any change in the formulation of a comparable domestic pesticide or a Canadian pesticide registered by the registrant or an affiliated entity not later than 30 days before any sale or distribution of the pesticide containing the new formulation.

“(B) Statement of formula.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula for the new formulation if the registrant has possession of or reasonable access to the information.

“(C) Suspension of registration for noncompliance.—

“(i) In general.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

“(ii) Effective date.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

“(iii) Hearing procedure.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

“(iv) Issues.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.”.

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by adding at the end of the items relating to section 3 the following:

“(4) Mixtures of nitrogen stabilizers and fertilizer products.

“(g) Registration review.

“(h) Registration requirements for antimicrobial pesticides.

“(1) Evaluation of process.

“(2) Review time period reduction goal.

“(3) Implementation.

“(4) Annual report.

“(i) Registration of Canadian pesticides.

“(1) Definitions.

“(2) Authority to register Canadian pesticides.

“(3) Applicant requirements.

“(4) Criteria for registration.

“(5) Labeling of Canadian pesticides.

“(6) Revocation.

“(7) Limits on liability.

“(8) Provision of information by registrants of comparable domestic pesticides.

“(9) Penalty for disclosure.

“(10) Data compensation.

“(11) Formulation changes.”.

(c) Effective Date.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

By Mr. GRAHAM of South Carolina (for himself, Mr. Reid, and Mr. Miller):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) In General.—Subsection (m) of section 274 of the Internal Revenue Code of 1986 (relating to additional limitations on travel expenses) is amended by striking paragraph (3).

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mr. Durbin):

S. 1409. A bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States; to the Committee on Finance

Mrs. FEINSTEIN. Mr. President, I rise to introduce the “Rebuild America Act of 2003,” a bill to improve our national transportation and water infrastructure and to stimulate economic growth.

This bill promises to do what the latest tax cut will not: provide an immediate economic stimulus without increasing the Federal budget deficit. Whereas the President's economic advisors have said that the latest tax cut will create 1.4 million jobs by the end of 2004, at a cost of $350 billion, this bill will create as many as 2 million jobs at a tenth the cost.

These jobs could be created in as little as three months, as the bill is specifically designed to fund transportation and water infrastructure projects which are ready to go within 90 days.

Not only would those jobs bring some of the 9 million Americans who are unemployed and seeking jobs back into the workforce, it would generate long-term economic benefits from the increased productivity of our transportation infrastructure.

This bill will do more to stimulate the economy at less cost than the tax cut because it is directed squarely at our most urgent needs. Unlike the recent tax cut, which largely benefits high income taxpayers who are likely to save any windfall they receive, infrastructure spending is necessarily injected into the economy.

According to the Department of Transportation, each $1 billion in new infrastructure investment creates 47,500 new jobs: 26,500 direct jobs for construction workers, engineers, contractors, and other on-site employees, and 21,000 indirect jobs resulting from the spending associated with the investment.

These are jobs our economy desperately needs, particularly in the transportation and nonresidential construction sectors, which have been hit hard by the recent downturn. While new home construction has sustained the homebuilding trades, there are now 715,000 unemployed private construction workers, most of whom were laid off due to a downturn in nonresidential building. That represents an 80 percent increase from three years ago.

As anyone who has taken a hard look at our transportation needs can attest, federal funding for highways, transit, aviation, high-speed rail, and ports, among other areas, remains inadequate.

Without those funds, we are on the verge of falling behind the rest of the developed world in the quality of our infrastructure. I recently visited the port of Hong Kong and was amazed by the automated technology used to process thousands of containers each day with fewer employees than would be required to move an equivalent amount of cargo at even our most advanced ports.

And while many countries around the world, including France, China, Germany, and Japan, now have operating MAGLEV train systems, the United States does not have a single demonstration MAGLEV line operating anywhere in the country.

Increasingly, global industry demands a level of efficiency and reliability which requires substantial upgrades to existing infrastructure. In California, where computer and electronic products account for 51 percent of the State's manufacturing exports, the trend is toward lighter, higher value shipments. Nationwide, shipments of below 1,000 lbs accounted for 18 percent of total value in 1977, and 32 percent of value in 1997, a dramatic increase.

Those changes put a premium on speed and reliability, without which "just-in-time" manufacturing and lean inventory controls are impossible. A company such as Hewlett Packard, which uses Intel processors made in California in servers which it assembles in Texas, must be able to ship processors without risk of even a 24-hour delay.

This bill takes a big step toward ensuring that level of speed and reliability by dedicating $50 billion to infrastructure upgrades. And I must stress the huge incremental value of that spending in the context of reauthorization of the Transportation Equity Act for the 21st Century, TEA-21, which is expected this year.

Reauthorization of TEA-21 will dedicate more than $250 billion toward transportation projects over the next six years, but even that level of funding will only allow us to tread water. Maintenance of existing infrastructure will consume much of that spending.

To take one example, the Department of Transportation estimates that $20.6 billion is needed annually to maintain and improve performance of public transit systems alone.

The $50 billion provided by the "Rebuild America Act" will go beyond current maintenance and actually improve overall productivity by allowing substantial upgrades to go forward. Specifically, the bill provides:

$5 billion in additional authority for Federal-aid highway capital investments, drawn from the $19 billion surplus in the Highway Trust Fund.

$3 billion in transit capital and operating grants, drawn from the surplus in the Highway Trust Fund.

$3 billion in airport development projects, including $2 billion in airport improvement program grants to enhance airport safety, efficiency, and capacity.

$14 billion of tax-credit high-speed rail bonds for infrastructure construction and the acquisition of rolling stock.

$7.5 billion for capital investment in passenger and freight rail, including $2.5 billion for Amtrak.

$2.5 billion for port security grants to ports and marine facility operators.

$11.5 billion for wastewater and drinking water infrastructure, to be administered through the existing Clean Water State Revolving Fund and Safe Drinking Water State Revolving Fund.

$1.5 billion to fund investment in currently authorized water resources infrastructure projects.

$1.5 billion in grants to economically distressed communities for economic development.

$500 million for the repair and alteration of Federal buildings.

In my home State of California, the infrastructure needs that could be addressed by this bill are particularly great. Although the just-completed BART link to San Francisco International Airport is a major achievement, we still remain a long way off from the long-term goal of ringing the Bay Area with BART stations.

And despite the recent economic downturn, California's economy remains the engine of much of the country's economic growth, and California's population continues to grow. That puts tremendous demands on our roads, airports, and transit systems, and is one reason why Los Angeles and the San Francisco Bay Area are consistently ranked as the top two urban areas in the U.S. with the longest annual delays per rush-hour driver.

This bill will provide a total of $1.8 billion in new funds for California transportation and safe drinking water infrastructure, and more than $1.5 billion more for high speed and passenger and freight rail. All told, the bill will create well over 100,000 new jobs in California.

That could bring us farther toward fulfilling one of California's most urgent needs, a high speed rail link from the Bay Area all the way south to San Diego. Without high speed rail there is little hope of taking some of the pressure off of California's over-burdened highways and airports.

In addition to the transportation improvements contemplated by the bill, I would like to say a few words about the need for additional funds for port security and clean drinking water.

Since the attacks of September 11 it has become clear that our ports should be one of the first lines of defense against attempts to bring weapons of mass destruction into this country. And yet the funds we have dedicated to securing our ports have been woefully inadequate.

Last year I introduced comprehensive legislation to improve security at our ports, and to inspect more of the 16 million containers which come through those ports each year. Currently, only one to two percent of those containers are inspected, and the possibility of a dirty bomb or nuclear device being shipped in via container remains alarmingly real.

This bill provides an additional $2.5 billion for port security, which would go some of the way toward meeting the $6 billion in expenses the Coast Guard anticipates over the next 10 years for ports to comply with security standards imposed under the Maritime Transportation Security Act.

With respect to clean drinking water, a very different, but equally important, priority, this bill provides $11.5 billion for wastewater and drinking water infrastructure investment. That funding is important because the Administration continues to insist on funding cuts for the Clean Water and Safe Drinking Water State Revolving Funds.

Even level funding will not allow us to upgrade existing water treatment facilities, many of which were built in the 1970s, when the federal government first began to take a major role in the construction of drinking water infrastructure. Many of those facilities will require substantial improvements and overhauls over the next two decades as pipes and equipment fall into disrepair.

In the West, the magnitude of water supply contamination by perchlorate, a chemical used in rocket fuel, has only recently become apparent. The costs of cleaning up perchlorate in California alone will likely stretch into the billions of dollars, and some of those funds must come from the Safe Drinking Water State Revolving Fund, which would receive $1.5 billion under this bill.

With the Federal budget deficit certain to top $400 billion this year, and with the gross federal debt projected to increase by over $5 trillion by 2013, there is a real question as to where these funds will come from.

I am glad to say, therefore, that this bill is fully offset and would not add at all to our deficit. The bill uses three offsets to recoup the $34 billion cost of the bill, two of which are designed to limit corporate fraud, and the last of which extends customs user fees.

The bulk of the funds used to offset the bill are generated by limiting the ability of large corporations to shelter income from taxation. A recent report by the Joint Economic Committee on corporate fraud at the Enron Corporation speaks to the magnitude of this problem.

For several years Enron reported huge profits to its shareholders, while reporting little or no taxable income to the IRS. We now know that Enron executives treated their tax division as a for-profit entity within the company and set annual revenue targets for the division.

Between 1996 and 1999, Enron reported aggregate profits of $2.1 billion on its income statement, while claiming aggregate losses, for tax purposes, of $3 billion. Some of that gap can be explained by the massive tax deductions Enron took for employee stock deductions, and the rest stemmed from the closely guarded tax-shelter transactions designed for the company by banks, accountants, and legal firms.

This bill closes those Enron-specific loopholes, but also strengthens a very simple provision which will have a big impact on shutting down future loopholes.

The so-called "Economic Substance Doctrine" imposed by the bill states that any transaction which has no material economic impact on the business of the company, but which is purely designed for the purpose of tax avoidance, shall be disallowed for tax purposes.

That will allow enhance the ability of tax courts to crack down on companies that engage in off balance sheet transactions, artificial income shifting, uneconomic financing transactions, and other tax avoidance schemes which are not designed to provide any profit to the company beyond a tax savings.

In the same vein, the bill puts an end to the practice of setting up corporate headquarters offshore in order to avoid corporate taxes at home. This practice is not only blatantly unpatriotic, but also creates an imbalanced playing field for companies that abide by the spirit of the law but are forced to compete with firms that don't.

This bill will require such corporate expatriates to continue to pay U.S. taxes even if they move abroad. All told, these provisions fully offset the cost of the infrastructure improvements included in the bill.

Just about any American you talk to will tell you that our economy is not in good shape. A quick look at the front page of newspapers shows that our stock markets remain well below their 2000 high, that more people face long-term unemployment than at any time in the past two decades, and that businesses are not making new investments.

The tax cut which was recently signed into law is the wrong medicine for our economy, and will do little to reverse our current course. In fact, it may well increase uncertainty and act as a long-term drag on the economy by increasing the federal debt and putting pressure on long-term interest rates.

I urge my colleagues to support this bill as a much better means of stimulating economic growth, and one which will pay long-term dividends in terms of improved roads, railways, and water treatment facilities.

Rather than simply hand down a burden of debt to our children and grandchildren, this bill would create a lasting legacy of modern infrastructure for their benefit.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. INOUYE, Mr. GRASSLEY, and Mr. DASCHLE):

S. 1410. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President. Today, I am introducing legislation called, "The Access to Medical Treatment Act, AMTA", on behalf of myself and my colleagues, Senators HATCH, INOUYE, GRASSLEY, and DASCHLE.

This legislation is important for thousands of Americans who suffer from illness or disease for which conventional medical treatments offer little or no promise of cure or relief. Many Americans are plagued with the hopelessness of debilitating pain caused by illness. For some of these patients, non-conventional treatments could offer much needed relief. Thousands of other Americans live with potentially fatal diseases that are unresponsive to traditional medical treatments. Increasing the options for treatment by utilizing unconventional therapy could provide newfound hope for lifesaving results.

AMTA addresses limits placed on unconventional medical care and would allow Americans access to many promising, even proven, treatments that are currently restricted. For example, the bill would lift some restrictions on treatments that have been approved and used in other countries. The bill would also allow access for many additional patients to drugs or therapies otherwise available through the Food and Drug Administration, FDA, human clinical trials.

This legislation establishes parameters for the use of such non-conventional therapies. A health care practitioner may provide the medical treatment requested by a patient under certain guidelines. First, the health care practitioner must personally examine the patient, the treatment must be within the practitioner's appropriate range of practice, it must not violate any existing licensing laws, and the treatment must comply with the Controlled Substances Act. Next, there must be no reason for the practitioner to conclude that the treatment will cause danger to the patient. The patient must be informed, in writing, of the contents and methods of treatment, its possible side effects, anticipated benefits, results of prior use of treatment on other patients, and any other information necessary to fully meet the requirements for informed consent of human subjects in FDA regulations.

I believe we have some of the best medicine, technology, and health care providers in the United States. However, there are vast amounts of information yet to be learned on disease and treatment. We must not allow ourselves to be exclusively, perhaps, myopically, focused on traditional forms of treatment when some Americans find no relief from them. Those with debilitating pain and disease should have access to new options for relief, especially when conventional treatments fail.

We owe it to the American people to engage in this crucial discussion on access to non-conventional forms of medical treatments. There are many questions that need to be addressed. We must begin to address them by exploring the new and innovative forms of therapy that exist, and by engaging in an educated dialogue on this issue.

By Mr. KERRY (for himself and Mr. CHAFEE):

S. 1411. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, our Nation is facing an affordable housing crisis. Recent changes in the housing market have limited the availability of affordable rental housing across the country and have dramatically increased the cost of those that remain. More families are forced to pay more than 50 percent of their income for housing at a time when Federal spending on housing programs are under attack. That is why, along with Senator CHAFEE, I am again proposing to address the severe shortage of affordable housing by introducing legislation that will establish a National Affordable Housing Trust Fund and begin a rental housing production program.

The Affordable Housing Trust Fund that is established in this legislation would create a production program that will ensure 1.5 million new rental units are built over the next 10 years for extremely low-income families and working families. The goal is to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families. Seventy-five percent of Trust Fund assistance will be awarded, based on need, through matching grants to States and local jurisdictions. The States and local jurisdictions will allocate funds on a competitive basis to projects that meet Federal requirements, such as mixed-income projects and long-term affordability, and that address local needs. The remainder of the funding will be competitively awarded by the Department of Housing and Urban Development, HUD, to intermediaries, such as the Enterprise Foundation, which will be required to leverage private funds. A portion of the Trust Fund will be used to promote home ownership activities for low-income Americans.

The Trust Fund would be paid for out of surplus revenue generated by the Federal Housing Administration and Government National Mortgage Administration after ensuring their fiscal safety and soundness. These Federal housing programs generate billions of dollars in excess income, which currently goes to the general Treasury for use on other Federal priorities. It is time to stop taking housing money out of housing programs. These excess funds should be used to help alleviate the current housing crisis. According to current projections, approximately $28 billion will be available for the Trust Fund between now and 2008.

The need for affordable housing is severe. Many working families have been unable to keep up with the increase in housing costs. Today, for many low-income families and their children, the cost of privately owned rental housing is simply out of reach. According to the National Housing Conference, more than 14 million families spent over half of their income on housing in 2001. Today, working families in this country increasingly find themselves unable to afford housing. A person trying to live in Boston would have to make more than $35,000 annually, just to afford a two-bedroom apartment. This means teachers, janitors, social workers, police officers and other full-time workers may have trouble affording even a modest two-bedroom apartment.

The cost of rental housing keeps going up. According to the Consumer Price Index, CPI, contract rents began to rise above the rate of inflation in 1997 and have continued every year since. Rental costs have outpaced renter income gains for households across the board. Low wage workers have been hardest hit by the increase in cost of rental housing.

Because of the lack of affordable housing, too many families are forced to live in substandard living conditions putting their children at risk. Children living in substandard housing are more likely to experience violence, hunger, lead poisoning and to suffer from infectious diseases such as asthma. They are more likely to have difficulties learning and more likely to fall behind in school. Our Nation's children depend upon access to affordable rental housing.

At the same time the cost of rental housing has been increasing, there has been a significant decrease in affordable rental housing units. More than 1.8 million affordable housing units have been demolished over the past decade. Making matters worse, many current affordable housing providers are deciding to opt-out of their Section 8 contracts or are prepaying their HUD-insured mortgages. These decisions have further limited the availability of affordable housing across the country. Many more providers will be able to opt-out of their Section 8 contracts in the next few years, further limiting the availability of affordable housing in our nation. The current decline has already forced many working families eligible for Section 8 vouchers in Boston to live outside the city because there are no available rental housing units which accept vouchers.

The loss of affordable housing has exacerbated the housing crisis in this country, and the Federal Government must take action. We have the resources, yet we are not devoting these resources to fix the problem. Despite the fact that more families are unable to afford housing and there are fewer affordable rental housing units, we have decreased Federal spending on critical housing programs. Between 1978 and 1995, the number of households receiving Federal housing assistance was increased by almost 3 million. From 1978 through 1984, an additional 230,000 families received Federal housing assistance each year. This number dropped significantly to 126,000 additional households each year from 1985 through 1995.

In 1996, this nation's housing policy went all the way back to square one—not only was there no increase in families receiving housing assistance, but the number of assisted units actually decreased. From 1996 to 1998, the number of HUD-assisted households dropped by 51,000.

During this time of rising rents, increased housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to increase the amount of housing assistance available to working families. Yet in the face of these critical housing problems and the effect it has on our children, the Bush Administration is working to dismantle many federal programs that help Americans find affordable housing. The Bush Administration has proposed to block grant the Section 8 Voucher program, which I believe will reduce the number of families with children eligible for Federal housing assistance and increase housing costs for those families who remain. A recent Center on Budget and Policy Priorities study that shows President Bush's fiscal year 2004 budget request is inadequate to fund all Section 8 housing vouchers needed in fiscal year 2004. Specifically, the lack of funding in the voucher program request means that approximately 184,000 vouchers now in use serving low-income families will not be funded. In Massachusetts, this would mean a reduction of more than 6,000 vouchers or nearly ten percent of the vouchers projected to be in use in October 2003. If the President's request is enacted into law, the Center on Budget and Policy Priorities believes that it is likely that some families that now rely on vouchers to help pay their rent will lose assistance, placing these families at high risk of eviction and, in some cases, homelessness. President Bush's fiscal year 2004 budget request also proposes cutting an additional $2.45 billion from existing housing programs and eliminating the HOPE VI program, which has helped revitalize neighborhoods around the country. These cuts come on top of an earlier Bush Administration action to abolish the Public Housing Drug Elimination Grant program.

The Bush Administration changes in Federal housing programs mean that the Commonwealth of Massachusetts and many other States will likely receive a reduction in Federal housing funds in fiscal year 2004. Almost every State is facing serious budget deficits and are forced to dramatically increase spending on homeland security. Additional funds are not available to make up the decline in Federal spending. The future is even bleaker. These reductions at HUD follow the enactment of two separate tax cuts, which primarily benefit the wealthiest in our society, that will make it almost impossible for any significant increases in the HUD's budget over the next decade. We need to bring housing resources back to where they belong. The National Affordable Housing Trust Fund will provide desperately needed funds to begin production of affordable housing in the United States. Enacting the Housing Trust Fund legislation is an important step in the right direction to add resources to housing and to help begin producing housing again.

We can no longer ignore the shortage of affordable housing in America, and the impact it is having on families and children around the country. It is still unclear to me why this lack of housing has not caused more uproar. How many families are to be pushed out of their homes and into the streets, before action is taken. I believe it is time for our nation to take a new path—one that ensures that all Americans, especially our children, has the opportunity to live in decent, affordable and safe housing. Everyone knows that decent housing, along with neighborhood and living environment, play enormous roles in shaping young lives. Federal housing assistance, has assisted millions of low-income children across the nation and has helped develop stable home environments. However, too many children still live in families that have substandard housing or are homeless. These children are less likely to do well in school and less likely to be productive citizens. Because of the positive effect that this legislation would have on America's children, the Trust Fund was included in the Act to Leave No Child Behind, a comprehensive proposal by the Children's Defense Fund to assist in the development of our nation's children.

I urge you to support this legislation to restore our commitment to provide affordable housing for all families. We can no longer turn our backs on those who struggle every day just to put a roof over their family's head.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1412. A bill to suspend the implementation of the revised definitions of Metropolitan Statistical Areas applicable to Kent, Ottawa, Muskegon, and Allegan Counties in the State of Michigan; to the Committee on Governmental Affairs.

Ms. STABENOW. Mr. President, I rise today to introduce legislation along with Mr. LEVIN, that would stop the implementation of a new Metropolitan Statistical Area, MSA, in the Michigan counties of Kent, Ottawa, Muskegon, and Allegan, KOMA.

On June 6, 2003, the Office of Management and Budget issued its Bulletin No. 03-04 on Revised Definition of Metropolitan Statistical Areas, New Definitions of Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on the Use of the Statistical Definitions in These Areas.

This bulletin finalizes a process that began with the last census. Statistical areas, as explained by the OMB, are designed solely for statistical purposes. As stated in the bulletin, they are designed to "provide nationally consistent definitions in collecting, tabulating, and publishing Federal statistics for a set of geographic areas." The problem is that they are used for much more than that. They are a principal tool for allocating Federal dollars. And, although OMB recognizes this, it will "not take into account or attempt to anticipate any nonstatistical uses that may be made of the MSAs."

This is a serious problem. On one hand, we are implementing new MSAs to serve basic statistical purposes. On the other hand, these new MSAs are critical for the allocation of Federal money and OMB does not consider, in the least bit, how these new MSAs may negatively or positively affect communities. It is easy for OMB staff to say that their hands are tied by rules and strict methodologies, but this is not about number-crunching. This is about real dollars for Michigan.

I have heard from numerous constituents in West Michigan who are concerned about how these new statistical, designations will affect Medicaid and Medicare payments, Housing and Urban Development grants, Community Development Block Grants, and other important programs in Michigan. I share these concerns and want to make sure that we do not allow a new system of Federal dollar allocations to come into effect that would hurt West Michigan. We need time to study the impact of the new MSAs. That is why I am offering legislation to stay the implementation of the new West Michigan MSAs until October 1, 2004, leaving the current Kent-Ottawa-Muskegon-Allegan, KOMA, MSA in place.

The KOMA region has developed a common identity over the last decade. It shares regional challenges such as tourism, transportation networks, environmental protection, and community health. Business leaders have worked hard to market the region as a common community with much to offer potential new businesses and families looking to relocate. I do not want these leaders to lose this marketing tool. By the OMB setting up a new MSA with no consideration of the economic and social integration of the existing MSA, we could see the undermining of a great deal of progress for this part of Michigan.

We, in Congress, should eventually look at this issue of MSAs comprehensively. We should ensure that communities do not have to face this uncertainty every decade with a new census. We should either ensure that the OMB takes into account economic and other community concerns when creating MSAs or we should make sure that Federal funding allocations are not made through MSAs. Regardless, in the short run, it is essential that the hospitals, the community development organizations, the business leaders, and the social service providers of West Michigan who are raising these concerns with me have time to study the problem and understand the impact of OMB's decision. Once that has been studied, we can work with OMB and the interested parties to ensure that there is no loss of Federal money to West Michigan.

By Mrs. BOXER:

S. 1413. A bill to authorize appropriations for conservation grants of the Environmental Protection Agency, to direct the Secretary of the Army and the Secretary of the Interior to conduct expedited feasibility studies of certain water projects in the State of California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing the California Affordable Quantity and Quality Water Act of 2003, CAL-AQQWA.

Nowhere is the need for a comprehensive water policy that includes innovative recycling and reuse principles more urgently felt than in California. Water agencies and elected officials throughout the State are constantly planning, and struggling, to balance California's agricultural, municipal, industrial and environmental water needs.

This challenge becomes all the more acute in the face of the State's declining Colorado River surplus allocation and growing population. California is facing an annual loss of about 800,000 acre feet from the Colorado River. And population forecasts project an additional 15 million residents in California over the next 20 years.

Unfortunately, funding to pursue and implement much-needed, environmentally beneficial water infrastructure projects is not readily available, and many good water management ideas are left languishing on the shelf. CAL-AQQWA can help move many of these ideas forward and into production.

There are two sections in this bill. The first section authorizes expedited feasibility studies for 22 water projects in California. Funding priority would be given to projects that would provide environmental and other benefits. Costs for these studies would be shared between the local sponsors and the Federal Government.

Studies in this bill explore a variety of innovative water supply strategies, including groundwater recharge; recycled water distribution for landscaping, wetlands restoration, agricultural use, industrial use, and general irrigation; surface water storage alternatives; groundwater storage; desalination; conservation; and groundwater demineralization. If fully implemented, these water projects may provide up to 630,000 acre feet of water per year in California. These additional acre feet would allow local authorities to decrease their dependence on imported water sources.

The second section of this bill increases funding for the Environmental Protection Agency's Conservation Grant programs, including $2 billion in fiscal year 2004 for the drinking water state revolving loan program. EPA conservation grants provide funding for measures that include: urban conservation, low-flow toilets, water meter installation or retrofit, desalination projects, wastewater treatment system upgrades for compliance with Clean Water Act requirements, and groundwater recharge facilities projects.

Water agencies and local officials throughout California are constantly struggling to meet all of our state's water needs. My hope is that this legislation will bring us closer to meeting the challenges facing our growing population by studying and expanding the proven benefits of water conservation and recycling.

Let me conclude by noting that seven of the studies in the bill would be conducted by the Army Corps of Engineers. I support moving forward with additional Corps studies. But I also recognize we need to reform the Corps. As part of any reform effort for the Corps, I would like to see that costly or controversial Corps projects be subject to independent review; that any environmental harm caused by Corps projects be fully mitigated in a timely manner; that the public will have access to the information necessary to fully participate in the Corps' planning process; that the Corps' procedures for determining project costs and benefits will be modernized; and that Corps projects will be designed and operated in a manner that protects our precious natural resources.

I encourage my colleagues to take a close look at this bill, and I ask for their support.

By Mr. HATCH (for himself, Mr. MILLER, Mrs. HUTCHISON, Mr. CRAIG, Mr. CORNYN, Mr. SESSIONS, Mr. DOMENICI, Mr. CHAMBLISS, Mr. BURNS, Mr. SUNUNU, Mr. ENZI, Mr. BUNNING, Mr. ALLEN, Mr. STEVENS, Mr. CAMPBELL, Mr. GRASSLEY, Mr. THOMAS, Mr. GRAHAM of South Carolina, and Mr. CRAPO):

S. 1414. A bill to restore second amendment rights in the District of Columbia; to the Committee on Governmental Affairs.

Mr. HATCH. Mr. President, I rise today to introduce the District of Columbia Personal Protection Act. This is an extremely important piece of legislation. Most importantly, this bill goes a long way toward restoring the constitutionally guaranteed right of Americans who reside in the District of Columbia to possess firearms.

It is no secret that the District of Columbia, our great Nation's Capital, suffers from the most startling violent crime rates in the country. It has the highest, the absolute highest, murder rate per capita in the country. According to the Bureau of Justice Statistics, and despite the most stringent gun control laws in the country, in 8 out of the 9 years between 1994 and 2002, Washington DC had the highest murder rate in the country. In fact, the results are in for 2002, and unfortunately they continue to paint a grim picture. The District of Columbia has again reclaimed its rather unenviable title as the "Murder Capital of the United States".

It is time, to restore the rights of law-abiding citizens to protect themselves and to defend their families against murderous predators. All to often, we read in the paper about yet another vicious murder carried out against an innocent District of Columbia resident. Try to imagine the horror that the victim felt when he faced a gun-toting criminal and could not legally reach for a firearm to protect himself. We must act now to stop the carnage and put law-abiding citizens in a position to exercise their right to self defense. It is time to tell the citizens of the District of Columbia that the Second Amendment of the Constitution applies to them, and not only to their fellow Americans in the rest of the country. The District of Columbia Personal Protection Act would do exactly that.

Let me take a moment to highlight what this legislation would do. This bill would: 1. permit law-abiding citizens to possess handguns and rifles in their homes and businesses; 2. repeal the registration requirements for firearms and ammunition; 3. eliminate criminal penalties for possession and carrying of firearms in their homes and businesses; and 4. correct an erroneous provision which wrongly treats some firearms as if they were machineguns.

Over the years, I have heard over and over again from some of my friends on the other side of the aisle that the way you reduce violent, gun-related crime is by prohibiting the possession of firearms. Even if law-abiding citizens are prohibited from possessing firearms, my liberal friends argue, it is a small price to pay for safety and security.

Well, I want to take this opportunity to dispel these unfounded myths. These myths, I might add, are exposed as such by situations like we have today in the District of Columbia. I have said it before, but I will say it again, excessive regulation and the systematic erosion of the rights guaranteed by the Second Amendment do not deter violent, gun-toting criminals. Enacting and vigorously enforcing stiff penalties for those that commit crimes with guns deters violent crime. Not only is this the proven and effective approach to reducing gun violence, it also preserves the constitutionally guaranteed rights of law-abiding men and women to own and possess firearms.

In fact, I recently held a hearing that examined the Administration's gun crime reduction initiative, Project Safe Neighborhoods. This initiative has been incredibly successful. It takes the precise approach that I have advocated—strict and vigorous enforcement of crimes committed with guns. It says to criminals, "If you use a gun during the commission of a crime, you will do very serious and very hard time." And it does so, without trampling on the rights of law-abiding American men and women.

Today, unfortunately but not surprisingly, the state of affairs in the District of Columbia has highlighted exactly what those of us who care deeply about the Second Amendment of the Constitution have always feared: murderous criminals possess firearms and are free to prey upon law-abiding citizens; and law-abiding citizens—precisely because they are law-abiding citizens—may not possess a firearm in their homes to protect themselves and their families.

The prohibition of firearms in the District of Columbia is as ineffective and deplorable as it is unconstitutional; it is high-time we rectify this wrong. I urge my colleagues to support this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Personal Protection Act".

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the rest of the United States for sporting use and for lawful defense of persons, homes, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only disarm law-abiding citizens.

(6) Legislation is required to correct the District of Columbia's law in order to restore

the rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 303.43 of title 1, District of Columbia Code, is amended by adding at the end the following: "This section shall not be construed to permit the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons otherwise permitted to possess firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor regulated by the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.".

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

Section 2501.01(10) of title 7, District of Columbia Code, is amended to read as follows:

"(10) Machine gun means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot automatically, more than 1 shot by a single function of the trigger.".

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

Section 2502.01 of title 7, District of Columbia Code, is amended—

(1) in subsection (a)—

(A) by striking ", and no person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm"; and

(B) by striking beginning with "A registration" through paragraph (3); and

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by striking "firearm or";

(B) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(C) by striking paragraph (3).

SEC. 6. REPEAL D.C. HANDGUN BAN.

Section 2502.02 of title 7, District of Columbia Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "or" after the semicolon;

(B) in paragraph (3), by striking "; or" and inserting a period;

(C) by striking paragraph (4); and

(D) by striking "(a)"; and

(2) by striking subsection (b).

SEC. 7. REPEAL HANDGUN AMMUNITION BAN.

Section 2506.01 of title 7, District of Columbia Code, is repealed.

SEC. 8. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 2507.02 of title 7, District of Columbia Code, is repealed.

SEC. 9. ADDITIONAL REPEALS.

Sections 2502.03, 2502.04, 2502.05, 2502.06, 2502.07, 2502.08, 2502.09, 2502.10, and 2502.11 of title 7, District of Columbia Code, are repealed.

SEC. 10. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

Section 2507.06 of title 7, District of Columbia Code, is amended—

(1) by striking "that:" through "(1) A" and inserting "that a"; and

(2) by striking paragraph (2).

SEC. 11. REMOVE CRIMINAL PENALTIES FOR CARRYING PISTOL IN ONE'S DWELLING OR OTHER PREMISES.

Section 4504(a) of title 22, District of Columbia Code, is amended—

(1) in the matter before paragraph (1), by inserting ", except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded," before "a pistol"; and

(2) in paragraph (1), by striking "a pistol, without a license pursuant to District of Columbia law, or".

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building", to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today proudly to introduce legislation to rename the postal facility at 141 Weston Street in Hartford, CT, as the "Barbara B. Kennelly Post Office Building." Barbara Kennelly is a dear friend, a former member of the House of Representatives, and an outstanding citizen of Connecticut who has dedicated her life to public service on behalf of the citizens of our great State. It is long past time, and the very least that we can do to pay tribute to her in this small but lasting way.

Barbara's life of public service came as no surprise to those of us who knew her and her family—the first family of Connecticut politics, I might add. Her father, John M. Bailey, was one of the all time great political legends of our State—a powerful political leader, confidante of John F. Kennedy, and Democratic Party chairman under Presidents Kennedy and Johnson. I devoted the better half of my senior year at Yale to the study of Bailey and wrote my senior thesis, later turned into a book, on his brilliant and sophisticated use of political power. Barbara's mother was active in Democratic politics long after the death of her husband in 1975, her brother Jack served as the chief state attorney in Connecticut, and her late husband Jim was a Speaker of the Connecticut House. Politics has been in Barbara's bones practically from the time she was born.

She once told a newspaper that politics didn't "come naturally, but certainly it's a lot easier when you see members of your family doing it. Obviously I was watching my father all the time and learning through osmosis."

She had good instructors and she learned well. After serving on the Hartford City Council and as Connecticut's Secretary of State, Barbara was elected to Congress in 1982 and served with distinction until 1999, when she answered her party's call to run for governor.

Like her father, she was a hard-driving and skilled tactician in the House, working the back corridors of politics and shunning the bright lights of the modern media ever in search of a nine-second sound bite.

She was an insider, a loyal Member of the House leadership, and a golf partner to the likes of Danny Rostenkowski. She rose in through the party ranks making few enemies, seeking consensus, playing fair, and gathering strength one vote at a time.

Through the 1980s and 1990s, she was one of the more powerful women in the Congress—part feminist hero, part backroom pol. She had a knack for getting along with the good old boys even as she pushed the boundaries for women's rights.

In 1984, she was thrilled to be chosen to nominate Geraldine Ferraro as the first woman Vice Presidential candidate on a Democratic ticket. Years afterward, Barbara said that moment was one of the high points of her career. But there would be many others. In her second term, House Speaker Tip O'Neill recognized her ability and appointed her to serve on the prestigious tax-writing Ways and Means Committee, a committee most members wait years to join. She also became the first woman member of the House Intelligence Committee. And in 1991, she became the first woman to join the House leadership as a chief deputy whip.

We miss her strong presence and her wise counsel here in Congress but are grateful for her continuing work on behalf of seniors as the President of the National Committee to Preserve Social Security and Medicare. I appreciate the opportunity to help honor a great woman in this way. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BARBARA B. KENNELLY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, shall be known and designated as the "Barbara B. Kennelly Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Barbara B. Kennelly Post Office Building.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1232. Mr. STEVENS (for himself and Mr. WARNER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1233. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1234. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, supra.

SA 1235. Mr. STEVENS (for Mr. GRAHAM, of South Carolina (for himself and Mr. HOLLINGS)) proposed an amendment to the bill H.R. 2658, supra.

SA 1236. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, supra.

SA 1237. Mr. INOUYE (for Mr. MILLER) proposed an amendment to the bill H.R. 2658, supra.

SA 1238. Mr. INOUYE (for Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) proposed an amendment to the bill H.R. 2658, supra.

SA 1239. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1240. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1241. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1242. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1243. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1244. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2658, supra.

SA 1245. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1246. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1247. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1248. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1249. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1250. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1251. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1252. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1253. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1254. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1255. Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to amendment SA 1244 proposed by Mr. BYRD (for himself and Mr. CORZINE) to the bill H.R. 2658, supra.

SA 1256. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1257. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 2658, supra.

SA 1258. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, supra.

SA 1259. Mr. ALLEN proposed an amendment to the bill H.R. 2658, supra.

SA 1260. Mr. INOUYE (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill H.R. 2658, supra.

SA 1261. Mr. INOUYE (for Mr. CONRAD) proposed an amendment to the bill H.R. 2658, supra.

SA 1262. Mr. INOUYE (for Mr. BREAUX (for himself and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 2658, supra.

SA 1263. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 2658, supra.

SA 1264. Mr. DORGAN proposed an amendment to the bill H.R. 2658, supra.

SA 1265. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1266. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1232. Mr. STEVENS (for himself and Mr. WARNER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Amounts appropriated by this Act may be used for the establishment and support of 12 additional Weapons of Mass Destruction Civil Support Teams, as follows:

(1) Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to $23,300,000.

(2) Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $16,000,000.

(3) Of the amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY", up to $25,900,000.

(4) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $1,000,000.

SA 1233. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $2,000,000 may be available for the development of integrated systems analysis capabilities for bioterrorism response exercises.

SA 1234. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading "PROCUREMENT, MARINE CORPS", up to $1,500,000 may be used for the procurement of highly versatile nitrile rubber collapsible storage units.

SA 1235. Mr. STEVENS (for Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be available for Marine Corps Communications Systems (PE#0206313M) for Critical Infrastructure Protection.

SA 1236. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

SEC. 8124. Of the total amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY", up to $1,500,000 may be used for for the procurement of TSC-750 computer systems.

SA 1237. Mr. INOUYE (for Mr. MILLER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

SA 1238. Mr. INOUYE (for Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, NAVY", up to $2,000,000 may be available for night vision goggles in advanced helicopter training.

SA 1239. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $5,000,000 may be available for the Rotary, Multi-Fuel, Auxiliary Power Unit

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SA 1240. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to $3,000,000 may be available for Army Reserve Information Operations for Land Forces Readiness for Information Operations Sustainment.

SA 1241. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "PROCUREMENT, DEFENSE-WIDE", up to $23,000,000 may be available for modifications to complete the conversion of a C–130J aircraft to EC–130J Commando Solo configuration for the Special Operations Command.

SA 1242. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", $669,310,000 shall be available for the Evolved Expendable Launch Vehicle.

SA 1243. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to $669,310,000 may be used for the Evolved Expendable Launch Vehicle.

SA 1244. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of Defense, including funds appropriated for the Department before the date of the enactment of this Act that remain available for obligation as of that date, may be available for the involuntary call or order to active duty of any member of the National Guard or other Reserve component for purposes of the deployment of the member overseas as follows:

(1) A single deployment overseas of 180 days or more.

(2) More than one deployment overseas in any 360-day period.

SA 1245. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "OPERATIONAL TEST AND EVALUATION, DEFENSE", up to $12,800,000 may be available for the joint gulf range complex upgrade.

SA 1246. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "OTHER PROCUREMENT, AIR FORCE", up to $20,000,000 may be available for the Halvorsen Loader.

SA 1247. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $6,000,000 may be available for the Combat Trauma Patient Simulation.

SA 1248. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, NAVY", up to $100,000,000 may be available for the EA–6B ICAP III Program.

SA 1249. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, NAVY", up to $5,500,000 may be available for the EA–6B Ready Room Mission Rehearsal System.

SA 1250. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $7,600,000 may be available for the Live Fire Test and Training (LFT&T) Program.

SA 1251. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,250,000 may be available for the Low-Cost Retractable Needle.

SA 1252. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $10,000,000 may be available for the National Functional Genomics Center.

SA 1253. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes;

which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Army", up to $2,000,000 may be available for the Center of Excellence in Military Low Vision Research (PE#0603002A).

SA 1254. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Air Force", up to $4,000,000 shall be available for the Center for Adaptive Optics.

SA 1255. Mr. STEVENS (for himself and Mr. Inouye) proposed an amendment to amendment SA 1244 proposed by Mr. Byrd (for himself and Mr. Corzine) to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the word Sec. and insert:

8124. (a) There is established a Commission on Overseas Deployments.

(b)(1) The Commission shall be composed of 11 members of whom—

(A) three shall be appointed the President;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) two shall be appointed by the Majority Leader of the Senate, in consultation with the Secretary of Defense;

(D) two shall be appointed by the Minority Leader of the Senate, in consultation with any person who served as Secretary of Defense pursuant to an appointment to such position by President Jimmy Carter or President Bill Clinton; and

(E) two shall be appointed by the Minority Leader of the House of Representatives.

(2) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The Commission shall meet at the call of the Chairman. The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(4) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) The Commission shall select a Chairman and Vice Chairman from among its members.

(c) The Commission shall—

(1) conduct a comprehensive examination of overseas deployments of members of the Armed Forces, and analyze the resulting adverse effects on personnel, readiness, and operation tempos on members of the active and reserve components of the Armed Forces;

(2) examine current overseas rotation policies and practices for active and reserve component forces and how those policies and practices affect military readiness, unit and individual training, quality-of-life for members and their dependents, and retention of career and noncareer members.

(d)(1) Not later than 120 days after the date of the enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

(2) The report shall include recommendations on ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support for the National Military Strategy.

(3) The report and recommendations shall also address the overall size, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployments and presence, the adequacy of the current balance and mix of active and reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods of overseas tours, and unaccompanied tours in hardship locations.

(e) The Commission shall consult with the congressional defense committees in carrying out its duties under this section.

(f) The Commission shall terminate 90 days after the submission of the report under subsection (d).

(g) Of the amount appropriated by title II under the heading "Operation and Maintenance, Defense-Wide", up to $3,000,000 may be used for carrying out this section.

SA 1256. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table as follows:

Insert after section 8123 the following:

Sec. 8124. (a) Closure of Naval Station Roosevelt Roads, Puerto Rico.—Notwithstanding any other provision of law, the Secretary of the Navy shall close Naval Station Roosevelt Roads, Puerto Rico, no later than six months after the date of the enactment of this Act.

(b) Disposal.—(1) The Secretary of the Navy shall exercise the authority granted to the Administrator of the General Services pursuant to section 545 of title 40, United States Code, and dispose of the real property and associated personal property at the former Naval Station by public sale.

(2) The Secretary of the Navy may transfer excess personal property or dispose of surplus personal property located at the installation pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 521 et seq.).

(c) Availability of Funds.—The Secretary of the Navy may use funds in the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) to implement the closure of the former Naval Station.

(d) Treatment of Proceeds.—There shall be deposited into the Account referred to in subsection (c) the proceeds of sale from the disposal of property authorized by subsection (b) for the benefit of the Department of the Navy.

SA 1257. Mr. STEVENS (for Mr. Voinovich (for himself and Mr. DeWine)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Defense-Wide", up to $3,000,000 may be available for the Long Range Biometric Target Identification System.

SA 1258. Mr. STEVENS (for Mr. Roberts) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

"Sec. . Of the total amount appropriate by title IV under the heading "Research, Development, Test and Evaluation, Defense-Wide", up to $2,500,000 may be made used for the study of geospatial visualization technologies.

SA 1259. Mr. ALLEN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Navy", up to $4,000,000 may be available for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section (PE#0603114N).

SA 1260. Mr. INOUYE (for Mr. Bingaman (for himself and Mr. Domenici)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. Of the total amount appropriated by title IV under the heading "Research and Development Defense Wide", up to $3,500,000 may be used for National Consortium on Masins Research for Program Element number 03058846.

SA 1261. Mr. INOUYE (for Mr. Conrad) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

Sec. 8124. Of the amount appropriated by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Army", up to $3,500,000 may be available for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project.

SA 1262. Mr. INOUYE (for Mr. Breaux (for himself and Ms. Landrieu)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $800,000 may be available for the Tulane Center for Missile Defense, Louisiana.

SA 1263. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "DEFENSE PRODUCTION ACT PURCHASES", up to $3,000,000 may be available for a Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels

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SA 1264. Mr. DORGAN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Not later than July 29, 2003, the President shall submit to Congress a budget amendment to the budget of the President for fiscal year 2004, as submitted to Congress in 2003 under section 1105(a) of title 31, United States Code, setting forth in full the amounts required for fiscal year 2004 for United States military operations in Iraq and Afghanistan in fiscal year 2004.

SA 1265. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment to be proposed by her to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" for Army Missile Defense System Integration (Non Space), up to $1,500,000 may be used for the Low Cost Avionics program to establish avionic system standards utilizing commercial, open architecture design methodologies.

SA 1266. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to $619,310,000 may be used for the Evolved Expendable Launch Vehicle.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 16, 2003, at 10:00 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act, and H.R. 2440, the Indian Health Care Improvement Act Amendments of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

* * *

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 15, at 2:30 p.m. to receive testimony regarding the compact of free association with the Federated States of Micronesia and the Republic of the Marshall Islands.

THE PRESIDING OFFICER. Without objeftion, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, July 15, 2003, at 10:00 a.m., to receive testimony on An Examination of U.S. Tax Policy and Its Effect on the International Competitiveness of U.S.-Owned Foreign Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 15, 2003 at 10:00 a.m., to hold a hearing on Successes and Challenges for U.S. Policy to Haiti.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Governmental Affairs be authorized to meet on Tuesday, July 15, 2003, at 9:30 a.m., for a hearing entitled "Nowhere to Turn: Must Parents Relinquish Custody in Order to Secure Mental Health Services for Their Children?, Part One: Families and Advocates."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Health, Education, Labor and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Reauthorization of the Substance Abuse and Mental Health Services Administration during the session of the Senate on Tuesday, July 15, 2003, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 15, 2003, for a hearing to receive a report by Ronald F. Conley, the National Commander of the American Legion. The hearing will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a joint hearing on "Visa Issuance, Information Sharing and Enforcement in a Post-9/11 Environment: Are We Ready Yet?" on Tuesday, July 15, 2003, at 2:30 p.m. in SD226.

Panel I: Mr. Jess T. Ford, Director, International Affairs Division, General Accounting Office, Burke, Virginia.

Panel II: Ms. Janice L. Jacobs, Deputy Assistant Secretary, Visa Service, Department of State, Carbondale, Illinois; Mr. Michael T. Dougherty, Director of Operations, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, McLean, Virginia; Mr. Jayson P. Ahern, Assistant Commissioner, Bureau of Customs and Border Protection, Department of Homeland Security, Ashburn, Virginia.

THE PRESIDING OFFICER. Without objection, it is so ordered.

* * *

PRIVILEGES OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Jennifer Bacigalupi, an assistant in my office, during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. I ask unanimous consent that Stephen Tela, a legislative fellow assigned to Senator KENNEDY's office, be accorded floor privileges during today's consideration of H.R. 2658.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent a staff person in Senator BINGAMAN's office be granted privileges during the pendency of this bill. His name is Jonathan Epstein, a congressional fellow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that William Greer and Ryan Pratt of Senator LOTT's office be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHECK TRUNCATION ACT OF 2003

Mr. STEVENS. Mr. President, I ask that the Chair now lay before the Senate a message from the House on H.R. 1474.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 1474) entitled "An Act to facilitate check truncation by authorizing substitute checks, to foster innovative in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Oxley, Mr. Bachus, Mr. LaTourette, Ms. Hart, Mr. Tiberi, Mr. Frank of Massachusetts, Mr. Sanders, and Mr. Ford.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate insist on its amendment to the House bill, agree to a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees at a ratio of 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer appointed Mr. SHELBY, Mr. BENNETT, Mr. ALLARD, Mr. SARBANES, and Mr. JOHNSON as conferees on the part of the Senate.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2003

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 193, S. 764.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 764) to extend the authorization of the Bulletproof Vest Partnership Grant Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing the Bulletproof Vest Partnership Grant Act of 2003, S. 764, a bill to reauthorize an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers.

This bill marks the third time that I have had the privilege of teaming with my friend and colleague Senator CAMPBELL to work on this legislation. We authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with lifesaving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and I hope we will go three-for-three this time around. Senator CAMPBELL brings to our effort invaluable experience in this area and during his time in the Senate he has been a leader in the area of law enforcement. As a former deputy sheriff, he knows the dangers law enforcement officers face when out on patrol. I am pleased that we have been joined in this effort by Judiciary Chairman HATCH, Judiciary Committee Senators BIDEN, SCHUMER, KOHL and FEINGOLD, as well as five other Senate cosponsors.

Our bipartisan legislation will save the lives of law enforcement officers across the country by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful Department of Justice program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, 148 municipalities have been fortunate to receive funding for the purchase of almost 1200 vests. Without the federal funding given by this program, I daresay that there would be close to that number of police officers without vests in Vermont today.

The Bulletproof Vest Partnership Grant Act of 2003 will further the success of the Bulletproof Vest Partnership Grant Program by re-authorizing the program through fiscal year 2007. Our legislation would continue the Federal-State partnership by authorizing up to $50 million per year for matching grants to State and local law enforcement agencies and Indian tribes at the Department of Justice to buy body armor.

Not only should we reauthorize this program, but also we should work to see that it is fully funded. While the Bulletproof Vest Partnership Program funding has been consistently authorized at $50 million per year, that amount gets whacked in half during the appropriations process. Law enforcement agencies, however, clearly need our help to purchase vests—for the current fiscal year, the Bulletproof Vest Partnership office received funding requests from small jurisdictions, with populations under 100,000, totaling $59 million—more than double the funds appropriated. The authorizing legislation requires that smaller jurisdictions receive priority funding through this program. Those requests consumed the entire amount of funds available and for the first time ever awards could only be made to small jurisdictions.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I look forward to Senate passage today of the bipartisan Bulletproof Vest Partnership Grant Act, and I hope the House and the President will promptly act on this lifesaving legislation to help better to protect our law enforcement officers.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 764) was read the third time and passed, as follows:

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Act of 2003".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2004" and inserting "2007".

NATIONAL HEALTH CENTER WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 195, S. Res. 140.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 140) designating the week of August 10, 2003, as "National Health Center Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 140

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 13,000,000 people at more than 4,000 health delivery sites, in urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system by meeting escalating health needs and reducing health disparities;

Whereas these health centers provide care to 1 of every 5 low-income babies born in America, 1 of every 8 uninsured individuals, 1 of every 9 medicaid beneficiaries, 1 of every 9 people of color, and 1 of every 10 rural Americans, and these Americans would otherwise lack access to health care;

Whereas these health centers and other innovative programs in primary and preventive care reach out to almost 750,000 homeless persons and nearly 850,000 farmworkers;

Whereas these health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers have increased the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money that empowers communities to find partners and resources, and to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of a health center's budget, with the remainder provided by State and local governments, medicare, medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, and work together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school, and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 60,000 community residents; and

Whereas the designation of the week of August 10, 2003, as "National Health Center Week" would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 10, 2003, as "National Health Center Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, JULY 16, 2003

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, July 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with the first 15 minutes under the control of the majority leader or his designee and the next 15 minutes under the control of Senator MIKULSKI or her designee, provided that following that time, the Senate proceed to consideration of H.R. 2330, the Burma sanctions bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, at the leader's request, following morning business, the Senate will take up H.R. 2330, the Burma sanctions bill, under a 1-hour time agreement. Upon the use or yielding back of that time, the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. Under the previous order, there will be up to 30 minutes equally divided in relation to the Dorgan amendment and 40 minutes equally divided in relation to the Bingaman amendment. Following the use or yielding back of that time, the Senate will proceed to three stacked rollcall votes related to the Dorgan amendment, the Bingaman amendment, and the Burma bill.

Therefore, if all debate time is used, the first vote in tomorrow's session will occur at approximately 12:10 p.m., and that vote will be the first in a series of three stacked votes.

Following that series of votes, the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. It is the majority leader's intention to complete action on that bill tomorrow. I share deeply that desire. Therefore, any Members who have amendments are encouraged to contact either me, as the manager of the bill, or Senator INOUYE so that they can schedule the appropriate time for the amendment's consideration. I also inform the Members that votes should be expected throughout the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Missouri, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

AUTHORITY FOR BILL INTRODUCTIONS

The PRESIDING OFFICER. Further in my capacity as a Senator from Missouri, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, it be in order until 8 o'clock this evening for bill introductions as provided for under the trade promotion authority.

Without objection, that is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, July 16, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 2003:

EXECUTIVE OFFICE OF THE PRESIDENT

KRISTIN J. FORBES, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE RANDALL S. KROSZNER, RESIGNED.

HARVEY S. ROSEN, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE MARK B. MCCLELLAN.

DEPARTMENT OF STATE

ROBERT B. CHARLES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE R. RAND BEERS, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA V. ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2009. (REAPPOINTMENT

CONFIRMATION

Executive nomination confirmed by the Senate July 15, 2003:

THE JUDICIARY

LONNY R. SUKO, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 15, 2003, withdrawing from further Senate consideration the following nomination:

WILLIAM PRESTON GRAVES, OF KANSAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2005, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.

DISCHARGED NOMINATION

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar pursuant to an order of the Senate:

*MICHAEL J. GARCIA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, July 15, 2003*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CHOCOLA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 15, 2003.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1233. An act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. There being no requests for morning hour debates, pursuant to clause 12(a), rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 4 minutes a.m.) the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHAW) at 10 a.m.

PRAYER

Dr. Barry C. Black, Chaplain, United States Senate, offered the following prayer:

God of grace and glory, You bless us in so many ways. You hold our lives in Your hands and oversee the movements of the seasons. You give us Your peace in the midst of life's storms. You read even our unworthy thoughts, and yet You invite us to meet with You.

Lord, thank You for leading us in life's precarious places, providing us with inspiring promises. Help us to live worthy of Your generous providence. May we remember to cast our burdens on You, for You have promised to sustain us. We pray this in Your strong name, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BULLETPROOF VEST PARTNERSHIP GRANT

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today in support of our Nation's police officers. They champion homeland security every day, and quite often they stand in the line of fire.

Between 1992 and 2001, 594 police officers were shot in the line of duty. Of those officers, half were not wearing body armor. Their agency could not afford it. They were not wearing the bulletproof vest that could have saved their lives.

Thanks to the Bulletproof Vest Partnership Grant program, 700,000 more officers are wearing life-saving body armor today than just 4 years ago. This initiative provides police officers an additional degree of safety in their job that they deserve. I ask my colleagues to cosponsor H.R. 1708 to help us continue this vital program and keep our police officers protected as they protect us.

CELEBRATING THE 48TH ANNUAL BEAUFORT COUNTY WATER FESTIVAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as one of the greatest honors of representing the Second District of South Carolina, I will soon be in Beaufort, the Palmetto State's second oldest city and the home of Second Congressional District Communications Director Wesley Denton attending the 48th annual Beaufort County Water Festival. I will join Geordie Madlinger, this year's Commodore, in this historic celebration of South Carolina's Lowcountry, which takes place in Beaufort's Waterfront Park.

Southern hospitality, Lowcountry culture, and family traditions are all on full display at each year's festivities. The Water Festival brings together young and old from all over the Lowcountry to enjoy dances and concerts, fine arts and crafts, an antique show, boat races, sporting events of all kinds, historic home and museum tours, the Blessing of the Fleet, a grand parade and a Lowcountry Supper with fresh local seafood.

Each summer I enjoy spending time at the lemonade social at the home of South Carolina State Representative Catherine Ceips and this year attending the Change of Command Ceremony hosted by Brantley and Helen Harvey. Also, I would like to commend Beaufort Mayor Bill Rauch, Greater Beaufort Chamber of Commerce's Executive Director Libby Barnes, and Beaufort County Council's Vice Chairman Skeet Von Harton for their hard work in making this year's festival a success.

I ask all of my colleagues to join me in wishing the residents of Beaufort County a wonderful 48th Annual Water Festival.

In conclusion, God bless our troops.

YELLOWSTONE AMENDMENT TO INTERIOR APPROPRIATIONS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this week we will be voting on a spending bill for the Department of the Interior, the agency entrusted with the management and stewardship of our national parks. Unfortunately, this agency seems to have forgotten the stewardship portion of their mission.

The Department has decided to ignore 10 years of scientific study by the National Park Service, which concluded that the best way to protect and preserve Yellowstone and Grand Teton National Parks, two of our greatest national treasures, would be to phase out the use of snowmobiles. They have decided to ignore the conclusion that emissions produced by snowmobiles force park rangers to wear respirators, adversely affect the health of visitors, and obscure visibility around the famous Old Faithful geyser.

This decision is an affront to the health of our national park system. That is why I strongly support an amendment to the Interior appropriations bill that will call for a phaseout of the use of snowmobiles in these parks.

Our national parks are irreplaceable. We need to act now so that we can ensure that they are protected for generations to come.

IRAQ AND WEAPONS OF MASS DESTRUCTION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, today at 11 a.m. in Rayburn 2203 I will be hosting a briefing featuring two veteran intelligence officers to discuss the Bush administration's misuse of intelligence to justify the war in Iraq. The first speaker, Ray McGovern, is a 27-year veteran of the analytic ranks of the CIA who cofounded the Veteran Intelligence Professionals for Sanity. The second speaker, Andrew Wilkie, was a senior intelligence analyst at Australia's Office of National Assessment until his resignation a week before the war.

The Bush Administration's recent blame shifting and back-pedaling on the Iraq uranium claim is profoundly embarrassing to this Nation. In an effort to protect the Bush presidency, Secretary Rumsfeld and National Security Advisor Rice have decided to blame CIA Director Tenet for not removing the "16 words" from the President's State of the Union address.

They, of course, have completely neglected to mention that the claim was disputed by Tenet in October, 2002, and that the Vice President's office learned of the forged evidence back in February of 2002. They have refused to divulge what transpired during Vice President CHENEY's multiple unusual visits to meet personally with CIA Iraq analysts, in which they reportedly felt pressured.

It is time for the American people to know the truth, and today at 11 a.m. in Rayburn 2203 we are going to continue on the path to get the truth.

THE TRUTH STILL MATTERS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, even here in Washington, D.C., the truth still matters. And despite what my colleague from Ohio just suggested, the truth is that Iraq had a program of weapons of mass destruction in the months and years prior to Operation Iraqi Freedom. Saddam Hussein himself admitted in 1991 to the possession of 10,000 nerve gas warheads, 1,500 chemical weapons, and 412 tons of chemical weapons agents. The truth is President Clinton attacked Saddam Hussein in 1998 to confront his biological, chemical and nuclear weapons programs. The truth is that Great Britain's intelligence community confirmed Iraq's efforts to obtain enriched uranium in Africa. The truth is it was that intelligence report that the President spoke of on this floor, and the truth is that Iraq had a weapons of mass destruction program and that Operation Iraqi Freedom was our finest and noblest and most necessary hour in these recent times.

RESOLUTION DISMISSING ELECTION CONTEST AGAINST ED CASE OF HAWAII

Mr. NEY, from the Committee on House Administration, submitted a privileged report (H. Rept. 108–207) on the resolution (H. Res. 317) dismissing the election contest against Ed Case, which was referred to the House Calendar and ordered to be printed.

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 317) dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 317

Resolved, That the election contest relating to the office of Representative from the Second Congressional District of Hawaii is dismissed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Mr. Speaker, reserving my right to object, I yield to the distinguished chairman to explain the purpose of this resolution.

Mr. NEY. Mr. Speaker, I want to thank the gentleman from Connecticut, our ranking member, for yielding.

I rise in support of House Resolution 317, a bill to dismiss an election contest filed against Representative ED CASE of Hawaii's Second Congressional District. There is bipartisan and complete agreement that the contest fails to state grounds sufficient to change the result of the election and therefore should be dismissed.

The contestant challenged the late Representative Patsy Mink in the 2002 Democrat primary, where he received 15 percent of the vote. The contestant argues that Representative Mink, who was seriously ill at the time of the primary and passed away 1 week later, should have been disqualified as a primary candidate, that he should have been declared the Democrat nominee by default and that as the nominee he therefore would have been the inevitable general election winner.

The Federal Contested Elections Act does not contemplate considering Notices of Contest that are based on the conduct of primary elections. Consequently, the committee concludes that the basis for the contestant's Notice of Contest falls outside the scope of the FCEA, and it was totally agreed to without any dissension.

Mr. LARSON of Connecticut. Mr. Speaker, further reserving my right to object, I rise in support of the resolution reported unanimously by the Committee on House Administration to dismiss this frivolous election contest against our colleague from Hawaii ED CASE.

Representative CASE won a special election with 44 candidates on the ballot on January 4, 2003, by an overwhelming margin: and I want to commend the gentleman from Ohio (Chairman NEY) for the bipartisan cooperation that has been demonstrated throughout this process.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Res. 317.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RESOLUTION DISMISSING ELECTION CONTEST AGAINST BART GORDON OF TENNESSEE

Mr. NEY, from the Committee on House Administration, submitted a privileged report (H. Rept. 108–208) on the resolution (H. Res. 318) dismissing the election contest against BART GORDON, which was referred to the House Calendar and ordered to be printed.

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 318) dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 318

Resolved, That the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee is dismissed.

□ 1015

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman, the gentleman from Ohio (Mr. NEY), to explain the purpose of this resolution.

Mr. NEY. Mr. Speaker, I thank the ranking member for yielding.

In keeping with the tradition of the dismissal of "Election Contest Day" here in the U.S. House, I rise in support of House Resolution 318, a bill to dismiss an election contest filed against the gentleman from Texas (Mr. GORDON) in Tennessee's sixth district.

The contestant, a candidate on the November 2002 ballot against the gentleman from Tennessee (Mr. GORDON), filed a notice of contest under the Federal Contested Elections Act contending that the gentleman from Tennessee (Mr. GORDON) is unqualified for the office because the Constitution bars an incumbent from running for reelection without first resigning his or her seat and being an inactive member of the State Bar Association. The contestant makes no allegations of irregularities, fraud, or wrongdoing in respect to the election of the sixth congressional seat.

The committee finds that challenges to the qualifications of a Member-elect to serve in the Congress fall outside the purview of the FCEA, which was designed to consider allegations relating to the actual conduct of an election. Consequently, the committee concludes that the contestant's arguments regarding the qualifications of the gentleman from Tennessee (Mr. GORDON) to serve in Congress do not constitute grounds sufficient to change the results of the election and, therefore, recommends that this election contest be dismissed.

Again, in the frame of the other resolution, we had full support on this and deem it to be frivolous.

Mr. LARSON of Connecticut. Mr. Speaker, further reserving my right to object, I rise in support of this resolution reported unanimously by the Committee on House Administration, to dismiss this frivolous election contest against our colleague, the gentleman from Tennessee (Mr. GORDON). The gentleman from Tennessee (Mr. GORDON) was reelected with 66 percent of the vote.

Again, I would like to commend the gentleman from Ohio (Chairman NEY) for his fair-handed and fair-minded bipartisan cooperation that has been demonstrated throughout this process.

Mr. NEY. Mr. Speaker, if the gentleman will yield again briefly under his reservation, I would like to thank our ranking member, the gentleman from Connecticut (Mr. LARSON), and members of the committee for their work on these two issues.

Mr. LARSON of Connecticut. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 318.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day today.

PERMITTING USE OF THE ROTUNDA TO COMMEMORATE THE UNVEILING OF THE STATUE OF SAKAKAWEA PROVIDED BY THE STATE OF NORTH DAKOTA FOR DISPLAY IN STATUARY HALL

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The Clerk read as follows:

H. CON. RES. 236

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 236. This legislation permits the use of the rotunda of the Capitol on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota.

In 1864, Congress enacted and created National Statuary Hall providing for the contribution of statues by the States. Each State is allowed to donate two statues to the Capitol of their most prominent citizens. North Dakota is one of three States which has not donated a second statue. Out of the 97 statues throughout the Capitol, there are only five women and three native Americans. North Dakota's current statue is John Burke, former Governor, U.S. Treasurer, and State Supreme Court Justice, which was donated in 1963.

The story of how the original statue of Sakakawea in North Dakota was created dates back to the centennial commemoration of the Lewis and Clark expedition at the turn of the 20th century. In 1904, St. Louis hosted a Louisiana Purchase Exposition; and in 1905, Portland hosted the Lewis and Clark Centennial and the America Pacific Exposition and Fair. The State of North Dakota spent funds for pavilions and exhibits at these events. Given the prominence of Sakakawea statues at these events, the idea of a similar statue to stand in North Dakota was therefore born.

Mattie Davis, the superintendent of schools in Cass County, suggested an appropriate recognition needed to be given to the only woman to accompany the expedition of Lewis and Clark. The idea was endorsed by the Fargo City Federation of Women's Clubs which presented it to the North Dakota Federation. A resolution was passed calling for the placement of a statue on the State Capitol grounds in Bismarck.

Sakakawea, simply put, was a leader of leaders. She was a key part of the boldest and most dangerous expedition in American history. She served as an interpreter, guide, and provider to Lewis and Clark; but her most important role was that of a peacemaker. As a woman and a mother, her presence made it clear that Lewis and Clark were not leading a war party. As Clark wrote in his journal: "Our interpreter we find reconciles all the Indians as to our friendly intentions. A woman with a party of men is a token of peace." She was courageous and indomitable, but it was her gentle spirit and interpretive skills that appeased potential enemies.

Before reserving my time, Mr. Speaker, I just want to point out and give a lot of credit to Mattie Davis, the superintendent of schools of Cass County, who suggested this idea by the Fargo City Federation of Women's Clubs which presented it to the North Dakota Federation. It is local people getting together to promote ideas such as this to preserve our history that need to have encouragement from us and tribute for all of their offerings on this particular statue.

I want to thank the gentleman from Connecticut (Mr. LARSON), our ranking member, and the members of the Committee on House Administration, and also the gentleman from North Dakota (Mr. POMEROY) for their work on this legislation. I urge full support of House Concurrent Resolution 236.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the distinguished chairman, the gentleman from Ohio (Mr. NEY).

Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from North Dakota (Mr. POMEROY), the sponsor of the concurrent resolution, who has worked so hard over the years to make this placement of the statue a reality.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the ranking member and chairman for their support of this issue, a resolution important to the State of North Dakota.

Since 1964, Congress has entertained the statues advanced by the States and allowing their positioning throughout the Capitol. Without question, they enhance the atmosphere here and remind us of truly the history that has gone on before us, both in this Capitol and throughout the country, as leaders of each of the 50 States have made their indelible imprint on our collective history as a Nation. Yet we found in North Dakota that we only had a single statue. Unlike the two per State, we were one of four States that had a single statutory representative, former Governor and Treasurer John Burke.

It occurred to me that we could not do better to have as the second representative of North Dakota Sakakawea, and not just any statue of Sakakawea, but an identical replica to the statue Sakakawea that has graced our Capitol grounds for nearly a century. The statue, initially sculptured by Leonard Crunell from France, is a statue whose model was Sakakawea's granddaughter, Hannah Leavings Grant, also known as Mink Woman. Extraordinarily enough, at a recent July 4 celebration on the grounds of the State Capitol as we viewed the statue that will come under this resolution to represent North Dakota in this great place, there were relatives of Mink Woman present.

So this is an act that has such immediate relevance to especially the Native Americans and the three affiliated tribes, but also to all of us in the State of North Dakota. Sakakawea, I believe, was an actual person, but one of almost legendary and mythical dimensions. She was integrally linked to the success of the Lewis and Clark expedition, an expedition whose bicentennial we are recognizing in these days.

Hers is an extraordinary story. She was the young wife of a fur trader that signed on to be the expedition's guide, but Lewis and Clark found the real value of this was the role Sakakawea went on to play in the expedition. She served as translator. She served as guide. She served as a representative of the peaceful nature of the expedition as they encountered Native American tribes through the balance of the journey. She even rescued the journals of Clark. When the canoe swamped and the men bolted for safety, it was Sakakawea who saved the journals from ruin and contributed, therefore, to history. To think about a young woman making this contribution to an expedition entirely composed of men is remarkable enough, but the fact that she carried with her her 11-month-old infant, John Baptiste, is even more remarkable.

My colleagues will like this statue. It is a dignified and beautiful rendition of Sakakawea.

We like to think that the statue speaks even beyond the contribution of this remarkable woman, to the experience of the expedition with Native Americans in North Dakota as a history of cooperation. It was a history of teaching. In fact, many suggest that Lewis and Clark would not have had the successful expedition they had but for the learning of ways of hunting, navigation, and winter survival that they acquired in the winter of 1804 in North Dakota, living with the Mandan Indians. It means a great deal to us to have this statue, the first Native American woman to represent a State in this Capitol; and I urge my colleagues' favorable consideration of this resolution.

The resolution also sets the date of October 16 as the day we will recognize and unveil the statue in the rotunda. It is a date I would urge my colleagues to put on their calendars to hear a more full exposition of this through the Native Americans from North Dakota who will be present at that time.

I thank the ranking member, I thank the chairman, and I thank my colleagues for their consideration.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from North Dakota (Mr. POMEROY) for all of his diligence on pushing, I think, a very, very important statue and an important commemoration for our history. I thank him for his work.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I again would like to congratulate the distinguished gentleman from North Dakota for his very vivid and historical explanation of what, for sure, is going to be yet another treasure we will be able to add to Statuary Hall. President Kennedy was fond of saying that a people reveal an awful lot about themselves in the monuments and the memorials that they create. The residents and citizens of North Dakota can stand justifiably proud today by the enactment of this piece of legislation; and, clearly, all Americans will be enriched as they get to pass through Statuary Hall and look at this outstanding monument to this truly great American.

Mr. Speaker, I support House Concurrent Resolution 236, which would authorize the use of the Capitol rotunda on October 16, 2003, for a ceremony to unveil the statue of Sakakawea, the Shoshone Indian guide, translator and diplomat who helped to guide the Lewis and Clark expedition of exploration, for display as part of the National Statuary Hall Collection.

This will be North Dakota's second statue for the Statuary Hall Collection, completing its allotment of two which are permitted for each state and bringing the total of the collection to 98. The statute is a replica of the bronze statue by Chicago artist Leonard Crunelle which has stood on the grounds of the state capitol in Bismarck, North Dakota, since 1910. The Joint Committee of Congress on the Library approved the inclusion in the statue of Sakakawea's infant son, Jean Baptiste Charbonneau, on her back, though he will not be mentioned on the descriptive plaque. Normally, a statue accepted for the Collection can depict only one individual.

Sakakawea was captured by Hidatsa Indians in 1800, when she was about 12 years old, and was given the name by which she is known historically, which translates as "Bird

Woman" in Hidatsa. There have been several different versions of the spelling. The original statue depicts Sakakawea looking westward toward the lands being explored. There was no image of Sakakawea available for the original statue, so a Hidatsa Indian, Mink Woman, served as the model.

It is appropriate that the statue be placed in the Capitol at the time of the bicentennial of the beginning of the Lewis and Clark expeditions, for which Sakakawea served as a guide from 1804 to 1806, traveling to the Pacific Ocean and then back through North Dakota.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 326.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SMITHSONIAN FACILITIES AUTHORIZATION ACT

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2195) to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

The Clerk read as follows:

H.R. 2195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smithsonian Facilities Authorization Act".

SEC. 2. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

(a) IN GENERAL.—Public Law 94–98 (20 U.S.C. 50 note; 89 Stat. 480) is amended by adding at the end the following:

"SEC. 4. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

"(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, design, construct, and equip additional special use storage and laboratory space at the museum support facility of the Smithsonian Institution in Suitland, Maryland, to accommodate the care, preservation, conservation, deposit, and study of national collections held in trust by the Institution.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $2,000,000 for fiscal year 2003;

"(2) $10,000,000 for fiscal year 2004; and

"(3) such sums as are necessary for each of fiscal years 2005 through 2008.".

(b) CONFORMING AMENDMENT.—Section 3 of Public Law 94–98 (20 U.S.C. 50 note; 89 Stat. 480) is amended in the first sentence by striking "the purposes of this Act." and inserting "this Act (other than section 4).".

SEC. 3. PATENT OFFICE BUILDING IMPROVEMENTS.

(a) AUTHORIZATION OF USE OF FUNDS.—

(1) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, design, and construct improvements to the interior and exterior of the Patent Office Building (including the construction of a roof covering for the courtyard), using funds available to the Institution from non-appropriated sources.

(2) DEFINITION.—In this section, the term "Patent Office Building" means the building transferred to the Smithsonian Institution pursuant to Public Law 85–357.

(b) DESIGN AND SPECIFICATIONS.—The design and specifications for any exterior alterations authorized by subsection (a) shall be—

(1) submitted by the Secretary of the Smithsonian Institution (referred to in this section as the "Secretary") to the Commission of Fine Arts for comments and recommendations; and

(2) subject to the review and approval of the National Capital Planning Commission in accordance with section 8722 of title 40, United States Code, and section 16 of the Act of June 20, 1938 (sec. 6–641.15, D.C. Official Code).

(c) AUTHORITY OF HISTORIC PRESERVATION AGENCIES.—

(1) IN GENERAL.—The Secretary shall—

(A) take into account the effect of the improvements authorized by subsection (a) on the historic character of the Patent Office Building; and

(B) provide the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such improvements.

(2) STATUS OF SMITHSONIAN.—In carrying out this subsection, and in carrying out other projects in the District of Columbia which are subject to the review and approval of the National Capital Planning Commission in accordance with section 16 of the Act of June 20, 1938 (sec. 6–641.15, D.C. Official Code), the Smithsonian Institution shall be deemed to be an agency for purposes of compliance with regulations promulgated by the Advisory Council on Historic Preservation pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

SEC. 4. CONTRACTING AUTHORITY OF SECRETARY.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution may—

(1) enter into multi-year contracts for the acquisition of property and services under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

(2) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l).

(b) EFFECTIVE DATE.—This section shall apply to contracts entered into on or after the date of the enactment of this Act.

SEC. 5. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

The Secretary of the Smithsonian Institution may establish a program for making voluntary separation incentive payments for employees of the Smithsonian Institution which is substantially similar to the program established under subchapter II of chapter 35 of title 5, United States Code (as added by section 1313(a) of the Homeland Security Act of 2002).

SEC. 6. SENSE OF CONGRESS REGARDING JAZZ APPRECIATION MONTH.

(a) FINDINGS.—Congress finds the following:

(1) On December 4, 1987, Congress approved House Concurrent Resolution 57, designating jazz as "a rare and valuable national American treasure".

(2) Jazz has inspired some of the Nation's leading creative artists and ranks as one of the greatest cultural exports of the United States.

(3) Jazz is an original American art form which has inspired dancers, choreographers, poets, novelists, filmmakers, classical composers, and musicians in many other kinds of music.

(4) Jazz has become an international language that bridges cultural differences and brings people of all races, ages, and backgrounds together.

(5) The jazz heritage of the United States should be appreciated as broadly as possible and should be part of the educational curriculum for children in the United States.

(6) The Smithsonian Institution has played a vital role in the preservation of American culture, including art and music.

(7) The Smithsonian Institution's National Museum of American History has established April as Jazz Appreciation Month to pay tribute to jazz as both a historic and living American art form.

(8) The Smithsonian Institution's National Museum of American History has received great contributions toward this effort from other governmental agencies and cultural organizations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Smithsonian Institution's National Museum of American History should be commended for establishing a Jazz Appreciation Month; and

(2) musicians, schools, colleges, libraries, concert halls, museums, radio and television stations, and other organizations should develop programs to explore, perpetuate, and honor jazz as a national and world treasure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

□ 1030

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2195 authorizes the Smithsonian Institution to undertake several important activities important to their operations. The legislation authorizes construction at the Patent Office Building, as well as construction of a storage facility that is needed for storing items from the National Museum of Natural History.

Additionally, the bill provides for employee buyout authority as a necessary tool to meet budgetary constraints; and, finally, there is language recognizing the contributions of jazz music in our culture.

H.R. 2195 authorizes the Smithsonian Institution to use their trust funds to plan, design, and construct improvements to the interior and exterior of the Patent Office Building.

The Smithsonian requires this authorization to design and build a cover over the courtyard in the center of the Patent Office Building, which houses the Smithsonian American Art Museum and the National Portrait Gallery.

Executive branch agencies benefit from the savings and flexibility from the multi-year contracts for their construction and services projects. The bill provides these same advantages to the Smithsonian.

The Smithsonian also wants to clarify its relationships with the Advisory Council on Historic Preservation and the National Capital Planning Commission, and this bill achieves that goal.

With regard to the Institution's future budgetary constraints, the Smithsonian Institution will need to realign its workforce in the coming years. They seek authority to offer incentives for the departure of Federal personnel eligible for retirement or early retirement.

H.R. 2195 also provides for a new storage facility. The Natural History Museum on the Mall stores the National Collections biological specimens, which require an off-site storage facility that would be authorized in this bill. This new facility will be built in Suitland, Maryland, where the collections would be moved.

Finally, the bill commends the National Museum of American History for establishing Jazz Appreciation Month, a time for educational events and celebrations in honor of this uniquely American art form.

This bill was introduced by our Member Regents, who serve on the Smithsonian's governing board; and I want to thank the gentleman from Connecticut (Mr. LARSON) and members of the committee for expediting this bill to the floor today.

I also want to conclude my remarks by saying this is a bill that has no objection. I want to thank the gentleman from Ohio, my colleague (Mr. REGULA), who actually has a district that joins mine. He has been an absolutely tremendous Member of Congress who has looked out over the Smithsonian, the great important Smithsonian, and has always risen to the occasion to make sure that our national treasure has always done the best it can do; and this bill will take care of a few issues that I think are of critical importance. I want to conclude by saying we thank, on behalf of the entire country, the gentleman from Ohio (Mr. REGULA).

Mr. Speaker, I submit for the RECORD two letters regarding H.R. 2195, a bill to provide for additional space and resources for national collections held by the Smithsonian Institution. The letter references a dialogue between Chairman TOM DAVIS and myself in response to a jurisdictional claim in relation to H.R. 2195.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, July 14, 2003.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn House Office Building, Washington, DC.

DEAR MR. DAVIS: I am writing in response to your jurisdictional assertions concerning H.R. 2195, the Smithsonian Facilities Authorization Act. We agree with your jurisdictional claim on sec. 4, regarding the contracting authority of the Secretary, and we appreciate your agreement to move forward on this important legislation.

Sincerely,

BOB NEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, July 14, 2003.

Hon. ROBERT W. NEY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. NEY: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 2195, the "Smithsonian Facilities Authorization Act." The Committee on Government Reform has jurisdiction over the Federal Property and Administrative Services Act of 1949. The Committee has a jurisdictional interest in section 4 of H.R. 2195, Contracting Authority of Secretary, because it expands the reach of the 1949 Property Act.

In the interests of moving this important legislation forward, I do not intend to ask for sequential referral of this bill. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on the provision or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should these provisions or similar provisions be considered in a conference with the Senate.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during House debate of the bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

TOM DAVIS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I associate myself with the distinguished chairman from Ohio (Mr. NEY) and his remarks. I would like to commend as well the gentleman from Ohio (Mr. REGULA), the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. MATSUI) for all their efforts and hard work with respect to this legislation.

Mr. Speaker, this legislation enhances the ability of the Smithsonian to modernize its operations and to improve the level of services it provides for the American people. The Smithsonian clearly is a national treasure, and this simply will enhance its opportunity and its capability to continue to provide the American people with the greatest treasures on Earth.

Mr. Speaker, I am pleased to support H.R. 2195, the Smithsonian Facilities Authorization Act, which authorizes a number of Smithsonian construction projects, and provides authority to the Secretary of the Smithsonian to make management improvements through more effective use of contracts and buy-out authority. The bill was introduced by Representative REGULA and cosponsored by Representatives SAM JOHNSON of Texas and MATSUI, our three members of the Smithsonian Board of Regents from the House of Representatives.

This legislation is very similar to a bill scheduled for passage at the end of the 107th Congress, but which was pulled back because of some last-minute confusion as the House was considering dozens of bills by unanimous consent. There was no opposition and it should have been enacted into law at that time. The legislation is not controversial and I urge speedy passage without amendments.

H.R. 2195 was referred to the House Administration Committee as the primary committee, with an additional referral to Transportation and Infrastructure, which also supports the bill. It is my understanding that the Senate is prepared to take up this legislation promptly if the House acts favorably here today.

Among its key provisions, section 2 of the bill would authorize $2 million in FY 2003, $10 million in FY 2004, and necessary sums in fiscal years 2005 through 2008 for the planning, design and construction of "Pod 5" at the Museum Support Center in Suitland, Maryland, to house the National Collections, which are biological specimens currently stored in approximately 365,000 gallons of alcohol in the National Museum of Natural History on the National Mall. It is estimated that it will take roughly three years to build Pod 5, of which 20 months would be actual construction.

Section 3 would authorize the Smithsonian to use private funds to construct improvements, including a new roof, for the courtyard of the Patent Office Building. The building houses the Smithsonian American Art Museum and the National Portrait Gallery. The Smithsonian will organize a national design competition using trust funds under its control, to plan and design the new roof. The building itself is expected to reopen in 2006.

Section 4 would authorize the secretary to enter into contracts for the acquisition of property and services pursuant to the Federal Property and Administrative Services Act of 1949. Section 5 would authorize the Secretary to establish a program for making voluntary separation incentive payments for employees, to better manage its workforce.

Section 6 is sense of Congress language commending the Smithsonian's National Museum of American History for establishing the month of April as Jazz Appreciation Month.

I urge an "aye" vote on this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me time.

I am here on behalf of myself, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. MATSUI). The three of us represent the House on the Board of Regents the governing body of the Smithsonian; it is a great institution, something that has won worldwide acclaim for the collections, for the way in which it interprets the history of the United States as well as other parts of the world.

I rise today in support of H.R. 2195, the Smithsonian Facilities Authorization Act. As a member of the Board of Regents, I am pleased to see this bill brought to the floor today; and I want to thank my colleague, the gentleman from Ohio (Mr. NEY), and also the gentleman from Connecticut (Mr. LARSON) for recognizing the importance of a timely passage of this bill and for their efforts to expedite the bill through the Committee on House Administration.

H.R. 2195 authorizes a trust fund improvement to the Patent Office Building, most notably the courtyard enclosure. These improvements are critical steps in the renovation of the Old Patent Office Building and to reopening the historic building for the public to enjoy. And certainly "for the public to enjoy" is a true statement, because people coming to visit the Nation's capital put a visit to the Smithsonian on a high priority on their list of places to see.

Additionally, the bill authorizes funding for planning, design, and construction of the Pod 5 facility at Suitland. This authorization will facilitate the evolving needs of the biological research community at large.

One of the lesser-known functions of the Smithsonian is the preservation of all kind of things that are valuable to research people. We have no idea how much how much their collections are used by the research community; and, therefore, it is important that we have adequate facilities to take care of these.

H.R. 2195 provides the Secretary of the Smithsonian Institution with continuous contracting authority for the Pod 5 project which will make future phasing more efficient and economically sound.

Finally, the bill recognizes the efforts of the National Museum of American History to establish Jazz Appreciation Month. Acknowledging the Smithsonian's jazz collections is important to bringing attention to our Nation's oldest and most comprehensive program in this inherently American art form.

Again, I would like to express my appreciation to the gentleman from Ohio (Mr. NEY) for promptly seeing this bill through the Committee on House Administration, and I look forward to having it passed by this body.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2195, a bill to provide additional space and resources for the national collections held by the Smithsonian Institute. I commend the Gentleman from Ohio, Congressman REGULA, for introducing the bill, which is co-sponsored by two of our colleagues, Congressmen JOHNSON and MATSUI, who also serve on the Smithsonian Institution's Board of Regents.

The bill authorizes the Smithsonian's Board of Regents to plan, design, construct, and equip additional special use storage and laboratory space for the museum support facility in Suitland, Maryland. The Transportation and Infrastructure Committee, on which I serve as Ranking Member, has jurisdiction over these activities of the Smithsonian, and the Committee will review and approve any design plans for this facility once they are completed.

The bill also clarifies and refines the role of the Smithsonian in the renovation of the Patent Office Building, while retaining the appropriate roles of the National Capitol Planning Commission and the Commission on Fine Arts. This building houses the Smithsonian's American Art Museum and National Portrait Gallery and is currently closed for extensive renovation. It is scheduled to reopen in 2006. In addition, the bill brings the Smithsonian into line with other executive branch agencies regarding competitive procedures for awarding contracts.

As is current practice, the Smithsonian will continue to submit its construction projects to the Transportation and Infrastructure Committee for approval buy Committee resolution.

I support H.R. 2195 and again thank the bill's sponsors for their attention to these matters.

Mr. LARSON of Connecticut. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 2195.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 2195.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 316 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 316

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce also printed in the bill. That amendment in the nature of a substitute shall be considered as read. All points of order against the amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2. Each amendment may be offered only in the order printed in the report (except as specified in section 3), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 2 are waived.

SEC. 2. It shall be in order at any time for the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier considered. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 3. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on International Relations or a designee prospectively announces from the floor a request to that effect.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 316 is a structured rule that provides for the consideration of H.R. 1950, the Foreign Relations Authorization Act for Fiscal Years 2004 and 2005. The Committee on Rules worked well into last evening in order to ensure a rule that is fair, that grants opportunity to this Congress to debate the major issue of the day in this field. In fact, out of the 75 or so amendments submitted to the Committee on Rules, 42, 42 were made in order by this rule.

The rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule provides for a motion to recommit with or without instructions.

Mr. Speaker, House Resolution 1950 was introduced by the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), along with the gentleman from California (Mr. BERMAN). The legislation authorizes $9.6 billion in fiscal year 2004 and $9.5 billion in 2005 to address the need of the State Department and their executive operations. The legislation includes significant language and funding to ensure international security through important assistance programs and activities.

To highlight the need for this critical legislation, Mr. Speaker, we really need to look only 90 miles south of Florida to see the evils of an oppressive dictatorship. The regime there in Cuba is the only dictatorship in the western hemisphere, and it works to subvert the message of freedom not only on the island of Cuba but elsewhere in the world. As we have seen this week, there are reports that the Cuban dictatorship is jamming U.S.-based broadcasting to Iran. This demonstrates the need, once again, to reinforce our message of freedom to the entire world.

□ 1045

I think the world has recognized, at least recently since the very brutal crackdown in March of this year by the Cuban regime, where many of the country's most well-known and many of the most courageous prodemocracy activists were thrown in dungeons, that the nature of the Cuban regime is one that must be condemned and certainly that it must be isolated.

This legislation includes an increase of funding at $15 million for democracy-building programs while authorizing countless other programs such as continued radio and television capabilities to make sure that the message of freedom reaches the people of Cuba. I would like to commend the chairman and ranking member for recognizing the needs for international broadcasts not only for Cuba but for many other places in the world that are still under tyranny.

While I think it is essential to address dictatorships such as the one in Cuba, many other people are also fighting for essential and inalienable rights.

For years designated terrorist organizations in Colombia, for example, have plagued efforts by the people of that country to live in a peaceful democracy. I think proactive action must be taken to ensure that armed rebels in Colombia such as the FARC and the ELN are not continued to be allowed to disrupt peace with impunity.

H.R. 1950 provides funding to further secure, among other things, Mr. Speaker, United States embassies throughout the world in order to maintain a strong diplomatic presence for the United States abroad.

We made in order, and later today the House will be considering, an amendment by the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Ranking Member LANTOS) to authorize the Millennium Challenge Account, a very important initiative of President Bush's. This historic expansion of foreign assistance will serve to bring economic security and some basic tenets of transparency to countries throughout the world. That Millennium Challenge Account will be administered by a government entity held responsible for results and benefiting from the flexibility to provide innovative solutions to the problems of poverty and oppression.

The main goal of that account will be to assure that U.S. foreign aid is targeted towards transparency and breaking down corruption where U.S. foreign aid goes to.

Funding for this important program is phased in under this legislation, beginning with $1.3 billion next fiscal year and continuing with $3 billion in fiscal 2005 and $5 billion in 2006. By the last fiscal year, this challenge account will be financially able to assist all those countries currently counted by the World Bank as what it terms lower-middle-income countries.

I am proud that the Committee on Rules did its job to provide a full and fair discussion through 42 amendments, Mr. Speaker, so we should let the debate begin.

This is a good bill, H.R. 1950, and this rule is fair, and it provides for much debate on many important issues. Through this legislation, the House will continue its important work to fund important State Department actions while, I believe, beginning the journey to relieve burdens on those across the globe that need assistance.

I would like to thank the gentleman from Illinois (Mr. HYDE), the chairman, again, and the gentleman from California (Mr. LANTOS), the ranking member, for their great leadership. As I said yesterday in the Committee on Rules, for me, it is an honor to be able to serve in this legislative body with both of them.

I urge my colleagues, Mr. Speaker, to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the customary 30 minutes.

Mr. Speaker, the Committee on Rules is a place of great creativity. At times, rules reported by the committee bend, stretch, and outright waive the rules of the House in order to ensure passage of legislation. Many times, substantive amendments that deserve to be debated are denied a vote.

Late last night, the Committee on Rules met to report the rule for H.R. 1950, the Foreign Relations Authorization Act. This is a complex, omnibus bill that brings together no less than seven important pieces of legislation. Specifically, the Foreign Relations Authorization Act includes the State Department Authorization Act for Fiscal Years 2004 and 2005, the Global Internet Freedom Act of 2003, the Missile Threat

Reduction Act of 2003, the International Free Media Act of 2003, the United States International Leadership Act of 2003, the Defense Trade and Security Assistance Reform Act of 2003, and the Foreign Relations Authorization Act of Fiscal Years 2004 and 2005.

H.R. 1950, as reported by the Committee on International Relations, is a bipartisan bill that authorizes funding for foreign military aid and training programs, programs that reduce the threat of missile proliferation, international broadcasting activities, U.S. contributions to international organizations and multilateral financial institution, and for economic development and humanitarian foreign assistance programs.

Like most other major bills, there are serious points of contention. Several controversial provisions have been included; others have been deleted. This rule has made consideration of H.R. 1950 more complex and more contentious than it needs to be.

The Republican leadership, as it has done in the past, ordered the Committee on Rules to deny consideration of many of these contentious issues in order to protect their members from having to take a tough vote; but before I explain the problems with the rule, let me say that I am pleased that the Hyde-Lantos amendment creating the Millennium Challenge Account and reauthorizing the Peace Corps was made in order. With the adoption of the Hyde-Lantos amendment, this bill will contain one of the most important and ambitious foreign policy initiatives undertaken by the United States to help lift countries out of poverty.

The Millennium Challenge Account is intended to reward poor countries that demonstrate a commitment to ruling justly, investing in people, and promoting economic freedom. It is supported by the administration and by the many nongovernmental development and humanitarian organizations engaged in antipoverty programs around the world.

The Millennium Challenge Account focuses on assistance to low-income countries, has a strong emphasis on the role of women in the design and implementation of these programs, and gives careful attention to coordinating MCA programs with our existing development priorities.

Mr. Speaker, I was relieved to hear from the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, that the funding for the Millennium Challenge Account programs will come from additional foreign aid funding and that it will not rob funds from existing economic development, humanitarian, and food assistance accounts.

I want to commend the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, for their leadership on establishing the Millennium Challenge Corporation and its programs. I believe the Committee on International Relations improved the President's initial proposal. Economic growth and prosperity lift people out of poverty and help prevent the chaos created from conflict, misery, and hopelessness. It is in the national security interests of the United States to see these new programs fully funded and implemented once they are established by the passage of H.R. 1950.

Mr. Speaker, it is a pleasure to watch the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, work together. They truly understand the meaning of the word bipartisanship, and their commitment to this ideal should be a model for this Congress.

Unfortunately, Mr. Speaker, the Republican leadership does not share the same view as the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member.

Mr. Speaker, there are real policy differences that are part of this bill. For example, the gentleman from New York (Mr. CROWLEY) offered an amendment in the Committee on International Relations increasing funding for the United Nations Population Fund, or UNFPA. Many anti-choice Members in this body opposed this provision.

Instead of using the rule to unfairly strike this provision from the bill, the Committee on Rules made the Smith amendment in order. Mr. Speaker, this is democracy. This is how the legislative process is designed to work. Every Member will be able to vote their conscience and vote up or down on whether or not to strike the Crowley amendment from the bill; and while I will oppose this amendment very strongly and very passionately to strike the Crowley amendment, every Member deserves the option to vote their conscience.

Unfortunately, this is a rare break from the way the Republicans traditionally run this body; but rest assured that they have returned to form with the rest of this bill.

Seventy-five amendments were submitted to the Committee on Rules and 42 amendments were made in order, but numbers do not tell the whole truth. This rule must also be judged by the amendments that are not in the rule, by the important issues we have prohibited from debating.

More than 20 very important Democratic amendments were denied the opportunity to be debated and voted on by this body. In one case, an amendment adopted by one committee and stripped from the bill by another was denied the opportunity to be considered. The Republican majority refused to make in order the following amendments. I am just going to name a few of them:

An amendment by the gentlewoman from New York (Mrs. MALONEY) that would have provided assistance to Afghan women;

An amendment by the gentlewoman from Minnesota (Ms. McCOLLUM) to promote environmental sustainability by requiring environmental impact assessments for millennium challenge projects;

An amendment by the gentleman from New Jersey (Mr. MENENDEZ) that urges U.S. leadership by participating in negotiations on climate change to reduce greenhouse gases;

An amendment by the gentleman from California (Mr. SCHIFF) requesting an IG investigation into the Niger uranium intelligence documents that led to the President's use of this misinformation in making the case for war in Iraq;

An amendment by the gentlewoman from California (Ms. WOOLSEY) that would have provided funding for removal of land mines and agriculture redevelopment of former mine fields;

An amendment by the gentleman from Illinois (Mr. EMANUEL) to designate Poland as a participant in the visa waiver program;

An amendment by the gentleman from New Jersey (Mr. MENENDEZ) urging the administration to conclude a comprehensive migration agreement with Mexico; and

An amendment by the gentleman from New York (Mr. CROWLEY), the gentleman from Florida (Mr. HASTINGS), distinguished member of the Committee on Rules, and the gentleman from New York (Mr. ACKERMAN) urging the President to engage in an open dialogue with the Government of Poland to achieve a final settlement for those Jews, homosexuals, European Roma, and other individuals and groups who had their private property seized by the Nazis during World War II.

Mr. Speaker, these amendments were all offered in good faith, and they deserve the right to be debated and voted by the Members of this body. It is unfortunate, Mr. Speaker, that the Republican leadership would deny us the chance to vote on these amendments and instead hide behind arithmetic to argue that they are being fair.

Mr. Speaker, I will urge a "no" vote on this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Every week, pursuant to an idea of the gentleman from New Jersey (Mr. SMITH), he and I rise on this floor to speak about the brave men and women who are languishing in prisons in totalitarian Cuba, an island that has been oppressed for 44 years by a totalitarian dictator. So each week I spend a few minutes at least bringing forth specific cases to remind our colleagues and all those who will listen about the horrors taking place just 90 miles from the shores of the United States.

This week, I would like to speak about Rafael Ibarra. Rafael Ibarra heads the 30th of November Democratic Party, an island-wide opposition movement to the Castro tyranny. In 1994, he was sentenced to 20 years in prison and is currently at the prison known as Combinado del Este, after having spent 3 years in an isolation cell in the province of Camaguey, in an area of Camaguey in Cuba, hundreds of miles from his family.

In 1997, his wife at the time, Maritza Lugo, also a highly respected prodemocracy activist, was arrested as well and sentenced to 2 years, leaving their two daughters without parents. On multiple occasions after 1999, Maritza would continue to be arrested and harassed by the regime. Even when Maritza and Rafael were both in prison at the same time, the dictator sought to evict their two girls from their small farmhouse which had become a gathering point for human rights and prodemocracy meetings.

Rafael Ibarra was one of the political prisoners who recently signed the Cuban flag painted on a pillow case and sent it to the United Nations Human Rights Commission in Geneva.

Maritza and her two daughters, at Rafael's request, fled Cuba as refugees in 2002 to the United States so that the girls could be able to live in freedom.

Next year, Mr. Speaker, will mark 10 years that Rafael has been imprisoned, much of that time in solitary confinement. While other fathers have been able to watch their daughters grow and guide them as they become young adults, Rafael has been confined in Castro's gulag for daring to dream and to work on behalf of a democratic Cuba.

Our thoughts and our prayers are with him, as is our solidarity and our profound admiration, and we demand once again the liberation of Rafael Ibarra and all of Cuba's political prisoners.

□ 1100

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules; and I wish to thank him for his courtesy in being here this morning.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and want to thank my colleague, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), for his stellar management of it, as well as my friend, the gentleman from Massachusetts (Mr. McGOVERN).

The Committee on Rules, as was said by both gentlemen, worked into the night to fashion this rule, and it will allow for the consideration of a wide range of very important issues. As was further pointed out by both of my colleagues, 42 of the 75 amendments that were submitted to us were made in order. We have 23 Republican amendments, 13 Democratic amendments, and six bipartisan amendments in that package, which will, I believe, allow us to consider many, many different issues of this important piece of legislation.

The gentleman from Massachusetts (Mr. McGOVERN), Mr. Speaker, raised a number of important issues on amendments that, quite frankly, have not been made in order; and, obviously, everyone understands that we have to have some kind of constraint on the amendment process as we proceed with 75 amendments, many of which are duplicative. And so we have to put some kind of structure in order. That is the raison d'etre for the Committee on Rules, in fact.

So as he addressed those issues, I was thinking that many of those are important and need to be looked at, obviously focusing on environmental issues, focusing on the issue of the transfer of uranium. These are all questions that should be addressed. I agree with him that they should be addressed, but I would argue that this institution is effectively and very responsibly taking them on. Today, for example, on the issue of the Schiff amendment, we have the Permanent Select Committee on Intelligence here in the House, very ably chaired by the vice chairman of the Committee on Rules, the gentleman from Florida (Mr. GOSS), and in the Senate our colleague PAT ROBERTS is working on this issue; and obviously that is going to be an issue of discussion there and I believe will be responsibly addressing that question.

On other issues which the administration can very effectively address, I know that they are committed to improved environmental quality and other issues that the gentleman from Massachusetts (Mr. McGOVERN) brought forward as well.

I want to, Mr. Speaker, talk about a number of very important measures in this legislation which I am particularly supportive of, and I want to talk about a couple of amendments that I am going to be dealing with. First, I had the privilege of cochairing, along with our former colleague Lee Hamilton, who was in fact the predecessor of the gentleman from Illinois (Mr. HYDE), having served as chairman of what was called then the Committee on Foreign Affairs and now the Committee on International Relations.

Mr. Hamilton and I cochaired a task force that was put together by the Council on Foreign Relations and Freedom House, and the particular charge was to look at the U.S. leadership role in the United Nations. We obviously know, leading up to U.N. resolution 1441, before the war with Iraq, and the challenge of trying to put together a multinational coalition in dealing with the liberation of Iraq and the war on terrorism and a wide range of other international challenges that we face, that there has been a question out there about the U.S. leadership role. So this task force, I believe, came forward with some very, very first-rate recommendations, and I am happy that we have been able to include those recommendations as part of this bill.

I introduced, along with the ranking minority member of the Committee on International Relations, our very able colleague, the gentleman from California (Mr. LANTOS), the package that is basically described as the International Leadership Act; and it will, I believe, take us down the road towards improving the role of the United States in the United Nations.

Now, many of the recommendations that are there are designed to deal with challenges like the fact, and this is unbelievable, the United States of America's being removed from the Human Rights Commission within the United Nations and one of the most repressive anti-human rights entities on the face of the Earth, Libya, being given the opportunity to preside over that structure looking at human rights. Well, obviously, there is something wrong with this picture, Mr. Speaker; and I think virtually everyone can acknowledge that.

We need to do what we can to encourage self-determination, political pluralism, and the rule of law worldwide; and I believe that those are goals that the United States and most nations that are members of the United Nations share. But, unfortunately, we have not had the kind of success in doing that that we would like, so it is for that reason that we have in this legislation the U.S. International Leadership Act, which will do things like encourage the establishment of a democracy caucus. It will encourage the United States to engage even more actively than we already do under the very able leadership of our first-rate ambassador to the United Nations, John Negroponte. We will be involved in a lot of things that, frankly, are modeled after the work here in the United States Congress, which I hope can be utilized to enhance the U.S. leadership role in the United Nations.

So I want to congratulate both my friends Lee Hamilton and the other great members who served on our task force, along with my colleague, the gentleman from California (Mr. LANTOS); and I want to say that this has enjoyed strong bipartisan support from our friends, the gentleman from Illinois (Mr. HYDE) and others. And so I look forward to discussing this further. I know that the gentleman from California (Mr. LANTOS) will, but I wanted to raise that now at this juncture.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), be allowed to continue controlling the time for our side.

The SPEAKER pro tempore (Mr. SHAW). Without objection, the gentleman from California (Mr. DREIER) now controls the majority's time.

There was no objection.

Mr. DREIER. Reclaiming my time, Mr. Speaker, let me say that there are a couple of other issues that are very, very important that need to be addressed here. One of them has to do with the challenge we have been dealing with in California, and it has to do with the issue of extradition.

Very tragically, last year a constituent of my colleague, the gentleman from California (Mr. MCKEON), happened to be near the area that I represent, Irwindale, California. He was with the Los Angeles Sheriff's Department and he was, unfortunately, killed. His murder was reportedly by a Mexican national, who, after murdering Deputy Sheriff David March, shooting him point-blank, fled to Mexico. We have been dealing with the challenge of trying to extradite this man who we believe is responsible for this murder back to the United States so that he can face justice here.

We know that there is a challenge within the Mexican constitution. They prevent extradition to countries that have a death penalty. And while I happen to personally be a proponent of the death penalty, we know that is a hotly debated issue here in the United States. But for that reason, because of the prospect of this individual facing the death penalty, he has not been extradited; and, in fact, the request has not formally been made for his extradition.

But there is another decision the Mexican Government made, and it had to do with the Supreme Court in December of 2001. They came down with a ruling that said that life imprisonment is, in fact, cruel and unusual punishment, and that has played a role in hindering the opportunity for this individual to be extradited back to the United States to face justice.

The gentleman from California (Mr. MCKEON) has an amendment, which I will be strongly supporting, that basically calls on both countries to try and bring about a resolution to work this issue out. I have to say, Mr. Speaker, that I have been working closely with the very able Mexican ambassador to the United States on this issue; and I am convinced that within the leadership of Mexico, President Fox and other leaders obviously want justice. And so the McKeon amendment simply encourages a resolution to that which I hope will take place in the near future.

Having spent time talking with family members of Sheriff March and others in Los Angeles who have spent a lot of time focusing on this issue, it is very clear that justice is a priority. And I want to say that I hope that with passage of the McKeon amendment it will help us in our attempt to deal with this question.

I also want to say, Mr. Speaker, that I am going to be offering an amendment here which will deal with the overall issue of migration. I know there was a lot of discussion in the Committee on International Relations on this. I know the gentleman from New Jersey (Mr. MENENDEZ) worked on this, the gentleman from California (Mr. GALLEGLY), the gentleman from North Carolina (Mr. BALLENGER), and others; and I am joining, along with my colleague, the gentleman from Texas (Mr. STENHOLM), with whom I am privileged to serve as cochairman of the U.S.-Mexico Caucus, which was established at the encouragement of Ambassador Bremer, and our goal has been to focus on the overall issue of trade between Mexico and the United States and the fact that we have seen tremendous benefits that have come about because of the passage of the North American Free Trade Agreement.

In fact, we have seen trade between our two countries move from 1993, prepassage of the North American Free Trade Agreement, at about $83 billion, to around $230 billion. So virtually a tripling of the trade between our two countries. So the U.S.-Mexico Caucus has been charged with looking at the real benefits and ways that we can actually enhance the relationship between our two countries.

So the gentleman from Texas (Mr. STENHOLM) and I have joined as coauthors of an amendment which will deal with the overall issue of migration and encourage action on that, and I am hoping that we will be able to enhance the level of bipartisan support we have for this measure. It does, in fact, rectify something that I believe should not have been in the measure that was reported out of the Committee on International Relations with the United States basically calling on the Mexican Government to privatize Pemex, which is the oil company in Mexico.

We all recognize that there are problems within the operations of Pemex. In fact, I have yet to talk to a Mexican who has said to me anything other than that there are problems with Pemex. But I do not believe it is correct for the United States Congress to basically provide as a contingency for dealing with our very important migration policy, which Secretary Powell and this administration obviously want to address in a very responsible way, I do not believe that that should in any way be contingent upon our seeing Mexico deal with their challenge with Pemex. We want them to do that, but we obviously are not going to tie our goal of dealing with migration to a resolution to that.

So, Mr. Speaker, this is a very fair rule. It is a balanced rule that, as I said, allows 42 of the 75 amendments that were submitted to us to be considered. This legislation has some problems with it. I will admit it is not perfect. And I know there are some in the administration who have raised understandable concerns about a number of issues. But I believe that we can work very positively towards dealing with a number of those with the amendment process that has been put into place.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire about how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) has 22½ minutes, and the gentleman from California (Mr. DREIER) has 8½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time to speak on this rule.

One of the pleasures of serving on the Committee on International Relations is the spirit of bipartisanship that is exhibited by our committee chair, the gentleman from Illinois (Mr. HYDE); our ranking member, the gentleman from California (Mr. LANTOS); and the give and take on the committee to deal with issues that truly should be bipartisan in nature that deal with international affairs of our country.

I heard the distinguished chairman of the Committee on Rules speak to the need for international leadership and some concerns he had in the United Nations. Well, I am sad that the rule that is before us today does not permit us to debate one of the most significant issues of international leadership that the United States should be involved with, and that deals with global warming.

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It is sad that the Committee on Rules would not permit the gentleman from New Jersey (Mr. MENENDEZ) to reinstate his amendment that passed with a bipartisan vote on our committee on perhaps the single most important environmental issue of our day, global warming.

I know that some of the consultants from the Republican establishment are talking about talking differently about the environment. We are not supposed to talk about global warming. It is climate change. We are supposed to have questions about whether or not it is occurring. The fact is that the consensus of the scientific community is that global warming is happening, it is impacted by human activity, and the United States is missing in action.

One can disagree with the approach of the administration turning its back on Kyoto and not providing an alternative. I am less concerned about what they are doing with Kyoto than the fact that we are not engaging the international community. I hope the gentleman from New Jersey (Mr. MENENDEZ) will speak on this rule. It is critical.

The American public understands that the climate is changing. Global warming is impacting all of us. I do not think it is any accident that there were 562 tornadoes in the month of May, more than any month in record; that in India's pre-monsoon season, we are seeing a spike in temperature, leading to hundreds and hundreds of deaths; that the hottest 10 years in recorded history have occurred since 1990. We as Congress need to embrace this debate. We should not be afraid of it.

I am sad that the Committee on Energy and Commerce stripped this language from the bill. That is the right of their committee leadership, but we ought to have the right on the floor of this Chamber to deal with the single most important environmental issue of the day.

Mr. Speaker, I strongly urge that this rule be rejected, but I strongly hope that this is the last time that Congress is going to be missing in action on the issue on global climate change, that we will have free and open and forthright debate. The American public deserves it, not just on this bill but on each environmental issue that follows to deal with this matter.

Mr. McGOVERN. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. MENENDEZ), who is the distinguished chair of our Democratic Caucus. He had four amendments brought before the Committee on Rules, and three were not made in order.

Mr. MENENDEZ. Mr. Speaker, I rise in strong opposition to this rule.

I am outraged that particularly two amendments which I sponsored and which passed with bipartisan support in the Committee on International Relations will be stripped from this bill by legislative tricks designed to protect Republicans so the American public cannot see their anti-Mexican and anti-environmental beliefs. Let me emphasize that these amendments passed the Committee on International Relations.

With their treatment of my Mexican migration amendment, Republicans have once again shown the real feelings of their party towards Hispanics. My amendment simply called on the United States to stop waiting and to support the President's own commitment in September, 2001, to ensure that migration is "safe, orderly, legal and dignified."

While we waited, 19 migrants from Mexico and Central American, including women and children, died this May from asphyxiation and heat stroke in a truck crammed with people. Over the past 5 years, more than 2,000 migrants have died crossing the U.S.-Mexican border. This is not a story of numbers and statistics. This is a story of real human beings literally dying.

As the President mentioned, it is in the economic and national security interests of this country to conclude, not to begin, we have been debating this and the administration has been negotiating this for 2 years, to conclude a migration agreement with Mexico.

My amendment recognized that Mexican immigrants make an invaluable contribution to this country, as immigrants have done throughout the history of the United States. Mexicans pick the fruit and vegetables that end up on our tables. They work in the service industry on the East and West Coast, they pluck chickens in Arkansas, and let us not forget that some who died in the war in Iraq were originally undocumented immigrants.

However, my amendment was gutted by the Ballenger amendment, which should be called the Halliburton amendment since it cynically links migration policy to oil. In fact, it says that any migration accord between our countries should also include an accord to open Petroleos Mexicanos, or PEMEX, to investment by U.S. oil companies. What, in God's name, does that have to do with migration policy?

But guess what? The Republicans finally figured out that their amendment was a huge error and made in order an amendment to strike the Ballenger provision and replace it with a watered-down version of my original amendment.

Imagine the reaction of the Republican leadership, not to speak of the diplomatic consequences faced by this administration, when it realized that my simple amendment using the President's language to advocate for a conclusion of a migration accord with Mexico was hijacked by Republican extremists and turned into a "migration for Mexican oil" agreement.

The callousness of that so-called Republican compassion equated U.S.-Mexico migration policy with U.S. access to Mexican oil, and Republicans were unable to spin their way out of this outrage but instead quickly provided another amendment that did away with this embarrassment but provided no further incentive to conclude, not convene, but conclude a migration accord.

Now I would like to turn to my amendment on global climate change and tell a similar story about an amendment that passed the Committee on International Relations in a bipartisan vote and was removed from this bill by bipartisan tricks designed to hide the Republicans anti-environmental stance on global climate change.

My global climate change amendment simply says that the United States should take the lead in the world in the fight against global warming, not Kyoto, not anything else, a lead in the world against global climate warming. This is not a new idea. This is an amendment which previously passed in the House. Both sides of Congress have supported it. This very amendment unanimously passed the Senate Foreign Relations Committee, Democrats and Republicans alike, this year. And last week it was sent to the Committee on Energy and Commerce so it could be stripped from the bill. The real goal is to save Republicans from taking a public stand on global climate change.

What is the Republican leadership afraid of when it thwarts the bipartisan will of the Committee on International Relations or of any committee? Only through its procedural, back-door dealings was it able to reverse a decision made by this committee; and by doing so, it has staked out its opposition to the majority will of the committee, the American people and the world community.

In this Chamber of democratic ideals, the House of Representatives is supposed to be the place where we take a stand on the issues. If Members disagree with my amendments, that is fine. Then stand up and vote against them, but do not sneak them out of the bill. The American people should be able to find out where Members of this House stand on global climate change, stand on concluding a Mexican migration agreement. The truth is that Republicans are so embarrassed by their own policies they will not let these two provisions remain in the bill or even allow a vote on the floor, the marketplace of ideas, the greatest democratic institution in the world. That is fundamentally shameful. Therefore, this undemocratic rule, this unfair rule should be voted against, and I hope my colleagues will join us in doing so so we will have an opportunity to vote on global climate change in a real amendment or resolution on Mexican migration accord.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman has offered a very strong statement, much of which I agree with. I believe that it is very important for us to vigorously pursue our goal of putting into place a comprehensive migration accord, and I think it is the right thing to do.

I will admit that I do not believe it was the correct thing for that

Ballenger amendment to have been included in the legislation, and that is one of the reasons that in the role that I play on the Committee on Rules we chose to take and make the following amendment in order which I believe very responsibly deals with our shared goal and the goal that, as the gentleman pointed out, the President of the United States has on this.

The amendment reads as follows, "(1) that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations; and (2) that as part of any migration agreement between the United States and Mexico, the issues of extradition of violent criminals and law enforcement cooperation between the two nations be addressed."

Mr. Speaker, I have raised these issues of concern on the issue of extradition, and I have been working with my California colleague, the gentleman from California (Mr. SCHIFF), on this issue dealing with a particular case in California. I do believe, as the gentleman said, the President does want to responsibly move ahead with this.

On the second issue of global warming, I have no doubt that this administration is very committed to dealing with that. We made a determination when 75 amendments had been submitted to us that we would include 42 of them, so there has been nothing secretive about this process. It is very open. We, in fact, are discussing it right now on the floor of the House of Representatives.

Mr. MENENDEZ. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Speaker, I would be here lauding and applauding your initiative on the Mexico migration agreement if in fact you would have a single but very powerful difference in your wording; and that is, instead of, after 2 years of significant talks and negotiations, speaking about a commencement, that we would be talking about a conclusion. Then I would be here supporting your amendment.

Mr. DREIER. Mr. Speaker, reclaiming my time, I hope we bring about an expeditious conclusion to this. Obviously, that is our goal. Secretary Powell has indicated his support of our amendment, and we know full well that he wants to deal with this.

I want to say this issue of immigration is something that we can address in a bipartisan way. I would urge my colleagues to realize that as we proceed to work to pass this rule and move ahead with this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a distinguished member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, control of one's reproductive autonomy is a fundamental human right. But the basic right is meaningless without the knowledge and means to exercise reproductive autonomy. The United Nations Population Fund, known as UNFPA, works with governments and nongovernmental organizations in over 140 countries, supporting programs that help men, women, and young people to plan their families, undergo pregnancy and childbirth safely, avoid sexually transmitted disease, including HIV/AIDS, and to combat violence against women.

Each of these principled goals is embraced by the United States and many countries around the world. In fact, as we have heard throughout the Presidential trip to Africa, the President has committed $15 billion to fight the pandemic of HIV/AIDS on the African continent.

The Committee on International Relations recently adopted an amendment by the gentleman from New York (Mr. CROWLEY) which would facilitate U.S. contributions to the United Nations Family Planning Fund. The Crowley provision clarifies current law which bars U.S. funds from any international organization the President determines "supports or participates in the management" of forced abortion or sterilization. CROWLEY's proposal provides strict safeguards against the use of any kind of coercion in U.S.-funded family planning programs; second, clarifies the current law to enable U.S. funding to be used to help to end coercion in China; and provides badly needed maternal health and other services in poor countries.

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This language is necessary because Congress authorized U.S. funds for UNFPA, but the President refused to release them. Just last year, the President blocked $34 million for UNFPA activities around the world. The opposition to this funding is premised on the false notion that UNFPA supports coercive abortions in places like China. UNFPA does not provide abortion services anywhere in the world. Not one penny of UNFPA funding is used to promote abortion. Unfortunately, this fallacy diverts attention from the real issues and blurs underlying opposition to comprehensive family planning. All UNFPA activities are based solely on voluntary participation. UNFPA rejects coercion in any form in its activities and works to end the coercive practices of others.

The Chinese Government's so-called one-child policy unofficially involves some coercive abortion and involuntary sterilization practices. The United States and United Nations do not tolerate these practices. We stand on the side of human rights and work to put an end to these abuses. The U.N. population fund program in China was developed with the express purpose of moving China away from coercion and toward delivery of voluntary reproductive health services to its people, just as it did in India in the early 1990s.

UNFPA has operated in 32 Chinese counties and the government of China has agreed in each one of these counties it would lift all birth quotas and recruitment targets; improve the delivery of voluntary family planning information and services; eliminate the use of coercive measures; allow independent confirmation that targets and quotas have been lifted; allow independent investigation of any reports of coercion and suspension of the UNFPA program in any county where violations have occurred; and allow regular independent monitoring to ensure compliance with the principles of informed choice and voluntary participation.

This is a remarkable achievement. No Main Street human rights organization has ever accused UNFPA of being complicit in China's human rights violations. In fact, in May 2002 President Bush sent a three-member State Department team to China to investigate claims against the work there. The team found "no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion in the People's Republic of China." The team recommended that the $34 million which has already been appropriated be released to UNFPA.

Cutting off funding harms millions of women and children in the poorest nations on Earth and does nothing to help women in China. The officials of UNFPA estimate that the loss of the $34 million would prevent 2 million unwanted pregnancies, nearly 800,000 induced abortions, 4,700 maternal deaths, nearly 60,000 cases of maternal illness or disability, and 77,000 infant and child deaths. Just this morning, The New York Times published an editorial strongly supporting the Crowley language and strongly opposing efforts to remove that language.

Mr. Speaker, I submit the editorial for the RECORD. I strongly encourage my colleagues to support the efforts of UNFPA to provide the meaningful exercise of fundamental human rights. And I vehemently oppose any efforts to defund UNFPA which would result in harm to the health of women, men, and children around the world. Please vote against the Smith amendment which would strip the Crowley language.

[From the New York Times, July 15, 2003]

POPULATION—CONTROL POLITICS

The House of Representatives faces a crucial vote today affecting the health of women in 140 poor countries. Through the authorization of the State Department budget, the House can restore tens of millions of dollars in vital American aid for the United Nations Population Fund or, for a second year in a row, cut it off in the mistaken belief that the fund colludes with coerced abortions in China.

The Population Fund is the largest agency in the world focused on women's reproductive health. There was a brief, unremarked ceremony yesterday in the Afghan capital, Kabul, that illustrates what the fund does. With help from the fund, the Khair Khana Hospital, once filthy and overcrowded, was reopened with a large staff, modern equipment and the possibility of helping Afghan women with complicated pregnancies deliver their babies safely.

The Population Fund helps women give birth safely. It fights such debilitations as obstetric fistula, a hideous and difficult complication in pregnancy. Indeed, it is just the kind of organization and work the United States should be supporting. Instead, conservative Republicans stripped the fund of American support last year because of false accusations that the U.N. Population Fund has either stood by or helped with coerced abortions in China.

Today's vote on the State Department budget includes a restoration of the organization's funds, thanks to an amendment by Representative Joseph Crowley, a New York Democrat from Queens. Opponents, who mistakenly believe—or cynically advertise—that they are protecting Chinese women and unborn babies, want to kill the amendment.

The opponents, led by Christopher Smith, a New Jersey Republican, unfairly describe the Population Fund as an organization with a "long history of complicity in human rights violations" engaged in an "attack on women overseas." These are irresponsible, unsubstantiated accusations. They have helped persuade numerous members of Congress that it is wiser to deny the organization American support.

The fact is that Population Fund performs no abortions and is working to end coerced abortion in China. An American investigating team sent by the administration last year found "no evidence" that the fund "has supported or participated in the management of a program of coercive abortion or involuntary sterilization in China." In previous years, Congress has supported the fund with the stipulation that no American money be spent in China. That is unnecessary, but if that is what it takes to get the fund the $50 million it deserves from Congress this year, it is a compromise that should be explored.

Mr. McGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. SCHIFF), who had a very important amendment last night that was not made in order.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentlemen for yielding me this time. I wish to speak today on three amendments before the Committee on Rules, two of which were approved for the debate today and one which was not. I want to thank the Chair of the Committee on Rules for his work in supporting an amendment by the gentleman from California (Mr. MCKEON) that would urge reconsideration of Mexico's extradition policy which currently precludes the extradition of Mexican nationals to face charges in the United States that may carry life imprisonment or the death penalty.

The addition by the Mexico Supreme Court of the life imprisonment clause fundamentally means that, for the most serious crimes in the United States, we are unable to extradite those who flee south of the border to seek refuge. That is not in our interest. It is certainly not in the interest of the people of Mexico to have fugitives from justice free south of our border.

Second, I want to thank the committee for their approval of an amendment that I offered calling attention to the problem that we have had in our nonproliferation efforts to obtain the assistance of Russian scientists, to bring Russian scientists into the United States for the purpose of improving our nonproliferation joint efforts. These have met obstacles, in part understandable as a result of September 11, but we cannot allow the September 11 visa changes to get in the way of our broad security interests by bringing these scientists in who are working on nonproliferation itself.

But most significantly, I want to comment about the one that got away and that was an amendment that I had offered calling for an investigation into the claim that Iraq was trying to obtain uranium from Niger, the claim that made it into the State of the Union address. There is a request on the Senate side, it is a bipartisan request, that the Inspector General of the CIA and the Inspector General of the State Department work together on an independent investigation of how that claim rose to the level of the State of the Union, now something the White House says was not substantiated and did not belong in that address.

This is, I think, critical for three reasons. First, the Congress made the most important decision it can undertake, the decision to authorize the use of force on the basis of our intelligence. Second, in the ongoing war on terrorism, it is essential that we have good intelligence if we are to prevent another September 11. If we have a problem with our intelligence agencies, we have got to find out about it and now. Finally, our standing, our credibility around the world, the willingness of other nations to cooperate with the U.S. in the war on terrorism will be dependent on whether they feel they can rely on what we represent to them about our intelligence and the quality of our intelligence.

As this is perhaps the most graphic example of intelligence gone awry, it is something that merits our most serious investigation and attention. I recognize that the intelligence committees in the Senate and the House are working on this issue, and they are doing good work. However, as the Senate concluded on a bipartisan basis, this investigation by the two IGs does not detract from what the Senate committee or the House committees are undertaking, but in fact supplies that information to both committees. This is complementary to the work that is already going on and I think it is essential.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to say that I congratulate my friend on his statement and I believe that we clearly do have the shared goal of trying to address that concern that was raised from the State of the Union message. The reason that we did not make the amendment in order was very simply that we do believe that the work that is being done by both the Intelligence Committee in the House and the Intelligence Committee in the Senate will effectively address this. I know that the ranking minority member of the Intelligence Committee in the Senate, Senator ROCKEFELLER, has already had a lengthy discussion as I heard on the radio this morning with the Director of Central Intelligence, George Tenet; and I know that this is an issue that will be addressed in their committee tomorrow. I believe that we will be seeing attention focused on it within our Intelligence Committee. I know that, in a bipartisan way, concern has been addressed from members of the Intelligence Committee that the establishment of this could in fact play a role in undermining them. That was the reason that we did not make the amendment in order.

But I want to say to my friend that I do believe that since the ratio was 2 to 1, I hope that my friend will come down in support of the rule based on that. Two amendments he liked, one he did not; so I hope that he will join with us in supporting the rule.

Mr. McGOVERN. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, a few weeks ago I went to Oslo, Norway, and met with Palestinian women and women from the Knesset in Israel. The overwhelming impact was the positive input and collaboration that came about by women being involved in the peacekeeping process. I am disappointed that the Committee on Rules in its wisdom could not have been more generous to be able to include language that would have encouraged the utilization of women in international peacekeeping matters around the world. We have seen the impact, the difference. We know that women understand the loss of life and the enormity of the impact of crises involving war against families. I look forward to working with the chairman and ranking member of the committees to engage in that process.

I think it is also disappointing that we do not have language that speaks pointedly to the crisis in Liberia where thousands are dying and a million have already died, to encourage the White House to move more expeditiously as it relates to a peacekeeping/humanitarian organization there in Liberia. What is the hesitancy to wait on the 3 million that have died in the Congo or the 1 million that have died in Rwanda?

I am also frustrated that we do not understand that a little island close to our shores, Haiti, is literally dying on the vine and that the amendment of the gentlewoman from California (Ms. LEE) was not made in order to provide assistance immediately to Haiti. It is certainly disappointing that we have not had an opportunity to meet with the President and to move forward the resources that are needed to help rebuild Haiti, a nation that engaged and helped us in the Revolutionary War. It is imperative that we begin to look at those issues.

And then I would say that the Committee on Rules did itself an enormous disservice in not being able to attack head-on the credibility that this Nation now faces with respect to the reliance on our intelligence by the lack of accountability on the Niger reference, that Iraq was about to buy uranium from Niger and do it imminently, if you will, to suggest that we needed to have a preemptive attack against Iraq. I think it is ludicrous that this body would not put forward an amendment that would allow the truth to be told to the American people: who had the information about the purchase in Africa, why was the comment in the President's speech, why did he use the word "recently," and whose hands can be found on this information.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH), who chairs our Committee on Veterans Affairs' and has long worked on so many of these very important issues.

Mr. SMITH of New Jersey. I thank my good friend for yielding time.

Mr. Speaker, later on today when this bill comes up for consideration, I, along with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. HYDE), will be offering an amendment to strike language that is in the underlying bill, the Crowley amendment, which was adopted very narrowly in committee. The Crowley amendment would fundamentally change the Kemp-Kasten amendment that has been in effect for 18 years. The Kemp-Kasten language is anticoercion language that says very simply that our country will not contribute money to any organization that supports or participates in the management of a coercive population control program. Under the Kemp-Kasten language last year, Secretary of State Colin Powell, after his due diligence, made a finding that took the money from the UNFPA, the U.N. population fund, and sought to reprogram each and every dollar of that to an organization or to programs that provided family planning or maternal health care programming. Secretary of State Colin Powell said:

"The PRC has in place a regime of severe penalties on women who have unapproved births." Let me just remind my colleagues, in China you have got to get permission by the government in order to have a child. They have unapproved births and approved births. If you are unapproved, if you are out of plan, as they say, if you have an illegal child, a heavy fine is imposed upon the mother until she gets an abortion. If she has that child, somehow escapes the family-planning cadres, she then is severely criticized as well as fined. Sometimes up to 6 years' worth of her salary and her husband's is taken by the government as part of that fine. Secretary Powell goes on to say that the regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties; and, therefore, this amounts to a program of coercive abortion. He points out, and I quote, "UNFPA's support of, and involvement in, China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion."

Let us not rig this program, this test, Mr. Speaker. The Crowley amendment would fundamentally change this anticoercion language that we have had on the books for some 18 years. I ask my colleagues, those who support abortion and those who do not, there should at least be a consensus that coercion is absolutely unconscionable and unacceptable and we will not in any way directly or indirectly facilitate its use.

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Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, we all remember when this President came before our House and, in a burst of excessive honesty, told us perceptively that we faced an axis of evil: three nations posed a great threat to the United States. His phraseology deliberately harkened back to the 1940s when we also faced a tripartite axis of evil. But what if President Roosevelt had led us in an invasion of Italy, forced Mussolini into hiding, and pretty much left it at that—ignoring what was going on in Berlin and Tokyo?

It is easier to find weapons of mass destruction in Iraq than it is to find a policy toward Iran here in Washington.

So I went to the Committee on Rules with two amendments. One I identified as an important amendment with 18 cosponsors, including the gentleman from New Jersey who just spoke, including our ranking member, including senior Republicans and Democrats on the Committee on International Relations. This amendment would deprive the tyrants in Tehran of money and would provide money for those fighting for democracy.

Then I put forward a second amendment which I clearly identified as unimportant, something that could be ignored by the Committee on Rules if they chose, a mere resolution.

What did the Committee on Rules do? They killed the important amendment. They killed a chance to really discuss our policy toward Iran. And then they took the sense of Congress amendment, stripped out a little part of it, and put it before this House. They did nothing to save the House's time. We are still going to debate one of my amendments dealing with our policy toward Iran—the unimportant amendment. But the important amendment will not come before this House.

Today in Tehran terrorist acts are being planned. Iran is the number one state sponsor of terrorism according to our State Department. Today in Tehran they plan to complete nuclear weapons within a few years. I believe those nuclear weapons will be smuggled into American cities and either exploded or used to blackmail America. When that happens our constituents will ask, what did the People's House do to prevent the empowerment of tyranny in Tehran? The answer will be, the Committee on Rules would not let us do very much of anything, but they would let us vote on sending a good luck card to the students fighting for democracy in Tehran.

Please vote against this rule and give us a chance to debate the most important foreign policy issue before us today, and that is Iran and its nuclear weapons.

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Massachusetts (Mr. McGOVERN) has 1¼ minutes left; the gentleman from California (Mr. DREIER) has 1 minute left.

Mr. McGOVERN. Mr. Speaker, may I ask the gentleman from California whether he has any additional speakers?

Mr. DREIER. Mr. Speaker, if the gentleman would yield, I would say it is my intention to close the debate here single-handedly.

Mr. McGOVERN. Mr. Speaker, I will close single-handedly for our side, and I yield myself such time as I may consume.

I would urge my colleagues to vote no on this rule. It seems to be a radical thought in this House for us to actually spend whatever time it takes to debate the issues. I cannot understand why in the People's House the Republican leadership seems to be working overtime to try to deny us the right to debate the issues that people care about. Seventy-seven amendments were offered in the Committee on Rules last night. Forty-two were made in order, of which only twelve are Democratic amendments. We can do much better. And there are some very important issues.

We heard about the Schiff amendment which deals with the African uranium issue. I know there are some people in the White House and some people in the leadership here in this House who do not want to discuss this issue, but it is important because it gets to the issue of credibility. It is about whether the American people can have confidence in what their government tells them. It is about whether what the United States says is respected around the world.

So if some of my colleagues do not want to ask the tough questions or get to the truth, then fine. They can vote no on the Schiff amendment. But at least give us the opportunity to vote up or down on some of these very important issues.

The American people deserve an open process. They deserve a process much better than what we are getting right now. This rule, unfortunately, does not allow us to debate a lot of very important issues; and I would urge my colleagues in the strongest possible terms to vote no.

Mr. Speaker, I yield back the remainder of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very fair and balanced rule. As was said, 75 amendments were submitted to us; 42 of those 75 were made in order. We are going to be debating a wide range of issues.

The question that was just raised by my friend from Massachusetts is one that will be very effectively addressed by the majority and the minority on our House Permanent Select Committee on Intelligence. To try to portray a concern about that other amendment is partisan. I will tell the Members that there are minority members on the Permanent Select Committee on Intelligence who believe that we did the right thing here.

There are concerns that exist with this legislation, but I do believe with we should allow for a full debate, and we are going to be doing that. The establishment of the International Leadership Act, very important; dealing responsibly with the issue of migration, very important; dealing with the millennium challenge issue which the President has put forward and enjoys bipartisan support; these are all important issues that we will be able to move forward with once we pass this rule and pass this legislation.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to this rule.

While I am extremely pleased that my amendment to help women and girls in Afghanistan was included, I am disappointed that an amendment to help all women and girls in MCA eligible countries was not ruled in order.

My amendment would have simply ensured that the equal rights of women and girls are included in the Millennium Challenge Account principal objectives.

Statistics show that when we help a woman out of poverty, we help her family out of poverty.

Women are key to sustainable development—a primary goal of the MCA.

Countries that actively discriminate against women and girls should not become eligible to receive MCA funding.

If we had included women and girls as part of the principal MCA objectives, we would have made a much more powerful difference in ensuring that our programs have the greatest impact.

I urge a "no" vote on the rule.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on adopting House Resolution 316 will be followed by a 5-minute vote on suspending the rules and passing H.R. 2330, which was debated yesterday.

The vote was taken by electronic device, and there were—yeas 222, nays 201, not voting 11, as follows:

[Roll No. 360]

YEAS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
  Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
  (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George

Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Berkley
Conyers
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Myrick
Owens
Oxley
Pitts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW) (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1214

Messrs. RANGEL, SPRATT, and MARSHALL, and Ms. McCARTHY of Missouri changed their vote from "yea" to "nay."

Mr. NEUGEBAUER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2330, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 2330, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 2, answered "present" 1, not voting 13, as follows:

[Roll No. 361]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

ANSWERED "PRESENT"—1

Johnson (CT)

NOT VOTING—13

Berkley
Conyers
Frank (MA)
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Myrick
Owens
Oxley
Pitts
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW) (during the vote). Members are advised there are two minutes remaining in this vote.

☐ 1222

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Speaker, as you know, I was absent today for medical reasons. If I had been in attendance, I would have voted "yes" on rollcall vote No. 360; and I would have voted "yes" on rollcall vote No. 361.

PERSONAL EXPLANATION

Mr. PITTS. Mr. Speaker, on rollcall votes 360 and 361, I was inadvertently detained.

May the record reflect that on rollcall vote No. 360, I would have voted "yea," in support of the rule for the consideration of H.R. 1950.

And, on rollcall vote No. 361, on passage of H.R. 2330, the Burmese Freedom and Democracy Act, I would have voted "yea," as I am an original cosponsor of the bill.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House floor earlier today due to business in my congressional district. Had I been present, I would have voted in favor of both H. Res. 316, providing for consideration of the Foreign Relations Authorization Act, and H.R. 2330, the Burmese Freedom and Democracy Act.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1950.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

The SPEAKER pro tempore. Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1950.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, with Mr. QUINN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1950, the Foreign Relations and Security Assistance Bill. Mr. Chairman, this bipartisan bill, which is cosponsored by my good friend, the gentleman from California (Mr. LANTOS), authorizes the funding and activities of the Department of State for 2 fiscal years, 2004 and 2005. This bill is focused on authorities necessary to operate the State Department and its overseas facilities. In addition, it includes a modernization of the defense trade and security assistance authorities and missile proliferation policy and laws.

The accounts covered in this bill are funded at or above the President's fiscal year 2004 budget request. The President's request for these accounts is approximately $14.3 billion. The total authorization for this bill, including the State Department operation accounts and the security assistance provisions for fiscal 2004, is $15.2 billion. The increases will fund additional refugee assistance, international broadcasting and a more robust public diplomacy program.

The proposed amount for fiscal 2005 is approximately the same as that of fiscal 2004 with some modest percentage increases for typical cost-of-living adjustments. A significant portion of these increases reflect the need to improve the effectiveness of our public diplomacy programs and our international broadcasting as well as to strengthen our democracy-building programs overseas.

H.R. 1950 also incorporates the Public Diplomacy Bill, H.R. 3969, the Freedom Promotion Act of 2002, that was approved by the House during the last Congress. The provisions in this act are focused on enhancing the role of public diplomacy in our foreign policy and specifically place the responsibility for the formulation and execution of these programs on the Secretary of State. These provisions also authorize funding for student and other exchanges, as well as for a number of other public diplomacy programs, with a focus on countries with predominantly Muslim populations.

H.R. 1950 includes a much-needed reorganization of the decision-making process of our international broadcasting efforts. It would authorize $657 million for fiscal year 2004 and $651 million for fiscal 2005 for the Broadcasting Board of Governors, which is responsible for the Voice of America, Radio Free Europe, Radio Liberty, Radio Free Asia, and Radio/TV Marti.

It also includes the request from the Broadcasting Board of Governors regarding the establishment of a separate grantee to run the New Middle East Television and Radio Network. This new network will add 24 hours a day TV and radio broadcasts to the Middle East and thereby greatly contribute to an enhancement of our efforts to combat the misinformation and propaganda that contribute to the rising anti-American sentiment in the region.

Construction, maintenance, and security for our 260 embassies, consulates and various other posts around the world continue to be a top priority. To that end, we have fully funded the State request in that area while also encouraging the establishment of a cost-share program. This cost-sharing program is designed to collect funds from each agency that has staff stationed at a U.S. embassy or consulate.

□ 1230

These funds will be used to supplement the construction costs of new facilities.

At the appropriate time, I intend to offer an amendment that will add H.R. 2441, the Millennium Challenge Account Authorization and Peace Corps Expansion Act of 2003, to this bill. Recently reported by the Committee on International Relations, this bill advances the President's foreign assistance initiative and enjoys bipartisan support. In March of last year, President Bush proposed the further expansion of United States foreign assistance through the establishment of the Millennium Challenge Account, now known as MCA. He did so in a revolutionary manner, by proposing a new and additional assistance program only for those countries that meet certain standards of respecting human rights, investing in the future of their people and promoting economic opportunity and freedom.

With this proposal, the President has issued a challenge to help those less fortunate, the poorest of the poor, to promote universal human rights and values around the world, and be part of the spread of democracy and freedom worldwide.

This legislation also includes a provision I authored more than a decade ago known as the Foreign Aid Effectiveness Act. This provision requires the President to describe the actual results of U.S. foreign assistance relative to the goals and to identify the most and the least successful foreign assistance programs.

The Millennium Challenge Account Act authorizes 3 years of funding, $1.3 billion in fiscal 2004, $3 billion in fiscal 2005, and $5 billion in fiscal 2006.

The President, in his State of the Union address January 2002, announced his goal of doubling the size of the Peace Corps by 2007. As the U.S. fights global terrorism, extremism and forces which are inimical to our way of life, we can and must fight on many fronts to protect our interests, promote our values and provide hope to captive, destitute and vulnerable people across the globe.

This legislation makes amendments to the Peace Corps Act in support of the goal announced by the President of doubling the number of Peace Corps volunteers to 14,000 by the year 2007. It authorizes a gradual expansion of the budget of the Peace Corps from $366.8 million in fiscal 2004 to $499.4 million in fiscal 2007.

Since its establishment in 1961, more than 168,000 volunteers have served in 136 different countries throughout the globe. Currently, there are approximately 7,000 volunteers in 70 different countries.

I very much appreciate the bipartisan cooperation and leadership that we have received from the gentleman from California (Mr. LANTOS), the ranking Democrat on this committee, in developing this legislation; and I hope we can continue this bipartisan approach on the floor today.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman. I yield myself such time as I may consume.

I rise in strong support of H.R. 1950, the foreign relations authorization bill for fiscal years 2004 and 2005 as it was reported out of committee. Mr. Chairman, this is an excellent bill; and I am proud to have cosponsored it with my good friend, the gentleman from Illinois (Mr. HYDE), the chairman; and I want to pay public tribute to his extraordinary leadership of the Committee on International Relations.

Mr. Chairman, every single item that our committee deals with represents the daily menu of all our international and domestic media: Iraq, Afghanistan, Iran, the Middle East, Pakistan, Colombia, North Korea, China, Russia, Cuba, NATO, Europe, Africa. They are all part of this legislation, and our committee and its staff deserves commendation for being able to deal with these issues in a bipartisan fashion.

I am very pleased that our bill fully funds the administration's request for the State Department and contains many of the provisions that Secretary of State Colin Powell has requested to help him better manage the Department of State. I want to commend Secretary Powell for his effort to strengthen what has traditionally been one of our Nation's greatest resources, our diplomatic corps. I am pleased to say, Mr. Chairman, that under the authority provided in our bill, the Secretary's diplomatic readiness initiative will reach its final goal of putting 1,158 new professional American diplomats in place to serve our country across the globe.

I am also very pleased to be joining my good friend from Illinois in a continuing effort to make sure that we reduce as rapidly as possible the period of time in which our embassy employees are left in compounds and facilities that are vulnerable to terrorist attack. To support this, our bill provides over $1.3 billion over the next 2 years for security upgrades at our embassies in all parts of the world.

Our bill also contains a number of critical foreign policy initiatives that will give our State Department the tools it needs to promote and protect our national security interests in an increasingly complex world.

I am very pleased to have had the chance to work with the gentleman from California (Mr. DREIER), our distinguished Committee on Rules chairman, in crafting one such measure, the International Leadership Act of 2003, which has been folded into this bill. Mr. Chairman, the Leadership Act is designed to give our diplomats the tools they need to ensure that America once again punches at its weight class at the United Nations.

Our legislation achieves this by creating a Democracy Caucus to support the United States at the United Nations by directing our President to use his influence to reform U.N. rules, so that rogue regimes cannot gain leadership positions, and by providing new training to make our diplomats more effective in multilateral diplomacy. As my colleagues well know, Mr. Chairman, just a couple of years ago, the United States was removed from the U.N. Human Rights Commission, a body we founded; and Libya was put in charge of that commission, a theater of the absurd if we ever saw one.

I am pleased, Mr. Chairman, that with the leadership of the gentleman from Illinois (Mr. HYDE) and our colleague, the gentleman from New York (Mr. ACKERMAN), on a historic measure, we succeeded in making provisions for offering significant assistance to a new and democratic Palestinian state if performance benchmarks can be reached, including a total cessation of terrorism and the establishment of a transparent, democratic, and independent judiciary and Palestinian government responsive to its people.

An important provision to our bill was added by the gentleman from New York (Mr. CROWLEY). His provision reverses the administration's harmful and highly political decision to withhold U.S. funding from the United Nations Population Fund. The administration's move came after its own hand-picked investigative team concluded that there was no evidence that the population fund would be involved in any way in coercive family planning in China. The gentleman from New York's (Mr. CROWLEY) measure will help the population fund to demonstrate that voluntary family planning is the only humane and effective way for China to control its population explosion.

I know, Mr. Chairman, that this provision will be debated later today, and I strongly urge all of my colleagues to support the committee position on this matter.

Another important initiative included in our bill is the International Free Media Act of 2003. It will help the State Department to encourage the development of sources of accurate, objective reporting in societies which are currently polluted by messages of propaganda and hate in state-controlled media, such as the media in Egypt. I am particularly pleased that this initiative includes a new $15 million fund to support independent and ethical journalism across the globe.

Our bill also contains the Missile Threat Reduction Act of 2003, which is designed to confront the alarming spread of offensive ballistic missiles for launching nuclear, chemical, and biological warheads. This measure commits the United States to seeking a new international mechanism to restrict the trade in missiles. It strengthens United States sanctions against those who trade in missiles, and it provides assistance to countries which agree to destroy their missile arsenals.

The bill also recognizes the United States' vital interests in promoting Afghanistan's transition from chaos, civil war, and disorder to an increasingly prosperous and democratic state. To prevent the spiral downward, the bill directs the President to ensure that there is adequate security along major transportation routes in Afghanistan and urges him to expand the international security assistance force.

I am also pleased, Mr. Chairman, that our bill authorizes all funds necessary to pay our assessed dues upon reentry to UNESCO, the United Nations Educational Scientific and Cultural Organization. Full funding is critical, Mr. Chairman, if we are to fulfill the President's commitment of last year to rejoin this most important international organization. When UNESCO was founded at the end of the Second World War, its motto was, "Since war begins in the minds of men, it is in the minds of men that the defenses of peace must first be constructed." Never was this statement more appropriate and timely than it is now; and our rejoining UNESCO will demonstrate that, far from being unilateral, we want to accept our full responsibility as a cooperative member of the international community.

I am disappointed, Mr. Chairman, that the rule for our bill has struck out the amendment sponsored by my friend from New Jersey (Mr. MENENDEZ) which addresses global climate change, a very real and immediate threat to our national security, an issue that has been neglected far too long.

Finally, Mr. Chairman, I would like to note that later today we will be debating an amendment to be offered by the gentleman from Illinois (Mr. HYDE) and me authorizing the President's Millennium Challenge Assistance Initiative and the proposal to dramatically expand our Peace Corps. This amendment will dramatically improve the ability of the United States to help the least fortunate on this planet and to promote a world where hope thrives and the despair that leads to support for international terrorism vanishes.

□ 1245

I want to thank the chairman of our committee, my good friend, the gentleman from Illinois (Mr. HYDE), for working with me and all of the other members of our committee in crafting an excellent bill. Virtually every element of this bill has the support of both Republicans and Democrats, and this is in large part due to the statesmanlike leadership of the gentleman from Illinois. I want to commend our distinguished chairman and thank him for the open, collegial, and witty manner in which he has brought this bill through the committee and he will bring it through this House.

Mr. Chairman, we are considering this legislation at a pivotal moment in global history. We are engaged in intense diplomacy on every continent, with opportunities to solve long-festering disputes and crises in Levant, in Iraq, in the Eastern Mediterranean, in Liberia and the Democratic Republic of Congo, in Afghanistan, in Colombia, and in scores of other places.

It is in the midst of this critical conflict against the forces of terror and Islamic fanaticism that our bill will make a major contribution to building a safe, secure and more democratic world. I believe that enactment of our legislation will leave a lasting legacy towards solving all of these disputes and crises, and I urge all of my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of the foreign relations and security assistance bill. I want to thank the chairman of the committee and also the ranking member for including in its entirety in this legislation the Global Internet Freedom Act.

Today, many governments are attempting to restrict individual freedoms by blocking the most powerful tool ever created for the free exchange of ideas throughout the world. In the hands of free people, the Internet may represent the greatest threat to tyranny ever invented. That is why many repressive regimes are trying to prevent people from using the Internet.

The Global Internet Freedom Act included in this legislation will give millions of people around the world the opportunity to outwit the dictators, the power to get around the repressive regimes that are attempting to silence them and, perhaps most importantly of all, the power to protect themselves from reprisals from these vicious governments.

Many outlawed regimes have been aggressively blocking access to the Internet with technologies such as firewalls, filters and black boxes. They monitor their citizens' activities on the Internet. They keep track of who is saying what, and they punish those who exercise free speech on line.

Last month, according to Human Rights Watch, Chinese web publisher Huang Qi, after enduring a 3-month detention, was sentenced to 5 years in prison for the crime of subversion. What was he publishing? The on-line equivalent of our milk carton ads. He created a Web site in which people could share information about missing friends or family members, and he actually helped rescue several young girls who had been abducted and sold into marriage. But because his site also criticized the government's failure to deal with these human needs, he now spends his days in prison.

In Cuba, dissidents and opposition journalists are prohibited from using the Internet.

In Burma, only those with official permission from the military government can use the Internet.

In North Korea, Kim Jung Il has sealed off his population from the outside world. Of course, Kim Jung Il thinks of himself as a computer buff; and the Associated Press has recently reported he has issued an edict making computer education mandatory. But outside of those classrooms, there will be no connection to the outside world. Because, for a dictator, the top priority is keeping ideas about freedom and democracy away from the computer screens of impressionable young minds.

That is why the Global Internet Freedom Act, now included in this bill, is so important. The Act will require the United States to develop and implement a global strategy to combat state-sponsored and state-directed Internet jamming and the persecution of those who use the Internet.

Mr. Chairman, for the sake of freedom and human rights in the 21st century, I strongly urge my colleagues to support this legislation, and I support the leadership and commend the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for bringing this bill to the floor.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), my good friend, the distinguished ranking Democratic member of the Subcommittee on the Western Hemisphere.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time and for all his work and cooperation, and I rise to speak on some of the positive elements of this bill.

This bill includes my amendment on Iran's program to develop nuclear weapons and is particularly relevant given recent developments in Iran. Iran continues to claim that its nuclear research program's only goal is to promote peaceful activities. Last week, however, Iran confirmed that it had successfully tested its mid-range missile, the Shahab-3, which can reach Israeli soil. And last month, the International Atomic Energy Agency stated Iraq has secretly processed nuclear material. Iran continues its game with the IAEA over signing the new nuclear safeguards protocol. Iran is a country with huge oil and natural gas reserves and clearly does not need nuclear power for its energy consumption.

My amendment, as incorporated in this bill, therefore, calls on the International Atomic Energy Agency to ensure that Iran's nuclear program is used only for peaceful purposes and urges the United States representatives to the IAEA to help develop guidelines for early identification of any Iranian noncompliance with the Nuclear Non-Proliferation Treaty. And, finally, Iran should sign and ratify the new nuclear safeguards protocol to this treaty.

While I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) on pursuing the Millennium Challenge Account, I am concerned that this initiative ignores the majority of the desperately poor in Latin America and the Caribbean. The initiative launched in Mexico will not contribute a dollar to the poor in the Mexican state of Chiapas. Two hundred million citizens in Latin America and the Caribbean earn under $2 a day, 100 million live on less than $1 a day, and yet these poorest of the poor in our own hemisphere will not qualify for assistance under the Millennium Challenge Account.

I look forward to seeing the Kolbe amendment, which is similar to the one that I proposed, to see if we can move some of those countries forward; and, in the absence of that, I look forward to working with the committee to see what we are going to do about our neighbors here in our own hemisphere, if we are concerned about health care, immigration, and biodiversity.

Lastly, I want to salute the leadership of the committee for incorporating the minority recruitment efforts. The State Department has had the worst record of all of the Federal Government. Our State Department must look like America. It must also have the diversity of thought that makes America great. The State Department shows our face to the rest of the world, and we should bring the synergies of people from different backgrounds to focus on American diplomacy. If the State Department is to make progress, minorities must have a seat at the table.

So, Mr. Chairman, as I said at the beginning, this bill has a number of positive components, but I am concerned that my Mexico and climate change amendments were stripped from the bill; that the Millennium Challenge Account hopefully moves closer to helping the people of the Western Hemisphere; and, finally, I look forward to the success of certain amendments to improve this product. I thank the distinguished ranking member for all his help in trying to make it an even better bill.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I want to thank the chairman, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for agreeing to include in this bill an en bloc amendment that deals with a very important subject that I have been concerned with for some time.

As chairman of the Committee on Government Reform for the past 6 years, we held a number of hearings on the issue of child abductions by spouses of American women and men who have taken the children who are in the custody of their mother or father here in the United States to other countries never to be seen again or heard from again by their parents. The most egregious offender of this is Saudi Arabia. They have been complicitous in allowing fathers of children born here in the United States of American mothers to come over here, kidnap the children, take them to Saudi Arabia, and the mother never sees her children again, never talks to her children again, and it is a tragic, tragic situation.

In some cases, Mr. Chairman, there have been cases where a mother went over to Saudi Arabia to get her kidnapped children, took them to the American embassy and was turned away. She was turned away. She was actually put out on the street, she was arrested, her children went back to the father who had kidnapped them, and one of them was 12 years old and she was married off at 12 years old. These are tragic things that have occurred to American children who have been kidnapped to Saudi Arabia, and the mothers have had to live with that for years and years and years, maybe for the rest of their lives.

So I have talked to Secretary of State Colin Powell about this. He has agreed to take steps to remedy the situation, and now Chairman HYDE and Ranking Member LANTOS have agreed to an en bloc amendment which will give the State Department the tools necessary to help fight this terrible, terrible tragedy that has been occurring mainly in Saudi Arabia in the Middle East but also in other countries throughout the world.

What the amendment does is it extends to the State Department powers to deny visas to the extended family of abductors, and that includes the spouse, the child, the parent, the grandparent, the aunt, the uncle, the brother, the sister, half-brother, half-sister, cousin, stepbrother, stepsister, nephew, and niece of the person who did the kidnapping. In other words, the extended family of the kidnapper would not be allowed to get visas if the State Department so chose to deny them visas.

I think that is a giant step in the right direction. It puts a lot of pressure on the kidnapper to bring those children back to America to their mother or to the rightful parent. It also requires the State Department to submit an annual report to Congress regarding the measures that they have taken on international child abduction on a country-by-country basis so Congress will be made aware of what is being done to bring these children home to their rightful parent.

It also requires the State Department to send notices regarding child abduction cases to countries where they are believed to be abducted to.

And, finally, this requires the Secretary of State to set forth guidelines on how our Department of State personnel treat abducted persons who seek sanctuary. As I said, there have been cases in the past where our State Department employees at our foreign embassies have not treated these people properly. I believe that is not going to happen in the future.

So I thank Colin Powell, our Secretary of State, for agreeing to work on this; and I especially thank Chairman HYDE and Ranking Member LANTOS. They are doing the Lord's work.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), and I ask unanimous consent that during the period of time I am making a presentation at the Committee on Resources, the gentleman from American Samoa (Mr. FALEOMAVAEGA) may control the time on this side and yield it to others.

The CHAIRMAN. Without objection, so ordered.

There was no objection.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of H.R. 1950, the Foreign Relations Authorization Act for fiscal years 2004 and 2005. At this time, I want to commend both our chairman, the gentleman from Illinois (Mr. HYDE), and our senior ranking member, the gentleman from California (Mr. LANTOS), of the House Committee on International Relations for their outstanding leadership in bringing to the floor the State Department reauthorization bill which has strong bipartisan support.

This bill includes an historic measure offering recognition to a Palestinian state if performance benchmarks can be reached; increases U.S. capacity at the United Nations, where rogue regimes are increasingly trying to hijack the agenda; initiates a new effort to promote free media abroad; and provides the State Department with tools to confront the alarming spread of ballistic missiles.

Mr. Chairman, this bill also includes three amendments which I offered during full committee markup on May 7, 2003, three of which were accepted by unanimous consent and have now been included in the full text of H.R. 1950.

□ 1300

One amendment expresses a sense of Congress relating to the Soviet nuclear tests in Kazakhstan and calls for the Secretary of State to establish a joint working group with the government of Kazakhstan to assist in assessing the environmental damage and health effects caused by Soviet nuclear tests Semipalatinsk.

The other amendment requires the State Department to prepare and transmit to Congress a report that contains a description of the extent to which the government of Pakistan has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir, has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the line of control into India, and has ceased the transfer of weapons of mass destruction, including any associated technologies, to any third country or terrorist organization.

The third amendment authorizes certain sums to allow qualified indigenous inhabitants of Latin America to pursue post-secondary and graduate studies in our Nation's colleges and universities. I feel very strongly that education is the key to the salvation of the indigenous inhabitants of the Western Hemisphere.

At the appropriate time, it is my intention to give strong support to an amendment offered by the gentlewoman from Guam (Ms. BORDALLO) which authorizes the transfer of allowances to residents of the insular areas who are members of the U.S. Foreign Service, just as it is done in the case of the residents of several States.

Madam Chairman, I rise today in strong support of H.R. 1950, the Foreign Relations Authorization Act for Fiscal years 2004 and 2005. At this time, I want to commend both our Chairman Mr. HYDE and the Ranking Member Mr. LANTOS of the House Committee on International Relations for their outstanding leadership in bringing to the floor a State Department Reauthorization bill which has strong bipartisan support.

This bill includes an historic measure offering recognition to a Palestinian state if performance benchmarks can be reached, increases U.S. capacity at the United Nations where rogue regimes are increasingly trying to hijack the agenda, initiates a new effort to promote free media abroad and provides the State Department with tools to confront the alarming spread of ballistic missiles.

This bill also includes three amendments which I offered during full committee markup on May 7, 2003, both of which were accepted by unanimous consent and have now been included in the full text of H.R. 1950. One amendment expresses a sense of Congress relating to Soviet nuclear tests in Kazakhstan and calls for the U.S. Secretary of State to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects cause by Soviet nuclear testing in Semipalatinsk, Kazakhstan.

The other amendment requires the State Department to prepare and transmit to Congress a report that contains a description of the extent to which the Government of Pakistan has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir, has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the Line of Control (LoC) into India, and has ceased the transfer of weapons of mass destruction, including any associated technologies, to any third country or terrorist organization.

The third amendment authorizes a certain sum of funds to allow qualified indigenous inhabitants of Latin America to pursue postsecondary and graduate studies in our nation's colleges and universities. Over the years, Mr. Chairman I feel very strongly that education is the key to the salvation of the indigenous inhabitants of the Western Hemisphere.

At the appropriate time, Mr. Chairman, it is also my intention to give strong support to an amendment that will be offered by my colleague from the territory of Guam, Ms. BORDALLO, which authorizes the transfer of allowances to residents of the insular areas who are members of the U.S. Foreign Service—just as it is the case with residents of the several states.

At this time, I want to thank Chairman HYDE and Ranking Member LANTOS for supporting this amendment during full committee markup and including it in H.R. 1950. Simply put, their support was critical to passage of this amendment and I want to thank the gentleman from Illinois and the gentleman from California for taking a stand on this important issue at a time when few were willing to do so.

What many do not know is that this amendment came before the House Committee on International Relations on the very day that Deputy Secretary Richard Armitage arrived in Pakistan to begin high-level diplomatic discussions and I commend Chairman HYDE and Ranking Member LANTOS for doing the right thing despite the political pressure they received to set this amendment aside. I also thank the 49 members of the International Relations Committee, both Republican and Democrat, who passed this amendment by voice vote without any objection.

I also want to commend President Bush for his leadership on this issue. Now that President Bush has made this issue popular with his recent announcement that he would also like to place conditions on Pakistan's funding, I am hopeful that the Senate will also support our efforts to make Pakistan live up to its promises.

Congressman PALLONE also deserves special recognition for the work he is doing to make Pakistan accountable. I thank the gentleman from New Jersey for his relentless commitment to monitor the steps Pakistan is taking to bring about democracy and for fully supporting the measures of this bipartisan amendment which has already been included in the text of H.R. 1950.

Like my colleagues, I am appreciative of Pakistan's post-September 11 assistance in the war against terrorism. Nevertheless, tensions in the region are rising and I know I am not alone when I say I have deep reservations about U.S. policy in South Asia. Once again, I want to reiterate that I believe Pakistan should be commended for assisting the U.S. in its efforts to hunt down Al Qaeda and Taliban fugitives and for allowing the U.S. military to use bases within its country.

But I cannot turn a blind eye to the fact that Pakistan has not closed all known terrorist training camps operating in Pakistan. I cannot turn a blind eye to the fact that Pakistan has not prohibited the infiltration of Islamic extremists across the Line of Control into Indian Kashmir. I cannot turn a blind eye to the fact that General Musharraf promised Deputy Secretary Armitage that infiltration would cease and it has not.

Since 1989, more than 50,000 men, women and children have died in the Kashmir dispute and since September 11 Islamic militants from Pakistan have crossed the Line of Control and claimed the lives of innocent men, women and children—not once, not twice, but three times, committing egregious acts of cross-border terrorism on each and every occasion.

On the other hand, India has not crossed the Line of Control since 1972. In fact, India has exercised incredible restraint in not waging full-scale war to defend itself against these terrorist acts. Although I believe we are fortunate that neither country has yet resorted to the use of nuclear weapons, we also should be very concerned that both Pakistan and India test fired short-range ballistic missiles on March 26 of this year which incidentally (or not) was the same day that Prime Minister Jamali said that Pakistan and China will enhance their defense ties.

On May 15, 2003, 8 days after the International Relations Committee unanimously voted in favor of my amendment, Pakistan's third highest ranking government official, Foreign Minister Khurshid Kasuri, requested an appointment to meet with me. We had a meaningful dialogue and he gave me his personal assurances that Pakistan is interested in creating a roadmap for peace to resolve the Kashmir dispute.

I believe Kashmir is one of the most important issues that must be resolved in order to establish peace in the Asia Pacific region. India and Pakistan have fought two wars over Kashmir in the past 50 years and came very close to the brink of nuclear war less than 2 years ago. In December of 2001, both countries amassed nearly one million soldiers along their common border and had the U.S. not intervened it was feared that India and Pakistan's dispute over Kashmir could have led to the first use of nuclear weapons sine World War II.

As the Ranking Member of the Subcommittee on Asia and the Pacific and as the only Asia Pacific American serving on both the Subcommittee and the full Committee on International Relations, I am deeply concerned about cross-border terrorism and the threat of nuclear proliferation in the Asia Pacific region. Any threat to regional stability puts our soldiers at risk and some have argued that this situation may become as dangerous as the Israeli-Palestinian conflict.

This is why I am pleased that H.R. 1950 includes a provision which requires the State Department to report to Congress about the progress that is being made to resolve the India-Pakistan dispute. I believe this legislation is necessary and given the seriousness of this situation, I urge my colleagues to support H.R. 1950.

Madam Chairman, I reserve the balance of my time.

Mr. HYDE. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Chairman, first of all, I commend the gentleman from Illinois (Mr. HYDE) for crafting an outstanding piece of legislation. As we all know, he guided and shepherded through this body landmark legislation on AIDS which would not have been written into law without his effective leadership. I also thank the gentleman for including so many provisions which I proposed either as amendments or as base text.

In particular, including an amendment on refugees I offered along with the gentleman from California (Mr. BERMAN) that increases refugee protection monies by $310 million over 2 years, and my bill called the Belarus Democracy Act. This legislation which is embodied now into the text of the bill, would provide for effective help to civil society, human rights promotion, and democracy promotion in Belarus; the victims of torture which gets a modest but necessary increase in the U.N. Voluntary Fund for Victims of Torture; and there are many others.

This is a consensus bill in many ways, but there are some points of divergence. The gentleman from New York (Mr. CROWLEY) has put into the bill by a very narrow vote, an amendment that seriously and fundamentally weakens America's core anti-coercion law which says no funding goes to any organization that supports or participates in the management of a coercive population control program.

We in this Congress do not make the determination as to whether or not a group gets population control money. We set the standard. It is then left to the executive branch which relies on all relevant information to make a finding. Last year, Secretary Powell made that finding and said that the PRC has in place a regime of severe penalties on women who have unapproved births and that this regime plainly operates to coerce pregnant women to have abortions in order to avoid the harsh penalties.

"UNFPA's support of and involvement in China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion," Secretary Powell said.

I say to my colleagues, this debate is all about coercion. I would hope that my friends who support abortion would realize that coercion, whether it be forced sterilization or forced abortion, is an unconscionable act; and when it is done with impunity by the Chinese government with their partner, the U.N. Population Fund, we need to disassociate ourselves from that kind of activity. We need to stand with the oppressed, not with the oppressor, and the friends of the oppressor. We need to stand with the victims.

I urge my colleagues to support an amendment that I will be offering, cosponsored by the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. HYDE), that would strike this language from the bill. I would hope that we would stand with the women of China who are being oppressed by their government and with their partners in these crimes against humanity, the U.N. Population Fund. I urge Members to vote for our amendment.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Chairman, first, let me thank the gentleman for yielding.

I rise today in support of the State Department authorization bill and also in support of the Millennium Challenge Account and Peace Corps amendments. I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for working on a bipartisan basis once again to ensure broad support for this bill.

Together we were able to craft language examining, for example, the impact of U.S. loan policy on Haiti and its ongoing humanitarian crisis and calling for the participation of small and minority-owned businesses within the MCA account. Small and disadvantaged businesses represent a very vital economic engine in this country yet too often have very little chance to participate in foreign assistance programs, so I am very pleased that we were able to ensure that they will play a role in the Millennium Challenge Account.

My two amendments are included in this bill, and once again I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their support.

I would like to highlight two aspects of this bill which represents real progress in foreign policy, family planning and global climate change. First, through the Crowley-Lee amendment, the bill restored U.S. funding to vital United Nations family planning programs. This measure helps provide health care to and prevents abortions to the world's poorest women. Failure to provide family planning costs the lives of women and children. It is really just that simple. This also is a common-sense measure that prevents HIV and AIDS.

I strongly oppose the Smith amendment and would urge my colleagues oppose stripping out this important health care provision. The bill we passed out of committee also declared that it was the sense of the Congress and that the United States should demonstrate international leadership in mitigating global warming. The Committee on Energy and Commerce, however, refused to take up the responsibility of leadership and removed this global climate change measure. If we refuse to lead, we will be left behind technologically while we continue to contribute disproportionately to the world's pollution and global warming.

The Committee on Rules has joined the Committee on Energy and Commerce in this conspiracy of silence by refusing to allow a vote on the Menendez amendment on climate change.

Also, I am disappointed that the Committee on Rules did not make in order my amendment to advance democracy in fair and free elections on Haiti. But, on balance, it is a bill which I urge my colleagues to support. I thank the gentleman from Illinois again for this bipartisan bill.

Mr. HYDE. Madam Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Madam Chairman, I rise in strong support of H.R. 1950, and I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for crafting and presenting this important legislation to the House for action.

Of course, a key goal of foreign relations authorization bills are to provide the best and most secure service to American citizens traveling and working overseas. Indeed, when lax security and dilapidation at U.S. overseas facilities contribute to U.S. vulnerability to attacks and subsequent American deaths, this country suffers.

Please recall the reaction to the tragic 1998 embassy bombings in Nairobi and Dar es Saalam. All Americans shared a sense of pain, grief and outrage at these senseless acts of terrorism. While not all attacks on U.S. overseas missions can be averted, Congress must provide the appropriate tools to improve the ability of the State Department to guard against disasters like these.

On many occasions, Secretary of State Colin Powell has articulated embassy security as a key priority for the State Department. Additionally, this Member is a long-time supporter of increased embassy security. In fact, in this legislation the funding level reflects a commitment to embassy security by allocating over $1.653 billion in fiscal year 2004 and $1.784 billion in fiscal year 2005 for ongoing embassy security construction and maintenance. This is an important additional step for both the administration and for Congress which now must work together to ease restrictions which for many years have significantly slowed the construction of new embassies and consulates.

Furthermore, this Member is particularly pleased that the gentleman from Illinois (Mr. HYDE) will offer an amendment to provide the initial authorization for the Millennium Challenge Account. On March 14, 2002, President Bush proposed the MCA, which would provide additional U.S. aid for fiscal year 2006 to poor countries to be used for social sector improvements such as agriculture, health, education, and the environment. The President's concept underlying these proposals is clear. Countries that rule justly, invest in their people and encourage economic freedom will receive U.S. assistance.

The amendment which the chairman will offer is nearly identical to H.R. 2441, the free-standing legislation offered by the gentleman from Illinois (Mr. HYDE). This Member is a cosponsor of that legislation.

Secondly, an amendment he will offer today will establish a Millennium Challenge Corporation, MCC, an entity which would be authorized to provide development assistance grants to eligible countries. Also, the MCC would work with national local organizations, government and nongovernment organizations within eligible countries to develop specific multi-year development goals.

Finally, the amendment includes a provision which this Member requested to ensure that agricultural development would be among the areas on which the MCA focuses.

Madam Chairman, this Member has had a long-standing interest and experience in seeking to construct efficient, innovative ways to deliver humanitarian assistance, especially in agriculture. I support the amendment offered by the gentleman from Illinois and the legislation and urge all Members to support it.

Indeed, if a country cannot feed itself, that country's prospects for political, economic, and societal stability are greatly endangered. Educating children and treating adults for communicable diseases simply produces few results if the efforts are directed at people who do not have enough to eat.

Agricultural development programs which gather supplies of good seed, build breeding livestock herds, construct basic irrigation systems and viable roads to markets, provide microcredit, and establish rural electric infrastructure do not require vast resources. However, such programs to build subsistence farming capacity do require a clear commitment from the U.S. Government and technical assistance gleaned from the incredible human resources found within American land grant colleges and universities, the NGO and cooperative communities, and the private sector.

Previously, in 1985, this Member drafted a successful amendment to the 1986 Farm Bill which required that, for the first time, a small portion of 1 percent of the funds from the Food for Peace program could be directed toward what is now the Farmer-to-Farmer program. Originally implemented as a pilot program operating only in Central America and the Caribbean, Farmer-to-Farmer has gained support from skeptics, including the USAID, who believed that the concept was too simple to be effective. The simple approach has worked and, in fact, has been extended to Africa, Asia, South America, and the Newly Independent States of the former Soviet Union (NIS).

Madam Chairman, some people within the Washington Beltway have expressed similar concerns about the MCA. This Member sincerely hopes that 18 years from today, the MCA proves to be as successful as the Farmer-to-Farmer program in assisting the world's poor people.

In conclusion, this Member encourages his colleagues to vote for the Hyde amendment regarding the MCA and for final passage of H.R. 1950.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Chairman, I rise to thank the gentleman from Illinois and the ranking minority member for their support on a critically important provision in this State Department authorization act. It is a measure that I drafted and they embraced and included in this bill. The Lantos-Israel language will require the Department of State to include in its annual country report on human rights a specific description on the nature and extent of curricula and classrooms that promote violence and hatred and terrorism around the world.

Why is this important? I believe it is important because I am convinced that all of the road maps and all of the cease-fires and all of the diplomatic accords and all of the agreements are going to be futile for as long as children are taught in their second grade classrooms how to hate, and the world will continue to be a very violent place if we allow classrooms to teach kids how to blow things up instead of how to put things together.

Some brief examples, I am talking about textbooks that teach children that there is no alternative to the destruction of the state of Israel, textbooks that equate Zionism with Nazism, textbooks that indoctrinated the terrorists who attacked and murdered over 200 of my constituents on September 11, 2001.

Madam Chairman, we have ignored school-sponsored lessons of hatred for too long. This provision for the first time will monitor the problem and will keep us focused on it, and it puts the world on notice that we want kids who are educated to put things together rather than indoctrinated on how to blow things up.

I thank the gentleman from Illinois and the ranking member for advancing this critical measure.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Chairman, I rise today to speak in strong support of the Foreign Relations Authorization Act for fiscal year 2004 and 2005. I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for putting together such a strong bipartisan bill.

This bill increases funding for State Department activities and specifically increases funding for security for members of our Foreign Service and at the embassies where they work.

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This increase is so important because of the continued terrorist threat against our Nation's embassies abroad. This bill also addresses the Quartet's road map and sets certain conditions that must be met before the United States can agree to a Palestinian state. With what looks like a potential end of the intifada, the Palestinians must prove that they can protect the security of Israel and her people before they be rewarded with statehood.

Another provision requires a report on democracy in the Western Hemisphere that my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), included during the markup in the Committee on International Relations. I believe this report will show Congress and the administration the needs of our long neglected neighbors to the south. The United States needs to increase engagement with the Western Hemisphere to ensure that our neighbors continue on the path to durable democracy. I believe this is a strong bipartisan bill, if it remains intact, that deserves the support of all my colleagues.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1½ minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a member of the Committee on International Relations.

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy for permitting me to speak in support of the State Department authorization. I am pleased to be a member of the committee. I salute the gentleman from Illinois (Mr. HYDE), our chairman, and the work that he has done with the gentleman from California (Mr. LANTOS), the ranking member, to be able to deal in a bipartisan and cooperative spirit with some of the major issues of our time. Certainly nothing could be more important for us to have an opportunity for Congress to be involved in a cooperative and thoughtful measure on things that should not be rife with partisan divisions or unnecessary ideological debate.

It seems to me that there are three important things for us to focus on in the course of the discussion this afternoon. I am pleased with the benchmark that has been established for the Millennium Challenge Account, the opportunity; and I commend the administration for injecting responsibility as a criterion for giving forth aid.

I look forward to the debate on the international family planning, being able to retain, hopefully, the resources for the United Nations population fund but to have a spirited and thoughtful exchange for what that means. Last, but by no means least, we are not going to give proper attention in the course of the detail of the debate but there has been careful work done by the committee, its staff and working with the State Department to be able to support the leadership from our Secretary of State who is dealing with the needs of the outstanding men and women who are on the front line practicing diplomacy around the world, providing defense in areas of threats to our security, promotion of commerce and, most important, international understanding. I would hope that we will be able to continue forward using this as a foundation to be able to have the type of discussion that these issues merit.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Chairman, a few weeks ago, President Bush announced a $3 billion aid package to Pakistan. I do not support the provisions of military aid in that package. However, President Bush was willing to put some conditions on the Pakistan aid package. Those conditions were, one, Pakistan must exemplify its effort to decrease crossborder terrorism in Kashmir; two, Pakistan must end support of nuclear nonproliferation in rogue nations; and, three, Pakistan must exemplify steps toward returning to a democracy.

Madam Chairman, this bill today includes language included by the gentleman from American Samoa that is consistent with the first two conditions outlined by the President. It requires the State Department to prepare a report that contains a description of the extent to which Pakistan has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir, has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the Line of Control into India, and has ceased the transfer of weapons of mass destruction.

Because this important language is included in the bill, I rise in support of this legislation and only wish to make the point that it is equally as important for Pakistan to return to democracy in order to ensure future peace and stability in South Asia.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, there are many good efforts, and I do want to thank the chairman and ranking member on this bill that so many Members have a stake in, but I would like to add my opposition to the amendment that will be on the floor just shortly, the Smith-Oberstar-Hyde amendment that deals with limiting the actions on behalf of the United Nations population fund, because family planning and HIV/AIDS are so much intertwined that I think we need to show the balance, and I encourage my colleagues to look for the balance. But I thank the committee overall for the work they have done.

I want to cite, however, the importance of the millennium fund and the increase that will occur through the passage of the Hyde-Lantos amendment and I hope that we will be able to utilize it in countries like Ethiopia. I also hope that we will be able to engage in colloquies on this floor to talk about my issue of more women engaged in the peace negotiations processes around the world and add more effort, if you will, to engage in peacekeeping efforts in Liberia. And as well, I want to make sure that we do not overlook the importance of following the trail on the issue dealing with the uranium purchase in Africa that has presented such conflicting statements from the White House. It is important to tell the American people the truth. But I do believe that our foreign policies have improved by way of this legislation.

Mr. FALEOMAVAEGA. Madam Chairman, I yield myself such time as I may consume. I would like to again express our deepest appreciation to the distinguished chairman of the Committee on International Relations and also the senior ranking member not only for the outstanding job that they have done in bringing this legislation to the floor but in the spirit of bipartisanship that we are able to bring to this general debate for consideration of the Members of this body and, more importantly, the fact that we have allowed the general Members of this body the opportunity to offer amendments. This is the spirit of bipartisanship and the way democracy should operate. Again, I thank the good chairman of our committee.

Mr. SMITH of New Jersey. Madam Chairman, I am pleased that Title XV of the State Department authorization bill incorporates key provisions of the Belarus Democracy Act of 2003, which I sponsored earlier this year. The State Department's annual Country Reports on Human Rights Practices report on Belarus states that the Belarusian regime's "human rights record remained very poor and worsened in several areas." Thanks to Alexander Lukashenka—aptly cited by The Washington Post as "Europe's last dictator"—Belarus has the worst human rights record in Europe today. The Helskinki Commission, which I Chair, as well as the Organization for Security and Cooperation in Europe including its Parliamentary Assembly, the United Nations, the Council of Europe, the European Union and other international entities have all chronicled the appalling state of human rights and democracy in a country located in the heart of Europe. Belarus already borders NATO. In just a few years, Belarus will border the European Union.

The Lukashenka regime has blatantly and repeatedly violated basic freedoms of speech, expression, assembly, association and religion. The independent media, non-governmental organizations (NGOs) and democratic opposition have all faced harassment. Indeed, in the last few months, his war against civil society has intensified—resulting in the closure of non-governmental organizations, independent media outlets and Western-funded media support groups, such as Internews Network group, an international organization that helps develop independent media in countries in transition.

Just last week, the Lukashenka regime denied continuation of the accreditation of the International Research and Exchanges Board (IREX), an American organization that has implemented a variety of assistance programs in Belarus for years, including programs that helped the struggling independent media. Last week, they ordered the closure of the Minsk bureau of Russian NTV television. Just a few weeks ago, Lukashenka closed down the National Humanities Lyceum, a highly respected school promoting the study of the Belarusian language and culture. There are growing, legitimate fears that Lukashenka is aiming to remove Belarus from its vestiges of democracy dissent.

In October, Lukashenka signed into law the most restrictive religion law in Europe. Independent journalists have been sentenced to "corrective labor" for their writings. There are credible allegations of the Lukashenka regime's involvement in the disappearances of leading opposition figures and a journalist. Here in Washington and at various OSCE Parliamentary Assembly meetings, I've had occasion to meet with the wives of the disappeared, Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky. These meetings have been heart-wrenching. The cases of their husbands—who disappeared in 1999 and 2000 and are presumed to have been murdered—are a stark illustration of the climate of fear that pervades in Belarus.

On the security front, reports of arms deals between the Belarusian regime and rogue states, including Iraq and North Korea, continue to circulate. Lukashenka and his regime were open in their support of Saddam Hussein.

One of the primary purposes of this initiative is to demonstrate U.S. support for those persevering to promote democracy and respect for human rights in Belarus despite the onerous pressures they face from the anti-democratic regime. Necessary assistance is authorized for democracy-building activities such as support for non-governmental organizations, independent media—including radio and television broadcasting to Belarus—and international exchanges.

The bill also encourages free and fair parliamentary elections, conducted in a manner consistent with international standards—in sharp contrast to the 2000 parliamentary and 2001 presidential elections in Belarus which flagrantly flaunted democratic standards. As a result of these elections, Belarus has the distinction of lacking legitimate presidential and parliamentary leadership, which contributes to that country's self-imposed isolation. Parliamentary elections are scheduled to be held in 2004, and we should encourage those who seek to create the laws and environment conducive to a free and fair election.

In addition, the Executive Branch is encouraged to impose sanctions against the Lukashenka regime and deny high-ranking officials of the regime entry into the United States. U.S. Government financing would be prohibited, except for humanitarian goods and agricultural or medical products. The U.S. Executive Directors of the international financial institutions would be encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance that serve humanitarian needs.

Madam Chairman, we are seeking to help put an end to the pattern of clear and uncorrected human rights violations by the Lukashenka regime and are hoping this will serve as a catalyst to facilitate Belarus' integration into democratic Europe. The Belarusian people deserve to live in a society where democratic principles and human rights are respected and the rule of law is preeminent. The Belarusian people—who have endured so much both under past and current dictatorships—deserve our support as they work to overcome the legacy of the past and develop a genuinely independent, democratic country.

In addition, Madam Chairman, in keeping with this authorization for the Department of State, I want to express my appreciation for the work of the Department in bringing needed attention to the concerns about ongoing anti-Semitism, an age-old plague that still haunts many countries in the OSCE, including our own. I have sought to identify effective responses to this troubling phenomenon, including the introduction of the resolution, H. Con. Res. 49 which passed last month.

Last month, I joined Mayor Rudy Giuliani and Congressman HASTINGS in Vienna for an OSCE conference specifically focused on anti-Semitism. Having the OSCE itself take up this important cause is significant. In fact, the idea was first raised in the May 2002 hearing of the Helsinki Commission and also suggested in the resolution condemning anti-Semitism I presented at the Berlin Parliamentary Assembly meeting last summer. I offered a similar resolution week before last at the Rotterdam OSCE PA meeting. Both resolutions passed the Assembly unanimously. While the OSCE Parliamentary Assembly has actively denounced anti-Semitic acts, I give great credit to the State Department for making the Vienna Conference a reality. Notably, one initiative emerging from the Vienna Conference was a pledge by our German friends to hold a follow-up meeting in Berlin next year to focus on anti-Semitism. I hope this meeting will rally the troops from Europe, the U.S., and Canada to say in one voice "never again."

Finally, Madam Chairman, I was pleased to learn of Senator VOINOVICH's amendment to the Senate's State Department reauthorization bill requiring the Annual Report on International Religious Freedom to include specific coverage of anti-Semitism. The amendment calls for the report to cover "acts of anti-Semitic violence that occurred in that country" and "the response of the government of that country to such acts of violence." Importantly, the amendment would mandate the report to chronicle "actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith." I think this is a worthwhile idea and hope it will be enacted into law.

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 1950, the Foreign Relations Authorization Act for Fiscal Years 2004 and 2005. In particular, I would like to comment on Section 273: Staffing at Diplomatic Missions.

As Chairman of the Committee on Government Reform's Subcommittee on National Security, Emerging Threats, and International Relations, I have held several hearings on rightsizing the U.S. presence overseas.

Rightsizing the U.S. presence overseas is the process of putting the right people with the right skills in the right places. It is first and foremost about keeping U.S. personnel safe, but it is also about successfully manning the diplomatic front in the war against terrorism. Under-skilled personnel running visa lines in sensitive countries, personnel handling communications without necessary language skills, or a lack of staff to handle workloads hurt diplomatic readiness and a key part of the war on terrorism: our nation's relationships with its allies. Moreover, rightsizing involves every government agency with a presence overseas, not simply the Department of State.

The war on terrorism, increased AIDS funding in Africa and the Caribbean, the new Millennium Challenge Account program, changes to the U.S. entry-exit rules, and a greater emphasis on foreign affairs all promise to increase the workloads of overseas missions, and place greater pressure on chiefs of mission to right-size staff.

At our request, the General Accounting Office (GAO) has pursued and continues to pursue the rightsizing issue in concert with the Office of Management and Budget (OMB). GAO created a rightsizing framework consisting of three factors: physical and technical security of facilities and employees, mission priorities and requirements, and cost of operations. In addition, OMB has included rightsizing as part of the President's Management Agenda and begun using Europe as a test case for the GAO framework.

Section 273 calls on chiefs of mission to assist in the rightsizing process by evaluating the necessity of all staff positions under their authority, even those from other Executive Branch agencies. This language was included at my request and reflects a small but important part of the oversight work the Subcommittee has conducted. Section 273 brings us closer to giving the managers of U.S. embassies and consulates overseas, the chiefs of mission, the tools they need to effectively administer their posts and carry out U.S. foreign policy.

Mr. TOWNS. Madam Chairman, as we vote on H.R. 1950, the Foreign Relations Authorization Act of FY2004 and FY2005, I want to draw the attention of my colleagues to an important omission in this bill.

Section 303 of the Foreign Relations Authorization purports to establish an Office of Ombudsman in the Department of State. However, this bill did not create this office. Congress created this office in P.L. 100–204. Congress passed this legislation over 15 years ago based on its findings that (1) the effectiveness and efficiency of the Department of State is dependent on the contributions of its Civil Service and Foreign Service employees; (2) the contribution of the Department's Civil Service employees has been overlooked in the management of the Department and greater equity of promotion, training, and career enhancement opportunities should be accorded to them and (3) the goal of the Foreign Service Act of 1980 was to strengthen the contribution made by the Department's Civil Service employees by creating a cadre of experienced specialists and managers to provide essential continuity.

Created with the Congressional findings in mind, the office of Ombudsman was given the mission to ensure that civil service concerns are identified and properly weighed by decision-makers, make recommendations to management, and work with affected parties to correct or alleviate systemic problems that adversely affect civil service employees, and provide guidance and counseling to employees on work and career-related matters. Additionally, the Ombudsman was given the responsibility of advising the Secretary of State and senior department management on civil service issues to ensure the ability of civil service employees to contribute to the achievement of the Department's foreign affairs responsibilities. Under the original legislation, the Ombudsman reported to the Secretary of State, and participated in all management council meetings to assure that the concerns of civil service employees are presented.

Additionally, the original legislation assured that civil service employees would not be disproportionately affected by reduction in force or other actions which reduce the department's workforce.

Under the rubric of "establishing" the office of Ombudsman, the bill before us today eviscerates the office as established by Congress. It gives the Secretary discretion to determine the involvement of the Ombudsman in the senior-level meetings, eliminates the office's focus on civil service employees, and removes the requirement that the burden of personnel reductions not be disproportionately imposed on civil service employees.

Madam Chairman, section 303 of H.R. 1950 destroys the work of a previous Congress without rhyme or reason. It is clear that our civil service employees are a valuable asset. Our national security depends on the work of civil service employees in the Department of State. If we remove the protections afforded by this office, we are sending a clear and unmistakable message that we are no longer concerned about preserving the protections we have afforded them. We must reconsider this ill-advised provision.

Mr. FALEOMAVAEGA. Madam Chairman, I yield back the balance of my time.

Mr. HYDE. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. CAPITO). All time for general debate has expired.

Pursuant to House Resolution 316, the amendment in the nature of a substitute recommended by the Committee on International Relations printed in the bill, modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce also printed in the bill, is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 2004 and 2005".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into two divisions as follows:

(1) DIVISION A.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(2) DIVISION B.—Defense Trade and Security Assistance Reform Act of 2003.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of act into divisions; table of contents.
Sec. 3. Definitions.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 111. Administration of foreign affairs.
Sec. 112. United States educational and cultural programs.
Sec. 113. Contributions to international organizations.
Sec. 114. International commissions.
Sec. 115. Migration and refugee assistance.
Sec. 116. Voluntary contributions to international organizations.
Sec. 117. Voluntary contributions for international peacekeeping activities.
Sec. 118. Grants to the Asia Foundation.

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—United States Public Diplomacy

Sec. 201. Findings and purposes.
Sec. 202. Public diplomacy responsibilities of the Department of State.
Sec. 203. Annual plan on public diplomacy strategy.
Sec. 204. Public diplomacy training.
Sec. 205. United States Advisory Commission on Public Diplomacy.
Sec. 206. Library program.
Sec. 207. Sense of Congress concerning public diplomacy efforts in sub-Saharan Africa.

Subtitle B—Basic Authorities and Activities

Sec. 221. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 222. Modification of reporting requirements.
Sec. 223. Report concerning efforts to promote Israel's diplomatic relations with other countries.
Sec. 224. Reimbursement rate for certain airlift services provided by the Department of Defense to the Department of State.
Sec. 225. Sense of Congress regarding additional United States consular posts.
Sec. 226. Validity of United States passports for travel to countries receiving United States foreign assistance.
Sec. 227. GAO assessment of security capital cost sharing.
Sec. 228. Authority to issue administrative subpoenas.

Sec. 229. Enhancing refugee resettlement and maintaining the United States commitment to refugees.
Sec. 230. The Colin Powell Center for American Diplomacy.

Subtitle C—Educational and Cultural Authorities

Sec. 251. Establishment of initiatives for predominantly Muslim countries.
Sec. 252. Database of American and foreign participants in exchange programs.
Sec. 253. Report on inclusion of freedom and democracy advocates in educational and cultural exchange programs.
Sec. 254. Sense of the Congress concerning educational and cultural exchange program for foreign journalists.
Sec. 255. Sense of Congress regarding Korean Fulbright programs.
Sec. 256. Authorizing East Timorese scholarships for graduate study.
Sec. 257. Public safety awareness in study abroad programs.

Subtitle D—Consular Authorities

Sec. 271. Machine readable visas.
Sec. 272. Processing of visa applications.
Sec. 273. Staffing at diplomatic missions.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Fellowship of Hope Program.
Sec. 302. Claims for lost pay.
Sec. 303. Ombudsman for the Department of State.
Sec. 304. Repeal of recertification requirement for senior foreign service.
Sec. 305. Report concerning status of employees of State Department.
Sec. 306. Home leave.
Sec. 307. Increased limits applicable to post differentials and danger pay allowances.
Sec. 308. Regulations regarding retirement credit for government service performed abroad.
Sec. 309. Minority recruitment.
Sec. 310. Meritorious step increases.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—Basic Authorities and Activities

Sec. 401. Raising the cap on peacekeeping contributions.
Sec. 402. Regarding the reentry of the United States in UNESCO.
Sec. 403. UNESCO national commission.
Sec. 404. Organization of American States (OAS) emergency fund.
Sec. 405. United States efforts regarding the status of Israel in the Western European and Others Group at the United Nations.

Subtitle B—United States International Leadership

Sec. 431. Short title.
Sec. 432. Findings.
Sec. 433. Establishment of a democracy caucus.
Sec. 434. Annual diplomatic missions on multilateral issues.
Sec. 435. Leadership and membership of international organizations.
Sec. 436. Increased training in multilateral diplomacy.
Sec. 437. Promoting assignments to international organizations.
Sec. 438. Implementation and establishment of office on multilateral negotiations.
Sec. 439. Synchronization of United States contributions to international organizations.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 501. Mideast Radio and Television Network, Inc.
Sec. 502. Improving signal delivery to Cuba.
Sec. 503. Report concerning efforts to counter jamming of broadcasts of Radio Marti and TV Marti.
Sec. 504. Pilot program for the promotion of travel and tourism in the United States through United States international broadcasting.
Sec. 505. Radio Free Asia broadcasts into North Korea.
Sec. 506. Prohibition on elimination of international broadcasting in Eastern Europe.

Subtitle B—Global Internet Freedom

Sec. 521. Short title.
Sec. 522. Findings.
Sec. 523. Purposes.
Sec. 524. Development and deployment of technologies to defeat Internet jamming and censorship.

Subtitle C—Reorganization of United States International Broadcasting

Sec. 531. Establishment of United States International Broadcasting Agency.
Sec. 532. Authorities and functions of the agency.
Sec. 533. Role of the Secretary of State.
Sec. 534. Administrative provisions.
Sec. 535. Broadcasting Board of Governors and International Broadcasting Bureau.
Sec. 536. Transition.
Sec. 537. Conforming amendments.
Sec. 538. References.
Sec. 539. Broadcasting standards.
Sec. 540. Effective date.

TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Findings.
Sec. 604. Statements of policy.
Sec. 605. Coordinator for International Free Media.
Sec. 606. United States Advisory Commission on Public Diplomacy and International Media.
Sec. 607. International Free Media Fund.
Sec. 608. Free media promotion activity of the Broadcasting Board of Governors.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—Reporting Requirements

Sec. **701**. *Reports to Committee on International Relations.*
Sec. **702**. *Reports concerning the capture and prosecution of paramilitary and other terrorist leaders in Colombia.*
Sec. **703**. *Reports relating to Magen David Adom Society.*
Sec. **704**. *Report concerning the return of portraits of Holocaust victims to the artist Dina Babbitt.*
Sec. **705**. *Report to Congress on use of vested assets.*
Sec. **706**. *Report concerning the conflict in Uganda.*
Sec. **707**. *Requirement for report on United States policy toward Haiti.*
Sec. **708**. *Report on the effects of Plan Colombia on Ecuador.*
Sec. **709**. *Report on actions taken by Pakistan.*
Sec. **710**. *Report on democracy in the Western Hemisphere.*
Sec. **711**. *Report concerning internal and intraregional conflicts in the Great Lakes region of Africa.*

Subtitle B—Other Matters

Sec. 721. Sense of Congress relating to East Timor, justice, and rehabilitation.
Sec. 722. Sense of Congress concerning human rights and justice in Indonesia.
Sec. 723. Amendment to the International Religious Freedom Act of 1998.
Sec. 724. Sense of Congress with respect to human rights in Central Asia.
Sec. 725. Technical correction to authorization of appropriations for fiscal year 2003 for Center for Cultural and Technical Interchange Between East and West.
Sec. 726. Under Secretary of Commerce for Industry and Security.
Sec. 727. Concerning the spread of weapons of mass destruction.
Sec. 728. International agriculture biotechnology information program.
Sec. 729. Refugee resettlement burdensharing.
Sec. 730. Sense of Congress on climate change.
Sec. 731. Sense of Congress regarding migration issues between the United States and Mexico.
Sec. 732. Sense of Congress concerning United States assistance to Palestinian refugees.
Sec. 733. United States policy on World Bank Group loans to Iran.
Sec. 734. Sense of Congress relating to Soviet nuclear tests in Kazakhstan.
Sec. 735. Sense of Congress relating to violence against women.

DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Definitions.
Sec. 1003. References to Arms Export Control Act.

TITLE XI—TERRORIST-RELATED PROHIBITIONS AND ENFORCEMENT MEASURES

Sec. 1101. Eligibility provisions.
Sec. 1102. Weapons transfers to foreign persons in the United States.
Sec. 1103. Coordination of license exemptions with United States law enforcement agencies.
Sec. 1104. Mechanisms to identify persons in violation of certain provisions of law.
Sec. 1105. Comprehensive nature of United States arms embargoes.
Sec. 1106. Transactions with countries supporting acts of international terrorism.
Sec. 1107. Amendments to control of arms exports and imports.
Sec. 1108. High risk exports and end use verification.
Sec. 1109. Concurrent jurisdiction of the Federal Bureau of Investigation.
Sec. 1110. Report on foreign-supplied defense articles, defense services, and dual use goods and technology discovered in Iraq.

TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS

Sec. 1201. Control of items on Missile Technology Control Regime Annex.
Sec. 1202. Certifications relating to export of certain defense articles and services.
Sec. 1203. Notification requirements for technical assistance and manufacturing licensing agreements with NATO member countries, Australia, New Zealand, and Japan.
Sec. 1204. Strengthening defense cooperation with Australia and the United Kingdom.

Sec. 1205. Training and liaison for small businesses.
Sec. 1206. Study and report relating to co-locating munitions control functions of the Departments of State, Defense, and Homeland Security.

TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS

Subtitle A—Foreign Military Sales and Financing Authorities

Sec. 1301. Authorization of appropriations.
Sec. 1302. Provision of cataloging data and services.
Sec. 1303. Annual estimate and justification for sales program.
Sec. 1304. Adjustment to advance notification requirement for transfer of certain excess defense articles.

Subtitle B—International Military Education and Training

Sec. 1311. Authorization of appropriations.
Sec. 1312. Annual foreign military training reporting.

Subtitle C—Assistance for Select Countries

Sec. 1321. Assistance for Israel.
Sec. 1322. Assistance for Egypt.

Subtitle D—Miscellaneous Provisions

Sec. 1331. United States War Reserve Stockpiles for Allies.
Sec. 1332. Transfer to Israel of certain defense articles in the United States War Reserve Stockpiles for Allies.
Sec. 1333. Expansion of authorities for loan of material, supplies, and equipment for research and development purposes.
Sec. 1334. Assistance for demining and related activities.
Sec. 1335. Reports relating to Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
Sec. 1336. Statement of House of Representatives regarding the Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
Sec. 1337. Nonproliferation and Disarmament Fund.
Sec. 1338. Maritime interdiction patrol boats for Mozambique.
Sec. 1339. Report on missile defense cooperation.
Sec. 1340. Iran's program to develop a nuclear explosive device.

TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

Sec. 1401. Short title.

Subtitle A—Strengthening International Missile Nonproliferation Law

Sec. 1411. Findings.
Sec. 1412. Policy of the United States.
Sec. 1413. Sense of Congress.

Subtitle B—Strengthening United States Missile Nonproliferation Law

Sec. 1421. Probationary period for foreign persons.
Sec. 1422. Strengthening United States missile proliferation sanctions on foreign persons.
Sec. 1423. Comprehensive United States missile proliferation sanctions on all responsible persons.

Subtitle C—Incentives for Missile Threat Reduction

Sec. 1431. Foreign assistance.
Sec. 1432. Authorization of appropriations.
Sec. 1433. Authorization of technical assistance in missile disarmament.

TITLE XV—PROMOTION OF DEMOCRACY, HUMAN RIGHTS, AND RULE OF LAW IN BELARUS

Sec. 1501. Assistance to promote democracy and civil society in Belarus.
Sec. 1502. Radio broadcasting to Belarus.
Sec. 1503. Sense of Congress relating to sanctions against the Government of Belarus.
Sec. 1504. Multilateral cooperation.
Sec. 1505. Report.
Sec. 1506. Definitions.

TITLE XVI—ISRAELI-PALESTINIAN PEACE ENHANCEMENT ACT OF 2003

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Purposes.
Sec. 1604. Sense of Congress.
Sec. 1605. Recognition of a Palestinian state.
Sec. 1606. Limitation on assistance to a Palestinian state.
Sec. 1607. Authorization of assistance to a Palestinian state.

TITLE XVII—MISCELLANEOUS FOREIGN ASSISTANCE PROVISIONS

Sec. 1701. Additional authorities relating to international narcotics control assistance.
Sec. 1702. United States opium eradication program in Colombia.
Sec. 1703. Cooperative Development Program.
Sec. 1704. West Bank and Gaza Program.
Sec. 1705. Annual human rights country reports on incitement to acts of discrimination.
Sec. 1706. Assistance to East Timor.
Sec. 1707. Support for democracy-building efforts for Cuba.
Sec. 1708. Amendment to the Afghanistan Freedom Support Act of 2002.
Sec. 1709. Congo Basin Forest Partnership.
Sec. 1710. Combatting the piracy of United States copyrighted materials.
Sec. 1711. Assistance for law enforcement forces in certain foreign countries.
Sec. 1712. Human Rights and Democracy Fund.
Sec. 1713. Enhanced police training.
Sec. 1714. Promoting a secure and democratic Afghanistan.
Sec. 1715. Grants to the Africa Society.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEPARTMENT.—The term "Department" means the Department of State.

(3) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of State.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SEC. 101. SHORT TITLE.

This division may be cited as the "Department of State Authorization Act, Fiscal Years 2004 and 2005".

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 111. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Diplomatic and Consular Programs", $4,187,544,000 for the fiscal year 2004 and $4,438,796,000 for the fiscal year 2005.

(B) PUBLIC DIPLOMACY.—

(i) IN GENERAL.—Of the amounts authorized to be appropriated by subparagraph (A), $320,930,000 for the fiscal year 2004 and $329,838,000 for the fiscal year 2005 is authorized to be appropriated for public diplomacy.

(ii) IMPROVEMENTS IN PUBLIC DIPLOMACY PROGRAMS.—Of the amounts authorized to be appropriated under clause (i) $20,000,000 for the fiscal year 2004 and $20,000,000 for the fiscal year 2005 is authorized to be available for improvements and modernization of public diplomacy programs and activities of the Department of State.

(iii) TRANSLATION SERVICES.—Of the amounts authorized to be appropriated under clause (i), $4,000,000 for the fiscal year 2004 and $4,000,000 for the fiscal year 2005 is authorized to be available for translation services available to public affairs officers in overseas posts.

(C) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), $646,701,000 for the fiscal year 2004 and $679,036,000 for the fiscal year 2005 is authorized to be appropriated for worldwide security upgrades.

(D) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated by subparagraph (A), $20,000,000 for the fiscal year 2004 and $20,000,000 for the fiscal year 2005 is authorized to be appropriated for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(E) RECRUITMENT OF MINORITY GROUPS.—Of the amount authorized to be appropriated by subparagraph (A), $2,000,000 for the fiscal year 2004 and $2,000,000 for the fiscal year 2005 is authorized to be appropriated for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(2) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", $157,000,000 for the fiscal year 2004 and $161,710,000 for the fiscal year 2005.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—

(A) IN GENERAL.—For "Embassy Security, Construction and Maintenance", $653,000,000 for the fiscal year 2004 and $784,000,000 for the fiscal year 2005, in addition to amounts otherwise authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–470).

(B) AMENDMENT OF THE NANCE-DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT.—Section 604(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (113 Stat. 1501A–453) is amended—

(i) at the end of paragraph (4) by striking "and";

(ii) in paragraph (5) by striking "$900,000,000." and inserting "$1,000,000,000; and"; and

(iii) by inserting after paragraph (5) the following:

"(6) for fiscal year 2005, $1,000,000,000.".

(4) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $9,000,000 for the fiscal year 2004 and $9,000,000 for the fiscal year 2005.

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions

and Officials", $10,000,000 for the fiscal year 2004 and $10,000,000 for the fiscal year 2005.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $1,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(7) REPATRIATION LOANS.—For "Repatriation Loans", $1,219,000 for the fiscal year 2004 and $1,219,000 for the fiscal year 2005.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $19,773,000 for the fiscal year 2004 and $20,761,000 for the fiscal year 2005.

(9) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $31,703,000 for the fiscal year 2004 and $32,654,000 for the fiscal year 2005.

(b) AVAILABILITY OF FUNDS FOR PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—The amount appropriated pursuant to subsection (a)(5) is authorized to remain available through September 30, 2006.

SEC. 112. UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS.

(a) IN GENERAL.—Amounts in this section are authorized to be appropriated for the Department of State to carry out educational and cultural programs of the Department of State under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes.

(b) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For "Educational and Cultural Exchange Programs", $393,000,000 for the fiscal year 2004 and $405,000,000 for the fiscal year 2005.

(2) PROGRAMS IN EASTERN EUROPE AND FORMER SOVIET UNION.—Of the amounts authorized to be appropriated under paragraph (1), $150,000,000 for the fiscal year 2004 and $150,000,000 for the fiscal year 2005 is authorized to be available for programs in Eastern Europe and countries of the former Soviet Union.

(3) ACADEMIC EXCHANGE PROGRAMS.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated under paragraph (1), $142,000,000 for the fiscal year 2004 and $142,000,000 for the fiscal year 2005 is authorized to be available for the "Academic Exchange Programs" (other than programs described in paragraph (4)).

(B) HIV/AIDS INITIATIVE.—Of the amounts authorized to be available under subparagraph (A), $1,000,000 for the fiscal year 2004 and $1,000,000 for the fiscal year 2005 is authorized to be available for HIV/AIDS research and mitigation strategies.

(C) FULBRIGHT ENGLISH TEACHING ASSISTANT PROGRAM IN KOREA.—Of the amounts authorized to be available by subparagraph (A), $750,000 for the fiscal year 2004 and $750,000 for the fiscal year 2005 is authorized to be available for the Fulbright English Teaching Assistant Program in Korea, which sends United States citizen students to serve as English language teaching assistants at Korean colleges and high schools.

(D) DANTE B. FASCELL NORTH-SOUTH CENTER.—Of the amounts authorized to be available by subparagraph (A), $1,025,000 for the fiscal year 2004 and $1,025,000 for the fiscal year 2005 is authorized to be available for the "Dante B. Fascell North-South Center".

(E) GEORGE J. MITCHELL SCHOLARSHIP PROGRAM.—Of the amounts authorized to be available under subparagraph (A), $500,000 for the fiscal year 2004 and $500,000 for the fiscal year 2005 is authorized to be available for the "George J. Mitchell Scholarship Program" which provides for one year of postgraduate study for American scholars at institutions of higher education in Ireland and Northern Ireland.

(4) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated under paragraph (1), $110,000,000 for the fiscal year 2004 and $110,000,000 for the fiscal year 2005 is authorized to be available for other educational and cultural exchange programs authorized by law.

(B) INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.—Of the amounts authorized to be available under subparagraph (A), $35,000,000 for the fiscal year 2004 and $35,000,000 for the fiscal year 2005 is authorized to be available for initiatives for predominantly Muslim countries established under section 251.

(C) TIBETAN EXCHANGES.—Of the amounts authorized to be available under subparagraph (A), $500,000 for the fiscal year 2004 and $500,000 for the fiscal year 2005 is authorized to be available for "Ngawang Choephel Exchange Programs" (formerly known as "programs of educational and cultural exchange between the United States and the people of Tibet") under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(D) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be available under subparagraph (A), $1,000,000 for the fiscal year 2004 and $1,000,000 for the fiscal year 2005 is authorized to be available for "East Timorese Scholarships".

(E) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be available under subparagraph (A), $750,000 for the fiscal year 2004 and $750,000 for the fiscal year 2005 is authorized to be available for "South Pacific Exchanges".

(F) SUDANESE SCHOLARSHIPS.—Of the amounts authorized to be available under subparagraph (A), $500,000 for the fiscal year 2004 and $500,000 for the fiscal year 2005 is authorized to be available for scholarships for students from southern Sudan for secondary or postsecondary education in the United States, to be known as "Sudanese Scholarships".

(G) SUMMER INSTITUTES FOR KOREAN STUDENTS.—Of the amounts authorized to be available under subparagraph (A), $750,000 for the fiscal year 2004 and $750,000 for the fiscal year 2005 is authorized to be available for summer academic study programs in the United States (focusing on United States political systems, government institutions, society, and democratic culture) for college and university students from the Republic of Korea, to be known as the "United States Summer Institutes for Korean Student Leaders".

(H) SCHOLARSHIPS FOR INDIGENOUS PEOPLES OF MEXICO AND CENTRAL AND SOUTH AMERICA.—Of the amounts authorized to be available under subparagraph (A), $400,000 for the fiscal year 2004 and $400,000 for the fiscal year 2005 is authorized to be available for scholarships for postsecondary education in the United States for students from Mexico and the countries of Central and South America who are from the indigenous peoples of the region.

(c) NATIONAL ENDOWMENT FOR DEMOCRACY.—

(1) IN GENERAL.—For the "National Endowment for Democracy", $45,000,000 for the fiscal year 2004 and $47,000,000 for the fiscal year 2005.

(2) INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.—Of the amounts authorized to be appropriated under paragraph (1), $3,000,000 for the fiscal year 2004 and $3,000,000 for the fiscal year 2005 is authorized to be available for the National Endowment for Democracy to fund programs that promote democracy, good governance, the rule of law, independent media, religious tolerance, the rights of women, and strengthening of civil society in countries of predominantly Muslim population within the jurisdiction of the Bureau of Near Eastern Affairs of the Department of State.

(d) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the "Center for Cultural and Technical Interchange between East and West", $14,280,000 for the fiscal year 2004 and $14,280,000 for the fiscal year 2005.

(e) REAGAN-FASCELL DEMOCRACY FELLOWS.—For the "Reagan-Fascell Democracy Fellows", for fellowships for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans, $1,000,000 for the fiscal year 2004 and $1,000,000 for the fiscal year 2005.

(f) BENJAMIN GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM.—Section 305 of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000 (22 U.S.C. 2462 note) is amended by striking "$1,500,000" and inserting "$2,500,000".

SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There is authorized to be appropriated under the heading "Contributions to International Organizations" $1,010,463,000 for the fiscal year 2004 and $1,040,776,000 for the fiscal year 2005 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There is authorized to be appropriated under the heading "Contributions for International Peacekeeping Activities" $550,200,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated by subsection (a), there is authorized to be appropriated such sums as may be necessary for the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection may be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

(d) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the organization or agency concerned its proportionate share of the amount by which the total contributions to the organization or agency exceed the expenditures of the regular assessed budget of the organization or agency.

SEC. 114. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions, and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses", $31,562,000 for the fiscal year 2004 and $31,562,000 for the fiscal year 2005; and

(B) for "Construction", $8,901,000 for the fiscal year 2004 and $8,901,000 for the fiscal year 2005.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $1,261,000 for the fiscal year 2004 and $1,261,000 for the fiscal year 2005.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $7,810,000 for the fiscal year 2004 and $7,810,000 for the fiscal year 2005.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $20,043,000 for the fiscal year 2004 and $20,043,000 for the fiscal year 2005.

SEC. 115. MIGRATION AND REFUGEE ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated for the Department for "Migration and Refugee Assistance" for authorized activities, $927,000,000 for the fiscal year 2004 and $957,000,000 for the fiscal year 2005.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amount authorized to be appropriated by subsection (a), $50,000,000 for the fiscal year 2004 and $50,000,000 for the fiscal year 2005 is authorized to be available for the resettlement of refugees in Israel.

(c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amount authorized to be appropriated by subsection (a), $2,000,000 for the fiscal year 2004 and $2,000,000 for the fiscal year 2005 is authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(d) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amount authorized to be appropriated by subsection (a), $2,000,000 for the fiscal year 2004 and $2,000,000 for the fiscal year 2005 is authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State for "Voluntary Contributions to International Organizations", $342,555,000 for the fiscal year 2004 and $345,000,000 for the fiscal year 2005.

(b) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated under subsection (a), $6,000,000 for the fiscal year 2004 and $7,000,000 for the fiscal year 2005 is authorized to be available for a United States voluntary contribution to the United Nations Voluntary Fund for Victims of Torture.

(c) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a) $2,000,000 for fiscal years 2004 and 2005 is authorized to be available for a United States voluntary contribution to the Organization of American States for the Inter-American Committee Against Terrorism (CICTE) to identify and develop a port in the Latin American and Caribbean region into a model of best security practices and appropriate technologies for improving port security in the Western Hemisphere. Amounts authorized to be available by the preceding sentence are authorized to remain available until expended and are in addition to amounts otherwise available to carry out section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221).

(d) RESTRICTIONS ON UNITED STATES CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) LIMITATION.—Of the amounts made available under subsection (a) for each of the fiscal years 2004 and 2005 for United States contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary of State that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SPDC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(e) UNITED NATIONS POPULATION FUND (UNFPA).—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under subsection (a), $50,000,000 for each of the fiscal years 2004 and 2005 is authorized only to be available for a United States voluntary contribution to the United Nations Population Fund (UNFPA).

(2) PERMANENT GUIDELINES FOR VOLUNTARY CONTRIBUTIONS TO UNFPA.—Section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221) is amended by inserting after subsection (a) the following new subsection:

"(b)(1) For fiscal year 2004 and each subsequent fiscal year, funds appropriated to the President or the Department of State under any law for a voluntary contribution to the United Nations Population Fund (UNFPA) may be obligated and expended for such purpose beginning 30 days after such funds become available and only if the President certifies to the Congress that the United Nations Population Fund (UNFPA) does not directly support or participate in coercive abortion or involuntary sterilization. The certification authority of the President under the preceding sentence may not be delegated.

"(2) In paragraph (1), the term 'directly supports or participates in coercive abortion or involuntary sterilization' means knowingly and intentionally working with a purpose to continue, advance, or expand the practice of coercive abortion or involuntary sterilization, or playing a primary and essential role in a coercive or involuntary aspect of a country's family planning program.".

SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State for "Voluntary Contributions for International Peacekeeping", $110,000,000 for the fiscal year 2004 and $110,000,000 for the fiscal year 2005.

(b) PEACEKEEPING IN AFRICA.—Of the amounts authorized to be appropriated under subsection (a), $40,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005 is authorized to be appropriated for peacekeeping activities in Africa.

SEC. 118. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

"SEC. 404. There is authorized to be appropriated to the Secretary of State $18,000,000 for the fiscal year 2004 and $18,000,000 for the fiscal year 2005 for grants to The Asia Foundation pursuant to this title.".

Subtitle B—United States International Broadcasting Activities

SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—

(A) IN GENERAL.—For "International Broadcasting Operations", $600,354,000 for the fiscal year 2004 and $612,146,000 for the fiscal year 2005.

(B) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by subparagraph (A), there is authorized to be available for Radio Free Asia $30,000,000 for the fiscal year 2004 and $30,000,000 for the fiscal year 2005.

(C) OFFICE OF GLOBAL INTERNET FREEDOM.—Of the amounts authorized to be appropriated by subparagraph (A), there is authorized to be available for the Broadcasting Board of Governors for the establishment and operations of the Office of Global Internet Freedom under section 524(a) $8,000,000 for the fiscal year 2004 and $8,000,000 for the fiscal year 2005.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For "Broadcasting Capital Improvements", $29,895,000 for the fiscal year 2004 and $11,395,000 for the fiscal year 2005.

(3) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $26,901,000 for the fiscal year 2004 and $27,439,000 for the fiscal year 2005.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—United States Public Diplomacy

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States possesses strong and deep connections with the peoples of the world separate from its relations with their governments. These connections can be a major asset in the promotion of United States interests and foreign policy.

(2) Misinformation and hostile propaganda in these countries regarding the United States and its foreign policy endanger the interests of the

United States. Existing efforts to counter such misinformation and propaganda are inadequate and must be greatly enhanced in both scope and substance.

(3) United States foreign policy has been hampered by an insufficient consideration of the importance of public diplomacy in the formulation and implementation of that policy and by the underuse of modern communication techniques.

(4) The United States should have an operational strategy and a coordinated effort regarding the utilization of its public diplomacy resources.

(5) The development of an operational strategy and a coordinated effort by United States agencies regarding public diplomacy would greatly enhance United States foreign policy.

(6) The Secretary of State has undertaken efforts to ensure that of the new positions established at the Department of State after September 30, 2002, a significant proportion are for public diplomacy.

(b) PURPOSES.—It is the purpose of this subtitle to enhance in scope and substance, redirect, redefine, and reorganize United States public diplomacy.

SEC. 202. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

(a) IN GENERAL.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 265 et seq.) is amended by inserting after section 58 the following new section:

"SEC. 59. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

"(a) IN GENERAL.—The Secretary of State shall make public diplomacy an integral component in the planning and execution of United States foreign policy. The Department of State, in coordination with the United States International Broadcasting Agency, shall develop a comprehensive strategy for the use of public diplomacy resources and assume a prominent role in coordinating the efforts of all Federal agencies involved in public diplomacy. Public diplomacy efforts shall be addressed to developed and developing countries, to select and general audiences, and shall utilize all available media to ensure that the foreign policy of the United States is properly explained and understood not only by the governments of countries but also by their peoples, with the objective of enhancing support for United States foreign policy. The Secretary shall ensure that the public diplomacy strategy of the United States is cohesive and coherent and shall aggressively and through the most effective mechanisms counter misinformation and propaganda concerning the United States. The Secretary shall endeavor to articulate the importance in American foreign policy of the guiding principles and doctrines of the United States, particularly freedom and democracy. The Secretary, in coordination with the Board of Governors of the United States International Broadcasting Agency, shall develop and articulate long-term measurable objectives for United States public diplomacy. The Secretary is authorized to produce and distribute public diplomacy programming for distribution abroad in order to achieve public diplomacy objectives, including through satellite communication, the Internet, and other established and emerging communications technologies.

"(b) INFORMATION CONCERNING UNITED STATES ASSISTANCE.—

"(1) IDENTIFICATION OF ASSISTANCE.—In cooperation with the United States Agency for International Development (USAID) and other public and private assistance organizations and agencies, the Secretary shall ensure that information concerning foreign assistance provided by the United States Government, United States nongovernmental organizations and private entities, and the American people is disseminated widely and prominently, particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary shall ensure that, to the extent practicable, projects funded by the United States Agency for International Development (USAID) that do not involve commodities, including projects implemented by private voluntary organizations, are identified as being supported by the United States of America, as American Aid or provided by the American people.

"(2) REPORT TO CONGRESS.—Not later than 120 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on efforts to disseminate information concerning assistance described in paragraph (1) during the preceding fiscal year. Each such report shall include specific information concerning all instances in which the United States Agency for International Development has not identified projects in the manner prescribed in paragraph (1) because such identification was not practicable. Any such report shall be submitted in unclassified form, but may include a classified appendix.

"(c) AUTHORITY.—Subject to the availability of appropriations, the Secretary may contract with and compensate government and private agencies or persons for property and services to carry out this section.".

(b) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—

(1) The Secretary of State shall establish a public diplomacy reserve corps to augment the public diplomacy capacity and capabilities of the Department in emergency and critical circumstances worldwide. The Secretary shall develop a contingency plan for the use of the corps to bolster public diplomacy resources and expertise. To the extent necessary and appropriate, the Secretary may recruit experts in public diplomacy and related fields from the private sector.

(2) While actively serving with the reserve corps, individuals are prohibited from engaging in activities directly or indirectly intended to influence public opinion within the United States to the same degree that employees of the Department engaged in public diplomacy are so prohibited.

(c) FUNCTIONS OF THE UNDER SECRETARY FOR PUBLIC DIPLOMACY.—

(1) Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended by striking "formation" and all that follows through the period at the end and inserting "formation, supervision, and implementation of United States public diplomacy policies, programs, and activities, including the provision of guidance to Department personnel in the United States and overseas who conduct or implement such policies, programs, and activities. The Under Secretary for Public Diplomacy shall assist the United States Agency for International Broadcasting in presenting the policies of the United States clearly and effectively, shall submit statements of United States policy and editorial material to the Agency for broadcast consideration in addition to material prepared by the Agency, and shall ensure that editorial material created by the Agency for broadcast is reviewed expeditiously by the Department.".

(2) The Under Secretary for Public Diplomacy, in carrying out the functions under the last sentence of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by paragraph (1)), shall consult with public diplomacy officers operating at United States overseas posts and in the regional bureaus of the Department of State.

SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRATEGY.

The Secretary of State, in coordination with all appropriate Federal agencies, shall prepare an annual review and analysis of the impact of public diplomacy efforts on target audiences. Each review shall assess the United States public diplomacy strategy worldwide and by region, including the allocation of resources and an evaluation and assessment of the progress in, and barriers to, achieving the goals set forth under previous plans submitted under this section. On the basis of such review, the Secretary of State, in coordination with all appropriate Federal agencies shall develop and submit, as part of the annual budget submission, a public diplomacy strategy which specifies goals, agency responsibilities, and necessary resources and mechanisms for achieving such goals during the next fiscal year. The plan may be submitted in classified form.

SEC. 204. PUBLIC DIPLOMACY TRAINING.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Foreign Service should recruit individuals with expertise and professional experience in public diplomacy.

(2) Ambassadors should have a prominent role in the formulation of public diplomacy strategies for the countries and regions to which they are assigned and be accountable for the operation and success of public diplomacy efforts at their posts.

(3) Initial and subsequent training of Foreign Service officers should be enhanced to include information and training on public diplomacy and the tools and technology of mass communication.

(b) PERSONNEL.—

(1) In the recruitment, training, and assignment of members of the Foreign Service, the Secretary shall emphasize the importance of public diplomacy and of applicable skills and techniques. The Secretary shall consider the priority recruitment into the Foreign Service, at middle-level entry, of individuals with expertise and professional experience in public diplomacy, mass communications, or journalism, especially individuals with language facility and experience in particular countries and regions.

(2) The Secretary of State shall seek to increase the number of Foreign Service officers proficient in languages spoken in predominantly Muslim countries. Such increase shall be accomplished through the recruitment of new officers and incentives for officers in service.

SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) STUDY AND REPORT BY UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is amended to read as follows:

"(2)(A) Not less often than every two years, the Commission shall undertake an in-depth review of United States public diplomacy programs, policies, and activities. Each study shall assess the effectiveness of the various mechanisms of United States public diplomacy, in light of factors including public and media attitudes around the world toward the United States, Americans, United States foreign policy, and the role of the American private-sector community abroad, and make appropriate recommendations.

"(B) A comprehensive report of each study under subparagraph (A) shall be submitted to the Secretary of State and the appropriate congressional committees. At the discretion of the Commission, any report under this subsection may be submitted in classified or unclassified form, as appropriate.".

(b) INFORMATION AND SUPPORT FROM OTHER AGENCIES.—Upon request of the United States

Advisory Commission on Public Diplomacy, the Secretary of State, the Director of the United States International Broadcasting Agency, and the head of any other Federal agency that conducts public diplomacy programs and activities shall provide information to the Advisory Commission to assist in carrying out the responsibilities under section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (as amended by subsection (a)).

(c) ENHANCING THE EXPERTISE OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) QUALIFICATIONS OF MEMBERS.—Section 604(a)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(2)) is amended by adding at the end the following: "At least 4 members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. At least 1 member shall be an American residing abroad. No member may be an officer or employee of the United States.".

(2) APPLICATION OF AMENDMENT.—The amendments made by paragraph (1) shall not apply to individuals who are members of the United States Advisory Commission on Public Diplomacy on the date of the enactment of this Act.

SEC. 206. LIBRARY PROGRAM.

The Secretary of State shall develop and implement a demonstration program to assist foreign governments to establish or upgrade their public library systems to improve literacy and support public education. The program should provide training in the library sciences. The purpose of the program shall be to advance American values and society, particularly the importance of freedom and democracy.

SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DIPLOMACY EFFORTS IN SUB-SAHARAN AFRICA.

(a) FINDINGS.—The Congress makes the following findings:

(1) A significant number of sub-Saharan African countries have predominantly Muslim populations, including such key countries as Nigeria, Senegal, Djibouti, Mauritania, and Guinea.

(2) In several of these countries, groups with links to militant religious organizations are active among the youth, primarily young men, promoting a philosophy and practice of intolerance and radical clerics are effectively mobilizing public sentiment against the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should include countries in sub-Saharan Africa with predominantly Muslim populations in the public diplomacy activities authorized by this Act and the amendments made by this Act.

SEC. 208. THE COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 59 (22 U.S.C. 2730) the following new section:

"SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

"(a) DESIGNATION.—The diplomacy center of the Department of State, located in the Harry S Truman building, is hereby designated as the 'Colin Powell Center for American Diplomacy' (hereinafter in this section referred to as the 'Center').

"(b) ACTIVITIES.—

"(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the Center.

"(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

"(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

"(c) DISPOSITION OF CENTER ARTIFACTS AND MATERIALS.—

"(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

"(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

"(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

"(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

"(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

"(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.".

Subtitle B—Basic Authorities and Activities

SEC. 221. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(b) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(c) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—The first section of "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 211a; 44 Stat. 887) is amended by inserting after the first sentence the following: "For purposes of the issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel.".

SEC. 222. MODIFICATION OF REPORTING REQUIREMENTS.

(a) REPEAL.—Section 805 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 805(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; appendix G; 113 Stat. 1501A-470) (relating to reports on terrorist activity in which United States citizens were killed and related matters) is hereby repealed.

(b) ANNUAL COUNTRY REPORTS ON TERRORISM.—Section 140(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 2656f(b)(2)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) for the reports due through May 1, 2005, information concerning terrorist attacks in Israel, territory administered by Israel, and territory administered by the Palestinian Authority, including—

"(i) a list of all citizens of the United States killed or injured in such attacks during the previous year;

"(ii) the date of each attack and the total number of people killed or injured in each attack;

"(iii) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

"(iv) to the extent possible, a list of suspects implicated in each attack and the nationality of each suspect, including information on their whereabouts (or suspected whereabouts);

"(v) a list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body;

"(vi) the status of each case pending against a suspect, including information on whether the suspect has been arrested, detained, indicted, prosecuted, or convicted by the Palestinian Authority or Israel, and if detained and then released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism;

"(vii) available information on convictions, releases or changes in the situation of suspects involved in attacks committed prior to December 31, 2003, and not covered in previous reports submitted under section 805(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; and

"(viii) the policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.".

(c) CONSULTATION.—The Secretary of State shall, in preparing the portion of the annual country reports on terrorism required by subparagraph (F) of section 140(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 2656f(b)(2)), as added by subsection (b), consult and coordinate with all other Government officials who have information necessary to complete that portion of the report. Nothing contained in this subsection shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

SEC. 223. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Israel is a friend and ally of the United States whose security is vital to regional stability and United States interests.

(2) Israel currently maintains diplomatic relations with approximately 160 countries. Approximately 30 countries do not have any diplomatic relations with Israel.

(3) The State of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) After more than 50 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) Report Concerning United States Efforts To Promote Israel's Diplomatic Relations With Other Countries.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes the following information (in classified or unclassified form, as appropriate):

(1) Actions taken by the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to the status of negotiations to enter into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

SEC. 224. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES PROVIDED BY THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF STATE.

(a) Authority.—Subsection (a) of section 2642 of title 10, United States Code, is amended—

(1) by striking "provided by a component of the Department of Defense to the" and inserting "provided by a component of the Department of Defense as follows:

"(1) To the"; and

(2) by adding at the end the following new paragraph:

"(2) To the Department of State for the transportation of armored motor vehicles to a foreign country to meet unfulfilled requirements of the Department of State for armored motor vehicles in that foreign country.".

(b) Conforming and Clerical Amendments.—(1) The heading for such section is amended to read as follows:

"§2642. Airlift services provided to Central Intelligence Agency and Department of State: reimbursement rate".

(2) The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

"2642. Airlift services provided to Central Intelligence Agency and Department of State: reimbursement rate.".

SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL UNITED STATES CONSULAR POSTS.

It is the sense of the Congress that to help advance United States economic, political, and public diplomacy interests, the Secretary of State should make best efforts to establish consulates or other appropriate diplomatic presence in: Pusan, South Korea; Medan, Indonesia; and Hat Yai, Thailand.

SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR TRAVEL TO COUNTRIES RECEIVING UNITED STATES FOREIGN ASSISTANCE.

The first section of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 211a) is amended by striking "travellers." and inserting "travellers, and no such restriction may apply to a country in which the United States is providing assistance authorized by the Foreign Assistance Act of 1961.".

SEC. 227. GAO ASSESSMENT OF SECURITY CAPITAL COST SHARING.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on plans for security capital cost sharing between the Department of State and other Federal agencies with personnel assigned to United States diplomatic facilities under the authority of a chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) Report Elements.—In addition to such other information as the Comptroller General considers appropriate, the report described in subsection (a) shall address and make recommendations regarding the following:

(1) The anticipated projected costs that the Department of State proposes to be paid through an inter-agency security capital cost sharing program.

(2) The mechanism the Department of State proposes to use in allocating assessments under such a program and any alternatives the General Accounting Office suggests be considered.

(3) Factors that should be incorporated into any process for implementing such a program and a financial assessment of such factors, including the cost of services provided to the Department of State by other Federal agencies.

(4) The means of ensuring transparency in the cost assessment process of such a program.

(5) Mechanisms for adjudicating disagreements among Federal agencies regarding assessed fees under such a program.

SEC. 228. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended by adding at the end the following new subsection:

"(d) Administrative Subpoenas.—

"(1) In general.—If the Secretary determines that there is an imminent threat against a person, foreign mission, or international organization protected under the authority of subsection (a)(3), the Secretary may issue in writing, and cause to be served, a subpoena requiring—

"(A) the production of any records or other items relevant to the threat; and

"(B) testimony by the custodian of the items required to be produced concerning the production and authenticity of those items.

"(2) Requirements.—

"(A) Return date.—A subpoena under this subsection shall describe the items required to be produced and shall specify a return date within a reasonable period of time within which the requested items may be assembled and made available. The return date specified may not be less than 24 hours after service of the subpoena.

"(B) Notification to attorney general.—As soon as practicable following the issuance of a subpoena under this subsection, the Secretary shall notify the Attorney General of its issuance.

"(C) Other requirements.—The following provisions of section 3486 of title 18, United States Code, shall apply to the exercise of the authority of paragraph (1):

"(i) Paragraphs (4) through (8) of subsection (a).

"(ii) Subsections (b), (c), and (d).

"(3) Delegation of authority.—The authority under this subsection may be delegated only to the Deputy Secretary of State.

"(4) Annual report.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report regarding the exercise of the authority under this subsection during the previous calendar year.".

SEC. 229. ENHANCING REFUGEE RESETTLEMENT AND MAINTAINING THE UNITED STATES COMMITMENT TO REFUGEES.

(a) Findings.—The Congress makes the following findings:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State's migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States' strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last five years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States has rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States.

(5) Private voluntary organizations and nongovernmental organizations (NGOs) have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) Currently there are 15 million refugees worldwide. In order to meet the ceiling set by the Administration, which has been 70,000 in recent years, a broader cross-section could be considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) Purpose.—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) Enhancement of Refugee Identification and Processing.—

(1) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall develop and utilize partnerships with voluntary resettlement organizations that permit such organizations to assist in the identification and referral of refugees.

(2) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall utilize private voluntary organizations with ties to domestic constituencies in the overseas processing of refugees.

(3) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall establish refugee response teams.

(A) Establishment of refugee response teams.—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States government to identify, process, assist, and counsel

individuals for eventual adjudication by the Department of Homeland Security as refugees, where applicable, the Secretary shall establish and utilize the services of Refugee Response Teams, (in this section referred to as "RRTs"). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary's designee.

(B) COMPOSITION OF THE RRTS.—RRTs shall be comprised of representatives of nongovernmental organizations and private voluntary organizations that have experience in refugee law, policy and programs.

(C) RESPONSIBILITIES OF THE RRTS.—RRTs shall be responsible for—

(i) monitoring refugee situations, with a view toward identifying those refugees whose best durable solution is third country resettlement;

(ii) preparing profiles and documentation for resettlement consideration by the United States Government;

(iii) augmenting or establishing an overseas operation, especially in response to urgent developments requiring quick responses or more staff resources than are available in the existing processing entities;

(iv) assisting with training and technical assistance to existing international organizations and other processing entities; and

(v) such other responsibilities as may be determined by the Secretary of State.

(D) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish appropriate training seminars for RRT personnel and make use of RRTs in situations where existing mechanisms are unable to identify and process refugees in a timely manner.

(d) PERFORMANCE STANDARDS.—In consultation with private voluntary organizations and NGOs, the Secretary shall establish performance standards to ensure accountability and effectiveness in the tasks carried out in subsection (c).

(e) CONSIDERATION OF VARIOUS GROUPS.—To ensure that there is adequate planning across fiscal years and that both the Department of State's planning and processing operations result in adequate numbers of travel-ready refugees to fulfill the admissions goals set forth in the determinations on refugee admissions required by sections 207(a) and 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(a) and (b)), the Secretary of State shall work to ensure that—

(1) those refugees in special need, including long-stayers in first countries of asylum, unaccompanied refugee minors, urban refugees, and refugees in women-headed households be given special attention for resettlement processing;

(2) attempts are made to expand processing of those refugees of all nationalities who have close family ties to citizens and residents in the United States, including spouses, unmarried children, or parents of persons lawfully admitted to the United States, regardless of their country of nationality, country of habitual residence, or first country of asylum, as well as grandparents, grandchildren, married sons or daughters, or siblings of United States citizens or other persons lawfully admitted to the United States;

(3) attempts are made to expand the number of refugees considered who are of special concern to the United States; and

(4) expanded access is provided to broader categories of refugees seeking admission to the United States, thus reducing instances of relationship-based misrepresentation by persons who are bona fide refugees but who resort to such misrepresentation merely as a way to be interviewed for refugee status.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that includes information concerning the following:

(1) Efforts of the Secretary to utilize NGO's in refugee identification, utilize private voluntary organizations in processing refugees, establish and utilize RRTs, and an explanation of the rationale for not using such organizations and agencies in situations where the Secretary has made such a determination, as described in subsection (c).

(2) Efforts of the Secretary to implement performance standards and measures as described in subsection (d) and the success of NGO's and private voluntary organizations in meeting such standards.

(3) Efforts of the Secretary to expand consideration of various groups for refugee processing as described in subsection (e).

(4) Efforts to ensure that there is planning across fiscal years so as to fulfill the refugee admissions goals set forth by the President in his annual presidential determinations on refugee admissions.

SEC. 230. THE COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 59 (22 U.S.C. 2730) the following new section:

"SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

"(a) DESIGNATION.—The diplomacy center of the Department of State, located in the Harry S Truman building, is hereby designated as the 'Colin Powell Center for American Diplomacy' (hereinafter in this section referred to as the 'Center').

"(b) ACTIVITIES.—

"(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the Center.

"(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

"(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

"(c) DISPOSITION OF CENTER ARTIFACTS AND MATERIALS.—

"(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

"(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

"(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

"(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

"(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

"(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.".

Subtitle C—Educational and Cultural Authorities

SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Surveys indicate that, in countries of predominantly Muslim population, opinions of the United States and American foreign policy among the general public and select audiences are significantly distorted by highly negative and hostile beliefs and images and that many of these beliefs and images are the result of misinformation and propaganda by individuals and organizations hostile to the United States.

(2) These negative opinions and images are highly prejudicial to the interests of the United States and to its foreign policy.

(3) As part of a broad and long-term effort to enhance a positive image of the United States in the Muslim world, a key element should be the establishment of programs to promote a greater familiarity with American society and values among the general public and select audiences in countries of predominantly Muslim population.

(b) ESTABLISHMENT OF INITIATIVES.—The Secretary of State shall establish the following programs with countries with predominantly Muslim populations as part of the educational and cultural exchange programs of the Department of State for the fiscal years 2004 and 2005:

(1) JOURNALISM PROGRAM.—A program for foreign journalists, editors, media managers, and postsecondary students of journalism which, in cooperation with private sector sponsors to include universities, shall sponsor workshops and professional training in techniques, standards, and practices in the field of journalism to assist the participants to achieve the highest standards of professionalism.

(2) ENGLISH LANGUAGE TEACHING.—The Secretary shall provide grants to United States citizens to work in middle and secondary schools as English language teaching assistants for not less than an academic year. If feasible, the host government or local educational agency shall share the salary costs of the assistants.

(3) SISTER CITY PARTNERSHIPS.—The Secretary shall expand and enhance sister-city partnerships between United States and international municipalities in an effort to increase global cooperation at the community level. Such partnerships shall encourage economic development, municipal cooperation, health care initiatives, youth and educational programs, disability advocacy, emergency preparedness, and humanitarian assistance.

(4) CIVICS EDUCATION.—The Secretary shall establish a civics education program which shall develop civics education teaching curricula and materials, provide training for teachers of civics, and provide English language teaching materials that are designed to promote civics education. Civics education programs under this paragraph shall place particular emphasis on the on-site training of educators and the function of the mass media within that society.

(5) YOUTH AMBASSADORS.—The Secretary shall establish a program for visits by middle school students (to the extent feasible) and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks and a program for academic year study in the United States for secondary school students. Participating students shall reflect the economic, geographic, and ethnic diversity of their countries. Activities

shall include cultural and educational activities designed to familiarize participating students with American society and values. To the extent practicable, the program involving school holiday visits shall be coordinated with middle and secondary schools in the United States to provide for school-based activities and interactions. The Secretary shall encourage the establishment of direct school-to-school linkages under the programs.

(6) FULBRIGHT EXCHANGE PROGRAM.—The Secretary shall seek to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program to graduate students, scholars, professionals, teachers, and administrators from the United States who are applying for such awards to study, teach, conduct research, or pursue scholarship in predominantly Muslim countries. Part of such increase shall include awards for scholars and teachers who plan to teach subjects relating to American studies.

(7) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary shall seek to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from predominantly Muslim countries.

(8) LIBRARY TRAINING EXCHANGE PROGRAM.—The Secretary shall develop an exchange program for postgraduate students seeking additional training in the library sciences and related fields.

(c) GENERAL PROVISION.—Programs established under this section shall be carried out under the provisions of the United States Information and Educational Exchange Act of 1948 and the Mutual Educational and Cultural Exchange Act of 1961.

SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICIPANTS IN EXCHANGE PROGRAMS.

To the extent practicable, the Secretary of State, in coordination with the heads of other agencies that conduct international exchange and training programs, shall establish and maintain a database listing all American and foreign alumni of such programs in order to encourage networking, interaction, and communication with alumni.

SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DEMOCRACY ADVOCATES IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report concerning the implementation of section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996. The report shall include information concerning the number of grants to conduct exchange programs to countries described in such section that have been submitted for competitive bidding, what measures have been taken to ensure that willingness to include supporters of freedom and democracy in such programs is given appropriate weight in the selection of grantees, and an evaluation of whether United States exchange programs in the countries described in such section are fully open to supporters of freedom and democracy, and, if not, what obstacles remain and what measures are being taken to implement such policy.

SEC. 254. SENSE OF THE CONGRESS CONCERNING EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM FOR FOREIGN JOURNALISTS.

It is the sense of the Congress that the Secretary of State should work toward the establishment of a program for foreign journalists from regions of conflict that will provide professional training in techniques, standards, and practices in the field of journalism.

SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FULBRIGHT PROGRAMS.

It is the sense of the Congress that Fulbright program activities for Korea should—

(1) include participation by students from throughout South Korea, including proportional representation from areas outside of Seoul;

(2) attempt to include Korean students from a broad range of educational institutions, including schools other than elite universities;

(3) broaden the Korean student emphasis beyond degree-seeking graduate students, to include opportunities for one-year nondegree study at United States campuses by pre-doctoral Korean students; and

(4) include a significant number of Korean students planning to move into areas other than advanced research and university teaching, such as those heading towards careers in government service, media, law, and business.

SEC. 256. AUTHORIZING EAST TIMORESE SCHOLARSHIPS FOR GRADUATE STUDY.

Section 237 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by inserting "graduate or" after "at the".

SEC. 257. PUBLIC SAFETY AWARENESS IN STUDY ABROAD PROGRAMS.

With respect to the Department of State's support for study abroad programs, Congress—

(1) encourages the Bureau of Educational and Cultural Affairs to support public safety awareness activities as part of such programs; and

(2) encourages the Bureau to continue supporting such activities and urges special attention to public safety issues, including road safety.

Subtitle D—Consular Authorities

SEC. 271. MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by adding at the end the following:

"(4) For each of the fiscal years 2004 and 2005, any amount that exceeds $700,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.".

SEC. 272. PROCESSING OF VISA APPLICATIONS.

(a) IN GENERAL.—It shall be the policy of the Department of State to process each visa application from an alien classified as an immediate relative or as a K–1 nonimmigrant within 30 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security. In the case of an immigrant visa application where the petitioner is a relative other than an immediate relative, it should be the policy of the Department to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security.

(b) DEFINITIONS.—In this section:

(1) IMMEDIATE RELATIVE.—The term "immediate relative" has the meaning given the term in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)).

(2) K–1 NONIMMIGRANT.—The term "K–1 nonimmigrant" means a nonimmigrant alien described in section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)).

SEC. 273. STAFFING AT DIPLOMATIC MISSIONS.

At least once every five years and pursuant to a process determined by the President for staffing at diplomatic missions and overseas constituent posts, the Secretary of State shall require each chief of mission to review every staff element under chief of mission authority, including staff from other executive agencies, and recommend approval or disapproval of each staff element. The Secretary of State shall submit an annual report concerning such reviews together with the Secretary's recommendations to the heads of all affected agencies and the Inspector General of the Department of State.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. FELLOWSHIP OF HOPE PROGRAM.

The Secretary of State is authorized to establish in the Department of State an exchange program to be designated the "Fellowship of Hope Program". The program shall provide for the exchange and assignment of government employees of designated countries to fellowship positions at the Department of State and reciprocal assignment of civil service and foreign service employees of the Department as fellows within the governments of foreign countries.

SEC. 302. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act (22 U.S.C. 2669) is amended—

(1) at the end of subsection (o) by striking the period and inserting "; and"; and

(2) by inserting after subsection (o) the following new subsection:

"(p) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, and to provide back pay and other categories of payments under the Back Pay Act as part of the settlement of administrative claims or grievances filed against the Department.".

SEC. 303. OMBUDSMAN FOR THE DEPARTMENT OF STATE.

(a) ESTABLISHMENT.—There is established in the Office of the Secretary of State the position of Ombudsman. The position of Ombudsman shall be a career position within the Senior Executive Service. The Ombudsman shall report directly to the Secretary of State.

(b) DUTIES.—At the discretion of the Secretary of State, the Ombudsman shall participate in meetings regarding the management of the Department in order to assure that all employees may contribute to the achievement of the Department's responsibilities and to promote the career interests of all employees.

(c) CONFORMING AMENDMENT.—Section 172 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2664a) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305 of the Foreign Service Act of 1980 (22 U.S.C. 3945) is amended by striking subsection (d).

SEC. 305. REPORT CONCERNING STATUS OF EMPLOYEES OF STATE DEPARTMENT.

Not later than one year after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the appropriate congressional committees a report that analyzes and evaluates the merits of the conversion of employees of the Department of State to excepted service under chapter 21 of title 5, United States Code.

SEC. 306. HOME LEAVE.

(a) REST AND RECUPERATION TRAVEL.—Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6)) is amended by striking "unbroken by home leave" both places it appears.

(b) REQUIRED LEAVE IN THE UNITED STATES.—Section 903(a) of the Foreign Service Act of 1980 (22 U.S.C. 4083(a)) is amended by striking "18 months" and inserting "12 months".

SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended by striking "25 percent" in the third sentence and inserting "35 percent".

(b) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking "25 percent" both places it appears and inserting "35 percent".

(c) CRITERIA.—The Secretary shall inform the appropriate congressional committees of the criteria to be used in determinations of appropriate adjustments in post differentials under section 5925 of title 5, United States Code, and danger pay allowances under section 5928 of title 5, United States Code.

(d) STUDY AND REPORT.—Two years after the date of the enactment of this Act, the Secretary of State shall conduct a study assessing the effect of the increases in post differentials and danger pay allowances made by the amendments in subsections (a) and (b) in filling "hard-to-fill" positions. The Secretary shall submit a report of such study to the appropriate congressional committees.

SEC. 308. REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law 107–228) is amended by striking "regulations" and inserting "regulations, not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005,".

SEC. 309. MINORITY RECRUITMENT.

(a) REPORTING REQUIREMENT.—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by striking "and April 1, 2004" and inserting "April 1, 2004, and April 1, 2005".

(b) USE OF FUNDS.—The provisions of section 325 of such Act shall apply to funds authorized by section 111(a)(1)(E) of this Act.

(c) CONFORMING AMENDMENT.—Section 325(c) of such Act is amended in the second sentence by striking "two" and inserting "three".

SEC. 310. MERITORIOUS STEP INCREASES.

Section 406(b) of the Foreign Service Act of 1980 (22 U.S.C. 3966(b)) is amended by striking "receiving an increase in salary under subsection (a),".

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—Basic Authorities and Activities

SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended by inserting after clause (iv) the following:

"(v) For assessments made during calendar year 2005 and calendar year 2006, 27.10 percent.".

SEC. 402. REGARDING THE REENTRY OF THE UNITED STATES IN UNESCO.

(a) SENSE OF CONGRESS.—As the United States resumes membership in the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the President should—

(1) appoint a United States Representative to the Organization for Economic Cooperation and Development (OECD) who shall also serve as the United States Representative to UNESCO;

(2) take steps to ensure that more Americans are employed by UNESCO, particularly for senior level positions;

(3) request that the Secretary General of UNESCO create a Deputy Director General position for Management or a comparable position with high level managerial and administrative responsibilities to be filled by an American;

(4) insist that any increases in UNESCO's budget beyond the level of zero nominal growth for the 2004–2005 biennium focus primarily on the adoption of management and administrative reforms; and

(5) request that the Secretary General of UNESCO spend the United States contribution to UNESCO for the last quarter of calendar year 2003 on key education and science priorities of the organization that will directly benefit United States national interests.

(b) ANNUAL ASSESSMENT FOR UNITED STATES PARTICIPATION IN UNESCO.—Of the amounts authorized to be appropriated by section 113(a), such sums as may be necessary for each of the fiscal years 2004 and 2005 are authorized to be available for the annual assessment for United States contributions to the regular budget of the United Nations Educational, Scientific, and Cultural Organization.

SEC. 403. UNESCO NATIONAL COMMISSION.

(a) IN GENERAL.—Section 3 of the Act of July 30, 1946, "Providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor." (22 U.S.C. 287o) is amended to read as follows:

"SEC. 3. (a) In fulfillment of article VII of the constitution of the Organization, the Secretary of State shall establish a National Commission on Educational, Scientific, and Cultural Cooperation.

"(b) The National Commission shall be composed of not more than 35 members appointed by the Secretary of State in consultation with the National Academy of Sciences, the National Science Foundation, the Secretary of Education, the Secretary of Health and Human Services, and the Secretary of the Interior. Members of the National Commission shall be representatives of nongovernmental organizations, academic institutions, and associations interested in education, scientific, and cultural matters. Periodically, the Secretary shall review and revise the entities represented on the National Commission in order to achieve a desirable rotation in representation. Except as otherwise provided, each member of the National Commission shall be appointed to a term of 3 years. As designated by the Secretary of State at the time of appointment, of the members first appointed one-third shall be appointed for a term of 1 year, one-third shall be appointed for a term of 2 years, and one-third shall be appointed for a term of 3 years. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. No member may serve more than 2 consecutive terms. The Secretary of State shall designate a chair of the National Commission.

"(c) Members of the National Commission shall serve without pay. For attendance at the annual meeting, each member shall receive travel expenses in accordance with section 5703 of title 5, United States Code.

"(d) The National Commission shall meet at the call of the chair at least annually and such meetings may be through video conferencing or other electronic means. The National Commission shall designate an executive committee from among the members of the commission and may designate such other committees as may be necessary to carry out its duties under this Act.

"(e) Upon request of the National Commission, the Secretary of State may detail any of the personnel of the Department of State to the National Commission to assist it in carrying out its duties under this Act.".

(b) CONFORMING CHANGES.—Section 2 of the Act of July 30, 1946, "Providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor." (22 U.S.C. 287o) is amended by striking "One of the representatives" and all that follows through the end of such section.

SEC. 404. ORGANIZATION OF AMERICAN STATES (OAS) EMERGENCY FUND.

Section 109(b)(3) of Public Law 104–114 (22 U.S.C. 6039(b)(3)) is amended by striking "should provide not less than $5,000,000" and inserting "shall provide for each of the fiscal years 2004 and 2005 not less than $500,000".

SEC. 405. UNITED STATES EFFORTS REGARDING THE STATUS OF ISRAEL IN THE WESTERN EUROPEAN AND OTHERS GROUP AT THE UNITED NATIONS.

(a) UNITED STATES EFFORTS.—The Secretary of State and other appropriate officials of the United States Government should pursue an aggressive diplomatic effort and should take all necessary steps to ensure the extension and upgrade of Israel's membership in the Western European and Others Group at the United Nations.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act and semiannually thereafter through September 30, 2005, the Secretary of State shall submit to the appropriate congressional committees a report on the steps taken by the United States pursuant to subsection (a) and progress in achieving the objectives of subsection (a).

Subtitle B—United States International Leadership

SEC. 431. SHORT TITLE.

This subtitle may be cited as the "United States International Leadership Act of 2003".

SEC. 432. FINDINGS.

The Congress makes the following findings:

(1) International organizations and other multilateral institutions play a key role in United States foreign policy and serve key United States foreign policy objectives, such as obligating all countries to freeze assets of terrorist groups, preventing the proliferation of chemical, biological, and nuclear weapons, and spearheading the fight to combat the ravages of HIV/AIDS and other infectious diseases.

(2) Decisions at many international organizations, including membership and key positions, remain subject to determinations made by regional groups where democratic states are often in the minority and where there is intensive cooperation among repressive regimes. As a result, the United States has often been blocked in its attempts to take action in these institutions to advance its goals and objectives, including at the United Nations Human Rights Commission (where a representative of Libya was elected as chairman and the United States temporarily lost a seat).

(3) In order to address these shortcomings, the United States must actively work to improve the workings of international organizations and multilateral institutions, particularly by creating a caucus of democratic countries that will advance United States interests. In the Second Ministerial Conference of the Community of Democracies in Seoul, Korea, on November 10–20, 2002, numerous countries recommended working together as a democracy caucus in international organizations such as the United Nations and ensuring that international and regional institutions develop and apply democratic standards for member states.

(4) In addition, the United States has shortchanged its ability to influence these organizations by failing to obtain enough support for positions that are congruent to or consistent with United States objectives and has not done enough to build expertise in the United States Government in the area of multilateral diplomacy.

SEC. 433. ESTABLISHMENT OF A DEMOCRACY CAUCUS.

(a) IN GENERAL.—The President of the United States, acting through the Secretary of State and the relevant United States chiefs of mission, shall seek to establish a democracy caucus at the United Nations, the United Nations Human Rights Commission, the United Nations Conference on Disarmament, and at other broad-based international organizations.

(b) PURPOSES OF THE CAUCUS.—A democracy caucus at an international organization should—

(1) forge common positions, including, as appropriate, at the ministerial level, on matters of concern before the organization and work within and across regional lines to promote agreed positions;

(2) work to revise an increasingly outmoded system of regional voting and decision making; and

(3) set up a rotational leadership scheme to provide member states an opportunity, for a set period of time, to serve as the designated president of the caucus, responsible for serving as its voice in each organization.

SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILATERAL ISSUES.

The Secretary of State, acting through the principal officers responsible for advising the Secretary on international organizations, shall ensure that a high-level delegation from the United States Government, on an annual basis, is sent to consult with key foreign governments in every region in order to promote the United States agenda at key international fora, such as the United Nations General Assembly, United Nations Human Rights Commission, the United Nations Education, Science, and Cultural Organization, and the International Whaling Commission.

SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.

(a) UNITED STATES POLICY.—The President, acting through the Secretary of State and the relevant United States chiefs of mission, shall use the voice, vote, and influence of the United States to—

(1) where appropriate, reform the criteria for leadership and, in appropriate cases for membership, at all United Nations bodies and at other international organizations and multilateral institutions to which the United States is a member so as to exclude nations that violate the principles of the specific organization;

(2) make it a policy of the United Nations and other international organizations and multilateral institutions, of which the United States is a member, that a member state may not stand in nomination or be in rotation for a leadership position in such bodies if the member state is subject to sanctions imposed by the United Nations Security Council; and

(3) work to ensure that no member state stand in nomination or be in rotation for a leadership position in such organizations, or for membership of the United Nations Security Council, if the member state is subject to a determination under section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or section 6(j) of the Export Administration Act.

(b) REPORT TO CONGRESS.—Not later than 15 days after a country subject to to a determination under section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or section 6(j) of the Export Administration Act is selected for a leadership post in an international organization of which the United States is a member or a membership of the United Nations Security Council, the Secretary of State shall submit a report to the appropriate congressional committees on any steps taken pursuant to subsection (a)(3).

SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLOMACY.

(a) TRAINING PROGRAMS.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding after subsection (b) the following new subsection:

"(c) TRAINING IN MULTILATERAL DIPLOMACY.—

"(1) IN GENERAL.—The Secretary shall establish a series of training courses for officers of the Service, including appropriate chiefs of mission, on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments.

"(2) PARTICULAR PROGRAMS.—The Secretary shall ensure that the training described in paragraph (1) is provided at various stages of the career of members of the Service. In particular, the Secretary shall ensure that after January 1, 2004—

"(A) officers of the Service receive training on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments as part of their training upon entry of the Service; and

"(B) officers of the Service, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C. to positions that have as their primary responsibility formulation of policy towards such organizations and institutions or towards participation in broad-based multilateral negotiations of international instruments receive specialized training in the areas described in paragraph (1) prior to beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.".

(b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—The Secretary shall ensure that employees of the Department of State that are members of the civil service and that are assigned to positions described in section 708(c) of the Foreign Service Act of 1980 (as amended by this subtitle) have training described in such section.

(c) CONFORMING AMENDMENTS.—Section 708 of such Act is further amended—

(1) in subsection (a) by striking "(a) The" and inserting "(a) TRAINING ON HUMAN RIGHTS.—The"; and

(2) in subsection (b) by striking "(b) The" and inserting "(b) TRAINING ON REFUGEE LAW AND RELIGIOUS PERSECUTION.—The".

SEC. 437. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

(a) PROMOTIONS.—

(1) IN GENERAL.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended by striking the period at the end and inserting: ", and shall consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy towards or represent the United States at an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect January 1, 2010.

(b) ESTABLISHMENT OF A MULTILATERAL DIPLOMACY CONE IN THE FOREIGN SERVICE.—

(1) FINDINGS.—

(A) The Department of State maintains a number of United States missions both within the United States and abroad that are dedicated to representing the United States to international organizations and multilateral institutions, including missions in New York, Brussels, Geneva, Rome, Montreal, Nairobi, Vienna, and Paris, which will soon be responsible for United States representation to UNESCO and OECD.

(B) In offices at the Harry S. Truman Building, the Department maintains a significant number of positions in bureaus that are either dedicated, or whose primary responsibility is, to represent the United States to such organizations and institutions or at multilateral negotiations.

(C) Given the large number of positions in the United States and abroad that are dedicated to multilateral diplomacy, the Department of State may be well served in developing persons with specialized skills necessary to become experts in this unique form of diplomacy.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report—

(A) evaluating whether a new cone should be established for the Foreign Service that concentrates on members of the Service that serve at international organizations and multilateral institutions or are primarily responsible for participation in broad-based multilateral negotiations of international instruments; and

(B) provides alternative mechanisms for achieving the objective of developing a core group of United States diplomats and other government employees who have expertise and broad experience in conducting multilateral diplomacy.

SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.

(a) ESTABLISHMENT OF OFFICE.—The Secretary of State is authorized to establish, within the Bureau of International Organizational Affairs, an Office on Multilateral Negotiations to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the "special representative").

(b) APPOINTMENT.—The special representative shall be appointed by the President with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large. At the discretion of the President another official at the Department may serve as the special representative. The President may direct that the special representative report to the Assistant Secretary for International Organizations.

(c) STAFFING.—The special representative shall have a staff of foreign service and civil service officers skilled in multilateral diplomacy.

(d) DUTIES.—The special representative shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the special representative shall be to assist in the organization of, and preparation for, United States participation in multilateral negotiations, including the advocacy efforts undertaken by the Department of State and other United States agencies.

(2) ADVISORY ROLE.—The special representative shall advise the President and the Secretary of State, as appropriate, regarding advocacy at international organizations and multilateral institutions and negotiations and, in coordination with the Assistant Secretary of State for International Organizational Affairs, shall make recommendations regarding—

(A) effective strategies (and tactics) to achieve United States policy objectives at multilateral negotiations;

(B) the need for and timing of high level intervention by the President, the Secretary of State, the Deputy Secretary of State, and other United States officials to secure support from key foreign government officials for the United States position at such organizations, institutions, and negotiations;

(C) the composition of United States delegations to multilateral negotiations; and

(D) liaison with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

(3) DEMOCRACY CAUCUS.—The special representative, in coordination with the Assistant Secretary for International Organizational Affairs, shall ensure the establishment of a democracy caucus.

(4) ANNUAL DIPLOMATIC MISSIONS OF MULTILATERAL ISSUES.—The special representative, in coordination with the Assistant Secretary for International Organizational Affairs, shall organize annual consultations between the principal officers responsible for advising the Secretary of State on international organizations and foreign governments to promote the United States agenda at the United Nations General Assembly and other key international fora (such as the United Nations Human Rights Commission).

(5) LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—The special representative, in coordination with the Assistant Secretary of International Organizational Affairs, shall direct the efforts of the United States Government to reform the criteria for leadership and membership of international organizations as described in section 435.

(6) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The special representative, or members of the special representative's staff, may, as required by the President or the Secretary of State, serve on a United States delegation to any multilateral negotiation.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a plan to establish a democracy caucus to the appropriate congressional committees. The report required by section 437(c) may be submitted together with the report under this subsection.

SEC. 439. SYNCHRONIZATION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, the President shall submit a plan to the appropriate congressional committees on the implementation of section 404 of the Foreign Relations Authorization Act of 2003 (Public Law 107–228), (relating to a resumption by the United State of the payment of its full contribution to certain international organizations at the beginning of each calendar year).

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 501. MIDEAST RADIO AND TELEVISION NETWORK, INC.

(a) The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding after section 309 the following new section:

"SEC. 310. MIDEAST RADIO AND TELEVISION NETWORK, INC.

"(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to Mideast Radio and Television Network, Inc. (hereinafter in this title also referred to as 'Mideast Network') for the purpose of carrying out radio and television broadcasting to the Middle East region.

"(b) FUNCTION.—Mideast Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

"(c) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

"(1) The Board may not make any grant to the nonprofit corporation, Mideast Network, unless its certificate of incorporation provides that—

"(A) the Board of Directors of Mideast Radio and Television Network, Inc. (hereinafter referred to as 'the Board') shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

"(B) the Board shall make all major policy determinations governing the operation of Mideast Network and shall appoint and fix the compensation of such managerial officers and employees of Mideast Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Any grant agreement under this section shall require that any contract entered into by Mideast Network shall specify that obligations are assumed by Mideast Network and not the United States Government.

"(3) Any grant agreement shall require that any lease agreement entered into by Mideast Network shall be, to the maximum extent possible, assignable to the United States Government.

"(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

"(5) Duplication of language services and technical operations between the Mideast Radio and Television Network, Inc., (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

"(d) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to establish Mideast Network as a Federal agency or instrumentality, nor shall the officers or employees of Mideast Network be considered to be officers or employees of the United States Government.

"(e) AUDIT AUTHORITY.—

"(1) Such financial transactions of Mideast Network, as relate to functions carried out under this section, may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of Mideast Network are normally kept.

"(2) Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by Mideast Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of Mideast Network shall remain in the custody of Mideast Network.

"(3) Notwithstanding any other provisions of law, the Inspector General of the Department of State is authorized to exercise the authorities of the Inspector General Act with respect to the Mideast Network.".

(b) CONFORMING AMENDMENTS.—

(1) Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended—

(A) in subsection (a)(5) by striking "308 and 309" and inserting "308, 309, and 310";

(B) in subsection (a)(6) by striking "308 and 309" and inserting "308, 309, and 310"; and

(C) in subsection (c) by striking "308 and 309" and inserting "308, 309, and 310".

(2) Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206) is amended—

(A) in subsection (a) by striking "308 and 309" and inserting "308, 309, and 310"; and

(B) in subsection (c) by adding "Mideast Radio and Television Network, Inc.," after "Asia".

(3) Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)) is amended by striking "and Radio Free Asia" and inserting ", Radio Free Asia, and Mideast Radio and Television Network, Inc.".

(4) Section 8332(b)(11) of title 5, United States Code, is amended by adding "Mideast Radio and Television Network, Inc.;" after "the Asia Foundation;".

SEC. 502. IMPROVING SIGNAL DELIVERY TO CUBA.

Section 3 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465a) is amended—

(1) in subsection (c) by striking the second sentence and inserting "The Board is authorized to simultaneously utilize other broadcasting transmission facilities, and other frequencies, including the Amplitude Modulation (AM) Band (535 kHz to 1705 kHz), the Frequency Modulation (FM) Band, and the Shortwave (SW) Band.";

(2) in subsection (c) in the third sentence by striking "Provided, That" and all that follows before the period at the end;

(3) in subsection (d) by striking the last sentence;

(4) by amending subsection (e) to read as follows:

"(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated 'Radio Marti program'."; and

(5) in subsection (f) by striking "Voice of America".

SEC. 503. REPORT CONCERNING EFFORTS TO COUNTER JAMMING OF BROADCASTS OF RADIO MARTI AND TV MARTI.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report providing the following information:

(1) Specific steps taken to increase the capabilities of Radio Marti and TV Marti to ensure that broadcasts overcome jamming by the Government of Cuba.

(2) An evaluation and analysis of not less than 10 alternate methods to counter jamming of radio and television broadcasts including the following:

(A) Methods used to broadcast into Iraq involving a C–130.

(B) Methods previously used to transmit into the former Soviet Union and other Soviet bloc countries.

(C) Successful methods employed by non-United States Government entities, such as those used by the Falun Gong to overcome Chinese Government jamming and those recently used by a Cuban exile group to transmit television broadcasts into Cuba.

SEC. 504. PILOT PROGRAM FOR THE PROMOTION OF TRAVEL AND TOURISM IN THE UNITED STATES THROUGH UNITED STATES INTERNATIONAL BROADCASTING.

(a) PILOT PROGRAM.—The Broadcasting Board of Governors, in consultation with the Department of Commerce and other appropriate Federal, State, and local agencies, shall conduct a pilot program for the promotion of travel and tourism in the United States through United States international broadcasting, particularly to regional economies that have been affected by the decrease in tourism following the events of September 11, 2001.

(b) PROGRAMMING.—The pilot program shall devote regular programming to broadcasting information on localities of the United States with the purpose of promoting travel and tourism to

regional economies heavily reliant on such tourism.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report detailing the actions taken by the Board in carrying out this section.

SEC. 505. RADIO FREE ASIA BROADCASTS INTO NORTH KOREA.

(a) FINDINGS.—The Congress makes the following findings:

(1) North Korea's development of nuclear weapons and missile delivery systems poses one of the gravest security threats to the United States in the world.

(2) The Kim Jong Il regime in North Korea has one of the worst human rights records in the world. On April 16, 2003, the United Nations Commission on Human Rights passed a resolution, "expressing its deep concern about reports of systemic, widespread and grave violations of human rights" in North Korea.

(3) In order to ensure its survival, the Kim Jong Il regime makes extensive efforts to control the flow of information in North Korea.

(4) In 2002, a survey found that five of twelve "elite" defectors from North Korea had listened to Radio Free Asia.

(5) Radio Free Asia broadcasts only 4 hours each day into North Korea.

(6) Many North Korean citizens lack radios capable of receiving Radio Free Asia broadcasts.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Broadcasting Board of Governors should ensure that Radio Free Asia increases its broadcasting with respect to North Korea to 24 hours each day.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, after consulting with other agencies of the United States Government, shall submit a report, in classified form, on specific measures currently being undertaken and measures necessary, including the provision of adequate radios, to maximize North Korean citizen access to Radio Free Asia and other foreign broadcasts to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SEC. 506. PROHIBITION ON ELIMINATION OF INTERNATIONAL BROADCASTING IN EASTERN EUROPE.

During the 2 year period beginning on the date of the enactment of this Act, the Broadcasting Board of Governors may not eliminate foreign language broadcasting in any of the following languages: Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Georgian, Polish, Slovene, Slovak, Romanian, Croatian, Armenian, and Ukrainian.

Subtitle B—Global Internet Freedom

SEC. 521. SHORT TITLE.

This subtitle may be cited as the "Global Internet Freedom Act of 2003".

SEC. 522. FINDINGS.

The Congress makes the following findings:

(1) Freedom of speech, freedom of the press, and freedom of association are fundamental characteristics of a free society. The first amendment to the Constitution of the United States guarantees that "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble." These constitutional provisions guarantee the rights of Americans to communicate and associate with one another without restriction, including unfettered communication and association via the Internet. Article 19 of the United Nation's Universal Declaration of Human Rights explicitly guarantees the freedom to "receive and impart information and ideas through any media and regardless of frontiers".

(2) All people have the right to communicate freely with others, and to have unrestricted access to news and information, on the Internet.

(3) With nearly 10 percent of the world's population now online, and more gaining access each day, the Internet stands to become the most powerful engine for democratization and the free exchange of ideas ever invented.

(4) The governments of Burma, Cuba, Laos, North Korea, the People's Republic of China, Saudi Arabia, Syria, and Vietnam, among others, are taking active measures to keep their citizens from freely accessing the Internet and obtaining international political, religious, and economic news and information.

(5) The Voice of America and Radio Free Asia, as well as hundreds of news sources with an Internet presence, are routinely being jammed by repressive governments.

(6) Since the 1940s, the United States has deployed anti-jamming technologies to make Voice of America and other United States Government sponsored broadcasting available to people in nations with governments that seek to block news and information.

(7) The United States Government has thus far commenced only modest steps to fund and deploy technologies to defeat Internet censorship.

(8) The success of United States policy in support of freedom of speech, press, and association requires continued efforts to defeat totalitarian and authoritarian controls on news and information over the Internet.

SEC. 523. PURPOSES.

The purposes of this subtitle are—

(1) to adopt an effective and robust global Internet freedom policy;

(2) to establish an office within the Broadcasting Board of Governors with the sole mission of countering Internet jamming and blocking by utilizing available anti-jamming technology;

(3) to expedite the development and deployment of technology to protect Internet freedom around the world; and

(4) to bring to bear the pressure of the free world on repressive governments guilty of Internet censorship and the intimidation and persecution of their citizens who use the Internet.

SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECHNOLOGIES TO DEFEAT INTERNET JAMMING AND CENSORSHIP.

(a) ESTABLISHMENT OF OFFICE OF GLOBAL INTERNET FREEDOM.—The Broadcasting Board of Governors shall establish an Office of Global Internet Freedom (hereinafter in this subtitle referred to as the "Office"). The Office shall develop and implement a comprehensive global strategy to combat state-sponsored and state-directed Internet jamming and persecution of those who use the Internet.

(b) COOPERATION OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—Each department and agency of the United States Government shall cooperate fully with, and assist in the implementation of, the strategy developed by the Office and shall make such resources and information available to the Office as is necessary to the achievement of the purposes of this subtitle.

(c) COOPERATION WITH DEPARTMENT OF STATE.—The Office shall assist the Secretary of State in preparing portions of the country reports on human rights practices that address Internet accessibility.

(d) REPORT TO CONGRESS.—Nine months after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the Congress a report on the status of foreign government interference with Internet use and of efforts by the United States to counter such interference. The report shall list the countries that pursue policies of Internet censorship, blocking, and other abuses; provide information concerning the government agencies or quasi-governmental organizations that implement Internet censorship; and describe with the greatest particularity practicable the technological means by which such blocking and other abuses are accomplished. In the discretion of the Broadcasting Board of Governors, such report may be submitted in both a classified and nonclassified version. One year after the date of submission of such report, the Office shall submit a second report.

(e) LIMITATION ON AUTHORITY.—Nothing in this subtitle shall be interpreted to authorize any action by the United States to interfere with foreign national censorship in furtherance of legitimate law enforcement aims consistent with the Universal Declaration of Human Rights.

Subtitle C—Reorganization of United States International Broadcasting

SEC. 531. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.

(a) IN GENERAL.—Section 304 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203) is amended to read as follows:

"SEC. 304. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.

"(a) ESTABLISHMENT.—There is established as an independent agency in the executive branch the United States International Broadcasting Agency (hereinafter in this Act referred to as the 'Agency').

"(b) BOARD OF GOVERNORS OF THE AGENCY.—

"(1) HEAD OF AGENCY.—The Agency shall be headed by the Board of Governors of the United States International Broadcasting Agency (hereinafter in this Act referred to as the 'Board of Governors').

"(2) AUTHORITIES AND FUNCTIONS.—The Board of Goverors shall—

"(A) carry out the authorities and functions of the Agency under section 305; and

"(B) be responsible for the exercise of all authorities and powers and the discharge of all duties and functions of the Agency.

"(3) COMPOSITION OF THE BOARD OF GOVERNORS.—

"(A) The Board of Governors shall consist of 9 members, as follows:

"(i) Eight voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

"(ii) The Secretary of State who shall also be a voting member.

"(B) The President shall appoint one member (other than the Secretary of State) as Chair of the Board of Governors, subject to the advice and consent of the Senate.

"(C) Exclusive of the Secretary of State, not more than 4 of the members of the Board of Governors appointed by the President shall be of the same political party.

"(4) TERM OF OFFICE.—The term of office of each member of the Board of Governors shall be three years, except that the Secretary of State shall remain a member of the Board of Governors during the Secretary's term of service. The President shall appoint, by and with the advice and consent of the Senate, board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the board until a Secretary is appointed.

"(5) SELECTION OF BOARD OF GOVERNORS.—Members of the Board of Governors appointed *by the President shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs.*

"(6) COMPENSATION.—Members of the Board of Governors, while attending meetings of the board or while engaged in duties relating to such meetings or in other activities of the board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business, members of the board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently. The Secretary of State shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided under this subsection.

"(7) DECISIONS.—Decisions of the Board of Governors shall be made by majority vote, a quorum being present. A quorum shall consist of 5 members.

"(8) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated and Radio Free Asia.

"(c) DIRECTOR.—

"(1) APPOINTMENT.—The Board of Governors shall appoint a Director of the Agency. The Director shall receive basic pay at the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director may be removed through a majority vote of the Board.

"(2) FUNCTIONS AND DUTIES.—The Director shall have the following functions and duties:

"(A) To exercise the authorities delegated by the Board of Governors pursuant to section 305(b).

"(B) To carry out all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

"(C) To examine and make recommendations to the Board of Governors on long-term strategies for the future of international broadcasting, including the use of new technologies.

"(D) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

"(E) To procure supplies, services, and other personal property to carry out the functions of the Agency.

"(F) To obligate and expend, for official reception and representation expenses, such amounts as may be made available through appropriations.

"(G) To provide for the use of United States Government transmitter capacity for relay of broadcasting by grantees.

"(H) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

"(I) To procure for the Agency, pursuant to section 1535 of title 31, United States Code goods and services from other departments or agencies.

"(J) To the extent funds are available, to lease space and acquire personal property for the Agency.

"(d) INSPECTOR GENERAL AUTHORITIES.—

"(1) IN GENERAL.—The Inspector General of the Department of State shall exercise the same authorities with respect to the Agency as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

"(2) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General of the Department of State and the Foreign Service shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.".

(b) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to section 304 of the United States International Broadcasting Act of 1994 on the day before the effective date of this title and holding office as of that date may serve the remainder of their terms of office as members of the Board of Governors established under section 304(b) of the United States International Broadcasting Act of 1994, as amended by subsection (a) of this section, without reappointment, or if their term has expired may serve until a successor is appointed and qualified.

SEC. 532. AUTHORITIES AND FUNCTIONS OF THE AGENCY.

Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended to read as follows:

"SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.

"(a) The Agency shall have the following authorities and functions:

"(1) To supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

"(2) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States and the guiding principles and doctrines of the United States, particularly freedom and democracy.

"(3) To develop strategic goals after reviewing human rights reporting and other reliable assessments to assist in determining programming and resource allocation.

"(4) To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 303.

"(5) To review, evaluate, and determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services.

"(6) To make and supervise grants for broadcasting and related activities in accordance with sections 308 and 309.

"(7) To allocate funds appropriated for international broadcasting activities among the various elements of the Agency and grantees, subject to the limitations in sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

"(8) To undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.

"(9) To submit to the President and the Congress an annual report which summarizes and evaluates activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, placing special emphasis on the assessment described in paragraph (2).

"(10) To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial services by the Agency and by grantees and the steps the Agency has taken to reduce unnecessary overhead costs for each of the broadcasting services.

"(11) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Director considers necessary in carrying out the provisions and purposes of this title.

"(12) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.

"(b) DELEGATION OF AUTHORITY.—The Board of Governors may delegate to the Director of the Agency, or any other officer or employee of the United States, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (4), (5), (6), (7), or (9) of subsection (a).

"(c) BROADCASTING BUDGETS.—The Director and the grantees identified in sections 308 and 309 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Office of Management and Budget.".

SEC. 533. ROLE OF THE SECRETARY OF STATE.

Section 306 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6205) is amended to read as follows:

"SEC. 306. ROLE OF THE SECRETARY OF STATE.

"To assist the Agency in carrying out its functions, the Secretary of State shall provide such information and guidance on foreign policy and public diplomacy issues to the Agency as the Secretary considers appropriate.".

SEC. 534. ADMINISTRATIVE PROVISIONS.

The United States International Broadcasting Act of 1994 is amended by striking section 307 and inserting the following new section:

"SEC. 307. ADMINISTRATIVE PROVISIONS.

"(a) OFFICERS AND EMPLOYEES.—The Board of Governors may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Agency. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation shall be fixed in accordance with title 5, United States Code.

"(b) EXPERTS AND CONSULTANTS.—The Board of Governors, as may be provided in appropriation Acts, may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate such experts and consultants at rates not to exceed the daily rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

"(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Board of Governors may accept, subject to regulations issued by the Office of Personnel Management, voluntary services if such services—

"(A) are to be uncompensated; and

"(B) are not used to displace any employee.

"(2) TREATMENT.—Any individual who provides voluntary services under this section shall not be considered a Federal employee for any

purpose other than for purposes of chapter 81 of title 5, United States Code (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

“(d) DELEGATION.—Except as otherwise provided in this Act, the Board of Governors may delegate any function to the Director and such other officers and employees of the Agency as the Board of Governors may designate, and may authorize such successive redelegations of such functions within the Agency as may be necessary or appropriate.

“(e) CONTRACTS.—

“(1) IN GENERAL.—Subject to the Federal Property and Administrative Services Act of 1949 and other applicable Federal law, the Board of Governors may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Board of Governors may determine necessary or appropriate to carry out functions of the Board of Governors or the Agency.

“(2) APPROPRIATION AUTHORITY REQUIRED.—No authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts.

“(f) REGULATIONS.—The Director may prescribe such rules and regulations as the Board of Governors considers necessary or appropriate to administer and manage the functions of the Agency, in accordance with chapter 5 of title 5, United States Code.

“(g) SEAL.—The Director shall cause a seal of office to be made for the Agency of such design as the Board of Governors shall approve. Judicial notice shall be taken of such seal.”.

SEC. 535. BROADCASTING BOARD OF GOVERNORS AND INTERNATIONAL BROADCASTING BUREAU.

The Broadcasting Board of Governors and the International Broadcasting Bureau are abolished.

SEC. 536. TRANSITION.

(a) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this subtitle or an amendment made by this subtitle, all functions that on the day before the effective date specified in section 540 are authorized to be performed by the Broadcasting Board of Governors and the International Broadcasting Bureau and any officer, employee, or component of such entities, under any statute, reorganization plan, Executive order, or other provision of law, are transferred to the Agency established under this title effective on that date.

(b) DETERMINATION OF CERTAIN FUNCTIONS.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under this title.

(c) TRANSITION PROVISIONS.—

(1) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Board of Governors may, for purposes of performing a function that is transferred to the Agency by this title, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of that function on the day before the effective date specified in section 540.

(2) AUTHORITIES TO WIND UP AFFAIRS.—

(A) The Director of the Office of Management and Budget may take such actions as the Director of the Office of Management and Budget considers necessary to wind up any outstanding affairs of the Broadcasting Board of Governors and the International Broadcasting Bureau associated with the functions that are transferred pursuant to subsection (a).

(B) The Director of the Office of Management and Budget may take such actions as the Director of the Office of Management and Budget considers necessary to wind up any outstanding affairs of the Broadcasting Board of Governors and the International Broadcasting Bureau associated with the functions that are transferred pursuant to subsection (a).

(3) TRANSFER OF ASSETS.—Any property, records, unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to the Agency by this Act are transferred on the effective date specified in section 540.

SEC. 537. CONFORMING AMENDMENTS.

(a) UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.—The United States International Broadcasting Act of 1994 is amended as follows:

(1) Section 308 (22 U.S.C. 6207) is amended—

(A) in subsection (a)—

(i) by striking “The Board” and inserting “The Agency”; and

(ii) in paragraph (1) by striking “Broadcasting Board of Governors” and inserting “Board Governors of the International Broadcasting Agency”;

(B) in subsection (b)—

(i) by striking paragraph (2);

(ii) by striking “(1)”; and

(iii) by striking “Board” both places it appears and inserting “Agency”;

(C) in subsections (c), (d), (g), (h), and (i) by striking “Board” each place it appears and inserting “Agency”;

(D) in subsection (g)(4) by striking “International Broadcasting Bureau” and inserting “Agency”; and

(E) in subsections (i) and (j) by striking “and the Foreign Service” each place it appears.

(2) Section 309 (22 U.S.C. 6208) is amended—

(A) in subsection (c)(1) by striking “Board” both places it appears and inserting “Agency”;

(B) by striking subsection (e);

(C) in subsections (f) and (g) by striking “Board” each place it appears and inserting “Agency”; and

(D) in subsection (g) by striking “Chairman of the Board” and inserting “Agency”.

(3) By striking section 311 (22 U.S.C. 6210).

(4) In section 313 (22 U.S.C. 6212) by striking “Board” and inserting “Agency”.

(5) In section 314 (22 U.S.C. 6213) by striking paragraph (2).

(6) By striking section 315.

(b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended in subsections (a) and (b) by striking “International Broadcasting Bureau” each place it appears and inserting “United States International Broadcasting Agency”.

(c) RADIO BROADCASTING TO CUBA ACT.—The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended as follows:

(1) In section 3 (22 U.S.C. 1465a) as follows:

(A) In the section heading by striking “BROADCASTING BOARD OF GOVERNORS” and inserting “UNITED STATES INTERNATIONAL BROADCASTING AGENCY”.

(B) In subsection (a) by striking “the ‘Board’)” and inserting “the ‘Agency’)”.

(C) In subsections (a), (d), and (f) by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”.

(2) In section 4 (22 U.S.C. 1465b) as follows:

(A) In the first sentence by striking “The” and all that follows through “Bureau” and inserting: “The Board of Governors of the United States International Broadcasting Agency shall establish within the Agency”.

(B) In the third sentence by striking “Broadcasting Board of Governors” and inserting “Board of Governors of the United States International Broadcasting Agency”.

(C) In the fourth sentence by striking “Board of the International Broadcasting Bureau” and inserting “Board of Governors of the United States International Broadcasting Agency”.

(3) In section 5 (22 U.S.C. 1465c) as follows:

(A) In subsection (b) by striking “Broadcasting Board of Governors” and inserting “Board of Governors of the United States International Broadcasting Agency”.

(B) By striking “Board” each place it appears and inserting “Advisory Board”.

(4) In section 6 (22 U.S.C. 1465d) as follows:

(A) In subsection (a) by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency” and by striking “Board” and inserting “Board of Directors of the United States International Broadcasting Agency”.

(B) In subsection (b) by striking “Board” and inserting “United States International Broadcasting Agency”.

(5) In section 7 (22 U.S.C. 1465e) by striking “Board” in subsections (b) and (d) and inserting “United States International Broadcasting Agency”.

(6) In section 8(a) (22 U.S.C. 1465f(a)), by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”.

(d) TELEVISION BROADCASTING TO CUBA ACT.—The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa note) is amended as follows:

(1) Section 243(a) (22 U.S.C. 1465bb) is amended by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”.

(2) Section 244 (22 U.S.C. 1465cc) is amended as follows:

(A) In subsection (a) by amending the third sentence to read as follows: “The Board of Governors of the United States International Broadcasting Agency shall appoint a head of the Service who shall report directly to the Board of Governors.”.

(B) In subsection (b) by striking “Board” and inserting “United States International Broadcasting Agency”.

(C) In subsection (c) by striking “The Board” and inserting “The Agency” and by striking “Board determines” and inserting “Board of Governors of the United States International Broadcasting Agency determines”.

(3) In section 246 (22 U.S.C. 1465dd) by striking “United States Information Agency” and inserting “United States International Broadcasting Agency” and by striking “Board” and inserting “Board of Governors of the United States International Broadcasting Agency”.

(e) UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a), by striking “Broadcasting Board of Governors” each place it appears and inserting “United States International Broadcasting Agency”; and

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”; and

(B) by striking “Board” and inserting “Agency”.

(f) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”;

(2) in section 210 (22 U.S.C. 3930), by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”;

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking "Broadcasting Board of Governors" and inserting "United States International Broadcasting Agency"; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking "Broadcasting Board of Governors," and inserting "the United States International Broadcasting Agency,".

(g) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking "Broadcasting Board of Governors," and inserting "United States International Broadcasting Agency,";

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking "Broadcasting Board of Governors" and inserting "United States International Broadcasting Agency"; and

(B) by striking "the Board and the Agency" and inserting "their respective agencies";

(3) in section 26(b) (22 U.S.C. 2698(b))—

(A) by striking 'Broadcasting Board of Governors," and inserting "United States International Broadcasting Agency"; and

(B) by striking "the Board and the Agency" and inserting "their respective agencies"; and

(4) in section 32 (22 U.S.C. 2704), by striking "Broadcasting Board of Governors" and inserting "United States International Broadcasting Agency".

(h) TITLE 5, UNITED STATES CODE.—

(1) Section 5314 of title 5, United States Code, is amended by adding at the end the following: "Director, United States International Broadcasting Agency.".

(2) Section 5315 of title 5, United States Code, is amended by striking "Director of the International Broadcasting Bureau.".

SEC. 538. REFERENCES.

Except as otherwise provided in this subtitle or an amendment made by this subtitle, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Broadcasting Board of Governors and the International Broadcasting Bureau or any other officer or employee of the Broadcasting Board of Governors or the International Broadcasting Bureau shall be deemed to refer to the United States International Broadcasting Agency or the Board of Governors of the United States International Broadcasting Agency established under this subtitle.

SEC. 539. BROADCASTING STANDARDS.

Section 303(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amended—

(1) in paragraph (6) by striking "and";

(2) in paragraph (8) by striking the period and inserting "; and"; and

(3) by adding after paragraph (8) the following new paragraph:

"(9) seek to ensure that resources are allocated to broadcasts directed at people whose governments deny freedom of expression or who are otherwise in special need of honest and professional broadcasting, commensurate with the need for such broadcasts.".

SEC. 540. EFFECTIVE DATE.

Except as otherwise provided, this subtitle and the amendments made by this subtitle shall take effect on the last day of the 6-month period beginning on the date of the enactment of this Act.

TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003

SEC. 601. SHORT TITLE.

This title may be cited as the "International Free Media Act of 2003".

SEC. 602. DEFINITIONS.

In this title, the term "free media" means individuals or organizations engaged in the gathering and distribution of news and information free of direct or indirect governmental control.

SEC. 603. FINDINGS.

The Congress makes the following findings:

(1) Freedom of speech and freedom of the press are fundamental human rights enshrined in international law.

(2) The United States has a national interest in promoting these freedoms by supporting free media abroad, which is essential to the development of free and democratic societies consistent with our own.

(3) Free media is undermined, endangered, or nonexistent in many repressive and transitional societies around the world, including in Eurasia, Africa, and the Middle East.

(4) Free media is suppressed by foreign governments by a variety of means, including state censorship, legal restriction, financial pressure, and physical intimidation.

(5) Unprofessional and unethical media that violate widely accepted standards of professional journalism and editorial practice compromises the ability of a free media to contribute to open, fair, and constructive democratic debate.

(6) Unprofessional and unethical media includes media that violate the standards set in the International Covenant on Civil and Political Rights, which includes article 20, section 2 of the Covenant which states that "Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.".

(7) Individuals lacking access to a plurality of free media are vulnerable to misinformation and propaganda and are potentially more likely to adopt anti-American views.

(8) Foreign governments have a responsibility to actively and publicly discourage and rebut unprofessional and unethical media while respecting journalistic integrity and editorial independence.

(9) Past and continuing United States Government efforts to promote free media through training and technical support have advanced United States national interests by contributing to the promotion of human rights and democracy worldwide.

(10) Support for free media must be an integral part of United States foreign policy, including public diplomacy and United States international broadcasting, and should be coordinated across government agencies and with international, bilateral, and private donor organizations toward achieving the shared goal of developing professional, ethical, diversified, sustainable, independent, indigenous media worldwide.

SEC. 604. STATEMENTS OF POLICY.

It shall be the policy of the United States, acting through the Secretary of State, to—

(1) make the promotion of press freedoms and free media worldwide a priority of United States foreign policy and an integral component of United States public diplomacy;

(2) respect the journalistic integrity and editorial independence of free media worldwide;

(3) use widely accepted standards for professional and ethical journalistic and editorial practices in assessing international media; and

(4) discourage incitement to discrimination, hostility, or violence, based on nationality, race, or religion, as described in article 20, section 2, of the International Covenant on Civil and Political Rights, and develop a strategy to respond to it.

SEC. 605. COORDINATOR FOR INTERNATIONAL FREE MEDIA.

(a) ESTABLISHMENT.—There is established within the Department of State a Coordinator for International Free Media (in this section referred to as the "Coordinator"). At the discretion of the President another official at the Department of State may serve as the Coordinator.

(b) APPOINTMENT OF COORDINATOR.—The Coordinator shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES.—The principal duties of the Coordinator shall be the promotion of international press freedoms and free media by—

(1) coordinating United States government policies, programs, and projects concerning international press freedoms and free media;

(2) in consultation with appropriate agencies of the United States Government and national and international organizations, monitoring and assessing the status of free media and government controlled sources of information, including for incitement of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence, as described in article 20 of the International Covenant on Civil and Political Rights;

(3) promoting widely accepted standards of professional and ethical journalism and editorial practices;

(4) discouraging media and government controlled sources of information from advocating national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence consistent with article 20, section 2 of the International Covenant on Civil and Political Rights;

(5) reporting foreign media that advocates national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence consistent with article 20, section 2, of the International Covenant on Civil and Political Rights and making available to the public and to the United States Agency for International Broadcasting translations of such media to the extent practicable;

(6) promoting the journalistic integrity and editorial independence of free media worldwide;

(7) advising the President and the Secretary of State regarding matters of international press freedoms and free media;

(8) representing the United States in matters and cases relevant to international press freedoms and free media;

(9) assisting the Secretary of State in preparing the portions of the Department of State country reports on human rights that relate to international press freedoms and free media and incitement to acts of discrimination;

(10) consulting with the Broadcasting Board of Governors and the United States Agency for International Development for the purpose of promoting free media through training of international journalists, producers, editors, and media managers; and

(11) administering the International Free Media Fund (established in section 607) in consultation with the United States Advisory Commission on Public Diplomacy and International Media.

(d) ASSESSMENT FACTORS.—In making an assessment of media within individual countries pursuant to subsection (c)(2), the Coordinator shall take into account—

(1) the number and diversity of media;

(2) access to and consumption of media by populations;

(3) the extent of direct or indirect government ownership, control, or censorship of media outlets;

(4) the financial viability and profitability of free media;

(5) the extent to which journalists, editors, and media managers adhere to widely accepted standards for professional and ethical journalism;

(6) domestic laws addressing press freedoms;

(7) instances in which the media and government-controlled sources of information have incited discrimination; hostility, or violence consistent with article 20, section 2 of the International Covenant on Civil and Political Rights;

(8) physical threats, intimidation or inappropriate pressure by government on free media;

(9) the number of journalists, editors, producers, and media managers receiving training from programs of the Department of State, the Broadcasting Board of Governors, grantees of the United States Agency for International Development, or other organizations qualified to provide such training; and

(10) the activity of local and international nongovernmental organizations promoting press freedoms and free media and obstacles to their activity.

(e) Consultation Requirement.—The Coordinator shall consult with United States public affairs officers and other United States foreign mission personnel directly engaged in interacting with indigenous media in carrying out the duties specified in subsection (c).

(f) Determination.—The Coordinator shall determine, and annually report to the appropriate congressional committees, whether there is a pattern of government-controlled information that constitutes incitement (as described in article 20 of the International Covenant on Civil and Political Rights) and that endangers United States citizens or nationals, impairs relations between the United States and the foreign government, or constitutes incitement to national, racial, or religious discrimination, hostility, or violence. The Coordinator shall specify the governments engaged in such practices and examples of such incitement and propaganda.

(g) Funding.—The Secretary of State shall ensure that the Coordinator has adequate staff and funding for the conduct of investigations, the administration of the International Free Media Fund, necessary travel, and other activities necessary to carry out the provisions of this section.

SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY AND INTERNATIONAL MEDIA.

(a) Establishment.—Section 604(a)(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) is amended to read as follows:

"(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy and International Media.".

(b) Duties and Responsibilities.—Section 604(c) of the United States Information and Exchange Act of 1948 (22 U.S.C. 1469) is amended by adding at the end the following:

"(5) The Commission shall—

"(A) advise the Coordinator for International Free Media on issues relating to the promotion of international press freedoms and free media;

"(B) assist the Coordinator for International Free Media in monitoring and assessing the status of free media worldwide;

"(C) consult with the Coordinator on the administration of the International Free Media Fund; and

"(D) make policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international press freedoms and free media.".

(c) References.—Except as otherwise provided in this section or an amendment made by this section, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States Advisory Commission on Public Diplomacy or any other officer or employee of the United States Advisory Commission on Public Diplomacy shall be deemed to refer to the United States Advisory Commission on Public Diplomacy and International Media established under this section.

SEC. 607. INTERNATIONAL FREE MEDIA FUND.

(a) Establishment.—There is established an International Free Media Fund (in this section referred to as the "Fund") at the Department of State.

(b) Purposes.—The purposes of the Fund shall be—

(1) to promote the development of free and independent media worldwide which adhere to widely accepted standards of professional and ethical journalism and editorial practice; and

(2) to complement current efforts by the Department of State, the United States Agency for International Development, the Broadcasting Board of Governors, and other agencies of the United States Government to support free and independent media worldwide.

(c) Authorization of Appropriations.—In addition to amounts otherwise authorized to be appropriated to carry out the purposes specified in subsection (b), there is authorized to be appropriated to the Fund $15,000,000 for fiscal year 2004. Such amounts are authorized to remain available until expended.

(d) Nonapplicability of Other Laws.—Notwithstanding any other provision of law, funds appropriated pursuant to subsection (c) may be used for the purposes of this section.

(e) Administration.—

(1) The Fund shall be administered by the Coordinator in consultation with the Commission.

(2) Activities and assistance financed through the Fund may be carried out through grants, contracts, technical assistance, and material support.

(f) Eligible Organizations, Programs, and Projects.—Amounts in the Fund may be used to carry out activities and provide assistance only for organizations, programs, and projects consistent with the purposes set forth in subsection (b).

(g) Prohibitions.—Amounts in the Fund shall not be used to carry out activities or provide assistance to organizations, programs, or projects which advocate national, racial, or religious hatred that incites discrimination, hostility, or violence consistent with article 20, section 2 of the International Covenant on Civil and Political Rights.

(h) Assistance Criteria.—In administering the Fund, the Coordinator shall take into account—

(1) the importance of providing assistance to organizations, programs, and projects based on their proven or potential contribution to the development of a free media environment worldwide;

(2) the importance of enabling free media to become commercially viable and financially independent in the long term; and

(3) the importance of providing media personnel whose organizations, programs, or projects receive assistance under this section for training in professional and ethical journalism, editorial practices, and media management by the Department of State, the Broadcasting Board of Governors, United States Agency for International Development grantees, or other organizations qualified to provide such training.

(i) Annual Reports.—Not later than January 31, of 2005 and in each subsequent year, the Coordinator shall publish an annual report on the activities of the Fund, which shall include a comprehensive and detailed description of the operations, activities, financial condition, and accomplishments under this section for the preceding fiscal year. The reports shall also include an assessment of whether the Fund should also provide loans and guarantees as an additional means to carry out the purposes of this title.

(j) Consultation Requirements.—

(1) The Coordinator shall consult with the State Department official primarily responsible for developing and implementing United States policy with respect to a country prior to carrying out activities or providing assistance for such country through the Fund.

(2) Amounts in the Fund shall be used to carry out activities or provide assistance on the basis of consultations among all relevant United States Government agencies operating in the country and with the approval of the chief of mission.

SEC. 608. FREE MEDIA PROMOTION ACTIVITY OF THE BROADCASTING BOARD OF GOVERNORS.

(a) In General.—The Broadcasting Board of Governors shall make support for indigenous free media an integral part of its mission.

(b) Affiliates.—The Broadcasting Board of Governors shall submit a report to the appropriate congressional committees on the prospects and strategy for cultivating affiliate relationships with free media in countries targeted for United States international broadcasting.

(c) Training.—The Broadcasting Board of Governors shall enhance foreign journalist training programs in coordination with existing training programs administered by the Department of State and the United States Agency for International Development.

(d) Authorization for Appropriations.—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated $2,500,000 for the fiscal year 2004 and $2,500,000 for the fiscal year 2005 to support free media in countries in which the Broadcasting Board of Governors is decreasing or discontinuing United States international broadcasting activity.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—Reporting Requirements

SEC. 701. REPORTS TO COMMITTEE ON INTERNATIONAL RELATIONS.

Notwithstanding any other provision of law, for the fiscal years 2004 and 2005, any report required by law or otherwise requested to be submitted by the Secretary of State or the Department of State to any committee of the Congress shall be submitted also to the Committee on International Relations of the House of Representatives.

SEC. 702. REPORTS CONCERNING THE CAPTURE AND PROSECUTION OF PARAMILITARY AND OTHER TERRORIST LEADERS IN COLOMBIA.

(a) Findings.—The Congress makes the following findings:

(1) As reported in the Department of State report Patterns of Global Terrorism 2001, the United Self-Defense Forces of Colombia (also referred to as "AUC" or "paramilitaries") have been designated as a foreign terrorist organization by the United States primarily because of their increasing reliance on terrorist methods, such as the use of massacres, to purposefully displace segments of the population as retaliation for allegedly supporting the AUC's rival organizations, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) of Colombia. According to the report, the paramilitaries also use terrorist tactics to compete for narcotics-trafficking corridors and prime coca-growing terrain.

(2) The Department of State concluded in the 2001 Country Report on Human Rights Practices that despite increased efforts by the Government of Colombia to combat and capture members of paramilitary groups, security forces sometimes illegally collaborate with paramilitaries forces and often fail to take action to prevent paramilitary attacks which lead to serious abuses of human rights.

(3) In September 2002, Amnesty International, Human Rights Watch, and the Washington Office on Latin America released a report which argued that the Colombian Government had not made substantial progress toward suspending officers implicated in human rights abuses, conducting effective judicial investigations of such abuses, or breaking the persistent links between

some units of the Colombian military and paramilitary groups.

(4) In February 2003, the United Nations High Commissioner for Human Rights in Colombia reported that some units of the Colombian Security Forces continued to collude openly with illegal paramilitary groups in operations which resulted in violations of human rights.

(5) The Consolidated Appropriations Resolution, 2003 (Public Law 108–7) made available not less than $5,000,000 to support a Colombian Armed Forces unit which is dedicated to apprehending leaders of Colombian paramilitary organizations.

(b) REPORTS TO CONGRESS.—Not later than 30 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State, after consulting with internationally recognized human rights organizations pursuant to the procedures required in section 564(b) of the Consolidated Appropriations Resolution, 2003, shall submit a report, in unclassified form (with a classified annex if necessary), on the specific measures that the Colombian authorities are taking to apprehend effectively and prosecute aggressively leaders of paramilitary organizations, to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTENTS OF REPORTS.—Each report submitted pursuant to subsection (b) shall—

(1) identify which Colombian Armed Forces units are receiving assistance to apprehend leaders of Colombian paramilitary organizations;

(2) describe the amount and purposes of such assistance;

(3) describe operations by Colombian security forces to apprehend and arrest leaders of Colombian paramilitary organizations;

(4) list the number of detentions, captures, and arrests of leaders of Colombian paramilitary organizations, disaggregating the number according to those detentions, captures, and arrests which were carried out by Colombian security forces identified under paragraph (1);

(5) briefly describe the status of investigations and prosecutions of cases by the Colombian Attorney General's office involving the arrests of leaders of Colombian paramilitary organizations; and

(6) estimate the number of hours of use by the Colombian military of helicopters provided by the United States under Plan Colombia and successor programs to apprehend the leaders of Colombian paramilitary organizations, as well as leaders of the FARC and ELN, including those individuals who have United States indictments pending against them.

SEC. 703. REPORTS RELATING TO MAGEN DAVID ADOM SOCIETY.

(a) FINDINGS.—Section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by adding at the end the following:

"(5) Since the founding of the Magen David Adom in 1930, the American Red Cross has regarded it as a sister national society forging close working ties between the two societies and has consistently advocated recognition and membership of the Magen David Adom in the International Red Cross and Red Crescent Movement.

"(6) The American Red Cross and Magen David Adom signed an important memorandum of understanding in November 2002, outlining areas for strategic collaboration, and the American Red Cross will encourage other societies to establish similar agreements with Magen David Adom.".

(b) SENSE OF CONGRESS.—Section 690(b) of such Act is amended—

(1) in paragraph (3) after the semicolon by striking "and";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the High Contracting Parties to the Geneva Conventions of August 12, 1949, should adopt the October 12, 2000, draft additional protocol which would accord international recognition to an additional distinctive emblem; and".

(c) REPORT.—Section 690 of such Act is further amended by adding at the end the following:

"(c) REPORT.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005 and annually thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—

"(1) efforts by the United States to obtain full membership for the Magen David Adom in the International Red Cross Movement;

"(2) efforts by the International Committee of the Red Cross to obtain full membership for the Magen David Adom in the International Red Cross Movement;

"(3) efforts of the High Contracting Parties to the Geneva Convention of 1949 to adopt the October 12, 2000, draft additional protocol; and

"(4) the extent to which the Magen David Adom of Israel is participating in the activities of the International Red Cross and Red Crescent Movement.".

SEC. 704. REPORT CONCERNING THE RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO THE ARTIST DINA BABBITT.

(a) FINDINGS.—The Congress makes the following findings:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen, has requested the return of watercolor portraits she painted while suffering a one and one-half year long internment at the Auschwitz death camp during World War II, where she was ordered to paint portraits by the infamous war criminal Dr. Josef Mengele.

(2) Congress has previously considered the issue, under the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), and urged the Administration to facilitate the return of the paintings to Dina Babbitt.

(3) The Administration has not yet reported any progress in furthering this goal, nor has the Secretary reported on the status of any negotiations held with the intent of furthering this goal.

(b) SENSE OF CONGRESS.—The Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President of the United States to make all necessary efforts to retrieve the 7 watercolor portraits painted by Dina Babbitt, during her internment at the Auschwitz death camp; and

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the 7 original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner.

(c) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees, describing all diplomatic efforts the United States has taken to facilitate the return of the paintings referred to in this section to Dina Babbitt.

SEC. 705. REPORT TO CONGRESS ON USE OF VESTED ASSETS.

Section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) is amended—

(1) in subparagraph (C), by inserting ", subject to paragraph (4)," after "such interest or property shall"; and

(2) by adding at the end the following:

"(4) The authority under paragraph (1)(C) to use property that has been vested or to use assets that have been liquidated may not be exercised until 15 days after the President has notified the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the purpose for which such vested property or liquidated assets will be so used.".

SEC. 706. REPORT CONCERNING THE CONFLICT IN UGANDA.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should—

(1) exhaust all diplomatic means and pressures, including the creation of a United States role in negotiating humanitarian access to hitherto inaccessible populations which would offer an opportunity to bring the warring parties together to build confidence, to support an immediate peaceful resolution to the 16-year old conflict in Northern Uganda that has—

(A) killed an estimated 23,000 people, including 12,000 civilians,

(B) resulted in the forced abduction, sexual servitude, and armed recruitment of between 16,000 to 26,000 Ugandan children by the Lord's Resistance Army, a renegade army that has in the past sought refuge in southern Sudan and raided villages in northern Uganda,

(C) displaced over 800,000 Ugandan citizens and Sudanese refugees,

(D) resulted in the death and abduction of humanitarian aid workers, and

(E) gravely inhibited the delivery of emergency assistance and food aid to nearly 1 million northern Ugandan civilians dependent on such assistance for survival;

(2) urge rebel forces to stop the abduction of children, urge all forces to stop the use of child soldiers, and seek the release of all forcibly-held children;

(3) make available technical assistance resources to seek, track, and stop funding for the Lord's Resistance Army (LRA) from all sources and condemn all governments and organizations who do assist the LRA;

(4) monitor and support negotiations conducted by third-party institutions for an immediate cease-fire between the LRA and the Ugandan Government, and to explore the possibility of facilitating the creation of mechanisms for an international monitoring team to enforce this cease-fire as the first step in the process toward a permanent peace;

(5) continue supporting the Sudan Peace Process and Danforth Initiative, which includes peace talks, donor coordination, regional support, civilian protection and monitoring, and cease-fire verification and consider modeling aspects of this process in northern Uganda;

(6) make available sufficient resources to meet the immediate relief of the towns and cities supporting large displaced populations, including food, clean water, medicine, shelter, and clothing;

(7) make available increased resources for assistance to released and returned abducted children and child soldiers and ensure that amnesty is provided when appropriate;

(8) work with other donors and the Ugandan Government to increase resources and technical support to the Uganda Amnesty Commission for the increased demobilization of rebel combatants;

(9) examine ways in which development assistance can help those living in protective villages in northern Uganda return to and cultivate farmland; and

(10) condition military assistance to Uganda on its international compliance with sustained

troop withdrawals from the Democratic Republic of Congo where the presence of Ugandan armies has contributed to the violence and instability in the region.

(b) Reports to Congress.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each subsequent year, the Secretary shall submit to the appropriate congressional committees a report on the comprehensive actions of the United States in seeking a peaceful and immediate solution to conflict in northern Uganda as well as humanitarian assistance efforts to the region, including efforts to advance each area addressed in subsection (a).

SEC. 707. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.

(a) Findings.—Congress makes the following findings:

(1) The United States has a political and economic interest and a humanitarian and moral responsibility in assisting the Government and people of Haiti in resolving the country's problems and challenges.

(2) The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti's political and economic crises.

(b) Requirement for Report.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that describes United States policy toward Haiti. The report shall include the following:

(1) A description of the activities carried out by the United States Government to resolve Haiti's political crisis and to promote the holding of free and fair elections in Haiti at the earliest possible date.

(2) A description of the activities that the United States Government anticipates initiating to resolve the political crisis and promote free and fair elections in Haiti.

(3) An assessment of whether Resolution 822 issued by the Permanent Council of the Organization of American States on September 4, 2002, is an appropriate framework for a multilateral approach to resolving the political and economic crises in Haiti.

(4) A description of the status of efforts to release the approximately $146,000,000 in loan funds that have been approved by the Inter-American Development Bank to Haiti for the purposes of rehabilitating rural roads, reorganizing the health sector, improving potable water supply and sanitation, and providing basic education, a description of any obstacles that are delaying the release of the loan funds, and recommendations for overcoming such obstacles, including whether any of the following would facilitate the release of such funds:

(A) Establishing an International Monetary Fund staff monitoring program in Haiti.

(B) Obtaining bridge loans or other sources of funding to pay the cost of any arrears owed by the Government of Haiti to the Inter-American Development Bank.

(C) Providing technical assistance to the Government of Haiti to permit the Government to meet international financial transparency and other requirements.

SEC. 708. REPORT ON THE EFFECTS OF PLAN COLOMBIA ON ECUADOR.

(a) Findings.—The Congress makes the following findings:

(1) Section 695 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) required the Secretary of State to submit a report to Congress on the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia within 150 days after the date of the enactment of that Act.

(2) The 150 day time period for the submission of such report has lapsed without a report being submitted to the Congress.

(3) There continues to be growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state, especially in the northern region of Ecuador which includes the Sucumbios province.

(b) Report to Congress.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees which sets forth—

(A) a statement of policy and comprehensive strategy for United States activities in Colombia related to the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia; and

(B) the reasons for the failure of the Department of State to submit the report required by section 695 of Public Law 107–228 within the time period mandated by law.

SEC. 709. REPORT ON ACTIONS TAKEN BY PAKISTAN.

For each of fiscal years 2004 and 2005, the President shall prepare and transmit to the appropriate congressional committees a report that contains a description of the extent to which the Government of Pakistan—

(1) has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir;

(2) has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the "Line of Control" (LoC) into India; and

(3) has ceased the transfer of weapons of mass destruction, including any associated technologies, to any third country or terrorist organization.

SEC. 710. REPORT ON DEMOCRACY IN THE WESTERN HEMISPHERE.

(a) Findings.—Congress finds the following:

(1) Although 34 out of 35 countries in the Western Hemisphere have held elections for civilian leaders of national, regional, and local governments, many of these countries have failed to successfully develop independent democratic institutions, transparent and accountable governance, and effective means of guaranteeing the rule of law, which are key components of a fully functioning democracy.

(2) The rule of law, independent democratic institutions, and transparent, accountable governance are essential for guaranteeing human rights, especially civil, political, and labor rights.

(3) The rule of law, independent democratic institutions, and transparent accountable governance are also necessary for promoting successful economic development and reliable trading and investment mechanisms.

(4) In part because of the lack of these three factors, progress on human rights and economic development has lagged or been uneven in much of the Western Hemisphere, leading some to question the benefits of democracy itself as a path for improving the lives of individuals in the hemisphere.

(5) For democracy to continue in many of these countries, for human rights to improve, and for regional economic integration to be successful, the rule of law, independent democratic institutions, and transparent accountable governance must be strengthened.

(6) As a strong supporter of democracy and human rights and as an advocate of regional economic integration, it is in the interests of the United States to enhance its efforts to promote a deepening of democracy in the Western Hemisphere, particularly through strengthening the rule of law, independent democratic institutions, and transparent accountable governance.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the heads of other Federal departments and agencies as necessary, shall prepare and submit to the appropriate congressional committees a report on the state of democracy in each country in the Western Hemisphere (other than the United States and Canada). For each such country, the report shall provide the following:

(1) A description of its system of government, including schedule of elections, manner of judicial appointments, and responsibilities of each branch of government.

(2) An assessment of—

(A) the state of the rule of law;

(B) the power and independence of each branch of government and institutions;

(C) the transparence and accountability in governance; and

(D) the effect on human rights, particularly civil and political rights, caused by the presence (or lack thereof) of any of the factors in subparagraphs (A) through (C); and

(E) the effect on economic development caused by the presence (or lack thereof) of any of the factors in subparagraphs (A) through (C).

(3) A description of efforts to strengthen the rule of law, independent institutions, or transparent governance in the country, whether through local efforts or through efforts funded or implemented by the United States, the Organization of American States (OAS), or others.

SEC. 711. REPORT CONCERNING INTERNAL AND INTRA-REGIONAL CONFLICTS IN THE GREAT LAKES REGION OF AFRICA.

(a) Findings.—The Congress makes the following findings:

(1) The Great Lakes region of Central Africa has a history of colonial based ethnic divisions, political violence, and civil wars which have perpetuated conditions conducive to chronic poverty and turmoil over the past decade. The countries of the Great Lakes region are heavily embroiled in the conflicts within their neighbors borders. At different times, the war in the Democratic Republic of Congo (DRC) has involved more outside countries than any other contemporary war in Africa's history, (including Angola, Rwanda, Uganda, Zimbabwe, Burundi, Sudan, Chad, Namibia, and Central African Republic).

(2) The region is hallmarked by genocide, the recruitment of child soldiers, war crimes, systematic rape of women and violence directed against children, corruption, and the illegal exploitation of natural resources on a global scale. Civil wars, conflicts over natural resources, and structural violence in the Great Lakes have resulted in—

(A) the death of approximately three million people through direct and indirect causes of the war in the DRC since 1998;

(B) the deaths of at least 800,000 people during the 1994 genocide in Rwanda;

(C) the deaths of an estimated 300,000 people through direct and indirect causes of the war in Burundi since 1993;

(D) the deaths of thousands in Uganda;

(E) the forced abduction, sexual servitude, and armed recruitment of thousands of children;

(F) the displacement of millions of Ugandan, Burundian, Congolese, Rwandan, and Sudanese refugees;

(G) the death and abduction of humanitarian aid workers throughout the region; and

(H) grave disruptions in the delivery of emergency assistance and food aid to millions of civilians in northern Uganda, eastern Congo, and Burundi dependent on such assistance for survival.

(b) Sense of Congress.—It is the sense of the Congress that the United States should—

(1) exhaust all diplomatic means and utilize all foreign policy instruments to help peacefully resolve conflicts in the Great Lakes region by

supporting both national and regional political, economic, and social initiatives conducive to fostering African-led peace, reconstruction, and political and economic institutional and structural transformation processes in Uganda, Rwanda, Burundi, and the Democratic Republic of Congo;

(2) urge all rebel forces to stop the abduction of children, urge all armed forces to stop the use of child soldiers, and seek the release of all forcibly-held children;

(3) make available technical assistance resources to seek, track, and stop funding for all armed extremist paramilitary and militarist rebel organizations from all sources and condemn all governments and organizations who do assist such groups;

(4) monitor and support negotiations conducted by third-party institutions for an immediate end of armed actions between: The LRA and the Ugandan Government; the RCD factions and MLC and the government of Democratic Republic of the Congo under the terms of the Lusaka Accords; the FDD and the Burundian Government under the terms of the Arusha Accords;

(5) explore the possibility of facilitating the creation of mechanisms for an international monitoring team to enforce cease-fires as the first step in the process toward a permanent peace in the region;

(6) continue supporting the Sudan Peace Process, the Danforth Initiative, the Lusaka Accords, and the Arusha Accords which includes peace talks, donor coordination, regional support, civilian protection and monitoring, and cease-fire verification;

(7) make available sufficient resources to meet the immediate relief needs of the towns and cities in the Great Lakes region supporting large displaced populations, including food, clean water, medicine, shelter, and clothing;

(8) make available increased resources for assistance to released and returned abducted children and child soldiers in the Great Lakes Region and ensure that amnesty is provided when appropriate;

(9) work with other donors and the Governments of Uganda, Burundi, Rwanda, and the Democratic Republic of Congo to increase resources and technical support to both regional and national combatant demobilization entities such as the Uganda Amnesty Commission in Uganda and equivalent entities in Burundi, Rwanda, and the Democratic Republic of Congo for the increased demobilization of rebel combatants;

(10) examine ways in which development assistance (DA) can help those living in protective villages in northern Uganda, eastern Congo, and other demilitarized areas in Rwanda and Burundi to return to and cultivate farmland;

(11) condition military assistance to any nation which acts to destabilize the DRC by violating international agreements regarding sustained troop withdrawals and respect for the territorial integrity of the DRC; and

(12) direct the Secretary of State to appoint a special envoy to the Great Lakes region to oversee cross-cutting security and economic policies in the region.

(c) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each subsequent year, the Secretary should submit to the appropriate congressional committees a report on the comprehensive actions taken by the United States in promoting peaceful and immediate solutions to the internal and intra-regional conflicts in the Great Lakes region, including taking steps to bring an end to the illegal exploitation and international trade of natural resources from the Democratic Republic of Congo; supporting bilateral and multilateral peace keeping initiatives; the promotion of regional economic integration; the promotion of broad based democratic political processes based on the rule of law; the promotion of women and other previously disadvantaged communities as equal political and economic stakeholders in societies; and humanitarian assistance efforts in the region, including efforts to advance each area addressed in subsection (a).

Subtitle B—Other Matters

SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR, JUSTICE, AND REHABILITATION.

The Congress—

(1) recalls that the United Nations International Commission of Inquiry concluded in January 2000 that "the Indonesian Army was responsible for the intimidation, terror, killings and other acts of violence" during East Timor's vote for independence in 1999;

(2) reiterates that justice for crimes against humanity and war crimes committed in East Timor during the vote for independence in 1999 is crucial for peace, reconciliation, and the ongoing nation-building process in East Timor and Indonesia;

(3) finds that the ad hoc Human Rights Court on East Timor established by the Indonesian Government in 2001 has inadequately brought to justice the perpetrators of these crimes as eleven of fourteen defendants have been acquitted as a result of poor indictments and the absence of an adequate witness protection program, and four of the five sentences imposed have been less than the minimum allowed under the Indonesian Human Rights Law;

(4) supports the work of the Joint United Nations-East Timor Serious Crimes Unit (SCU), which filed indictments against high-ranking Indonesian officers who were allegedly involved in the crimes, including Gen. Wiranto, Maj. Gen. Kiki Syahnakri, Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam Damiri, Col. Suratman, Col. Noer Muis, Col. Yayat Sudrajat and former Governor Abilio Soares, and expresses its strong disappointment that the Indonesian Government has stated its intention to ignore the indictments;

(5) calls on the State Department and the United States Mission to the United Nations to push for a comprehensive United Nations review of the Indonesian ad hoc Human Rights Court on East Timor, including a review of the conduct of trials, the indictment strategy by the prosecutors and its adherence to the international standards, and urges the State Department to consider alternative mechanisms of justice for East Timor, including the establishment of an ad hoc international tribunal; and

(6) urges the Indonesian Government to fully cooperate with the joint United Nations-East Timor Serious Crimes Unit (SCU) and encourages the United States to urge the Indonesian Government to fully cooperate with the SCU.

SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN RIGHTS AND JUSTICE IN INDONESIA.

The Congress—

(1) notes with grave concern that members of the Indonesian security forces, particularly the Army Special Forces (Kopassus) and the Police Mobile Brigade (Brimob), continue to commit many serious human rights violations, including extrajudicial killings, torture, rape, and arbitrary detention, particularly in areas of conflict such as Aceh, Papua, the Moluccas, and Central Sulawesi;

(2) notes with grave concern that the Government of Indonesia largely fails to hold soldiers and police accountable for extrajudicial killings and other serious human rights abuses, both past and present;

(3) condemns the intimidation and harassment of human rights and civil society organizations and activists by members of Indonesian security forces and by military-backed militia groups, particularly in Aceh and Papua;

(4) notes with concern the Indonesian military's resistance to civilian control and oversight, its lack of budgetary transparency, and its continuing emphasis on internal security within Indonesia;

(5) urges the Indonesian government and military to provide full, active, and unfettered cooperation with the investigation of the Federal Bureau of Investigation of the United States Department of Justice into the August 31, 2002 attack near Timika, Papua, which killed three people (including two Americans, Rick Spier and Ted Burgon), and injured 12 others, and which appears likely to have been perpetrated at least in part by members of the Indonesian military;

(6) commends the December 2002 signing of the Framework Agreement on Cessation of Hostilities in Aceh, but condemns the recent outbreaks of violence and militia activity that appear calculated to subvert that cease-fire agreement;

(7) notes with grave concern the continued detention of Muhammad Nazar, and the fact that those responsible for the murders of other prominent members of civil society in Aceh, such as Jafar Siddiq Hamzah, Sukardi, Sulaiman Ahmad, Tengku Safwan Idris, Nashiruddin Daud, and Zaini Sulaiman, still have not been apprehended, prosecuted, or punished;

(8) commends the "Zone of Peace" initiative in Papua, which has brought together civic, religious, governmental, and police representatives to discuss productive means of avoiding conflict, but expresses concern at the refusal of the Indonesian military to participate in that effort; and

(9) encourages the Government of Indonesia to expedite the reunification of separated East Timorese children with their families, and to hold legally accountable those individuals and organizations responsible for taking those children and for obstructing reunification efforts.

SEC. 723. AMENDMENT TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by inserting "and for each subsequent fiscal year" after "2003".

SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN RIGHTS IN CENTRAL ASIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief.

(2) In turn, the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region.

(3) The United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001.

(4) Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members.

(5) While the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States

notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other nongovernmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudicial executions.

(6) By continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism.

(7) President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that "a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence".

(8) Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of United States diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the 2003 resolution on Turkmenistan of the United Nations Commission on Human Rights and the so-called "Moscow Mechanism" Report of the Organization for Security and Cooperation in Europe (OSCE), respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing United States Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nations' Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress toward meeting the goals specified in paragraph (1).

SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003 FOR CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Section 112(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (116 Stat. 1358; Public Law 107–228) is amended by striking "$15,000,000" and inserting "$18,000,000".

SEC. 726. UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.

(a) UNDER SECRETARY.—There shall be in the Department of Commerce an Under Secretary of Commerce for Industry and Security who shall serve as the head of the Bureau of Industry and Security and perform such duties as the Secretary of Commerce shall prescribe. The Under Secretary of Commerce for Industry and Security shall be appointed by the President by and with the advice and consent of the Senate.

(b) INCUMBENT.—The individual serving on the date of the enactment of this Act as the Under Secretary of Commerce for Export Administration shall serve as the Under Secretary of Commerce for Industry and Security until such time as a successor is appointed under subsection (a).

(c) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Commerce for Export Administration" and inserting "Under Secretary of Commerce for Industry and Security".

(d) CONFORMING AMENDMENTS.—Section 15(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(a)) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking "in carrying out such functions" and inserting "of Commerce for Industry and Security in carrying out the functions of the Under Secretary".

SEC. 727. CONCERNING THE SPREAD OF WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The proliferation of weapons of mass destruction presents a direct threat to the stability, security, and safety of nations around the globe.

(2) Combatting the spread of such weapons is a responsibility borne by all nations.

(3) United States efforts to stop the further spread of these weapons can be further enhanced by cooperative efforts between the United States and the European Union.

(4) There are many different components in this effort that require a comprehensive approach, immediate attention, and vigorous action, including the "10+10 over 10 Initiative" agreed to by the United States and many members of the European Union.

(5) Stopping the spread of weapons of mass destruction is made more difficult when states willingly participate in, or contribute to, their development or their sale or transfer to other nations.

(6) Stopping the spread of weapons of mass destruction is made more difficult when private companies willingly participate in, or contribute to, their development or their sale or transfer to other nations.

(7) United States security and safety is undermined when companies engage in such commerce.

(b) SENSE OF CONGRESS.—The Congress call on the European Union to—

(1) develop an aggressive and robust regulatory system designed to—

(A) investigate allegations of companies contributing to the development of weapons of mass destruction or their sale or transfer to other nations;

(B) isolate and comdemn companies found to participate in, or contribute to, the development of such weapons or their sale or transfer to other nations; and

(C) develop a punitive response designed to punish such companies, thereby preventing further actions on their part and discouraging other companies from engaging in such actions;

(2) condemn, by name, states known to be contributing to the development or spread of weapons of mass destruction; and

(3) develop appropriate punitive measures designed to discourage further actions.

SEC. 728. INTERNATIONAL AGRICULTURAL BIOTECHNOLOGY INFORMATION PROGRAM.

(a) IN GENERAL.—The Department of State shall provide to other countries, as appropriate, the scientific evidence on the benefits, safety, and potential uses of agricultural biotechnology.

(b) SPECIFIC OBJECTIVES.—The Secretary of State shall—

(1) chair an interagency task force comprised of representatives of the Department of Commerce, the Department of Agriculture, and the United States Agency for International Development to develop and disseminate accurate written scientific information on the potential benefits of agricultural biotechnology for human and animal nutrition, the environment, food and feed production, agricultural sustainability, and bioenergy development;

(2) coordinate the development and dissemination of scientifically-based facts regarding, the safety and regulation of biotechnology-derived food and feed products;

(3) instruct the United States Agency for International Development (USAID) to develop a program to demonstrate the potential benefits of agricultural biotechnology to develop products that can be grown under local soil and climate conditions and better meet the health and nutritional needs of local populations in the developing world; and

(4) ensure that personnel undertaking these activities are knowledgeable of, and disseminate information on, the United States regulatory safeguards that assure food and environmental safety.

SEC. 729. REFUGEE RESETTLEMENT BURDEN-SHARING.

It is the sense of the Congress that—

(1) the Secretary of State should actively encourage the international community to accept

refugees for resettlement on a more equitable basis;

(2) the Secretary of State should raise the issue of refugee resettlement burdensharing at the United Nations and other multilateral and bilateral meetings;

(3) developed countries should be encouraged to increase the percentage of the world's refugees accepted for resettlement; and

(4) the Secretary of State should encourage developing stable countries in regions with refugee flows to accept for resettlement as many of their neighbors as possible.

SEC. 730. SENSE OF CONGRESS ON CLIMATE CHANGE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of manmade greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (in this section referred to as the "IPCC") has concluded that "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities" and that the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years". The National Academy of Sciences also noted that "because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments upward or downward".

(4) The IPCC has stated that in the last 40 years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) In October 2000, a report of the United States interagency Global Change Research Program found that global climate change may harm the United States by altering crop yields, accelerating sea-level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change (in this section referred to as the "UNFCCC"), the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner".

(7) The UNFCCC stated in part that the Parties to the UNFCCC are to implement policies "with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases" under the principle that "policies and measures . . . should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change".

(8) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases and developing nations' emissions will significantly increase in the future.

(9) The UNFCCC further stated that "developed country Parties should take the lead in combating climate change and the adverse effects thereof", as these nations are the largest historic and current emitters of greenhouse gases. The UNFCCC also stated that "steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas".

(10) Any future, binding treaty on climate change must not result in serious harm to the United States economy, and should not cause the United States to abandon its shared responsibility to help reduce the risks of climate change and its impacts. Future international efforts in this regard should focus on recognizing the equitable responsibilities for addressing climate change by all nations, including commitments by the largest developing country emitters in a future, binding climate change treaty.

(11) While the United States has elected against becoming a party to the Kyoto Protocol to the UNFCCC at this time, it is the position of the United States that it will not interfere with the plans of any nation that chooses to ratify and implement the Kyoto Protocol.

(12) United States businesses need to know how governments worldwide will address the risks of climate change. By committing themselves to reducing their greenhouse gas emissions, leading companies in the United States and worldwide are doing more than addressing the problem of climate change—they are also improving their competitive positioning. More than 30 major corporations, most with operations in the United States, have specifically committed themselves to reducing their greenhouse gas emissions.

(13) The United States benefits from investments in the research, development, and deployment of a range of clean energy and efficiency technologies that can reduce the risks of climate change and its impacts and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should demonstrate international leadership and responsibility in reducing the health, environmental, and economic risks posed by climate change by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, tradable credits for emissions reductions, and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions;

(3) participating in international negotiations, including putting forth a proposal to the Conference of the Parties to the UNFCCC, with the objective of securing United States participation in a future binding treaty on climate change in a manner that protects the economic interests of the United States, is consistent with the environmental objectives of the UNFCCC, and recognizes the shared international responsibility for addressing climate change, including developing country participation; and

(4) establishing a bipartisan observer group of Members of the House of Representatives, designated by the chairman and ranking member of the Committee on International Relations of the House of Representatives, to monitor any international negotiations on climate change.

SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communique of February 16, 2001 that "we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to constructively address migration and labor issues between our two countries.".

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: "The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth.".

(3) On September 7, 2001, during President Fox's historic State Visit to Washington, the United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: "Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell's press conference was summarized

by the State Department as follows: The BNC's migration working group "affirmed our strong commitment to advancing our bilateral migration agenda," he stressed, adding that "there should be no doubt in anyone's mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox."

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

(8) Mexico's state-run oil monopoly, Petróleos Mexicanos (PEMEX), is inefficient, plagued by corruption, and in need of substantial reform and private investment in order to provide sufficient petroleum products to Mexico and the United States to fuel future economic growth which can help curb illegal migration into the United States.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations;

(2) that any accord on migration issues between the United States and Mexico should also include an accord to open Petróleos Mexicanos (PEMEX) to investment by U.S. oil companies and specific steps to reform PEMEX's operations to make them more transparent and efficient; and

(3) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

SEC. 732. SENSE OF CONGRESS CONCERNING UNITED STATES ASSISTANCE TO PALESTINIAN REFUGEES.

The Congress—

(1) recognizes the importance of United States humanitarian assistance to Palestinian refugees as an essential component to the peace process in the Middle East;

(2) acknowledges the hardships endured by many innocent Palestinian refugees in the West Bank and Gaza Strip and in other neighboring countries;

(3) notes that the United Nations High Commission for Refugees (UNHCR) is the international body that seeks to find "lasting solutions" to the plight of refugees throughout the world, with the sole exception of the Palestinians, for whose exclusive benefit a special agency, the United Nations Relief and Works Agency (UNRWA), was established in 1950 and which makes no effort to permanently resettle Palestinian refugees, even those who reside under the jurisdiction of the Palestinian Authority, in order to ensure the perpetuation of the problem of Palestinian refugees;

(4) recognizes that the United States has been the world's leading donor to UNRWA, having provided over $2,500,000,000 to UNRWA since 1950, including the provision of $110,000,000, in fiscal year 2002, and that such organization has provided important humanitarian assistance to the Palestinian people;

(5) notes that the United States contribution to UNRWA is nearly 10 times that of the entire Arab world, and calls on Arab states to assume a greater share of the burden for financing UNWRA;

(6) expresses its outrage over credible reports that UNRWA facilities have been used for terrorist training and bases for terrorist operations, with little attempt by the UNRWA to stop or oppose such attacks or alert relevant law enforcement authorities about such terrorist activities;

(7) expresses deep concern over the textbooks and educational materials used in the UNRWA educational system that promote anti-Semitism, denial of the existence and the right to exist of the state of Israel, and exacerbate stereotypes and tensions between the Palestinians and Israelis;

(8) strongly urges the Secretary General of the United Nations to immediately take steps to comprehensively reform the UNRWA so that it actively works to oppose terrorist attacks and actively works to promote reconciliation and understanding between the Israelis and Palestinians;

(9) strongly urges UNRWA to meet the requirements, in letter and spirit, of section 301(c) of the Foreign Assistance Act of 1961, including by comprehensively ensuring that no UNRWA assistance is rendered to anyone who has been involved with terrorism at any time and that all UNRWA beneficiaries be informed at the earliest possible time, and at regular intervals thereafter, that anyone involved with terrorism thereafter will be ineligible for UNRWA benefits;

(10) strongly urges the Secretary of State to make UNRWA reforms a priority at the United Nations by actively campaigning within the United Nations to support such reforms, including comprehensive and independently verifiable audits of UNRWA activities and educational reform that would remove from the curriculum all textbooks and educational materials that promote hatred of Jews and Israel and denial of Israel's right to exist and replace them with teaching materials that promote Israeli-Palestinian reconciliation and mutual understanding; and

(11) notes the General Accounting Office (GAO) audit required by section 580 of the FY 2003 Foreign Operations Appropriations Act (Public Law 108–7), and strongly encourages the GAO to conduct, as part of this audit, an investigation and inspection of all recent United States assistance to UNRWA to ensure that taxpayer funds are being spent effectively and are not directly or indirectly supporting terrorism, anti-Semitic or anti-Jewish teachings, or the glorification or incitement of violence.

SEC. 733. UNITED STATES POLICY ON WORLD BANK GROUP LOANS TO IRAN.

(a) United States Policy.—The Secretary of State (or a designee), in consultation with the Secretary of the Treasury, shall communicate directly with the governments of countries represented on the decision-making boards and councils of the international financial institutions of the World Bank Group and consistently convey the strong opposition of the United States Government to any further activity in Iran by the international financial institutions of the World Bank Group.

(b) Reports.—Not later than 90 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit a report on the efforts of the Secretary to carry out subsection (a) to the chairman and ranking minority member of the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) World Bank Group Defined.—As used in this section, the term "World Bank Group" means the International Bank for Reconstruction and Development, the International Development Association, the International Financial Corporation, and the Multilateral Investment Guaranty Agency.

SEC. 734. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS IN KAZAKHSTAN.

(a) Findings.—Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world's second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.

(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.

(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world's fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and became an example of responsible nonproliferation of such weapons.

(6) Kazakhstan is also doing its best to help those who were exposed to the horrific nuclear experiments of the 20th century but it faces daunting challenges.

(b) Sense of Congress.—It is the sense of Congress that the Secretary of State should work to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

SEC. 735. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.

The Congress—

(1) recalls that Article 4 of the United Nations Declaration on the Elimination of Violence Against Women (20 December 1993) outlines that states should condemn violence against women and should not invoke any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination;

(2) recalls that Chapter 4, Section 125, of the Beijing Declaration and Platform for Action, Fourth World Conference on Women (15 September 1995) states that governments condemn violence against women and refrain from invoking any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;

(3) recalls that the United States has supported both the United Nations Declaration on the Elimination of Violence and the Beijing Declaration and Platform for Action; and

(4) reinforces the position of the United States that the United States condemns violence against women and refrains from invoking any custom, tradition, or religious consideration to avoid this nation's obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women.

DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Defense Trade and Security Assistance Reform Act of 2003".

SEC. 1002. DEFINITIONS.

Except as otherwise provided, in this division:

(1) Defense articles.—The term "defense articles" has the meaning given the term in section 47(7)(A) of the Arms Export Control Act (as amended by section 1107(d) of this Act).

(2) Defense services.—The term "defense services" has the meaning given the term in section 47(7)(B) of the Arms Export Control Act (as amended by section 1107(d) of this Act).

(3) Dual use.—The term "dual use" means, with respect to goods or technology, those goods or technology that are specifically designed or

developed for civil purposes but which also may be used or deployed in a military mode.

(4) Export Administration Regulations.—The term "Export Administration Regulations" means those regulations contained in sections 730–774 of title 15, Code of Federal Regulations (or successor regulations).

(5) Good.—The term "good" has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(6) International Traffic in Arms Regulations.—The term "International Traffic in Arms Regulations" means those regulations contained in sections 120–130 of title 22, Code of Federal Regulations (or successor regulations).

(7) Missile Technology Control Regime; MTCR.—The term "Missile Technology Control Regime" or "MTCR" has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(8) Missile Technology Control Regime Annex; MTCR Annex.—The term "Missile Technology Control Regime Annex" or "MTCR Annex" has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(9) Operation Iraqi Freedom.—The term "Operation Iraqi Freedom" means operations of United States Armed Forces, the armed forces of the United Kingdom, and the armed forces of other coalition member countries initiated on or about March 19, 2003—

(A) to disarm Iraq of its weapons of mass destruction;

(B) to enforce United Nations Security Council Resolution 1441 (November 8, 2002) and other relevant Security Council resolutions with respect to Iraq; and

(C) to liberate the people of Iraq from the regime of Saddam Hussein.

(10) Technology.—The term "technology" has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

SEC. 1003. REFERENCES TO ARMS EXPORT CONTROL ACT.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

TITLE XI—TERRORIST-RELATED PROHIBITIONS AND ENFORCEMENT MEASURES

SEC. 1101. ELIGIBILITY PROVISIONS.

(a) Ineligibility for Terrorist Related Transactions.—Section 3(c)(1) (22 U.S.C. 2753(c)(1)) is amended—

(1) in each of subparagraphs (A) and (B), by striking "or any predecessor Act," and inserting ", any predecessor Act, or licensed or approved under section 38 of this Act, to carry out a transaction with a country, the government of which the Secretary of State has determined is a state sponsor of international terrorism for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such defense articles or defense services"; and

(2) by adding at the end the following:

"(C) In this section, the term 'transaction' means the taking of any action, directly or indirectly, by a foreign country that would be a transaction prohibited by section 40 of this Act with respect to the United States Government and United States persons.".

(b) Reporting Requirement.—Section 3(e) (22 U.S.C. 2753(e)) is amended by inserting after "the Foreign Assistance Act of 1961," the following: "regardless of whether the article or service has been sold or otherwise furnished by the United States Government or licensed under section 38 of this Act,".

SEC. 1102. WEAPONS TRANSFERS TO FOREIGN PERSONS IN THE UNITED STATES.

Section 38(a)(1) (22 U.S.C. 2778(a)(1)) is amended in the first sentence by inserting after "import and the export of defense articles and defense services" the following: ", or the transfer of such articles, other than firearms (or ammunition, components, parts, accessories, or attachments for firearms), and services within the United States to foreign persons,".

SEC. 1103. COORDINATION OF LICENSE EXEMPTIONS WITH UNITED STATES LAW ENFORCEMENT AGENCIES.

(a) Sense of Congress.—In view of the historic difficulties in the enforcement of the Arms Export Control Act (22 U.S.C. 2751 et seq.) associated with violations involving exports of defense articles and defense services that have been exempted by regulation from the licensing requirements of section 38 of such Act, it is the sense of Congress that the establishment of new exemptions by regulation should only be undertaken after careful coordination with the appropriate United States law enforcement agencies.

(b) Amendment.—Section 38(b)(2) (22 U.S.C. 2778(b)(2)) is amended by adding at the end the following new sentences: "In promulgating regulations under subsection (a)(1) in accordance with the preceding sentence, any provision in such regulations that permits the export of defense articles or defense services without a license shall include a determination by the Attorney General, in consultation with the Secretary of Homeland Security and the Director of the Federal Bureau of Investigation, that the compilation and maintenance of sufficient documentation relating to the export without a license of the articles or services is ensured, notwithstanding the absence of a license, to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this section, section 39, or section 40 of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire defense articles and defense services. No defense article or defense service designated by the President under subsection (a)(1) may be exported without a license pursuant to a regulation under subsection (a)(1) that is promulgated on or after January 1, 2003, until 30 days after the date on which the President provides notice of the proposed regulation to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961, including a description of the criteria that would be used to permit the export of the article or service and any measures to facilitate law enforcement efforts associated with the Attorney General's determination required by the preceding sentence.".

SEC. 1104. MECHANISMS TO IDENTIFY PERSONS IN VIOLATION OF CERTAIN PROVISIONS OF LAW.

Section 38(g)(1)(A) (22 U.S.C. 2778(g)(1)(A)) is amended—

(1) in clause (iii)—

(A) by striking "or section 2339A" and inserting ", section 2339A"; and

(B) by inserting at the end before the comma the following: ", or section 2339C of such title (relating to financing terrorism)";

(2) in clause (x), by striking "or" at the end;

(3) in clause (xi), by striking the semicolon at the end and inserting a comma; and

(4) by adding at the end the following:

"(xii) subclause (I) or (II) of section 1956(c)(7)(B)(v) of title 18, United States Code;

"(xiii) section 329 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001;

"(xiv) section 5332 of title 31, United States Code;

"(xv) section 1960 of title 18, United States Code;

"(xvi) section 175(b), 175b, 1993, 2339 of title 18, United States Code;

"(xvii) section 2332a, 2332b, or 2332f of title 18, United States Code; or

"(xviii) section 175 of title 18, United States Code;".

SEC. 1105. COMPREHENSIVE NATURE OF UNITED STATES ARMS EMBARGOES.

(a) Findings; Sense of Congress.—

(1) Findings.—Congress finds that—

(A) governments to which the United States Government prohibits by law or policy the transfer of implements of war, including material, components, parts, and other defense articles and defense services (as defined in paragraphs (3) and (4) of section 47 of the Arms Export Control Act, respectively) continue to seek to evade these embargoes through increasingly sophisticated illegal acquisitions via the "international gray arms market" and by seeking to exploit weaknesses in the export control system of the United States and its friends and allies; and

(B) the strict and comprehensive application of arms embargoes referred to in subparagraph (A) including those embargoes established by the United Nations Security Council is of fundamental importance to the security and foreign policy interests of the United States.

(2) Sense of Congress.—It is the sense of Congress that the United States Government should continue to provide a leadership role internationally in ensuring the effectiveness of arms embargoes referred to in paragraph (1).

(b) Scope of Embargoes.—Section 38 (22 U.S.C. 2778) is amended by adding at the end the following:

"(k) Whenever the United States maintains an arms embargo pursuant to United States law, or through public notice by the President or Secretary of State pursuant to the authorities of this Act, no defense article or defense service subject to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations') and no dual use good or technology subject to sections 730–774 of title 15, Code of Federal Regulations (commonly known as the 'Export Administration Regulations') shall be sold or transferred to the military, police, or intelligence services of the embargoed government, including any associated governmental agency, subdivision, entity, or other person acting on their behalf, unless, at a minimum and without prejudice to any additional requirements established in United States law or regulation, the Secretary of State and the Secretary of Defense have concurred in the sale or transfer through issuance of a license.".

(c) Establishment of Controls.—The Secretary shall consult with the Secretary of Commerce to ensure the establishment of appropriate foreign policy and national security controls and license requirements under the Export Administration Regulations in order to ensure the effective implementation of section 38(k) of the Arms Export Control Act, as added by subsection (b).

(d) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that describes the actions taken to implement the requirements of subsection (c).

SEC. 1106. TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

Section 40(l)(1) (22 U.S.C. 2780(l)(1)) is amended by striking "any item enumerated on the United States Munitions List" and inserting "a defense article or defense service (as defined in subparagraph (A) or (B) of section 47(7), respectively), an item enumerated on the United States Munitions List (as designated by the President pursuant to section 38(a)), or any other activity for which a license or other approval is required pursuant to the regulations promulgated under subsection (a)(1)''.

SEC. 1107. AMENDMENTS TO CONTROL OF ARMS EXPORTS AND IMPORTS.

(a) Revision of Standard for Violation; Amount of Penalties.—Section 38(c) (22 U.S.C. 2778(c)) is amended—

(1) by striking ''willfully'' each place it appears and inserting ''knowingly'';

(2) by striking ''this section or section 39'' and inserting ''this section, section 39, or section 40''; and

(3) by striking ''$1,000,000'' and inserting ''$1,000,000 (in the case of a violation of this section or section 39), $2,000,000 (in the case of a violation involving any country covered by section 40), and $1,500,000 (in the case of a violation involving any country other than a country covered by section 40 that is subject by United States law or policy to an arms embargo)''.

(b) Civil Penalties.—Section 38(e) (22 U.S.C. 2778(e)) is amended in the third sentence by striking ''under this section may not exceed $500,000'' and inserting ''or any other activities subject to control under this section, section 39, or section 40, may not exceed $500,000 for each violation of section 38 or section 39, $1,000,000 for each violation involving any country covered by section 40, and $750,000 for each violation relating to an arms embargo (other than a violation covered by section 40)''.

(c) Revision of Standard for Violation; Criminal Penalty; Civil Penalties; Enforcement.—Section 40 (22 U.S.C. 2780) is amended—

(1) in subsection (j)—

(A) by striking ''willfully'' and inserting ''knowingly''; and

(B) by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(2) in subsection (k), by striking ''$500,000'' and inserting ''$1,000,000''.

(d) Definitions.—Section 47(7) (22 U.S.C. 2794(7)) is amended to read as follows:

''(7)(A) 'defense articles', with respect to exports subject to sections 38, 39, and 40 of this Act, has the meaning given such term in sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations'), as such regulations were in effect on January 1, 2003, and includes such additional articles as may be designated by the President under section 38(a)(1); and

''(B) 'defense services', with respect to exports subject to sections 38, 39, and 40 of this Act, has the meaning given such term in sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations'), as such regulations were in effect on January 1, 2003, and includes—

''(i) the provision of assistance (including aiding, abetting, or training) to foreign persons; and

''(ii) such other activities as may be designated by the President pursuant to section 38(a)(1).''.

SEC. 1108. HIGH RISK EXPORTS AND END USE VERIFICATION.

Section 38(g)(7) (22 U.S.C. 2778) is amended by adding at the end the following new sentence: ''Such standards shall be coordinated biennially with the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, and the heads of other Federal departments or agencies, as appropriate.''.

SEC. 1109. CONCURRENT JURISDICTION OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) Sense of Congress.—It is the sense of Congress that, in view of the responsibilities of the Federal Bureau of Investigation for protecting the United States against terrorist attack, foreign intelligence operations, high technology crimes, and transnational criminal organizations and enterprises, the Federal Bureau of Investigation should be provided authority to investigate and enforce violations of the Arms Export Control Act without adversely affecting the existing authority of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(b) Copy of Registration.—Section 38(b)(1) (22 U.S.C. 2778(b)) is amended—

(1) by redesignating the second subparagraph (B) as subparagraph (C); and

(2) in subparagraph (B)—

(A) in the first sentence, by inserting ''and the Director of the Federal Bureau of Investigation'' after ''Secretary of Treasury''; and

(B) in the second sentence, by inserting ''and the Director'' after ''The Secretary''.

(c) Jurisdiction of FBI and Bureau of Customs.—Section 38(e) (22 U.S.C. 2778(e)) is amended in the first sentence by adding at the end before the period the following: '', and except further, that the Federal Bureau of Investigation and the Bureau of Customs and Border Protection of the Department of Homeland Security shall have concurrent jurisdiction for criminal violations and enforcement of this Act''.

(d) Mechanisms To Identify Persons in Violation of Certain Provisions of Law.—Section 38(g) (22 U.S.C. 2778(g)) is amended in the second sentence of paragraph (3), in paragraph (4), and in paragraph (8) by inserting ''and the Director of the Federal Bureau of Investigation'' after ''Secretary of Treasury''.

SEC. 1110. REPORT ON FOREIGN-SUPPLIED DEFENSE ARTICLES, DEFENSE SERVICES, AND DUAL USE GOODS AND TECHNOLOGY DISCOVERED IN IRAQ.

(a) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and on annual basis thereafter as appropriate, the President shall prepare and transmit to the congressional committees specified in paragraph (2) a written report on foreign-supplied defense articles, defense services, and dual use goods and technology supplied to Iraq since the adoption of United Nations Security Council Resolution 687 (April 3, 1991) and discovered in Iraq since the inception of Operation Iraqi Freedom or identified as having been in Iraq at any time since April 3, 1991, and not destroyed or otherwise accounted for by the United Nations Special Commission (UNSCOM) or the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC).

(2) Congressional committees specified.—The congressional committees referred to in paragraph (1) are—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(b) Contents.—The report required by subsection (a) shall include information on defense articles, defense services, and dual use goods and technology discovered in accordance with such subsection, including a description of such articles, services, and goods and technology by category or type, quantity, country of origin (if known), manufacturer (if known), date of acquisition (if known), and, in the case of dual use goods and technology, the use or intended use or deployment (if known) and whether the goods or technology are covered by any arms control agreement or nonproliferation arrangement to which the United States is a party.

(c) Form.—The report required by subsection (a) shall be transmitted in unclassified form to the maximum extent practicable, but may contain a classified annex if necessary.

TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS

SEC. 1201. CONTROL OF ITEMS ON MISSILE TECHNOLOGY CONTROL REGIME ANNEX.

(a) Sense of Congress.—It is the sense of Congress that all proposals to export or transfer to foreign persons by other means, whether in the United States or abroad, and any other activities subject to regulation under section 38, 39, or 40 of the Arms Export Control Act, relating to items on the Missile Technology Control Regime Annex, should be accorded stringent control and scrutiny consistent with the purposes of section 71 of the Arms Export Control Act (22 U.S.C. 2797).

(b) Control of Items on MTCR Annex.—The Secretary, in coordination with the Secretary of Commerce, the Attorney General, and the Secretary of Defense, shall ensure that all items on the MTCR Annex are subject to stringent control by the United States Government pursuant to the International Traffic in Arms Regulations and the Export Administration Regulations.

(c) Certification.—Not later than March 1 of each year, the Secretary, in coordination with the Secretary of Commerce, the Attorney General and the Secretary of Defense, shall prepare and submit to the appropriate congressional committees a report that contains—

(1) a certification that the requirement of subsection (b) has been met for the prior year, or if the requirement has not been met, the reasons therefor; and

(2) a description of the updated coverage, if any, of the regulations referred to in subsection (b) with respect to all items on the MTCR Annex and an explanation of any areas of overlap or omissions, if any, among the regulations.

SEC. 1202. CERTIFICATIONS RELATING TO EXPORT OF CERTAIN DEFENSE ARTICLES AND SERVICES.

Section 36(c) (22 U.S.C. 2776(c)) is amended—

(1) in the first sentence of paragraph (1), by inserting after ''$1,000,000 or more'' the following: '', or, notwithstanding section 27(g) of this Act, for any special comprehensive authorization under sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations') for the export of defense articles or defense services in an aggregate amount of $100,000,000 or more'';

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B); and

(3) in the matter preceding subparagraph (A) of paragraph (5), by inserting ''or paragraph (2)'' after ''paragraph (1)''.

SEC. 1203. NOTIFICATION REQUIREMENTS FOR TECHNICAL ASSISTANCE AND MANUFACTURING LICENSING AGREEMENTS WITH NATO MEMBER COUNTRIES, AUSTRALIA, NEW ZEALAND, AND JAPAN.

Section 36(d) (22 U.S.C. 2776(d)) is amended by adding at the end the following:

''(6) In the case of a commercial technical assistance or manufacturing license agreement with a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the requirements contained in paragraphs (2) and (4) shall apply only if—

''(A) the agreement involves—

''(i) major defense equipment in the amount of $7,000,000 or more; or "(ii) significant military equipment in the amount of $25,000,000 or more; and

"(B) the amount referred to in clause (i) or (ii) of subparagraph (A), as the case may be, includes the estimated value of all defense articles and defense services to be manufactured or transferred throughout the duration of the approval period.".

SEC. 1204. STRENGTHENING DEFENSE COOPERATION WITH AUSTRALIA AND THE UNITED KINGDOM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expeditious consideration of munitions license applications that meet the policy and eligibility criteria established in section 38 of the Arms Export Control Act (22 U.S.C. 2778) for export or transfer of defense items (as such term is defined in subsection (j)(4)(A) of such section) to Australia and the United Kingdom is fully consistent with United States security and foreign policy interests and the objectives of world peace and security.

(b) ESTABLISHMENT OF FAST TRACK MUNITIONS LICENSING FOR AUSTRALIA AND THE UNITED KINGDOM.—Section 38(f) (22 U.S.C. 2778(f)) is amended by adding at the end the following:

"(4) In the absence of a binding bilateral agreement with the Government of Australia or the Government of the United Kingdom (as the case may be) that meets the requirements of paragraph (2) and subsection (j), the Secretary of State shall ensure that any application submitted under this section for the export of defense items to Australia or the United Kingdom (as the case may be) that meets all other requirements of this section (including requirements relating to eligibility of parties to the transaction, the absence of risk of diversion to unauthorized end use and end users, and preservation of United States intelligence and law enforcement interests), and which are also transactions involving defense items that would be exempt pursuant to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations') from export licensing or other written approvals if such items were items to be exported to Canada, are processed by the Department of State not later than ten days after the date of receipt of the application without referral to any other Federal department or agency, except on an extraordinary basis upon receipt of a written request from the Attorney General, the Secretary of Homeland Security, the Director of Central Intelligence, or the Secretary of Defense.".

SEC. 1205. TRAINING AND LIAISON FOR SMALL BUSINESSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it is increasingly important that the Secretary, in administering the licensing, registration, compliance, and other authorities contained in section 38 of the Arms Export Control Act (22 U.S.C. 2778), should provide up-to-date training and other educational assistance to small businesses in the United States aerospace and defense industrial sector.

(b) SMALL BUSINESS LIAISON.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall designate, within the Office of Defense Trade Controls of the Department of State, a coordinator for small business affairs. The coordinator shall serve as a liaison for small businesses in the United States aerospace and defense industrial sector with respect to licensing and registration requirements in order to facilitate the compliance and other forms of participation by such small businesses in the United States munitions control system, including by providing training, technical assistance, and through other efforts as may be appropriate.

SEC. 1206. STUDY AND REPORT RELATING TO CO-LOCATING MUNITIONS CONTROL FUNCTIONS OF THE DEPARTMENTS OF STATE, DEFENSE, AND HOMELAND SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the administrative, licensing, and compliance-related functions associated with the export of defense articles and defense services under section 38 of the Arms Export Control Act (22 U.S.C. 2778), which are generally administered by the Department of State in conjunction with the Department of Homeland Security and the Department of Defense, should be expedited consistent with United States security, law enforcement, and foreign policy requirements by a reduction in the those matters necessitating inter-agency referral outside of the Department of State, or by co-locating related functions of the Department of Homeland Security and the Department of Defense with those functions of the Department of State in order to minimize the time and administrative tasks to government and industry involved in inter-agency referrals, while also providing a convenient, central location for United States defense companies, especially small businesses.

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Defense, and through the Federal advisory committee structure with the public, shall conduct a study to examine the relative advantages and disadvantages to the United States Government, the United States defense industry, including United States small businesses, and to other public constituencies of co-locating relevant functions and personnel of the Department of State, the Department of Homeland Security, and the Department of Defense with the Office of Defense Trade Controls of the Department of State at a central location convenient to the public and United States defense industry, without prejudice to the responsibilities and prerogatives of the Secretary, the Secretary of Homeland Security, and the Secretary of Defense under existing law.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains the results of study conducted under paragraph (1).

TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS

Subtitle A—Foreign Military Sales and Financing Authorities

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section $4,414,000,000 for fiscal year 2004.

SEC. 1302. PROVISION OF CATALOGING DATA AND SERVICES.

Section 21(h)(2) (22 U.S.C. 2761(h)(2)) is amended by striking "or to any member government of that Organization if that Organization or member government" and inserting ", to any member of that Organization, or to the Governments of Australia, New Zealand, or Japan if that Organization, member government, or the Governments of Australia, New Zealand, or Japan".

SEC. 1303. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25(a)(1) (22 U.S.C. 2765(a)(1)) is amended by inserting after "$7,000,000 or more" the following "(or, in the case of a member country of the North Atlantic Treaty Organization (NATO), Australia, New Zealand, or Japan, $25,000,000 or more)".

SEC. 1304. ADJUSTMENT TO ADVANCE NOTIFICATION REQUIREMENT FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.

Section 516(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i) is amended by striking "significant military equipment (as defined in section 47(9) of the Arms Export Control Act)" and inserting "major defense equipment (as defined in section 47(6) of the Arms Export Control Act)".

Subtitle B—International Military Education and Training

SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President $91,700,000 for fiscal year 2004 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

SEC. 1312. ANNUAL FOREIGN MILITARY TRAINING REPORTING.

Section 656(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)(1)) is amended—

(1) by striking "January 31" and inserting "March 1"; and

(2) by striking "and all such training proposed for the current fiscal year".

Subtitle C—Assistance for Select Countries

SEC. 1321. ASSISTANCE FOR ISRAEL.

Section 513 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

(1) in subsection (b)(1), by striking "2002 and 2003" and inserting "2003 through 2005";

(2) in subsection (c)(1), by striking "2002 and 2003" and inserting "2003 through 2005";

(3) in subsection (c)(3)—

(A) by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2004 and 2005";

(B) by striking "fiscal year 2002" and inserting "fiscal year 2004"; and

(C) by striking "fiscal year 2003, or" and inserting "fiscal year 2005, or"; and

(4) in subsection (c)(4)—

(A) by striking "2002 and 2003" and inserting "2003 through 2005"; and

(B) by striking "$535,000,000 for fiscal year 2002" and all that follows through "fiscal year 2003" and inserting "$550,000,000 for fiscal year 2003, not less than $565,000,000 for fiscal year 2004, and not less than $580,000,000 for fiscal year 2005".

SEC. 1322. ASSISTANCE FOR EGYPT.

Section 514 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

(1) by striking "2002 and 2003" each place it appears and inserting "2003 through 2005"; and

(2) in subsection (e)—

(A) by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2004 and 2005";

(B) by striking "fiscal year 2002" and inserting "fiscal year 2004"; and

(C) by striking "fiscal year 2003, or" and inserting "fiscal year 2005, or".

Subtitle D—Miscellaneous Provisions

SEC. 1331. UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking "for fiscal year 2003" and inserting "for each of fiscal years 2003 and 2004"; and

(2) in subparagraph (B), by striking "for fiscal year 2003" and inserting "for each of fiscal years 2003 and 2004".

SEC. 1332. TRANSFER TO ISRAEL OF CERTAIN DEFENSE ARTICLES IN THE UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

(a) AUTHORIZATION.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary, defense articles, *including armor, artillery, ammunition for automatic weapons, missiles, and other munitions that are—*

(1) obsolete or surplus items;

(2) in the inventory of the Department of Defense;

(3) intended for use as reserve stocks in Israel; and

(4) are located in a stockpile in Israel as of the date of enactment of this Act.

(b) Concessions.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Advance Notification of Transfer.—

(1) In general.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit a notification describing the items to be transferred to Israel and the concessions to be received by the United States to the congressional committees specified in paragraph (2).

(2) Congressional committees specified.—The congressional committees referred to in paragraph (1) are—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(d) Expiration of Authority.—No transfer may be made under the authority of this section following the expiration of the five-year period beginning on the date of enactment of this Act.

SEC. 1333. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.

Section 65 (22 U.S.C. 2796d) is amended—

(1) in subsection (a)(1), by inserting "or a friendly foreign country" after "ally" each place such term appears; and

(2) in subsection (d) to read as follows:

"(d) For purposes of this section—

"(1) the term 'NATO ally' means a member country of the North Atlantic Treaty Organization (other than the United States); and

"(2) the term 'friendly foreign country' means any non-NATO member country determined by the President to be eligible for a cooperative project agreement with the United States pursuant to section 27(j) of this Act.".

SEC. 1334. ASSISTANCE FOR DEMINING AND RELATED ACTIVITIES.

(a) Assistance.—The Secretary is authorized to provide grants to, or enter into contracts or cooperative agreements with, public-private partnerships for the purpose of establishing and carrying out demining, clearance of unexploded ordnance, and related activities in foreign countries.

(b) Limitation.—Except as otherwise provided, the total amount provided on a grant basis to public-private partnerships under subsection (a) for a fiscal year may not exceed $450,000.

(c) Funding.—Amounts made available to carry out "Nonproliferation, Anti-Terrorism, Demining, and Related Programs" for fiscal year 2004 are authorized to be made available to carry out this section.

SEC. 1335. REPORTS RELATING TO TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.

The President shall submit to the Committee on International Relations of the House of Representatives all reports submitted to the Committee on Foreign Relations pursuant to section 2 of the Senate Resolution of Ratification to Accompany Treaty Document 107–8, Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions.

SEC. 1336. STATEMENT OF HOUSE OF REPRESENTATIVES REGARDING THE TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.

The House of Representatives—

(1) concurs with the declarations of the Senate in section 3 of the Resolution of Ratification to Accompany Treaty Document 107–8, Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions;

(2) encourages the President to continue strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States;

(3) urges the President to engage the Russian Federation with the objectives of establishing cooperative measures to give each party to the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions improved confidence regarding the accurate accounting and security of nonstrategic nuclear weapons maintained by the other party; and

(4) encourages the President to accelerate United States strategic force reductions, to the extent feasible and consistent with the treaty, in order that the reductions required by Article I of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions may be achieved prior to December 31, 2012.

SEC. 1337. NONPROLIFERATION AND DISARMAMENT FUND.

(a) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the President to carry out section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854; relating to the "Nonproliferation and Disarmament Fund") $60,000,000 for each of the fiscal years 2004 and 2005.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) Nonproliferation of Highly Enriched Uranium.—

(1) Findings.—Congress finds the following:

(A) Highly enriched uranium is the most likely source material for terrorist or other outlaw organizations that seek to acquire a nuclear weapon.

(B) Such organizations are not likely to produce this source material on their own, but will instead look to divert highly enriched uranium from some of the many vulnerable stockpiles in numerous facilities around the world.

(C) There is a need for a coordinated United States Government initiative to secure and dispose of highly enriched uranium stockpiles in these vulnerable facilities around the world.

(D) The Nonproliferation and Disarmament Fund (NDF) is a unique and flexible entity that is well-suited to carry out the initiative described in subparagraph (C), in cooperation with other Federal departments and agencies, including the Department of Energy.

(2) Initiative.—The Secretary of State is authorized to establish and carry out an initiative to secure and dispose of highly enriched uranium stockpiles in foreign countries, including the provision of such assistance as may be required to secure host country cooperation under the initiative.

(3) Authorization of appropriations.—Of the amounts made available to carry out section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) for fiscal years 2004 and 2005, there are authorized to be appropriated to the Secretary to carry out paragraph (2) $25,000,000 for each such fiscal year.

SEC. 1338. MARITIME INTERDICTION PATROL BOATS FOR MOZAMBIQUE.

(a) In General.—Of the amounts made available to carry out section 23 of the Arms Export Control Act for fiscal year 2004, there is authorized to be appropriated $1,000,000 for refurbishment, delivery, operational training, and related costs associated with the provision of not more than four excess coastal patrol boats to the Government of Mozambique for maritime patrol and interdiction activities.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until September 30, 2006.

SEC. 1339. REPORT ON MISSILE DEFENSE COOPERATION.

Not later than December 31, 2003, and December 31, 2004, the Secretary of State shall submit to the appropriate congressional committees a report on cooperative efforts that have been undertaken by the United States with foreign governments to foster the development and deployment of defenses against missile attack. Such report shall include a detailed description of such efforts on a country-by-country basis, and may be submitted in classified and unclassified form, as appropriate.

SEC. 1340. IRAN'S PROGRAM TO DEVELOP A NUCLEAR EXPLOSIVE DEVICE.

(a) Findings.—Congress finds the following:

(1) Iran, as a party to the Treaty on the Non-Proliferation of Nuclear Weapons, has legally forsworn developing or acquiring nuclear weapons.

(2) Iran has for more than a decade pursued a program aimed at the development of a nuclear explosive device.

(3) Director of Central Intelligence George Tenet has repeatedly warned of Iran's clandestine efforts to acquire weapons of mass destruction, stating as recently as February 11, 2003, in testimony before Congress that "Iran is continuing to pursue development of a nuclear fuel cycle for civilian and nuclear weapons purposes . . . [and further that] Tehran may be able to indigenously produce enough fissile material for a nuclear weapon" within this decade.

(4) On March 17, 2003, Dr. el Baradei, Director General of the International Atomic Energy Agency (IAEA), called on Iran to agree to a more intrusive monitoring regime at its nuclear sites and demanded that Iran, which is a signatory to the Nuclear Non-Proliferation Treaty, agree to an "additional protocol" under the IAEA's nuclear inspection rights, which would enable more intrusive monitoring.

(5) In early 2003 Iran announced plans to mine its own natural uranium and admitted constructing two nuclear facilities, one a gas centrifuge uranium enrichment facility and the other a heavy water production plant.

(6) A uranium enrichment facility would give Iran the capability to indigenously produce nuclear-weapons grade uranium. Further, heavy water is used in reactors that not only produce weapons-grade plutonium, but also tritium, a key ingredient in boosted-fission weapons.

(7) At the same time, Iran has been developing long-range missiles that could deliver nuclear explosive devices. Director of Central Intelligence Tenet has warned that Iran could flight test an intercontinental ballistic missile later this decade.

(8) Iran has received considerable assistance in its nuclear program and in its missile development program from the Russian Federation, the People's Republic of China, and North Korea.

(9) Congress has long been seized with finding ways to deter or delay Iran's acquisition or development of such deadly weapons, including

through the enactment of the Iran-Iraq Arms Non-Proliferation Act of 1992, the Iran Libya Sanctions Act of 1996, the Iran Non-Proliferation Act of 2000, and the Iran Nuclear Proliferation Prevention Act of 2002.

(10) Successive Administrations have similarly sought to deter or delay Iran's acquisition or development of such weapons by such measures as elevating Iran's proliferation behavior in bilateral relations with the Russian Federation and the People's Republic of China, sanctioning entities of the Russian Federation providing technology or expertise to Iran's nuclear and missile programs, and urging multilateral export control regimes to deny sensitive technology to proliferators like Iran.

(11) President Bush included Iran as one of the countries that comprise the "axis of evil" in his January 2002 State of the Union Address because of its efforts to develop weapons of mass destruction and its support of international terrorism. Iran has been the principle supporter and supplier to Hizballah in southern Lebanon, Hamas, and Islamic Jihad. Further, the leaders of Iran have publicly called for the destruction of the State of Israel.

(12) A nuclear-armed Iran would pose a grave threat to the national security of the United States and to our allies in the region.

(b) STATEMENT OF POLICY.—Congress—

(1) finds that Iran's support of terrorism and its efforts to develop nuclear weapons are a grave threat to the national security of the United States and its allies and to the United States Armed Forces;

(2) declares that the United States and our friends and allies must make maximum efforts to prevent Iran from developing or acquiring nuclear weapons and the missiles to deliver them;

(3) urges the President to use all appropriate means to prevent Iran from gaining such capabilities;

(4) urges the International Atomic Energy Agency (IAEA) to employ the full range of its inspection authorities to ensure that Iran's nuclear program is used for peaceful purposes only;

(5) encourages Iran to sign and ratify the new nuclear safeguards protocol, the "Model Additional Protocol (INFCIRC/540-Corr)" to the Treaty on the Non-Proliferation of Nuclear Weapons, which would demonstrate Iran's commitment to sharing information about its nuclear program with the IAEA and the international community and to full disclosure and transparency about its nuclear program; and

(6) urges the United States resident representative to the IAEA to work with the Board of Governors of the IAEA on guidelines for early identification of noncompliance with the Nuclear Non-Proliferation Treaty.

TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

SEC. 1401. SHORT TITLE.

This title may be cited as the "Missile Threat Reduction Act of 2003".

Subtitle A—Strengthening International Missile Nonproliferation Law

SEC. 1411. FINDINGS.

Congress makes the following findings:

(1) The spread of offensive ballistic missiles suitable for launching nuclear, chemical, and biological warheads is accelerating across the globe.

(2) According to the Carnegie Endowment for International Peace, more than 25 countries possess missiles with ranges in excess of 300 kilometers and capable of delivering a nuclear warhead.

(3)(A) Many of the countries now possessing such missiles, and engaging in the sale and transfer of such missiles and their production technology to other countries, are directly hostile to the United States, its interests, and its allies.

(B) Of particular concern in this regard is North Korea, which regularly sells ballistic missiles and technology to countries in regions of instability and concern to the United States.

(4) The Central Intelligence Agency has stated in its most recent report on the foreign ballistic missile threat the following:

"Emerging ballistic missile states continue to increase the range, reliability, and accuracy of the missile systems in their inventories—posing ever greater risks to U.S. forces, interests, and allies throughout the world. A decade ago, U.S. and allied forces abroad faced threats from SRBM's [Short Range Ballistic Missiles]—primarily the Scud and its variants. Today, countries have deployed or are on the verge of deploying MRBM's [Medium Range Ballistic Missiles], placing greater numbers of targets at risk.

"Proliferation of ballistic missile-related technologies, materials, and expertise—especially by Russian, Chinese, and North Korean entities—has enabled emerging missile states to accelerate the development timelines for their existing programs, acquire turnkey systems to gain previously non-existent capabilities—in the case of the Chinese sale of the M-11 SRBM to Pakistan—and lay the groundwork for the expansion of domestic infrastructures to potentially accommodate even more capable and longer range future systems.".

(5) The same CIA report also noted the following: "North Korea has assumed the role as the missile and manufacturing technology source for many programs. North Korean willingness to sell complete systems and components has enabled other states to acquire longer range capabilities earlier than otherwise would have been possible—notably the sale of the No Dong MRBM to Pakistan. The North also has helped countries to acquire technologies to serve as the basis for domestic development efforts—as with Iran's reverse-engineering of the No Dong in the Shahab-3 program. Meanwhile, Iran is expanding its efforts to sell missile technology.".

(6) Since 1987, 33 countries have committed to abide by a voluntary set of guidelines known as the Missile Technology Control Regime (MTCR), whereby adherents agreed to refrain from the transfer to nonadherents of certain categories of whole missiles, their constituent parts, and the facilities to manufacture them, especially "Category I" missiles, which at a range of 300 kilometers or more and a payload capacity of 500 kilograms or more are especially suited for delivering nuclear weapons.

(7) In October 2002, 93 countries committed to observe a nonbinding code of conduct derived from, but less restrictive than, the nonbinding MTCR. While this is a welcome achievement, it does not provide a legal obligation on its adherents to refrain from the trade in missiles or missile technology.

(8) On December 10, 2002, the White House released its "National Strategy to Combat Weapons of Mass Destruction", wherein it is stated that strengthening international nonproliferation controls on weapons of mass destruction (WMD) and upon the missiles that can deliver them is the second of three principal pillars of the National Strategy. The National Strategy also states that "effective interdiction is a critical part of the U.S. strategy to combat WMD and their delivery means".

(9) On December 11, 2002, the United States took control of an unflagged freighter that was attempting clandestinely to ship, from North Korea to Yemen, SCUD missiles of a type that would be generally prohibited from transfer as Category I missiles.

(10) Neither North Korea nor Yemen is an adherent to the MTCR guidelines, which in any case are not legally binding, and there is no binding international legal instrument that would prohibit shipments of the missiles referred to in paragraph (9).

(11) At Yemen's request, the United States released the shipment of North Korean Scud missiles to Yemen.

(12) Also on December 11, 2002, the White House press spokesman stated that existing international law regarding halting the spread of missile proliferation could be strengthened. The new National Strategy to Combat Weapons of Mass Destruction also commits the United States to support those regimes that are currently in force, and to work to improve the effectiveness of, and compliance with, those regimes, and identifies the MTCR as a regime that the United States will seek to strengthen.

(13) Secretary of Defense Donald Rumsfeld, testifying on February 12, 2003, before the Committee on Armed Services of the Senate, stated the following: "...[I]t's pretty clear that the proliferation regimes that exist in the world worked pretty well before, [but] they're not working very well right now.... [U]nless the world wakes up and says this is a dangerous thing and creates a set of regimes that will in fact get cooperation to stop those weapons, we're going to be facing a very serious situation in the next five years.".

(14) The MTCR has made an invaluable contribution to restraint in the international trade of offensive ballistic missiles. Strengthening international controls on ballistic missiles, however, will require a dramatic expansion of adherents that rigorously abide by the MTCR's guidelines, and a binding legal basis for the United Nations and countries devoted to nonproliferation to prevent, and when necessary act to prevent, further proliferation of offensive ballistic missiles around the world.

(15) Therefore, it should be the policy of the United States to promote the creation of new international mechanisms that would, in all future circumstances, allow the peace-loving and law-abiding nations of the world the authority to interdict and prevent the transfer of such missiles.

SEC. 1412. POLICY OF THE UNITED STATES.

It shall be the policy of the United States to seek a binding international instrument or instruments to restrict the trade in offensive ballistic missiles with ranges of 300 kilometers or more that have a payload capacity of 500 kilograms or more. Such a binding international instrument may take the form of a multilateral treaty, a United Nations Security Council resolution, or other instrument of international law, and should provide for enforcement measures including interdiction, seizure, and impoundment of illicit shipments of offensive ballistic missiles and related technology, equipment, and components.

SEC. 1413. SENSE OF CONGRESS.

It is the sense of the Congress that the United States should immediately introduce a resolution in the United Nations Security Council to prohibit all members of the United Nations from purchasing, receiving, assisting or allowing the transfer of, and to authorize the subsequent interdiction, seizure, and impoundment of, any missile, missile-related equipment, means of producing missiles, or missile-related technology from North Korea.

Subtitle B—Strengthening United States Missile Nonproliferation Law

SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PERSONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon the expiration, or the granting of a waiver, on or after January 1, 2003, of sanctions against a foreign person imposed under section 73(a) of the Arms Export Control Act (22 U.S.C. 2797b(a)) or under section

11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as continued in effect under the International Emergency Economic Powers Act, a license shall be required, for a period of not less than 3 years, for the export to that foreign person of all items controlled for export under section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405), as continued in effect under the International Emergency Economic Powers Act, in accordance with the Export Administration Regulations.

(b) TERMINATION.—Subsection (a) shall not apply to a foreign person 30 days after the President notifies the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate that he has determined that—

(1) the foreign person has—

(A) ceased all activity related to the original imposition of sanctions under section 73(a) of the Arms Export Control Act or section 11B(b)(A) of the Export Administration Act of 1979, as the case may be; and

(B) has instituted a program of transparency measures whereby the United States will be able to verify for at least a period of 3 years that the foreign person is not engaging in prohibited activities under those provisions of law referred to in paragraph (1); and

(2) there has been an appropriate resolution of the original violation or violations, such as financial penalties, incarceration, destruction of prohibited items, or other appropriate measures taken to prevent a recurrence of the violation or violations.

SEC. 1422. STRENGTHENING UNITED STATES MISSILE PROLIFERATION SANCTIONS ON FOREIGN PERSONS.

(a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2) (22 U.S.C. 2797b(a)(2)) is amended by striking "2 years" each place it appears and inserting "4 years".

(b) PUBLIC INFORMATION.—Section 73(e)(2) (22 U.S.C. 2797b(e)(2)) is amended by adding at the end the following new sentence: "Such report may be classified only to the extent necessary to protect intelligence sources and methods. If the report is so classified, the President shall make every effort to acquire sufficient alternative information that would allow a subsequent unclassified version of the report to be issued.".

(c) EXPORT ADMINISTRATION ACT OF 1979.—Any sanction imposed on a foreign person under section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as continued in effect under the International Emergency Economic Powers Act, shall be in effect for a period of 4 years beginning on the date on which the sanction was imposed.

(d) APPLICABILITY.—The amendments made by subsections (a) and (b) and the provisions of subsection (c) shall apply to all sanctions imposed under section 73(a) of the Arms Export Control Act or section 11B(b)(1) of the Export Administration Act of 1979, as continued in effect under the International Emergency Economic Powers Act, by reason of acts giving rise to such sanctions that were committed by foreign persons on or after January 1, 2003.

SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PROLIFERATION SANCTIONS ON ALL RESPONSIBLE PERSONS.

(a) ARMS EXPORT CONTROL ACT.—Section 73(a) (22 U.S.C. 2797b(a)) is amended by adding at the end the following new paragraph:

"(3)(A) Sanctions imposed upon a foreign person under paragraph (2) shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.

"(B) When a sanction is imposed on a foreign person under paragraph (2), the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire items that may not be exported to that foreign person on account of the sanction imposed on that foreign person, with the intent to transfer to that foreign person, or provide to that foreign person access to, such items.

"(C) The President may also prohibit, for such period of time as he may determine, any transaction or dealing, by a United States person or within the United States, with any foreign person on whom sanctions have been imposed under this subsection.

"(D) The President shall report on an annual basis to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate the identity of any foreign person that engages in any transaction or activity with a foreign person on whom sanctions have been imposed under this subsection that either—

"(i) would be the basis for imposing sanctions under subparagraph (B) but for which sanctions have not been imposed; or

"(ii) would be the basis for imposing sanctions under subparagraph (C) if the transaction or activity had been carried out by a United States person or by a person in the United States.

Such report shall be unclassified to the maximum extent feasible, but may include a classified annex.".

(b) DEFINITION OF PERSON.—Section 74(a)(8)(A) (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

"(8)(A) the term 'person' means—

"(i) a natural person;

"(ii) a corporation, business association, partnership, society, trust, transnational corporation, or transnational joint venture, any other nongovernmental entity, organization, or group, and any governmental entity;

"(iii) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in clause (ii); and

"(iv) any successor of any business enterprise or other organization or entity listed in clause (ii) or (iii); and".

(c) EXPORT ADMINISTRATION ACT OF 1979.—

(1) SANCTIONS IMPOSED ON GOVERNMENT ENTITIES.—Any sanction imposed on a foreign person under section 11B(b)(1)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)(B)), as continued in effect under the International Emergency Economic Powers Act (in this subsection referred to as a "dual use sanction"), shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.

(2) OTHER ENTITIES.—When a dual use sanction is imposed on a foreign person, the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire items that may not be exported to that foreign person on account of the dual use sanction imposed on that foreign person, with the intent to transfer to that foreign person, or provide to that foreign person access to, such items.

(3) TRANSACTIONS BY THIRD PARTIES.—The President may also prohibit, for such period of time as he may determine, any transaction or dealing, by a United States person or within the United States, with any foreign person on whom dual use sanctions have been imposed.

(4) REPORT.—The President shall submit on an annual basis to the appropriate congressional committees a report that contains the identity of any foreign person that engages in any transaction or activity with a foreign person on whom dual use sanctions have been imposed that either—

(A) would be the basis for imposing dual use sanctions under paragraph (2) but for which such sanctions have not been imposed; or

(B) would be the basis for imposing dual use sanctions under paragraph (3) if the transaction or activity had been carried out by a United States person or by a person in the United States.

Such report shall be unclassified to the maximum extent feasible, but may include a classified annex.

(5) DEFINITIONS.—In this subsection:

(A) PERSON.—The term "person" means—

(i) a natural person;

(ii) a corporation, business association, partnership, society, trust, transnational corporation, or transnational joint venture, any other nongovernmental entity, organization, or group, and any governmental entity;

(iii) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in clause (ii); and

(iv) any successor of any business enterprise or other organization or entity listed in clause (ii) or (iii).

(B) In the case of countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), the term "person" means—

(i) all activities of that government relating to the development or production of any missile equipment or technology; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(C) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(D) MISSILE EQUIPMENT OR TECHNOLOGY.—The term "missile equipment or technology" has the meaning given that term in section 11B(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(c)).

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to sanctions imposed on or after January 1, 2003, on foreign persons under section 73(a)(2) of the Arms Export Control Act, and the provisions of subsection (c) shall apply with respect to sanctions imposed on or after January 1, 2003, on foreign persons under section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)), as continued in effect under the International Emergency Economic Powers Act.

Subtitle C—Incentives for Missile Threat Reduction

SEC. 1431. FOREIGN ASSISTANCE.

(a) TYPES OF ASSISTANCE.—The President is authorized to provide, on such terms as the President deems appropriate, the following assistance to countries that agree to destroy their ballistic missiles, and their facilities for producing ballistic missiles, that have a payload capacity of 500 kilograms or more over a distance of 300 kilometers or more:

(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), notwithstanding section 531(e) or 660(a) of that Act (22 U.S.C. 2346(e) or 2420(a)).

(3) Drawdown of defense articles, defense services, and military education and training under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

(b) CONGRESSIONAL NOTIFICATION.—Assistance authorized under subsection (a) may not be provided until 30 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a)

of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)).

(c) LIMITATION.—Any assistance provided to a country under subsection (a) may not be provided in more than 3 fiscal years.

SEC. 1432. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to the President to carry out section 1431 the sum of $250,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 1433. AUTHORIZATION OF TECHNICAL ASSISTANCE IN MISSILE DISARMAMENT.

The President is authorized to provide technical assistance in the destruction of any missile or facility for producing ballistic missiles, in any country that requests such assistance.

TITLE XV—PROMOTION OF DEMOCRACY, HUMAN RIGHTS, AND RULE OF LAW IN BELARUS

SEC. 1501. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) PURPOSES OF ASSISTANCE.—The assistance under this section shall be available for the following purposes:

(1) To assist the people of the Republic of Belarus in regaining their freedom and to enable them to join the European community of democracies.

(2) To encourage free and fair presidential, parliamentary, and local elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

(3) To assist in restoring and strengthening institutions of democratic governance in Belarus.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c), to be provided primarily for indigenous Belarusian groups that are committed to the support of democratic processes.

(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

(1) the observation of elections and the promotion of free and fair electoral processes;

(2) development of democratic political parties;

(3) radio and television broadcasting to and within Belarus;

(4) the development of nongovernmental organizations promoting democracy and supporting human rights;

(5) the development of independent media working within Belarus and from locations outside the country and supported by nonstate-controlled printing facilities;

(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(7) other activities consistent with the purposes of this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2004 and 2005.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 1502. RADIO BROADCASTING TO BELARUS.

(a) ***Purpose****.—It is the purpose of this section to authorize increased support for United States Government and surrogate radio broadcasting to the Republic of Belarus that will facilitate the unhindered dissemination of information.*

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated, there is authorized to be appropriated such sums as may be necessary for each fiscal year for Voice of America and RFE/RL, Incorporated for radio broadcasting to the people of Belarus in languages spoken in Belarus.

SEC. 1503. SENSE OF CONGRESS RELATING TO SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the sanctions described in subsections (c) and (d) should apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs.

(2) The withdrawal of politically motivated legal charges against all opposition figures and independent journalists in Belarus.

(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are responsible for their disappearances.

(4) The cessation of all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, religious organizations (including their leadership and members), and the political opposition in Belarus.

(5) The implementation of free and fair presidential and parliamentary elections in Belarus consistent with OSCE standards on democratic elections and in cooperation with relevant OSCE institutions.

(c) DENIAL OF ENTRY INTO THE UNITED STATES OF BELARUSIAN OFFICIALS.—The President should use his authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to deny the entry into the United States of any alien who—

(1) holds a position in the senior leadership of the Government of Belarus; or

(2) is a spouse, minor child, or agent of a person inadmissible under paragraph (1).

(d) PROHIBITION ON LOANS AND INVESTMENT.—

(1) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance should be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

(2) TRADE AND DEVELOPMENT AGENCY.—No funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

(e) MULTILATERAL FINANCIAL ASSISTANCE.—It is further the sense of Congress that, in addition to the application of the sanctions described in subsections (c) and (d) to the Republic of Belarus (until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b)), the Secretary of the Treasury should instruct the United States Executive Director of each international financial institution to which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

SEC. 1504. MULTILATERAL COOPERATION.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this title, including, as appropriate, encouraging other countries to take measures with respect to the Republic of Belarus that are similar to measures described in this title.

SEC. 1505. REPORT.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, and every year thereafter, the President shall transmit to the appropriate congressional committees a report that describes, with respect to the preceding 12-month period, the following:

(1) The sale or delivery of weapons or weapons-related technologies from the Republic of Belarus to any country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

(2) An identification of each country described in paragraph (1) and a detailed description of the weapons or weapons-related technologies involved in the sale.

(3) An identification of the goods, services, credits, or other consideration received by Belarus in exchange for the weapons or weapons-related technologies.

(4) The personal assets and wealth of Aleksandr Lukashenka and other senior leadership of the Government of Belarus.

(b) FORM.—A report transmitted pursuant to subsection (a) shall be in unclassified form but may contain a classified annex.

SEC. 1506. DEFINITIONS.

In this title:

(1) OSCE.—The term "OSCE" means the Organization for Security and Cooperation in Europe.

(2) SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—The term "senior leadership of the Government of Belarus" includes—

(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, Chairmen of State Committees, and members of the Presidential Administration of Belarus;

(B) any official of the Government of Belarus who is personally and substantially involved in the suppression of freedom in Belarus, including judges and prosecutors; and

(C) any other individual determined by the Secretary of State (or the Secretary's designee) to be personally and substantially involved in the formulation or execution of the policies of the Lukashenka regime that are in contradiction of internationally recognized human rights standards.

TITLE XVI—ISRAELI-PALESTINIAN PEACE ENHANCEMENT ACT OF 2003

SEC. 1601. SHORT TITLE.

This title may be cited as the "Israeli-Palestinian Peace Enhancement Act of 2003".

SEC. 1602. FINDINGS.

Congress makes the following findings:

(1) The security of the State of Israel is a major and enduring national security interest of the United States.

(2) A lasting peace in the Middle East region can only take root in an atmosphere free of violence and terrorism.

(3) The Palestinian people have been ill-served by leaders who, by resorting to violence and terrorism to pursue their political objectives, have brought economic and personal hardship to their people and brought a halt to efforts seeking a negotiated settlement of the conflict.

(4) The United States has an interest in a Middle East in which two states, Israel and Palestine, will live side by side in peace and security.

(5) In his speech of June 24, 2002, and in other statements, President George W. Bush outlined a comprehensive vision of the possibilities of peace in the Middle East region following a change in Palestinian leadership.

(6) A stable and peaceful Palestinian state is necessary to achieve the security that Israel longs for, and Israel should take concrete steps to support the emergence of a viable, credible Palestinian state.

(7) The Palestinian state must be a reformed, peaceful, and democratic state that abandons forever the use of terror.

(8) On April 29, 2003, the Palestinian Legislative Council confirmed in office, by a vote of 51 yeas, 18 nays, and 3 abstentions, the Palestinian Authority's first prime minister, Mahmoud Abbas (Abu Mazen), and his cabinet.

(9) In his remarks prior to the vote of the Palestinian Legislative Council, Mr. Abbas declared: "The government will concentrate on the question of security . . . The unauthorized possession of weapons, with its direct threat to the security of the population, is a major concern that will be relentlessly addressed . . . There will be no other decision-making authority except for the Palestinian Authority.".

(10) In those remarks, Mr. Abbas further stated: "We denounce terrorism by any party and in all its forms both because of our religious and moral traditions and because we are convinced that such methods do not lend support to a just cause like ours but rather destroy it.".

(11) Israel has repeatedly indicated its willingness to make painful concessions to achieve peace once there is a partner for peace on the Palestinian side.

SEC. 1603. PURPOSES.

The purposes of this title are—

(1) to express the sense of Congress with respect to United States recognition of a Palestinian state; and

(2) to demonstrate United States willingness to provide substantial economic and humanitarian assistance, and to support large-scale multilateral assistance, after the Palestinians have achieved the reforms outlined by President Bush and have achieved peace with the State of Israel.

SEC. 1604. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) peace between Israel and the Palestinians cannot be negotiated until the Palestinian system of government has been transformed along the lines outlined in President Bush's June 24, 2002, speech;

(2) substantial United States and international economic assistance will be needed after the Palestinians have achieved the reforms described in section 620K(c)(2) of the Foreign Assistance Act of 1961 (as added by section 1706 of this Act) and have made a lasting and secure peace with Israel;

(3) the Palestinian people merit commendation on the confirmation of the Palestinian Authority's first prime minister, Mahmoud Abbas (Abu Mazen), and his cabinet;

(4) the new Palestinian administration urgently should take the necessary security-related steps to allow for implementation of a performance-based road map to resolve the Israeli-Palestinian conflict;

(5) the United States Administration should work vigorously toward the goal of two states living side-by-side in peace within secure and internationally-recognized boundaries free from threats or acts of force; and

(6) the United States has a vital national security interest in a permanent, comprehensive, and just resolution of the Arab-Israeli conflict, and particularly the Palestinian-Israeli conflict, based on the terms of United Nations Security Council Resolutions 242 and 338.

SEC. 1605. RECOGNITION OF A PALESTINIAN STATE.

It is the sense of Congress that a Palestinian state should not be recognized by the United States until the President determines that—

(1) a new leadership of a Palestinian governing entity, not compromised by terrorism, has been elected and taken office; and

(2) the newly-elected Palestinian governing entity—

(A) has demonstrated a firm and tangible commitment to peaceful coexistence with the State of Israel and to ending anti-Israel incitement, including the cessation of all officially sanctioned or funded anti-Israel incitement;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures and the confiscation of unlawful weaponry;

(C) has established a new Palestinian security entity that is fully cooperating with the appropriate Israeli security organizations;

(D) has achieved exclusive authority and responsibility for governing the national affairs of a Palestinian state, has taken effective steps to ensure democracy, the rule of law, and an independent judiciary, and has adopted other reforms ensuring transparent and accountable governance; and

(E) has taken effective steps to ensure that its education system promotes the acceptance of Israel's existence and of peace with Israel and actively discourages anti-Israel incitement.

SEC. 1606. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104–164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

"SEC. 620K. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

"(a) LIMITATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, assistance may be provided under this Act or any other provision of law to the government of a Palestinian state only during a period for which a certification described in subsection (c) is in effect. The limitation contained in the preceding sentence shall not apply (A) to humanitarian or development assistance that is provided through nongovernmental organizations for the benefit of the Palestinian people in the West Bank and Gaza, or (B) to assistance that is intended to reform the Palestinian Authority and affiliated institutions, or a newly elected Palestinian governing entity, in order to help meet the requirements contained in subparagraphs (A) through (H) of subsection (c)(2) or to address the matters described in subparagraphs (A) through (E) of section 1705(2) of the Israeli-Palestinian Peace Enhancement Act of 2003.

"(2) WAIVER.—The President may waive the limitation of the first sentence of paragraph (1) if the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that it is vital to the national interest of the United States to do so.

"(b) CONGRESSIONAL NOTIFICATION.—

"(1) IN GENERAL.—Assistance made available under this Act or any other provision of law to a Palestinian state may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(2) SUNSET.—Paragraph (1) shall cease to be effective beginning ten years after the date on which notice is first provided under such paragraph.

"(c) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that—

"(1) a binding international peace agreement exists between Israel and the Palestinians that—

"(A) was freely signed by both parties;

"(B) guarantees both parties' commitment to a border between two states that constitutes a secure and internationally recognized boundary for both states, with no remaining territorial claims;

"(C) provides a permanent resolution for both Palestinian refugees and Jewish refugees from Arab countries; and

"(D) includes a renunciation of all remaining Palestinian claims against Israel through provisions that commit both sides to the "end of the conflict"; and

"(2) the new Palestinian government—

"(A) has been democratically elected through free and fair elections, has exclusive authority and responsibility for governing the national affairs of the Palestinian state, and has achieved the reforms outlined by President Bush in his June 24, 2002, speech;

"(B) has completely renounced the use of violence against the State of Israel and its citizens, is vigorously attempting to prevent any acts of terrorism against Israel and its citizens, and punishes the perpetrators of such acts in a manner commensurate with their actions;

"(C) has dismantled, and terminated the funding of, any group within its territory that conducts terrorism against Israel;

"(D) is engaging in ongoing and extensive security cooperation with the State of Israel;

"(E) refrains from any officially sanctioned or funded statement or act designed to incite Palestinians or others against the State of Israel and its citizens;

"(F) has an elected leadership not compromised by terror;

"(G) is demilitarized; and

"(H) has no alliances or agreements that pose a threat to the security of the State of Israel.

"(d) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (c), and every 6 months thereafter for the 10-year period beginning on the date of transmittal of such certification—

"(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (c) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

"(e) RULE OF CONSTRUCTION.—A certification under subsection (c) shall be deemed to be in effect beginning on the day after the last day of the 10-year period described in subsection (d) unless the President subsequently determines that the requirements contained in subsection (c) are no longer being met and the President transmits to Congress a report that contains the reasons therefor.".

SEC. 1607. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 1706, is further amended by adding at the end the following new section:

“SEC. 620L. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.

“(a) Assistance.—The President is authorized to provide assistance to a Palestinian state in accordance with the requirements of this section.

“(b) Activities To Be Supported.—Assistance provided under subsection (a) shall be used to support activities within a Palestinian state to substantially improve the economy and living conditions of the Palestinians by, among other things, providing for economic development in the West Bank and Gaza, continuing to promote democracy and the rule of law, developing water resources, assisting in security cooperation between Israelis and Palestinians, and helping with the compensation and rehabilitation of Palestinian refugees.

“(c) Authorization of Appropriations.—Of the amounts made available to carry out chapter 4 of part II of this Act for a fiscal year, there are authorized to be appropriated to the President to carry out subsections (a) and (b) such sums as may be necessary for each such fiscal year.

“(d) Coordination of International Assistance.—

“(1) In general.—Beginning on the date on which the President transmits to Congress an initial certification under section 620K(c) of this Act, the Secretary of State shall seek to convene one or more donors conferences to gain commitments from other countries, multilateral institutions, and nongovernmental organizations to provide economic assistance to Palestinians to ensure that such commitments to provide assistance are honored in a timely manner, to ensure that there is coordination of assistance among the United States and such other countries, multilateral institutions, and nongovernmental organizations, to ensure that the assistance provided to Palestinians is used for the purposes for which is was provided, and to ensure that other countries, multilateral institutions, and nongovernmental organizations do not provide assistance to Palestinians through entities that are designated as terrorist organizations under United States law.

“(2) Report.—Not later than 180 days after the date of the enactment of this section, and on an annual basis thereafter, the Secretary of State shall prepare and submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report that describes the activities undertaken to meet the requirements of paragraph (1), including a description of amounts committed, and the amounts provided, to a Palestinian state or Palestinians during the reporting period by each country and organization.”.

TITLE XVII—MISCELLANEOUS FOREIGN ASSISTANCE PROVISIONS

SEC. 1701. ADDITIONAL AUTHORITIES RELATING TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Notwithstanding any other provision of law, assistance provided by the United States Government to support international efforts to combat aerial trafficking of illicit narcotics under chapter 8 of part I of the Foreign Assistance Act of 1961 or under any other provision of law shall include the authority to interdict illicit arms in connection with the trafficking of illicit narcotics.

SEC. 1702. UNITED STATES OPIUM ERADICATION PROGRAM IN COLOMBIA.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Department of State's Narcotics Affairs Section (NAS) in Bogota, Colombia, shall ensure that all pilots participating in the United States opium eradication program in Colombia are Colombians and are fully trained, qualified, and experienced pilots, with preference provided to individuals who are members of the Colombian National Police.

SEC. 1703. COOPERATIVE DEVELOPMENT PROGRAM.

Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $2,000,000 for each of the fiscal years 2004 and 2005 are authorized to be made available to finance projects among the United States, Israel, and developing countries in Africa under the Cooperative Development Program.

SEC. 1704. WEST BANK AND GAZA PROGRAM.

(a) Oversight.—For fiscal year 2004, the Secretary of State shall certify to the appropriate committees of Congress not later than 30 days prior to the initial obligation of funds for the West Bank and Gaza that procedures have been established to assure the Comptroller General will have access to appropriate United States financial information in order to review the use of United States assistance for the West Bank and Gaza funded under chapter 4 of part II of the Foreign Assistance Act of 1961 (“Economic Support Fund”).

(b) Vetting.—Prior to any obligation of funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) Audits.—

(1) In general.—The Administrator of the United States Agency for International Development shall ensure that independent audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Audits by inspector general of USAID.—Of the funds authorized to be appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of paragraph (1). Such funds are in addition to funds otherwise available for such purposes.

SEC. 1705. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON INCITEMENT TO ACTS OF DISCRIMINATION.

(a) Countries Receiving Economic Assistance.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(11)(A) wherever applicable, in a separate section with a separate heading, a description of the nature and extent of—

“(i) propaganda in government and government-controlled media and other sources, including government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people; and

“(ii) complicity or involvement in the creation of such propaganda or incitement of acts of violence against any race; and

“(B) a description of the actions, if any, taken by the government of the country to eliminate such propaganda or incitement.”.

(b) Countries Receiving Security Assistance.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the eighth sentence the following: “Each report under this section shall also include wherever applicable, in a separate section with a separate heading, a description of (i) the nature and extent of (I) propaganda in government and government-controlled media and other sources, including government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race, and (II) complicity or involvement in the creation of such propaganda or incitement of acts of violence against any race or people, and (ii) a description of the actions, if any, taken by the government of the country to eliminate such propaganda or incitement.”.

SEC. 1706. ASSISTANCE TO EAST TIMOR.

Section 632(b)(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by striking “the fiscal year 2003” and inserting “each of the fiscal years 2003, 2004, and 2005”.

SEC. 1707. SUPPORT FOR DEMOCRACY-BUILDING EFFORTS FOR CUBA.

(a) Statement of Policy.—It is the policy of the United States to support those individuals and groups who struggle for freedom and democracy in Cuba, including human rights dissidents, independent journalists, independent labor leaders, and other opposition groups.

(b) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the President to carry out section 109(a) of Public Law 104–114 (22 U.S.C. 6039(a)) $15,000,000 for each of the fiscal years 2004 and 2005.

(2) Additional authorities.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(A) are authorized to remain available until expended; and

(B) are in addition to amounts otherwise available for such purposes.

SEC. 1708. AMENDMENT TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.

The Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) is amended—

(1) in section 103(a) by striking “section 512 of Public Law 107–115 or any similar” and inserting “any other”; and

(1) in section 207(b) by striking “section 512 of Public Law 107–115 or any similar” and inserting “any other”.

SEC. 1709. CONGO BASIN FOREST PARTNERSHIP.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the President to carry out the Congo Basin Forest Partnership (CBFP) program $18,600,000 for each of the fiscal years 2004 and 2005. Of the amounts appropriated pursuant to the authorization of appropriations under the preceding sentence for a fiscal year, $16,000,000 is authorized to be made available to the Central Africa Regional Program for the Environment (CARPE) of the United States Agency for International Development.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 1710. COMBATTING THE PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) Authorization of Appropriations.—In addition to such amounts as may otherwise be authorized to be appropriated for such purpose, there are authorized to be appropriated for the Department of State, $10,000,000 to carry out the following activities in countries that are not members of the Organization for Economic Cooperation and Development (OECD):

(1) Provision of equipment and training for foreign law enforcement, including in the interpretation of intellectual property laws.

(2) Training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) Assistance in complying with obligations under appropriate international copyright and intellectual property treaties and agreements.

(b) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out subsection (a), the Department of State should make every effort to consult with, and provide appropriate assistance to, the World Intellectual Property Organization to promote the integration of non-OECD countries into the global intellectual property system.

SEC. 1711. ASSISTANCE FOR LAW ENFORCEMENT FORCES IN CERTAIN FOREIGN COUNTRIES.

Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the Administrator of the United States Agency for International Development is authorized to provide assistance for fiscal years 2004 and 2005 to—

(1) law enforcement agencies of the Government of India for the purposes of enhancing their capacity for medical-first-response and search-and-rescue operations after a natural disaster, improving the access of women to justice, and combating the trafficking of persons; and

(2) the new police force of Northern Ireland for the purpose of providing computer-based, human-rights and other professional training, and the law enforcement agencies of the Republic of Ireland (ROI) for the purposes of fostering greater cooperation and communication between the police force of the Republic of Ireland and the new police force of Northern Ireland, as recommended by the Patten Commission.

SEC. 1712. HUMAN RIGHTS AND DEMOCRACY FUND.

Section 664(c)(1) of the Freedom Investment Act of 2002 (subtitle E of title VI of division A of Public Law 107-228; 22 U.S.C. 2151n-2(c)(1)) is amended—

(1) by striking "for fiscal year 2003" and inserting "for each of the fiscal years 2003 through 2005"; and

(2) by striking "$21,500,000 is" and inserting "$21,500,000 for fiscal year 2003, $24,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005 are".

SEC. 1713. ENHANCED POLICE TRAINING.

Section 660(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

(1) in paragraph (7), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new paragraph:

"(8) with respect to assistance provided to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and counter-narcotics, and through the promotion of civilian police roles that support democratic governance, including programs to combat corruption and the trafficking of persons, particularly by organized crime, prevent conflict, and foster improved police relations with the communities in which they serve.".

SEC. 1714. PROMOTING A SECURE AND DEMOCRATIC AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a vital interest in promoting Afghanistan's transition from chaos, civil war, and disorder to an increasingly prosperous democratic state, safe and secure with its neighbors, respecting human rights, particularly the rights of women and girls, dedicated to the liberty, literacy, and enrichment of its citizens, and serving as a model for other countries;

(2) basic security in the major cities and along key transportation routes is critical to the reconstruction and development of Afghanistan, including fostering implementation of the Bonn Agreement, achieving progress towards a democratic and tolerant government, and encouraging international private investment;

(3) Afghanistan and its people remain under serious threat from terrorism, insurgency, widespread crime, banditry, intimidation, rape, and suppression of minorities and women, and other grave violations of human rights continue to occur, especially in areas that do not have a routine presence of international security personnel;

(4) lethal clashes continue between the private armies of warlords, attacks against Afghan civilians and officials and United States and international organization personnel are on the rise, and threats against civilians and whole villages not to cooperate with Americans or the central government are now routine;

(5) the growth, production, and trafficking of Afghan opium and its derivatives pose a serious threat to international peace and security and efforts toward reconstruction in Afghanistan;

(6) recruitment and training of the Afghan National Army and the Afghan National Police are seriously behind schedule and will not be at full strength for several years, leaving the central government and Afghan citizens vulnerable to the depredations of terrorists, insurgents, and the private armies of warlords;

(7) although the 4,500 soldiers of the International Security Assistance Force (ISAF) have provided much-needed security for the citizens of Kabul, it is not within their mandate or power to promote security to other areas, and human rights abuses are continuing in areas in and around Kabul where ISAF is not present;

(8) vastly disproportionate numbers of refugees returning from neighboring countries have gone to Kabul because of the security provided by ISAF and the insecurity of their home areas, overwhelming Kabul and far exceeding its capacity for shelter, food, and employment;

(9) NATO has recently decided to take over responsibility for a limited ISAF, a welcome development that will not, unfortunately, provide any additional security in Kabul or elsewhere;

(10) the United States has stated on numerous occasions that it does not oppose the expansion of ISAF, but that heretofore other countries have not expressed a willingness to participate in an expanded force;

(11) the United States has not itself demonstrated a commitment to expansion of ISAF or a similar international security or peacekeeping force, a commitment to leadership that other nations may more likely follow;

(12) the Secretary of Defense has announced that the combat phase of the war in Afghanistan has ended, and that the United States will be focusing its efforts on a reconstruction phase utilizing lightly-armed, platoon-sized Provincial Reconstruction Teams to provide security for reconstruction efforts, rather than an expanded international peacekeeping or patrolling security force;

(13) the Provincial Reconstruction Teams may prove inadequate to provide a significant level of security to their regions, and are not tasked to secure the major transportation routes which are critical to the economic revival of Afghanistan;

(14) United States and foreign nongovernmental aid workers and Afghan civilian aid workers are at great risk of being robbed, beaten, and killed in areas of Afghanistan that are not being patrolled by United States forces or Afghan central government forces;

(15) such acts of theft, intimidation, and murder against foreign aid and Afghan civilian workers are occurring with increasing frequency, and are often deliberately committed by Taliban and other insurgent and rebel forces with the intention of creating sufficient terror to undermine and arrest any efforts to rebuild Afghanistan into a peaceful, democratic, and prosperous nation that prohibits terrorism and tyranny;

(16) the report of the Inspector General of the United States Agency for International Development (USAID) confirms that USAID workers are virtual captives in their compounds, able to venture out into the countryside for brief periods and only under heavy armed escort, conditions which are counterproductive to their mission of assisting the people of Afghanistan;

(17) the Taliban and al-Qaeda may believe they only have to create enough terror and uncertainty in the country to undermine the creation of strong representative institutions, and wait until the United States leaves to again create chaos, exploit tribal rivalries, and plunge Afghanistan back into chaos;

(18) failure to secure a peaceful and democratic Afghanistan will diminish the credibility of efforts by the United States and the international community to promote peace and democracy elsewhere in the Muslim world; and

(19) unless general security can be provided in the major population areas, strategic highways, and border crossings and chokepoints, the goals for which the war in Afghanistan was fought may be lost and the efforts and lives spent in the attempt to liberate and rebuild Afghanistan may be wasted.

(b) SECURITY POLICY.—

(1) SECURITY ALONG HIGHWAYS.—The President shall take immediate steps to ensure that there is adequate security along the length of highways connecting major Afghan urban centers in order to terminate and deter acts of banditry, illegal checkpoints, human rights abuses, terrorism, and intimidation against Afghan and foreign civilians and military personnel.

(2) DISARMAMENT, ETC. OF AFGHAN MILITIAS.—The President shall take immediate steps to support directly the disarmament, demobilization, and reintegration of Afghan militias and irregulars that are not formally part of the Afghan National Army or under the direct control of the central government in Afghanistan.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take steps to implement section 206(d) of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) to expand significantly the International Security Assistance Force, or take such other steps as may be necessary, such as increasing the number and force levels of United States Provincial Reconstruction Teams, so as to—

(1) increase the area in which security is provided and undertake vital tasks related to promoting security, such as disarming warlords militias and irregulars;

(2) deter criminal activity, including rape, robbery, and intimidation of civilians; and

(3) safeguard highways in order to allow governmental and nongovernmental assistance and reconstruction personnel to move more freely in the countryside to provide humanitarian relief and rebuild Afghanistan.

SEC. 1715. GRANTS TO THE AFRICA SOCIETY.

(a) GRANTS TO THE AFRICA SOCIETY.—For any fiscal year, the Secretary of State is authorized to make grants to the Africa Society to carry out programs and activities that advance United States interests and values in Africa through public and private partnerships that facilitate the continent's political transition to more open democratic societies, support equitable economic growth through trade and investment, support efforts to promote transparency and openness *through the public and private sectors, encourage civil society growth and development, and promote awareness of all Americans about Africa, consistent with a grant agreement under such terms as the Secretary of State considers necessary and appropriate.*

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 108–206 and amendments en bloc described in section 2 of the resolution.

Each amendment printed in the report shall be offered only in the order printed (except as specified in section 3), may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier considered. Amendments en bloc shall be considered read, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The chairman of the Committee of the Whole may recognize for consideration any amendment out of the order printed, but not sooner than 1 hour after the chairman of the Committee on International Relations or a designee prospectively announces from the floor a request to that effect.

It is now in order to consider amendment No. 1 printed in House Report 108–206.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Madam Chairman, I offer an amendment cosponsored by the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. HYDE) to strike the Crowley language in the State Department bill under consideration.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SMITH of New Jersey:

In section 116(a) of the bill—

(1) after the first dollar amount, insert "(reduced by $25,000,000)"; and

(2) after the second dollar amount, insert "(reduced by $25,000,000)".

Strike subsection (e) of section 116 of the bill.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. CROWLEY. Madam Chairman, I ask unanimous consent that the gentleman from Pennsylvania (Mr. GREENWOOD) be allowed to control half of the time in opposition to the Smith amendment and be able to yield that time to others as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of New Jersey. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, just 10 months ago a sweeping, comprehensive reiteration of China's Draconian population control program went into effect in all of China. Sadly, the new law is as harsh, brutal, and violent as ever. Lest anyone be deceived that Beijing is somehow easing up on coercive population control, it is all there in the new law, the infamous one-child-per-couple policy, the crippling fines on those women who attempt to resist, and severe punishment to those women who have a child without explicit government permission.

Since 1979, the U.N. population fund has been the chief apologist for China's coercive one-child-per-couple policy. By its words and by its actions, the UNFPA has chosen to partner with those who oppress women. The UNFPA has funded, provided crucial technical support and, most importantly, provided cover for massive crimes of forced abortion and involuntary sterilization. Tens of millions of children have been slaughtered, their mothers robbed of their children by the state. The UNFPA has aggressively defended this barbaric policy that makes brothers and sisters illegal and makes women the pawns of population control cadres.

One terrifying consequence of China's policy is the disproportionate number of girl murders. According to the State Department's Country Reports on Human Rights Practices in China, currently there may be as many as 100 million more men than women, clearly a direct result of the one-child-per-couple policy.

Time and again, Madam Chairman, the officials at the UNFPA have defended the indefensible. The former executive director of the UNFPA, Nafis Sadik, said, "China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy. The country could offer its experience and social expertise to help other countries." God forbid. Let them export the one-child-per-couple policy which relies on coercion to achieve its ends? I hope not! On CBS "Nightwatch," the executive director of the UNFPA said, "The UNFPA firmly believes, as does the government of the People's Republic of China, that their program is a total voluntary program." Madam Chairman, that is unmitigated nonsense and that is a lie.

UNFPA Beijing representative Sven Burmester said and I quote, and please listen to this. This is the U.N.'s man in Beijing:

"China has had the most successful family planning policy in the history of mankind." That does not sound like a criticism of coercion or involuntary or forced abortion. That sounds like a partner defending a fellow partner gushing with praise. Of course it "works," and of course the Chinese program is "successful." Coercion works every day of the week.

Forced abortion, I would remind my colleagues, was construed to be a crime against humanity at the Nuremberg war crimes tribunal. It is no less of a crime today as it is practiced by China with its partners in that crime, the UNFPA.

Madam Chairman, having failed the important review required by the Kemp-Kasten anticoercion law, the gentleman from New York (Mr. CROWLEY) today is now attempting to gut, to weaken, to rig the 18-year-old Kemp-Kasten law by requiring that it only be operative if an organization "knowingly and intentionally" advances or expands coerced abortion or forced sterilization. If we adopt the Crowley language, enforcement of the current anticoercive law would be dead. Clearly, the whole idea behind this is that the money will flow to the UNFPA unfettered because with this standard, the weakened standard, there is little doubt that the money will flow.

U.S. investigators, if we adopted this language that is in the underlying bill, would now be required to investigate UNFPA personnel and ascertain their knowledge and their intent: What did they know and when did they know it? Given UNFPA's deplorable track record of denying that coercion even exists in China, it would be nearly impossible to prove intent. Even the hardliners in China, in the government, deny coercion or any knowledge of coercion or intent to compel abortions.

I have made three human rights trips to China. I met with the head of China's population control program, Peng Peiyun. Madame Peng Peiyun told me over and over in that lengthy conversation that there was no coercion in China and then she backed that up by citing UNFPA's participation in the program and UNFPA's public statements where UNFPA leaders have defended and said there is no coercion in China. For the past 24 years, again despite overwhelming evidence to the contrary, UNFPA has declared China's program to be, quote, purely voluntary, free of coercion and a model to be emulated by other countries. Let us not forget that proving intent, this weakening standard offered by the gentleman from New York, is usually the stuff of criminal prosecutions, not grant-making.

I would point out to my colleagues, also, if we applied the misguided Crowley standard to any other human rights standard, human trafficking or religious persecution, we would seriously undercut, even destroy, our efforts to mitigate these abuses around the world.

□ 1330

Crowley sets a dangerous precedent in human rights law.

Let me just point out to my colleagues I am the prime sponsor of the Trafficking Victims Protection Act of 2000. Pursuant to that law, Secretary Powell recently placed 15 countries on what we call the tier 3 sanctions list. Those sanctions will soon be imposed. Nowhere in the statute do we require the Secretary of State to divine the intent of the officials or whether or not they knowingly engaged in these human rights abuses. To give the oppressors that out, that escape clause, would be a gross betrayal of the victims.

In like manner, I respectfully submit we betray the victims of forced abortion and forced sterilization, millions of Chinese women, millions of Chinese children, when we give the oppressors or the friends of the oppressors this engraved invitation to continue denying and obfuscating the truth and, of course, enabling this kind of carnage to go on.

I ask Members to support the Smith-Oberstar-Hyde amendment.

Madam Chairman, I reserve the balance of my time.

Mr. CROWLEY. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, the provisions the gentleman seeks to strike does not promote abortion, forced sterilization or any of the other horrible things opponents of UNFPA say it will do. Madam Chairman, the underlying Crowley-Lee provision funds the U.N. Population Fund, UNFPA, in its work in over 141 countries to provide for child and maternal health, child survival, HIV/AIDS prevention, and family planning.

Nearly 600,000 women die each year from causes related to pregnancy. Ninety-nine percent of those women are in the developing world. Many of these deaths could be prevented through maternal care and through family planning to space those pregnancies.

The President has finished up a 5-day, five-country tour in Africa where he talked about democracy and economic opportunity, but what he did not talk about were the empowerment and equality of women. When women have the ability and access to contraception to plan their families, their economic livelihoods improve. In Bangladesh, I saw UNFPA working with women in the garment industry, educating them without contraception and showing women how limiting their births can improve their economic situation. In Malawi, I saw UNFPA work with a rural birth assistant, providing clean razor blades to cut the umbilical cord, soap and kerosine for a lantern to help rural women deliver their babies safely.

Let me say what I have not seen, what UNFPA is not doing. UNFPA does not provide for abortion. I want to remind my colleagues that no U.S. funding can go to any group that provides for abortions. The gentleman from Illinois (Chairman HYDE) passed his amendment in 1984, and he knows it is still the law today. UNFPA does not engage in coercion of any kind.

Opponents will say that this provision will gut human rights and will say that UNFPA has been engaged in China. In fact, the Bush administration, which at first supported UNFPA by requesting $25 million for UNFPA and funding UNFPA's work in Afghanistan, abruptly changed course when it refused to release $34 million in funding, citing UNFPA's work in 31 counties in China.

Madam Chairman, I reserve the balance of my time.

Mr. GREENWOOD. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, since 1969 when the program was developed with the help of the United States of America, United Nations Family Planning Fund has met an incredible need. That need is that in developing countries in Africa and Asia and Central and South America, throughout the world, women find themselves hopelessly enmeshed in poverty without access to healthcare and without access to family planning services; and the result of that, as the gentleman from New York (Mr. CROWLEY) said, they have more pregnancies than they can bear physically. They have more children than they can feed, and their children are condemned to another cycle of poverty. United Nations Family Planning Agency in 160 countries meets that need so women around the world have access as Americans do.

The gentleman from New Jersey (Mr. SMITH) wants to cut that program in half with this amendment, and the gentleman from New Jersey (Mr. SMITH) wants to make sure that in 159 of those countries access to this service is cut because in one country, China, something terrible happens and that is coercive abortions. But when the President sent his team over there to China to find out what UNFPA's role was, they said we find no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the PRC. In fact, it is the UNFPA that is the most effective organization in preventing that from happening, in getting the Chinese to move towards education, to move towards contraception, and away from coercive practices.

If we support the amendment, what we do is we cut off that funding not only to the agency that is trying to enlighten Chinese family planning programs, but we cut it off to 159 other countries, none of whom uses money for anything coercive nor for abortion at all.

Mr. SMITH of New Jersey. Madam Chairman, I yield myself 40 seconds.

I just want to point out to my colleagues that the State Department and Secretary of State Colin Powell relied on many sources to make their determination, and Secretary Powell made this comment in his letter of finding: "Regrettably, the PRC has in place a regime of severe penalties on women who have unapproved births. This regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties and therefore amounts to a program of coercive abortion." He pointed out "UNFPA's support of, and involvement in, China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion."

Every dollar, Madam Chairman, that does not go to the UNFPA the Secretary of State has said in writing he wants to reprogram to family planning and to maternal healthcare initiatives elsewhere around the world.

Madam Chairman, I reserve the balance of my time.

Mr. CROWLEY. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. LANTOS), ranking member of the House Committee on International Relations.

Mr. LANTOS. Madam Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to the amendment. I am second to no one in this body in my criticism of China's horrendous human rights record, including its population control policies. But the U.N. funds program in China is specifically designed to demonstrate the effectiveness of voluntary family planning programs free of coercion and free of quotas. In fact, for over three decades the U.N. fund has helped couples in scores of countries around the globe, avoiding unwanted pregnancies through voluntary family planning programs that fully respect individual rights.

Today, 99 percent of U.N. funds, and let me repeat, 99 percent of the funds are spent outside of China. But this amendment ignores 99 percent of the programs and cuts off our contribution solely over China. If this amendment should pass, more unwanted children will come into the world, and more unnecessary abortions will occur.

I strongly urge my colleagues to oppose the amendment.

Mr. SMITH of New Jersey. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam chairman, I rise in strong support of this amendment.

The Chinese government has a policy of killing unborn children it deems a waste of valuable space in one of the world's largest countries. And the UNFPA's response to this policy? Turn a blind eye to the practice of forcing women to kill their unborn children. In fact, it has gone so far as to praise China's population control tactics. Until that changes, UNFPA should not get a dime of the U.S. taxpayers' money.

Last year the State Department said that the UNFPA, and I quote, "is helping improve the administration of local family planning offices that are effectively coercing women to have abortions." Witnesses have testified in the Committee on International Relations that the UNFPA shares office space in one Chinese county with the Chinese Office of Family Planning. That is the very same agency carrying out these coercive practices. And after these revelations, did the UNFPA change its ways? No. Instead, it claimed ignorance.

As we debate this bill, let us face the truth. UNFPA actively and passively supports the policy of forcing women to kill their unborn children based on the debatable claims that it controls population growth. Is that really what we want to support or encourage? I do not think so. If we truly care about human rights, we should support programs that work, programs that uphold the dignity of human life, not programs that allow a repressive communist government to enforce a systematic effort of abuse, repression, and forced abortion.

Some in this body are more committed to using taxpayer money to force Chinese women to have abortions because they have chosen to have children. They are so deeply committed to forcing these women to have abortions that they have already prevented us from sending more than $60 million to people in need.

Make no mistake about it, UNFPA is in bed with Beijing on forced abortions, and if we fund UNFPA, Beijing gets stronger. If we fund UNFPA, we only encourage the regime's strategy of exterminating the babies they do not want; and we should not do that.

Mr. CROWLEY. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE), the cosponsor of this amendment.

Ms. LEE. Madam Chairman, I rise today in strong opposition to the Smith amendment to deny basic, urgently needed health services to poor women living in over 141 countries around the globe. This dangerous amendment would strip the amendment that we successfully offered on a bipartisan basis in committee to restore UNFPA funding.

UNFPA saves the lives of women and their children. It prevents abortions, and it provides basic HIV/AIDS prevention services.

Madam Chairman, an overwhelming majority of this House voted for and the President recently signed into law an HIV/AIDS initiative. UNFPA funding is yet another important source of funding in the fight against the deadly pandemic and should be supported. Every day UNFPA is fighting the spread of HIV and AIDS and is saving the lives of hard-to-reach women in hard-to-reach places all around the world.

Finally, for those who are trying to turn this debate into a debate about abortion, let me clarify once more, not one single penny of UNFPA funds goes towards abortion. The Crowley-Lee amendment included in the bill strengthens the fact, and that is the reality. I urge a no on the Smith amendment.

Mr. GREENWOOD. Madam Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Madam Chairman, I thank the gentleman for yielding me this time.

Study after study and the experience of nation after nation has demonstrated that the more knowledge women have of how to control their reproductive capability, the more the abortion rate declines. We have seen this in spades in Russia and in countries around the world. Give women the knowledge they need to assume their family planning responsibilities, and they do not have abortions.

So why would you want to deny the women of Haiti $2.8 million in family planning funds and all of the women's health that accompanies these funds, all of the education women gain about how to care for themselves, how to have healthy babies as opposed to unhealthy babies, how to have safe deliveries, how to recover postpartum?

Why would you want to deny the women of Nicaragua $1.1 million in women's healthcare and in safe pregnancies?

Why would you want to deny the women of El Salvador $600,000?

Nigeria, a country in which there is terrible starvation, terrible deprivation, women get terrible healthcare and children die of hunger routinely, why would you want to deny the women of Nigeria $5.3 million so they could have the knowledge to handle their reproductive capabilities responsibly, plan their families so their children are spaced far enough apart, so their children survive and they survive to care for their children?

Why would you want to deny the women of Pakistan $4.1 million, India $13 million, and so on?

I do not comprehend. Why? Because China has a policy we absolutely oppose. So let's withhold our funds from China, but not from the rest of the women of the world!

□ 1345

Why can we not help us focus, as we have been willing to, on the problem in China? But do not deny the women of the world the power of knowledge, because it is that power of knowledge that helps them have healthy pregnancies, healthy babies, and reduces the rate of abortions dramatically; and that is a fact that cannot be denied.

Mr. SMITH of New Jersey. Madam Chairman, I yield myself 15 seconds to remind my colleagues that we provide almost half a billion dollars in family planning monies that go to Haiti, that go to Nicaragua, that go to El Salvador. We provide government-to-government and through nongovernmental organization support. And the money that does not go to the UNFPA will be reprogrammed dollar-for-dollar for these kinds of services.

Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Chairman, I rise today in support of the Smith-Oberstar-Hyde amendment to H.R. 1950.

Madam Chairman, I am deeply troubled by the $25 million included in this bill for the United Nations Population Fund. The UNFPA has been proven to be an active participant in China's coercive population program. Secretary Colin Powell, following an investigation into the UNFPA's family planning programs, concluded that the "UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion."

Madam Chairman, by funding UNFPA, we are permitting women in China to be victimized through this policy of forced abortion and involuntary sterilization. Certainly these women deserve better than that. No woman, no woman should be forced to have an abortion. Yet this is precisely how the Chinese government enforces its population control agenda, with the assistance of UNFPA. Madam Chairman, we cannot support this egregious violation of human rights and violence against women.

By permitting the Crowley provision to remain in this bill, we will allow

U.S. taxpayer dollars to be used to support coercive abortion practices overseas. To me, this is unthinkable. U.S. funds should not be connected to any program that is at all involved in a coercive population program, whether directly or indirectly. Due to the clear evidence of UNFPA's involvement in China, we cannot allow our taxpayers to contribute to this organization.

Madam Chairman, UNFPA fails women through its participation in China's policy of coercive abortion. Regardless, regardless of where one stands on the issue of abortion, I think we can all agree that no woman, no woman should be forced to abort her child. My colleague from Connecticut spoke earlier about denying women of Nigeria, Pakistan, Haiti, and so forth. But Madam Chairman, I do not want to deny the women of China the right to have their children.

I urge my colleagues to protect the fundamental human rights of women and children and support the Smith-Oberstar-Hyde amendment.

Mr. CROWLEY. Madam Chairman, I yield 1 minute and 15 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Chairman, I rise in strong opposition to this amendment and in support of funding for UNFPA.

The language this amendment's sponsors are trying to strike is simple. It says that no U.S. funds go to UNFPA if it directly supports coercive abortion and involuntary sterilization. That is in the bill.

My colleagues may argue that we devote enough to bilateral international family planning programs, that UNFPA is unnecessary. I say that while USAID reaches families in 58 countries, UNFPA reaches 141. In which of the 83 countries in question are there women whom we do not want to help?

My colleagues may argue that our bilateral programs are comprehensive and UNFPA's is merely repetitive. I point to UNFPA's recent study on obstetric fistula. UNFPA is helping countries in sub-Saharan Africa to fix this terrible problem; USAID, to date, has done nothing.

My colleagues may argue that the language in question today waters down current law. I say that it clarifies current law, maintaining its strength while ensuring it cannot be misinterpreted in order to cut off funding to life-saving programs.

Madam Chairman, our refusal to fund UNFPA simply makes no sense. We do not champion human rights by cutting off UNFPA. What we do is prevent women from understanding what their rights are. We do not save women from coercive practices by cutting off UNFPA. We do, however, destroy an organization that is often the only place women can go to for basic medical and reproductive health care.

Please vote against this amendment.

Madam Chairman, I rise in opposition to this amendment, which would strike commonsense foreign policy from this bill.

The language in question here is simple—it says that no U.S. funds can go to UNFPA if it directly supports or participates in coercive abortion and involuntary sterilization. It codifies the notion that respect for human rights and individual choice are critical components of our identity as Americans, and they should be essential parts of our foreign assistance program.

The language in question fixes an egregious error in current law, an ambiguously-written, overly broad provision that allows politics—not sound policy—to decide where our foreign aid dollars go. Current law has prevented U.S. funding from reaching UNFPA programs since 2001—deeply injuring an organization that saves the lives of the poorest of the poor women and children around the world.

My colleagues may argue that it is enough that we devote hundreds of millions of dollars to bilateral international family planning programs. I say that while USAID reaches families in 58 countries, UNFPA reaches families in 141 countries. In which of the 83 countries in question are there women whom we don't want to help?

My colleagues may argue that our bilateral programs are comprehensive, eliminating the need for UNFPA's repetitive programs. I point to UNFPA's recent study on obstetric fistula, a debilitating result of unattended childbirth that affects more than 2 million women in Africa alone. UNFPA is providing technical and programmatic assistance to countries in sub-Saharan Africa with the will to fix this horrific problem; USAID, to date, has done nothing.

My colleagues may argue that the language in question today waters down current law. I say that it merely clarifies current law, to ensure it cannot be misinterpreted in order to cut off funding to life-saving programs around the world.

Our continued refusal to fund UNFPA should embarrass us, because it simply makes no sense. We do not champion human rights by cutting off UNFPA—we all know that you can't solve problems by attacking the problem-solvers. What the withholding does is prevent women from understanding what their rights actually are.

We do not save women from coercive practices by cutting off UNFPA. We do, however, destroy an organization that, in many countries, is the only place women can turn to for medical care and basic contraceptive products. The only point we make by zero funding UNFPA is that we do not care about the world's most vulnerable women. And that does not adequately reflect what the American people—and even the sponsors of this amendment—feel.

I urge my colleagues to oppose this amendment. Let's put politics aside and allow common-sense, basic human decency, and the merit of UNFPA's work dictate our foreign policy.

Mr. GREENWOOD. Madam Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding me this time.

The gentleman from New Jersey (Mr. SMITH) is my good friend, but this amendment is misguided. I do not believe that the vast majority of the American public agree with the proposition in this amendment.

The fact is, this issue is not about abortion. It is about the health of millions of women and children in some of the poorest nations in the world. The United Nations Population Fund is the single largest global source of multilateral funding for maternal health and family planning programs, supporting programs in 150 developing nations. It helps mothers deliver healthy babies through prenatal care and safe delivery kits and counseling. It enables couples to determine the number and spacing of their children through the voluntary, and I stress voluntary, use of safe modern contraception. The gentleman from New Jersey, I do not think, believes in that, and I understand that.

This program reduces the incidence and prevents the transmission of HIV/AIDS and others sexually transmitted diseases.

Let us be clear. The United Nations Population Fund does not provide abortion or abortion services anywhere in the world. Not one penny of program funding is used to promote or to perform abortions. In fact, the U.N. Population Fund program in China was developed with the express purpose of moving China away from coerced abortion and involuntary stabilization practices.

I urge my colleagues to vote against this amendment and to support the bipartisan provision offered by the gentleman from New York (Mr. CROWLEY) that was adopted in committee.

Today, we do not ask the proponents of this amendment to abandon their deepest principles on abortion. They should not now ask us to put our heads in the sand and ignore the plight of millions of women and children.

Mr. SMITH of New Jersey. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Chairman, the question is really whether U.S. dollars are going to be funding forced abortions. U.S. dollars may be used for some other things as well, but this amendment is dealing the restrictions to make sure that there will be no forced abortions. So if we vote "yes" on the amendment, then what we are going to do is effectively maintain the current ban on U.S. taxpayers' dollars being used to force abortions.

I recall when this came up, it was really quite a number of years ago, but it was an unusual situation. A professor from Stanford University had gone to China and was absolutely amazed at what he saw in their delivery rooms, the fact that women were being forced to have abortions. Those were the better-equipped delivery rooms. The other delivery rooms had buckets full of water, and the unwanted children were simply drowned.

Now, China has had this policy for some time. The question is whether or not we want to coerce our taxpayer dollars, first of all, to go and, second of all, to kill these children.

Well, the end of the story was that the professor talked about this publicly. It upset Stanford because they had so many Chinese students. Stanford told the professor to be quiet. He refused to be quiet, and he lost his job. But the damage was done. The American people found out about coerced abortions.

So it is ironic, it seems to me, that in the name of choice, that we are forcing taxpayers to pay their money and forcing women to have abortions.

Madam Chairman, I urge my colleagues to support the amendment and have no part of any coercion whatsoever.

Mr. GREENWOOD. Madam Chairman, I yield myself 10 seconds to note that the Stanford University professor who was just quoted, Steven Mosher, was kicked out of Stanford in the 1980s for academic fraud and misappropriation of university funds.

Mr. CROWLEY. Madam Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), a leader on this issue.

Mrs. MALONEY. Madam Chairman, I thank my colleagues, the gentleman from New York (Mr. CROWLEY) and the gentleman from Pennsylvania (Mr. GREENWOOD), for their extraordinary leadership in saving the lives of women and children around the world.

I will place in the RECORD two reports that will help clarify this debate. Members on the other side of the aisle, the gentleman from New Jersey (Mr. SMITH) and others, have talked about the China policy; and I will place in the RECORD the report from the British Government and the report from the President's own hand-picked investigatory team which found that UNFPA was not participating in any way in coercion or forced abortion in China, so it is clear and in the RECORD.

Now, let me tell my colleagues what this debate is really about. This debate is about saving women's lives around the world through international family planning. Over 1,600 women die each day in childbirth. That is roughly 600,000 women, at a minimum, each year. It is equivalent to two Boeing jets crashing each day.

What UNFPA is about is about handing out safe birthing kits to needy, poor women.

The CHAIRMAN pro tempore (Mrs. CAPITO). The time of the gentlewoman has expired.

Mr. GREENWOOD. Madam Chairman, I yield 30 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Madam Chairman, it includes simple things like a plastic mat, a razor, soap; basic items that can provide the necessary items that prevent the death of a woman in childbirth. That is what UNFPA is about.

Madam Chairman, 150 countries cannot be wrong. They support the efforts of UNFPA. Our country should be there too, helping the poor women and children around the world, not cutting off needed supplies like this birthing kit that only saves the lives of women in childbirth. And if my friends on the other side support life so much, they would support UNFPA's efforts to save the lives of women and children around the world.

The President's own handpicked investigatory team found that UNFPA was not participating in coercion.

In sum, based in what we saw, heard, and read, we find no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the PRC. Indeed, UNFPA has registered its strong opposition to such practices. (Team Report to Colin Powell, July 22, 2002)

A team composed of members of Parliament from the UK in July 2002 found that UNFPA was not participating in coercion.

The [delegation] was convinced that the UNFPA program is a force for good, in moving China away from abuses such as forced-family planning, sterilizations, and abortions . . . It is vitally important that the UNFPA remains actively involved in China, with continued financial support from the UK and other Western Governments. (Report filed by MPs Christine McCafferty, Edward Leigh, and Norman Lamb (July 2, 2002) and forwarded to the U.S. State Department)

Mr. SMITH of New Jersey. Madam Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), my good friend and colleague.

Mr. PENCE. Madam Chairman, I thank the gentleman for yielding me this time.

I want to be clear on this issue. I am pro-life and I do not apologize for it, but there is no choice in China.

□ 1400

There is no woman's right to choose in China. There is a policy of forced coercive abortion and family planning. Whether or not academics who first observed it were discredited entirely, there is a policy of forced abortion. And with regard to the UNFPA's role, Madam Chairman, I will quote none other than Secretary of State Colin Powell, July 21, 2002, saying, "The UNFPA's support of and involvement in China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion; therefore, it is not permissible to continue funding of the UNFPA at this time." So said Secretary of State Colin Powell.

It is why we are here today, because there is an attempt to change the language first adopted in Kemp-Kasten in the 1985 Supplemental Appropriations Acts that barred funding to organizations that support or participate in the management of a program of coercive abortion or involuntary sterilization. The language adopted in the Committee on International Relations essentially creates a safe harbor where, as long as the UNFPA claims ignorance of China's barbaric birth control policies, they can receive U.S. funds.

The reality is that UNFPA has a history of supporting China's coercive family planning program. Sven Burmeister of the UNFPA actually called China's population control policies "a gift to mankind."

It is barbarism at its worst. I stand, therefore, in strong support of the Smith-Oberstar-Hyde amendment. It is not time to back up on fundamental human rights protections.

Mr. CROWLEY. Madam Chairman, I yield 30 seconds to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Chairman, I rise in strong opposition to the Smith amendment and strongly support international family planning programs, the United Nations Population Fund, and the Crowley-Lee amendment. The UNFPA fund helps promote family services and maternal child health care.

Last year, I had an opportunity to visit Nicaragua. As some of you know, I am half Nicaraguan. I got to see the work that was happening out there to help improve the lives of women and their children. And in Nicaragua, UNFPA fund is working to train midwives, midwifes working in maternity houses that offer free shelter, medical counselling and assistance to high-risk pregnant women.

Madam Chairman, I rise in opposition to the Smith Amendment. I strongly support international family planning programs, the United Nations Population Fund, and Crowley Lee Amendment.

UNFPA helps promote family services and maternal and child health care.

It successfully operates in 34 countries in Latin America and the Caribbean and works to increase the number of skilled birth attendants and reduced high rates of maternal and infant mortality.

In Nicaragua, UNFPA is working to train midwives working in maternity houses that offer free shelter, medical counseling and assistance to high-risk pregnant women, I had a chance to visit and hear about these successes.

As a result, these UNFPA funded maternity homes have helped to reduce maternal mortality in Nicaragua, but many are facing severe funding shortages and may be forced to shut down.

The United States should be helping UNFPA address the continuing unmet need for reproductive and maternal health services in Latin America and around the world!

Mr. GREENWOOD. Madam Chairman, how much time remains?

The CHAIRMAN pro tempore (Mrs. CAPITO). The gentleman from Pennsylvania (Mr. GREENWOOD) has 3 minutes remaining. The gentleman from New Jersey (Mr. SMITH) has 4½ minutes remaining. The gentleman from New York (Mr. CROWLEY) has 3¼ minutes remaining.

Mr. GREENWOOD. Madam Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, I urge the defeat of this amendment, not because of my concerns over what is happening in China but my concerns over what is happening in Mexico. If you believe that we should reduce the population growth of Mexico, then you should be for the United Nations Population Fund which contributes to their program.

Is anyone in this Chamber concerned with the population of Haiti? If you are concerned with overly robust immigration from Haiti, especially illegal immigration, we should be concerned about smaller family size in that country. The UNFPA does that. And Nicaragua and Guatemala and El Salvador.

But much more directly, the Central Intelligence Agency has identified several countries of long-term concern to the United States, particularly the government of Pakistan which they believe may not survive this century. Are you concerned about population pressures there? Are you concerned about large numbers of Pakistanis entering the job market and not finding a job? Well, I am; and the UNFPA is directly supporting the Pakistani family planning program.

More directly, how about the UNFPA efforts to reduce the population size and pressure on Liberia, a government of direct interest to the U.S. national security community at this time? Or what about the mother of all countries in the Middle East undergirding our peace process there, Egypt? The UNFPA is the way that we support the Egyptian family planning program.

I would urge the defeat of this amendment for Mexico, for Haiti, for Pakistan, for Liberia, for Egypt.

Mr. SMITH of New Jersey. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING.)

Mr. KING of Iowa. Madam Chairman, I thank the gentleman for yielding me time.

I support the Smith-Oberstar-Hyde amendment which removes the Crowley amendment. The Crowley amendment to H.R. 1950 renders impotent previous language known as the Kemp-Kasten anti-coercion provision, a longstanding provision that allows the President to withhold funding from organizations and programs that were supporters or participants in the management of a program of coercive abortion or involuntary sterilization.

The Crowley amendment replaces this easy-to-use oversight language with language that would make it virtually impossible to pull the plug on funding to questionable organizations, by requiring they "knowingly and intentionally" support the coercive program being carried out. Should not the fact that an organization merely subsidizes the effort of coercive abortions or forced sterilization be enough of a connection to make their hands too dirty to be trusted with taxpayer money?

The knowingly and intentionally standard is difficult and perhaps impossible to prove. It would allow offenders to invade the prohibition and receive United States tax dollars to subsidize forced abortions and sterilizations.

Quite frankly, we should not have to go through with a virtually impossible task of definitively establishing that an organization knowingly and intentionally supported a tyrannical government's coercive abortion practices. On the contrary, those organizations should have to prove to the nations funding them that they unequivocally do not force women to have abortions or undergo sterilizations in any way. An organization's mere connection to and support of a tyrannical government's overall population control infrastructure is compelling enough evidence that they should not receive funding.

Organizations that, wittingly or unwittingly, directly or indirectly, support the population control systems of a nation that forces a woman to undergo an abortion or take away a woman's availability to have a child have no business receiving U.S. tax dollars.

Mr. CROWLEY. Madam Chairman, I yield 30 seconds to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Chairman, I urge this House to reject the Smith amendment.

Slashing our contribution to the United Nations Population Fund would sacrifice the health and safety of some of the poorest women and children around the world. This program provides critical maternal health, emergency assistance for refugees, reproduction education, prevention and treatment for HIV and AIDS, and critical care for infants and children.

I saw with my own eyes recently in South Africa that this program is the only health care that many families receive. This Congress should know that each year we hold our funding hostage to the divisive politics we cost impoverished women and children their lives. Defeating this amendment is essential for child survival and AIDS prevention. Millions of orphans around the world are pleading with us.

Mr. SMITH of New Jersey. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, presumably the gentleman from California (Mr. LANTOS), the gentleman from Pennsylvania (Mr. GREENWOOD) and virtually everybody in this Chamber opposes the tyrannical forced abortion policy of China, but not the UNFPA. Let me say that again, not the United Nations Population Fund.

Their representative has called this the most successful family planning policy in the history of mankind. They call it voluntary when it is not. They aid and abet this cruel policy in many, many tangible ways.

The State Department has it right. In the 32 counties as well as in the rest of China, when a woman gets pregnant and the baby is out of "plan", in other words, an illegal pregnancy—an illegal child—she faces Draconian fines of up to 6 years of salary. That is what compels the abortion. Desperate, with nowhere to turn, she aborts the child to avoid those fines. I urge support for Smith-Oberstar-Hyde amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 30 seconds back to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, in opposing the amendment we recognize that reproductive rights embrace certain human rights. We respect the rights of women to make personal decisions on the number, spacing, and timing of children they wish to bear, what type of birth control she chooses, and the right for health, including sexual health.

The UNPF is one of the most successful foreign aid programs that achieves these goals. By denying UNFPA funding to women in poor countries, we deprive them of human rights. UNFPA estimates that $69 million could prevent 4 million unwanted pregnancies, prevent 1.6 million abortions, prevent 9,400 maternal deaths and prevent 1,200 cases of serious material injury and illness.

Mr. SMITH of New Jersey. Mr. Chairman, we have one final speaker to close debate on my side.

Mr. CROWLEY. Mr. Chairman, I will reserve the right to close.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman from New York (Mr. CROWLEY) for yielding me time.

Mr. Chairman, we know that China participates in forced abortions and we all want that to end, but the argument that we are hearing from the other side is that, if we fund this program, that frees money up for China to participate with forced abortions. So that also means, logically, that the money that Secretary Thompson is using for HIV and AIDS investing in China is also freeing up money for them to use for forced abortions; and it also means the free trade deals that we sign that allow Motorola and other companies to put investment into China also frees up money for them to use for coerced abortion.

That does not make any sense. We all want to prevent abortions. That means funding this program will stop 800,000 abortions. That is the goal. Nobody wants coerced abortions in this Chamber. Nobody. Let us make the proper decision. Let us have preventative medicine and let us prevent 800,000 abortions right now with one vote.

I oppose this amendment. Vote it down. Keep the Crowley language.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is one of those days when I stand on the floor and wonder what it is that we are fighting about because our values are so common in so many ways.

Every one of us agrees not a penny of this money should go for abortions, and it does not. Everyone agrees that the policy of coerced abortion is an abomination. It is horrible.

The gentleman from New Jersey came to the floor with an amendment that said if this administration finds that UNFPA is engaged in helping coerced abortions to occur, we would get a 100 percent vote for it. If he said that, the funding to China or the UNFPA would stop. That is not what he has done.

What he has done is similar to in the movies when the bad guys come to town and somebody did something they did not like, so they line them up and they shoot them up.

The Smith amendment lines them up and shoots them all. It shoots them in Haiti. It shoots the program down in Nicaragua, throughout Africa, throughout Asia, throughout the world. All of the good that the gentleman says he supports he cuts in half with his amendment. Because, despite the fact that this administration said we find no evidence that the UNFPA has knowingly supported or participated in the management of coercive abortions, he suspects that perhaps there is an inkling that they do.

Mr. SMITH of New Jersey. Mr. Chairman, I yield our remaining time to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, to close debate for our side.

Mr. HYDE. Mr. Chairman, I thank the gentleman from New Jersey (Mr. SMITH) very much for yielding me time.

I really do not know where to begin. We have all agreed that the Chinese population control program is coercive and, therefore, violative of human rights. We ought to stay a thousand miles away from anything that facilitates that. And yet this money that we give to the population control fund facilitates the Chinese program.

Now, what no one has mentioned today is the law in China. The population and family planning law which was adopted a couple of years ago has some chilling phrases in it. Citizens who give birth to a child in violation of Article 18 of this law may be ordered to pay a premium to a fund. Yes, they are ordered to pay a premium triple the yearly income which forces an abortion, coerces an abortion. And guess who enforces the Chinese population law? The People's Liberation Army, the Chinese People's Liberation Army enforces their population law.

Now, I listened very carefully to criticisms that the countries are going to be denied family planning. We are the largest spender on the globe, in the galaxy for family planning, and nobody will be denied anything. It just does not go through the U.N. You know the U.N. That is the organization that supplanted us on the Commission for Human Rights with Libya.

Now, if you think it is important for us to worry about the population of Mexico, as one of the late speakers did, I can understand a Mexican listening to that and saying, who are they to worry about our population?

I am out of time. I just want to say I am just getting wound up, but that is the way it goes. I hope you support the Smith amendment.

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Mr. CROWLEY. Mr. Chairman, before closing, I yield 30 seconds to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank him for his leadership on this issue.

As a woman and a Member of Congress, I am appalled to think that we would cut money for family planning in order to say we are cutting money from abortion. If we have family planning, all around the world we will reduce the number of abortions; and it seems to me that is a good thing.

The UNFPA money is not going to force abortions in China. This is a red herring. The former director of that group said any form of coercion is unacceptable.

Vote "no" on this ill-conceived amendment.

Mr. CROWLEY. Mr. Chairman, I yield myself the remaining time.

I will close by just saying that I have enormous respect for the authors of this amendment, the gentleman from New Jersey (Mr. SMITH), the gentleman from Illinois (Mr. HYDE), and the gentleman from Minnesota (Mr. OBERSTAR).

The gentleman from New Jersey (Mr. SMITH) has a stellar record when it comes to the issue of human rights, and I applaud him for that. We just simply do not agree on this issue.

If I believed that or any part of my body believed or my soul believed that the UNFPA was engaged in any form of forced abortion anywhere in the world, I would be the first person supporting their amendment. I just do not believe that to be the case.

I have seen the benefit of UNFPA in the world. I have been to Africa. I have been to Asia. I have been to Bangladesh and India and China. I have seen the abuses in China, and I do not agree with them. I do not agree with China on just about anything, but that does not mean we should gut a program that has worked all around this world to save lives.

Let me just say this in closing. Dr. Nafis Sadik, the former executive director of UNFPA, said, "Any form of coercion is completely unacceptable, on practical as well as ethical grounds. Coercion is a violation of human rights. Although it is every country's sovereign right to determine its own policy, that right does not extend to coercive practices. The assumption behind coercion, that women are inferior, incapable of independent decision making, not to be trusted, are also those that undermine sustainable development."

The choice is really clear. If you support family planning, you will oppose the Smith-Oberstar-Hyde amendment.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this harmful amendment.

Cutting funds to the United Nations Population Fund will prevent vital assistance for poor women and children in developing countries. UNFPA's programs help families prevent unwanted pregnancies, undergo childbirth safely, avoid STDs including HIV/AIDS, and combats violence against women. I cannot understand how, in good conscience, a member could vote to cut these programs.

I believe we must support UNFPA and its family planning initiatives because world population continues to grow out of control. In 1960, there were 3 billion people that lived on this Earth. Today, there are 6 billion people; and in 40 years, without worldwide family planning services, it will rise to nearly 9 billion. The UNFPA responds to this growth by assisting the world's poorest countries in formulating population policies and strategies. Overpopulation threatens not only the world's political stability, but our global environment as well.

As a former Peace Corps volunteer, I can attest to the substantial contributions international family programs make to economic development, higher living standards and improved health nutrition.

We need to defeat the Smith/Hyde amendment.

Mr. CROWLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. OSE). All time having expired, the question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. CROWLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 108–206.

AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HYDE:

Strike section 1 of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003".

Strike subsection (a) of section 2 of the bill and insert the following:

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into four divisions as follows:

(1) DIVISION A.—Millennium Challenge Account Act of 2003.

(2) DIVISION B.—Peace Corps Expansion Act of 2003.

(3) DIVISION C.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(4) DIVISION D.—Defense Trade and Security Assistance Reform Act of 2003.

Redesignate division A of the bill as division C of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Redesignate division B of the bill as division D of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Insert after section 3 of the bill the following two new divisions (and conform the table of contents accordingly):

DIVISION A—MILLENNIUM CHALLENGE ACCOUNT

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Millennium Challenge Account Act of 2003".

SEC. 102. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term "Board" means the Board of Directors of the Corporation established pursuant to section 303 of this Act.

(3) COMPACT.—The term "Compact" means the Millennium Challenge Compact described in section 204 of this Act.

(4) CORPORATION.—The term "Corporation" means the Millennium Challenge Corporation established under section 301 of this Act.

(5) COUNCIL.—The term "Council" means the Millennium Challenge Advisory Council established under section 308 of this Act.

(6) MILLENNIUM DEVELOPMENT GOALS.—The term "Millennium Development Goals" means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000), which aim to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria, and other infectious diseases, ensure environmental sustainability, and develop a global partnership for development.

SEC. 103. SUNSET.

All authorities under this division (other than title IV) shall terminate on October 1, 2007.

TITLE II—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 201. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) A principal objective of United States foreign assistance programs, as stated in section 101 of the Foreign Assistance Act of 1961, is the "encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives".

(2) The expanding acceptance of free trade and open markets and the spread of democracy and the rule of law have brought a better way of life to an increasing number of people in the world.

(3) Inequalities between men and women undermine development and poverty-reduction efforts in fundamental ways. A woman's limited access to resources and restrictions on the exercise of her rights, including the right to participate in social and political processes, disables her from maximizing her contribution to her family's health, education, and general well-being.

(4) On March 14, 2002, the President noted the successes of development assistance programs: "The advances of free markets and trade and democracy and rule of law have brought prosperity to an ever-widening circle of people in this world. During our lifetime, per capita income in the poorest countries has nearly doubled. Illiteracy has been cut by one-third, giving more children a chance to learn. Infant mortality has been almost halved, giving more children a chance to live.".

(5) Development is neither an easy process nor a linear one. There are successes and there are failures. Today, too many people are still living in poverty, disease has eroded many of the economic and social gains of previous decades, and many countries have not adopted policies, for a variety of reasons, that would enable them to compete in an open and equitable international economic system.

(6) More countries and more people will be able to participate in and benefit from the opportunities afforded by the global economy if the following conditions for sound and sustainable economic development are met:

(A) SECURITY.—Security is necessary for economic development. Persistent poverty and oppression can lead to hopelessness, despair, and to failed states that become havens for terrorists.

(B) POLICIES THAT SUPPORT BROAD-BASED ECONOMIC GROWTH.—Successful long-term development can only occur through broad-based economic growth that enables the poor to increase their incomes and have access to productive resources and services so that they can lead lives of decency, dignity, and hope.

(C) DEMOCRACY AND THE RULE OF LAW.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. The ability of people to participate in the economic and political processes affecting their lives is essential to sustained growth. The rule of law and a commitment to fight corruption is also critical to the development of a prosperous society.

(D) INVESTMENTS IN PEOPLE.—Economic growth and democracy can be sustained only if both men and women have the basic tools and capabilities that foster the opportunity for participation in the economic, social, and political life of their countries. Successful development of countries requires citizens who are literate, healthy, and prepared and able to work.

(7) Economic assistance programs authorized under part I of the Foreign Assistance Act of 1961, as administered by the United States Agency for International Development and other Federal agencies, are of critical importance in assisting countries to be in a position to maximize the effectiveness of assistance authorized by this title.

(8) It is in the national interest of the United States to help those countries that are implementing the economic and political reforms necessary for development to occur.

(9) On March 14, 2002, the President stated that the "growing divide between wealth and poverty, between opportunity and misery, is both a challenge to our compassion and a source of instability . . . [w]e must confront it . . . [w]e must include every African, every Asian, every Latin American, every Muslim, in an expanding circle of development.".

(10) The President has pledged that funds requested for the Millennium Challenge Account shall be in addition to, and not a substitute for, existing development and humanitarian programs.

(11) Development assistance alone is not sufficient to stimulate economic growth and development. Assistance has been shown to have a positive impact on growth and development in developing countries with sound policies and institutions. If countries have poor policies and institutions, however, it is highly unlikely that assistance will have a net positive effect.

(12) Economic development, and the achievement of the Millennium Development Goals, must be a shared responsibility between donor and recipient countries.

(b) STATEMENT OF POLICY REGARDING A NEW COMPACT FOR GLOBAL DEVELOPMENT.—It is, therefore, the policy of the United States to support a new compact for global development that—

(1) increases support by donor countries to those developing countries that are fostering democracy and the rule of law, investing in their people, and promoting economic freedom for all their people;

(2) recognizes, however, that it is the developing countries themselves that are primarily responsible for the achievement of those goals;

(3) seeks to coordinate the disparate development assistance policies of donor countries, and to harmonize the trade and finance policies of donor countries with their respective development assistance programs; and

(4) aims to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) Assistance.—The President, acting through the Chief Executive Officer of the Millennium Challenge Corporation, is authorized to provide assistance to eligible countries to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this title.

(b) Principal Objectives.—Assistance provided under subsection (a) should advance a country's progress toward promoting the following principal objectives:

(1) Fostering democratic societies, human rights, and the rule of law.—The assistance should promote—

(A) political, social, and economic pluralism;

(B) respect for the rule of law;

(C) anti-corruption initiatives and law enforcement;

(D) development of institutions of democratic governance, including electoral and legislative processes;

(E) transparent and accountable public administration at all levels of government;

(F) a fair, competent, and independent judiciary; and

(G) a free and independent media.

(2) Fostering investment in education and health infrastructure and systems.—The assistance should foster improved educational opportunities and health conditions, particularly for women and children, including through—

(A) support for programs and personnel that promote broad-based primary education, including through the development of academic curricula, by making available textbooks and other educational materials, and through appropriate use of technology;

(B) support for programs to strengthen and build institutions, including primary health care systems, infrastructure, facilities, and personnel that provide quality health care;

(C) support for improved systems for the delivery of healthy water and sanitation services; and

(D) support for programs that reduce child mortality (including those programs that combat HIV/AIDS, malaria, tuberculosis, and other infectious diseases, consistent with sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961).

(3) Promoting economic freedom, broad-based economic growth, and fostering free market systems.—The assistance should foster the institutions and conditions needed to promote free market systems, trade, and investment, including—

(A) the reform and restructuring of banking and financial systems, including by allowing foreign competition in the banking and financial sectors, where appropriate;

(B) the development of transparent and efficient commercial codes and reduction in the regulatory burden on business;

(C) the protection of property rights, including—

(i) private property and intellectual property rights, including through the adoption and effective enforcement of intellectual property treaties or international agreements; and

(ii) the establishment and maintenance of an efficient and integrated legal property system that, among other things, facilitates the ability of the poor, particularly women, to convert physical and intellectual assets into capital, such as utilizing existing practices and customs that allow assets to be documented in a manner that makes the assets widely transferable, leveragable, and fungible, that allows individuals to hold legal title to their property, and that holds owners accountable for transactions involving their property;

(D) support for market-based policies that support increased agricultural production;

(E) a strong commitment to sound monetary and budgetary policies;

(F) the development of small businesses, private cooperatives, credit unions, and trade and labor unions;

(G) the protection of internationally recognized workers' rights; and

(H) the capacity of eligible countries to ameliorate damage to the environment and respect other environmental standards.

SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.

(a) Assistance for Low Income Countries.—

(1) Fiscal year 2004.—A country shall be eligible to receive assistance under section 202 for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development;

(B) subject to paragraph (3), the country is not ineligible to receive United States economic assistance by reason of the application of section 116, 490, or 620A of the Foreign Assistance Act of 1961, or by reason of the application of any other provision of law; and

(C) the Chief Executive Officer of the Corporation determines that the country has demonstrated a commitment to—

(i) bolster democracy, human rights, good governance and the rule of law;

(ii) invest in the health and education of its citizens; and

(iii) promote sound economic policies that promote economic freedom and opportunity.

(2) Fiscal years 2005 and 2006.—A country shall be eligible to receive assistance under section 202 for fiscal years 2005 and 2006 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

(B) the country meets the requirements of paragraph (1)(B); and

(C) the country meets the requirements of clauses (i) through (iii) of paragraph (1)(C), as determined by the Chief Executive Officer.

(3) Rule of construction.—For the purposes of determining whether a country is eligible for receiving assistance under section 202 pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph shall not be construed as satisfying the requirement of such paragraph.

(b) Assistance for Lower Middle Income Countries.—

(1) In general.—In addition to countries described in subsection (a), a country shall be eligible to receive assistance under section 202 for fiscal year 2006 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report published by the International Bank for Reconstruction and Development;

(B) meets the requirements of subsection (a)(1)(B); and

(C) meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer.

(2) Limitation.—The total amount of assistance provided to countries under this subsection for fiscal year 2006 may not exceed 20 percent of the total amount of assistance provided to all countries under section 202 for fiscal year 2006.

(c) Assistance for Selected Low Income Countries.—

(1) In general.—A country shall be eligible to receive assistance for any of fiscal years 2004 through 2006 solely for the purpose of becoming eligible to receive assistance under subsection (a) if the country—

(A) meets the requirements of paragraphs (1)(B) and (2)(A) of subsection (a);

(B) demonstrates a commitment to meeting the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer; but

(C) fails to meet the eligibility criteria necessary to receive assistance under section 202, as established under subsection (e).

(2) Administration.—Assistance for countries eligible by reason of the application of this subsection shall be provided through the United States Agency for International Development.

(3) Allocation of funds.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, not more than 15 percent of such amount is authorized to be appropriated to the President for the fiscal year to carry out this subsection.

(d) General Authority To Determine Eligibility.—

(1) General authority.—The Chief Executive Officer shall determine whether or not a country is eligible to receive assistance under section 202.

(2) Congressional notification.—Not later than 7 days after making a determination of eligibility for a country under paragraph (1), the Chief Executive Officer shall provide notice thereof to the appropriate congressional committees. Such notice shall include a certification of the determination of the Chief Executive Officer that the country meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C) in accordance with such subsection, subsection (a)(2)(C), subsection (b)(1)(C), or subsection (c)(1)(B), as the case may be.

(e) Eligibility Criteria.—

(1) Initial criteria and methodology.—At soon as practicable after the date of the enactment of this Act, but not later than 30 days prior to making any determination of eligibility for a country under this section, the Chief Executive Officer—

(A) shall consult in-person with the appropriate congressional committees with respect to the establishment of eligibility criteria and methodology that the Chief Executive Officer proposes to use for purposes of determining eligibility under this section;

(B) shall establish such eligibility criteria and methodology; and

(C) shall prepare and transmit to such committees a written report that contains such eligibility criteria and methodology.

(2) Revisions to criteria and methodology.—If the Chief Executive Officer proposes to use revised or different criteria from the criteria described in paragraph (1) in making a determination of eligibility for a country under this section, then, not later than 15 days prior to making such determination, the Chief Executive Officer shall consult in-person with the appropriate congressional committees with respect to such revised or different criteria and methodology

in accordance with paragraph (1)(A) and shall prepare and transmit a written report in accordance with paragraph (1)(C).

(f) FORM OF ASSISTANCE; RECIPIENTS.—

(1) FORM OF ASSISTANCE.—Assistance provided under section 202 for a country shall be provided to one or more of the entities described in paragraph (2) on a nonrepayable basis and in accordance with a fair, open, and competitive selection process that results in the awarding of such assistance on a merit basis using selection criteria that are made public by the Corporation in advance and are otherwise in accordance with standard and customary best practices for the provision of similar types of assistance.

(2) RECIPIENTS.—The entities referred to in paragraph (1) are the following:

(A) The national government of the country.

(B) Regional or local governmental units of the country.

(C) Nongovernmental organizations, including for-profit, not-for-profit, and voluntary organizations.

(D) International organizations and trust funds.

(g) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer may not make any grant or enter into any contract for assistance for a country under section 202 that exceeds $5,000,000 until 15 days after the date on which the Chief Executive Officer provides notification of the proposed grant or contract to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(h) PROHIBITION ON USE OF FUNDS.—The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this division to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act.

SEC. 204. MILLENNIUM CHALLENGE COMPACT.

(a) COMPACT.—The President, acting through the Chief Executive Officer of the Corporation, may provide assistance to an eligible country under section 202 only if the country enters into a contract with the United States, to be known as a "Millennium Challenge Compact", that establishes a multi-year plan for achieving shared development objectives in furtherance of the purposes of this title, and only if the President, acting through the Chief Executive Officer, provides to Congress notice regarding such Compact pursuant to subsection (h).

(b) ELEMENTS.—

(1) IN GENERAL.—The Compact shall take into account the national development strategy of the eligible country and shall contain—

(A) the specific objectives that the country and the United States expect to achieve;

(B) the responsibilities of the country and the United States in the achievement of such objectives;

(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives;

(D) an identification of the intended beneficiaries, disaggregated by income level, gender, and age, to the maximum extent practicable;

(E) a multi-year financial plan, including the estimated amount of contributions by the Corporation and the country and proposed mechanisms to implement the plan and provide oversight, that describes how the requirements of subparagraphs (A) through (D) will be met, including identifying the role of civil society in the achievement of such requirements;

(F) where appropriate, a description of the responsibility of other donors in the achievement of such objectives; and

(G) a plan to ensure appropriate fiscal accountability for the use of assistance provided under section 202.

(2) LOWER MIDDLE INCOME COUNTRIES.—In addition to the elements described in subparagraphs (A) through (G) of paragraph (1), with respect to a lower middle income country described in section 203(b), the Compact shall identify an appropriate contribution from the country relative to its national budget, taking into account the prevailing economic conditions, toward meeting the objectives of the Compact. Such contribution shall be in addition to government spending allocated for such purposes in the country's budget for the year immediately preceding the establishment of the Compact and shall continue for the duration of the Compact.

(c) DEFINITION.—In subsection (b), the term "national development strategy" means any strategy to achieve market-driven economic growth that has been developed by the government of the country in consultation with a wide variety of civic participation, including nongovernmental organizations, private and voluntary organizations, academia, women and student organizations, local trade and labor unions, and the business community.

(d) ADDITIONAL PROVISION RELATING TO PROHIBITION ON TAXATION.—In addition to the elements described in subsection (b), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

(e) LOCAL INPUT.—In entering into a Compact, the United States and the eligible country—

(1) shall take into account the local-level perspectives of the rural and urban poor in the eligible country; and

(2) should consult with private and voluntary organizations, the business community, and other donors, in the eligible country.

(f) CONSULTATION.—During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(g) COORDINATION WITH OTHER DONORS.—To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(h) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Not later than 15 days prior to entering into a Compact with an eligible country, the President, acting through the Chief Executive Officer—

(1) shall consult in-person with the appropriate congressional committees with respect to the proposed Compact;

(2) shall provide notification of the proposed Compact to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961;

(3) shall prepare and transmit to such committees a written report that contains a detailed summary of the proposed Compact and a copy of the full text of the Compact; and

(4) shall publish such detailed summary and full text of the proposed Compact in the Federal Register and on the Internet website of the Corporation.

(i) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development of the Compact between the United States and the country.

SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.

(a) SUSPENSION OF ASSISTANCE.—

(1) IN GENERAL.—The President shall suspend assistance in whole or in part for a country under this title if the President determines that—

(A) the country is engaged in activities which are contrary to the national security interests of the United States;

(B) the elected head of state of the country or any member of the country's highest judicial tribunal has been removed from that office or forcibly detained through extra-constitutional processes; or

(C) the country has failed to adhere to its responsibilities under the Compact.

(2) REINSTATEMENT.—The President may reinstate assistance for a country under this title only if the President determines that the country has demonstrated a commitment to correcting each condition for which assistance was suspended under paragraph (1).

(3) CONGRESSIONAL NOTIFICATION.—A suspension of assistance under paragraph (1), or a reinstatement of assistance under paragraph (2), shall be effective beginning 15 days after the date on which the President transmits to the appropriate congressional committees a report that contains the determination of the President under paragraph (1) or paragraph (2), as the case may be.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—The President, acting through the Chief Executive Officer of the Corporation, shall terminate all assistance for a country under this title if the President determines that the country has consistently failed to adhere to its responsibilities under the Compact or has significantly failed to meet the requirements of this title.

(2) CONGRESSIONAL NOTIFICATION.—A termination of assistance under paragraph (1) shall be effective beginning 15 days after the date on which the President, acting through the Chief Executive Officer, provides notification of the proposed termination of assistance to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 206. ANNUAL REPORT.

(a) REPORT.—Not later than April 1, 2005, and not later than April 1 of each year thereafter, the Chief Executive Officer of the Corporation shall prepare and transmit to the appropriate congressional committees a report on the implementation of this title for the preceding year.

(b) CONTENTS.—The report shall include the following:

(1) A description and assessment of the eligibility criteria and methodology utilized by the Chief Executive Officer to determine eligibility for each country under section 203.

(2) A description of the agreed upon measures of progress contained in each Compact.

(3)(A) An analysis, on a country-by-country, project-by-project basis, of the impact of assistance provided under this title on the economic development of each country.

(B) For each country, the analysis shall—

(i) to the maximum extent possible, be done on a sector-by-sector basis, gender basis, and per capita income basis, and identify trends within each of these bases;

(ii) identify economic policy reforms conducive to economic development that are supported by assistance provided under this title;

(iii) describe, in quantified terms to the extent practicable, the progress made in achieving assistance objectives for the country;

(iv) describe the amount and nature of economic assistance provided by other major donors which further the purposes of this title; and

(v) discuss the commitment and contribution of the country to achieving the assistance objectives contained in its Compact.

(4) A description and assessment of property rights in each country, including—

(A) the total value of legal and extralegal property and business holdings;

(B) the average time required to acquire land; and

(C) the average time required to register and wind up a business enterprise.

SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES BUSINESSES.

(a) PARTICIPATION.—To the maximum extent practicable, the President, acting through the Chief Executive Officer, shall ensure that United States small, minority-owned, and disadvantaged business enterprises fully participate in the provision of goods and services that are financed with funds made available under this title.

(b) REPORT.—The Chief Executive Officer shall prepare and submit to the appropriate congressional committees an annual report that contains a description of the extent to which the requirement of subsection (a) has been met for the preceding year.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED AUTHORITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, acting through the Chief Executive Officer of the Corporation, to carry out this division (other than title IV) $1,300,000,000 for fiscal year 2004, $3,000,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) may be referred to as the "Millennium Challenge Account";

(2) are authorized to remain available until expended; and

(3) are in addition to amounts otherwise available for such purposes.

TITLE III—MILLENNIUM CHALLENGE CORPORATION

SEC. 301. MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch a corporation to be known as the "Millennium Challenge Corporation" that shall be responsible for carrying out title II.

(b) GOVERNMENT CORPORATION.—The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

SEC. 302. CHIEF EXECUTIVE OFFICER.

(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION AND RANK.—

(1) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(2) AMENDMENT.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, Millennium Challenge Corporation.".

(c) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall exercise the powers and discharge the duties of the Corporation and any other duties, as conferred on the Chief Executive Officer by the President.

(d) AUTHORITY TO APPOINT OFFICERS.—The Chief Executive Officer shall appoint all officers of the Corporation.

SEC. 303. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be in the Corporation a Board of Directors.

(b) DUTIES.—The Board may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of—

(A) the Secretary of State, the Secretary of Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(2) EX-OFFICIO MEMBERS.—In addition to members of the Board described in paragraph (1), the Director of the Office of Management and Budget, the President and Chief Executive Officer of the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, and the Director of the Peace Corps shall be non-voting members, ex officio, of the Board.

(d) TERMS.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—Each member of the Board described in paragraphs (1)(A) and (2) of subsection (c) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(2) OTHER MEMBERS.—Each member of the Board described in subsection (c)(1)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Secretary of State shall serve as the Chairperson of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum, which shall include at least one member of the Board described in subsection (c)(1)(B).

(g) MEETINGS.—The Board shall meet at the call of the Chairperson.

(h) COMPENSATION.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—

(A) IN GENERAL.—A member of the Board described in paragraphs (1)(A) and (2) of subsection (c) may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(B) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Board described in subsection (c)(1)(B)—

(i) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(ii) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(B) LIMITATION.—A member of the Council may not be paid compensation under subparagraph (A)(i) for more than thirty days in any calendar year.

SEC. 304. INTERAGENCY COORDINATION.

In carrying out the functions described in this title, and consistent with section 101 of the National Security Act of 1947 (50 U.S.C. 402), the President shall ensure coordination of assistance authorized under title II with foreign economic assistance programs and activities carried out by other Federal departments and agencies.

SEC. 305. POWERS OF THE CORPORATION; RELATED PROVISIONS.

(a) POWERS.—The Corporation—

(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) may prescribe, amend, and repeal such rules, regulations, and procedures as are necessary for carrying out the functions of the Corporation and all Compacts;

(3) may make and perform such contracts, grants, and other agreements with any individual, corporation, or other private or public entity, however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $95,000 in any fiscal year;

(5) may lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept gifts or donations of services or of property (real, personal, or mixed),

tangible or intangible, in furtherance of the purposes of this division;

(7) may hire or obtain passenger motor vehicles;

(8) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(9) may, with the consent of any Executive agency (as defined in section 105 of title 5, United States Code), use the information, services, facilities, and personnel of that agency on a full or partial reimbursement in carrying out the purposes of this division; and

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

(b) Offices.—

(1) Principal office.—The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(2) Other offices.—The Corporation may establish other offices in any place or places outside the United States in which the Corporation may carry out any or all of its operations and business.

(c) Cooperation With Other Federal Departments and Agencies.—In order to avoid unnecessary expense and duplication of functions, efforts, and activities between the Corporation and other Federal departments and agencies the Chief Executive Officer, or the Chief Executive Officer's designee—

(1)(A) shall consult, to the maximum extent practicable, with the Administrator of the United States Agency for International Development, or the Administrator's designee, in order to coordinate the activities of the Corporation and the Agency for International Development; and

(B) shall consult with the heads of other departments and agencies to ensure similar coordination of activities;

(2)(A) shall ensure proper coordination of activities of the Corporation with the provision of development assistance of relevant international financial institutions, including the International Bank for Reconstruction and Development, the International Monetary Fund, and the regional multilateral development banks; and

(B) shall provide to each United States Executive Director (or other United States representative) to the relevant international financial institutions a copy of each proposed Compact between the United States and an eligible country and a copy of each such final Compact.

(d) Positions with Foreign Governments.—When approved by the Corporation, in furtherance of its purposes, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries or with international organizations.

SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE CORPORATION.

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION; OTHER AUTHORITIES AND LIMITATIONS.

(a) Detail of Personnel.—Upon request of the Chief Executive Officer of the Corporation, the head of an agency may detail any employee of such agency to the Corporation on a fully or partially reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) Limitation on Total Service.—

(1) In general.—Except as provided in paragraph (2), no individual may serve in or under the Corporation (whether as an employee of the Corporation, a detailee to the Corporation, or a combination thereof) for a total period exceeding 5 years.

(2) Exceptions.—

(A) Extension authority.—The Chief Executive Officer may extend the 5-year period under paragraph (1) for up to an additional 3 years, in the case of any particular individual, if the Chief Executive Officer determines that such extension is essential to the achievement of the purposes of this division.

(B) Officers.—Nothing in this subsection shall limit the period for which an individual may serve as an officer of the Corporation appointed pursuant to section 302(d) nor shall any period of service as such an officer be taken into account for purposes of applying this subsection.

(c) Reemployment Rights.—

(1) In general.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation—

(i) by reason of the application of subsection (b); or

(ii) for any other reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

(2) Specific rights.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(d) Basic Pay.—The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of—

(1) chapter 51 of title 5, United States Code (relating to the classification of positions), and

(2) subchapter III of chapter 53 of such title (relating to General Schedule pay rates),

except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) Assignment to United States Embassies.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post, or United States Agency for International Development field mission.

(f) Privileges and Immunities.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(g) Responsibility of Chief of Mission.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(h) Allocation of Funds.—

(1) In general.—The Corporation may allocate or transfer to the United States Agency for International Development or any other agency any part of any funds available for carrying out the purposes of this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) Congressional notification.—The Chief Executive Officer shall notify the appropriate congressional committees not later than 15 days prior to a transfer of funds under paragraph (1) that exceeds $5,000,000.

(3) Use of services.—For carrying out the purposes of this division, the Corporation may utilize the services and facilities of, or procure commodities from, any agency under such terms and conditions as may be agreed to by the head of the agency and the Corporation.

(i) Funding Limitation.—Of the funds allocated under subsection (h) in any fiscal year, not more than 7 percent of such funds may be used for administrative expenses.

(j) Other authorities.—Except to the extent inconsistent with the provisions of this division, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this division to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(k) Applicability of Government Corporation Control Act.—

(1) In general.—The Corporation shall be subject to the provisions of chapter 91 of subtitle VI of title 31, United States Code, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

(2) Conforming amendment.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(Q) the Millennium Challenge Corporation."

(l) Inspector General.—

(1) In general.—The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

(2) Authority of the board.—In carrying out its responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board of Directors.

(3) Reimbursement and authorization of services.—

(A) Reimbursement.—The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) Authorization for services.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, up to $1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, investigations, and inspections of operations and activities of the Corporation.

(m) Comptroller General.—

(1) In general.—The Comptroller General shall conduct audits, evaluations, and investigations of the Corporation.

(2) Scope.—The activities and financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be evaluated, investigated, or audited by the Comptroller General in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(3) Access and records.—Any evaluation, investigation, or audit shall be conducted at the place or places where pertinent information of the Corporation is normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the evaluation, investigation, or audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31, United States Code.

(4) Report.—A report of such audit, evaluation, or investigation shall be made by the Comptroller General to the appropriate congressional committees and to the President, together with such recommendations with respect thereto as the Comptroller General shall deem advisable.

(n) Definitions.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.

(a) Establishment.—There is hereby established in the executive branch an advisory council to the Corporation to be known as the Millennium Challenge Advisory Council.

(b) Functions.—

(1) General functions.—The Council shall advise and consult with the Chief Executive Officer of the Corporation and the Board of Directors with respect to policies and programs designed to further the purposes of this division and shall periodically report to the Congress with respect to the activities of the Corporation. In addition, the Council shall review on an annual basis the criteria and methodology used to determine eligibility of countries for assistance under title II and make recommendations to the Chief Executive Officer and the Board to improve the effectiveness of such criteria and methodology in order to achieve the purposes of this division.

(2) Additional functions.—Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Corporation in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Corporation;

(B) assess the potential capabilities and the future role of the Corporation;

(C) make recommendations to the Chief Executive Officer, the Board of Directors, and Congress, for the purpose of guiding the future direction of the Corporation and of helping to ensure that the purposes and programs of the Corporation are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law;

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) Public participation.—The Council may provide for public participation in its activities, consistent with section 552b of title 5, United States Code.

(c) Membership.—

(1) In general.—The Council shall consist of seven individuals, who shall be appointed by the Chief Executive Officer, and who shall be broadly representative of nongovernmental entities with expertise and interest in international trade and economic development, including business and business associations, trade and labor unions, private and voluntary organizations, foundations, public policy organizations, academia, and other entities as the Chief Executive Officer determines appropriate.

(2) Additional requirement.—No member appointed under paragraph (1) may be an officer or employee of the United States Government.

(d) Compensation.—

(1) In general.—Except as provided in paragraph (2), a member of the Council—

(A) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Council; and

(B) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Council, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(2) Limitation.—A member of the Council may not be paid compensation under paragraph (1)(A) for more than thirty days in any calendar year.

(e) Quorum.—A majority of the members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) Financial Interests of Members.—A member of the Council shall disclose to the Chairperson of the Council and the Chief Executive Officer of the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) Chairperson.—The Chief Executive Officer shall designate one of the members of the Council as Chairperson, who shall serve in that capacity for a term of two years. The Chief Executive Officer may renew the term of the member appointed as Chairperson under the preceding sentence.

(h) Meetings, Bylaws, and Regulations.—

(1) Meetings.—The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Chief Executive Officer, the Chairperson of the Board, the Chairperson of the Council, or two members of the Council.

(2) Bylaws and regulations.—The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) Report to the President, Chief Executive Officer, and Board.—

(1) Report.—Not later than January 1, 2005, and not later than January 1 of each year thereafter that the Corporation is in existence, the Council shall submit to the President, the Chief Executive Officer, and the Board a report on its views on the programs and activities of the Corporation.

(2) Contents.—Each report shall contain a summary of the advice and recommendations provided by the Council to the Chief Executive Officer and the Board during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress.

(3) Additional requirement.—Not later than 90 days after receiving each such report, the Chief Executive Officer shall transmit to Congress a copy of the report, together with any comments concerning the report that the Chief Executive Officer considers appropriate.

(j) Administrative Assistance.—The Chief Executive Officer shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.

(k) Termination.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Council. Notwithstanding section 102 of this Act, the authorities of the Council shall terminate on December 31, 2007.

SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.

(a) Findings.—Congress finds the following:

(1) Many countries in the developing world lack the academic and public policy advocacy base essential to attaining the principal objectives of the Millennium Challenge Account.

(2) Because of widespread government repression of free speech and poverty, the countries of Africa in particular suffer an acute shortage of nongovernmental organizations which effectively study and promote the principal objectives of the Millennium Challenge Account.

(3) Many developing countries, particularly low income countries, lack the institutional

capacity to enhance the quality and accuracy of data upon which the eligibility criteria in section 203 relies. Such countries may also lack the ability to monitor and evaluate development projects effectively.

(4) The Millennium Challenge Account will struggle to reach its goals unless countries in the developing world possess a home grown intellectual commitment and culture of advocacy aimed at promoting its principal objectives.

(b) ASSISTANCE.—The Chief Executive Officer of the Corporation is authorized to provide assistance in support of nongovernmental organizations (including universities, independent foundations, and other organizations) in low income and lower middle income countries, and, where appropriate, directly to agencies of foreign governments in low income countries, that are undertaking research, education, and advocacy efforts aimed at promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions, particularly for women and children, and economic freedom, including research aimed at improving data related to the eligibility criteria and methodology established by this division with respect to such a country or monitoring and evaluating the impact of assistance provided under this division.

(c) LIMITATION.—Not more than $10,000,000 of the amount made available to carry out this division for a fiscal year may be made available to carry out this section.

TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE

SEC. 401. DEFINITION.

In this title, the term "United States economic assistance" means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples, including assistance provided under title II (relating to the Millennium Challenge Account);

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;

(D) to save lives and alleviate suffering of foreign peoples during or following war, natural disaster, or complex crisis;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.

SEC. 402. FRAMEWORK FOR ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a coherent framework for United States economic assistance should be established in accordance with this section.

(b) ELEMENTS.—The framework described in subsection (a) includes the following elements:

(1) The United States Agency for International Development, under the direction and foreign policy guidance of the Secretary of State, should be responsible for—

(A) providing assistance to countries that face natural and man-made disasters in order to provide humanitarian relief to the peoples of such countries, in coordination with refugee programs administered by the Department of State;

(B) providing assistance to countries that are suffering from conflicts or are in post-conflict situations in order to provide humanitarian relief, transition assistance, and reconstruction assistance;

(C) providing assistance to help moderate-to-poorly performing countries achieve development progress in the areas described in part I of the Foreign Assistance Act of 1961, including progress toward becoming eligible for assistance under this title, and to promote international health worldwide, as well as assisting in the development of country and regional development strategies;

(D) addressing transnational problems, such as environmental degradation, food insecurity, and health problems; and

(E) assisting other Federal departments and agencies, including the Corporation established under title III, to carry out assistance activities abroad, including providing technical assistance and advice to such departments and agencies, coordinating its assistance programs with such departments and agencies, and using its field offices to help implement such assistance.

(2) The Corporation established under title III should provide assistance to countries that have demonstrated a commitment to bolstering democracy, good governance, and the rule of law, to investing in the health and educations of their people, and to promoting sound economic policies that foster economic opportunity for their people.

(3) The Department of State should be responsible for allocating security assistance to support key foreign policy objectives of the United States and shall administer assistance in such areas as non-proliferation, anti-terrorism, counter-narcotics, and relief for refugees.

(4) Other Federal departments and agencies with expertise in international development-related activities, such as the Overseas Private Investment Corporation, the Trade and Development Agency, the Department of Agriculture, the Department of Health and Human Services, and the Centers for Disease Control and Prevention, to the extent such departments and agencies have the authority to carry out development-related programs, and in coordination with the Department of State and the United States Agency for International Development, should provide expertise in specific technical areas and shall provide assistance, including assistance provided with funds made available from the Corporation to assist United States Government international development activities.

SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVENESS OF ASSISTANCE.

(a) REPORT.—Not later than December 31, 2004, and December 31 of each third year thereafter, the President shall transmit to Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished under the framework established in section 402 to each country during the preceding three fiscal years. The report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding three fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding three fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding three fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—The report required by this section shall identify—

(1) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were achieved; and

(2) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were not achieved.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(d) DE MINIMUS EXCEPTION.—Information under subsections (a) and (b) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than $5,000,000.

DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Peace Corps Expansion Act of 2003".

SEC. 1002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DIRECTOR.—The term "Director" means the Director of the Peace Corps.

(3) HOST COUNTRY.—The term "host country" means a country whose government has invited the Peace Corps to establish a Peace Corps program within the territory of the country.

(4) PEACE CORPS VOLUNTEER.—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

(5) RETURNED PEACE CORPS VOLUNTEER.—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1003. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service abroad of volunteers who are United States citizens. The spirit of service and commitment to helping others is a fundamental component of democracy.

(2) Since its establishment, more than 168,000 volunteers have served in the Peace Corps in 136 countries throughout the world.

(3) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) The Peace Corps has sought to fulfill three goals—to help people in developing countries meet basic needs, promote understanding abroad of the values and ideals of the United States, and promote an understanding of other peoples by the people of the United States.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development by working with families and communities to improve health care for children, expand agricultural production, teach in schools, fight infectious diseases, protect the environment, and initiate small business opportunities.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote international peace, cross-cultural awareness, and mutual understanding between the United States and other countries.

(7) The Peace Corps is an independent agency, and, therefore, no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers and should be expanded, to the maximum extent practicable, to utilize the talent of returned Peace Corps volunteers.

(9) In fiscal year 2003, the Peace Corps is operating with an annual budget of $295,000,000 in 70 countries, with more than 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps presence in such places could foster better understanding between the people of the United States and such countries.

(11) Congress has declared, and the Peace Corps Act provides, that the Peace Corps shall maintain, to the maximum extent practicable and appropriate, a volunteer corps of at least 10,000 individuals.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps should not jeopardize the quality of the Peace Corps volunteer experience and, therefore, necessitates, among other things, an appropriate increase in field and headquarters support staff.

(14) In order to ensure that the proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan Peace Corps National Advisory Council composed of distinguished returned Peace Corps volunteers, former Peace Corps staff, and other individuals with diverse backgrounds and expertise can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as the Director discharges the duties and responsibilities as head of the agency.

TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS

SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by adding at the end the following new sentence: "As an independent agency, the Peace Corps shall be responsible for recruiting all of its volunteers.".

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by striking "*Provided*, That" and inserting "*Provided*, That such detail or assignment furthers the fulfillment of Peace Corps' development and public diplomacy goals as described in section 2: *Provided further*, That".

SEC. 1102. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

"SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

"(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

"(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

"(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

"(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

"(2) describing—

"(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

"(B) the rationale for undertaking such new initiatives;

"(C) an estimate of the cost of such initiatives; and

"(D) the impact on the safety of volunteers;

"(3) describing in detail the Peace Corps plans, including budgetary plans, to have 14,000 volunteers in service by 2007 while maintaining the quality of the volunteer experience, ensuring the safety and security of all volunteers, and providing for appropriate administrative and other support; and

"(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

"(A) by co-locating volunteers with international or local nongovernmental organizations; or

"(B) with the placement of multiple volunteers in one location.

"(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps shall consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, or as soon as practicable thereafter.".

(b) ONE-TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applications from low- and middle-income individuals who are carrying considerable student-loan debt burdens.

(c) ANNUAL REPORT TO CONGRESS ON THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP).—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director shall report on the progress of the Peace Corps in recruiting historically underrepresented groups. The Director shall prepare this report in accordance with section 7201 of title 5, United States Code, and subpart B of part 720 of title 5, Code of Federal Regulations.

(d) REPORT ON MAINTAINING THE INTEGRITY OF THE MEDICAL SCREENING AND MEDICAL PLACEMENT COORDINATION PROCESSES.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to the appropriate congressional committees a report that—

(1) describes the medical screening procedures and standards of the Office of Medical Services/Screening Unit of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer;

(2) describes the procedures and criteria for matching applicants for Peace Corps service with a host country to ensure that the applicant, reasonable accommodations notwithstanding, can complete at least two years of volunteer service without interruption to host country national projects due to foreseeable medical conditions; and

(3) with respect to each of fiscal years 2000 through 2002 and the first six months of fiscal year 2003, states the number of—

(A) medical screenings conducted;

(B) applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve;

(C) Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and

(D) Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR CERTAIN COUNTRIES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report that—

(1) describes the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in host countries; and

(2) lists the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.—The Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers and former Peace Corps staff who have relevant language and cultural experience and may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; COORDINATION OF HIV/AIDS ACTIVITIES.

(a) INITIATIVE.—

(1) IN GENERAL.—The Director, in cooperation with international public health experts, such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall expand the Peace Corps' program of training for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases which are prevalent in host countries in order to ensure that the Peace Corps increases its contribution to the global campaign against such diseases.

(2) ADDITIONAL REQUIREMENT.—Activities for the education, prevention, and treatment of infectious diseases in host countries by the Peace Corps shall be undertaken in a manner that is consistent with activities authorized under sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961.

(b) COORDINATION OF HIV/AIDS ACTIVITIES.—

(1) IN GENERAL.—The Director should designate an officer or employee of the Peace Corps who is located in the United States to coordinate all HIV/AIDS activities within the Peace Corps. Such individual may be an individual who is an officer or employee of the Peace Corps on the date of the enactment of this Act.

(2) FIELD COORDINATION.—In addition to the position established under paragraph (1), the Director should designate an individual within each country in sub-Saharan Africa, the Western Hemisphere, and Asia in which Peace Corps volunteers carry out HIV/AIDS activities to coordinate all such activities of the Peace Corps in such countries.

(c) DEFINITIONS.—In this section:

(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

(2) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term "infectious diseases" means HIV/AIDS, tuberculosis, and malaria.

SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

"(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers and former Peace Corps staff in fulfilling the goals of the Peace Corps; and";

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence—

(I) by striking "fifteen" and inserting "eleven"; and

(II) by striking "President, by and with the advice and consent of the Senate" and inserting "Director of the Peace Corps";

(ii) by striking the second sentence and inserting the following: "Six of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than six shall be members of the same political party.";

(B) by striking subparagraph (B);

(C) by amending subparagraph (D) to read as follows:

"(D) The members of the Council shall be appointed to 2-year terms.";

(D) in subparagraph (H), by striking "nine" and inserting "seven";

(E) in subparagraph (I), by striking "President shall nominate" and inserting "Director shall appoint"; and

(F) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively; and

(3) by amending subsection (g) to read as follows:

"(g) CHAIR.—The Director shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a term of two years. The Director may renew the term of a voting member appointed as Chair under the preceding sentence.".

SEC. 1106. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking "$125 for each month of satisfactory service" and inserting "$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter"; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking "$125 for each month of satisfactory service" and inserting "$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter".

SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the objectives of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)).

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—

(A) IN GENERAL.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director may award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in paragraph (2).

(B) DELEGATION OF AUTHORITY AND TRANSFER OF FUNDS.—The Director may delegate the authority to award grants under subparagraph (A) and may transfer funds authorized under this section subject to the notification procedures of section 634A of the Foreign Assistance Act of 1961 to the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the "Corporation").

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers and former Peace Corps staff with a background in community service, education, or health. If the grants are made by the Corporation, the nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Peace Corps or the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $50,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Peace Corps or the Corporation, as the case may be, on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Peace Corps or the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section up to $10,000,000. Such sum shall be in addition to funds made available to the Peace Corps under this division.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(h) CRISIS CORPS.—

(1) STATEMENT OF POLICY.—Congress states that the Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers.

(2) INCREASE IN NUMBER OF CRISIS CORPS ASSIGNMENTS.—The Director, in consultation with the governments of host countries and appropriate nongovernmental organizations, shall increase the number of available Crisis Corps assignments for returned Peace Corps volunteers to at least 120 assignments in fiscal year 2004, 140 assignments in fiscal year 2005, 160 assignments in fiscal year 2006, and 165 assignments in fiscal year 2007.

SEC. 1108. DECLARATION OF POLICY.

Congress declares its support for the goal announced by President Bush of doubling the number of Peace Corps volunteers to 14,000 by 2007 and supports the funding levels necessary to accomplish this growth.

SEC. 1109. PEACE CORPS IN SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) Peace Corps service to Sierra Leone was suspended in 1994 due to a brutal civil war between the government and the Revolutionary United Front (RUF).

(2) Backed by British military intervention and a United Nations peacekeeping operation, government authority has been reestablished throughout the country and "free and fair" national elections took place in May 2002.

(3) Sierra Leone is a majority Muslim country.

(4) The Peace Corps has given the safety and security of its volunteers high priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Peace Corps should return its program to Sierra Leone as soon as security conditions are consistent with the safety and security of its volunteers.

SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking "and $365,000,000 fiscal year 2003" and inserting "$365,000,000 for fiscal year 2003, $366,868,000 for fiscal year 2004, $411,800,000 for fiscal year 2005, $455,930,000 for fiscal year 2006, and $499,400,000 for fiscal year 2007".

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer amendment No. 2, which includes the text of H.R. 2441, the Millennium Challenge Account Authorization and Peace Corps Expansion Act of 2003.

The Millennium Challenge Account is based on the revolutionary idea that countries must be accountable for their actions, be responsible for developing and advancing their own plans of progress, and must show results in order to receive economic assistance from the American taxpayer. The Peace Corps Expansion Act supports the President's vision that he described in this Chamber during his 2002 State of the Union address to double the number by the year 2007 of Peace Corps volunteers serving their Nation overseas.

Many U.S. assistance programs have not achieved results over the years. Some assistance has allowed corrupt leaders to amass personal fortunes and remain in power beyond the will of the citizenry. Other aid has allowed leaders and governments to abdicate responsibility for effective governance and pursue detrimental, self-destructive, or personally self-enriching policies. Other assistance has gone to consultants or middlemen with little results to show in the end.

These failures of the past should not lead us to turn our backs on the developing world. Just the opposite. Now is the time for American leadership and for America to recognize through its aid those countries that respect the rights of citizens, promote democracy, and encourage economic freedom and prosperity. However, we need to demonstrate what works and what does not, and we need to hold accountable those governments and leaders who do not choose the right path of reform.

The President's proposal is the first serious attempt to address the fact that existing U.S. development assistance programs have consistently failed to meet their stated goals. Despite decades of economic aid, many Nations are poorer now than they were before first receiving development assistance. The President's proposal is enthusiastically supported by the relief and development nongovernmental community, as well as by the Heritage Foundation, the Wall Street Journal, and other organizations that have previously assailed foreign assistance as wasteful, inefficient, and ineffective.

The U.S. must be more selective in aid distribution if the assistance is to be effective and a positive contributor to development. As proposed by the President and included in the legislation before us today, MCA assistance will reward only those recipients who willingly adopt good policies and institutions. Of the 70-or-so countries currently eligible for development assistance, it is possible that only 10 countries will meet the strict criteria stipulated by the President and endorsed in this bill.

At the funding levels proposed, this may mean a very high level of assistance for MCA-eligible countries. The administration believes this will create a competition among cusp countries which may accelerate reforms and the adoption of good policies. This amendment endorses this approach.

The President's proposal for a Millennium Challenge Account deserves our support. We should embrace the idea of increasing U.S. economic assistance but only to those countries that demonstrate a commitment to human rights, democratic ideals and practices, and investment in people.

H.R. 2441, reported favorably by the Committee on International Relations, is truly a bipartisan bill that supports two of the President's key foreign policy initiatives and has more than 70 cosponsors. The work of the gentleman from California (Mr. LANTOS), the ranking member on this committee, has been indispensable; and I congratulate and thank him, and I urge my colleagues to support the Hyde-Lantos amendment, which incorporates the text from H.R. 2441.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from California (Mr. LANTOS) seek to control the time on the proposed amendment?

Mr. LANTOS. Mr. Chairman, yes, I do.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

First, I want to commend my good friend and colleague, the gentleman from Illinois (Chairman HYDE), for the power and integrity of his convictions. The Millennium Challenge Account would not have been possible without his leadership and commitment to a bipartisan approach to international poverty reduction.

The Millennium Challenge Account, as conceived by the President and crafted by the Committee on International Relations, marks the beginning of a revolution in U.S. international development assistance by recognizing the importance of democratic rule, good governance, and human rights. In achieving sustainable levels of economic growth and social development, the MCA creates the political and economic linkages critical to reducing poverty and to achieving progress.

At the same time, the MCA removes the Cold War-era strategic calculus from the development assistance equation. Each potential recipient of our assistance is to be judged on its own merits, based on their commitment to progress and our commitment to the political, economic, social, and humanitarian value of development assistance.

Finally, the MCA implicitly endorses a critical aspect of our approach to combatting international terrorism. Although the administration has not focused on this point, modern terrorism of the kind that struck our Nation on September 11 is fueled in part by the desperation and hopelessness that pervades much of the developing world. The MCA provides new hope, and as such, represents a powerful antidote to terrorism and other forms of violent conflict that have stalled the developing world.

Mr. Chairman, when the Committee on International Relations held its first meeting on the MCA, I expressed a range of concerns about various aspects of the administration's initial proposal. I am pleased to say that the legislation included in this amendment has addressed satisfactorily each of my earlier concerns, and the Hyde-Lantos amendment before us has my very strong support.

The administration's initial proposal relegated USAID, the most capable agency within our government in administering international assistance, to a bit part in managing this massive account. Our bipartisan amendment restores USAID to its rightful role by providing its administrator with a seat and a vote on the Millennium Challenge Corporation's board of directors. Together with the interagency coordination that our amendment requires, this improvement promises to strengthen the MCA considerably.

Our bipartisan amendment also addresses my earlier concerns about the rigid application of strict eligibility criteria by mandating congressional and societal consultations on the finalization of criteria. By providing for an annual reevaluation process and by authorizing limited assistance to those countries on the cusp of eligibility, our legislation safeguards against the inherently arbitrary nature of mechanically selecting qualified states.

Mr. Chairman, the Hyde-Lantos MCA amendment will not single handedly eradicate poverty, nor will it place the United States in the same company as Denmark, Norway, and the Netherlands, the global leaders in this field, in terms of per capita levels of development assistance; but our legislation will renew our commitment to poor, but striving, countries in our common fight against hunger and despair.

Speaking as someone who as a youth experienced both tremendous deprivation and the bounty of American generosity, I can testify to the profound influence that U.S. assistance can have on shaping the perceptions of foreign nations of our great country.

Mr. Chairman, allow me to conclude by addressing the reauthorization of the Peace Corps, which is also included in this amendment. It is fitting that we consider the Millennium Challenge Account and the Peace Corps jointly because both are critical to enhancing U.S. international development assistance.

Since President Kennedy first deployed the Peace Corps in 1961, the program's 168,000 volunteers, men and women, young and old, have made an immeasurable contribution to reducing poverty and promoting American values literally all over the globe. Reauthorizing this inspirational initiative is clearly in our national interests and in the interests of reducing poverty and restoring hope across the globe.

Two of our colleagues deserve special recognition for bringing the Peace Corps reauthorization before us. The gentlewoman from Minnesota (Ms. McCOLLUM), a new, but invaluable, member of our committee, and the gentleman from California (Mr. FARR), a former Peace Corps volunteer himself, were instrumental in crafting this amendment; and I am deeply indebted to both of them.

Mr. Chairman, today this Chamber has the opportunity to reauthorize the Peace Corps and to establish the Millennium Challenge Account. Both initiatives offer the best hope to defeat international poverty and international terrorism, and I strongly urge all of my colleagues to support the Hyde-Lantos amendment.

□ 1430

Mr. LANTOS. Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, some months ago, I met with an American ambassador posted in an Islamic nation. That ambassador said she often heard the charge that America was losing the battle for the hearts and minds of the young Muslim world. She said to me that that charge was untrue. It was not that we were losing the battle, but that we are not even in it.

Mr. Chairman, today, by supporting the Millennium Challenge Account, we step into the fray not just with respect to young Muslims but to Africans in general and Asians and Latin Americans and others in the underdeveloped world who have all too often been left behind or been left out.

There is so much to commend the Millennium Challenge Account. For conservatives, it will bring greater accountability and results in our foreign assistance. For internationalists, it will dramatically increase foreign assistance. For all of us, this legislation, in very bold ways, rewards and encourages and reinforces those policies that will root out corruption, policies that will produce education reform, a commitment to health care, and, most importantly, greater freedom.

Mr. Chairman, during these troubled times, the best thing I can say about the Millennium Challenge Account is that it will make a historic difference in our long struggle with terrorism. An observer recently noted that in our long battle with the threat of terrorism it is not enough for us to merely hunt down the terrorists. We must also shut down the schools and institutions and the policies that churn out wave after wave of hate-filled attackers. We cannot destroy all the terrorists and potential terrorists. We cannot capture every last bomb and every bullet. We have to change their minds as well. And we can only do so by showing them in compassionate ways our values and our principles in action.

We must attack those conditions that foster despair, because despair can lead to radicalism; and in tyranny that radicalism can lead to vivid evil violence, violence that we have seen too painfully in recent months.

The Millennium Challenge Account must be our answer. It offers resources to those in need. It shows beyond doubt that Americans care about the plight of humanity. And, finally, it rewards those leaders who are committed to freedom and reform and the values and the principles that everyone in this Chamber holds dear.

I commend the President for his vision in introducing the Millennium Challenge Account. I commend and thank the chairman of the Committee on International Relations and the ranking member for their leadership in bringing it here today. I congratulate them. Together, my friends, we are making history, in my view, in a very positive way.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from California (Mr. FARR), my good friend and colleague and a former Peace Corps volunteer.

Mr. FARR. Mr. Chairman, I want to thank my colleagues, the Chair and ranking member of the Committee on International Relations, for this great piece of legislation that is coming before us. I want to express my particular appreciation for the inclusion of the Peace Corps Expansion Act in this bill.

Five of us now serving in the United States House of Representatives are returned Peace Corps volunteers, and we very much appreciate the work of this committee to strengthen the Peace Corps. I want to thank the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their leadership in bringing this important bill to the floor.

The Peace Corps was, for me, a life-challenging experience, a life-changing experience as well as challenging. The Peace Corps Expansion Act will help offer this unique experience to more Americans than ever before. I would like to engage in a brief colloquy with the distinguished ranking member about an amendment that I offered that was not made in order for this rule. My understanding is that the gentleman has had the opportunity to familiarize himself with the amendment, known as the Winning The Peace Act of 2003 that seeks to strengthen U.S. capabilities in responding to the challenges of postconflict reconstruction.

The framework for the amendment is the result of my work and that of my colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from Nebraska (Mr. BEREUTER), on the Post-Conflict Reconstruction Commission.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I am fully aware of the gentleman's excellent amendment, and I support his efforts in enhancing our capability to provide post-conflict reconstruction assistance.

The legislation of the gentleman addresses the importance of providing a coherent strategy in the provision of assistance to postconflict reconstruction in countries and regions. In today's world, we are continually faced with humanitarian disasters, wars and other crises, and enhancing our capability in providing reconstruction assistance in times of such crises is a vital and necessary goal that we must achieve.

I want to commend my friend for proposing this very useful approach.

Mr. FARR. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments, and I look forward to working both with the chairman and the ranking member on this important legislation.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, H.R. 2441, the Millennium Challenge Account Authorization Act of 2003 implements President Bush's historic initiative to comprehensively reform how the United States designs, implements, and monitors its financial assistance to the developing world.

The President proposed the Millennium Challenge Account, or MCA, as the vehicle for realizing, in his words, "a new compact for global development defined by a new accountability for both rich and poor nations alike." The testimony that this committee heard on March 6 confirmed that many U.S. financial assistance programs have fallen short of their objective in past years. Basing aid allocations upon recipient governments' pledges of future reform, these programs have often funded corruption and waste.

Instead of lifting countries out of poverty, the American taxpayer money has lined the pockets of corrupt leaders, consultants and middlemen while perpetuating inefficient and counterproductive government policies. Particularly in the post 9-11 environment, these concerns must not deter us from attempting to foster freedom and prosperity throughout the world. Quite to the contrary, our national security and defense from terrorism depends upon how well we promote these national precursors of peace and stability.

Through the MCA, the United States will gradually increase its annual aid to developing nations. Unlike the current economic assistance programs, however, the MCA will distribute this additional assistance based upon the existing record and achievements of eligible nations rather than upon the promises of their governments.

Mr. Chairman, this legislation is not perfect, and in particular I remain concerned that the provisions in the current bill limiting the participation of middle income nations will exclude many of our Latin American neighbors that still wrestle with large intractable pockets of poverty. For moral, strategic, and economic reasons, the challenges that confront Latin America must remain at the top of our priorities of our foreign aid and strategy.

As the legislative process continues, I will persist in drawing attention to this critical issue. Many Latin American nations can serve as strategic models for the reforms that this legislation tries to encourage.

Notwithstanding this one concern, I believe we stand at the cusp of a remarkable achievement. I commend President Bush and our honorable chairman for their extraordinary vision and foresight in proposing this aptly named initiative. They have truly posed a challenge to the nations we seek to assist and a challenge to us all as well.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to the gentleman from New Jersey (Mr. PAYNE), the distinguished ranking member of our Subcommittee on Africa.

Mr. PAYNE. Mr. Chairman, let me commend the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for bringing this important legislation to the floor.

When President Bush announced his MCA initiative, I originally was skeptical and concerned about the rigid eligibility criteria and those groups who would be determined eligible. But after considering what the MCA could do for development around the world, I offer my support; and I have worked with my colleagues on both sides of the aisle to make sure this program works and also to make sure not only that we do not cut back our other foreign assistance commitment but to keep this program and bring it to its full force.

During the recent trip of the President, he spoke about the MCA and pledged to the heads of state from Africa his commitment to make sure that the Millennium Challenge Account is fully funded. I am concerned about the fact that the MCA is not fully funded and this Congress has only appropriated $800 million this past cycle. How will we ever make the $5 billion we were supposed to do over a 3-year period? The administration requested $1.3 billion, but only $800 million has been appropriated.

So I urge the restoring of the full amount to the Millennium account.

The CHAIRMAN pro tempore (Mr. OSE). The Committee will rise informally.

The SPEAKER pro tempore (Mr. GREEN of Wisconsin) assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

The CHAIRMAN pro tempore. The Committee will resume its sitting.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005—Resumed

The Committee resumed its sitting.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Hyde/Lantos amendment and want to thank the gentlemen for their leadership.

The Millennium Challenge Account is an excellent initiative, and I believe it will make great strides in the way the United States provides aid to countries most in need.

I rise today, however, to speak about the Peace Corps, which will be reauthorized and expanded under this amendment.

I spent two of the greatest, most profound, years of my life serving with my wife Betsi as a Peace Corps volunteer in Fiji. Words cannot describe how important those years were to me, and how they helped me to develop as a person and a leader.

Expanding the Peace Corps from 7,000 to 14,000 members is an excellent idea. We will have an extra 7,000 well-trained and motivated young people prepared as future leaders of America. More importantly, this expansion doubles our commitment to the world's poor. 7,000 additional Peace Corps volunteers will help educate children, improve small businesses, bring cleaner water for communities, and provide hope for many more communities around the world.

I appreciate the Chairman and Ranking Member's commitment to the expansion of the Peace Corps, and urge the adoption of the Hyde/Lantos Amendment.

Ms. MCCOLLUM. Mr. Chairman, I rise today in support of the Hyde-Lantos amendment.

I am greatly encouraged by the bipartisan work of this body in moving forward with the Millennium Challenge Account (MCA) and reauthorization of the Peace Corps. Today, we take a significant step forward in addressing the needs of the developing world and strengthening the United States commitment to our global neighbors and families.

While I support the unprecedented increase in foreign assistance provided through the MCA, I am concerned with the lack of environmental safeguards in the bill. Last night the Rules Committee refused to make in order my amendment to address this critically important issue. This amendment would have promoted environmental sustainability and the protection of our natural resources by requiring the compact made between the U.S. and an eligible country, under MCA, include an environmental assessment and regular benchmarks to monitor an evaluate impacts during the implementation of the project.

Any development initiative that offers lasting relief from poverty and promotes economic opportunity must take into account the protection of the natural resources on which all people—all families—depend upon. The major environmental challenges facing the world today—water scarcity, poor sanitation, degradation of agricultural lands, and pandemic diseases, such as malaria—weaken the foundation for a strong and prosperous economy, a secure nation, and poverty reduction.

In order for developing countries to assure the protection of their natural resources, achieve sustainable economic growth and promote the health, education and well-being of their citizens an assessment of the environmental effects of projects funded through the MCA should be required to be conducted. This amendment is consistent with environmental assessments currently required under the Foreign Assistance Act for USAID and the Overseas Private Investment Corporation—two of our largest foreign development organizations. These assessments are required for U.S.-sponsored development projects around the world and I believe should continue to be used on all future projects funded through the MCA.

The MCA places a strong emphasis on the ability of developing nations to invest in their people wisely, rule justly and pursue sound economic principles that stimulate enterprise and entrepreneurship. Although we can all agree that each of these principles is critically important, it is unrealistic to expect any developing nation to achieve these principles unless a healthy environment exists. Without clean air, clean water and the protection of our natural resources, sustainable development, adequate health care and education, a stable open market and opportunities for economic growth are not possible. Economic growth at the expense of the environment is completely contradictory to the development goals of the United States.

If investments in development are to yield sustainable benefits, the effects on a developing nation's natural resources must be taken into account. To do this, an assessment of a project's environmental impact must be part of a country's development plan from the beginning.

I look forward to working with Chairman HYDE, Ranking Member LANTOS and my colleagues in the other body on this important issue in the weeks and months ahead.

Mr. THORNBERRY. Mr. Chairman, I rise in support of the amendment offered by Chairman HYDE and Mr. LANTOS to implement the Millennium Challenge Account. MCA can truly provide the revolution in foreign assistance so desperately desired by the American taxpayers and by the people in the countries we are trying to help.

I am particularly interested in the language related to property rights. The amendment includes property rights as one of the primary objectives and metrics to be used in assessing progress in recipient countries. The work of Peruvian economist Hernando do Soto provides real, empirical evidence that property rights is the key to economic progress. All too often, our attempts to help other peoples has ignored this fundamental building block.

Economic success of any people or nation requires that individuals are motivated to work and accumulate wealth. That "wealth" might look like a shack to us, but if one can begin to accumulate something of value and have that wealth protected by the government, one will be more likely to work to build more. If that wealth can then be passed along to one's children, one is motivated to work even harder and has a stake in the future of that system. Hope for the future is absolutely critical for future economic success and for success in the war on terrorism. Respect for the rule of law and a legal system that protects the fruits of one's labors must be established. No amount of money for economic development will be successful without them.

This amendment is a hopeful start toward much needed reform. I support it and hope we can build on it in order to achieve a better future for all of us.

Mr. PETRI. Mr. Chairman, I rise in support of the Hyde/Lantos amendment, which would authorize the establishment of the Millennium Challenge Account and support the doubling of the number of Peace Corps volunteers to 14,000 by the year 2007.

I served as a Peace Corps volunteer in Somalia for two years, which was a meaningful experience for me. The Peace Corps has proven to be a very cost-effective mechanism for disseminating foreign assistance—from the bottom up. Doubling the number of Peace Corps volunteers will only make these efforts more effective, and allow more U.S. citizens to serve our country on the international level.

The Hyde/Lantos amendment also provides for the establishment of a new and innovative foreign aid initiative, the Millennium Challenge Account.

This initiative shows great promise as it would fund programs which already have shown impressive rates of performance. U.S. foreign aid would then be invested in those programs that actually work, not just those that promise to work.

Expanding the Peace Corps and establishing the Millennium Challenge Account will make U.S. foreign aid more accountable and effective. I encourage my colleagues to support this amendment.

Mr. CROWLEY. Mr. Chairman, as an original cosponsor of the Millennium Challenge Account, I rise to speak in strong support of the Hyde/Lantos amendment.

The MCA has the potential to do much good throughout the developing world and I commend Chairman HYDE and Mr. LANTOS for working together to produce a strong bipartisan bill.

This bill represents the largest spending increase in foreign aid by the United States in the past half century.

The MCA will provide increased development assistance to the world's poorest nations.

The MCA will not just give out this aid to the worlds poorest countries instead they will have to meet a set of indicators to be eligible for MCA funding.

These indicators include the rule of law and good governance to name a few.

When countries realize that meeting these standards not only enables them to receive aid through MCA but also puts them on the right path to economic and political sustainability.

I want to thank the Chair and the Ranking Member for including a priority of mine, language highlighting the role credit unions and other micro-enterprise development offers for economic growth.

This bill will also enable a small amount of aid to near miss countries, these are the countries that demonstrate a commitment to development but fail to meet a sufficient number of performance standards.

The MCA will not only help those countries that receive aid but will encourage countries who do not qualify to make the necessary changes to meet the required indicators.

I urge all my colleagues to support this amendment.

Mr. LANTOS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–206.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF MINNESOTA TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment made in order pursuant to the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment No. 3 offered by Mr. KENNEDY of Minnesota to amendment No. 2 offered by Mr. HYDE:

Page 14, line 10, add at the end before the semicolon the following: ", including, with respect to investment in the health of its citizens, a calculation of the amount of both public and private expenditures on health initiatives as a percentage of the gross domestic product of the country".

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Minnesota (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume, and I rise to support the Millennium Challenge Account. My amendment deals with the manner in which countries are deemed eligible on the basis of public health expenditures.

The Millennium Challenge Account and the corporation which will be created to administer it will have three basic criteria for eligibility: nations will be required to rule justly, invest in their people, and encourage freedom. Those nations that qualify will be eligible for grants for projects involving the development of agriculture, education, health, trade and investment capacity.

Mr. Chairman, I have a concern about how this will actually work. The administration's plans call for a country's investment in health to be measured solely on the amount of public sector expenditure. Mr. Chairman, I worry that such a requirement may inadvertently provide an incentive to developing nations to rely exclusively on solutions in the public sector instead of seeking the energy and innovation of the private sector. This oversight might end up hurting fledgling market systems from developing.

We need to make sure that we are encouraging nations to pursue private sector solutions to their problems whenever possible. Mr. Chairman, I am prepared to withdraw my amendment if the gentleman from Illinois, the distinguished chairman of the Committee on International Relations, will enter into a colloquy with me.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentleman from Illinois, the distinguished chairman of the Committee on International Relations.

Mr. HYDE. Mr. Chairman, the gentleman from Minnesota makes a very good point. The Millennium Challenge Account is not about creating big government or promoting socialized health care. Instead, it is about promoting responsibility and accountability on the part of governments of developing countries. I am confident that the President's proposal is an appropriate way to hold these governments to high standards and is an appropriate manner in which to determine eligibility.

But the gentleman's point is a good one. We should not be exporting big government to developing countries, but we should be promoting government that is responsive and accountable to its citizens.

Mr. KENNEDY of Minnesota. Mr. Chairman, reclaiming my time, I thank the distinguished chairman for his consideration. I look forward to working with him on this bill to ensure the final legislative product resolves this potential defect in what I believe is an important initiative.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN pro tempore. The gentleman's amendment is withdrawn.

It is now in order to consider amendment No. 4 printed in House Report 108–206.

AMENDMENT NO. 4 OFFERED BY MR. KOLBE TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. KOLBE. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment No. 4 offered by Mr. KOLBE to amendment No. 2 offered by Mr. HYDE:

Page 15, beginning on line 17, strike "fiscal year 2006" and insert "fiscal years 2004 through 2006".

Page 16, line 6, strike "fiscal year 2006" and insert "each of fiscal years 2004 through 2006".

Page 16, line 8, strike "fiscal year 2006" and insert "the fiscal year involved".

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

□ 1445

AMENDMENT NO. 4 OFFERED BY MR. KOLBE, AS MODIFIED, TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the amendment to the amendment be modified in the form I have sent to the desk.

The CHAIRMAN pro tempore (Mr. OSE). The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 4 offered by Mr. KOLBE, as modified, to amendment No. 2 offered by Mr. HYDE:

Page 15, beginning on line 17, strike "fiscal year 2006" and insert "fiscal years 2005 through 2006".

Page 16, line 6, strike "fiscal year 2006" and insert "each of fiscal years 2005 through 2006".

Page 16, line 8, strike "fiscal year 2006" and insert "the fiscal year involved".

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HYDE. Mr. Chairman, I claim the time in opposition to the amendment, and I ask unanimous consent to yield half of my time to the gentleman from California (Mr. LANTOS) and that he may control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Arizona (Mr. KOLBE)?

There was no objection.

Mr. KOLBE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for the exceptionally good work that they and their committee have done in bringing this Millennium Challenge Account legislation to the floor as part of this State Department authorization. It is one of the more important things that we have done in the last several years.

The amendment that I have offered at the desk, the revision, would extend the number of countries eligible to apply for the Millennium Challenge Funding Account for a single year only of 2004. As drafted in my original amendment, it would have been for 2004, 2005 and 2006. The underlying bill is for 2006, so this would extend it for 1 year.

I offer this amendment because I think it is critical for U.S. foreign policy and because I think this debate is more about the signals of good governance that we have in countries around the world. It is about investing in people and economic freedom. It is more about that than it is about money; and I am concerned about the signal that we are sending to a lot of countries around the world, the so-called lower middle income countries who are not going to be able to join this process of applying for the MCA in my view until too late if we do not include them now.

That includes many countries in this hemisphere; and, as we know with the AIDS Initiative which the President has announced, it is almost exclusively limited to Africa. With the way this is drafted to now, it would be limited to mostly countries in Africa until at least the year 2006 and then limited to only 20 percent of the money after that.

I think our hemisphere is being left behind, and I believe, from traveling down there very recently, I have found that people down there do feel this way about it. So the debate is not really about money. The issue of this development in the developing world has never really been about money. It is about the quality of political, economic and social governance.

The amendment that I am offering today would make sure that the signals are sent out to more countries around the world that they, too, can participate in this. Because it is about whether or not they have shown the commitment to good governance as to whether or not they can apply.

As the bill is structured, there are two pools of countries. Those with per capita incomes below $1,435 a year, that is in Tier 1 or the first pool; and the second tier are those between $1,435 and $2,995 per year. As drafted, the second tier would only become eligible to participate in the year 2006. The Tier 1 countries, those with incomes below $1,435, are eligible to qualify if they need 16 performance indicators envisioned by the President. They are ranked, and we will not go into the details of that.

But how many countries in Tier 1 would qualify? Estimates range on the number of countries with below $1,435 in per capita incomes, but we might have as many as 80 or 90 countries being evaluated. How many countries in Tier 2 might? There are another 30 countries that might qualify as a result of that.

That is what this is about, those second tier countries, some 30 in number, that otherwise would have to wait until 2006 before they can compete for even 20 percent of the resources included in this bill.

What is the impact of this amendment? Immediately, in the first year only, a few countries in the Western Hemisphere are eligible to compete. Those are the Tier 1 countries. That would include in this hemisphere Nicaragua, Haiti, Guyana, Honduras, Bolivia, Ecuador, and Paraguay. That is only seven out of 80 or 90 countries around the world that might participate that come in our own hemisphere; and two of those, Ecuador and Paraguay, are likely to find themselves cut off because they are right at the edge, and if their income exceeds that, they would then drop out of being eligible to participate. So we might find only five countries in the entire Western Hemisphere that are able to participate.

What kind of Latin American countries are going to be left behind if we do not have this amendment until at least 2006? Countries such as Guatemala, Colombia, Peru, El Salvador, Dominican Republic, St. Vincent and Grenadines, Jamaica, and Belize. Many of these countries have a tremendously low income level. Many of these countries are ones where a large percentage of those people in those countries are living below the $1 a day. Sixteen percent of the people in Guatemala live at less than $1 a day, and 23 percent in El Salvador live on less than $1 a day. This is the absolute bare minimum that the United Nations says represents the poverty level. These are countries that will not be eligible if they have the good governance, and many of these countries do, to participate in this program until the year 2006.

I am just suggesting, give them some hope. Move them up 1 year and give them an opportunity to participate 1 year earlier. At that time, we will have more money, I am convinced, available to us to fund these programs than we do in this very first year, which is why I have limited it to only adding the year 2005.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment, but I respect the dedication with which the gentleman from Arizona has advocated on behalf of development assistance generally and the Millennium Challenge Account particularly. His dedication to the less fortunate in the developing world is to be commended. It is in this spirit of goodwill and compassion for the people, the lower middle income countries, that I know the gentleman from Arizona (Mr. KOLBE) offers his amendment.

Unfortunately, I am convinced that the gentleman's amendment will serve to deplete the very limited funds that are available for countries with the lowest per capita incomes and, by definition, countries which have fewer resources and less recourse to alternative financing. Moreover, the widespread poverty that often exists in the countries the gentleman from Arizona (Mr. KOLBE) is talking about is due to the vast income disparities which exist in many of these countries. The underlying cause of those disparities will not be solved by the Millennium Challenge Account but rather through a change of domestic policies in those countries, a reality which the gentleman from New Jersey (Mr. PAYNE) addressed through his amendment in committee. I, therefore, regretfully must urge my colleagues not to support the Kolbe amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for offering the amendment and rise in favor of it. It is similar to an amendment that I offered in the Committee on International Relations.

I believe this amendment helps create economic stability in the Western Hemisphere which will then create political stability, stem the flow of undocumented workers, improve health care and biodiversity, and ultimately create a growing market for American products and services.

Now, 200 million citizens in Latin America and the Caribbean earn under $2 a day, 100 million live on less than $1 a day, and yet these poorest of the poor in our hemisphere will not qualify for assistance under the MCA. Experts tell us that only 15 to 25 million of those 200 million of the poorest of the poor would benefit from the MCA.

Without this amendment, only 3 out of the 34 democracies in the Western Hemisphere would be included in the first year. That is not in the national interest of the United States. That ultimately undermines the problems we are having in the Western Hemisphere where there is a serious concern by leading analysts and experts on our hemisphere who say that, in fact, the march for democracy and free markets is being undermined. Latin Americans believe that march towards democracy and free markets is not bringing good things to their life.

I applaud what is being done generally with the Millennium Challenge Account, but we need to bring the countries of Latin America and the Western Hemisphere into this as well. I applaud the gentleman's amendment. I believe it is limited in its scope, and I urge support of it.

Mr. HYDE. Mr. Chairman, I yield myself 2 minutes.

While the Kolbe amendment is based on the idea of promoting more assistance for people in Latin and South America, the result of this amendment will be middle income countries like Russia and Turkey becoming eligible. The administration vigorously opposes the bill if this amendment were adopted, so I urge its defeat. It is harmful and it is opposed by the widest possible assemblage of interests, Republicans, Democrats, NGOs, U.S. Conference on Catholic Bishops and, I am told, the White House.

It is well-intentioned, but it would disrupt the compromise that the gentleman from California (Mr. LANTOS) and I worked on for many months. This plan sets aside MCA assistance for the poorest countries in 2004 and 2005 and opens up eligibility for lower middle income countries in 2006. The Kolbe amendment would make middle income countries around the world eligible for MCA in 2005, countries that are less in need of MCA assistance than the poorer countries.

Low-income countries have much greater needs; and if they meet the other criteria proposed, we will be helping more people on the road to human development and economic growth. For instance, the infant mortality rate in low-income countries is 69 per 1,000 live births, but in lower middle income countries it is only 27 per 1,000 live births. Life expectancy in low-income countries is only 56 years, whereas in lower middle income countries like Turkey, it is 70 years. Lower middle income countries receive other U.S. assistance. The group of countries that would become eligible in the third year includes many countries of strategic importance to the U.S. These countries also receive already the largest share of U.S. economic and security assistance.

I know this is a well-intentioned amendment, but I urge its defeat.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I vigorously support the amendment of the gentleman from Arizona (Mr. KOLBE). We share one central concern, and that is by limiting the MCA's authority to assist lower middle income countries to a 20 percent cap in the final year of authorization, we undermine the very foundation of President Bush's visionary initiative. Further, basing a country's eligibility for assistance on per capita national income ignores the key reality that in Latin America large subregions labor under tremendous disparity in income. The income of many of these subregions remains far below the income of many of the nations targeted for assistance under the MCA.

□ 1500

Chairman HYDE's original draft of this bill included a provision that permitted MCA to consider subregions in determining eligibility. Further, by giving per capita national income levels disproportionate weight, the proponents of this amendment unintentionally penalize the nations that are pursuing the very reforms MCA seeks to promote. We will not find more eager, receptive partners for MCA than our friends and neighbors in the Western Hemisphere. We must stand with them side by side particularly as they confront the poisonous rhetoric that entices them to jettison the extraordinary democratic progress that they have made during this last decade.

Absent this amendment, few nations in the Americas may qualify for MCA. Congress must not sacrifice the MCA's desperately needed reforms upon the altar of political expediency. We must find a more balanced approach.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE), the distinguished ranking member of the Subcommittee on Africa.

Mr. PAYNE. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona. My colleagues in the Committee on International Relations and I have worked hard to ensure that the authorization of the Millennium Challenge Account stays true to its original purpose and objectives. Those were to reduce poverty, to reward good governance, and to encourage free market activity.

The MCA, as passed through the Committee on International Relations, would focus in the first year on the low-income countries that are IDA eligible, meaning those countries which are determined to be the poorest countries in the world by the World Bank, and expand the pool to include low-income countries that meet the historic cutoff for IDA in the second year, and then establish a separate competition for lower-middle-income countries in the third year. The NGO community and think tanks such as the Center for Global Development and the Brookings Institution have advocated focusing funding on just the low-income and IDA-eligible countries. However, I am not pushing for that, and we said that we do believe that the third tier should come in.

I could not agree more with the gentleman from New Jersey (Mr. MENENDEZ). We have overlooked Latin America. However, we should not take what the concept of the Millennium Challenge Account is to do and, therefore, say that we should include many of the Latin American countries that are in the lower-middle-income tier. I think we need to focus on Latin America. I think that we have a responsibility to do something there. But I think it should be a separate program that we should take a look at how we adjust the problems of immigration and so forth in this hemisphere.

I stand supportive of the opposition to the amendment. There are even lower-middle-income countries in Africa, such as South Africa and Namibia, where there is a skewed income level but they are ineligible also, and they should be because we should deal with the poorest of the poor, especially those countries that are trying to have good governance, that are looking to improve.

I urge the defeat of the Kolbe amendment.

Mr. HYDE. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, firstly I would like to recognize the commendable spirit of the amendment because there are many countries throughout the world, many, where we have key interests that could use Millennium Challenge Account aid. But my concern is that this amendment by opening the door to so many middle-income countries, as the chairman said earlier, countries like Russia, countries like Turkey could actually qualify under that amendment, that would stretch the funds at the expense of the most impoverished, mainly in Africa.

I serve as chairman of the Subcommittee on Africa. While the Millennium Challenge Account is rightly focused on developing countries in Latin America and in Asia too, we need to be aware that Africa is a continent in profound crisis. And while we have seen some positive developments, there is no getting around the fact that war and poverty and environmental degradation and so many other ills are devastating many African countries. Africa is the most impoverished continent in the world. It is the most economically marginalized continent in the world. With some 15 percent of the world's population, Africa does 1 percent of the world's trade. Many African countries stand on the precipice of political, economic, health, and humanitarian disaster. In traveling through the continent last week, President Bush championed the Millennium Challenge Account as one means of our engagement with Africa. My concern is that this amendment would lessen the Millennium Challenge Account's impact on this continent where we do have so many key interests. It is for that reason that I oppose this particular amendment, but I certainly support the underlying Hyde-Lantos amendment to expand the Peace Corps and to establish the Millennium Challenge Account.

I have had the chance to meet with Peace Corps volunteers serving in Africa, extraordinary men and women, many of whom work in challenging circumstances. President Bush has offered a bold vision to significantly expand the Peace Corps. This Hyde-Lantos underlying amendment gives the President what he needs to make this vision a reality. Under the leadership of Director Gaddi Vasquez, the Peace Corps is well poised to address the rapidly evolving challenges of the developing world. Also, the Hyde-Lantos amendment contains a provision that I offered in committee expressing the sense that the Peace Corps should return to Sierra Leone as soon as security conditions permit. Sierra Leone, which was so bleak a few years ago, is now making real strides in recovering from a horrific war. The mayhem spread by the Revolutionary United Front with the Liberian warlord Charles Taylor as the sponsor for that organization thankfully has come to an end.

Mr. Chairman, because of this brutal conflict, the Peace Corps was forced to terminate its program in Sierra Leone in 1994, after a long tradition of service focused on education, health, and agriculture. If the West African region is to have a chance at peaceful development, Charles Taylor must be brought to justice by the Special Court in Sierra Leone, and programs like the Peace Corps must return.

With the Millennium Challenge Account, we're taking a new and innovative approach to development aid. Countries making strides to root-out corruption and institute sound, market-based policies will be treated as partners. Our experience with the African Growth and Opportunity Act has shown us that these standards are an effective approach to engaging with the nations of Africa. The MCA rightly sets standards, so that all benefit: countries that receive MCA funds benefit, but so too does the United States—by making what should be productive investments in the developing world, where our nation has an increasing number of key interests.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. OSE). The gentleman from Arizona (Mr. KOLBE) is recognized for 1½ minutes.

Mr. KOLBE. Mr. Chairman, with all due respect, I do not think it would be accurate to say that the administration does vigorously oppose this. They have not in any way indicated, certainly to me, that they would. I think it is important to note that in the legislation that was sent up by the administration, they did not have any cap, any 20 percent cap or any cap of any sort beginning in the year 2006 on the amount of funds. So it does not seem very reasonable that with a 20 percent cap they would be opposed to having that made available to countries in the year 2005 that come in the second tier.

Let me just say in conclusion that I hope my colleagues will support this. Again, I want to say I have the greatest respect for the chairman and the ranking member and the others who oppose this, but I just think this is really about giving hope to other countries. Let us keep our eye on the ball, what the MCA is and what it is not. It is not a poverty program. We have USAID programs that are funded through my subcommittee that are about that. This is about governance. This is about giving hope to countries that have made a commitment, that have made a commitment to reducing corruption, that have made a commitment to transparency, that have made a commitment to the rule of law, that have made a commitment to titling property, that have made a commitment to actually having development that will work to sustain economic growth for their people.

Let us give them some hope. Do not turn our back now on the Western Hemisphere. So much has been accomplished in the last 10 years. Give them hope. They are teetering on the edge at this moment. This is not the time now for us to turn our back on these countries.

I urge my colleagues to support this amendment allowing these countries in tier 2 to be eligible only 1 year earlier than otherwise in the Hyde-Lantos amendment.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California (Mr. BERMAN).

The CHAIRMAN pro tempore. The gentleman from California (Mr. BERMAN) is recognized for 1½ minutes.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time. With great reluctance, I disagree on one of those rare occasions with my friend from Arizona, the author of the amendment.

The beauty of the Millennium Challenge Account is that it is not about neighbors and it is not about friends and it is not about how much you voted with us in the U.N. and it is not what your position was on Iraq. It is about helping, committing a portion of our foreign assistance to the poorest of the poor where the people of those countries have undertaken steps in terms of governance to promote democracy, human rights in terms of respect, and economic progress and concern for public health and education; and where they have made those internal changes and reforms, to try and establish what we think is fundamental principles that apply to all people all around the world, where they have made those decisions without regard to political reasons, interests of neighbors versus others but simply based on their poverty. We are going to devote a portion of our political resources to helping the poorest of the poor.

Unfortunately, when you make that decision, if you raise the eligibility standard earlier than it otherwise would be raised, you will therefore have less money to help the poorest of the poor. It is just automatic simple logic and math. In the lower-middle-income countries, you have countries like Turkey and Russia and Colombia as the fourth-largest recipient. I would urge we keep consistent with the intent of the bill and the administration's proposal, help the poorest of the poor and vote "no" on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE), as modified, to the amendment offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. KOLBE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. KOLBE), as modified, to the amendment offered by the gentleman from Illinois (Mr. HYDE) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 108–206.

AMENDMENT NO. 5 OFFERED BY MR. KOLBE TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. KOLBE. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment No. 5 offered by Mr. KOLBE to amendment No. 2 offered by Mr. HYDE:

Page 56, after line 3, insert the following new section:

SEC. 310. CLARIFICATION OF ROLE OF USAID.

(a) STATUS OF USAID.—The Administrator of the United States Agency for International Development shall report to the President through, and operate under the foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) FUNCTIONS OF USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the "Child Survival and Health Programs Fund", and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance provided under title II in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Corporation and with the concurrence of the Administrator of the Agency, to assist in the evaluation, execution, and oversight of Millennium Challenge Compacts described in section 204.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume. As I understand it, this will be acceptable to the committee. Let me just say, these are clarifying amendments that clarify the authority of both the Secretary of State and USAID to the Millennium Challenge Account and I think just helps make it clear the lines of authority.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, this is good government practice. It improves the bill. I do not see any reason why the administration would oppose it. I think my friend, the gentleman from California (Mr. LANTOS), supports this. And so I urge the adoption of this amendment.

Mr. LANTOS. Mr. Chairman, I will not oppose this amendment at this time. However, there are a number of concerns with the amendment, including changing USAID's relationship to the Department of State.

For example, current law provides that USAID is under the "direct authority and foreign policy guidance of the Secretary of State." The amendment has a different formula. Not sure how these two different responsibilities will be reconciled.

Moreover, the amendment provides that USAID have certain responsibilities under the Foreign Assistance Act, but leaves out a number of important programs. These include assistance to promote human rights and democracy, protection and management of the environment, preservation of tropical forests, assistance for victims of torture, and assistance to victims of trafficking in persons.

I think we need to carefully consider what other provisions of law are properly on this list.

Finally, I am unclear how this provision relates to other parts of the legislation with respect to USAID's role in providing Millennium Challenge Assistance. Under the legislation before the House, USAID is on the Board of the new Corporation, must be consulted regarding Millennium Challenge Contracts, and plays a variety of other roles. Nothing is mentioned in this provision in this regard.

I look forward to working with the Chairman of the Committee and the Gentleman from Arizona in working on this amendment as the legislative process moves forward.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE) to the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment to the amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from New Jersey (Mr. SMITH), amendment No. 4 offered by the gentleman from Arizona (Mr. KOLBE), and amendment No. 2 offered by the gentleman from Illinois Mr. HYDE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 211, not voting 8, as follows:

[Roll No. 362]

AYES—216

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—8

Berkley
Ferguson
Gephardt
Greenwood
Hayworth
Janklow
Jefferson
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. OSE) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1533

Mr. TURNER of Texas, Ms. McCARTHY of Missouri, Mr. LARSEN of Washington, Mrs. TAUSCHER, and Ms. LORETTA SANCHEZ of California changed their vote from "aye" to "no."

Mr. ORTIZ changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr HAYWORTH. Mr. Chairman, as you know, I was absent today for medical reasons. If I had been in attendance, I would have voted "yes" on rollcall vote No. 362.

Stated against:

Mr. GREENWOOD. Mr. Chairman, on rollcall No. 362 I was inadvertently detained and failed to vote. Had I been present, I would have voted "no."

AMENDMENT NO. 4 OFFERED BY MR. KOLBE, AS MODIFIED, TO AMENDMENT NO. 2 OFFERED BY MR. HYDE, AS AMENDED

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 4 printed in House Report 108-206, as modified, by the gentleman from Arizona (Mr. KOLBE) to the amendment by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment, as modified, to the amendment.

The Clerk redesignated the amendment, as modified, to the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 110 noes 313, not voting 11, as follows:

[Roll No. 363]

AYES—110

Abercrombie
Aderholt
Baca
Baird
Ballance
Ballenger
Barton (TX)
Bass
Becerra
Bell
Biggert
Bishop (NY)
Boehlert
Bono
Boucher
Bradley (NH)
Brown (OH)
Cannon
Capuano
Carson (OK)
Castle
Clyburn
Cole
Crenshaw
Crowley
Davis, Tom
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Ehlers
Evans
Farr
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Harris
Hill
Hinchey
Hinojosa
Houghton
Johnson (CT)
Kaptur
Kelly
Kilpatrick
Kirk
Kolbe
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
Meehan
Menendez
Miller (NC)
Miller, Gary
Moore
Napolitano
Neal (MA)
Nethercutt
Olver
Ortiz
Ose
Oxley
Pallone
Pastor
Platts
Quinn
Radanovich
Renzi
Reyes
Rodriguez
Rothman
Roybal-Allard
Ryan (OH)
Sandlin
Serrano
Shadegg
Shays
Sherwood
Simmons
Smith (WA)
Snyder
Solis
Stupak
Sullivan
Sweeney
Thomas
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Weiner
Weldon (FL)
Weldon (PA)
Wicker

NOES—313

Akin
Alexander
Allen
Andrews
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Beauprez
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Chabot
Chocola
Clay
Coble
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Filner
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoeffel
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Hoyer
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Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
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Lewis (CA)
Lewis (GA)
Lewis (KY)
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Lowey
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Lucas (OK)
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Majette
Manzullo
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
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Ramstad
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stearns
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Strickland
Tancredo
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Tauzin
Taylor (MS)
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Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Bereuter
Berkley
Davis, Jo Ann
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Wexler

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1541

Mr. SANDERS changed his vote from "aye" to "no."

Mr. PALLONE changed his vote from "no" to "aye."

So the amendment, as modified, to the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HAYWORTH. Mr. Speaker, as you know, I was absent today for medical reasons. If I had been in attendance, I would have voted "no" on rollcall vote No. 363.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, on rollcall vote No. 363 I was in a meeting with the Commissioner of the EU. Had I been present, I would have voted "no."

Mr. BEREUTER. Mr. Chairman, a few minutes ago, I was chairing a meeting with the Commissioner of External Affairs, Chris Patton, of the European Union; and we were not able to conclude it in time. Therefore, I missed the vote on the Kolbe amendment to the Hyde amendment. Had I been here, I would have voted "no" on the Kolbe amendment.

AMENDMENT NO. 2 OFFERED BY MR. HYDE, AS AMENDED

The CHAIRMAN pro tempore. The question is on the amendment No. 2 offered by the gentleman from Illinois (Mr. HYDE), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 108–206.

AMENDMENT NO. 6 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PAUL:

Page 32, after line 3, insert the following (and amend the table of contents accordingly):

Subtitle C—Limitations

SEC. 131. LIMITATION ON USE OF FUNDS AUTHORIZED TO BE APPROPRIATED BY THIS ACT FOR ANY UNITED STATES CONTRIBUTION TO THE UNITED NATIONS OR ANY AFFILIATED AGENCY OF THE UNITED NATIONS.

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be obligated or expended to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Texas (Mr. PAUL) and a Member opposed (Mr. HYDE) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

☐ 1545

Mr. PAUL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment takes away the funding from the United Nations as well as any affiliated U.N. agency.

Mr. Chairman, last year we spent $3.25 billion on the U.N. as well as the other agencies at the U.N. I do not believe that is money worthwhile. It is not a good investment. I do not think the money is spent well. The amendment, as I said, defunds the United Nations as well as its agencies. We pay 21 percent of the budget, and on peacekeeping missions we pay over 27 percent. I think this is essentially wasted money.

We also lose our sovereignty when we look to the U.N. for guidance. When we declared war or when we went to war without declaration of war last fall, we had a resolution on the floor which cited the U.N. 23 different times. I do not believe we should go to war under U.N. resolutions, and we have essentially been in Iraq under U.N. resolution because in the early 1990s it was under U.N. resolution that we went to war. The old-fashioned way of going to war was a declaration of war.

We went into Korea over 50 years ago under a U.N. resolution. We are still in Korea. We still have serious problems in Korea. There is still a confrontation that we have with the government of North Korea. I do not see where it is to our benefit, I do not see where it is a benefit to world peace to rely on the United Nations. Even though we rely on the United Nations for authority, when we want the United Nations to go along with our policy as our President asked earlier this year, it was refused. So in many ways we have a policy that does not make a whole lot of sense. We first rely on the United Nations, spend a lot of money, then they do not do our bidding.

It gets to be almost a joke around the world about some of the things the U.N. does. When you think about the Commission of Human Rights and who is appointed as the chairman of the Commission of Human Rights, nobody else other than Libya. And before the war it was actually Iraq who was supposed to chair the Disarmament Commission.

So this I think in many ways reflects the ineptness of the United Nations and its inability to pursue any policy that is in our interest. So it is for this reason, whether it is rejoining UNESCO and throwing more money down another on another useless program, we here are spending a lot of money giving up our sovereignty. Much of this money should be spent here at home.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank the distinguished chairman of the committee for yielding me time.

I rise, Mr. Chairman, in the strongest possible opposition to the Paul amendment which would cause great harm to our national interests. Mr. Chairman, I do not look upon the United Nations through rose-colored spectacles. It is obvious that for every criticism my good friend, the gentleman from Texas (Mr. PAUL), has of the United Nations, I could probably cite a half dozen. But the fact remains that many of the activities of the United Nations are clearly in the U.S. national interest.

The International Atomic Agency monitors and exposes countries such as North Korea and Iran attempting to develop nuclear weapons. The World Health Organization works to prevent infectious diseases throughout the world, and it was critical recently in putting a stop to the spread of SARS. UNESCO, which the President wisely decided to rejoin, will provide us an opportunity to make our voice heard in the educational, cultural and scientific field of the international organization. UNICEF, the United Nations International Children's Fund, is providing invaluable assistance across the globe to millions of children in desperate need; and the U.N. itself, more often than not, is helpful in attaining our own foreign policy objectives.

The absurdity of the United States, the one remaining superpower, the most powerful civilizing force on the face of this planet in the 21st century, withdrawing from the United Nations is nothing short of absurd; and I strongly urge all of my colleagues to reject overwhelmingly this amendment.

Mr. PAUL. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, whether you think the U.N. is an efficacious organization or you think it is a useless organization, whether you think that we are advantaged as a country of being a member of the U.N. or you think we ought not be a member of the U.N., you can vote for the Paul amendment with confidence that you are doing the right thing. Let me explain.

Both the Department of Defense and the Congressional Research Service have documented that we have spent over $19 billion of taxpayers' money on legitimate U.N. peacekeeping activities. Now, the U.N. has legitimized our claim that this ought to be credited against our dues because they have credited $1.8 billion of this against our dues.

I am going to vote for this amendment. I will vote for any amendment that denies funding to the U.N. without any argument whether we ought to belong, any argument of whether it is good or bad, but the simple argument that, in all fairness, please do an accounting of the monies we have spent on legitimate U.N. peacekeeping activities. Please credit appropriate amounts of that to our U.N. dues. Then, if there are dues left over, we will pay those dues. But until that accounting is done, everybody in this Congress, we are in very tough financial times now, ought to vote yes for the Paul amendment that will demand that the accounting is done; and then we can debate another day whether or not we ought to be members of the U.N. or whether or not it is an efficacious organization.

But, for today, the simple fact that we have not been credited for almost $17 billion of monies that we have spent on legitimate U.N. peacekeeping activities is more than a legitimate right to vote for this amendment. Vote for the Paul amendment.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a tempting amendment to the bill, but more mature thought says no, it is not all that good of an idea. The fact is we still need the U.N. and its agencies to promote peacekeeping efforts in some parts of the world, to assist in the global anti-terrorist campaign to help rebuild Iraq and Afghanistan, to promote nuclear non-proliferation by rogue states such as Iran and North Korea, and help implement our legislation designed to fight against HIV/AIDS.

Without the World Food Program, there would be more starvation and suffering in the world. Without the Food and Agricultural Organization, there would be scant support for global food standards. And without the International Civil Aviation Organization, there would be no effective management of civilian airplane traffic around the world.

Finally, to the extent that we decide to commit any U.S. troops as part of a regional West African peacekeeping force in Liberia, we certainly should not be cutting off funding for U.N. peacekeeping when we will need those same peacekeepers to relieve our troops, providing us with an exit strategy, safeguarding our interests.

With great respect, I urge the defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. PAUL) is recognized for 1½ minutes.

Mr. PAUL. Mr. Chairman, I once again urge a yes vote on this amendment to limit the funding to the United Nations and to all its agencies.

The gentleman from California (Mr. LANTOS) mentioned that there were some programs under the United Nations which were sort of "feel-good" programs, social welfare programs, and I think I would grant that some of these programs have had some benefit. That in itself is not enough for me to endorse the concept of international welfare through the United Nations.

However, too often I think they leave doing these programs that are designed to help people who are truly suffering versus getting involved with what we call peacekeeping missions. The United Nations are not allowed to declare war. They never go to war, and yet too often we get involved in war. That is why they were called peacekeepers in Korea. That is why it is a peacekeeping mission when we go to Iraq. But, still, the armies are raised, and young men are called off, and people are killed on these peacekeeping missions. Therefore, I say that the United Nations has tended to take away the responsibilities of this Congress to make these very, very important decisions.

I believe in many ways that by joining the United Nations we have allowed our Constitution to be amended merely by U.N. vote. If the U.N. votes and says something and we go along with that, we do that by majority vote here in the Congress. Where if we look to the Constitution for the authorities that we are allowed to do and what we are not permitted to do, we look to article I, section 8; and what the U.N. is doing is not permissible under the article.

□ 1600

Mr. PAUL. Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 108–206.

AMENDMENT NO. 7 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment, and I am the designee of the gentleman from Arizona (Mr. HAYWORTH).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KING of Iowa:

Page 88, after line 17, insert the following new section (and amend the table of contents accordingly):

SEC. 406. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.

Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e-3) is amended by striking "22 percent of the total of all assessed contributions for that budget" and inserting "the largest assessed contribution of any other permanent member country of the United Nations Security Council".

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

As a cosponsor of H.R. 2303, sponsored by the gentleman from Arizona (Mr. HAYWORTH), I am happy to offer this amendment, which is the first step in reforming the United Nations.

In the run-up to the war with Iraq, France was able to hold U.S. policy hostage by virtue of its status as a permanent member of the Security Council and the veto power that goes with it, but France was not alone. The other permanent Security Council Members, China, Russia, United Kingdom, of course, also the United States, they all have a veto power; and they regularly obstruct our foreign policy goals and vote the opposite of the United States.

According to the State Department's voting practices in the United Nations of 2002, on votes important to U.S. interests, France and the U.K. voted with us just 50 percent of the time, Russia 22 percent of the time and China, 20 percent.

Even though the U.S. has no more power on the Security Council than any of the other four permanent members, it pays the lion's share of the United Nations' budget. The United States pays $341 million a year, or 22 percent of the overall budget. China pays just $24 million, even though it has the world's second largest economy. Russia pays a paltry $19 million, which is less than Canada, Holland, Australia, or Switzerland.

This amendment would limit the U.S. contribution to the regular U.N. budget to no more than the highest amount paid by any other member of the Security Council. Our veto power should cost us no more than what China, France, Russia, or the U.K. pay for theirs.

This proposal would not affect U.S. payments to the U.N. for peacekeeping operations, voluntary programs, or membership organizations. It would only affect the U.N. regular budget. Even at this reduced amount, the U.S. would still contribute over $1.4 billion in various U.N. programs, far more than any other country.

So aside from simple equity, enactment of this amendment would hopefully lead to reconsideration of how U.N. dues are assessed among permanent members. China and Russia are now essentially getting a free ride at our expense. The solution would be for all permanent members to pay equal amounts of the regular budget because of their veto power, and I say this amendment is a first step in the direction of reforming the United Nations.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

The amendment offered by the gentleman from Arizona by way of Arizona does raise an important issue of how our dues to the U.N. regular budget are calculated. I would be glad to hold follow-up briefings and a hearing in the committee on our role at the U.N. and how our membership should promote our national interests and how our current assessment should reflect a fair share of all the other member states of the U.N.

There are, however, serious problems with the way this amendment is written insofar as it unilaterally alters our existing financial obligations to the United Nations. It will reduce our assessment from the current 22 percent to the level of 6.5 percent, thereby generating close to $250 million in new arrearages to the U.N. It would reduce our share of the funding of the regular budget of the U.N. far below the level currently being paid by Japan and Germany and would give those countries every reason to reduce their contributions accordingly.

The amendment mistakenly makes the assumption that the permanent members of the U.N. Security Council are assessed their dues on the basis of their inclusion in this body. The assessments are made instead on the basis of a member state's share of the world gross domestic product. In the case of the U.S., however, our share should actually be well over 22 percent.

In short, the amendment would have the same practical effect as that of the gentleman from Texas' (Mr. PAUL) amendment, undercutting any role we would have in the U.N. and eventually leading to our withdrawal from the world body. If my colleagues voted against the Paul amendment, they should oppose this amendment as well.

In short, it takes a unilateral approach which could potentially harm U.S. interests and objectives around the world. Our contributions to the U.N. regular budget and to all other U.N. programs and agencies are agreed to by mutual consent of all U.N. members. If the U.S. were to unilaterally cut its assessment, we would start building arrears to the U.N. again just after completing a 3-year arrearage repayment effort under the Helms-Biden legislation where we obtained substantial management and administrative reforms in return for the payment of our back dues.

Adoption of this amendment would undercut those ongoing reform efforts, and I urge it be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, might I inquire as to the amount of time I have remaining.

The CHAIRMAN pro tempore. The gentleman from Iowa (Mr. KING) and the gentleman from Illinois (Mr. HYDE) both have 2½ minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

I appreciate the gentleman from Illinois' remarks with regard to the

United Nations and some of the implications of any change that we might make in how the dues are assessed against the United States, and I would point out that our gross domestic product is comparable to that of the balance of the Security Council and all the other priority members that are there; and even though it is indexed to the gross domestic product, it is certainly out of proportion.

Additionally, these members of the United Nations Security Council have exerted far more influence than their economy contributes to the world economy or to the United Nations dues or any type of forces that we might have out there, and so I would suggest that the United Nations has become a Third World class envy debating society where the strongest and most powerful countries' foreign policy is dictated by countries who wish to undermine the United States. It is entirely inappropriate that the United States must contribute an inordinate amount to provide a democratic platform to dictators and tyrants, and that is a broad fellowship in the approach of the United Nations.

People tend to believe that because each country has a vote in the United Nations, and we set things up in kind of a proportional method as far as the dues are concerned in the Security Council, that somehow or another we have got a democratic debating society there; but we see dictators and tyrants at the United Nations, who give them full voice to utter their opinions, their tyrannical opinions, when they would not let a single one of their citizens do the same within their own country; and this is the flaw in the United Nations that we have lived with all of these years.

We have got to move down the path of reforming the United Nations, and this is the first good step to do so.

U.N. membership, structure, and policy aside, it is preposterous that the United States continues to pay for 22 percent of the entire U.N. regular budget. That 22 percent is $341 billion; and in fact, the U.N. votes against the United States 32 percent of the time on important issues. The United States contributes currently $115 million more to the regular budget than France, Germany, Russia, and China combined; but our veto power should cost no more than what France, Russia, or China pays for theirs. China only pays $24 million, even though it is the world's second largest economy. The Russians pay $19 million, which is less than Canada, Holland, Australia, or Switzerland. It is ridiculous to have this position. The United States is funding its political opposition.

I want to make it clear that this amendment would not affect U.S. payments to the U.N. for peacekeeping operations, voluntary programs, or membership organizations. If this amendment is adopted, the U.S. will still contribute more than $1.4 billion to various programs. In summary, this amendment would simply limit the U.S. contributions to the U.N. regular budget.

I urge my colleagues to vote "yes" on this amendment. A "yes" vote is not a vote against the U.S., but rather a vote to make it more accountable.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

I might just say that the gentleman is certainly making common sense, and the problem is we just cannot do it unilaterally. It might be wise for us to constantly review our dues and payments to the U.N., but there is a process that is not unilateral in getting them changed.

Mr. Chairman, I am pleased to yield such time as I have remaining to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I want to thank the distinguished chairman of our committee for yielding me the time, and I want to identify my views with his and just add a few footnotes.

The United Nations was founded at the end of the Second World War when the United States was economically not only a superpower but had a vastly disproportionate share of global gross domestic product. At that time, our contribution to the U.N. was 40 percent. It is now 22 percent; and I think a legitimate case can be made for multilaterally, through negotiation, adjusting our contributions to the U.N. as gross domestic products of the various countries change. But to take unilateral action at this stage, when the United Nations is so badly needed, despite all of its flaws, would be a singularly ill-advised move; and I strongly urge all of my colleagues to reject this amendment.

Mr. HAYWORTH. Mr. Chairman, I rise today in support of the Hayworth/King Amendment that would limit what the U.S. pays in U.N. dues to an amount no more than the highest amount paid by any other permanent U.N. Security Council member.

Let's put this amendment in perspective. In the run-up to the war against Saddam Hussein, we saw all too clearly the real goal of France in obstructing and sabotaging U.S. policy—to challenge U.S. global leadership and set itself up as the leader of a competing coalition.

By itself, however, France is incapable of countering or competing with the U.S. militarily or economically, and that situation will only grow worse as France faces a demographically-driven decline. The key to France's strategic ambition is therefore based solely on its permanent membership on the UN Security Council, or UNSC, and, most importantly, the veto power that goes with it. Without its veto, France would lose its chief claim to geopolitical relevance.

I don't mean to pick on France, Mr. Chairman, but its actions leading up to the war with Iraq make it an easy target. The truth is, the entire Security Council regularly obstructs our foreign policy goals and permanent members—China, France, Russia, and the U.K.—regularly vote the opposite of the U.S.

According to the State Department's Voting Practices in the United Nations 2002, on votes important to U.S. interests, France and the U.K. voted with us just 50 percent of the time, Russia 22 percent, and China 20 percent. Overall, the General Assembly voted the U.S. position only 32 percent of the time on important issues. Areas of specific disagreement include the Middle East, nuclear disarmament, certain human rights issues, and the International Criminal Court.

What makes all this even more galling is that even though the U.S. has no more power on the Security Council than any of the other four permanent members, it pays the lion's share of the U.N. budget. Indeed, even though the aggregate GDP of the other permanent members nearly equals that of the U.S., the U.S. contributes about $115 million more to the U.N. regular budget than those four countries combined.

What's more, U.N. dues are supposed to be based on ability to pay. Yet there are a dozen countries that in 2003 will pay more in dues than China's $24 million even though it now has the world's second largest economy. The Chinese are clearly getting a lot of bang for their U.N. buck. So are the Russians. Their 2003 assessment is a paltry $19 million, less than Canada, Holland, Australia, and Switzerland.

The Hayworth/King Amendment would restore some balance to this picture. It would limit the U.S. contribution to the regular U.N. budget to no more than the highest amount paid by any other permanent UNSC member. The rationale is simple. Our veto power should cost us no more than what China, France, Russia, or the U.K. pay for theirs.

The U.S.'s 2003 assessment for the U.N. regular budget is $341 million. Under this amendment, we would pay no more than France, which has been assessed the second-highest amount, or $100 million. This proposal would not effect U.S. payments to the U.N. for peacekeeping operations, voluntary programs, or membership organizations. It would only affect the U.N. regular budget. Even at this reduced amount the U.S. would still contribute over $1.4 billion to various U.N. programs, far more than any other country.

Aside from simple equity, enactment of my bill would hopefully lead to a reconsideration of how U.N. dues are assessed among permanent members. China and Russia are now essentially getting a free ride at our expense. The solution would be for all permanent members to pay equal amounts of the regular budget because of their veto power. France and the U.K. would have to pay a little more, Russia and China a lot more, the U.S. a lot less.

A debate over dues could also prompt a broader discussion on U.N. reform. The outrages are not limited to the meltdown over Iraq. Cuba began its recent crackdown on dissidents as the U.N.'s Human Rights Commission was holding its annual meeting in Geneva. It promptly elected Cuba to another three-year term, an act author Carl Hiaasen wrote was "a little like naming a necktie after the

Boston Strangler." The commission is headed by Libya and includes some of the worst abusers of human rights in the world, including Vietnam, Syria, Saudi Arabia, Sudan, and Zimbabwe.

If the U.N. does not reform itself, it risks becoming, in the words of Mexican Foreign Minister Luis Ernesto Derbez, another "Red Cross." The U.N. can become relevant again, but whether it does so will ultimately rest on the goodwill and magnanimity of the five permanent UNSC members who can block any reform with a veto.

As we have learned, U.N. reform takes time. Ronald Reagan pulled the U.S. out of UNESCO, the United Nations Educational, Scientific, and Cultural Organization, in 1984. It took 18 years for UNESCO to implement sufficient reforms for the U.S. to return. More fundamental reform could take even longer.

By approving this action today we will be sending a message that the U.S. is serious about reform at the U.N.

Support the Hayworth/King Amendment.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa (Mr. KING) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 108–206.

AMENDMENT NO. 8 OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. TAUSCHER:

Add the following at the end:

SEC. 1716. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) IN GENERAL.—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) or to Australia, Japan, or New Zealand.

(b) MARKETING INFORMATION.—In this section, the term "marketing information"—

(1) means data that a seller must provide to a potential customer (including a foreign end user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair; and

(2) includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) EXCEPTION.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

Mr. HYDE. Mr. Chairman, may I claim time in opposition because I am reluctantly opposed to the gentlewoman's amendment?

The CHAIRMAN pro tempore. The gentleman from Illinois may.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment I am offering with the gentleman from Nebraska (Mr. BEREUTER) would provide a small, but vital, fix to the cumbersome process that governs the export of commercial communication satellites to our closest allies.

The amendment is identical to language that Senator ENZI offered and that was passed as part of the Senate foreign relations bill.

Under current law, satellite sellers must obtain a license from the State Department just to talk to a prospective buyer of a product. When a foreign buyer calls and asks for basic information, the company cannot immediately answer any questions. The current process means American companies have to wait for weeks or months to call back potential customers. This is undermining an industry we used to dominate at a time when our economy is in a major slump.

As the COMSAT market continues to shrink, we want to ensure that U.S. companies are left standing. This amendment levels the playing field between the U.S. satellite industry and its foreign competitors.

Under exception provided by our amendment, exporters of commercial communications satellites would be allowed to provide marketing information only to member countries of the North Atlantic Treaty Organization, and Japan, Australia and New Zealand. It would not affect any of the licensing requirements for countries like China and would keep in place all of the national security statutes put in place by Congress.

The amendment also improves the U.S. export control system. It enables the State Department to focus its resources on the transfer of truly sensitive data and allows U.S. companies to communicate with our allies internationally and friends in a timely and cost-effective manner about basic marketing information.

Our national security is closely linked to our technological leadership which guarantees the military advantage we have today, but our national security is being undermined by a sick industry that is falling behind its competition because of onerous bureaucracies that are doing nothing to protect our national security.

I urge my colleagues to support the Tauscher-Bereuter amendment.

Mr. Chairman, I reserve the balance of my time.

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Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding me this time, and I rise in opposition to this amendment loosening satellite export controls.

I am profoundly concerned, Mr. Chairman, that the language of the amendment would result in all satellite marketing information being exempted from any licensing requirement at all. Even if unclassified, some of the information transferred might well be sensitive. It is also possible that companies, without the government review of a license requirement, may unintentionally transfer more information than they should under the pressure of making a sale. The Departments of State and Defense would have no idea whatsoever what information is actually being transferred.

The Congress needs more time and information to consider the full and serious ramifications of this change in satellite licensing regime in order to ensure that our national security is not compromised. I would urge the sponsors of this amendment, for whom I have a great deal of respect, to include at a future time a provision making clear that companies must first obtain a license to transfer marketing information. Short of that, I reluctantly oppose the amendment and ask all of my colleagues to vote against it.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the coauthor of this amendment.

Mr. BEREUTER. Mr. Chairman, I thank the gentlewoman for yielding me this time. The gentlewoman has explained adequately the very limited number of circumstances under which licensing would not be required. In fact, they have to require such licensing now. That is the point of this amendment.

But the U.S. market share in the commercial satellite industry generally has fallen from around 75 percent of the market now to 50. As U.S. sales have dropped, European commercial satellites have dramatically increased. Among the key concerns which commercial satellite customers cite as a concern when working with U.S. satellite producers is the delay frequently associated with licensing requirements. In some cases, a simple license to release unclassified information takes up to 60 days.

Furthermore, exempting from licensing the sharing of very limited type of nonclassified marketing information does in no way jeopardize the security interests of the United States. Amazingly, the competitiveness of U.S. satellite processors, however, if we damage it by continuing this unnecessary licensing, does damage the security interest of the United States.

I was a member of the Cox Commission which generated the concern about licensing information. I am very concerned about the transfer of classified information or something that would jeopardize our national security. This in no way does. There is no good argument why this nonclassified marketing information should not be shared, and I urge support for this amendment by the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's yielding me this time to speak on this amendment.

This is an example of why our export control regime is broken and badly in need of review. The typical high school teenager's bedroom has more computing power than the United States possessed when it developed the atomic and hydrogen bombs. Our friends and allies are worthy partners to deal with us in the satellite industry. As has been pointed out by my two colleagues in favor of this, what we are doing is we are forcing people to deal with other entities in Europe and around the world, so actually we are undermining the United States' long-term security interests, forcing them to other markets while we undermine American business.

I almost never disagree with my chairman and ranking member, but I would respectfully suggest that this is an illustration of why we need to revise our export control regime. And before and unless we do that, adopting this amendment is good for business, it is good for technology development, and it is common sense. I urge its adoption.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. HUNTER), the learned chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank my colleague for yielding me this time, and let me just rise to oppose what I think is a very dangerous amendment.

Historically, companies do not have to have a license to transmit marketing information to foreign customers. A couple of years ago, when we strengthened export controls on satellite exports, foreign customers started increasing their demands for what they called technical information as part of a marketing pitch. The foreign customers were not looking for the kind of information that the public can get. They were after proprietary design, integration, and operational information that could be used for a variety of purposes, including improvements in their own capabilities.

So while the Tauscher amendment purports to prevent that information from being sent abroad, it leaves the definition of marketing information up to the prospective foreign customer.

And let me just say, Mr. Chairman, that this technology, this technology of separation of a payload from a booster that puts a satellite up is very much akin to the technology that accompanies a separation of a MIRV'd nuclear warhead from its booster. This is dangerous technology, and I would ask everyone to vote against the Tauscher amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield myself the balance of my time to simply remind my colleagues that, first and foremost, this is marketing information that is declassified. Second, this is information that would only be allowed to be transmitted to NATO allies, Australia, Japan, and New Zealand. I think it is very important that we keep the controls that we have in place for any kind of technology transfer for places like China, Russia, and others, but this is for our own allies.

While we have watched this business that we dominated at one time leave our shores and go to foreign competitors, I think it is very important that we keep our strict controls, that we keep the State Department involved in the licensing, but in these declassified marketing materials that everyone agrees are basically innocent, that we should allow them to be disseminated so that we can keep the small part of the business that we have left.

Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

If there is no export license requirement, it is difficult if not impossible to prevent information from being retransferred to a third country. This is important since our European allies do not always have the same policies as we do in satellite cooperation with China and other countries. The practical effect would be to deregulate much information about satellites and satellite technology. Given the importance of space technology to our national security, I am persuaded that such a drastic step should be approached with an abundance of precaution and entertained, if at all, only after detailed analysis.

In sum, if this amendment were written to provide the President with discretion to not require licensing, that would be one thing. But this amendment prohibits the President from controlling information about satellites. I think that is a reach too far, and I respectfully, if painfully, suggest the gentlewoman's amendment be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. TAUSCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER) will be postponed.

Amendment No. 9 having not been offered, it is now in order to consider amendment No. 10 printed in House Report number 108-206.

AMENDMENT NO. 10 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MENENDEZ:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. __ . ASSISTANCE TO TAMIL NADU.

(a) FINDINGS.—Congress makes the following findings:

(1) Several United States businesses invested more than $800,000,000 in capital in the Indian State of Tamil Nadu to build and operate state-of-the-art electric generation facilities to serve local customers.

(2) For nearly 2 years since these power plants went into service, the Tamil Nadu Electricity Board has violated the principle of contract sanctity by consistently refusing to pay the contractually-required price for the electricity produced by these companies.

(3) The Tamil Nadu Electricity Board now owes these United States companies in excess of $150,000,000 in arrearages despite repeated assurances by the Government of Tamil Nadu that the situation would be resolved.

(4) All of the projects are in a technical state of default on the principal of their loans and none of the United States companies is making a return on their equity.

(b) RESTRICTION..—No funds authorized by this Act (including any amendments made by this Act) or authorized under any other provision of law may be used to directly or indirectly support any programs, projects, or activities (other than humanitarian, health, or rule of law programs, projects, or activities) located in or designed to benefit the State of Tamil Nadu, India.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from New Jersey (Mr. MENENDEZ) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

My amendment is premised on an unfortunate situation that has arisen in the state of Tamil Nadu, India, involving several American companies that are currently attempting to conduct business there.

In seeking to provide additional electrical generating capacity, several years ago the Tamil Nadu government sought to induce foreign companies to design and build power plants there. Five American companies accepted this proposition and constructed four projects that generate approximately 800 megawatts of electricity in Tamil Nadu at a combined cost of about $1 billion. Each company entered into a long-term contract for the purchase of the electricity generated at these plants at an agreed-upon price.

After getting these plants up and running, the Tamil Nadu government then began a systematic underpayment of the contract terms, sufficient to keep them running but providing no return on the initial investment. Technically, the projects are in a state of default; and, as far as we know, the Tamil Nadu government owes these American companies approximately $150 million under the terms of these contracts.

Now, India has been a strategic ally and trading partner of the United States. Unfortunately, the state of Tamil Nadu has lagged behind the rest of that country in terms of maintaining a strong commitment to the rule of law and providing for these types of open, transparent transactions. So we simply, through our amendment, seek to create an opportunity to ensure that, while we will not certainly affect India as a country, that the state of Tamil Nadu cannot have the good deal and resources of this country if it continues to unjustifiably hold American companies hostage in this way.

We do nothing to affect any foreign assistance that deals with human rights or nutrition or any of those things, but we do deal with all other issues that are not humanitarian, health-related, or justice sector relief initiatives designed to help those citizens of Tamil Nadu. So this is a way to stand up for U.S. companies who make legitimate investments and do the right thing and at the end of the day do not have the transparency and the opportunity to have their investments honored in a way in which we want to see throughout the world.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding. I strongly support his amendment.

Mr. Chairman, it is outrageous that American businesses entering in good faith into commercial transactions in various countries should be subjected to provincial governmental abuse. This is not the government of India which is refusing to meet its obligation but a constituent state of India, Tamil Nadu.

I think the gentleman is bringing an important matter before us, and I urge all of my colleagues to support him.

Mr. MENENDEZ. Mr. Chairman, reclaiming my time, I thank the distinguished ranking member for his comments.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I have some reservations about this amendment. This points out a serious problem which is actually ongoing with not just India but some other countries as well. However, I am willing to accept this amendment and will do so with pleasure.

Mr. MENENDEZ. Reclaiming my time once again, Mr. Chairman, I thank the distinguished chairman for his support.

Hopefully, Mr. Chairman, we will have a resolution and will not have to pursue it much further than this. But I appreciate the opportunity to at least have these companies have their chance to have an opportunity for their investments to be upheld under international law.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of the amendment and ask unanimous consent to revise and extend my remarks.

This amendment sends a signal to the government of the Indian state of Tamil Nadu that it must abide by its contracts with American and other foreign investors. Five American energy companies built state-of-the-art energy plants in Tamil Nadu. These companies negotiated contracts with the state government to provide energy at a guaranteed minimum rate. However, the government of Tamil Nadu has paid less than this guaranteed rate to the tune of over $130 million.

One of the affected companies, CMS Energy, is based in the 7th district of Michigan. CMS built a state-of-the-art energy plant, providing jobs and training to the Tamil people. It also provides steady energy to support economic development and growth in Tamil Nadu. The government of Tamil Nadu's violation of its contract has cost CMS over $14 million.

The amendment affects only the state of Tamil Nadu. It is not anti-India. It will do nothing to affect other Indian states that respect the sanctity of contracts and provide an excellent environment for the foreign investment that benefits both India and investors. We should not be using our aid to reward governments that do not respect contracts.

Mr. MENENDEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim time in opposition?

If not, the question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. WELDON of Pennsylvania:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to provide assistance to the Republic of Moldova unless the President determines and certifies to Congress that the Government of Moldova has met its obligations with respect to investments made by United States citizens in the "Aroma" cognac factory located in Moldova.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

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Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment concerns the loss of an investment in Moldova by a constituent of mine due to the actions of the Moldovan government. I am prepared to withdraw my amendment if the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, will enter into a colloquy with me.

Mr. Chairman, a long-time constituent of mine invested $2.5 million in Moldova for the purpose of purchasing a distillery in that country. The Moldovan government gave him a promissory note as security for $76 million and also produced a signed deed from the Minister of Agriculture and the Minister of Privatization together with a legal opinion from the dean of their law school stating that these documents were legal and binding in Moldova. The property was never sold by the government, and my constituent never saw his money again.

I have taken this matter to the President of Moldova on several occasions. Recently, my constituent met with President Voronin in March of this year. The President promised this matter would be resolved in 3 to 4 weeks. It is July now, and the matter has still not been resolved.

I have visited Moldova twice. I have led delegations. In fact, I spoke to their parliament when they convened on a Saturday session. I enjoyed meeting and want to work with the government leaders of that country. It is not my intention to alienate Moldova by withholding foreign aid. However, this type of outright fraud and corruption frightens many Americans from investing in Moldova and other former Soviet states. The Moldovan government must remedy this matter and provide assurances to other investors that Moldova is ready to safeguard foreign investment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I agree that foreign investment in countries of the former Soviet Union, such as Moldova, can carry significant risks for Americans and others. If the governments of these countries wish to enhance their economic prospects by encouraging foreign investment, then ensuring the security of those investments and honoring contractual agreements must be a top priority. I urge the government of Moldova to improve the transparency of its actions regarding foreign investment and to further develop the rule of law in this and other areas.

Mr. WELDON of Pennsylvania. Mr. Chairman, as I have stated before, I do not want to alienate Moldova. The citizens of Moldova are not at fault. They are good people. It is their government that is at fault, and I do not think it is fair that its people suffer. Something must be done to remedy this matter. I will request to withdraw my amendment with assurances from the gentleman from Illinois that we will try to remedy this situation.

Mr. HYDE. Mr. Chairman, by working together, I believe we will be able to resolve this matter in a manner that is satisfactory to all parties concerned.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the chairman of the Committee on International Relations and the ranking member who do such a great job for consideration of all issues. I look forward to working with him on this legislation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENTS EN BLOC OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, pursuant to section 2 of House Resolution 316, I offer amendments en bloc consisting of the following amendments printed in House Report 108–206: amendments numbered 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 38, 39, 40 and 42.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. HYDE, consisting of the following:

Amendment No. 12 offered by Mr. MANZULLO:

After section 3 of the bill, insert the following new section (and conform the table of contents accordingly):

SEC. 4. SPECIAL RULES FOR APPLYING BUY AMERICAN ACT.

(a) ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES.—With respect to any acquisition under this Act or any amendment made by this Act of articles, materials, or supplies that are subject to section 2 of the Buy American Act (41 U.S.C. 10a), such section shall be applied to such acquisition by substituting "at least 65 percent" for "substantially all"; or

(b) CONTRACTS FOR CONSTRUCTION, ALTERNATION, OR REPAIR.—With respect to any contract for the construction, alteration, or repair of any public building or public work entered into under this Act or any amendment made by this Act that is subject to section 3 of the Buy American Act (41 U.S.C. 10b), such section shall be applied to such contract by substituting "at least 65 percent" for "substantially all".

Amendment No. 13 offered by Mr. CROWLEY:

Page 111, after line 13, insert the following new section (and amend the table of contents accordingly):

SEC. 507. CONTRACTOR REQUIREMENTS.

(a) FINDINGS.—The Congress finds that the overriding national security aspects of the international programs of the International Broadcasting Bureau require the assurance of uninterrupted logistic support under all circumstances for the programs. Therefore, it is in the best interests of the United States to provide a preference for United States contractors bidding on these projects.

(b) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding any other provision of law, in any case where there are two or more qualified bidders on projects of the International Broadcasting Bureau, including design and construction projects and projects with respect to transmitters, antennas, spare parts, and other technical equipment, all the responsive bids of United States persons and qualified United States joint venture persons shall be considered to be reduced by 10 percent.

(c) EXCEPTION.—

(1) Subsection (b) shall not apply with respect to any project of the International Broadcasting Bureau when—

(A) precluded by the terms of an international agreement with the host foreign country;

(B) a foreign bidder can establish that the foreign bidder is a national of a country whose government permits United States contractors and suppliers the opportunity to bid on a competitive and nondiscriminatory basis with its national contractors and suppliers, on procurement and projects related to the construction, modernization, upgrading, or expansion of—

(i) its national public radio and television sector,

(ii) its private radio and television sector, to the extent that such procurement or project is, in whole or in part, funded or otherwise under the control of a government agency or authority,

(C) the Secretary of Commerce certifies (in advance of the award of the contract for that project) to the Board of the International Broadcasting Bureau that the foreign bidder is not receiving any direct subsidy from any government, the effect of which would be to disadvantage the competitive position of United States persons who also bid on the project, or

(D) the statutes of a host foreign country prohibit the use of United States contractors on such projects within that country.

(2) An exception under paragraph (1)(D) shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions the Secretary has taken to urge the foreign country to permit the use of United States contractors on such projects.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "United States person" means a person that—

(A) is incorporated or otherwise legally organized under the laws of the United States, including any State (and any political subdivision thereof) and the District of Columbia;

(B) has its principal place of business in the United States;

(C) has been incorporated or otherwise legally organized in the United States for more than 5 years before the issuance date of the Invitation For Bids or the Request For Proposals with respect to a project under subsection (b);

(D) has proven, as indicated by prior contracting experience, to possess the technical, managerial, and financial capability to successfully complete a project similar in nature and technical complexity to that being contracted for;

(E)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States;

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the project site; and

(F) has the existing technical and financial resources in the United States to perform the contract.

(2) The term "qualified United States joint venture person" means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

(3) The term "responsive bid" includes only a bid where the bidder can establish that the United States goods and services content, excluding consulting and management fees, of the bidder's proposal and the resulting contract will not be less than 55 percent of the value of the bidder's proposal and the resulting total contract.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as "RFP") or the Invitation For Bids (commonly referred to as "IFB") was issued after the date of the enactment of this Act.

Amendment No. 14 offered by Mr. SCHIFF:

At the end of title VII (relating to miscellaneous provisions) insert the following:

SEC. 735. SENSE OF CONGRESS CONCERNING THE TIMELY ISSUANCE OF VISAS FOR RUSSIAN WEAPONS SCIENTISTS INVOLVED IN ARMS CONTROL AND NONPROLIFERATION EXCHANGES WITH THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States visa approval system has in the past lacked proper oversight, coordination, and supervision. A more systematic, stringent, and rigorous evaluation system for visa approvals is clearly in the best interests of the United States.

(2) Many distinguished scholars, professors, researchers, and foreign associates of United States national academies have been prevented by visa delays from entering the United States for engagements at major conferences, meetings, and teaching invitations at American universities.

(3) Research collaborators for United States laboratories have also been prevented from entering the United States. Their absence halts projects and compromises United States commitments in long-standing international cooperative agreements aimed at reducing stockpiles of weapons of mass destruction.

(4) Visa restrictions came within one day of forcing the cancellation of an important meeting in Washington, D.C. of the National Academy of Sciences Committee on United States Russian Cooperation on Nuclear Non-Proliferation.

(5) Russian weapons scientists involved in nuclear non-proliferation cooperative efforts with the United States are critical to American efforts to ensure that nuclear weapons-grade materials remain under control and out of the hands of terrorists.

(6) In a December 2002 statement, the Presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine found that a United States approach to visas that welcomes qualified foreign scientists, engineers, health professionals, and students serves national goals in three distinct ways:

(A) It harnesses international cooperation for counterterrorism.

(B) It builds stronger allies through scientific and technical cooperation.

(C) It maintains United States global leadership in science and technology.

(7) The Presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine have found that current United States policy toward granting visas, to foreign scientists is harmful to the United States scientific community and to the longterm well-being of the United States. They stated on December 13, 2002, that "To make our nation safer, it is extremely important that our visa policy not only keep out foreigners who intend to do us harm, but also facilitate the acceptance of those who bring us considerable benefit. Recent efforts by our government to constrain the flow of international visitors in the name of national security are having serious unintended consequences for American science, engineering, and medicine. The long-term security of the United States depends on admitting scholars who benefit our nation. In short, the United States scientific, engineering, and health communities cannot hope to maintain their present position of international leadership if they become isolated from the rest of the world. We view this as an urgent matter, one that must be promptly addressed if the United States is to meet both its national security and economic development goals.".

(8) Currently, consular officials send many visa applications back to the United States for sequential security clearances by several agencies, which may lead to long delays in visa processing. Consular officers are subject to criminal penalties if they grant a visa to a person who subsequently commits a terrorist act in the United States. However, there are currently no incentives for consular officers to facilitate scientific exchanges, which may advance the national interest of the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) to the extent possible and consistent with national security objectives, the United States should expedite the processing of granting visas to Russian weapons scientists, especially those participating in bilateral weapon disarmament talks, negotiations, and exchanges, to enable them to participate in cooperative nonproliferation activities with their counterparts in the United States, and

(2) the Department of State is encouraged to consider streamlining the process of granting visas for such scientists as follows:

(A) Reinstate a procedure of pre-security clearance for scientists and engineers with the proper credentials.

(B) Involve the United States scientific and technical community in determining areas of particular security concern.

Amendment No. 15 offered by Ms. SCHAKOWSKY:

Page 78, after line 23, insert the following (and amend the table of contents accordingly):

SEC. 724. ALLOCATION OF RESOURCES FOR EMBASSIES AND CONSULATES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State should provide such resources, personnel, and training at each United States Embassy and consulate as are adequate to carry out the duties and responsibilities of such posts and to meet the needs of those seeking services at such posts. In particular, given Public Notice 4393 (Federal Register, July 7, 2003) which restricts the number of waivers that can be granted for interviews of nonimmigrant visas, the Secretary of State should provide sufficient resources, particularly in countries that are allies of the United States, to ensure that staff can process visa applications, including conducting personal interviews, in a manner that is timely, while complying with all the application requirements, including security concerns.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report concerning the allocation of resources for embassies and consulates to the appropriate congressional committees.

Amendment No. 16 offered by Mr. GALLEGLY:

At the end of title VII (relating to miscellaneous provisions) insert the following:

SEC. 736. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "Subject to paragraphs (5) and (6), a" and inserting "A"; and

(B) by striking "for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)" and inserting "until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)";

(2) by striking subparagraph (B) and inserting the following:

"(B) REVIEW OF DESIGNATION UPON PETITION.—

"(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

"(ii) PETITION PERIOD.—For purposes of clause (i)—

"(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

"(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

"(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

"(iv) DETERMINATION.—

"(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

"(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

"(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

"(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6)."; and

(3) by adding at the end the following:

"(C) OTHER REVIEW OF DESIGNATION.—

"(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

"(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

"(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.".

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) AMENDMENTS TO A DESIGNATION.—

"(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

"(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

"(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

"(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking "subsection (b)" and inserting "subsection (c)";

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking "or a redesignation made under paragraph (4)(B)" and inserting "at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)"; and

(ii) in clause (i), by striking "or redesignation";

(C) in paragraph (7), by striking ", or the revocation of a redesignation under paragraph (6),"; and

(D) in paragraph (8)—

(i) by striking ", or if a redesignation under this subsection has become effective under paragraph (4)(B),"; and

(ii) by striking "or redesignation"; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking "of the designation in the Federal Register," and all that follows through "review of the designation" and inserting "in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review";

(B) in paragraph (2), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation";

(C) in paragraph (3), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation"; and

(D) in paragraph (4), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation" each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term "designation", as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

Amendment No. 18 offered by Mr. BURTON of Indiana:

Page 78, after line 23, insert the following:

SEC. 274. NOTICE TO UNITED STATES EMBASSIES ABROAD REGARDING CHILDREN WHO ARE THE SUBJECT OF INTERNATIONAL CHILD ABDUCTION AND GUIDELINES RELATING TO ASYLUM FOR SUCH CHILDREN.

(a) NOTICE OF INTERNATIONAL CHILD ABDUCTION.—The Secretary of State shall establish procedures to ensure that appropriate United States Embassies abroad are notified of the possible presence in that country of any child who has been the subject of international child abduction in violation of the order of a court in the United States.

(b) GUIDELINES FOR ASYLUM.—The Secretary of State shall promulgate guidelines for the personnel of United States Embassies abroad concerning procedures relating to asylum at such facilities for children who are the subject of international child abduction.

SEC. 275. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended—

(1) in subclause (I), by striking the comma at the end and inserting a semicolon;

(2) in subclause (II), by striking ", or" at the end and inserting a semicolon;

(3) by amending subclause (III) to read as follows:

"(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, cousin, uncle, aunt, nephew, niece, or grandparent of an alien described in clause (i), is an agent of such an alien, or is a principal employing such an alien as an agent, if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or" and

(4) by adding at the end the following:

"(IV) is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until such child is surrendered to the person granted custody by the order described in that clause, and such custodian and child are permitted to return to the United States or such custodian's place of residence.".

(b) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; NOTICE TO CUSTODIAL PARENTS AND GUARDIANS; ANNUAL REPORT; DEFINITIONS.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are inadmissible under clause (ii).

"(v) NOTICE TO CUSTODIAL PARENTS AND GUARDIANS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall, upon request of the person granted custody of the child concerned, inform the person of whether, and when, any individual who is inadmissible under clause (ii) by reason of such act has been issued a visa or otherwise authorized to enter the United States.

"(vi) ANNUAL REPORT.—The Secretary of State annually shall submit to the Committee on International Relations, the Committee on Government Reform, and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations, the Committee on Governmental Affairs, and the Committee on the Judiciary of the United States Senate, a report that provides, with respect to the preceding year, an accounting of the number of cases known to the Secretary of State, disaggregated according to the nationality of the alien concerned—

"(I) in which an authority under this subparagraph was exercised (and with respect to each such case, the specific ground for inadmissibility shall be specified); and

"(II) in which an authority under this subparagraph has not been exercised but in which an alien, after entry of an order by a court in the United States granting custody to a person of a United States citizen child, detained or retained the child, or withheld custody of the child, outside the United States from the person granted custody by that order.

"(vii) DEFINITIONS.—For purposes of this subparagraph—

"(I) the term 'child' means an individual who was a child at the time the individual was detained or retained, or at the time custody of the individual was withheld, as described in clause (i), regardless of the age or marital status of the individual after such time; and

"(II) the term 'sibling' includes a step-sibling or half-sibling.".

Amendment No. 19 offered by Mr. ACKERMAN:

Page 14, strike lines 1 through 4, and insert the following:

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) For "Protection of Foreign Missions and Officials", $25,000,000 for the fiscal year 2004 and $25,000,000 for the fiscal year 2005.

(B) In addition, to amounts authorized to be appropriated by subparagraph (A), there is authorized to be appropriated $30,600,000 for "Protection of Foreign Missions and Officials" only to reimburse the City of New York for necessary expenses incurred since 1999 for the protection of foreign missions and officials.

(C) Notwithstanding section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), the Secretary is authorized to reprogram not more than $5,000,000 of funds otherwise authorized to be appropriated by this section for the purposes of this paragraph.

Amendment No. 20 offered by Mr. ACKERMAN:

Page 70, after line 2 insert the following (and amend the table of contents accordingly):

SEC. 231. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Interference with certain protective functions

"Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"117. Interference with certain protective functions.".

Amendment No. 21 offered by Mr. ANDREWS:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. . SENSE OF CONGRESS RELATING TO REGARDING SECURITY FOR TAIWAN.

(a) FINDINGS.—Congress finds the following:

(1) For over half a century a close relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic advantage to both countries.

(2) Taiwan today is a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law.

(3) Taiwan is an ally of the United States, as most recently evidenced by Taiwan's provision of humanitarian and financial assistance to Afghanistan at the request of the United States and its support for Operation Iraqi Freedom.

(4) The security of the 23 million people in Taiwan is threatened by the deployment by the People's Republic of China of over 400 short-range ballistic missiles targeted at Taiwan, and the purchase by the PRC of advanced weaponry systems, including Su-27 and Su-30 fighter planes, Kilo submarines, and Sovremenny destroyers.

(5) Taiwan was threatened by missile exercises conducted by the PRC in August 1995 and again in March 1996 when Taiwan was conducting its first free and direct presidential elections.

(6) Section 2(b)(4) of the Taiwan Relations Act (22 U.S.C. 3301(b)(4)) considers any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.

(7) Section 2(b)(6) of the Taiwan Relations Act (22 U.S.C. 3301(b)(6)) requires the United States to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(8) In his January 17, 2001, confirmation hearing as Secretary of State, General Colin Powell stated that "We will stand by Taiwan and will provide for the defense needs of Taiwan in accordance with the Taiwan Relations Act and the subsequent communiques.".

(9) President Bush stated on April 24, 2001, that the United States will do whatever it takes to help Taiwan defend itself.

(10) In his testimony before the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate in February and March of 2002, Admiral Dennis Blair of the United States Pacific Command testified that "China continued to build and exercise its force of short-range ballistic missiles ranging Taiwan. It still seeks to develop a range of military options to influence and intimidate Taiwan, and has not abandoned the option of using force to resolve Taiwan's status.".

(11) The July 2002 U.S.-China Economic and Security Review Commission report to Congress stated that "China is enhancing its capability to carry out attacks across the Taiwan Strait with its special operations forces, air forces and navy and missiles forces with little notice," and "the Commission recommends that the U.S. along with its allies should continue to call upon China to renounce the threat of or the use of force against Taiwan.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) grave concerns exist concerning the deployment by the People's Republic of China of hundreds of ballistic missiles directed toward Taiwan, which threaten the security and stability in the Taiwan Strait;

(2) the President should direct all appropriate United States officials to raise these concerns with the appropriate officials from the People's Republic of China, and should seek a public, immediate, and unequivocal renunciation from the leaders of the People's Republic of China of any threat or use of force against Taiwan;

(3) the President should affirm with the leaders of the People's Republic of China that there will not be a *quid pro quo* between the dismantling of missiles aimed at Taiwan by the People's Republic of China, and arms sales to Taiwan by the United States;

(4) China should dismantle the missiles that threaten Taiwan, otherwise the President should authorize the sale of the Aegis system to Taiwan, which would enable Taiwan to defend itself against the threat of a missile attack by China; and

(5) the future of Taiwan should be determined peacefully and with the express consent of the people of Taiwan.

Amendment No. 22 offered by Mr. BEREUTER:

Page 211, after line 11, insert the following section (and amend the table of contents accordingly):

SEC. 736. SENSE OF CONGRESS IN APPRECIATION OF THE ARMED FORCES OF THE UNITED STATES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks.

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis. Such efforts are further complicated by the absence of effective communications with the Iraqi people.

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military; however, that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities.

(4) Approximately 145,000 United States troops are currently deployed in Iraq, meaning that American troops comprise roughly 90 percent of Coalition forces. If, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85 percent of Coalition forces.

(5) Maintaining the existing force level in Iraq currently requires $3,900,000,000 each month.

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers.

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal policy functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist, and jointly patrol with the existing Iraqi police force.

(8) President Bush has noted that "The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking," and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States.

(9) Secretary Rumsfeld testified that "We certainly want assistance from NATO and from NATO countries" and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops.

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq--including providing basic services and paying public sector salaries--is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) the President should consider requesting formally and expeditiously that the North Atlantic Treaty Organization (NATO) raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia, and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq; and

(3) the President should consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

Amendment No. 23 offered by Ms. BORDALLO:

Page 83, after line 10, insert the following (and amend the table of contents accordingly):

SEC. 311. TREATMENT OF TERRITORIES AND POSSESSIONS AS PART OF THE GEOGRAPHIC UNITED STATES FOR PURPOSES OF TRANSFER ALLOWANCES.

Notwithstanding any other provision of law, for purposes of transfer allowances for employees of the Department of State under section 5924(2)(B) of title 5, United States Code, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands, shall be considered part of the geographic United States.

Amendment No. 24 offered by Mr. BROWN of Ohio:

At the end of subtitle A of title VII (relating to reporting requirements) insert the following:

SEC. 713. REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.

Not later than 30 days after the date of the enactment of this Act, and not later than

April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Department of State has made, following the previous year's meeting of the World Health Assembly to enourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Department of State will take to endorse and obtain observer status at the forthcoming annual meeting of the World Health Assembly in Geneva, Switzerland.

Amendment No. 25 offered by Mr. Crane:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. ATTACKS ON UNITED STATES CITIZENS BY PALESTINIAN TERRORISTS.

(a) Findings.—Congress finds the following:

(1) Since Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 42 United States citizens, including one unborn child, have been murdered by Palestinian terrorists.

(2) On December 1, 1993, in a drive-by shooting north of Jerusalem, Hamas killed United States citizen Yitzhak Weinstock, 19, whose family came from Los Angeles.

(3) On October 9, 1994, Hamas kidnapped and murdered United States citizen Nachshon Wachsman, 19, whose family came from New York City.

(4) On April 9, 1995, an Islamic Jihad bomb attack on a bus near Kfar Darom killed United States citizen Alisa Flatow, 20, from West Orange, New Jersey.

(5) On August 21, 1995, in a Hamas bus bombing in Jerusalem, United States citizen Joan Davenny, from New Haven, Connecticut, was killed.

(6) On September 9, 1995, Mara Frey of Chicago was stabbed in Ma'ale Michmash resulting in her unborn child's death.

(7) On February 25, 1996, three United States citizens, Sara Duker of Teaneck, New Jersey, Matthew Eisenfeld of West Hartford, Connecticut, and Ira Weinstein of New York City, were killed in a Hamas bus bombing in Jerusalem.

(8) On May 13, 1996, United States citizen David Boim, 17, of New York City, was killed in a drive-by shooting near Beit El, north of Jerusalem.

(9) On June 9, 1996, United States citizen Yaron Ungar was killed in a drive by-shooting near Beit Shemesh.

(10) On July 30, 1997, United States citizen Leah Stern of Passaic, New Jersey, was killed in a Hamas bombing in Jerusalem's Mahane Yehuda market.

(11) On September 4, 1997, a Hamas bombing on Ben-Yehuda Street, Jerusalem, killed Yael Botwin, 14, of Los Angeles.

(12) On April 19, 1998, an attack near the Israeli town of Maon killed United States citizen Dov Dribben, 28.

(13) On October 8, 2000, Rabbi Hillel Lieberman, 36, of New York City, was stabbed and killed near Nablus.

(14) On October 30, 2000, United States citizen Esh-Kodesh Gilmore, 25, was shot in Jerusalem.

(15) On December 31, 2000, Rabbi Binyamin Kahane, 34, and his wife, Talia Hertzlich Kahane, both formerly of New York City, were killed in a drive-by shooting near Ofra.

(16) On May 9, 2001, Jacob "Koby" Mandell, 13, of Silver Spring, Maryland, was killed in an attack near Tekoah.

(17) On May 29, 2001, Sarah Blaustein, 53, of Lawrence, New York, was killed in a drive-by shooting near Efrat.

(18) On August 9, 2001, two United States citizens, Judith L. Greenbaum, 31, and Malka Roth, 15, were killed in the Jerusalem Sbarro pizzeria bombing.

(19) On November 4, 2001, Shoshana Ben-Yishai, 16, of New York City, was shot and killed during an attack on a Jerusalem bus.

(20) On January 15, 2002, Avraham Boaz, 72, of New York City, was killed in a shooting near Bethlehem.

(21) On January 18, 2002, United States citizen Aaron Elis, 32, was killed in a shooting in Hadera.

(22) On February 15, 2002, United States citizen Lee Akunis, was shot and killed near Ramallah.

(23) On February 16, 2002, Keren Shatsky, 14, of New York City and Maine, and Rachel Thaler, 16, of Baltimore, Maryland, were killed in a bombing in Karnei Shomron.

(24) On February 25, 2002, United States citizen Moran Amit, 25, was stabbed and killed in Abu Tor Peace Forest, Jerusalem.

(25) On March 24, 2002, Esther Kleinman, 23, formerly of Chicago, was shot and killed near Ofra.

(26) On March 27, 2002, United States citizen Hannah Rogen, 90, was killed in a bombing at a hotel Passover seder in Netanya.

(27) On June 18, 2002, Moshe Gottlieb, 70, of Los Angeles, was killed in a bus bombing in Jerusalem.

(28) On June 19, 2002, United States citizen Gila Sara Kessler, 19, was killed in a bombing at a Jerusalem bus stop.

(29) On July 31, 2002, five United States citizens were killed in a bombing of a Hebrew University cafeteria: Marla Bennett, 24, of San Diego, Benjamin Blutstein, 25, of Susquehanna Township, Pennsylvania, Janis Ruth Coulter, 36, of Massachusetts, David Gritz, 24, of Peru, Massachusetts (and of dual French-United States citizenship), and Dina Carter, 37, of North Carolina.

(30) On March 5, 2003, Abigail Leitel, 14, who was born in Lebanon, New Hampshire, died in a bus bombing in Haifa.

(31) On March 7, 2003, United States citizens Rabbi Eli Horowitz, 52, who grew up in Chicago, and Dina Horowitz, 50, who grew up in Florida, were killed in their home.

(32) On June 11, 2003, United States citizen Alan Beer, 47, who grew up in Cleveland, was killed in bus bombing in Jerusalem.

(33) On June 20, 2003, United States citizen Tzvi Goldstein, 47, originally from New York City, was shot and killed in an attack while driving through the West Bank.

(34) At least another 79 United States citizens have been injured in Palestinian terrorist attacks, including United States citizen Jack Baxter, 50, of New York City, who was injured on April 30, 2003, in a bombing at a Tel Aviv pub.

(35) The official Palestinian Authority television broadcast on March 14, 2003, of a live sermon calling for the destruction of the United States and Israel was a blatant attempt to incite violence against United States and Israeli citizens.

(b) Statements of Policy.—Congress—

(1) condemns the attacks on United States citizens by Palestinian terrorists and demands that the Palestinian Authority work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities;

(2) offers its condolences to the families and loved ones of United States citizens who were killed by Palestinian terrorist attacks; and

(3) calls on the Secretary of State to include a listing of the killing of every United States citizen by terrorists in the "Chronology of Significant Terrorist Incidents", as included in the annual Department of State's Patterns of Global Terrorism Report.

Amendment No. 26 offered by Mr. Hunter:

Page 211, after line 11, insert the following:

SEC. 736. SENSE OF CONGRESS AND REPORT CONCERNING WASTEWATER TREATMENT AND THE INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.

(a) Findings.—The Congress finds as follows:

(1) The failure by the International Boundary and Water Commission, United States and Mexico, to complete negotiations on a new Treaty Minute with Mexico, as directed by Congress in Public Law 106-457, has endangered the health of the residents of San Diego County.

(2) The continued flow of Mexican sewage on San Diego, California, beaches has caused extensive and persistent beach closings thereby causing economic hardship to the local economy.

(3) The International Boundary and Water Commission has shown insignificant progress in negotiations with Mexico.

(b) Sense of Congress.—It is the sense of the Congress that the United States Section of the International Boundary and Water Commission shall make treaty negotiations with Mexico on the establishment of a public-private partnership to construct and operate a wastewater treatment facility in Mexico as outlined in Public Law 106-457 a priority.

(c) Report to Congress.—The United States Section of the International Boundary and Water Commission, United States and Mexcio, shall submit monthly reports to the appropriate congressional committees concerning progress in negotiations on a new Treaty Minute with Mexico.

Amendment No. 27 offered by Mr. Hyde:

At the end of title XVII of division B of the bill, insert the following:

SEC. ___. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) Transfers by Grant.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) Bahrain.—To the Government of Bahrain, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12).

(2) Portugal.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate SIDES (FFG 14).

(b) Transfers by Sale.—The President is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) Brazil.—To the Government of Brazil, the SPRUANCE class destroyer O'BRIEN (DD 975).

(2) Chile.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(3) Turkey.—To the Government of Turkey, the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(c) Grants Not Counted in Annual Total of Transferred Excess Defense Articles.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under subsection (g) of that section.

(d) COSTS OF TRANSFERS ON GRANT BASIS.—Any expense incurred by the United States in connection with a transfer authorized to be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to the authority provided by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of such Act).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Amendment No. 28 offered by Mr. HYDE:

Strike section 227 (relating to GAO assessment of security capital cost sharing) and insert the following:

SEC. 227. SECURITY CAPITAL COST SHARING.

(a) AUTHORIZATION.—The first section of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292) is amended by adding at the end the following new subsection:

"(c) SECURITY CAPITAL COST-SHARING PROGRAM.—(1) The Secretary of State, as the single manager of all buildings and grounds acquired under this Act or otherwise acquired or authorized for the use of the diplomatic and consular establishments in foreign countries, is authorized to establish and implement a Security Capital Cost-Sharing Program to collect funds from each agency on the basis of its total overseas presence in a manner that encourages rightsizing of its overseas presence, and expend those funds to accelerate the provision of safe, secure, functional buildings for United States Government personnel overseas.

"(2) The Secretary is authorized to determine annually and charge each Federal agency the amount to be collected under paragraph (1) from the agency. To determine such amount, the Secretary may prescribe and use a formula that takes into account the number of authorized positions of each agency, including contractors and locally hired personnel, who are assigned to United States diplomatic facilities and are under the authority of a chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

"(3) The head of an agency charged a fee under this section shall remit the amount of the fee to the Secretary of State through the Intra-Governmental Payment and Collection System or other appropriate means.

"(4) There shall be established on the books of the Treasury an account to be known as the 'Security Capital Cost-Sharing Program Fund', which shall be administered by the Secretary. There shall be deposited into the account all amounts collected by the Secretary pursuant to the authority under paragraph (1), and such funds shall remain available until expended. Such funds shall be used solely for the provision of new safe, secure, functional diplomatic facilities that comply with all applicable legal standards, including those standards established under the authority of the Secure Embassy Construction and Counterterrorism Act of 1999. The Secretary shall include in the Department of State's Congressional Presentation Document an accounting of the sources and uses of the amounts deposited into the account.

"(5) The Secretary shall not collect a fee for an authorized position of an agency of the Federal Government that has been or would be granted a waiver pursuant to section 606(a)(2)(B)(i) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)(i)).

"(6) In this subsection—

"(A) the term 'agency of the Federal Government'—

"(i) includes the Interagency Cooperative Administrative Support Service; and

"(ii) does not include the Marine Security Guard; and

"(B) the term 'United States diplomatic facility' has the meaning given that term in section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

.Amendment No. 29 offered by Mr. HYDE:

In section 226 (relating to validity of United States passports) strike "travellers" both places it appears and insert "travelers".

Strike line 14 on page 43 through line 2 on page 46.

Page 79, line 15, after "Act" insert "of 1956".

Page 79, lines 16 and 18, strike "(o)" and insert "(n)".

Page 79, line 20, strike "(p)" and insert "(o)".

In the first sentence in section 301(b)(1) of the Foreign Assistance Act of 1961, as proposed to be added by section 116(e) of the bill, strike "For fiscal year fiscal year 2004" and insert "For fiscal year 2004".

In section 1707 of the bill, redesignate the second paragraph (1) as paragraph (2).

Amendment No. 30 offered by Mr. LANTOS:

In section 1713 of the bill (relating to enhanced police training)—

(1) strike "Section 660(b) of the Foreign Assistance Act of 1961" and insert "(a) IN GENERAL.—Section 660(b) of the Foreign Assistance Act of 1961"; and

(2) add at the end the following new subsection:

(b) NOTIFICATION REQUIREMENT.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended by adding at the end the following new subsection:

"(e) Funds may not be obligated for assistance under subsection (b)(8) unless the Secretary of State notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the amount and nature of the proposed assistance at least 15 days in advance of the proposed obligation in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act. Such notification shall include a comprehensive report and, where practicable, a plan describing the police assistance and rule of law programs of relevant United States agencies for each country which is to receive assistance under section 660(b)(8).".

Amendment No. 31 offered by Mrs. MALONEY:

In division B of the bill—

(1) redesignate title XVII as title XVIII (and conform all sections therein accordingly and conform the table of contents); and

(2) insert after title XVI the following new title (and conform the table of contents accordingly):

TITLE XVII—ACCESS FOR AFGHAN WOMEN

SEC. 1701. SHORT TITLE.

This title may be cited as the "Access for Afghan Women Act of 2003".

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) Despite the removal of the Taliban from power, women in Afghanistan continue to experience brutal and frequent violation of their human rights, generally outside of Kabul where warlords are reexerting control.

(2) Strong and continued support from the United States and the international community can ensure that the advances made by Afghan women since the fall of the Taliban will continue and grow, rather than recede.

(3) While the United States and the international community continue to make substantial contributions to emergency humanitarian and relief operations in Afghanistan, the establishment of a stable, peaceful, prosperous, and democratic Afghanistan with a broad-based, multi-ethnic, gender-sensitive, and fully representative government requires a significant increase in long-term investments in development and reconstruction assistance.

(4) The maternal mortality rate in Afghanistan is among the highest in the world, with recent reports estimating that every 30 minutes an Afghan woman dies of pregnancy related causes, or approximately 15,000 women every year. The estimated maternal mortality rate of 1,600 deaths per 100,000 live births can be significantly reduced through access to primary health care services, including safe birthing supplies, emergency obstetric care, prenatal and postnatal care, contraception, and prevention and treatment for the effects of sexual coercion and rape.

(5) Women comprise 75 percent or more of the refugees and internally displaced in camps, urban areas, and villages in Afghanistan.

(6) 85 percent of Afghanistan's population lives in rural areas. The women in rural areas perform vital roles in food production, processing, and preparation. Successful reconstruction and development assistance must target rural women as part of any agricultural interventions.

(7) Within Afghanistan and outside of Afghanistan, local women's organizations are delivering critical services and have the knowledge and experience to assist the United States in delivering effective relief aid.

(8) The Afghan Ministry for Women's Affairs is an important ministry that is essential for re-establishing women's human rights, ensuring that women are included in all development efforts, and delivering critical legal, health, education, and economic services to women throughout Afghanistan's 30 provinces.

(9) Afghan women are taking the initiative to reach across the conflict divide and foster peace. Women's perspectives and experiences in seeking solutions to conflicts are necessary to ensure lasting peace.

(10) The inadequate security situation in Afghanistan disproportionately impacts women and girls as the lack of rule of law results in the frequent assault, kidnapping,

and sexual abuse of Afghan women and girls throughout Afghanistan.

(11) Despite significant improvements in healthcare and education infrastructure for women and girls in Afghanistan, the lack of security and rule of law throughout most of Afghanistan effectively denies access to these facilities and the critical services they provide.

SEC. 1703. ESTABLISHMENT OF AFGHAN WOMEN'S FUND.

(a) ESTABLISHMENT.—The Administrator of the United States Agency for International Development shall establish a fund for the purpose of assisting women and girls in Afghanistan in the areas of political and human rights, health care, education, training, security, and shelter.

(b) ACTIVITIES SUPPORTED.—The fund established under subsection (a) shall support the activities described in section 103(a)(7) of the Afghanistan Freedom Support Act of 2002 and the following activities:

(1) Direct financial and programmatic assistance to the Ministry of Women's Affairs in Afghanistan (hereafter in this section referred to as the "Ministry") to promote the strengthening of the Ministry as the Government of Afghanistan continues its transition to a long-term government structure and to enable the Ministry to fulfill its mandate. The Ministry may use such assistance to support activities such as the following:

(A) Multiyear women-centered economic development programs, including programs to assist widows, female heads of household, women in rural areas, and disabled women.

(B) Collaboration with the Ministry of Health to construct culturally appropriate health infrastructure and delivery of high-quality comprehensive health care programs, including primary, maternal, child, reproductive, and mental health care.

(C) Programs to prevent trafficking in persons, assist victims, and apprehend and prosecute traffickers in persons.

(2) Direct financial assistance to the National Human Rights Commission of Afghanistan.

(3) Construction of women's educational facilities in Afghanistan.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not less than $22,500,000 for each of the fiscal years 2003, 2004, and 2005 and such sums as are necessary for each subsequent fiscal year.

SEC. 1704. ASSISTANCE TO AFGHANISTAN.

Notwithstanding any other provision of law, not less than 15 percent of the aggregate amount of economic and humanitarian assistance authorized to be appropriated under section 1703(c) to be made available to Afghanistan for each of the fiscal years 2003, 2004, and 2005 shall be made available for assistance directly to Afghan-led local nongovernmental organizations, including Afghan women-led organizations, with demonstrated experience in delivering services to Afghan women and children to support their programmatic activities and organizational development. In recognition of the appreciating capacity of Afghan-led local nongovernmental organizations, including Afghan women-led organizations, an appropriate percentage of the aggregate amount of economic and humanitarian assistance authorized to be made available to Afghanistan for fiscal year 2006 and each subsequent fiscal year shall be made available for assistance directly to Afghan-led local nongovernmental organizations, including Afghan women-led organizations.

SEC. 1705. REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN.

(a) IN GENERAL.—Activities described in subsections (b) through (e) that are carried out by the United States in Afghanistan should comply with the applicable requirements contained in such subsections.

(b) GOVERNANCE OF AFGHANISTAN.—With respect to the governance of Afghanistan, the applicable requirements are the following:

(1) Include the perspectives and advice of Afghan women's organizations, networks, and leaders in United States policymaking related to the governance of Afghanistan.

(2) Promote the inclusion of a significant number of women in future legislative bodies to ensure that women's full range of human rights are included and upheld in any constitution or legal structures of Afghanistan.

(3) Encourage the appointment of women to high level positions within Afghan Ministries.

(c) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—With respect to activities relating to post-conflict stability in Afghanistan, the applicable requirements are the following:

(1) Encourage United States organizations that receive funds authorized by this title to partner with or create Afghan-led counterpart organizations and provide these organizations with significant financial resources, technical assistance, and capacity building.

(2) Increase women's access to or ownership of productive assets such as land, water, agricultural inputs, credit, and property.

(3) Provide long-term financial assistance for primary, secondary, higher, nontraditional, and vocational education for Afghan girls, women, boys, and men.

(4) Integrate education and training programs for former combatants with economic development programs to encourage their reintegration into society and to promote post-conflict stability.

(5) Provide assistance to rehabilitate children affected by the conflict, particularly child soldiers.

(6) Support educational efforts to increase awareness with respect to landmines, facilitate the removal of landmines, and provide services to individuals with disabilities caused by landmines.

(d) AFGHAN MILITARY AND POLICE.—With respect to training for military and police forces in Afghanistan, the applicable requirements are the following:

(1) Include training on the protection, rights, and the particular needs of women and emphasize that violations of women's rights are intolerable and should be prosecuted.

(2) Encourage such trainers who will carry out the activities in paragraph (1) to consult with women's organizations in Afghanistan to ensure that training content and materials are adequate, appropriate, and comprehensive.

(e) RELIEF, RESETTLEMENT, AND REPATRIATION OF REFUGEES AND INTERNALLY DISPLACED PERSONS.—With respect to the relief, resettlement, and repatriation of refugees and internally displaced persons in Afghanistan, the applicable requirements are the following:

(1) Take all necessary steps to ensure that women refugees and internally displaced persons in camps, urban areas, and villages are directly receiving food aid, shelter, relief supplies, and other services from United States-sponsored programs.

(2) Take all necessary steps to ensure that women refugees in camps, urban areas, and villages are accessing high-quality health and medical services, including primary, maternal, child, and mental health services.

(3) Take all necessary steps to ensure that women and children in refugee camps are protected from sexual exploitation.

(4) Take all necessary steps to ensure refugees and internally displaced persons that seek to return to their place of origin can do so voluntarily, safely, and with the full protection of their rights. United States-sponsored efforts shall not coerce refugees or internally displaced persons to return to their places of origin.

SEC. 1706. REPORTING REQUIREMENTS.

Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the President shall prepare and transmit to Congress a report that contains documentation of the progress in implementing the requirements of section 1705. All data in the report shall be disaggregated by gender.

Amendment No. 34 offered by Mr. SMITH of New Jersey:

Add at the end of the bill the following new division (and conform the table of contents accordingly):

DIVISION C—ASSISTANCE FOR VIET NAM

TITLE XX—CONDITIONS ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIET NAM

SEC. 2001. BILATERAL NONHUMANITARIAN ASSISTANCE.

(a) ASSISTANCE.—

(1) IN GENERAL.—United States nonhumanitarian assistance may not be provided to the Government of Viet Nam in an amount exceeding the amount so provided for fiscal year 2003—

(A) for fiscal year 2004 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period ending on the date of the certification; and

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 501 that the requirements of subparagraphs (A) through (E) of paragraph (2) have been met during the 12-month period covered by the report.

(2) REQUIREMENTS.—The requirements of this paragraph are that—

(A) the Government of Viet Nam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B)(i) the Government of Viet Nam has made substantial progress toward respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference by or involvement of the Government; and

(ii) has made substantial progress toward returning estates and properties confiscated from the churches;

(C) the Government of Viet Nam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs;

(D) the Government of Viet Nam has made substantial progress toward respecting the human rights of members of ethnic minority groups in the Central Highlands and elsewhere in Viet Nam; and

(E)(i) neither any official of the Government of Viet Nam nor any agency or entity wholly or partly owned by the Government of Viet Nam was complicit in a severe form of trafficking in persons; or

(ii) the Government of Viet Nam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

(b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Viet Nam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Viet Nam of increased United States nonhumanitarian assistance would promote the purposes of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (2) with respect to—

(A) all United States nonhumanitarian assistance to Viet Nam; or

(B) one or more programs, projects, or activities of such assistance.

(c) DEFINITIONS.—In this section:

(1) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term "severe form of trafficking in persons" means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106-386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term "United States nonhumanitarian assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine; and

(iii) assistance for refugees; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

TITLE XXI—ASSISTANCE TO SUPPORT HUMAN RIGHTS AND DEMOCRACY IN VIET NAM

SEC. 2101. ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote democracy and internationally recognized human rights in Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) $2,000,000 for each of the fiscal years 2004 and 2005.

TITLE XXII—UNITED STATES PUBLIC DIPLOMACY

SEC. 2201. RADIO FREE ASIA TRANSMISSIONS TO VIET NAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Viet Nam, including the active pursuit of broadcast facilities in close geographic proximity to Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) $9,100,000 for the fiscal year 2004 and $1,100,000 for the fiscal year 2005.

SEC. 2202. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIET NAM.

It is the policy of the United States that programs of educational and cultural exchange with Viet Nam should actively promote progress toward freedom and democracy in Viet Nam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

TITLE XXIII—UNITED STATES REFUGEE POLICY

SEC. 2301. REFUGEE RESETTLEMENT FOR NATIONALS OF VIET NAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to offer refugee resettlement to nationals of Viet Nam (including members of the Montagnard ethnic minority groups) who were eligible for the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) or any other United States refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such individuals (including insufficient or contradictory information or the inability to pay bribes demanded by officials of the Government of Viet Nam) were unable or failed to apply for such programs in compliance with deadlines imposed by the Department of State.

(b) AUTHORIZED ACTIVITY.—Of the amounts authorized to be appropriated to the Department of State for Migration and Refugee Assistance for each of the fiscal years 2004, 2005, and 2006, such sums as may be necessary are authorized to be made available for the protection (including resettlement in appropriate cases) of Vietnamese refugees and asylum seekers, including Montagnards in Cambodia.

TITLE XIV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIET NAM

SEC. 2401. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act and every 12 months thereafter, the Secretary of State shall submit to the Congress a report on the following:

(1)(A) The determination and certification of the President that the requirements of section 2001(a)(2) have been met, if applicable.

(B) The determination of the President under section 2001(b)(2), if applicable.

(2) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Viet Nam in accordance with section 2201(a).

(3) Efforts to ensure that programs with Viet Nam promote the policy set forth in section 302 and with section 102 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(4) Steps taken to carry out the policy under section 2301(a).

(5) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Viet Nam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families. In addition, the Secretary shall include a list of such persons and their families who may qualify for protection under United States refugee programs.

(6) A description of the development of the rule of law in Viet Nam, including, but not limited to—

(A) progress toward the development of institutions of democratic governance;

(B) processes by which statutes, regulations, rules, and other legal acts of the Government of Viet Nam are developed and become binding within Viet Nam;

(C) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of Viet Nam are published and are made accessible to the public;

(D) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules and other legal acts of the Government of Viet Nam;

(E) the extent to which individuals are treated equally under the laws of Viet Nam without regard to citizenship, race, religion, political opinion, or current or former associations;

(F) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(G) the extent to which laws in Viet Nam are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(b) CONTACTS WITH OTHER ORGANIZATIONS.— In preparing the report under subsection (a), the Secretary shall, as appropriate, consult with and seek input from nongovernmental organizations, human rights advocates (including Vietnamese-Americans and human rights advocates in Viet Nam), and the United States Commission on Religious Freedom.

Amendment No. 35 offered by Mr. SOUDER: Page 78, after line 23, insert the following section (and amend the table of contents accordingly):

SEC. 274. ARCHITECTURAL INTEGRITY OF UNITED STATES EMBASSIES, CONSULATES, AND OTHER DIPLOMATIC BUILDINGS.

It is the sense of the Congress that, to the greatest extent possible, in the construction and renovation of United States embassies, consulates, and other diplomatic buildings, the Secretary of State shall consider and seek to preserve the architectural integrity and cohesiveness of the neighborhood and environs and minimize any disruption due to the presence of the embassy, consulate, or other diplomatic building.

Amendment No. 36 offered by Mr. STEARNS: Page 211, after line 11, insert the following:

SEC. 736. SENSE OF CONGRESS REGARDING ALLOCATION OF RESOURCES FOR THE DEPARTMENT OF STATE AS THE CENTRAL AUTHORITY FOR THE UNITED STATES UNDER THE HAGUE CONVENTION ON INTERCOUNTRY ADOPTION.

It is the sense of the Congress that the Department of State should direct significant resources to their new role as the central authority for the United States under the Hague Convention on Intercountry Adoption.

Amendment No. 38 offered by Mr. DREIER: Strike section 731 (page 199, line 22 through page 204, line 10) and insert the following:

SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communique of February 16, 2001 that "we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to constructively address migration and labor issues between our two countries.".

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: "The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth.".

(3) On September 7, 2001, during President Fox's historic State Visit to Washington, the United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: "Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell's press conference was summarized by the State Department as follows: The BNC's migration working group "affirmed our strong commitment to advancing our bilateral migration agenda," he stressed, adding that "there should be no doubt in anyone's mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox."

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations; and

(2) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

Amendment No. 39 offered by Mr. WALSH:

Page 77, after line 3, insert the following new section and (amend the table of contents accordingly):

SEC. 258. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) AMENDMENT OF PROGRAM.—

(1) Section 2(a)(2)(A) of such the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end "No participant in the program may have a degree from an institution of higher education.".

(2) Section 101(a)(15)(Q)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)(ii)(I)) is amended—

(A) by striking "35 years of age or younger having a residence" and inserting "21 to 35 years of age, unemployed for not less than 6 months, having resided for not less 6 months in the Republic of Ireland or the United Kingdom,"; and

(B) by striking "36 months" and inserting "24 months".

(3) Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended by inserting after subsection (p) the following:

"(q)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for nonimmigrant visa status under this Act until it is established that such person has resided and been physically present in the country of nationality or last residence for an aggregate of a least two years following departure from the United States.

"(2) The Secretary of Homeland Security may waive the requirement of such one-year foreign residence abroad if the Secretary determines that—

"(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

"(B) the admission of the alien is in the public interest or the national interest of the United States.".

(b) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(1) in subsection (d)(1) by striking "2006," and inserting "2008,";

(2) in subsection (d)(2) by striking "2005," and inserting "2011,";

(3) in subsection (a)(3) by striking "the third program year and for the 3 subsequent years," and inserting "each program year".

(c) TECHNICAL AND CONFORMING CHANGES.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note; Public Law 105–319) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(2) by striking "Immigration and Naturalization Service" each place it appears and inserting "Department of Homeland Security".

Amendment No. 40 offered by Mr. COLLINS:

At the end of subtitle B of title VII, add the following new section:

SEC. ___. TRANSFER OF VIETNAM-ERA CESSNA L-19D BIRD DOG AIRCRAFT TO ARMY AVIATION HERITAGE FOUNDATION.

(a) AUTHORITY TO CONVEY.—The Secretary of State may convey, without consideration, to the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, all right, title, and interest of the United States in and to a Vietnam-era Cessna L–19D Bird Dog aircraft (serial No. 24020, National registration number N32FL)(in this section referred to as the "aircraft") that is excess to the needs of the Department of State. The conveyance shall be made by means of a conditional deed of gift

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed in its current "as is" condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONDITION ON CONVEYANCE.—The Secretary shall include in the instrument of conveyance of the aircraft the following conditions:

(1) The Army Aviation Heritage Foundation may not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary.

(2) The Army Aviation Heritage Foundation shall operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(d) REVERTER UPON BREACH OF CONDITIONS.—If the Secretary determines at any time that the Army Aviation Heritage Foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(e) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft shall be made at no cost to the United

States. Any costs associated with the conveyance and costs of operation and maintenance of the aircraft conveyed shall be borne by the Army Aviation Heritage Foundation.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(g) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of the aircraft to the Army Aviation Heritage Foundation, the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

Amendment No. 42 offered by Mr. HEFLEY:

After section 1312 of the bill, insert the following new section (and conform the table of contents accordingly):

SEC. 1313. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.

(a) CONDITION ON ASSISTANCE.—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter, may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counterterrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that Crane amendment No. 25, Burton of Indiana amendment No. 18 and Dreier amendment No. 38 be modified in the form I have caused to be placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the amendments, as modified.

The Clerk read as follows:

The amendment as modified is as follows:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. . ATTACKS ON UNITED STATES CITIZENS BY PALESTINIAN TERRORISTS.

(a) FINDINGS.—Congress finds the following:

(1) Since Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 41 United States citizens have been murdered by Palestinian terrorists and one United States citizen miscarried after being stabbed in a Palestinian terrorist attack.

(2) On December 1, 1993, in a drive-by shooting north of Jerusalem, Hamas killed United States citizen Yitzhak Weinstock, 19, whose family came from Los Angeles.

(3) On October 9, 1994, Hamas kidnapped and murdered United States citizen Nachshon Wachsman, 19, whose family came from New York City.

(4) On April 9, 1995, an Islamic Jihad bomb attack on a bus near Kfar Darom killed United States citizen Alisa Flatow, 20, from West Orange, New Jersey.

(5) On August 21, 1995, in a Hamas bus bombing in Jerusalem, United States citizen Joan Davenny, from New Haven, Connecticut, was killed.

(6) On September 9, 1995, Mara Frey of Chicago was stabbed in Ma'ale Michmash resulting in her unborn child's death.

(7) On February 25, 1996, three United States citizens, Sara Duker of Teaneck, New Jersey, Matthew Eisenfeld of West Hartford, Connecticut, and Ira Weinstein of New York City, were killed in a Hamas bus bombing in Jerusalem.

(8) On May 13, 1996, United States citizen David Boim, 17, of New York City, was killed in a drive-by shooting near Beit El, north of Jerusalem.

(9) On June 9, 1996, United States citizen Yaron Ungar was killed in a drive by-shooting near Beit Shemesh.

(10) On July 30, 1997, United States citizen Leah Stern of Passaic, New Jersey, was killed in a Hamas bombing in Jerusalem's Mahane Yehuda market.

(11) On September 4, 1997, a Hamas bombing on Ben-Yehuda Street, Jerusalem, killed Yael Botwin, 14, of Los Angeles.

(12) On April 19, 1998, an attack near the Israeli town of Maon killed United States citizen Dov Dribben, 28.

(13) On October 8, 2000, Rabbi Hillel Lieberman, 36, of New York City, was stabbed and killed near Nablus.

(14) On October 30, 2000, United States citizen Esh-Kodesh Gilmore, 25, was shot in Jerusalem.

(15) On December 31, 2000, Rabbi Binyamin Kahane, 34, and his wife, Talia Hertzlich Kahane, both formerly of New York City, were killed in a drive-by shooting near Ofra.

(16) On May 9, 2001, Jacob "Koby" Mandell, 13, of Silver Spring, Maryland, was killed in an attack near Tekoah.

(17) On May 29, 2001, Sarah Blaustein, 53, of Lawrence, New York, was killed in a drive-by shooting near Efrat.

(18) On August 9, 2001, two United States citizens, Judith L. Greenbaum, 31, and Malka Roth, 15, were killed in the Jerusalem Sbarro pizzeria bombing.

(19) On November 4, 2001, Shoshana Ben-Yishai, 16, of New York City, was shot and killed during an attack on a Jerusalem bus.

(20) On January 15, 2002, Avraham Boaz, 72, of New York City, was killed in a shooting near Bethlehem.

(21) On January 18, 2002, United States citizen Aaron Elis, 32, was killed in a shooting in Hadera.

(22) On February 15, 2002, United States citizen Lee Akunis, was shot and killed near Ramallah.

(23) On February 16, 2002, Keren Shatsky, 14, of New York City and Maine, and Rachel Thaler, 16, of Baltimore, Maryland, were killed in a bombing in Karnei Shomron.

(24) On February 25, 2002, United States citizen Moran Amit, 25, was stabbed and killed in Abu Tor Peace Forest, Jerusalem.

(25) On March 24, 2002, Esther Kleinman, 23, formerly of Chicago, was shot and killed near Ofra.

(26) On March 27, 2002, United States citizen Hannah Rogen, 90, was killed in a bombing at a hotel Passover seder in Netanya.

(27) On June 18, 2002, Moshe Gottlieb, 70, of Los Angeles, was killed in a bus bombing in Jerusalem.

(28) On June 19, 2002, United States citizen Gila Sara Kessler, 19, was killed in a bombing at a Jerusalem bus stop.

(29) On July 31, 2002, five United States citizens were killed in a bombing of a Hebrew University cafeteria: Marla Bennett, 24, of San Diego, Benjamin Blutstein, 25, of Susquehanna Township, Pennsylvania, Janis Ruth Coulter, 36, of Massachusetts, David Gritz, 24, of Peru, Massachusetts (and of dual French-United States citizenship), and Dina Carter, 37, of North Carolina.

(30) On March 5, 2003, Abigail Leitel, 14, who was born in Lebanon, New Hampshire, died in a bus bombing in Haifa.

(31) On March 7, 2003, United States citizens Rabbi Eli Horowitz, 52, who grew up in Chicago, and Dina Horowitz, 50, who grew up in Florida, were killed in their home.

(32) On June 11, 2003, United States citizen Alan Beer, 47, who grew up in Cleveland, was killed in bus bombing in Jerusalem.

(33) On June 20, 2003, United States citizen Tzvi Goldstein, 47, originally from New York City, was shot and killed in an attack while driving through the West Bank.

(34) At least another 79 United States citizens have been injured in Palestinian terrorist attacks.

(b) STATEMENTS OF POLICY.—Congress—

(1) condemns the attacks on United States citizens by Palestinian terrorists;

(2) calls on the Palestinian Authority to work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities;

(3) offers its condolences to the families and loved ones of United States citizens who were killed by Palestinian terrorist attacks; and

(4) calls on the Secretary of State to include a listing of the killing of every United States citizen by terrorists in the "Chronology of Significant Terrorist Incidents", as included in the Department of State's Patterns of Global Terrorism Report issued after the date of the enactment of this Act.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA,

The amendment as modified is as follows:

Page 78, after line 23, insert the following:

SEC. 274. NOTICE TO UNITED STATES EMBASSIES ABROAD REGARDING CHILDREN WHO ARE THE SUBJECT OF INTERNATIONAL CHILD ABDUCTION AND GUIDELINES RELATING TO SANCTUARY FOR SUCH CHILDREN.

(a) NOTICE OF INTERNATIONAL CHILD ABDUCTION.—The Secretary of State shall establish procedures to ensure that appropriate United States Embassies abroad are notified of the possible presence in that country of any child who has been the subject of international child abduction in violation of the order of a court in the United States.

(b) GUIDELINES FOR SANCTUARY.—The Secretary of State shall promulgate guidelines for the personnel of United States Embassies abroad concerning procedures relating to sanctuary at such facilities for children who are the subject of international child abduction.

SEC. 275. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended—

(1) in subclause (I), by striking the comma at the end and inserting a semicolon;

(2) in subclause (II), by striking ", or" at the end and inserting a semicolon;

(3) by amending subclause (III) to read as follows:

"(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, cousin, uncle, aunt, nephew, niece, or grandparent of an alien described in clause (i), is an agent of such an alien, or is a principal employing such an alien as an agent, if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or" and

(4) by adding at the end the following:

"(IV) is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion,

is inadmissible until such child is surrendered to the person granted custody by the order described in that clause, and such custodian and child are permitted to return to the United States or such custodian's place of residence.".

(b) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; NOTICE TO CUSTODIAL PARENTS AND GUARDIANS; ANNUAL REPORT; DEFINITIONS.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are inadmissible under clause (ii).

"(v) NOTICE TO CUSTODIAL PARENTS AND GUARDIANS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall, upon request of the person granted custody of the child concerned, inform the person of whether, and when, any individual who is inadmissible under clause (ii) by reason of such act has been issued a visa or otherwise authorized to enter the United States.

"(vi) ANNUAL REPORT.—The Secretary of State annually shall submit to the Committee on International Relations, the Committee on Government Reform, and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations, the Committee on Governmental Affairs, and the Committee on the Judiciary of the United States Senate, a report that provides, with respect to the preceding year, an accounting of the number of cases known to the Secretary of State, disaggregated according to the nationality of the alien concerned—

"(I) in which an authority under this subparagraph was exercised (and with respect to each such case, the specific ground for inadmissibility shall be specified); and

"(II) in which an authority under this subparagraph has not been exercised but in which an alien, after entry of an order by a court in the United States granting custody to a person of a United States citizen child, detained or retained the child, or withheld custody of the child, outside the United States from the person granted custody by that order.

"(vii) DEFINITIONS.—For purposes of this subparagraph—

"(I) the term 'child' means an individual who was a child at the time the individual was detained or retained, or at the time custody of the individual was withheld, as described in clause (i), regardless of the age or marital status of the individual after such time; and

"(II) the term 'sibling' includes a step-sibling or half-sibling.".

MODIFICATION TO THE AMENDMENT OFFERED BY MR. DREIER

The amendment, as modified is as follows:

Strike section 731 (page 199, line 22 through page 204, line 10) and insert the following:

SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communique of February 16, 2001 that "we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to constructively address migration and labor issues between our two countries.".

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: "The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth.".

(3) On September 7, 2001, during President Fox's historic State Visit to Washington, the United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: "Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell's press conference was summarized by the State Department as follows: The BNC's migration working group "affirmed our strong commitment to advancing our bilateral migration agenda," he stressed, adding that "there should be no doubt in anyone's mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox."

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) that the United States and Mexico should as soon as is practicable conclude negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations; and

(2) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the amendments are modified.

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of the Hyde en bloc amendments. This measure includes a number of critical amendments that were ruled in order by the Committee on Rules. They include initiatives in support of U.S. companies and U.S. workers obtaining procurement contracts from our foreign policy agencies, improvements in our visa processing system, tools to fight international child abduction, an important measure encouraging a greater role for the United Nations and for NATO in maintaining peace in Iraq, support for the women of Afghanistan, and an important plan to compel the agencies that use our diplomatic facilities to share the costs of building and protecting them.

A number of our colleagues contributed to this important package, and I would like to recognize them. I commend the gentleman from New York (Mr. CROWLEY), the gentleman from California (Mr. SCHIFF), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from New York (Mr. ACKERMAN), the gentleman from New Jersey (Mr. ANDREWS), the gentlewoman from Guam (Ms. BORDALLO), and the gentlewoman from Connecticut (Mrs. MALONEY) for their important work; and I urge all of my colleagues to support the Hyde en bloc amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for an opportunity to talk about what has happened to manufacturing in our country and to thank the gentleman for including this amendment in the en bloc amendments.

In the latest report put out by the National Association for Manufacturing, the executive summary ends with this startling statement. "If the U.S. manufacturing base continues to shrink at its present rate and its critical mass is lost, the manufacturing innovation process will shift to other global centers. Once that happens, a decline in U.S. living standards in the future is virtually assured."

What this amendment does, it requires the State Department to increase the content of the articles, materials and supplies for construction, alteration or repair, to increase it from the 50 percent threshold to 65 percent. It is a modest amendment, but it takes the acquisitions that our government has and uses them to level the playing field so as to assure contracts to help out our precious manufacturing base.

We have lost nearly 3 million manufacturing jobs in the past 2 and a half years. Fifty-four thousand manufacturing jobs are lost every month, and that has been continuous for the past 34 months.

So we come to the United States Congress and the House of Representatives and we say something has to be done to stop the destruction of manufacturing in this country. This amendment helps out because it increases the content, which assures more manufacturing jobs for the manufacturers of America.

SECURING AMERICA'S FUTURE: THE CASE FOR A STRONG MANUFACTURING BASE

U.S. manufacturing is the heart of a significant process that generates economic growth and has produced the highest living standards in history. But today this complex process faces serious domestic and international challenges which, if not overcome, will lead to reduced economic growth and ultimately a decline in living standards for future generations of Americans.

Manufacturing's innovation process is the key to past, present and future prosperity and higher living standards. The intricate process starts with an idea for a new product or process, prompting investments in research and development. R&D successes lead to investments in capital equipment and workers, and to "spillovers" that benefit manufacturing and other economic sectors. This process not only generates new products and processes, but also leads to well-paying jobs, increased productivity, and competitive pricing. Yet while this process produces wealth and higher living standards, most of it is hidden from view and poorly understood.

Manufacturing's innovation process provides enormous benefits for the entire U.S. economy:

Grows the Economy—Manufacturing growth spawns more additional economic activities and jobs than any other economic sector. Every $1 of final demand for manufactured goods generates an additional $0.67 in other manufactured products and $0.76 in products and services from nonmanufacturing sectors.

Invents the Future—Manufacturers are responsible for almost two-thirds of all private sector R&D—$127 billion in 2002. Spillovers from this R&D benefit other manufacturing and nonmanufacturing firms. R&D spillovers are enhanced by geographic proximity.

Generates Productivity Increases—Manufacturing productivity gains are historically higher than those of any other economic sector—over the past two decades, manufacturing averaged twice the annual productivity gains of the rest of the private sector. These gains enable Americans to do more with less, increase our ability to compete, and facilitates higher wages for all employees.

Provides More Rewarding Employment—Manufacturing salaries and benefits average $54,000, higher than the average for the total private sector. Two factors in particular attract workers to manufacturing: higher pay and benefits, and opportunities for advanced education and training.

Pays the Taxes—Manufacturing has been an important contributor to regional economic growth and tax receipts at all levels of government. During the 1990s, manufacturing corporations paid 30–34 percent of all corporate taxes collected by state and local governments, Social Security and payroll taxes, excise taxes, import and tariff duties, environmental taxes and license taxes.

Meanwhile, other nations, recognizing that a strong manufacturing base is the proven path to a world-class economy, have been learning from the American example and are forging their own innovation processes to compete with ours.

America's manufacturing innovation process requires a critical mass to generate wealth and higher standards of living. If the U.S. manufacturing base continues to diminish at its present rate that process may deteriorate beyond repair and with it the seedbed of our industrial strength and competitive edge.

The most serious challenges to the long-term viability of the U.S. manufacturing base and the innovation process that underlie it are:

Loss of Jobs—U.S. manufacturers historically lead the way in an economic expansion, but are still struggling to recover from the recent recession. Since July 2000, manufacturing has lost 2.3 million jobs, many of which have been outsourced or relocated overseas. Manufacturing output has shown no growth since December 2001—the official end of the recession—in the weakest manufacturing recovery since 1919.

Loss of Export Potential—Manufacturing exports as a share of GDP have contracted since 1997, reflecting the strong dollar overseas, the impact of the recession on our trading partners, the terrorist attacks in the United States in September 2001, and increased global competition. The U.S. trade deficit has ballooned to historic highs—reflecting an increase in purchases of foreign-made goods, especially from countries which do not freely float their currencies.

Investments are Going Elsewhere—U.S. manufacturing's share of capital investment and R&D expenditures, once a dominant feature of our nation's commitment to progress, is diminishing. While U.S. manufacturers conduct two-thirds of private R&D, their R&D spending between 2000 and 2002 grew at only half the pace of the previous decade.

Needs More Skilled Workers—Despite the loss of 2.3 million jobs, manufacturing is facing a potential shortfall of highly qualified employees with specific educational backgrounds and skills, especially those specific skills needed to produce manufactured goods. If the skills and knowledge of the American workforce do not improve it will be detrimental to manufacturing's competitive edge and to the prospect for economic growth.

Facing Dramatically Rising Costs—The cost of doing business in the United States is rising dramatically, in large measure because of significant costs related to healthcare, litigation, and regulation. As a result, many U.S. manufacturers shut down or move production overseas to countries where they do not face, to the same extent, those kinds of impediments to reducing productions.

U.S. manufacturing's innovation process leads to investments in equipment and people, to productivity gains, to beneficial spillovers, and to new and improved products and processes. This intricate process generates economic growth and higher living standards superior to any other economic sector. But serious challenges threaten to undermine the critical mass of manufacturing necessary to maintain a dynamic innovation process. If the U.S. manufacturing base continues to shrink at its present rate and the critical mass is lost, the manufacturing innovation process will shift to other global centers. Once that happens, a decline in U.S. living standards in the future is virtually assured.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

I wanted to speak in support of the amendment which expresses a sense of the Congress that the International Boundary and Water Commission should move forward with a program that is intended to eliminate the flow of Mexican sewage across the international border in the Pacific region into waters that end up polluting the Southern California coastline and requiring a quarantine of that coastline.

Mr. Chairman, we have been urging the International Boundary and Water Commission to make treaty negotiations with Mexico on establishing a public-private partnership to construct and operate a wastewater treatment facility in Mexico as outlined in existing Public Law 106–457. To date, they have shown insignificant progress. They have shown no inclination to move forward on this important mandate which is in law, and this is a sense of Congress to urge them to get moving.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I rise today to support the en bloc amendment, which includes a provision to bring equity between the State Department employees from Guam and other insular areas with those from the mainland United States.

Current law allows the reimbursement of travel expenses for employees and their dependents in a foreign posting to return home. However, because of a flawed definition, the State Department is prohibited from providing this benefit if the home location is a U.S. territory. My amendment would correct this problem. My amendment would include Guam, American Samoa, the Virgin Islands, Puerto Rico and the Northern Mariana Islands within the geographic definition of the United States for the purposes of educational travel from a foreign area posting. I hope that in conference this might be perfected to include all of the State Department allowances in Title V. Congress would then eliminate the need to revisit this issue for every allowance.

Let me close by giving an example of the problem that the current language imposes. A constituent of mine who is proudly serving our Nation as a State Department employee in Beijing wanted to send his son home to the University of Guam. His request was denied only to be told that Guam and the University of Guam is not in the United States.

Today, the House will right this wrong; and I would like to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, and the State Department for supporting this change.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in strong support of the en bloc amendments and appreciate the fact that it includes amendment No. 22, so I thank the chairman and the ranking member.

This amendment offered by this Member begins with a set of findings concerning the liberation of Iraq by U.S. coalition forces, the current situation on the ground and the challenges and demands facing American military forces and American taxpayers in bringing stability to Iraq.

Included in the findings is a statement by President Bush that, "The rise of Iraq as an example of moderation and democracy and prosperity is a massive and long-term undertaking," and testimony by Defense Secretary Rumsfeld that, "We certainly want assistance from NATO and from NATO countries."

This amendment exactly parallels the amendment offered by Senator BIDEN, endorsed by Senator LUGAR which passed the Senate recently by a 97–0 vote. In the operative section, the amendment expresses the sense of Congress that it is in the national security interest of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government.

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The amendment goes on to suggest that the President should consider a formal request for NATO to assume a greater role in Iraq and that other NATO allies and other nations should provide troops and police to coalition efforts in Iraq. Finally, the amendment again, a sense of Congress amendment, asks the President to consider calling on the United Nations to urge its member states to provide personnel and resources to stabilize and rebuild Iraq.

Let me emphasize that the amendment text makes clear that sovereign member states should provide military forces and civilian police to promote security, not the U.N. itself. The situation in Iraq is far too dangerous for a U.N. peacekeeping operation. It deserves to have the first-rate one, NATO.

Mr. Chairman, this Member believes we have no option but to remain engaged in Iraq, but this Member believes that we should seek as much assistance in this effort as possible.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I want to rise in support of the en bloc amendment and certainly recognize the wisdom that has now been included in the en bloc amendment of my original amendment in the Committee on International Relations calling for a conclusion of a migratory agreement between the United States and Mexico in the national interests of both countries. It certainly is in the national interest of the United States to regularize the border between Mexico and the United States, to make sure that the human capital that helps fuel our economy here at home can be had but in a way that is dignified on both sides.

And certainly I am happy to see the removal of the Mexican oil from the migration agreement that was not only offensive but outright wrong as far as our foreign policy is concerned. As the ranking Democrat on the Subcommittee on the Western Hemisphere, I am pleased to see that we are headed now in the right direction. I am very pleased that Democrats have led on this issue and that our Republican colleagues have joined us on it in this en bloc amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding time and for his extraordinary leadership on international affairs and so many issues that are important to this country.

Mr. Chairman, I am pleased to support the en bloc amendment and to note that the amendment which the gentleman from California (Mr. LANTOS) and I put forward to help women and girls in Afghanistan was included. I thank the gentleman from Illinois (Mr. HYDE).

The amendment creates the Afghan Women's Fund of not less than $22 million per year for the years 2003, 2004, and 2005. The Afghan Women's Fund will support the efforts of the Afghan Ministry of Women's Affairs, other government ministries, and independent commissions to increase women and girls' access to health care, education, and income-earning opportunities, as well as to programs to prevent trafficking in girls and women. This amendment also ensures that not less than 15 percent of the Afghan Women's Fund will reach organizations run by Afghans, especially Afghan women.

These organizations and civil society leaders are ideal partners, as they offer extensive development experience, knowledge of the local culture, and deep connections with the people they serve. Their success is also very closely tied to the success of efforts in Afghanistan for democracy because democracies cannot stabilize without a strong civil society. The Afghan women's amendment will support Afghan women and girls as they endeavor to make their country a more stable, safer, and better place.

I thank the leadership on the Democrat and Republican side for including this important amendment.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. I thank my colleague for yielding me this time. I want to thank the managers of the bill, the gentleman from Illinois (Mr. HYDE), for including in the en bloc amendment the so-called Hunter-Cunningham-Davis-Filner amendment, which deals with a rather amazing situation on the Mexico-California border in my district. Three years ago, this House passed by unanimous vote a bill that was authored by then-Congressman Bilbray and myself which set up a process and a plan for solving the sewage problem at the border.

Mr. Chairman, there are 50 million gallons of raw sewage that flow throughout my district every day. Because the Tijuana River flows north, Mexico simply does not have the technical ability to treat its sewage, we get it, and the health of our citizens is threatened. Mr. Bilbray and I, sanctioned by this House, came up with a public-private partnership to solve this issue. Three years ago, we voted unanimously to instruct the International Boundary and Water Commission to carry out this plan. Three years and nothing has happened. Absolutely nothing has occurred to carry out the wishes of this Congress and to protect the health of the citizens of the United States. That is absolutely incredible. It is absolutely threatening to, really, the authority of the United States Congress.

What we have in the en bloc amendment is a sense of Congress saying to the IBWC, the International Boundary and Water Commission, to get to it, do something. I think they should be held in contempt of Congress myself because the Chair of that commission, in testimony to the United States Congress, to the Committee on Transportation and Infrastructure, said they were going to carry this out. He has not done so. That commission, Mr. Chairman, is in disarray. This Congress should carry out an investigation of that commission, but this is a first step in the sense of Congress resolution. I thank the managers for it.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to speak on the State Department Authorization Bill. The bill contains key provisions that will improve international relations. I commend Chairman HYDE and Ranking Member LANTOS on their hard work and dedication to international affairs.

The citizens of the United States have benefitted greatly from the strides made by medical science, but despite these advances, the health status of people living in developing countries lags far behind the rest of our citizens. Funding for the United Nations Population Fund is needed to ensure that future generations in other countries prosper. The United Nations Population Fund (UNFPA) is the largest internationally funded source of population assistance to developing countries. Over the past 33 years, UNFPA has provided more than $6 billion in assistance to more than 160 countries for voluntary family planning and maternal and child health care.

The UNFPA provides great assistance to a number of African countries. UNFPA's priorities include working to increase access to reproductive health services, improve approaches to adolescent reproductive health; promote safe pregnancy and delivery, reduce maternal mortality, provide emergency assistance in refugee situations, and prevent and treat HIV/AIDS. I am especially concerned about the HIV/AIDS epidemic in Africa. The HIV/AIDS virus infected approximately 3.5 million Africans. HR 1950 calls for $1,000,000 for the fiscal year 2004 to be available for HIV/AIDS research and mitigation strategies internationally.

In addition to health assistance, we need to do more to help countries in the continent of Africa with peacekeeping solutions. The diplomatic capacity at the UN needs to be enhanced to end the suffering of the people of Africa. In the country of Liberia, the people have endured and suffered bloody civil war and unrest for the past 13 years. This war is destroying the future of many Liberian children who are forced to become brutal soldiers at such young ages. We as a nation must assist the people of Liberia. We must help them reverse the deterioration of their country. This bill will provide $40,000,000 to implement peacekeeping activities in Africa.

Heightened awareness of what we can do to improve international affairs is very important. Therefore, Mr. Chairman, I would urge all people throughout America and, quite frankly, throughout the world to pay more attention to our developing countries so that not only can we all maintain better health, but also so that we can have peace. Peace is the only way to gain prosperity.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I speak to you today regarding a pressing matter that deserves attention as we balance out the debate on H.R. 1950. While the stringent nature of the Rules governing the amendment process for this bill preclude my input by way of amendment, I submit that the issue of famine in Ethiopia is worthy of inclusion with the report language on this bill.

Unfortunately, even as we speak now, some 11–14 million people will go hungry in the coming months.

EFFECT OF FAMINE ON THE AGRICULTURE INDUSTRY

Severe drought conditions destroyed over 15 percent of the October–November 2002 harvest in Ethiopia. The resultant failure of root vegetables and green crops to grow has caused families that depend on subsistence farming to not only lack food, but also seeds for replanting next year. This situation makes the availability of genetically modified organism (GMO) seeds dangerously attractive to the hungry, inuring them to the host of side affects and ailments that have yet to be confirmed or denied by the Food and Drug Administration.

As a result of the poor arability of the land and other adverse conditions, not only are the people's crops suffering, but their livestock as well. With the mortality rate steadily rising, those remaining are experiencing a lowered body weight, which results in reduced traction, power and milk production, which again will lead to insecure food sources. Unless veterinary services improve, the death toll will continue to increase as the livestock's immune system grows weaker resulting from poor conditions and common diseases.

The combined effect of plummeting livestock prices and skyrocketing cereal prices, the poorer households face an even worse predicament in obtaining food. Their wage rate is reported to be 3 times lower in the current year than in the same period last year.

According to recent studies, there were 35,000 people in Ziquala, 34,920 people in Ambassel, 16,300 in Wadla, 17,455 in Kewet and 156,200 in the three words of South Gondar who were in need of external assistance through the upcoming months.

ETHIOPIAN ECONOMY IN THE FACE OF FAMINE

Ethiopia's poverty-stricken economy is based on agriculture, which accounts for half of GDP, 85% of exports, and 80% of total employment. The agricultural sector suffers from frequent drought and poor cultivation practices, and as many as 4.6 million people need food assistance annually. Coffee is critical to the Ethiopian economy with exports of some $260 million in 2000. Other important exports include live animals, hides, and gold.

The war with Eritrea in 1999–2000 and recurrent drought have buffeted the economy, in particular coffee production. In November 2001, Ethiopia qualified for debt relief from the Highly Indebted Poor Countries (HIPC) initiative. Under Ethiopia's land tenure system, the government owns all land and provides long-term leases to the tenants; the system continues to hamper growth in the industrial sector as entrepreneurs are unable to use land as collateral for loans. Despite this limitation, strong growth is expected to continue in the near term as good rainfall, the cessation of hostilities, and renewed foreign aid and debt relief push the economy forward.

SHORT-TERM CONSEQUENCES OF INACTION OR LACK OF TIMELY REMEDIAL MEASURES

An estimated six children die of drought-related conditions daily in Ethiopia, according to one estimate. Many of them have collapsed from disease or dehydration after walking for days with their families in search of nourishment. Thousands are fleeing remote villages where wells have dried up and agencies have yet to establish food stations.

WHO IS AT RISK?

The U.N. warns that as many as 16 million people are at risk of starvation in 10 countries across East and central Africa, from Burundi to Eritrea on the Red Sea. The crisis is most severe in Ethiopia's perpetually dry Ogaden region, where wells have gone dry, crops have withered and the skeletons of cattle and sheep lay in barren fields. Camels in Ogaden have stopped lactating, leaving children without milk, a staple in the impoverished nation.

Some Ethiopians are fortunate enough to have access to feeding centers, which supply rehydration treatments and high protein biscuits. Relief agencies are struggling to set up more centers in remote regions before residents migrate elsewhere for food. Sometimes, lack of clean drinking water, which is needed to mix the children's food into gruel, makes it impossible for centers to be stationed in some areas.

A RICH HISTORY OF FIGHTING HUNGER IN THE 18TH CONGRESSIONAL DISTRICT

The late Honorable Mickey Leland established the House Select Committee on Hunger in 1984 and served as its chairman until his the Congress that the International Boundary and Water Commission should move forward with a program that is intended to eliminate the flow of Mexican sewage across the international border in the Pacific region into waters that end up polluting the Southern California coastline and requiring a quarantine of that coastline.

Mr. Chairman, we have been urging the International Boundary and Water Commission to make treaty negotiations with Mexico on establishing a public-private partnership to construct and operate a wastewater treatment facility in Mexico as outlined in existing Public Law 106–457. To date, they have shown insignificant progress. They have shown no inclination to move forward on this important mandate which is in law, and this is a sense of Congress to urge them to get moving.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I rise today to support the en bloc amendment, which includes a provision to bring equity between the State Department employees from Guam and other insular areas with those from the mainland United States.

Current law allows the reimbursement of travel expenses for employees and their dependents in a foreign posting to return home. However, because of a flawed definition, the State Department is prohibited from providing this benefit if the home location is a U.S. territory. My amendment would correct this problem. My amendment would include Guam, American Samoa, the Virgin Islands, Puerto Rico and the Northern Mariana Islands within the geographic definition of the United States for the purposes of educational travel from a foreign area posting. I hope that in conference this might be perfected to include all of the State Department allowances in Title V. Congress would then eliminate the need to revisit this issue for every allowance.

Let me close by giving an example of the problem that the current language imposes. A constituent of mine who is proudly serving our Nation as a State Department employee in Beijing wanted to send his son home to the University of Guam. His request was denied only to be told that Guam and the University of Guam is not in the United States.

Today, the House will right this wrong; and I would like to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, and the State Department for supporting this change.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in strong support of the en bloc amendments and appreciate the fact that it includes amendment No. 22, so I thank the chairman and the ranking member.

This amendment offered by this Member begins with a set of findings concerning the liberation of Iraq by U.S. coalition forces, the current situation on the ground and the challenges and demands facing American military forces and American taxpayers in bringing stability to Iraq.

Included in the findings is a statement by President Bush that, "The rise of Iraq as an example of moderation and democracy and prosperity is a massive and long-term undertaking," and testimony by Defense Secretary Rumsfeld that, "We certainly want assistance from NATO and from NATO countries."

This amendment exactly parallels the amendment offered by Senator BIDEN, endorsed by Senator LUGAR which passed the Senate recently by a 97–0 vote. In the operative section, the amendment expresses the sense of Congress that it is in the national security interest of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government.

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The amendment goes on to suggest that the President should consider a formal request for NATO to assume a greater role in Iraq and that other NATO allies and other nations should provide troops and police to coalition efforts in Iraq. Finally, the amendment again, a sense of Congress amendment, asks the President to consider calling on the United Nations to urge its member states to provide personnel and resources to stabilize and rebuild Iraq.

Let me emphasize that the amendment text makes clear that sovereign member states should provide military forces and civilian police to promote security, not the U.N. itself. The situation in Iraq is far too dangerous for a U.N. peacekeeping operation. It deserves to have the first-rate one, NATO.

Mr. Chairman, this Member believes we have no option but to remain engaged in Iraq, but this Member believes that we should seek as much assistance in this effort as possible.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I want to rise in support of the en bloc amendment and certainly recognize the wisdom that has now been included in the en bloc amendment of my original amendment in the Committee on International Relations calling for a conclusion of a migratory agreement between the United States and Mexico in the national interests of both countries. It certainly is in the national interest of the United States to regularize the border between Mexico and the United States, to make sure that the human capital that helps fuel our economy here at home can be had but in a way that is dignified on both sides.

And certainly I am happy to see the removal of the Mexican oil from the migration agreement that was not only offensive but outright wrong as far as our foreign policy is concerned. As the ranking Democrat on the Subcommittee on the Western Hemisphere, I am pleased to see that we are headed now in the right direction. I am very pleased that Democrats have led on this issue and that our Republican colleagues have joined us on it in this en bloc amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding time and for his extraordinary leadership on international affairs and so many issues that are important to this country.

Mr. Chairman, I am pleased to support the en bloc amendment and to note that the amendment which the gentleman from California (Mr. LANTOS) and I put forward to help women and girls in Afghanistan was included. I thank the gentleman from Illinois (Mr. HYDE).

The amendment creates the Afghan Women's Fund of not less than $22 million per year for the years 2003, 2004, and 2005. The Afghan Women's Fund will support the efforts of the Afghan Ministry of Women's Affairs, other government ministries, and independent commissions to increase women and girls' access to health care, education, and income-earning opportunities, as well as to programs to prevent trafficking in girls and women. This amendment also ensures that not less than 15 percent of the Afghan Women's Fund will reach organizations run by Afghans, especially Afghan women.

These organizations and civil society leaders are ideal partners, as they offer extensive development experience, knowledge of the local culture, and deep connections with the people they serve. Their success is also very closely tied to the success of efforts in Afghanistan for democracy because democracies cannot stabilize without a strong civil society. The Afghan women's amendment will support Afghan women and girls as they endeavor to make their country a more stable, safer, and better place.

I thank the leadership on the Democrat and Republican side for including this important amendment.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. I thank my colleague for yielding me this time. I want to thank the managers of the bill, the gentleman from Illinois (Mr. HYDE), for including in the en bloc amendment the so-called Hunter-Cunningham-Davis-Filner amendment, which deals with a rather amazing situation on the Mexico-California border in my district. Three years ago, this House passed by unanimous vote a bill that was authored by then-Congressman Bilbray and myself which set up a process and a plan for solving the sewage problem at the border.

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A RICH HISTORY OF FIGHTING HUNGER IN THE 18TH CONGRESSIONAL DISTRICT

The late Honorable Mickey Leland established the House Select Committee on Hunger in 1984 and served as its chairman until his tragic death in 1989. The Select Committee was instrumental in drawing attention to the problem of hunger internationally and within the United States. On a humanitarian mission to Africa, Mickey experienced the death of a starving child in his arms. This eye-opening experience led him to redouble his efforts to fight hunger, resulting in 350,000 tons of food to aid famine victims in Ethiopia. Congressman Leland lost his life in Ethiopia trying to save more lives. I would like to work with this committee to include report language in this bill that encourages a greater emphasis on the ongoing famine and a solution to this deadly problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I speak to you today regarding a pressing matter that deserves attention as we balance out the debate on H.R. 1950. I appreciate the opportunity to discuss with you an issue, the relevance of which, will potentially merit inclusion into the House Reports on H.R. 1950, the State Department Authorization bill. The issue concerns the initiative of achieving international peace by way of the leadership of women.

WOMEN LEADERS AS THE UNIVERSAL HUB IN THE PEACE PROCESS

Mr. Chairman and Ranking Member, I propose that women play any and all roles that will give them an opportunity to use their leadership skills in the peace process. Therefore, this request would include diplomatic as well as formal organizational leadership roles. I support the International Leadership Act of 2003, co-authored by you and Representative DAVID DREIER, Chairman of the House Committee on Rules and included in the bill provisions.

WOMEN'S ROLE IN THE INTERNATIONAL LEADERSHIP ACT OF 2003

I see women leading and adding important skills to the "Democracy Caucus" proposed in the Act. The Democracy Caucus would work as a very timely vehicle for women to lead the way, especially in the area of rebuilding democratic government in post-war Iraq. With the help of the United Nations, we can prevent rogue regimes from assuming dangerous amounts of influence and taking advantage of the vulnerabilities of rebuilding nations such as Iraq and even Liberia. I would posit that fashioning the proposed diplomacy program under the Act to give women particular attention will greatly enhance the multilateral character of our ambassador fleet.

THE OSLO SUMMIT: WOMEN'S PARTNERSHIP FOR PEACE

Mr. Chairman, I took advantage of a unique experience when I served as an Honorary Chair for the Women's Partnership for Peace in the Middle East in Oslo, Norway in June of this year. I shared a panel with an unprecedented group of more than 70 women from Israel, Palestine, the United States, Europe and Asia who met in Oslo, Norway at the Nobel Peace Institute to launch the Women's Partnership for Peace in the Middle East.

The objective of the Oslo Summit was to set clear goals and devise a plan of action for achieving a greater role for women in peace negotiations in the region and in the overall effort to achieve peace, a movement largely devoid of women's perspectives and participations. I would like to see women play a more pronounced role not only in the establishment of business opportunity but also in the peace process, and this kind of forum offers a platform that is both transnational as well as international. In training our diplomats to act as more efficient international "joints," it is critical that we deputize our strong women leaders.

HER EXCELLENCY DR. INONGE MBIKUSITA-LEWANIKA: AN ICON OF PEACE

As a final remark and by way of example, I would like to highlight the experience and achievement of Her Excellency Dr. Inonge Mbikusita-Lewanika, Ambassador to Zambia. This woman, whom I had the honor and pleasure of presenting the Freedom Magazine Award for Human Rights Leadership on July 9, 2003 is an example of the impact a woman can have on international peace negotiations and efforts.

If I may chronicle a few of her accomplishments, she was appointed as a special envoy to the African Union and allowed to advance the movement of women in her nation in the effort for peace. Her various posts have decorated her career with great international breadth and astute conflict-resolution skill: UNICEF Regional Advisor for Families and Children in 19 countries; as stated above, a Peace Envoy convening numerous peace missions such as the Organization for African Unity; and the United Nations-sponsored peace mission to Rwanda amidst the period of human rights atrocity and genocide. In fact, Her Excellency Lewanika is one of the few prominent African women to serve in United Nations missions for war-torn African nations. Moreover, she understands the importance and the benefits of structuring and maintaining an organized democratic government and an effective electoral process. These initiatives are evidenced by her audacious efforts to lead a 1,000-member observe team from the Electoral Institute of Southern Africa to Zimbabwe's parliamentary elections and to spearhead the nine-member resignation from the Ruling Party in Zambia due to findings of corruption and lack of vision in 1993, whereupon she was elected Founding President of the Opposition National Party. Furthermore, her positions of leadership in organizations such as the Forum for Parliamentarians for Peace in Eastern and Southern Africa; the African Women Committee for Peace and Development; the Women Development Association; and the Federation of African Women's Peace Networks, heading the first delegation of women for peace to Ethiopia and Eritrea during the bloody and tumultuous border war Zambia's Opposition Party, Agenda for Zambia as President, exemplifies her tenacity and willingness to commit the time and effort that is required to follow through on organization mission statements rather than spewing forth rhetoric and flowery speeches absent any real action.

For the reasons stated above, I would hope that these concerns regarding women involved in international peace efforts can be included in report language during conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I speak to you today regarding a pressing matter that deserves attention as we balance out the debate on H.R. 1950. I appreciate the opportunity to discuss with you an issue, the relevance of which, will potentially merit inclusion into the House Reports on H.R. 1950, the State Department Authorization bill. The issue concerns a nation that was founded during the nineteenth century by freed American slaves. Once a nation founded on the premises of freedom and opportunity, the Liberia of today is wrought with political upheaval and social unrest.

Within the last twenty years, Liberia has been the site of intense devastation and profound loss due to almost two decades of civil war. The latest war has lasted for approximately three years and has caused immense disruption to the social and political fabric of the region.

The health infrastructure in Liberia has crumbled, schools have become refugee camps, and the people have taken the law into their own hands. Nearly half of the Liberian population has been forced to flee to neighboring countries or to internationally assisted camps in Liberia. Large numbers of innocent, young children are being made into child soldiers. Those children that are fortunate enough to escape the life of forced military service are often left with little to no options aside from living on the streets. This conflict has brought about political destablization on a mass scale, increased economic disparity, and what can only be described as societal chaos. And although a ceasefire was recently agreed upon, fighting and civil disobedience within the country has yet to subside.

Charles Taylor has exacerbated the civil war in Liberia since 1989 when he led the armed military faction that initiated a seven-year civil war in Monrovia. Of the emerging military factions in Liberia during this unsettling time, the group led by Charles Taylor was arguably the most dangerous and recalcitrant. An attempted peace process in mid-1996 resulted in the unexpected election of Charles Taylor as president. Although Liberia appeared to have entered into a time of normalcy, the killing and harassment of notable opposition leaders and the censure of Liberia's print and radio media raised doubts among many observers and prompted immediate concern from the U.S. as well as the rest of the international community. In 1999, President Taylor was charged with aiding the Revolutionary Front (RUF) rebels fighting the Sierra Leonean government. The U.S. has subsequently pursued unilateral policies that directly target the Taylor government.

The U.S. has had a long historical relationship with Liberia dating back to its original founding. Views diverge on whether the U.S. should provide Liberia with any assistance and if so what type of how much. The extensive historical involvement between U.S. and Liberia obligates, in my opinion, our government to take special responsibility to answer Liberia's humanitarian and developmental needs, promote an effective democracy, and work diligently to stop human rights abuses. Liberia has served as an important ally for the U.S. particularly during the Cold War era; it is in recognition of this long-standing relationship that the U.S. should serve as a vigilant presence in the efforts to bring calm and civility to this war-ravaged country.

Of course this is not the first time that U.S. presence has been requested to aid in the restoration of civility in a nation. Our involvement with conflicts and civil strife in Haiti, Bosnia, and Kosovo are a few of the more recent examples of successful humanitarian interventions. We were certainly more than willing to involve ourselves in Iraq under the auspices of terrorism and global peace; if peace be our aim, then we should have no qualms about coming to the aid of Liberian citizens. The question we should ask is why there is any hesitation to become involved with Liberia when there are well-established historical ties to this country. It is vital that the U.S. send in U.S. peacekeeping and humanitarian aid to support the Economic Community of West African States.

We know that Charles Taylor needs to go. He has been negating the peace process for years and it is therefore high time that he make his exit, once and for all.

The rhetoric put forth by those on the other side of the table, on the surface, speak to the dangers and long-term global implications of external intervention. However, we are quite selective about the dangers we are willing to face and the implications we are willing to make in the name of peace. What determines this difference? I think that those on the other side simply view Liberia as a region of non-strategic importance for U.S. foreign policy interests. This type of biased selectivity is unproductive and ineffective in the global community in which we live.

A consistent supply of humanitarian aid in the form of shelter, food, water, and medical care should be supplied to the region as well. In essence, we must do all we can to ensure that peace and stability return to Liberia once and for all. I hope to monitor the debate on this need and would hope that report language could be included in the report of the bill on helping Liberia now!

Mr. WEXLER. Mr. Chairman, I rise in support of the amendment offered by the four co-chairs of the Congressional Taiwan Caucus endorsing Taiwan's entrance into the World Health Organization.

It is unconscionable that 23 million Taiwanese are precluded from receiving the benefits of membership in the WHO. This politicized exclusion has deprived the people of Taiwan from a number of progressive health care developments, impaired its crisis response teams and created a wall of separation between Taiwan's medical field and that of the rest of the world. Moreover, Taiwan's exclusion from the WHO has deprived the international community from the invaluable contributions of Taiwan has made to promote medical research and global health.

Never were the affects of Taiwan's exclusion from the WHO more pronounced than this past year, when Taiwan was denied assistance from the WHO to diagnose and treat suspected cases of SARS—a disease which caused over 800 deaths, 84 of which occurred in Taiwan. Despite the extraordinary grave health conditions posed by SARS, the WHO repeatedly rejected Taiwan's requests for help, and consequently endangered the lives of its entire population.

Unconscionably, the WHO's decisions were based—not upon its concern for the people of Taiwan—but rather, on short-sided political considerations and China's rejection of Taiwan's membership in the WHO.

Mr. Chairman, health is an issue that transcends borders and politics. As the pace of globalization quickens, so too does the spread of infectious disease. In this post-SARS world, it's clear that all nations—including Taiwan—must work together to promote global health, combat disease and ensure the safety of their citizens in organizations like the WHO.

This amendment makes a clear and uncompromising declaration of U.S. support for Taiwan's candidacy for observer status in the WHO and secures an even stronger commitment from President Bush and the State Department in this regard. I urge the Bush Administration, which has taken bold steps to assist Taiwan in the past, to bring this issue to a vote at the World Health Assembly in May 2004.

Mr. Chairman, the SARS crisis further highlights the urgency of combating disease on a global scale. It is apparent that until Taiwan's 23 million citizens become members of the WHO, they will continue to be deprived of the critical assistance needed to fight infectious disease and safeguard its people from harm.

Today, I strongly urge my colleagues to support this amendment, which protects the health interests of the people of Taiwan and ensures that they will not fall victim to the next global health crisis.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of an amendment to support human rights in Vietnam. This important amendment will impose a significant penalty on the dictators in Hanoi for their ongoing and egregious persecution of their own people.

During the 107th Congress, I introduced H.R. 2833, legislation designed to address the human rights situation in Vietnam. It passed the House by an overwhelming 410–1 margin, but stalled in the Senate. This year, I introduced nearly identical legislation, H.R. 1587, with 30 original cosponsors.

Many felt that the ratification of the Bilateral Trade Agreement with Vietnam in 2001 would lead to an improvement in human rights. Unfortunately, the human rights situation in Vietnam has deteriorated dramatically since this agreement, especially for Montagnard Christians in the Central Highlands of Vietnam. Legislation to address the serious human rights situation is needed now more than ever.

In late 2002 the Government of Vietnam launched a fresh wave of arrests and crackdowns against peaceful critics of the Vietnamese government, its policy of repression, and its corrupt practices. Unfortunately, Dr. Nguyen Dan Que, one of the country's greatest human rights leaders who has already endured two lengthy prison sentences, was arrested on March 17. This is a government that consistently pursues a policy of harassment, discrimination, and intimidation, and, increasingly in the last three years, imprisonment and other forms of detention, against those who peacefully express dissent from government's extreme policies against religion and freedom. This is a government that punishes not just individuals who oppose them, but also often their family members.

At its Seventh Plenum in January 2003, the Communist Party's Central Committee issued a resolution calling for the establishment of cells of Communist Party members within each of Vietnam's six approved religions in order to foil "hostile forces." All religious groups in Vietnam face great restrictions and suffer some form of persecution.

To address these and other abuses, my amendment, based on the text of H.R. 1587: requires the President to issue a certification each year on the progress of the regime towards respecting human rights; prohibits an increase in nonhumanitarian U.S. assistance unless the regime shows improvement; seeks to fund the efforts of NGOs who promote democracy in Vietnam and help to overcome the jamming of Radio Free Asia; helps ensure continued access of refugees to our refugee resettlement programs; and requires the State Department to give detailed reports about the status of human rights in Vietnam that include victims lists.

Unfortunately, the list of human rights abuses carried out by the regime goes on and on. Buddhists, Protestants, Catholics and members of indigenous Vietnamese religions are subject to persecutions that include detention and imprisonment of both religious leaders and believers, church closings, and confiscation of religious and personal property. One of the most courageous religious leaders imprisoned is Father Nguyen Van Ly, a Catholic priest.

Tens of thousands of children suffer exploitation as workers and many Vietnamese suffer under the government's official export labor program, in which the government forces its own people to endure involuntary servitude and debt bondage.

As Chairman of the House Veterans Affairs Committee, I am particularly concerned about the continued persecution of the Montagnards, who were some of our greatest allies during the war. Many of our pilots are alive today and have families because they were rescued by Montagnards after bailing out of downed aircraft. We receive numerous and credible reports that allege that Montagnards are being imprisoned, tortured and systematically relocated to infertile lands by the Communist Party leaders in retaliation for their past loyalty to America. This past December, Vietnamese soldiers reportedly threatened to shoot Montagnard Christians if they celebrated Christmas, and several were arrested and tortured.

I would like to submit the findings of H.R. 1587, which lay out a more complete case of Human Rights in Vietnam, to the CONGRESSIONAL RECORD. They were kept out of this amendment because of their length, but they speak loudly with respect to the regime and the world about the egregious human rights abuses occurring in Vietnam.

Vietnam's continued policy of harassment, discrimination, intimidation, and persecution of religious and human rights leaders is shameful. The Vietnam Human Rights amendment in the State Department Authorization Bill sends as strong a message that this persecution and tyranny will not be tolerated.

FINDINGS FROM H.R. 1587, "THE VIETNAM HUMAN RIGHTS ACT"

Congress finds the following:

(1) Viet Nam is a one-party state, ruled and controlled by the Vietnamese Communist Party.

(2)(A) The Government of Viet Nam denies the people of Viet Nam the right to change their government and prohibits independent political, social, and labor organizations.

(B) The Government of Viet Nam prohibits and hinders the formation of civil society in Viet Nam.

(3)(A) The Government of Viet Nam consistently pursues a policy of harassment, discrimination, and intimidation, and sometimes of imprisonment and other forms of detention, against those who peacefully express dissent from government or party policy. This policy includes collectively punishing family members of individuals targeted for persecution. A government decree allows detention without trial for 6 months to 2 years.

(B) Following the United States ratification of the Bilateral Trade Agreement with Viet Nam in 2001, the human rights situation in Viet Nam has remained extremely poor. For certain groups, such as the Montagnards, and other ethnic minorities in Central and North Vietnam, conditions have deteriorated dramatically. In late 2002, the Government of Viet Nam launched a fresh wave of arrests and crackdowns against peaceful critics of the Vietnamese Government, its policy of repression, and its corrupt practices.

(C) Recent victims of such mistreatment, which violates the rights to freedom of expression and association recognized in the Universal Declaration of Human Rights, include Dr. Nguyen Dan Que, a leading human rights activist who was arrested on March 17, 2003, and has already served two lengthy prison sentences, Dr. Nguyen Thanh Giang, Most Venerable Thich Huyen Quang, Most Venerable Thich Quang Do, linguist Tran Khue, businessman Nguyen Khac Toan, journalist Nguyen Vu Binh, publicist Le Chi Quang, writer Hoang Tien, military historian Pham Que Duong, Hoang Minh Chinh, Tran Dung Tien, Hoang Trong Dung, Nguyen Vu Viet, Nguyen Truc Cuong, Nguyen Thi Hoa, Vu Cao Quan, Nguyen The Dam, Nguyen Thi Thanh Xuan, Father Chan Tin, author Duong Thu Huong, poet Bui Minh Quoc, Dr. Nguyen Xuan Tu (Ha Si Phu), Dr. Pham Hong Son, Mai Thai Linh, Most Venerable Thich Huyen Quang, Most Venerable Thich Quang Do, Father Nguyen Van Ly, Pastor Nguyen Lap Ma, Father Phan Van Loi, numerous leaders of the Hoa Hao Buddhist Church and of independent Protestant churches, and an undetermined number of members of the Montagnard ethnic minority groups who participated in peaceful demonstrations in the Central Highlands of Viet Nam during February 2001.

(4) The Government of Viet Nam systematically deprives its citizens of the fundamental right or organized religious activities outside the state's control. Although some freedom of worship is permitted, believers are forbidden to participate in religious activities except under circumstances rigidly defined and controlled by the Government:

(A)(i) In April, 1999 the Government issued a Decree Concerning Religious Activities, which declared in pertinent part that "[a]ll activities using religious belief in order to oppose the State of the Socialist Republic of Viet Nam, to prevent the believers from carrying out civic responsibilities, to sabotage the union of all the people, and against the health culture of our nation, as well as superstitious activities, will be punished in conformity with the law".

(ii) All public religious activities must be approved by the Government in advance. The United States Commission on International Religious Freedom in October 2002 recommended that Viet Nam be classified as a country of particular concern. At its Seventh Plenum in January 2003, the Communist Party's Central Committee issued a resolution calling for the establishment of cells of Communist Party members within each of Vietnam's 6 approved religions in order to foil "hostile forces".

(B)(i) The Unified Buddhist Church of Viet Nam (UBCV), the largest religious denomination in the country, has been declared illegal by the Government, and over the last 27 years its clergy have often been imprisoned and subjected to other forms of persecution. The Patriarch of the Unified Buddhist Church, 85-year-old Most Venerable Thich Huyen Quang, has been detained for 25 years in a ruined temple in an isolated area of central Viet Nam.

(ii) Most Venerable Thich Quang Do, the Executive President of the Unified Buddhist Church, has also been in various forms of detention since 1977, and was recently rearrested and placed under house arrest after he had proposed to bring Most Venerable Thich Huyen Quang to Saigon for medical treatment.

(iii) Many other leading Buddhist figures, including Thich Hai Tang, Thich Khong Tanh, Thich Thai Hoa, Thich Tue Si, Thich Quang Hue, Thich Tam An, Thich Nguyen Ly, Thich Thanh Huyen, Thich Thong Dat, Thich Chi Mau, Thich Chi Thang, Thich Chon Niem, Thich Thanh Quang are under tight surveillance. Several members of the UBCV have fled to Cambodia

(C)(i) The Hao Hoa Buddhist Church was also declared to be illegal until 1999, when the Government established an organization which purports to govern the Hao Hoa. According to the United States Commission on International Religious Freedom, "[t]his organization is made up almost entirely of Communist Party members and apparently is not recognized as legitimate by the vast majority of Hao Hoas . . . [n]evertheless, [this government-sponsored organization] has sought to control all Hao Hoa religious activity, particularly at the Hao Hoa village, which is the center of Hao Hoa religious life".

(ii)(I) Hao Hoa believers who do not recognize the legitimacy of the government organization are denied the right to visit the Hao Hoa village, to conduct traditional religious celebrations, or to display Hao Hoa symbols. Many have been arrested and subjected to administrative detention, and several Hao Hoa have been sentenced to prison terms for protesting these denials of religious freedom.

(II) The Government interferes with Hao Hoa efforts to conduct charitable works, and prohibits public celebration to commemorate the founder's disappearance as well as the distribution of the founder's teachings. The Government controls greatly the leadership selection process of the Cao Dais, another indigenous Vietnamese religion.

(III) At least the following Hao Hoa believers are known to be in prison or house detention: Ha Hai, Tran Van Be Cao, Tran Nguyen Huon, Phan Thi Tiem, Le Quang Liem, Nguyen Van Dien, Le Minh Triet, and Vo Van Thanh Liem.

(D)(i) Independent Protestants, most of whom are members of ethnic minority groups, are subjected to particularly harsh treatment by the Government of Viet Nam. According to the United States Commission on International Religious Freedom, such treatment includes "police raids on homes and house churches, detention, imprisonment, confiscation of religious and personal property, physical and psychological abuse, and fines for engaging in unapproved religious activities (such as collective worship, public religious expression and distribution of religious literature, and performing baptisms, marriages, or funeral services) . . . [i]n addition, it is reported that ethnic Hmong Protestants have been forced by local officials to agree to abandon their faith".

(ii)(I) According to human rights activists in Viet Nam, 2 secret central plans—Plan 184A and 184B—issued in 1999 by the Communist Party to combat Protestant believers were fully implemented throughout the country, and led to a crackdown on the Protestant movement, especially in the Central and Northern Highland areas.

(II) An estimated 14,000 Christians fled from the North to the Central Highlands in the past 5 years. According to the Southern Evangelical Church of Viet Nam, the Government of Viet Nam forcibly closed 354 of the 412 churches in Dak Lak province, 56 pastors from the Central Highlands have disappeared, and at least 43 evangelical Montagnards have been sentenced to prison. Freedom House has reported on the beating death of Hmong Christian Mua Bua Senh by police authorities.

(E)(i) Other religious organizations, such as the Catholic Church, are formally recognized by the Government but are subjected to pervasive regulation which violates the right to freedom of religion. For instance, the Catholic Church is forbidden to appoint its own bishops without Government consent, which is frequently denied, to accept seminarians without specific official permission, and to profess Catholic doctrines which are inconsistent with Government policy. Government restrictions on the seminary process have caused a severe shortage of priests.

(ii) A Catholic priest, Father Nguyen Van Ly, was arrested in March 2001 and remains in detention after submitting written testimony to the United States Commission on International Religious Freedom. On October 19, 2001, he was sentenced to a total of 20 years of imprisonment and house arrest; the trial in Hue took place closed to the public and without a defense lawyer.

(iii) In October 2002, the Vietnamese Bishops Conference took an unprecedented step when they protested to the National Assembly about the persecutions endured by Catholic ethnic minorities.

(F) The Government has also confiscated numerous churches, temples, and other properties belonging to religious organizations. The vast majority of these properties—even those belonging to religious organizations formally recognized by the Government—have never been returned.

(5)(A) Since 1975 the Government of Viet Nam has persecuted veterans of the Army of the Republic of Viet Nam and other Vietnamese who had opposed the Viet Cong insurgency and the North Vietnamese invasion of South Viet Nam. Such persecution typically included substantial terms in "re-education camps", where detainees were often subjected to torture and other forms of physical abuse, and in which many died.

(B) Re-education camp survivors and their families were often forced into internal exile in "New Economic Zones". Many of these former allies of the United States, as well as members of their families, continue until the present day to suffer various forms of harassment and discrimination, including denial of basic social benefits and exclusion from higher education and employment.

(6)(A) The Government of Viet Nam has been particularly harsh in its treatment of members of the Montagnard ethnic minority groups of the central Highlands of Viet Nam, who were the first line in the defense of South Viet Nam against invasion from the

North and who fought courageously beside members of the Special Forces of the United States, suffering disproportionately heavy casualties, and saving the lives of many of their American and Vietnamese comrades-in-arms.

(B) Since 1975 the Montagnard peoples have been singled out for severe repression, in part because of their past association with the United States and in part because their strong commitment to their traditional way of life and to their Christian religion is regarded as inconsistent with the absolute loyalty and control demanded by the Communist system. The Government employs a policy of assimilation and oppression against the Montagnards, forcibly displacing them from their ancestral lands to make way for North Vietnamese settlers, coffee plantations, and logging operations.

(C) Between February and March 2001, several thousand members of the mountain tribes Djarai, Bahnar, and Rhade from the provinces of Pleiku, Gialai, and Daklak took part in a series of peaceful demonstrations to demand the release of 2 Montagnard Christians, religious freedom and restoration of their confiscated lands. The Government responded by closing off the Central Highlands and sending in military forces, tanks and helicopter gunships. Hundreds of demonstrators were injured. Altogether, more than 200 people, among them 60 evangelical priests and tribal chieftains, were arrested. Some regions of the Central Highlands remain closed to journalists and foreign diplomats.

(D) Credible reports by refugees who have escaped to Cambodia indicate that the Government has executed some participants in the demonstrations and has subjected others to imprisonment, torture, and other forms of physical abuse.

(E) The Government of Viet Nam has also taken steps to prevent further Montagnards from escaping, and there are credible reports that Vietnamese security forces in Cambodia are offering bounties for the surrender of Montagnard asylum seekers.

(F) According to Human Rights Watch, in December 2002 "[The Government] arrested or detained dozens of highlanders and banned Christmas church services in order to prevent minority Christians from gathering. Six highlanders were detained during the third week in December in Krong Ana and Cu Jut districts, Dak Lak, during Christmas prayer services, while another eight were taken into custody as they were attempting to cross the border to Cambodia. Villagers throughout the Central Highlands were warned they would face fines and even imprisonment if they organized Christmas services. In many areas authorities banned gatherings of four or more people".

(7) The Government of Viet Nam has also persecuted members of other ethnic minority groups, including the Khmer Kron from the Mekong Delta, many of whom fought alongside United States military personnel during the Viet Nam war and whose Hinayana Buddhist religion is not among those recognized by the Government.

(8) The Government of Viet Nam also engages in or condones serious violations of the rights of workers. In August 1997, the United Nations Children's Fund (UNICEF) reported that child labor exploitation is on the rise in Viet Nam with tens of thousands of children under 15 years of age being subject to such exploitation. The government's official labor export program also has subject workers, many of whom are women, to involuntary servitude, debt bondage, and other forms of abuse, and the reaction of government officials to worker complaints of such abuse has been to threaten the workers with punishment if they do not desist in their complaints. The government of Viet Nam has made some minor efforts to improve this situation, but enforcement of child labor laws remains weak, and the child exploitation still persists.

(9)(A) United States refugee resettlement programs for Vietnamese nationals, including the Orderly Departure Program (ODR), the Resettlement Opportunities for Returning Vietnamese (ROVR) program, and resettlement of boat people from refugee camps throughout Southeast Asia, were authorized by law in order to rescue Vietnamese nationals who have suffered persecution on account of their wartime associations with the United States, as well as those who currently have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

(B) In general, these programs have served their purposes well. However, many refugees who were eligible for these programs were unfairly denied or excluded, in some cases by vindictive or corrupt Communist officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria. These unfairly excluded refugees include some of those with the most compelling cases, including many Montagnard combat veterans and their families.

(C) The Department of State has agreed to extend the September 30, 1994, registration deadline for former United States employees, "re-reduction", survivors, and surviving spouses spouses of those who did not survive "re-education" camps to sign for United States refugee programs.

(D) The Department of State has agreed to resume the Vietnamese In-Country Priority One Program in Viet Nam to provide protection to victims of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group who otherwise have no access to the Orderly Departure Program.

(E) The Bureau of Citizenship and Immigration Service in the Department of Homeland Security has agreed to resume the processing of former United States employees under the U11 program, which had been unilaterally suspended by the United States Government.

(F) The Bureau of Citizenship and Immigration Service has agreed to review the applications of Americans, children of American servicemen left behind in Viet Nam after the war ended in April 1975, for resettlement to the United States under the Amerasian Homecoming Act of 1988.

(10) The Government of Viet Nam systematically jams broadcasts by Radio Free Asia, an independent broadcast service funded by the United States in order to provide news and entertainment to the people of countries in Asia whose government deny the right to freedom of expression and of the press.

(11) In 1995 the Governments of the United States and Viet Nam announced the "normalization" of diplomatic relations. In 1998 then-President Clinton waived the application of section 402 of the Trade Act of 1974 (commonly) known as the "Jackson-Vanik Amendments", which restircts economic assistance to countries with non-market economies whose government also restrict freedom of emigration. In 1999 the Governments of the United States and Viet Nam announced "an agreement in principle," on a bilateral trade agreement. This agreement was signed in 2000 and came into effect on December 10, 2001.

(12) The Congress and the American People are united in their determination that the extension or expansion of trade relations with a country whose Government engaged in serious and systematic violations of fundamental human rights must be considered as a statement of approval or complacency about such practices. The promotion of freedom and democracy around the world—and particularly for people who have suffered in large part because of their past association with the United States and because they share our values—is and must continue to be a central objective of United States foreign policy.

Mr. ISSA. Mr. Chairman, I rise today in support of the Hunter amendment. This amendment is critically important in both its timing and substance. The beaches of San Diego County are suffering from a massive pollution problem that has crippled the tourism industry and disrupted the lives of thousands of beach enthusiasts. For the past few years, pollution has forced San Diego County beaches to close for as many as 200 days of the year. This problem originates from an estimated 60 million gallons of raw sewage that is pumped into the Tijuana River in Mexico on a daily basis. The problem has grown from a minor annoyance to a major health crisis.

I find it frustrating that this problem was to have been addressed by the International Boundary and Water Commission (IBWC) in 2000, yet little has been done since then. On September 12, 2000, the House passed the Tijuana River Valley Estuary and Beach Sewage Cleanup Act, which required the IBWC to negotiate a resolution to this problem with the government of Mexico. So what has been happening these past three years? A review of the progress on this project is a frustrating lesson in the damage that an ineffective and slow-moving bureaucracy can do to a good idea.

The IBWC opposed the idea of building a wastewater treatment plant in Mexico because they insisted on maintaining total control over the project. They demanded the authority and the extra money they felt they needed to build it on the U.S. side of the border. In their effort to develop this plant, the IBWC completely lost financial control of the project, forcing Congress to cap it at $239 million—over $100 million more than had been authorized for the project. Despite the massive cost overrun, the plant still did not meet U.S. Clean Water Act standards and may soon be forced to close as a result of numerous Clean Water Act violations.

In an attempt to find an innovative solution to this problem, the House authorized a public-private partnership that will keep the cost for a new plant low, while meeting the need to provide water treatment for the City of Tijuana. Furthermore, an estimated 56 percent of Tijuana's water needs will be met by reclaimed water from this proposed plant. More importantly, this project will be built in Mexico, at the source of the problem and it will be built quicker and cheaper than any public-only alternative.

This amendment requires the IBWC to make this project a priority and finally, after 70 years of misery for San Diego beach communities, end the pollution problem that has damaged our coastline. This project is critical for the future of San Diego County, and it is critical for California. I urge my colleagues to support this amendment.

Mr. STEARNS. Mr. Chairman, I am grateful to the Rules Committee for making this amendment in order that I might take this opportunity to lend the support of Congress to the Office of Children's Issues who will now act as the central authority on the Hague Convention on intercountry adoption. This office will act in the best interest of the child and the families by facilitating the placement of children in permanent homes while making certain that the strictest protection guidelines are in place throughout the process.

There are too many children in this country and abroad who are growing up without a family. Tonight, around the world, no one knows how many children will go to bed in orphanages. There is no United States agency or international organization that counts the number of children who are warehoused in institutions. The U.S. has proven that it has an interest in and the ability to adopt children that would otherwise grow up without a family in their own country. This year the State Department expects that 21–25 thousand children will be brought to this country and placed in permanent, loving homes. That number speaks of a huge victory in the fight for abandoned children throughout the world. The numbers prove that the office of Children's Issues could be a powerful ally in the fight against the harmful institutionalization of children worldwide. Unfortunately, some powerful international organizations believe that, with respect to the child, even institutionalization is better than adoption outside a child's home country. While everyone would hope that a child could find a loving, permanent family within their home country, we recognize that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

The office of Children's Issues will soon assume their new responsibility as the central authority for the Hague Convention. In this capacity, they will act to assist in the placement of children into families of this country while working to protect those children who are at risk for exploitation in vulnerable regions of the world. This office will also increase our nation's ability to protect children by establishing a system by which agencies may be accredited to ensure a transparent placement process. As such, understanding that it must take measures to ensure that intercountry adoptions are made in the best interest of the child, the office will not only work to ensure that all of these adoptions are conducted with respect to the fundamental rights of the child, they will also work to prevent the abduction of, sale of, or trafficking in children.

In this new role, the office will find their duties greatly expanded and we hope that this amendment will express the support of Congress not only to the efforts of the State Department on behalf of intercountry adoption, but also to the Commerce, Justice, and State Appropriations Committee whose job it will be to ensure that the Office of Children's Issues has sufficient resources to continue their work on behalf of the millions of children in orphanages throughout the world.

I am thankful to the Chairman for his support of the amendment and would urge Members who wish to support the State Department's role in intercountry adoptions to also support the amendment.

Mrs. DAVIS of California. Mr. Chairman, Imperial Beach, the city which is the brilliant cornerstone on the Southwestern point of our country, has a beautiful beach as well as a unique location. However, for too many days of the year, this natural resource cannot be enjoyed by its children, families, and visitors.

Unfortunately, the burgeoning city of Tijuana located just across the border and the source of the Tijuana River lacks adequate sewage treatment. As a result, particularly when rain falls on the mesas and canyons along this border, raw sewage and other pollutants are washed into the Tijuana River, flow across the Tijuana Estuary on the Imperial Beach side of the border, and empty into the Pacific Ocean just next to the beautiful sand of Imperial Beach.

Congress enacted Public Law 106–457 in 2000 to authorize the International Boundary and Water Commission, composed of representatives of both the United States and Mexico, to complete a new Treaty Minute for creation of a public-private partnership to construct and operate a wastewater treatment facility in Mexico. However, this has not occurred.

As members of Congress, our San Diego delegation has sought to resolve this issue through repeated questions of members of the IBWC. However, they have not been forthcoming. Therefore, this amendment is needed to make completion of this agreement not only obligatory but also to require monthly reports from that Commission on its progress to the appropriate congressional committees.

The community of Imperial Beach has been prevented from fully using its natural resource for too many years. It is time to require action.

Mr. HEFLEY. Mr. Chairman, my amendment is intended to highlight a troubling situation in Indonesia.

On August 31, 2002, the staff of the International School in West Papua, Indonesia decided to take a picnic. The teachers lived and worked in Tembagapura, a company town located high in the mountains near the Grasberg gold and copper mines. The group of eleven people, including a six-year old child, drove in two vehicles to a picnic site about ten miles away on the road to Timika. Because it began to rain, they decided to return to town for lunch.

The road they were traveling on is not an ordinary road. The road is surrounded by the gold and copper mine, and is heavily guarded by the Indonesian military. At both ends of this mountain road are military check points, which seal the road and control access to Tembagapura.

As they returned home, the group was brutally attacked by a band of terrorists. Two Americans, Ted Burgon (from Oregon) and Rick Spier (from Colorado), and an Indonesian man were killed in the ambush. The attack, which occurred less than a half-mile away from an Indonesian military check point, went on for approximately 45 minutes. Hundreds of rounds were fired at the teachers and their vehicles. Most of the survivors, including the six-year old child, were shot. Several of the teachers were shot multiple times and suffered horrible injuries.

Ted Burgon of Sunriver, Oregon was killed and his wife Nancy suffered facial cuts and abrasions. Rick Spier of Littleton, Colorado was killed, and his wife Patsy was shot in the back and foot. Francine Goodfriend of Rockford, Illinois was shot and has a spinal cord injury. Steven Emma of Broward County, Florida was shot in the legs, buttocks, and suffered injuries to his back. Lynn Poston of Olga, Washington was shot in the shoulder and legs. Suandra Hopkins of Sunriver, Oregon was shot in the side, legs, and pellets around the eye and his wife Taia was shot in the buttocks.

Following the attack, the Indonesian Police promptly began in investigation. They collected evidence, interviewed witnesses and reconstructed the ambush. The Indonesian Police issued a report (that I ask for unanimous consent to submit for the record) concluding, "there is a strong possibility that the Tembagapura case was perpetrated by members of the Indonesian National Army Force, however, it still needs to be investigated further."

In early November 2002, the Sydney Morning Herald reported that "United States intelligence agencies have intercepted messages between Indonesian army commanders indicating that they were involved in staging an ambush at the remote mine in which three school teachers, two of them Americans, were killed. . . ." The Washington Post has reported these same intelligence intercepts.

Despite this intelligence, the investigation of the attack has faltered. The Indonesian Police have been effectively removed from the case due to their report that implicated the military. The two senior Indonesian police officers who uncovered evidence of the army's involvement have been transferred to new posts, and the investigation has now been handed over to a joint military police team. Not surprisingly, the Indonesian military has exonerated itself. American investigative teams, including the FBI, have not been able to complete their investigations due mainly to the Indonesian military's refusal to cooperate and its tampering of evidence.

The evasions and obstructions of the Indonesian military are wholly unacceptable, and it is incumbent upon this Congress to see that a thorough investigation is conducted. The victims of this brutal attack deserve no less. My amendment is, therefore, intended to ensure that the perpetrators of this heinous crime against Americans are brought to justice. To the extent that the Indonesian military was involved, the United States should insist on criminal prosecution of all involved parties.

My amendment would limit Indonesia from receiving International Military Education and Training (IMET) funds until the President certifies to Congress that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the FBI, in conducting a full investigation of the attack and to criminally prosecute the individuals responsible for the attack.

My amendment will not prohibit the United States from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of enactment it would prevent future exchanges.

Mr. Chairman, this amendment is important. It gives voice to our commitment that the United States will hold accountable the perpetrators and protectors of terrorism. We will exhaust every means to protect our citizens. We will pursue terrorists wherever they may be and hold to account. We will demand justice for attacks against our citizens and withhold aid from those countries that do not cooperate in bringing terrorists to justice. As President Bush has stated, "if you are not with us you are against us." It is time for Indonesia to choose who it will align itself with, the terrorists or the coalition of nations that bring them to justice.

Make no mistake, a vote against this amendment is a vote against holding nations accountable for terrorist attacks.

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendments en bloc, as modified, offered by the gentleman from Illinois (Mr. HYDE).

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 17 printed in House Report 108–206.

AMENDMENT NO. 17 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. HOSTETTLER:

Page 70, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 231. ISSUANCE OF CONSULAR IDENTIFICATION CARDS BY FOREIGN MISSIONS.

(a) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The Congress finds that foreign governments have been issuing consular identification cards to foreign nationals in the United States for purposes other than those intended by the Vienna Convention on Consular Relations (done at Vienna on 24 April 1963).

(b) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The issuance by foreign missions of consular identification cards shall be considered a benefit to a foreign mission under section 203(2) of the State Department Basic Authorities Act of 1956 and shall be regulated by the Secretary in accordance with this section and section 204 of that Act.

(c) AUTHORITY TO ISSUE REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall issue regulations consistent with this section with respect to the issuance by foreign missions in the United States of consular identification cards to foreign nationals residing in the United States.

(d) CONTENT OF REGULATIONS.—Regulations referred to in subsection (c) shall include the following restrictions and requirements:

(1) NOTIFICATION TO THE UNITED STATES GOVERNMENT.—A foreign mission shall notify the Secretary of State of each consular identification card issued within the United States, including the name and current address within the United States of the recipient of a card.

(2) ISSUANCE TO BONA FIDE CITIZENS OF THE COUNTRY OF ORIGIN.—A foreign mission may issue a consular identification card only to a national of the country represented by the foreign mission. Foreign missions shall establish procedures to verify the nationality of card recipients through either national birth registry systems or voter registration identification systems, and bona fide documents such as a passport issued by the country of origin.

(3) MAINTENANCE OF ACCURATE AND COMPLETE RECORDS.—A foreign mission shall maintain at the mission complete and accurate records of all consular identification cards issued and shall maintain an automated record system that contains such records in a manner that can be rapidly accessed to prevent duplicate or fraudulent issuance of such cards.

(4) ADDRESS CHANGE NOTIFICATION REQUIREMENT.—A foreign mission shall require card recipients to notify the foreign mission of any change of address within 30 days after such address change.

(5) ACCESS TO AUDIT RECORDS.—At the request of the Secretary of State, a foreign mission shall make available for audit and review, by the Secretary or the Inspector General of the Department of State, the records of all consular identification cards issued.

(e) FAILURE TO ADHERE TO REGULATIONS.—

(1) If the Secretary of State determines that a foreign mission has issued consular identification cards in violation of the requirements of regulations related to the issuance of such cards by foreign missions and such violation potentially threatens the security of the United States or facilitates fraudulent or criminal acts, the Secretary of State shall notify the government of the country represented by the foreign mission that the foreign mission must suspend the issuance of consular identification cards until compliance with applicable regulations is established.

(2) If the foreign mission of a country fails to suspend issuance of consular identification cards in accordance with a notification under paragraph (1), the Secretary of State shall direct consular officials in that country to cease the issuance of immigrant or nonimmigrant visas, or both, to nationals of that country until such time as the Secretary of State determines that the foreign mission of that country is in compliance with the requirements of regulations related to the issuance of such cards by foreign missions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Indiana (Mr. HOSTETTLER) and the gentleman from New Jersey (Mr. MENENDEZ) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself 1 minute.

This amendment establishes, Mr. Chairman, requirements that must be met by foreign governments in issuing consular identification cards in the United States and authorizes the Secretary of State to regulate the issuance of those documents.

In the last 2 years, foreign governments have issued more than 1.5 million consular cards in the United States. Recent testimony by the FBI before the Subcommittee on Immigration, Border Security, and Claims, which I chair, highlights the need for such requirements. The FBI explained that the most commonly issued of these cards are vulnerable to fraud and forgery, posing both criminal threats and a potential terrorist threat. The requirements set forth in the amendment will address these flaws.

It is important to note that this amendment does not address the acceptance of these documents in the United States, nor does it prohibit their issuance so long as the foreign mission complies with the requirements of the amendment. Rather, it simply extends the Secretary of State's authority under the Foreign Missions Act to regulate consulates to include their issuance of consular ID cards.

Further, this amendment does not violate our responsibilities under the Vienna Convention. In light of these facts, I urge passage of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment may seem by the way it was just described rather innocuous, but it is rather outrageous. It is a thinly veiled attempt to end something called the matricula consular.

To start with, this amendment could create a negative boomerang effect on the United States. The amendment tells other countries' consulates what they can and cannot do above and beyond existing law. Do we want other countries to do the same to us? Do we want other countries to tell our consulates how we can relate to our own citizens abroad? This is an unprecedented attempt to change how a country can relate to its own nationals in a host country. I think it is a patently improper interpretation of the Foreign Missions Act and the Vienna Convention on Consular Affairs. The amendment would set a dangerous precedent for our embassies abroad.

But let me get to the core issue. This amendment is another anti-immigration tactic designed to get rid of the matricula consular. Basically, they have loaded this amendment with requirements that are unreasonable for workers in this country to be able to achieve. How can migrant workers be expected to notify their own mission within 30 days every time they move? And we expect poor people from rural areas to produce all of the records that they suggest. This makes no sense. And then in a final attempt to completely get rid of the matricula consular, they included a punishment so strong that many countries might simply stop using it. If a country fails to comply with these onerous provisions, the United States would stop issuing immigrant and nonimmigrant visas. What country could take that risk?

I do not quite understand it. I thought we had a victory collectively in moving into the right way in our bilateral relations with Mexico. This amendment takes us another step back. Over and over again, Members on the other side of the aisle have shown their true feelings about some of the issues on the Hispanic community, the immigrant communities; and this amendment is no exception.

I strongly urge my colleagues to vote against this outrageous and dangerous amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations.

Mr. HYDE. Mr. Chairman, increasingly, foreign governments have been lobbying localities in the United States to accept their consular cards as valid identification. At least two countries now issue consular cards in the U.S. for these purposes and many others are planning to do so. No standards govern those cards, and there is little information on which localities can rely in deciding whether to accept a country's consular card. All this amendment does is clarify the Secretary of State's power to ensure that issuance of these cards is rational and safe.

By authorizing the Secretary of State to regulate these cards and setting requirements that countries must meet in issuing the cards, this amendment will allow localities to make informed decisions on whether to accept such documents. Regulation of the cards will also protect the American people from the risks that unregulated and unreliable documents pose. Those risks were underscored recently by the FBI, which determined that because of their vulnerability to fraud and forgery, these cards pose criminal threats as well as a potential terrorist threat. The requirements in this amendment will address those threats by deterring fraud and improving the reliability of consular identification cards.

The amendment also provides an enforcement mechanism that empowers the Secretary of State to regulate consulates' compliance with these requirements. It is appropriate to vest this responsibility in the State Department. Not only does its Office of Foreign Missions currently regulate the activities of foreign consulates in the U.S. but the Department will also bring to this role its expertise in evaluating foreign documents. This amendment is needed to allow the State Department necessary authority to regulate foreign consulates in a changing environment. For this reason, I urge passage of this amendment.

Mr. Chairman, I just would like to respond to my friend from New Jersey who every time someone offers an amendment or a bill trying to get a handle on illegal immigration, known as undocumented, where we have God knows how many people in this country living in substandard style because of the illegality of their presence, and it could be in the millions, it does not mean there is some antipathy toward a racial group or an ethnic group at all. It is just a feeble attempt to get a handle on the borders of our country and who is here and who is not.

□ 1700

The problem is not getting better. It is getting worse. But trying to do something about it in good faith does not manifest the hostility at all. We are all immigrants sooner or later or back far enough, but I really resent the conclusion the gentleman draws that all Republicans do not like people of different ethnicity. I would say just the opposite.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the chairman's concern. I resent the constant surge of amendments that confront particularly a single community.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California (Mr. BERMAN), senior member of the Committee on International Relations who has worked on these issues.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in very strong opposition to the amendment. I have to say to the chairman of the committee, if this amendment were to pass, there will be no such card and the issue of finding out where the undocumented people are and who they are will not be enhanced one bit because no one who is here in undocumented status will give their accurate address if they know it is going to be turned over to the administration for enforcement. So the amendment totally undermines the goal of the chairman of the committee in his comments.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I have 20 seconds. Can I take it on the gentleman's time?

Mr. HYDE. Mr. Chairman, I just want to say no card is better than a misleading card.

Mr. BERMAN. Mr. Chairman, that is where I believe where a card which truly reflects the identity of the person who is getting it, which this card does, helps the police. It helps banks know to open checking accounts, to stop loan sharks who are trying to put incredible surcharges on remittances.

Most of all, it is the sanction of this amendment where they have the gall to say that if the Mexican or any other government refuses to comply with the State Department's guidelines, we will penalize any employer in the United States who wanted to get specialized H–1B visa for a Mexican national, anyone who has stayed in Mexico and waited in line for 8 years, no nonimmigrant visas, no immigrant visas. What an outrageous sanction for people who are abiding by the law, for American employers and American families who are trying to reunite. The sanction has no relationship whatsoever to the conduct the author of the amendment is seeking to address.

I strongly urge the body to vote no.

Mr. Chairman, I rise in strong opposition to this amendment.

In recent weeks we have held a number of hearings on the issue of identity cards issued by foreign states to their nationals in the United States. In these hearings, representatives of the Departments of Justice, Homeland Security, and State have testified that they are participating in an interagency working group that is studying the issuance of these cards and developing a policy on their use. I look forward to seeing the result of their work.

In the meantime, we have been presented with this very troublesome amendment.

There are three very important reasons to oppose this amendment:

It will encourage fraud. This amendment lays out a policy for the State Department to implement and part of that policy would be require foreign states issuing these identity cards to provide the name and address of every cardholder to the State Department. Knowing as we do that many of these cards are held by undocumented aliens in the United States, we can be sure that if the cardholders know that their address is being sent to the United States government they will be less likely to provide an accurate address.

This would totally undermine the benefits of these cards to state and local law enforcement. We have to solve the problem of undocumented aliens in this country, but in the meantime, undocumented aliens are living in our states and cities.

Police Departments across the country have decided to accept this card when other identification is not available. Having some form of ID is better than having none.

This amendment tells the State Department to implement a policy on these cards and then requires State to order another sovereign nation to stop issuing cards to its own nationals if that foreign government does not comply with the policy. While it is certainly our business to decide what forms of identification we accept from foreign nationals, it is not the business of our government to order another government to stop issuing identification to its citizens.

Finally, under the Hostettler amendment, a foreign state's refusal to comply with a State Department order to stop issuing identification to its citizens would result in the State Department instituting a ban on visas for the offending country. This makes absolutely no sense.

Under this logic, we would punish nationals of a country, refuse them visas for which they qualify—for family reunification or to accept a job. We would punish these lawful immigrants, their families, and U.S. employers because some nationals of their country might have a meaningless ID. This punishes those who follow the rule because there are some who might not.

Mr. Chairman, I strongly urge my colleagues to oppose this amendment. It is bad for foreign policy; it is bad for domestic policy; and we should reject it.

Mr. HOSTETTLER. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the FBI and the Department of Homeland Security have serious national security concerns regarding the issuance of consular cards. The FBI concluded the matricula consular is not a reliable form of identification due to the nonexistence of any means to verify the true identity of the card holder. The FBI also testified that, although there are many generations of the Mexican consular card, 90 percent of those in circulation are the older generation, which are very vulnerable to counterfeit and forgery.

The truth is that Poland, Mexico, Nicaragua, and other countries that are trying to expand their consular ID programs in the United States are doing so in an effort to allow illegal immigrants to receive services to which they are not entitled. One service is the ability to use such cards to board commercial airplanes. Mr. Chairman, this is a dramatic step backwards toward the type of security we had before 9/11.

In addition, the six countries currently expanding the consular card programs could easily be 60 in the next few years.

I strongly urge my colleagues to advocate that the United States Federal Government, through the Department of State, regulate the issuance of those cards.

Mr. MENENDEZ. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Texas (Mr. HINOJOSA) who resides and deals with the border all the time.

Mr. HINOJOSA. Mr. Chairman, I rise in strong opposition to the Hostettler-Gallegly amendment. It is a thinly veiled attack on the consular ID card that has been used by the Embassy of Mexico for over 130 years, sometimes referred to as the Matricula Consular card.

Contrary to what the Hostettler-Gallegly amendment contends, Mexico and other foreign governments have been issuing consular identification cards to foreign nationals in the United States following precisely the guidelines established by the Vienna Convention on Consular Relations. This amendment would constitute a violation of that convention.

Under that convention, consular function is established as "performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving state." There is no U.S. Federal law which forbids the issuance of consular ID cards. In fact, the Treasury Department has issued regulations under section 326 of the PATRIOT Act that would allow the financial institutions to accept consular ID cards as valid forms of ID for the purpose of opening accounts.

Mr. Chairman, I rise in strong opposition to the Hostettler/Gallegly amendment. It is a thinly veiled attack on the Consular ID Card that has been issued by the Embassy of Mexico for over 131 years, sometimes referred to as the Matricula Consular card.

Contrary to what the Hostettler-Gallegly amendment contends, Mexico and other foreign governments have been issuing consular identification cards to foreign nationals in the United States following precisely the guidelines established by the Vienna Convention on Consular Relations. This amendment would constitute a violation of that convention.

Under that convention, consular function is established as "performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving State." There is no U.S. Federal law which forbids the issuance of Consular ID cards.

In fact, the Treasury Department has issued regulations under Section 326 of the PATRIOT Act that would allow financial institutions to accept Consular ID cards as valid forms of ID for the purpose of opening accounts. More than 100 financial institutions accept these cards as valid forms of ID. Police Departments across the United States praise the use of these cards, because they enable them to identify foreign nationals.

The State Department adamantly opposes this amendment because an Interagency Working Group is already working to address the issue of Consular ID cards. Consequently, this amendment prejudges the outcome of the Interagency Working Group's efforts.

The State Department also has reciprocity concerns. The U.S. does, in certain instances, issue Consular ID cards to American nationals overseas.

The State Department fears reciprocal retaliation from overseas if the amendment were to pass.

These Consular ID cards are simply identification cards. They do not legalize the status of any immigrant.

They cannot be used to obtain any immigration or citizenship benefits such as work authorization or to obtain public benefits.

Their continued use, with consultations between the U.S. and Mexican governments, will foster greater transparency and increase security in the United States.

For these reasons and many others, I strongly urge my colleagues to oppose this amendment.

Mr. BACA. Mr. Chairman, I rise in strong opposition to the Tancredo Amendment.

I have always been a strong advocate of efforts that give Hispanics and other minorities greater access to our financial services system.

Whether that means providing more financial literacy programs or approving the use of the matricula consular card, we must do what it takes to make sure that every person in this country can live the American dream.

That is why I am here today.

When we look to the future, we have to make sure that it includes people of all races and all colors. We must give all members of our society the tools they need to fully participate and benefit from our great democracy.

Unfortunately, there are those in this body who are trying to shut the doors on our immigrant community.

They do not care that there are as many as 10 million American households that do not have bank accounts. That is not acceptable.

Hispanics deserve the same opportunity others have to buy a home, invest in a business, pay for a college education, and improve the financial security of their families.

How do we do this? We do this by giving everyone the keys that open the doors to our financial system.

Everyone deserves the opportunity to open a bank account or get a credit card. We cannot have a society of "haves" and "have-nots."

That is why Arrowhead Credit Union in my district, Wells Fargo, Bank of America, and credit unions and banks across the country support the use of the matricula consular.

They understand that when you hurt our most vulnerable members of our society, we all lose.

The support that financial institutions have given to these cards is matched by the support we have received from local law enforcement organizations.

In my district, the Rialto police department recently decided to accept matricula consular cards, joining the police departments in Chino, Colton, Fontana, Indio, Redlands, San Bernardino, and Upland.

There are now more than 100 law enforcement agencies in California that accept the matricula card.

I trust our local law enforcement officers, our first responders, to protect our communities. I urge you to do the same.

I urge all my colleagues to vote NO on the Hostettler/Gallegly/Tancredo amendment.

Mr. SOLIS. Mr. Chairman, I rise in strong opposition to this amendment.

If passed, it would require the State Department to heavily regulate foreign government's issuance of identification documents.

If the State Department determines that a foreign government is not in compliance with the issued regulations, a foreign government could have to suspend issuance of the identification documents and stop issuing visas to individuals from that country altogether.

The amendment would violate the Vienna Convention on Consular Relations and U.S. citizens living abroad.

If the U.S. does not acknowledge valid foreign IDs, others have no obligation to recognize U.S. IDs.

It's clear to me that this amendment is an attack on the Mexican consular ID and the millions of Mexicans living in the U.S. and elsewhere who use it daily as a form of identification.

The matricula plays a vital role in our homeland security efforts by enabling the reliable identification of millions of Mexicans living and working in the United States.

800 police departments, various local governments, and at least 80 banks have accepted the matricula because it increases public safety, national security, and our economic competitiveness.

Law enforcement understands that the matricula helps identify people, including suspects, witnesses, and those who come forward to report crimes and suspicious activities.

The matricula is a safe, secure form of identification.

It has a number of extremely sophisticated security features, including a digitized photo, in-person consular interviews and review of supporting documentation, as well as standards for supporting documentation that are more demanding than those used for U.S.-government issued IDs.

Acceptance of the Mexican consular ID has a proven track record of increasing public safety.

Failure to recognize it would preclude millions of Mexicans living and working in the U.S. to identify themselves and assist in our homeland security efforts.

I urge my colleagues to vote against the Hostettler-Gallegly amendment.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MENENDEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 6 offered by the gentleman from Texas (Mr. PAUL), amendment No. 7 offered by the gentleman from Iowa (Mr. KING), amendment No. 8 offered by the gentlewoman from California (Mrs. TAUSCHER), and amendment No. 17 offered by the gentleman from Indiana (Mr. HOSTETTLER).

The first electronic vote will be conducted as a 15-minute vote. Remaining votes will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. PAUL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 74, noes 350, not voting 10, as follows:

[Roll No. 364]

AYES—74

Barrett (SC)
Barton (TX)
Bilirakis
Bishop (UT)
Boozman
Burgess
Burton (IN)
Cannon
Cantor
Carter
Coble
Collins
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Goode
Hayes
Hostettler
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Lucas (OK)
Manzullo
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Obey
Otter
Paul
Pence
Platts
Pombo
Putnam
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sessions
Shadegg
Shuster
Smith (MI)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Tiberi
Weldon (FL)
Wilson (SC)
Young (AK)

NOES—350

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Bartlett (MD)
Berkley
Chabot
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Johnson (CT)
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1729

Messrs. McDERMOTT, LINDER, MATHESON, CASTLE, MEEKS of New York, ABERCROMBIE, HOLT, and

GRAVES changed their vote from "aye" to "no."

Messrs. NEY, KINGSTON, SMITH of Michigan, YOUNG of Alaska, SCHROCK, PUTNAM, and CRANE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1730

AMENDMENT NO. 7 OFFERED BY MR. KING OF IOWA

The CHAIRMAN pro tempore (Mr. SWEENEY). The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 10, as follows:

[Roll No. 365]

AYES—187

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
LaHood
Latham
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
McCotter
McCrery
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—237

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Goss
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Emerson
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Johnson (CT)
Millender-McDonald
Spratt

□ 1738

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MRS. TAUSCHER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 8 offered by the gentlewoman from California (Mrs. TAUSCHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 219, not voting 8, as follows:

[Roll No. 366]

AYES—207

Abercrombie
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Cannon
Capps
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crane
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Fossella
Frank (MA)
Frost
Gilchrest
Gonzalez
Goodlatte
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Owens

Pallone
Pastor
Paul
Payne
Pelosi
Petri
Pombo
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stearns
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (SC)
Woolsey
Wu
Wynn

NOES—219

Ackerman
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Duncan
Emerson
English
Everett
Feeney
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Lampson
Lantos
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stenholm
Strickland
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Berkley
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Spratt

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that there are two minutes remaining in the vote.

□ 1751

Messrs. CARTER, SIMPSON, TANCREDO, OTTER, NEUGEBAUER, TERRY, WHITFIELD, BURTON of Indiana, BROWN of South Carolina, Mrs. CUBIN, Messrs. SHIMKUS, FEENEY, BRADY of Texas, NETHERCUTT, KIRK, Mrs. JOHNSON of Connecticut and Mrs. BIGGERT changed their vote from "aye" to "no."

Mrs. KELLY, and Messrs. EDWARDS, THOMAS, RAHALL and ABERCROMBIE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. HOSTETTLER

The CHAIRMAN pro tempore (Mr. SWEENEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 10, as follows:

[Roll No. 367]

AYES—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gillmor
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hensarling
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan

Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Smith (WA)
Spratt
Weldon (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1759

Mr. BAIRD changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Chairman. As you know, I was absent today for medical reasons. If I had been in attendance, I would have voted "no" on rollcall vote No. 364; "yes" on rollcall vote No. 365; "no" on rollcall vote No. 366; and "yes" on rollcall vote No. 367.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 32 printed in House Report 108-206.

AMENDMENT NO. 32 OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. RANGEL:

At the appropriate place in the bill, insert the following (and conform the table of contents accordingly):

SEC. . ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after "Zambia," the following: "Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,".

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from New York (Mr. RANGEL) and a Member opposed (Mr. BEREUTER) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

☐ 1800

Mr. Chairman, the gentlewoman from California (Ms. LEE) and I have brought this amendment to this piece of legislation which would expand the coverage of the $15 billion emergency plan for AIDS relief to include 14 additional countries in the Caribbean.

Recently, the President had a very successful trip to Africa where, in support of the African Growth and Opportunity Bill, he made it abundantly clear that in order to be healthy trading partners with the United States of America you had to be healthy, and the $15 billion was an attempt to prevent and to provide cure for the ravaging epidemic that has swept sub-Saharan Africa.

In addition to Africa, Haiti and Guyana were named. What we are saying is that we have spent a lot of time and effort in trying to build a better Caribbean basin initiative program where our friends in the Caribbean can share in trade with the United States of America. The leaders of the countries in this area believe that in order to get a handle on this disease, which is the largest region second only to sub-Saharan Africa, that you have to go beyond Guyana, you have to go beyond Haiti; you have to have a comprehensive approach to this disease in education, in prevention and in cure.

And so it makes a lot of sense, we think, that as we approach this serious disease, that we give the leaders, especially the medical leaders in this area, an opportunity to put their program to work.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LEE), who has spent most of her legislative career trying to correct this disease, and I thank her for her effort, and I ask unanimous consent that she be entitled to yield to whomever the time would allow her to yield to.

The CHAIRMAN pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the gentleman from New York for yielding me this time and for his leadership and his commitment to addressing the HIV/AIDS pandemic globally.

We passed very recently H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, and the President signed this into law. This bill would expand the list of countries which the HIV/AIDS response coordinator has directed funding authority over.

Now, while USAID administers programs in some of the countries, such as Jamaica and the Dominican Republic, the practical effect of this amendment would be to highlight the Caribbean as a region that deserves our special attention in the fight against the global AIDS pandemic. As we look at the Caribbean, we must focus on the fact that the prevalence rates are similar to what they were in sub-Saharan Africa before this unbelievable explosion.

Today, over 500,000 people in the Caribbean are estimated to be living with HIV and AIDS with prevalence rates in most countries ranging from 1 to 3 percent. While it is clear that Africa, as the epicenter of the AIDS pandemic, should be the focus of our global AIDS initiative, we must be very clear and aware that the Caribbean is poised to undergo a dramatic increase in the number of new AIDS cases, with estimates of over 1 million people infected by 2010.

The Caribbean has, as the gentleman from New York (Mr. RANGEL) indicated, the second largest population of persons affected outside of sub-Saharan Africa with AIDS. And it is important that while he support AIDS prevention and treatment efforts in Haiti and Guyana, two of the hardest-hit countries respectively, we must also promote a regional response to the epidemic rather than a piecemeal two-country strategy. Such a response must also take into consideration the high volume of mobility within the Caribbean due to labor force shifts and the tourism industry.

We have a moral obligation to act not only because of the devastation that the AIDS pandemic has and will cause, but also because of our close connection to the Caribbean region and its people, as there are nearly 23 million Caribbean immigrants residing in the United States today; and over 10 million people from the United States visit the Caribbean annually.

The Rangel-Lee amendment does not preclude other countries from receiving funding, it does not authorize new funding, and will not steer an arbitrary level of funding to go to the Caribbean. It merely adds CARICOM countries and the Dominican Republic to the list of countries the HIV/AIDS response coordinator will oversee so that we can better coordinate our response to the pandemic in the Caribbean region.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I strongly support the Rangel-Lee amendment. I think it is a very constructive contribution to our global fight against AIDS, and I urge all of our colleagues to do so.

The CHAIRMAN pro tempore. The gentlewoman's time has expired.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

I did claim the time in opposition, although I recognize the efforts and interests on the part of the gentleman from New York and the gentlewoman from California, and I respect the contribution just made by the ranking member of the committee. They want to focus more attention on HIV/AIDS in the Caribbean region. That is understandable. Actually, the authorizing legislation focuses not just on Africa, not sub-Saharan Africa only, but also specifically mentions the Caribbean, the only other part of the world mentioned beyond sub-Saharan Africa.

It is a growing problem in the island nations and the coastal countries of the Caribbean, no doubt about it; and this would add 13 countries to the list of two Caribbean countries already identified by the President as focus countries. Under PL 180–25, the United States Leadership Against HIV/AIDS Act, it provides the President with the authority to add additional countries to the list of countries under the purview of the coordinator.

I would have to say to the gentleman from New York that this does not expand the coverage because there are no limits on the number of countries that may be assisted; but it does place those countries listed, illustrative countries, as being under the purview of the coordinator to give special attention. It actually puts more control by the White House through the coordinator on any of those that are listed. And if the gentleman expands that list, then we run the danger, I think, of diluting the focus of the HIV/AIDS. China could just as well be listed soon, unfortunately; Southeast Asia, certainly countries there.

I would say, Mr. Chairman, that since we have no adverse and negative, or very negative reaction from the White House, and since I think it does no damage, although we may well be adding all of the countries eventually we are going to work under this kind of theory, I would not express opposition to the gentleman and gentlewoman's amendment.

Mrs. CHRISTENSEN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentlewoman from the Virgin Islands.

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding to me, and I will be brief.

A little over a month ago, I rose to urge the passage of H.R. 1298 because of the moral imperative for Congress to act and take an affirmative step towards fighting AIDS globally, particularly in Africa and the Caribbean. We may not be able to correct all the deficiencies we saw in that bill today, but the Lee-Rangel amendment does help in one critical area, and that is in expanding the coverage of that $15 billion emergency plan to an additional 14 countries in the Caribbean. As you know, Mr. Chairman, the Caribbean has the second highest rate of HIV infection and AIDS in the world, and the economies of those small island nations are strained to deal with the impact of it.

I want to take this opportunity to thank the gentleman from New York (Mr. RANGEL) and the gentlewoman from California (Ms. LEE) for their leadership and commitment for the Caribbean and for continuing to press for the amendment that is before us now. I urge my colleagues to support it.

Mr. BEREUTER. Mr. Chairman, I urge support of the amendment, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 33 printed in House Report No. 108–206.

AMENDMENT NO. 33 OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. SHERMAN:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ____. STATEMENT OF POLICY RELATING TO DEMOCRACY IN IRAN.

(a) FINDINGS.—Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran, women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran;

(2) the United States supports transparent, full democracy in Iran;

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our hearts go out to the people of Iran who are fighting valiantly for freedom and democracy. The least we could do in this bill is to provide our support and put the United States on record in favor of minority rights, women's rights, democracy, and freedom for the people of Iran.

I want to commend Senator BROWNBACK, who authored the very words of this amendment and persuaded the Senate to adopt them and add them to their version of this bill. I want to commend the Senate for adopting these words on a voice vote.

Let me just summarize the provisions of this amendment. It contains, first, findings which state: "Iran is neither free nor democratic. Men and women are not treated equally. Women are deprived of legal and internationally recognized rights. Religious freedom is not respected under the laws of Iran. And undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders."

It goes on to cite the September 2003 report of the Department of State which identified Iran as the most active state sponsor of terrorism in the year 2002, and specifically sites the provisions of that report which indicate that Iran continues to provide funding and safe haven to such terrorist groups as Hezbollah, Hamas, and the Palestinian Islamic Jihad.

The second part of the amendment indicates it is the policy of the United States to support transparent, full democracy in Iran; that the United States supports the rights of the Iranian people to choose their system of government; and the United States condemns the brutal treatment and torture of Iranian civilians expressing political dissent.

Mr. Chairman, I would hope that we could adopt this amendment on voice vote, just as the Senate did, so as to eliminate a possible difference between the bodies as this bill goes to conference.

I should also point out, Mr. Chairman, that I have a separate bill, H.R. 2466, that provides much more substantive support for democracy. It is called the Iran Democracy Support Act, and I would hope that on some other occasion we would be on this floor debating that bill, and I invite my colleagues to cosponsor it.

But for now let me urge the adoption of this amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, we have no objection to the gentleman's amendment, and we hope he will take yes for an answer.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from California.

□ 1815

Mr. LANTOS. Mr. Chairman, I congratulate the gentleman from California (Mr. SHERMAN) for introducing this important amendment.

The Iranian people continue to suffer under a theocratic, terror-supporting dictatorship. Those courageous enough to call for democratic change are regularly met by the regimes-supported security forces and vigilante groups. Just last month the Iranian government acknowledged they arrested some 4,000 peaceful demonstrators. What was their crime? They wanted freedom.

This amendment affirms that the view of this body is that Iranians deserve real freedom, that they should not suffer because of their religious or political beliefs or because of their gender. The Sherman amendment supports Iranians' right to choose their own system of government, rather than having to endure the theocracy that has been forced upon them.

Oppression in Iran is a humanitarian issue, but it is not only that. The existence of a dictatorial Iranian regime directly affects the security of the United States which now faces an enemy with a rigid ideology which it backs through an unlimited use of terrorism, and it may soon have nuclear weapons.

Freedom in Iran is a nonpartisan issue. I strongly support this amendment and urge my colleagues on both sides of the aisle to join me in voting in favor of it.

Mr. SHERMAN. Mr. Chairman, reclaiming my time, I urge support for this amendment today. I urge my colleagues to take a look at H.R. 2466, the Iran Democracy Support Act, for consideration on another day. I thank the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER).

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 37 printed in House Report 108–206.

AMENDMENT NO. 37 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. MCKEON:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. SENSE OF CONGRESS REGARDING THE EXTRADITION OF VIOLENT CRIMINALS FROM MEXICO TO THE UNITED STATES.

(a) FINDINGS.—The Congress finds as follows:

(1) The Mexican Supreme Court ruled in October 2001 that Mexico will not extradite criminals who face life sentences in the United States.

(2) Due to this ruling, the United States has been unable to prosecute numerous suspects wanted for violent crimes that they committed in the United States if there is a possibility that these criminals will face life imprisonment.

(3) The person or persons responsible for the April 29, 2002, murder of Los Angeles County Sheriff Deputy David March is believed to have fled to Mexico to avoid prosecution for a possible life imprisonment.

(4) The attorneys general from all 50 States have asked United States Attorney General John Ashcroft and Secretary of State Colin Powell to continue to address this extradition issue with their counterparts in Mexico.

(5) The Governments of the United States and Mexico have experienced positive cooperation on numerous matters relevant to their bilateral relationship.

(6) The Mexican Minister of Foreign Affairs has been demonstrating to the Mexican Supreme Court the international ramifications of the Court's October 2001 ruling.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should encourage the Mexican Government to work closely with the Mexican Supreme Court to persuade the Court to reconsider its October 2001 ruling so that the possibility of life imprisonment will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to the Foreign Relations Authorization Act to address the issue of extradition, specifically as it pertains to Mexico. The seriousness of this issue is best described by the following tragic story:

On April 29, 2002, over a year ago, Deputy David March, a 7-year veteran of the Los Angeles Sheriff's Department, was shot and killed in the line of duty. David March was 33 years old, a husband, a father, a son, a brother, a neighbor, a stalwart in our community. The suspect who took his life was a Mexican national, a convicted felon. He fled to Mexico to avoid prosecution.

Historically, the Mexican government has refused to extradite Mexican nationals who commit crimes and flee to Mexico unless there are assurances granted by the United States that the death penalty would not be sought. Then in October, 2001, the Mexican Supreme Court ruled, in addition to the death penalty, they would not extradite criminals who also face life imprisonment sentences in the United States. For the crime that was committed, one of those penalties would be required. As such, Deputy March's killer roams free in Mexico; and the United States is unable to threaten a sentence commensurate with this murderer's horrific crime.

It should be noted this is not an isolated case for it is estimated that more than 60 suspected killers from Los Angeles County alone are in Mexico, along with countless more individuals who are suspected of rape, child molestation, attempted murder and other serious, violent crimes.

Mr. Chairman, this is an outrage. We cannot allow the most heinous criminals to escape the bar of justice. They must pay the penalties for their crimes, and the victims and their families must have reprieve through a judicious process.

Just imagine the turmoil that these families feel. David's younger sister went to school with my youngest daughter, good friends growing up. It is a great family. Every day they have to get up knowing that their son, brother, husband, father, is no longer with them, and the person who committed the crime, that took his life, is free. It is just not fair.

As such, my amendment expresses the sense of Congress that the United States Government should work closely with and encourage the Mexican government to persuade its Supreme Court to reconsider this October, 2001, ruling so the possibility of life imprisonment will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

It also should be noted that, historically, the United States government and the Mexican government have cooperated on many issues of mutual concern to our bilateral relationship, including elements of extradition as it pertains to drug trafficking. I am confident that, with further cooperation between our two governments, we can continue in like manner to address all of the points of concern within the issue of extradition to the point of complete resolution.

I thank the chairman for his help in getting this bill to the floor. I thank the ranking member. I thank the gentleman from California (Mr. DREIER), the gentleman from California (Mr. SCHIFF), the gentleman from California (Mr. BERMAN), the gentleman from California (Mr. CALVERT) and other Members who have been supportive in this important effort.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, this is an outstanding amendment, and we support it, and we are pleased the gentleman has offered it.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from California (Mr. McKEON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 41 printed in House Report 108-206.

AMENDMENT NO. 41 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Ms. WATERS:

At the end of Division B, insert the following:

SEC. ___. REPORT ON PROGRESS MADE IN MODIFYING THE ENHANCED HIPC INITIATIVE.

Within 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the Committees on Financial Services, on Appropriations, and on International Relations of the House of Representatives and the Committees on Foreign Relations and on Appropriations of the Senate a written report that describes the progress made in modifying the Enhanced HIPC Initiative (as defined in section 1625(e)(3) of the International Financial Institutions Act) as called for in section 501 of of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

Conform the table of contents accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a few years ago, at the end of 20th century, the world community came together under the leadership of several of the world's most influential churches and created the Jubilee 2000 movement, a worldwide movement to cancel the debts of the world's poorest countries. The Jubilee 2000 movement included the Catholic Church, the Episcopalian Church, the World Council of Churches, Bread for the World, many other Christian, Jewish and other faith-based organizations. Student groups, HIV/AIDS activists, development specialists, business leaders and labor unions also joined this diverse movement.

In 1999, Jubilee 2000 convinced the G-8 group of industrialized countries to develop the Enhanced Heavily Indebted Poor Countries Initiative, known as HIPC, a program to significantly reduce poor country's debt. In 2000, Jubilee 2000 convinced the United States Government as well as the governments of other G-8 countries to authorize this debt relief program and appropriate the funds to carry it out.

Unfortunately, the Enhanced HIPC Initiative has failed to provide a lasting solution to poor country debts. At least 18 heavy indebted poor countries are still spending more money on debt payments than they are on health care.

The goal of Jubilee 2000 was to completely cancel the debts of the world's poorest countries. We must do more to accomplish this goal. We must do more to proclaim Jubilee for the poorest of the poor.

Earlier this year, I introduced H.R. 643, the Debt Cancellation for the New Millennium Act. This bill would urge the President to negotiate with the IMF and the World Bank to completely cancel 100 percent of the debts of the world's most impoverished countries who owe these institutions and give these countries a fresh start in the new millennium. This bill has 45 cosponsors.

H.R. 1298, the Global AIDS bill, included a debt relief provision, Title V, urging the administration to advocate deeper debt relief within the Enhanced HIPC Initiative. Title V states that the Secretary of the Treasury should immediately commence efforts with the IMF, the World Bank and other creditor countries to modify the Enhanced HIPC Initiative to reduce poor countries' debts to ensure that poor countries are not required to spend more than 10 percent of their annual current revenues on debt payments. For poor countries facing a public health crisis as a result of HIV/AIDS, the limit would be 5 percent. The Global AIDS bill was signed into law by the President on May 27, 2003, and is now Public Law 108-025.

Title V of the Global AIDS bill, which was added in the Senate by amendment and subsequently approved by the House, reflected provisions in H.R. 1376, a bipartisan debt relief bill introduced by the gentleman from New Jersey (Mr. SMITH), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Iowa (Mr. LEACH), the gentleman from California (Mr. LANTOS), the gentleman from Connecticut (Mr. SHAYS), the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from Connecticut (Mrs. MALONEY). H.R. 1376 would have required the Secretary of the Treasury to submit reports to Congress describing the efforts and progress made in negotiating improvements to the Enhanced HIPC Initiative. Unfortunately, Title V of the Global AIDS bill does not require the Secretary of the Treasury to report to Congress on the administration's effort.

My amendment would require the Secretary of the Treasury to report to Congress on the progress made in modifying the Enhanced HIPC Initiative as called for in Title V. This simple reporting requirement would enable Congress to monitor the administration's effort to achieve deeper debt relief for poor countries. A reporting requirement also could provide an incentive for multilateral development institutions and other creditor countries to support proposals for deeper debt relief.

Deeper debt relief for the world's heavily indebted poor countries will remove a major obstacle to HIV/AIDS treatment and prevention, poverty reduction and economic growth. I urge my colleagues to support my amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I strongly support the gentlewoman's amendment. It is sorely needed. I could not think of a more noble project than to assist Buddhist countries with huge debts with debt relief. This is a measure that deserves bipartisan support. I ask all of my colleagues on both sides of the aisle to vote for it.

Mr. BEREUTER. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, the amendment points to an important subject, the need for prompt implementation of the Act, and we certainly think that the Committee on International Relations and other relevant committees ought to receive periodic reports and hold hearings and briefings, if necessary.

The reporting provisions in the legislation require the Secretary of Treasury to inform the Congress of his progress in implementing the Act, but we have no objection to the amendment of the gentlewoman at this point. Unless we figure something differently, we are entirely supportive.

Ms. WATERS. Mr. Chairman, reclaiming my time, I thank the gentleman from Nebraska (Mr. BEREUTER) for his words of support. I do not think there would be any other information which would lead to opposition to the amendment, and I thank the gentleman from California (Mr. LANTOS) for his support and superb leadership on this committee.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member rise in opposition to the amendment.

If not, the question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

Mr. BEREUTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALDEN of Oregon) having assumed the chair, Mr. BEREUTER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, had come to no resolution thereon.

□ 1830

ANNOUNCEMENT OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Mr. MICHAUD. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308.

The form of the motion is as follows:

I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

APPOINTMENT OF CONFEREES ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. DEFAZIO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2115 be instructed to insist upon a total level of funding of not less than $59,000,000,000 for fiscal years 2004 through 2007 for programs authorized pursuant to sections 101 through 103 of the bill, including not less than—

(1) $14,800,000,000 for Federal Aviation Administration operations;

(2) $12,294,000,000 for air navigation facilities and equipment; and

(3) $31,276,000,000 for airport planning and development and noise compatibility planning and programs.

Mr. DEFAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER pro tempore. Under clause 7(b) of rule XXII, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct would be to insist upon the House levels of funding for the reauthorization of the Federal Aviation Administration. There are a number of critical issues looming before us in the future of aviation. Some folks think today because the levels of travel are depressed that the concerns we had about modernization and airspace and a lot of other issues have gone away. They have not. We fully expect that with the new security measures we have put in place and they are continuing to put in place that people will be returning if the economy ever recovers, but that is another issue for another debate over tax cuts versus investment. But if the economy does and when the economy recovers, we will find that the levels of air passenger traffic will increase greatly in the not-too-distant future. We cannot take a break from the investments that we need to make.

Our bill, Flight 100, would provide more than $59 billion over the next 4 years; and we think 4 years is essential, because the Senate only wants to reauthorize for 3 years, perhaps to come back and tinker or whatever reason, but we need the certainty of the 4 years and we need the higher levels of investment. It provides substantial increases in the airport improvement program, again back to the capacity issue and the concerns that were driving us just a couple of years ago here in the House in terms of the lack of capacity.

Our bill would provide $14.8 billion for airport improvement projects over 4 years. That is $1.2 billion more than the FAA's request, and it would be $300 million more than the Senate has requested, projects that would not only enhance capacity but actually put people to work, a meaningful investment in construction projects. It would provide $12.3 billion for FAA facilities and equipment to maintain and modernize our air traffic control system. We have finally straightened out the problems in acquiring the new system and the technology. We need now to go ahead with the acquisition to put this equipment into place so that we can better utilize the airspace and we can better protect the safety of the traveling public. Again, the Senate has $267 million less than the House bill.

We have a number of other areas where we believe that the House bill is superior, but these are the ones we wish to emphasize in our motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise this evening in support of the motion offered by the ranking member of the Subcommittee on Aviation. We are in concurrence with the other side of the aisle. This is a bipartisan effort to instruct conferees on the position of the House as opposed to the Senate.

I would say very briefly that the level of funding that the House proposes is in the best interests of our aviation community. There are a number of programs that have been spoken to, air traffic control modernization and other safety and security issues, that do need to be addressed at the level that is authorized by the House and that is the preferable position. Again, I am pleased to join my colleague. It would be sad if we stepped back, last year was the safest year in the record of safety in American aviation history, and not properly address the needs of one of the most viable parts of our economy and that is the aviation industry. We support the position, we support this motion to instruct conferees, we support a 4-year as opposed to a 3-year reauthorization. I would strongly encourage the adoption of the motion to instruct conferees offered by my colleague.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

I would just urge that my colleagues strongly stand behind the work of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure in the House and support this motion to instruct and stand firm against the Senate so that we can have the best bill possible.

Mr. OBERSTAR. Mr. Speaker, this motion would instruct the conferees to insist upon not less than the House-passed total of funding of $59 billion for the next four years for the Federal Aviation Administration's airport improvement, facilities and equipment and operations programs.

The funding in the House bill, Flight 100, will ensure that we continue to invest in badly needed airport infrastructure and air traffic control modernization. This is imperative to the future of aviation. Although air passenger traffic has decreased significantly since September 11th, the FAA expects that by 2006 total passenger enplanements will reach the 2000 level of 696.3 million. The United States is the only nation that enplanes over 600 million passengers annually. No other nation comes anywhere close to FAA's responsibility for managing approximately 200,000 take-offs and landings each day of the year. FAA and its air traffic controllers achieve this great feat with the assistance of impressive technology, but technology that is nonetheless aging.

We must ensure that we have a robust aviation program to meet all of our future challenges, including accommodating larger aircraft; addressing airport access issues and terminal expansion; and dealing with environmental issues. Flight 100 provides more than $59 billion over the next four years of system capacity enhancements, technology modernization and operation of the air traffic control system. The Senate passed bill authorizes $43 billion for these purposes for the next 3 years.

Flight 100 provides substantial increases in Airport Improvement Program (AIP) funding to meet anticipated capacity needs. In total, the House bill provides $14.8 billion for AIP over four years, $1.2 billion more than the FAA's request. The three-year AIP funding levels in the Senate bill are $300 million less than funding provided by the House bill for the corresponding years.

Flight 100 provides $12.3 billion for FAA facilities and equipment (F&E) to maintain and modernize our air traffic control system, which is more that the Administration's requested level of funding. Moreover, $200 million is specifically designated for critical terminal automation system replacement, which has recently experienced deployment delays due to budget cuts. The three-year F&E funding levels in the Senate bill are $267 million less than funding provided by the House bill for the corresponding years.

The bill also provides the Administration's requested level of $31.3 billion for FAA operations.

Flight 100 maintains the guaranteed funding provisions enacted in AIR–21 that will ensure that the revenues paid into the Aviation Trust Fund by users of the aviation system are invested in that system. These guarantees ensure stable and predictable funding for technology modernization and airport capital development.

Accordingly, I urge the House to approve this motion to instruct conferees to insist upon the higher levels of FAA funding in Flight 100, as passed by the House. We must continue to make the needed investments in our nation's airports and air traffic control system. The American traveling public deserves no less.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Oregon (Mr. DEFAZIO).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. YOUNG of Alaska, MICA, EHLERS, HAYES, REHBERG, ISAKSON, OBERSTAR, DEFAZIO, BOSWELL and HOLDEN.

From the Committee on Energy and Commerce, for consideration of section 521 of the House bill and section 508 of the Senate amendment, and modifications committed to conference:

Messrs. TAUZIN, BARTON of Texas and DINGELL.

From the Committee on Government Reform, for consideration of sections 404 and 438 of the House bill and section 108 of the Senate amendment, and modifications committed to conference:

Messrs. TOM DAVIS of Virginia, SHAYS and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 106, 301, 405, 505 and 507 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, COBLE and CONYERS.

From the Committee on Resources, for consideration of sections 204 and 409 of the House bill and section 201 of the Senate amendment, and modifications committed to conference:

Messrs. POMBO, GIBBONS and RAHALL, provided that Mr. RENZI is appointed in lieu of Mr. POMBO for consideration of section 409 of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of section 102 of the House bill and sections 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference:

Messrs. BOEHLERT, ROHRABACHER and COSTELLO.

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, CAMP and RANGEL.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Ms. DELAURO. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Ms. DELAURO moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:
>
> 1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.
>
> 2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.
>
> 3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.
>
> 4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.
>
> The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003.

□ 1845

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under clause 7(b) of rule XXII, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it has now been 47 days, nearly 7 weeks, since President Bush signed into law tax legislation that denied the extension of a $1,000 child tax credit to the families of 12 million children. In 10 days' time, 25 million other families will begin receiving their checks in the mail but not the 6.5 million families who need it the most, hard-working, tax-paying families who earn between $10,500 and $26,625 a year.

Who will not receive this child tax credit? The families of nearly every child enrolled in Head Start, 912,000; families of incomes at or below the poverty line and are struggling to stay afloat in this economy.

Forty-two thousand Head Start teachers will not qualify for this tax credit either. Why? Because they earn less than $26,625 per year. Even though these dedicated, committed, educated give their all every day, they pass up other more lucrative professional opportunities so that they can help our children get a good start in life, their own families are left out of this tax credit.

One million children of military and veterans' families, men and women who have served this country with honor, will also go without in this tax cut. One only need to open the paper to realize that many of these men and women are still fighting a war, risking their lives and dying in Iraq and Afghanistan. Yet this bill does nothing for them or their families.

On average, these families would have had an additional $151 per child had the tax credit been extended to them. It may not sound like a lot of money to some, but it is the difference between a child going to school with or without new school supplies. It helps families of the 9 million children in this country without health insurance pay for the healthcare services that they need.

What is particularly egregious is that while decent, hard-working Americans are being denied their rightfully earned tax relief, companies are still permitted to go overseas to avoid paying U.S. taxes, taking American jobs with them, and I might add that that is about $70 billion out of the revenue stream of this country because these folks have gone offshore not to pay their taxes. It is not right that every last one of these families pays more taxes than Enron did for 4 out of the last 5 years.

Think about that for a moment. Every minimum-wage-earning family in America paid more taxes than a multibillion dollar corporation. What kind of a message does this send to our families and our children? What kind of values does this represent?

All of these families work hard every day to put food on the table, clothes on their children's back; and, contrary to the claims by some on the other side of the aisle, they do pay taxes, payroll taxes, sales taxes, excise taxes, property taxes. They have done nothing to deserve being held hostage by this majority. This Republican majority would only extend the credit to these families on the condition that wealthy taxpayers get yet more tax cuts.

Less than 2 weeks after passing a bill that gave every millionaire a $93,000 tax cut, that made sure that every corporation had the right to avoid paying taxes by relocating overseas and taking American jobs with it, this majority could not put partisan politics aside. They could not simply restore to these families the tax relief that they rightfully earned.

This body passed a motion identical to the one that we are debating tonight that instructed conferees to provide those 6.5 million families with the same tax credit entitled to other families. It would have extended that tax credit to families of military personnel serving in Iraq and Afghanistan; and it would have paid for that tax cut so as not to add further to our ballooning deficit which, by the way, today the White House announced a record $455 billion.

I might also add that Chairman Greenspan today in the Committee on Financial Services said, yes, indeed, we should do something about the child tax credit because it would, in fact, help to stimulate the economy.

The motion passed in this body, I might add, on June 12 on a bipartisan basis by a vote of 205 to 201. More than a month has passed, and yet the conferees have not taken action to resolve this issue, and I will tell the Members why. The majority leader said that helping those families was not important to them. The majority whip said he did not know if the House would act after the body's bill. Then, after the House was dragged kicking and screaming to address this issue, the Committee on Ways and Means chairman and the majority leader said that Medicare reform was on the table until the July 4 recess and that, in any case, they did not know when they could even begin to conference on the child tax credit, in essence, stonewalling this evident.

So, quite frankly, what we want to do is to call on the President of the United States. We asked the President to please use his moral authority to move this conference, to break the logjam, to provide this child tax credit to these 12 million children; and today we offered the same motion that was offered in July because enough is enough. The time for action is now. Six and a half million families have waited long enough. The other body has proven long ago that it can be done simply without increasing the deficit. The time has come for conferees to report out a bill that extends the full $1,000 tax credit to these families.

Let us do right by every family who works hard day in and day out to give their children the opportunities for success. Parents define themselves in their children. They want to see their children succeed. That is what this tax credit is all about. We urge again the President to break this logjam, and I urge my colleagues to support this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

The gentlewoman is correct. This is exactly the motion that was offered some time ago. She focuses on the fact that it passed 205 to 201. If they are to take some credence in a vote on a motion which is nonbinding, perhaps we will provide her with a different vote this time so the argument that it passed would not be available to her.

People who may be watching and do not understand this process need to understand that the motion in front of us has no standing in terms of influencing a conference. It is a motion to instruct, not a motion to bind, not a motion to carry out required language in a bill, for example; and so it has, in essence, no enforcement power.

The argument that there are people who are needful and should be provided with resources is, I think, a statement that we ought to examine. The legislation that we voted on was an attempt to make a change in the Internal Revenue Code which deals with income taxes.

Her argument that there are some who perhaps do not pay income taxes but who nevertheless pay some kind of tax would lead us to additional motions to instruct of not only dealing with a payroll tax or an HI Medicare tax or perhaps a sales tax or a property tax or an excise tax or some tax that someone pays who should therefore share in the redistribution of wealth under the Internal Revenue Code. I think when we begin examining that argument on its face, it begins to fall apart.

If the Members really want to know what this is all about, I would urge someone to review the debate that took place on the floor of the Senate, or the other body, in which someone who is up for reelection in November of 2004 was pleading to provide this relief between now and, do not be surprised, December 31, 2004, i.e., between the period of now and when they stand for reelection. This plea to assist these folk in receiving a $1,000 child tax credit is only of interest between now and the election.

What the House did was examine that proposal offered by the Senate, and what we said was, gee, if in fact we did that and this particular individual was elected to the other body's 6-year term, how would that person vote in 2005, in 2006, in 2007, in 2008, in 2009? Chances are they would vote no. Why? Because they got what they wanted, coverage until the election.

We thought that perhaps, instead of the politics of using children and families, we ought to deal with the policy of helping children and families. And what we did, we said we ought to take care of the valley created by the legislation to make sure that every year, not just the time between now and the next election, but for the rest of the decade, if we committed to providing $1,000 per child, we ought to provide it for the whole decade. That is policy, not politics.

We debated that on the floor of the House. We passed it. We sent it to the other body. We also included the military assistance, a measure which, by the way, we passed twice in the year 2002; and the Senate neglected it. We felt that by combining it with this additional policy for those in need, as outlined by the gentlewoman from Connecticut, would perhaps induce the other body to do the right thing on a piece of legislation they have refused to move for now more than a year.

We have moved substantive legislation to address the problem. The Senate has refused to take up the House legislation. We will meet in conference. The two committees assigned to reconcile the difference between the other body's political bill and the House's policy bill are exactly the two same committees that just today convened a conference on Medicare. We will move forward in an attempt to get the other body to understand that if it is good between now and the election, it ought to be good between now and the rest of the decade.

That will be our goal. We believe we will be successful. The folks you are concerned about we believe will be taken care of, not just between now and the next election but for the rest of the decade. I am wondering why you are not willing to join us in ensuring that the Senate adopt sound policy instead of short-term politics.

Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

The chairman is right. The views of the majority are often ignored in this House by the majority.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

She is certainly to be commended for the leadership that she has shown on this issue, having originally raised this entire matter before the Committee on the Budget back in February and for bringing up the matter quite eloquently and appropriately tonight.

But I would have to say in all fairness the stronger arguments for the motion have been made by the gentleman from California. He has presented compelling arguments in favor of this motion by making clear that the conference committee has not even met during the time that it has been here and by indicating that he considers any nonbinding expression by this body, no matter how many Members there might be who voice their concerns, to be of little interest to him and the members on the conference committee and by suggesting that he thinks that providing the tax credit to working families out there, some of whom are paying a quarter or a half of their income in taxes to Federal, State, and local governments through payroll and other taxes, that they do not deserve any relief.

☐ 1900

All of those suggest the reason why we should not let a single day go by without raising this issue to the American people. Because at the end of this month, as the gentleman told us a little while before, in an election year, thank God we do not let election year politics get involved in any other tax policy. Everybody else in the country is going to get their tax credit relief, unless they are among the 6 million working poor families in this country, and they will be left out. But thank God the Republicans are only concerned about election politics for other Americans, not for those people who are struggling to make ends meet.

The military tax fairness bill has been sitting at this desk, I believe, for 2 months; and among the families that will be hurt by failing to follow the motion to instruct that the gentlewoman from Connecticut is proposing are our military servicemembers who are fighting on behalf of this country right now in a combat zone in Iraq. Those individuals will not get the full benefits of the child tax credit unless this motion is not only adopted tonight, but implemented by the conference committee.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we indicated earlier, the motion to instruct is not binding in any way. It does, however, afford our colleagues on the other side of the aisle an opportunity to talk about how someone who pays Federal taxes or State taxes or local taxes or dog license taxes, should be privileged to have part of the redistribution of the income taxes. We understand their position.

But I look only to the language in the motion to instruct to determine whether or not they are really serious about what they want. And all one has to do is look at the last paragraph which, after delineating what must be done under the conditions in which they say it must be done; remember, these are the people who lost on the formal real legislation, all of the requirements that have to be met, and then the last paragraph says, the House conferees shall, as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees and the House conferees, shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003. Three days to complete this assignment.

I understand they believe that it is overdue in being completed, but when we put that kind of a time line on these specific instructions, I do believe it is fairly evident to anyone who understands what is going on that this would otherwise be known as the political hour.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I will just make a couple of comments.

To my colleague from Texas who said if we want to get this done and help these families, we need to follow these instructions, we do not. We need to go ahead and pass the legislation that came out of the House and the conference committee with the Senate and take it to the President and have the President sign the law. That would provide the relief not only to those people who have no income tax liability, but it would also provide relief to those who do have income tax liability. Does that not make sense?

Under our legislation, yes, we raise the cap from $110,000 to $150,000; but anybody making over $150,000 as a family, a couple, gets no benefit from this, so this talk about tax cuts for the rich, I do not know where that comes from. It is for middle-income families, working families, all families who pay income taxes, plus for those families who do not have any income tax liability. If you follow the motion to instruct, if you follow the thinking of my friend from Texas, what you would do is make permanent out until 10 years, which is as permanent as we can make it, all of the income tax cuts for those who do not have any income tax liability, but you would not provide the same relief for people who have income tax liability, because guess what? That ends in 2005. So we would sunset in 2005 the tax cuts to people who have income tax liability, who are working every day, trying to make ends meet who, yes, make up to $150,000 and make $50,000, $60,000, $70,000 a year, two people working; we do not give them the 10-year relief, but we give it to folks who do not have income tax liability.

Many people do not have payroll tax liability either. Now, we can argue about State taxes or property taxes, but I just think that is unfair, and that would be the result. You would be taking from people who do have income tax liability, and you would be giving it to people who do not. That is it. The gentleman from Maryland (Mr. HOYER) laughs, but it is true. Look at the language. Look at the legislation. That would be the result.

Second, is this politics? Gee, I wonder. This went through the Committee on Ways and Means where I sit, it went through the House of Representatives where I vote, it went through the chairman's mark of the committee over in the Senate without a change in the refundability of the child credit. We kept current law, which is what? That people who make over $10,000 a year, instead of having 10 percent of that money be subject to a refundable child credit, it would go up to 15 percent. That is current law. It happens in 2005, it goes to 15 percent.

That is all we are talking about here, remember. Under current law, those who do not have income tax liability get a refundable tax credit up to 10 percent now, and it goes up to 15 percent in 2005. The motion would say it should go to 15 percent now. Why was that not raised in the Committee on Ways and Means? Why was that not raised on the floor when we debated this issue? Why was it not in the chairman's mark in the Finance Committee in the Senate? It only came up in the Finance Committee deliberation when one Senator said, I am not going to vote for this bill unless you immediately increase it from 10 to 15 percent, even though, again, for those who do pay taxes and have income tax liability, it ends in 2005.

So guess what? The Senate said, we have to have two votes. We will go ahead and add the 15 percent right now. Then what happened? That Senator did not vote for the bill. She decided for other reasons she was not going to vote for the bill anyway. Suddenly, my colleagues on the other side of the aisle said, you have left people out, which is what they are saying tonight. We have somehow in the middle of the night as Republicans said we are going to hurt a certain group of people who do not have income tax liability. That is not how it happened, folks; and my colleagues know that is not how it happened. And for those colleagues on the other side who are on the Committee on Ways and Means, why was it not raised there? Why was it not raised on the floor? I think there is a little bit of politics here.

I would just say two things: One, let us provide, as the House did, the immediate 15 percent; let us go ahead and do that and provide some stimulus. We said we were willing to do that. But let us not leave out the people who you are leaving out, and that is the people who work hard every day who do have income tax liability; folks in my district and yours who make $60,000 $70,000 a year, maybe a school teacher and a firefighter. We are saying to them, in 2005, yours will sunset; but for those folks who do not have income tax liability, we are going to go ahead and give them an additional amount of taxpayer money coming from those who do pay income taxes because, well, I guess it is the political season.

The second point to be made is, is this politics? The way this thing happened, the way it has been described, I have to say I see a little bit of politics in it. My colleagues had the chance on the floor. The gentleman from Maryland (Mr. HOYER) did not raise it on the floor. We had the chance in committee. My colleagues did not raise it in committee. Suddenly, again, in the Senate, because it was added for someone who in the end did not vote for the bill, and therefore, it was removed because she was not voting for the bill, suddenly it is something that somehow nefariously it got left out.

We did not leave anybody out. We left everybody in. Then the House came back and passed it and said, yes, let us help those in the military and those who make up to $150,000 a year. I think that is fair. I think the motion to instruct conferees is the wrong way to go. Let us go with regular order. Let us get the House-passed legislation to the President, he would sign it, it could become law, and all of these folks could benefit immediately from the tax relief.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

Mr. THOMAS. Mr. Speaker, I would tell the gentleman, I am more than willing to be generous with the time to my colleague, but I believe the gentleman from Maryland is going to be recognized on their time to make his points.

Mr. HOYER. Point of order, Mr. Speaker. I have asked the gentleman if he would yield. The gentleman from California (Mr. THOMAS) is now using the time that he yielded to me.

Mr. THOMAS. Mr. Speaker, who has the time?

The SPEAKER pro tempore (Mr. SIMMONS). The gentleman from Ohio (Mr. PORTMAN) controls the time.

Mr. HOYER. Mr. Speaker, quite obviously he is using the time that the gentleman from Ohio (Mr. PORTMAN) could use, so you may not yield.

Mr. PORTMAN. Mr. Speaker, I yield to my colleague, and then I will yield back the time unless he says something so persuasive that I need to respond.

Mr. HOYER. Mr. Speaker, the gentleman is a good friend of mine. I have great respect for him. He is also a Member of this House that is closest to the President of the United States, perhaps. The President of the United States said that we ought to do what the gentlewoman from Connecticut is asking us to do; and, as I recall, he said we ought to do it right away. Is that not correct?

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I would say that what the President would like to do is he would like to get this issue off the table and to provide this relief, both to working families who do pay income taxes, which is provided in our bill, but also to those folks who do not have income tax liability.

Mr. HOYER. Mr. Speaker, I would tell my friend that I interpret the answer to that question to be yes.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to say, the gentleman's question was: Did the President support what the gentlewoman from Connecticut is advocating, a motion to instruct, a multipart motion to instruct with a drop-dead date? The President in no way intended to support what the gentlewoman from Connecticut is now advocating. The answer simply is no.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS), a member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there is a lot of rhetoric that goes on in this Chamber and in this town when it comes to different issues, and I know the intent of a lot of people is different from the intent of others. And I know that there are those who would like to see this child tax credit given to a lot of people. In fact, the bill that we voted on here, this some—$80 billion tax relief would do what a lot of people would like to see done, and that is the child tax credit spread around more.

But as I go back to the district at home, and not just in my district, but traveling throughout Georgia, I have the question asked of me: How in the world, Mac, can you give a tax credit or a refund to people who actually did not have a tax liability? And that is a difficult question to answer, because the Tax code is supposed to be set up in a way and in a fashion that people pay based upon their income; and if they do not have the income to pay the tax, then they have no tax liability. So, therefore, there is some concern with people who do as to why we should give a tax credit, a refundable tax credit to those who do not.

□ 1915

But you know what is interesting about all of this conversation and all of this rhetoric about the different tax provisions, whether it be the payroll tax or whether it be the income tax, whether it be the corporate income tax or whatever it may be, it just fuels the fire at home. And I like this fire. I like to see it fueled, and I appreciate some of my colleagues bringing it up and doing so. But it just accelerates and fuels the fire of those who would like to see a total tax reformation here in Washington of the Tax Codes. As Mr. Archer used to say, just pull it up by the roots and do away with it and put in place a different type of system.

I am often asked by my constituency at home and other parts of the State about a representative from Georgia who has introduced such a measure that is called the Fair Tax introduced by the gentleman from Georgia (Mr. LINDER). That is the reason I am a cosponsor of it, because of the complexity and the cost of complying with this type of system and how it treats people who pay tax far differently than it does those who do not pay tax. I am a strong supporter of the gentleman from Georgia's (Mr. LINDER) Fair Tax.

I have asked the chairman of the committee to let us hold some hearings on the Fair Tax. Let us see just exactly how it would be implemented and how it would change the makeup of the tax system in the United States and how that makeup today is far different from other nations and how, if we changed it, it would make us a lot more competitive in the world marketplace, which we need to be.

Just in the last couple of years we have lost over 2 million manufacturing jobs from this country to offshore, many of those U.S. companies who have moved offshore. I believe if we were to reform this tax system we would see a lot of those companies maybe change their mind and relocate back here or at least change the mind of some of those who want to relocate offshore.

I kind of like the idea that they bring all of this rhetoric to the floor of the House of Representatives and expose the fact that we have a very complicated, complex tax system that treats people who actually get out and work every day and take a risk and invest and try hard to provide for their families, but yet some of their funds are taken from them and transferred to people who do not have a tax liability because some of them do not have enough income or they have a far larger family than the income requirements for the tax liability.

So I appreciate the fact that they will bring this type of information to the floor and this type of rhetoric. It just fuels the fire of the gentleman from Georgia's (Mr. LINDER) Fair Tax bill that I am a strong supporter of and would like to see the House Committee on Ways and Means address it with hearings.

I thank the chairman of the committee for yielding me time.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to quote what the President's spokesman said about what the President wanted.

He, the President, wants to sign that legislation and hopes that the Congress will get it to him quickly. He believes what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it.

He said that on June 9. Now, that is what the effect of this motion is, and that is what the President wants.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for her leadership on this and look forward to once again passing this motion to instruct.

We actually on this side of the aisle take these motions to instruct very seriously. We think they do have some meaning or at least should have some meaning to the conferees, and I am disappointed to hear that the chairman of the Committee on Ways and Means thinks that you can just throw away this kind of vote. It does not matter that the majority of people on this floor voted for it.

I brought a picture of the Johnston family. I have introduced the Johnstons to this Chamber before, but I think a lot of people have forgotten about them. Particularly the Republican majority has forgotten about them. This is a family that would benefit from the full thousand dollar child credit but will not be getting any check on July 25 when those checks go out, the same day, by the way, that we are scheduled to recesses for our August break.

I would suggest that the child tax credit is something we should not go home without. We should not go home without it. We have just a few days. And, again, the chairman of the Committee on Ways and Means suggests that we are just not serious, that the July 18 date that we have in here could not be done, and all of us know that we could do it instantly. We could do it tonight. We could do it tomorrow. We could do it in a few minutes, just the way the Senate did.

I think we ought to do a little look back at the real history of what happened here.

The Senate had the child tax credit in their Jobs and Growth Bill, a $350 billion tax relief bill, most of which went to the wealthiest. No, it is true the House did not. But when the negotiation came on this big tax break mostly for millionaires, how, when that negotiation took place, it looked like, uh-oh, we have exceeded the $350 billion mark. Somebody is going to have to be thrown over the side.

The Vice President of the United States, who, by the way benefitted to the tune of about $116,000 in tax relief in one year from that bill, this family would have to work approximately over 5 years to just meet what the tax cut was for the Vice President, he said, somebody has to go. We cannot provide all of this tax relief.

And guess who went? Twelve million children, including this adorable baby, over a million children of veterans and other people in the military who are not going to get their full thousand dollar child tax credit, 6.5 million working families who earn a huge sum of money, between $10,500 and $26,625 per year, not nearly what the Vice President will make in just his tax break.

We say in this Chamber all the time how much we value work. This is a working family. The working families we talked about, health aides, teacher aides, security guards, they take care of our parents and our children. Those are the families who are not going to get it.

This is a very simple matter. You do not have to be a rocket scientist or an actuary or know math to figure out this is the kind of family who would benefit who is not going to because the Republican majority said no.

But we value work. Somehow, though, the kind of work we value most is cutting open envelopes and taking out dividend checks, not the kind of work that people do 40 hours a week taking care of children, taking care of seniors, serving in our military, putting their lives on the line. We should vote and mean it for this motion to instruct.

Mr. THOMAS. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. SIMMONS). The gentleman from California (Mr. THOMAS) has 11½ minutes remaining. The gentlewoman from Connecticut (Ms. DELAURO) has 18 minutes remaining.

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I would like to commend my colleague from Connecticut for bringing this motion to instruct conferees.

I speak as a new Member of the House of Representatives. I know that all of us take the oath of office to represent and do our due diligence of representing our districts. Yet the Republican tax plans to me are devastating to people working in my district. Every city in my district in California, every city has lost jobs since President Bush took office. Believe it or not, the number of unemployed has increased more than 30 percent in 2 years in most of my cities; and in one city alone, the city of South El Monte, the unemployment rate is 10.8 percent. It started out 2 years ago at about 9. Now it is at 10.8. And the Republicans call cutting taxes for rich trickle-down economics?

The only thing trickling down to my community is a headache and budget cuts. The $450 billion deficit that has accumulated since the President took office is trickling down to States and communities like mine, and it all adds up to a lot of bad news for working class people. Local taxes have increased, job losses, cuts to school budgets, cuts in health and first responder services and an inability to deal with our environmental issues and problems like the quality of air and water.

The burden of these cuts are hitting hard working-class families like those in my district, and it is shameful that the main beneficiaries of the Republican tax cuts are the millionaire friends of the folks on that aisle. Republicans found $90 billion to give to 200,000 millionaire families. They got $93,500 in tax breaks. Yet 47 percent of Californians, that is almost half, will get a total cut of less than $100; and 28 percent in California will get absolutely nothing. Nada.

Tax breaks for millionaires will not make it in my district because I do not even have a millionaire that lives in my district. They all make below $200,000 a year.

To add insult to injury, the last-minute changes made by the Republicans will also prevent families in the area of $10,500 to $26,625 who have 11.9 million children from receiving child tax credits.

Democrats did offer an economic stimulus plan with an immediate increase in the child tax credit, marriage penalty relief for all, and the expansion of the 10 percent tax bracket. Democrats tried to put money in the pockets of people who earn it; and, as usual, we were stifled.

We demand to see this restored tax credit for our families, and I would urge my colleagues to support this motion to instruct conferees.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, apparently it is necessary to repeat once again the House has acted. We are on record to send a check out to these people, not just between now and the next election but every year this decade, every year this decade. Someone may wonder why we are saying that this also should go out to people who make $150,000 a year. That was in the Senate measure that they are asking us to support. Of course, if you read the fine print it turns out it only goes out to families making $150,000 in 2010. So when you combine sending it out to families who make $150,000 in one year, 2010, and you provide $1,000 only between now and the next election, you realize exactly what is going on.

What we did in this House was say to those people who we think are entitled to a check should have a check every year for the rest of this decade. And if it is worthy of giving someone $150,000 in 2010, it is worthy to do it this year and every year. After all, $150,000, if you are an elementary school teacher in New York and your husband is a fireman who responded on 9–11, $150,000 is about what they earn. It is not the rich.

You will hear repeated over and over again, we built a tax program for the rich. An elementary school teacher in New York City and a fireman in New York City, ask them if they are rich. Ask them if offering the $150,000 only in the last year, 2010, and offering the child credit only between now and the next election is not politics. Let them decide who is offering policy.

Our position, every year for the rest of the decade; $150,000 for the rest of the decade; $150,000 in 2010; the thousand dollar child credit between now and the next election. I think that family will sit around the kitchen table and say, we know who is playing politics.

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois (Mr. WELLER) for purposes of control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from California (Chairman Thomas) laid this out very accurately. Tonight is all about politics. I remember when I was elected in the class of 1994 I campaigned on creating the child tax credit which was a centerpiece of what was called the Contract with America at the time. And I remember many of those that are now somehow laying claim to the child tax credit were the same ones in 1995 who criticized the child tax credit somehow as a tax break for the rich.

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So it is the same well-worn-out, tired, partisan rhetoric that we hear from the other side.

One of the things I hear from my colleagues is they always like to somehow make everyone a victim. They always say that someone's going to get hurt. Let us think about who gets hurt if the Democrats prevail: poor people who have their child tax credit raised from $600 to $1,000, who right now qualify for the earned income tax credit. If Democrats have their way, it is only there for 1 year. Then they take it away at the end of 2004; and if the Democrats have their way, married couples, for example, who suffer from a marriage tax penalty in the child tax credit will suffer as well.

As the gentleman from California (Mr. THOMAS) pointed out, we eliminated the marriage tax penalty in the child tax credit in the legislation we passed out of the House. The version they support, we do it in not 10 years, but we eliminate the marriage tax penalty. We want to eliminate it for the decade so it is in effect right now and stays there rather than waiting a decade for, as the Democrats would want to do, to eliminate the marriage tax penalty. Again, by eliminating the marriage tax penalty, we say if a person makes $75,000, they qualify, as they would today, for the $1,000 tax credit; and if they make twice what a single person makes, which is $150,000, and that is a good income, but as the chairman pointed out, that is what a schoolteacher in New York City and a fireman in New York City who are married, a combined income, make, and they are denied the child tax credit under what the Democrats would like to do. We want to eliminate the marriage tax penalty right now.

We also, under our legislation, make the child tax credit available for the entire decade. I mentioned that earlier, and one other group that I think it is important for us to note is that if the Democrats have their way, our military men and women who would benefit from the House-passed tax relief targeted to our military families, many of whom have loved ones engaged somewhere in the Middle East, in Afghanistan, Iraq or elsewhere, the Senate, as my colleagues know, has not yet passed that legislation. We feel it should have been done not yesterday but months ago that we should have passed that legislation. That was coupled with the bill that passed the House of Representatives. Again, if the Democrats had their way, our military men and women who would benefit from the package of targeted tax relief to help our military men and women in Iraq and Afghanistan would be hurt, to use a Democrat's term.

So those are some of the victims out there. The victims, of course, are low-income families who have the child tax credit increased from $600 to $1,000 but immediately so, but it would only be there for 1 year. So it would be taken away from them.

Second, under the Democrat plan, we would not eliminate the marriage tax penalty for those who could benefit from the child tax credit. We want to do it immediately. They want to do it essentially 10 years from now.

In particular, we are also trying to help our military men and women, those in Iraq and Afghanistan and elsewhere, who are risking their lives today by ensuring that they get the tax relief, the help that we promised them months ago, unfortunately which other body has not yet passed. We think that needs to be done as well.

One thing we want to make clear. In this House, we Republicans want to ensure that all children who should qualify benefit from the child tax credit. As my colleagues recall, the Bush tax credit, the same children who they claim to be trying to help right now were already provided $1,000 tax credit. It was phased in. We agree that it needs to be increased. We want to increase it for the entire decade. We want to eliminate the marriage tax penalty for the child tax credit, and we also want to help our Armed Forces currently in Iraq and Afghanistan with tax relief they should have received months ago; but unfortunately, for whatever reason, it has not yet been passed by Members of the Senate.

Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

The gentleman's premise, and we have heard the chairman also say, gee, we want to do this, we want to help these children, we want to help these 12 million children, we want to help these 6.5 million families. Gee, we cannot do it unless we do it all, and the Senate will not pass our bill.

What precludes my colleagues from doing it all and doing it now as well? I suggest to the gentleman, nothing. The President of the United States, President Bush, asked my colleagues to do the Senate bill, do it now so we can get money into the hands of these families now, not at some theoretical future date.

Mr. Speaker, at 6:39 tonight it was 33 days exactly since the House appointed conferees to the House-Senate conference committee on legislation to increase the child tax credit for those 6.5 million families and those 200,000 servicemen and -women that the Republicans say they want to help, but only if we help them for 10 years. Nothing precludes them from helping now and helping later.

Thirty-three days, Mr. Speaker, and still no movement by Republicans on the fundamental issue of fairness that the President asked them to respond to. The President, not Democrats, President George Bush, the President of the United States, said pass the Senate bill; but the majority party has turned a deaf ear to the President on this issue. Selective hearing.

In fact, on June 12 when this House GOP passed a fiscally irresponsible $82 billion bill that will cost $800 billion in the years after 2013 that included the child tax credit, rather than accept the Senate version costing $3.5 billion, now they really do not care about deficits, they have blown a hole in the surplus they inherited, the largest surplus in the history of our country and have turned it into the historically highest deficit in the history of our country in less than 30 months. That is one heck of an accomplishment, a bad one.

They hoped to kill this bill. That is why they did not pass the Senate bill. They said, oh, we want to do it all, knowing full well that they could not do it because, as the gentlewoman said, the reason they cut out these families was because they could not afford it; but yet they think they can afford $82 billion. They cut out 3.5 billion. Great math on that side.

Thirty-three days, Mr. Speaker, and still America waits for the GOP to summon a sense of fairness for these 12 million children who were deliberately and consciously and specifically left out in the cold by conferees on the Republican tax bill because their parents have low income. The clock is still ticking, but there is still time to do what is right for these families.

The gentleman from Illinois said we could do it tonight. Our side of the aisle will give unanimous consent for my colleagues to take the Senate bill, pass it tonight, pass it tonight without change and send it to the President, and the President can sign it tomorrow morning so that on July 25, those working families, the families that are having the toughest time in America, will have some help.

I had some school supplies in my office the other day. We took it off the Internet, matter of fact today off the Internet, the suggested school supplies for going back to school in September, $220. This tax cut, if we paid it on July 25, could take care of those school supplies for those families.

Pass it, pass it now. Do not dissemble; do not delay.

Mr. WELLER. Mr. Speaker, I would like to inquire how much time remains on each side.

The SPEAKER pro tempore (Mr. SIMMONS). The gentleman from Illinois (Mr. WELLER) has 4 minutes remaining. The gentlewoman from Connecticut (Ms. DELAURO) has 11 minutes remaining.

Mr. WELLER. Mr. Speaker, I believe I have the right to close, being in the majority.

The SPEAKER pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) has the right to close.

Mr. WELLER. She has the right to close, pardon me. I reserve the balance of my time to allow her to use up some more of her time.

The SPEAKER pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) is recognized.

Ms. DELAURO. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Mrs. JONES), a member of the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, as of February this year, I too serve on the Committee on Ways and Means; and I am so happy to have the opportunity to sit there, and tonight I rise in support of the motion to instruct conferees to take action on the child tax credit by this Friday, as my colleague from Connecticut (Ms. DELAURO) has urged.

I heard the chairman of the Committee on Ways and Means say, have it happen by Friday, how could that be? Contemplate that almost every piece of significant legislation that has come before this Congress in the last few months gets to the Democratic Party on the morning that the legislation is debated, hundreds of pages. We are required to go through hundreds of pages. Surely this Congress could go forward and take care of this issue by Friday.

The other thing that was so amazing to me was the discussion about politics. Give me a break. The politics of everything we have done in the last few months looms large.

The reason we dealt with the prescription drug benefit before July 4 was because the President instructed them to do that, and it was political because he needed to have that done.

The reason we dealt with a tax cut was on the President's instruction, and it was political because he needed to pay back all the people who supported his campaign.

The reason that the children, in this instance, were left out was political because there was only $400 million set aside for the tax cut; and the poor, the poor folks in this country were put aside in the name of the rich in this country.

It is just a shame that we would have to sit here and talk about an issue and call the most important issue for many working families in this country rhetoric and that this motion has no significance; but the motion was significant enough to bring the chairman of the Committee on Ways and Means, the motion was significant enough to bring the gentleman from Ohio (Mr. PORTMAN), who has a relationship with the President, the motion was significant enough to bring the gentleman from Illinois (Mr. WELLER) down here to debate against us. It is significant and they know it, and that is why they are down here on the floor debating us.

I say that it would be wonderful if on July 26 when those checks went out that the checks would go out to families who need it the most. In my State, the State of Ohio, 147,000 people have lost their jobs since 2001. Surely those working folks would like to be able to say I paid income tax in 2001 and 2002, give me a job, I would pay income tax. Unfortunately, as a result of the proposed 2001 tax cut that did not boost the economy, 147,000 people in the State of Ohio have lost their jobs.

I could go on and on about this issue, but I have colleagues here in the audience who would like to say something about the issue. Give me a break. It is political, it is political, but we are being political on behalf of working folks. I seek opportunity to yield back my time to give some other Members of this House an opportunity to be heard on the issue. Before I do that, let me say one more thing.

It is significant that many of the minority children in this country will not be given an opportunity to get dollars, 2.4 million African American children, 4.1 million Latino children. Overall, it is almost one in six children that will not get a benefit because this Republican Party has delayed, delayed, delayed.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ), the chairman of the Hispanic Caucus.

Mr. RODRIGUEZ. Mr. Speaker, I rise tonight because some of my colleagues have stood here on the House floor and stated they believe that working families who earn less than $26,000 do not deserve a tax relief. Shame on them.

I stand before my colleagues today to speak to those people who are blocking the efforts to extend this child tax credit for low-income working families throughout this country, to let them know that their actions are affecting some of the hardest-working mothers and fathers in our Nation.

The Bush tax cut left behind thousands of hardworking south Texans and Americans. Many jobs, good jobs, just do not qualify my constituents for tax relief.

Let me look at some of these examples. We have child care workers who make roughly $13,000 starting salaries, fast-food cook workers who make $13,000, waitresses who make $14,000, food preparers and servicers who make $14,000, preschool teachers who start at $13,000.

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Ms. DELAURO. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMMONS). The gentlewoman from Connecticut (Ms. DELAURO) has 6½ minutes remaining, and the gentleman from Illinois (Mr. WELLER) has 4 minutes remaining.

Ms. DELAURO. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank my good friend and colleague, the gentlewoman from Connecticut (Ms. DELAURO), for yielding me this time and for taking the leadership on this issue.

A number of folks on the other side of the aisle mentioned people who did not pay taxes. I agree with them. It is very important that people pay taxes. That is why I am struck by the lack of compassion for the fact that Enron, for 4 out of 5 years with record profits, never paid a single corporate income tax, yet was the recipient of $250 million worth of export-import loans, or corporate welfare. I do not see anybody shedding any moral indignation about Enron not paying corporate taxes for 4 out of 5 years.

WorldCom, which recently declared bankruptcy and defrauded many of its shareholders, recorded $12.5 billion in profits, and yet 2 out of 3 years never paid any corporate taxes. Yet on this side not a voice is raised out of concern for the fact that corporations who have not paid taxes get many tax credits and benefits. They pay no incomes taxes, and yet they continue to receive taxpayer-funded government contracts, whether that be MCI or Enron.

Exxon Mobile recently reported, if I am not mistaken, $12.3 billion in their quarterly income, yet received a $25 billion tax credit. To do what? Drill for oil. I thought that was what their business was. I thought that was what they were supposed to do. I did not know taxpayers are supposed to subsidize what they are supposed to do for business. That is in their business plan and in their own quarterly reports of what they do, yet they reported quarterly profits. But this Congress provides them a tax cut.

So is there politics? My colleague is right. There are politics. Do people not pay taxes and yet get corporate benefits and get government benefits? Yes, they do, and the taxpayers pay for them all the time.

In The New York Times about 3 weeks ago I noticed that the taxpayers of the United States were paying Iraqi citizens $20 a day to not show up for work. Now, I come from Chicago, and my good friend from Illinois comes from the suburbs of Chicago, but we both know something about no-show jobs. In Chicago, we think we wrote the book on no-show jobs. But $20 a day for a no-show for an Iraqi citizen, well, the taxpayers of the United States are paying those people $20 who do not show up for work. That can make a ward committeeman in Chicago a little jealous.

That is over $1,000 in the last 3 months since the war ended. That Iraqi gets $1,000, yet American citizens, 12 million children, do not get a child tax credit. Their parents cannot buy their school supplies as they get ready to go back to school.

So I think there is a great deal of irony, and, if I may say, a great deal of policy that my colleagues would provide Iraqis $20 a day for not showing up for work, yet the men and women who are over there in uniform, making us proud, their children will not get the full tax credit. I do not know if that is policy or politics. I do not know what to call that, except that it is shameful.

So as we begin to think about what we are going to do here, the motion to instruct here would provide us the opportunity to move on this.

And I would like to remind people of one other point today. In front of the Committee on Financial Services, Chairman Greenspan spoke, and he talked about one of the reasons he thought the economy was taking off the second half of this year. One of two reasons he provided was that we had a child tax credit that would put money in the pockets of middle-class families, and he lauded the child credit. He saw it as a good thing. We asked him if he thought it would be helpful to the economy if working middle-class families got it. He said he did.

Now, I know that periodically we selectively use Chairman Greenspan's words around here, but he lauded the child tax credit, and he lauded its ability to stimulate the economy. We would hope that since President Bush has asked us to get this done and Chairman Greenspan has talked about the value of this to working families and since our colleagues have decided to provide $20 a day to Iraqis, I would hope that we would give that same consideration to American taxpayers who do show up to work.

Lastly, Mr. Speaker, I would like to correct a factual point that my good friend from Illinois made, and that is the original voice behind the $500 per child tax credit was the Gore-Downey legislation. And the President of the United States who signed the $500 per child tax credit into law was President Clinton in 1997 in the Balanced Budget Agreement. Now, there was a piece of that in the Contract With America, but the first child tax credit idea was the Gore-Downey $500 tax credit. It became law in 1997 and was part of President Clinton's budget.

I would not want that to get in the way, and it might have been in the Contract With America, and I am glad he ran on it, and there should be bipartisan agreement on that rather than disagreement on that. I would hope that we could do that. We are willing to give our colleagues the right to get it done right now, to adopt the Senate provision. We would like to be the voice for those 12 million children who do not get the tax credit as other children would. I hope my colleagues will see the economic benefits of that and see that it gets accomplished.

Mr. WELLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I always enjoy my good friend from Illinois, the former member of the Clinton administration, but I would point out again that it was a Republican Congress that passed the $500 per child tax credit. He is right. President Clinton did sign it in the Balanced Budget Agreement that was passed by a Republican Congress, but I would note that it was the centerpiece of the Contract With America, the child tax credit; and many of my friends on the other side of the aisle again called the child tax credit a tax cut for the rich because they would rather spend the money here in Washington.

We have heard a lot of rhetoric tonight, and it has all been political. That is what this exercise is all about, rhetoric and name calling. But so much of it is not true.

It is often asked, who benefitted from the Bush tax relief package? Who benefitted from the jobs and economic growth package? Well, in my State of Illinois, the average tax-paying family will see lower taxes, or what we like to call higher take-home pay of about $1,000. And if they are married couples, they see an elimination of the marriage tax penalty.

Three million Illinois children are already benefitting from the doubling of the child tax credit to $1,000. It will be a big help to millions of Illinois families. Again, if you pay income Federal income taxes, you benefit, and millions of low-income taxpayers are no longer on the tax rolls thanks to this package.

One other example of someone who benefits from the package that was just signed into law by President Bush is Jose and Magdalena Castillo of Joliet, Illinois, a couple of construction workers. They work hard in Joliet.

They have two children, Eduardo and little Carolina, and they suffered from the marriage tax penalty. Under the provision that eliminated the marriage tax penalty for couples like Jose and Magdalina, they see about $1,400 in benefit. Think about that. That is a couple of semesters worth of tuition at Joliet Junior College. It is several months worth of day care at a local day care center. It is several months worth of car payments. It is probably 2 months worth of house payments for Jose and Magdalina. They benefit.

They also benefit from the legislation we passed out of this House because they benefit from the child tax credit. Under the legislation the House passed, we extend the child tax credit for Jose and Magdalina Castillo through the end of the decade.

The Democrats, of course, want to take that away at the end of 2004, once the election is over with. Well, we want to honor our commitment and keep our commitment, and many of us believe that we should make the elimination of the marriage tax penalty and the doubling of the child tax credit permanent forever. That is a separate debate, but the House-passed bill, which my Democratic friends oppose, extend it at least to the end of the decade so families can make plans.

If the Democrats had their way, Magdalina and Jose Castillo, for each of their two children, would lose that $1,000 tax credit. In that case, it would cost that family $800 in higher taxes for Jose and Magdalina Castillo, if my Democratic friends had their way. That is why it is so important to oppose what the Democrats are proposing today and that is to take away the tax credit from Jose and Magdalina Castillo.

That is why I strongly support what the House passed with bipartisan support, legislation to extend it through the end of the decade so families like Jose and Magdalina Castillo can make plans.

The second thing is that we eliminate the marriage tax penalty. I thought the gentleman from California (Mr. THOMAS) laid it out very well, because he pointed out that, under the House-passed bill, which my Democratic friends stand in opposition to, we eliminate the marriage tax penalty under the child tax credit. Right now, if you are a single person with a child, a single mom making up to $75,000, you can get the thousand dollar tax credit. However, if you are a married couple, you can only make up to $115,000. Who gets hurt?

Mr. Speaker, I, of course, urge my colleagues to vote in bipartisan opposition to the Democrats wanting to take away the child tax credit and also their efforts to oppose our efforts to eliminate the marriage tax penalty and the child tax credit.

Ms. DELAURO. Mr. Speaker, I yield myself the balance of my time.

This body did pass a motion identical to the one that we are debating tonight. It instructed the conferees to provide the 6.5 million families with the same tax credit given to other families, extending that tax credit to families of military personnel serving in Iraq. It was an overwhelming vote, a bipartisan vote, 205 to 201. But I guess what the chairman of the Committee on Ways and Means said is right, the Republican majority does not care about the will of the majority of this House and what we are talking about.

The House GOP bill contains bad news for the children of 200,000 men and women who currently serve in Iraq and other combat zones. What we would do with this motion to instruct tonight is to help these military families, while what they had passed originally does not help those families.

Want to talk about playing politics? They passed what they did here because they knew there were no votes in the Senate and they would try to kill this piece of legislation, that they would not want to do something for those 12 million children who are not going to get the benefit of the child tax credit. That is playing politics.

When they say that in fact they will do nothing, that we do not have time for a conference, well, we could call that conference, as has been said here earlier tonight, in a heartbeat. We could vote on it tomorrow. We could do what the President of the United States has said we ought to do. We could do what the Senate has done and what he believes is the right thing to do, a good thing to do. And he wants to sign it.

I ask the President of the United States to please call on his leadership in the House of Representatives and in the United States Senate to come together in a conference. He should use his moral authority, use the bully pulpit to do something for 12 million children whose families work hard every single day to allow for their success.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. DELAURO. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

UNITED STATES-SINGAPORE FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–100)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and the Committee on the Judiciary and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Singapore Free Trade Agreement (FTA). The Agreement will further open Singapore's markets and increase competition and consumer choice. This is America's first FTA with an Asian-Pacific nation, and we hope it will serve as a benchmark for future free trade agreements with other nations in the region. The Agreement will enhance prosperity in the United States and Singapore, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the "Trade Act"). The Congress can help us take another important step by approving this Agreement and the implementing legislation. Without this Agreement, U.S. workers and businesses could be placed at a competitive disadvantage, because Singapore has signed or is currently working on free trade agreements with Japan, Canada, Australia, Mexico, and India.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. The Agreement locks in tariff-free access for all U.S. goods, including textile and agriculture products, and addresses other barriers to trade. It opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Through this FTA, Singapore will grant substantial additional market access to U.S. firms across a broad spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications. The Agreement also incorporates commitments on regulatory transparency that will be of special help to services business.

This Agreement provides state-of-the-art intellectual property protection, including significant commitments on trade in digital products. It ensures that electronic commerce will stay free of duties and discriminatory rules. In addition, Singapore will accede to international treaties dealing with copyright and access issues for the Internet.

United State citizens and businesses that invest in Singapore will have significant increased protections. This Agreement enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Singapore will provide U.S. investors with important substantive protections that Singaporean investors already enjoy in the United States.

Singapore and the United States have also agreed to cooperate on the environment and labor issues and to establish mechanisms to support those efforts. The FTA obligates each country to enforce its own labor and environmental laws and makes clear that domestic labor or environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Singapore is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic, security, and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003.*

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2691, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington (during the DeLauro Motion to Instruct conferees on H.R. 1308), from the Committee on Rules, submitted a privileged report (Rept. No. 108–209) on the resolution (H. Res. 319) providing for consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2122, PROJECT BIOSHIELD ACT OF 2003

Mr. HASTINGS of Washington (during the DeLauro Motion to Instruct conferees on H.R. 1308). Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 2122; that the bill be considered as read for amendment; that in lieu of the amendments recommended by the Committee on Government Reform and the Select Committee on Homeland Security now printed in the bill, the amendment in the nature of a substitute I have placed at the desk be considered as adopted; that all points of order against the bill, as amended, be waived; that the bill, as amended, be debatable for 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, and 15 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and that the previous question be considered as ordered on the bill, as amended, to final passage, without intervening motion, except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Project BioShield Act of 2003".

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

"SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING QUALIFIED COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

"(a) IN GENERAL.—

"(1) AUTHORITY.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

"(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) against a chemical, biological, radiological, or nuclear agent that may cause a public health emergency affecting national security.

"(3) INTERAGENCY COOPERATION.—

"(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

"(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant, contract, or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, or supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant, contract, or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

"(5) TRANFERS OF QUALIFED COUNTERMEASURES.—Each agreement for an award of a grant, contract, or cooperative agreement under section 319F(h) for the development of a qualified countermeasure shall provide that the recipient of the award will comply with all applicable export-related controls with respect to such countermeasure.

"(b) EXPEDITED PROCUREMENT AUTHORITY.—

"(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR QUALIFIED COUNTERMEASURE PROCUREMENTS.—

"(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

"(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

"(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

"(2) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

"(A) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

"(B) RELATION TO OTHER AUTHORITIES.—The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

"(C) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this paragraph in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

"(3) INCREASED MICROPURCHASE THRESHOLD.—

"(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

"(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

"(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

"(4) REVIEW.—

"(A) REVIEW ALLOWED.—Notwithstanding any other provision of law, including subsection (f), review of a contracting agency decision relating to a procurement described in paragraph (1) may be had only by filing a protest—

"(i) with a contracting agency; or

"(ii) with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code.

"(B) OVERRIDE OF STAY OF CONTRACT AWARD OR PERFORMANCE COMMITTED TO AGENCY DISCRETION.—Notwithstanding any other provision of law, the following authorizations by the head of a procuring activity are committed to agency discretion:

"(i) An authorization under section 3553(c)(2) of title 31, United States Code, to award a contract for a procurement described in paragraph (1) of this subsection.

"(ii) An authorization under section 3553(d)(3)(C) of such title to perform a contract for a procurement described in paragraph (1) of this subsection.

"(c) AUTHORITY TO EXPEDITE PEER REVIEW.—

"(1) IN GENERAL.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

"(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

"(B) the amount of which is not greater than $1,500,000.

"(2) SUBSEQUENT PHASES OF RESEARCH.—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant, contract, or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant, contract, or cooperative agreement.

"(d) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—

"(1) IN GENERAL.—For the purpose of performing, administering, or supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

"(2) FEDERAL TORT CLAIMS ACT COVERAGE.—

"(A) IN GENERAL.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

"(B) EXCLUSIVITY OF REMEDY.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

"(3) INTERNAL CONTROLS TO BE INSTITUTED.—

"(A) IN GENERAL.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

"(B) DETERMINATION OF EMPLOYEE STATUS TO BE FINAL.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

"(4) NUMBER OF PERSONAL SERVICES CONTRACTS LIMITED.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

"(e) STREAMLINED PERSONNEL AUTHORITY.—

"(1) IN GENERAL.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

"(2) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

"(f) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions by the Secretary under the authority of this section are committed to agency discretion.".

(b) TECHNICAL AMENDMENT.—Section 481A of the Public Health Service Act (42 U.S.C. 287a-2) is amended—

(1) in subsection (a)(1)—

(A) by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(B) by inserting ", or in the case of the Institute, to any qualified public or private entity," after "private entities";

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (i)(1)";

(3) in subsection (d), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(ii) in subparagraph (A), by inserting "(or, in the case of the Institute, 75 percent)" after "50 percent"; and

(iii) in subparagraph (B), by inserting "(or, in the case of the Institute, 75 percent)" after "40 percent";

(B) in paragraph (2), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(C) in paragraph (4), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director";

(5) in subsection (f)—

(A) in paragraph (1), by inserting "in the case of an award by the Director of the Center," before "the applicant"; and

(B) in paragraph (2), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director"; and

(6) in subsection (i)—

(A) by striking "APPROPRIATIONS.—For the purpose of carrying out this section," and inserting the following: "APPROPRIATIONS.—

"(1) CENTER.—For the purpose of carrying out this section with respect to the Center,"; and

(B) by adding at the end the following:

"(2) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 and 2004.".

(c) ADDITIONAL AUTHORITY.—Section 319F of the Public Health Service Act (42 U.S.C. 247d-6) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

"(i) PRIORITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.—

"(1) IN GENERAL.—The Secretary, taking into consideration any recommendations of the working group under subsection (a), may initiate and sustain a program that results in the delivery of priority countermeasures for placement in the stockpile under section 319F–2.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.".

(d) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Section 2106 of the Public Health Service Act (42 U.S.C. 300aa–6) is amended—

(1) in subsection (a), by striking "authorized to be appropriated" and all that follows and inserting the following: "authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013."; and

(2) in subsection (b), by striking "authorized to be appropriated" and all that follows and inserting the following: "authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.".

(e) TECHNICAL AMENDMENTS.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) in subsection (a), by inserting "the Secretary of Homeland Security," after "Management Agency,"; and

(2) in subsection (h)(4)(B), by striking "to diagnose conditions" and inserting "to treat, identify, or prevent conditions".

(f) RULE OF CONSTRUCTION.—Nothing in this section has any legal effect on sections 302(2), 302(4), 304(a), or 304(b) of the Homeland Security Act of 2002.

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) ADDITIONAL AUTHORITY REGARDING STRATEGIC NATIONAL STOCKPILE.—

(1) TRANSFER OF PROGRAM.—Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh–12) is transferred from such Act to the Public Health Service Act, is redesignated as section 319F–2, and is inserted after section 319F–1 of the Public Health Service Act (as added by section 2 of this Act).

(2) ADDITIONAL AUTHORITY.—Section 319F–2 of the Public Health Service Act, as added by paragraph (1), is amended to read as follows:

"SEC. 319F–2. STRATEGIC NATIONAL STOCKPILE.

"(a) STRATEGIC NATIONAL STOCKPILE.—

"(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

"(2) PROCEDURES.—The Secretary, in managing the stockpile under paragraph (1), shall—

"(A) consult with the working group under section 319F(a);

"(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

"(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

"(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

"(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

"(F) ensure the adequate physical security of the stockpile.

"(b) SMALLPOX VACCINE DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

"(c) ADDITIONAL AUTHORITY REGARDING PROCUREMENT OF CERTAIN BIOMEDICAL COUNTERMEASURES; AVAILABILITY OF SPECIAL RESERVE FUND.—

"(1) IN GENERAL.—

"(A) USE OF FUND.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

"(B) SECURITY COUNTERMEASURE.—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) that—

"(i)(I) is against a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii);

"(II) is determined under paragraph (2)(B)(ii) to be a necessary countermeasure; and

"(III)(aa) is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

"(bb) is a priority countermeasure for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing after the date of a determination under paragraph (5); or

"(ii) is authorized under section 564 of the Federal Food, Drug, and Cosmetic Act for emergency use.

"(2) DETERMINATION OF MATERIAL THREATS.—

"(A) MATERIAL THREAT.—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

"(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

"(ii) determine which of such agents present a material threat against the United States population.

"(B) PUBLIC HEALTH IMPACT; NECESSARY COUNTERMEASURES.—The Secretary shall on an ongoing basis—

"(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

"(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

"(C) NOTICE TO CONGRESS.—The Secretary and the Homeland Security Secretary shall promptly notify the designated congressional committees (as defined in paragraph (10) that a determination has been made pursuant to subparagraph (A) or (B). Such notice shall be in unclassified or, if necessary, classified form.

"(D) ASSURING ACCESS TO THREAT INFORMATION.—In making the assessment and determination required under subparagraph (A), the Homeland Security Secretary shall use all information to which such Secretary is entitled under section 202 of the Homeland Security Act of 2002, including but not limited to information, regardless of its level of classification, relating to current and emerging threats of chemical, biological, radiological, and nuclear agents.

"(3) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

"(4) CALL FOR DEVELOPMENT OF COUNTERMEASURES; COMMITMENT FOR RECOMMENDATION FOR PROCUREMENT.—

"(A) PROPOSAL TO THE PRESIDENT.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a countermeasure would be appropriate but is either currently unavailable for procurement as a security countermeasure or is approved, licensed, or cleared only for alternative uses, such Secretaries may jointly submit to the President a proposal to—

"(i) issue a call for the development of such countermeasure; and

"(ii) make a commitment that, upon the first development of such countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

"(B) COUNTERMEASURE SPECIFICATIONS.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

"(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

"(ii) necessary measures of minimum safety and effectiveness;

"(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

"(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

“(C) PRESIDENTIAL APPROVAL.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the countermeasure involved—

“(i) the call for the countermeasure;

“(ii) specifications for the countermeasure under subparagraph (B); and

“(iii) the commitment described in subparagraph (A)(ii).

“(5) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR FUNDING FROM SPECIAL RESERVE FUND.—

“(A) IN GENERAL.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a ‘procurement under this subsection’).

“(B) REQUIREMENTS.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

“(i) The quantities of the product that will be needed to meet the needs of the stockpile.

“(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

“(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

“(6) RECOMMENDATION FOR PRESIDENT'S APPROVAL.—

“(A) RECOMMENDATION FOR PROCUREMENT.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (3) and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

“(B) PRESIDENTIAL APPROVAL.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

“(C) NOTICE TO DESIGNATED CONGRESSIONAL COMMITTEES.—The Secretary and the Homeland Security Secretary shall notify the designated congressional committees of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

“(D) SUBSEQUENT SPECIFIC COUNTERMEASURES.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

“(E) RULE OF CONSTRUCTION.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

“(7) PROCUREMENT.—

“(A) IN GENERAL.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

“(B) INTERAGENCY AGREEMENTS.—

“(i) FOR PROCUREMENT.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

“(ii) FOR ADMINISTRATIVE COSTS.—The agreement entered into between the Homeland Security Secretary and the Secretary for managing the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

“(C) PROCUREMENT.—

“(i) IN GENERAL.—The Secretary shall be responsible for—

“(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

“(II) promulgating such regulations as the Secretary determines necessary to implement the provisions of this subsection.

“(ii) CONTRACT TERMS.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

“(I) PAYMENT CONDITIONED ON SUBSTANTIAL DELIVERY.—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis. Nothing in this subclause may be construed as affecting rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to termination of contracts for the convenience of the Government.

“(II) CONTRACT DURATION.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

“(III) STORAGE BY VENDOR.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

“(IV) NON-STOCKPILE TRANSFERS OF SECURITY COUNTERMEASURES.—The contract shall provide that the vendor will comply with all applicable export-related controls with respect to such countermeasure.

“(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES.—

“(I) IN GENERAL.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

“(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

“(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

“(II) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

“(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

“(bb) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

“(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

“(iv) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

“(I) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase ‘available from only one responsible source’ in such section 303(c)(1) shall be deemed to mean ‘available from only one responsible source or only from a limited number of responsible sources’.

“(II) RELATION TO OTHER AUTHORITIES.—The authority under subclause (I) is in addition to any other authority to use procedures other than competitive procedures.

"(III) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this clause in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

"(v) PREMIUM PROVISION IN MULTIPLE AWARD CONTRACTS.—

"(I) IN GENERAL.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

"(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

"(bb) promises to pay one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

"(II) DETERMINATION OF GOVERNMENT'S REQUIREMENT NOT REVIEWABLE.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

"(vi) EXTENSION OF CLOSING DATE FOR RECEIPT OF PROPOSALS NOT REVIEWABLE.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

"(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

"(8) INTERAGENCY COOPERATION.—

"(A) IN GENERAL.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

"(9) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

"(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

"(B) administrative costs.

"(10) DEFINITIONS.—

"(A) SPECIAL RESERVE FUND.—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

"(B) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term 'designated congressional committees' means the following committees of the Congress:

"(i) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

"(ii) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

"(d) DISCLOSURES.—No Federal agency shall disclose under section 552 of title 5, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

"(e) DEFINITION.—For purposes of subsection (a), the term 'stockpile' includes—

"(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

"(2) a contractual agreement between the Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) STRATEGIC NATIONAL STOCKPILE.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

"(2) SMALLPOX VACCINE DEVELOPMENT.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.".

(b) AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the procurement of security countermeasures under section 319F-2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

"(b) SPECIAL RESERVE FUND.—For purposes of the security countermeasures program, the term 'special reserve fund' means the appropriations account established as a result of any appropriations made under subsection (a).

"(c) AVAILABILITY.—

"(1) INTEGRITY OF SPECIAL RESERVE FUND; LIMITATION OF OBLIGATIONAL AUTHORITY TO FUND PURPOSES; INTENT OF CONGRESS AGAINST REPROGRAMMING.—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013 and only for the specific purposes set forth in the security countermeasures program. It is the intent of the Congress that no portion of such amount that remains unobligated for such purposes shall be applied, through reprogramming or otherwise, to any other purpose.

"(2) INITIAL AVAILABILITY FOR PARTICULAR PROCUREMENTS.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

"(d) RELATED AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) THREAT ASSESSMENT CAPABILITIES.—For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated $5,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 104 of the National Security Act of 1947.

"(2) INTELLIGENCE SHARING INFRASTRUCTURE.—For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than December 31, 2003, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under subtitle A of title II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.".

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

"SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

"(a) IN GENERAL.—

"(1) EMERGENCY USES.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug, device, or biological product intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

"(2) APPROVAL STATUS OF PRODUCT.—An authorization under paragraph (1) may authorize an emergency use of a product that—

"(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

"(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

"(3) RELATION TO OTHER USES.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

"(4) DEFINITIONS.—For purposes of this section:

"(A) The term 'biological product' has the meaning given such term in section 351 of the Public Health Service Act.

"(B) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

"(C) The term 'product' means a drug, device, or biological product.

"(D) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

"(E) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

"(b) DECLARATION OF EMERGENCY.—

"(1) IN GENERAL.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

"(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

"(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

"(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

"(2) TERMINATION OF DECLARATION.—

"(A) IN GENERAL.—A declaration under this subsection shall terminate upon the earlier of—

"(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

"(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

"(B) RENEWAL.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

"(3) ADVANCE NOTICE OF TERMINATION.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

"(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

"(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

"(4) PUBLICATION.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

"(c) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

"(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

"(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

"(A) the product may be effective in detecting, diagnosing, treating, or preventing—

"(i) such disease or condition; or

"(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

"(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

"(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

"(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

"(d) SCOPE OF AUTHORIZATION.—

"(1) IN GENERAL.—An authorization of a product under this section shall state—

"(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

"(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

"(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

"(2) CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

"(e) CONDITIONS OF AUTHORIZATION.—

"(1) UNAPPROVED PRODUCT.—

"(A) REQUIRED CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

"(III) of the alternatives to the product that are available, and of their benefits and risks.

"(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

"(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

"(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

"(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(B) AUTHORITY FOR ADDITIONAL CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

"(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

"(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

"(2) UNAPPROVED USE.—With respect to the emergency use of a product that is an unapproved use of an approved product:

"(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

"(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

"(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

"(f) DURATION OF AUTHORIZATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

"(2) CONTINUED USE AFTER END OF EFFECTIVE PERIOD.—Notwitstanding the termination of the declaration under subsection (b) or a revocation under subsection (g), an authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

"(g) REVOCATION OF AUTHORIZATION.—

"(1) REVIEW.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

"(2) REVOCATION.—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

"(h) PUBLICATION.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

"(i) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

"(j) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect—

"(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

"(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

"(3) the authority of the Secretary under section 319F–2 to manage the stockpile under such section.

"(k) APPLICATION TO MEMBERS OF ARMED FORCES.—

"(1) WAIVER OF REQUIREMENT RELATING TO OPTION TO REFUSE.—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

"(2) PROVISION OF INFORMATION TO MEMBER OF THE ARMED FORCES.—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30 days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

"(3) EFFECT ON STATUTE PERTAINING TO INVESTIGATIONAL NEW DRUGS.—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

"(l) RELATION TO OTHER PROVISIONS.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization —

"(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

"(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

"(m) DISCRETION REGARDING USE OF AUTHORIZATION.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

"(n) ENFORCEMENT.—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.".

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) ANNUAL REPORTS ON PARTICULAR EXERCISES OF AUTHORITY.—

(A) RELEVANT AUTHORITIES.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to procedures other than full and open competition).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to procedures other than full and open competition).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS.—The Secretary shall annually submit to the designated congressional committees a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities; and

(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6) of the Public Health Service Act (as added by section 3 of this Act), a contract was entered into within one year after such approval by the President.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY.—The Secretary shall annually submit to the designated congressional committees a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW.—

(1) IN GENERAL.—Not later than four years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that the results of the study are submitted to the

designated congressional committees not later than five years after such date of enactment.

(2) CERTAIN CONTENTS.—The report under paragraph (1) shall include—

(A) a summary of the most recent analysis by the Department of Homeland Security and the intelligence community of the domestic threat from chemical, biological, radiological, and nuclear agents;

(B) the Academy's assessment of the current availability of countermeasures to address such threats;

(C) the Academy's assessment of the extent to which programs and activities under this Act will reduce any gap between the threat and the availability of countermeasures to an acceptable level of risk; and

(D)(i) the Academy's assessment of threats to national security that are posed by technology that will enable, during the 10-year period beginning on the date of the enactment of this Act, the development of antibiotic resistant, mutated, or bioengineered strains of biological agents; and

(ii) recommendations on short-term and long-term governmental strategies for addressing such threats, including recommendations for Federal policies regarding research priorities, the development of countermeasures, and investments in technology.

(c) GENERAL ACCOUNTING OFFICE REVIEW.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, procedures other than full and open competition, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the designated congressional committees not later than five years after the date of the enactment of this Act.

(d) REPORT REGARDING BARRIERS TO PROCUREMENT OF SECURITY COUNTERMEASURES.—

(1) BIOCONTAINMENT FACILITIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall jointly report to the designated congressional committees whether there is a lack of adequate large-scale biocontainment facilities necessary for the testing of security countermeasures in accordance with Food and Drug Administration requirements.

(2) ADDITIONAL BARRIERS.—Not later than one year after the date of enactment of this Act, such Secretaries shall jointly report to the designated congressional committees any other potential barriers to the procurement of security countermeasures that have not been addressed by this Act.

(e) STATUS OF PROGRAM FOR CHEMICAL TERRORISM PREPAREDNESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the designated congressional committees a report describing the status of the program carried out by the Secretary to enhance the preparedness of the United States to respond to terrorist attacks involving chemical agents.

(f) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "designated congressional committees" means the following committees of the Congress:

(1) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

(2) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations, are meaningfully aware of available research and development grants, contracts, cooperative agreements, and procurements conducted under sections 2 and 3 of this Act.

SEC. 7. RECOMMENDATION FOR EXPORT CONTROLS ON CERTAIN BIOMEDICAL COUNTERMEASURES.

Upon the award of any grant, contract, or cooperative agreement under section 2 or 3 of this Act for the research, development, or procurement of a qualified countermeasure or a security countermeasure (as those terms are defined in this Act), the Secretary of Health and Human Services shall, in consultation with the heads of other appropriate Federal agencies, determine whether the countermeasure involved in such grant, contract, or cooperative agreement is subject to existing export-related controls and, if not, may make a recommendation to the appropriate Federal agency or agencies that such countermeasure should be included on the list of controlled items subject to such controls.

SEC. 8. ENSURING COORDINATION, COOPERATION AND THE ELIMINATION OF UNNECESSARY DUPLICATION IN PROGRAMS DESIGNED TO PROTECT THE HOMELAND FROM BIOLOGICAL, CHEMICAL, RADIOLOGICAL, AND NUCLEAR AGENTS.

(a) ENSURING COORDINATION OF PROGRAMS.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall ensure that the activities of their respective Departments coordinate, complement, and do not unnecessarily duplicate programs to identify potential domestic threats from biological, chemical, radiological or nuclear agents, detect domestic incidents involving such agents, analyze such incidents, and develop necessary countermeasures. The aforementioned Secretaries shall further ensure that information and technology possessed by the Departments relevant to these activities are shared with the other Departments.

(b) DESIGNATION OF AGENCY COORDINATION OFFICER.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall each designate an officer or employee of their respective Departments who shall coordinate, through regular meetings and communications, with the other aforementioned Departments such programs and activities carried out by their Departments.

Mr. HASTINGS of Washington (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Washington?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. COLLINS (during debate on motion to instruct on H.R. 1308). Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

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UNITED STATES-CHILE FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–101)

The SPEAKER pro tempore (Mr. SIMMONS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Chile Free Trade Agreement (FTA). The Agreement will further open Chile's markets for U.S. manufactured goods, agricultural products, services, and investors. It will increase competition and consumer choice. The FTA will enhance prosperity in the United States and Chile, serve the interest of expanding U.S. commerce, and advance our overall national interest.

The U.S.-Chile FTA is the first United States free trade agreement with a South American country. We hope the FTA will add momentum to

Chile's continued implementation of the free market economic policies that have made Chile a model for its Latin American neighbors. This Agreement will also encourage other countries in the Western Hemisphere to follow Chile's path, furthering our efforts to establish a Free Trade Area of the Americas.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the "Trade Act"). The Congress can help us take another important step by approving this Agreement and the implementing legislation. United States workers and businesses are currently at a competitive disadvantage in the Chilean market. Chile is an associate member in Mercosur and has FTAs with many other countries, including Canada, Mexico, and the 15 members of the European Union. Securing an FTA with Chile will ensure that U.S. workers and businesses will receive treatment in the Chilean market that is as good as or better than their competitors.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. More than 85 percent of trade in consumer and industrial goods between the United States and Chile will be free of duties immediately upon implementation, and most remaining tariffs on U.S. exports to Chile will be eliminated within 4 years after that. More than three-quarters of U.S. farm goods will enter Chile duty free within 4 years and all duties on such goods will be phased out over 12 years. At the same time, the Agreement includes measures to ensure that U.S. firms and farmers have an opportunity to adjust to imports from Chile.

This Agreement opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Chile will grant substantial market access to U.S. firms across nearly the entire spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications.

This Agreement provides for state-of-the-art intellectual property protection and recognizes the importance of trade in the digital age by including significant commitments on trade in digital products. In addition, it ensure that electronic commerce will stay free of duties and discriminatory rules.

United States citizens and businesses that invest in Chile will have significant increased protections. This Agreement promotes rule of law and enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Chile will provide U.S. investors with important substantive protections that Chilean investors already enjoy in the United States.

The United States and Chile have also agreed to cooperate on environment and labor issues and to establish mechanisms to support those efforts. A number of important cooperative projects that will promote environmental protection are identified for future work. The FTA encourages the adoption of high labor and environmental standards, obligates each country to enforce its own labor and environmental laws, and makes clear that domestic labor and environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Chile is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003*.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BUSH ADMINISTRATION UNDERMINES ENVIRONMENTAL LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, from clean air and water to wetlands and global warming, this is an administration that is determined to ignore the most pressing environmental problems, dismiss good science that draws attention to these problems and undermine our most effective environmental laws that address those problems.

It is one thing for the Bush administration to break its promises on environmental issues such as regulating carbon dioxide, but every administration has a responsibility to provide Congress and the American people with sound science that is untainted by politics.

Unfortunately, it is becoming all too common for the Bush administration to compromise the independence and credibility of our government agencies by shelving and suppressing sound science if it does not fit their political agenda.

Most recently, this trend is evident in EPA's actions surrounding the administration's "Clear Skies" proposal which would weaken the Clean Air Act. Earlier this month the EPA intentionally hid data showing that a competing Senate clean air bill would provide far greater long-term health benefits at only a slightly higher cost. While EPA disclosed the cost associated with the Senate bill, it failed to disclose that the proposal would result in 17,800 fewer premature deaths annually than the administration's proposal.

This comes on the heels of last month's release of EPA's State of the Environment Report. The report, commissioned in 2001 by Administrator Whitman, was intended to provide the first comprehensive review of what is known about the various environmental problems, from air pollution to the state of drinking water supplies, where gaps in understanding exist and how we might fill them.

The White House directed a major rewrite of an assessment of climate change, removing references to health and environmental risks posed by rising global temperatures.

According to an EPA memo, the changes demanded by the White House were so extensive that the climate section no longer accurately represents scientific consensus on climate change and characterized the revised draft as an embarrassment to the EPA. If the changes are accepted, the staff memo said, the agency will take severe criticism from the science and environmental communities for poorly representing the science of climate change.

According to the EPA papers, the White House deleted from a summary under the heading of Global Issues the sentence, "Climate changes has global consequences for human health and the environment." A number of scientific reports have also raised those concerns.

The draft also removed the reference and a graphic to a 1999 study showing global temperatures had risen sharply in the past decade compared with the previous 1,000 years. Instead, it cites a new study partly sponsored by the American Petroleum Institute that disputed those findings.

The draft eliminated references to many studies, concluding that warming is at least partly caused by rising concentrations of smokestack and tailpipe emissions and could threaten health and ecological systems.

The White House deleted a National Research Council finding that various studies have suggested that recent warmings were unusual and likely due to human activities, although the same 2001 NRC report had been commissioned by the White House and endorsed by President Bush previously.

This is the second time in the past year that the Bush administration has censored information on global warming. Last September, an annual EPA report on air pollution that for 6 years had contained a section on climate was released without one. Administrator Whitman told the New York Times she was perfectly comfortable with the edited version.

However, the seriousness of climate change cannot be understated. The Intergovernmental Panel on Climate Change, a group of hundreds of scientists established by the United Nations in 1988 to assess global warming, concluded that global warming is real and will have serious consequences.

Their report, released in January, 2001, states that the Earth has warmed in the last century and that the majority of the observed warming is attributable to human activities, including fossil fuel-generated carbon dioxide emissions.

In late 2001, the National Academy of Sciences confirmed those findings.

This just shows that the administration is manipulating the EPA's formerly unbiased science for its political agenda in an effort to mislead the public.

We have spoken on this floor about the way in which the administration has manipulated data with regard to weapons of mass destruction in Iraq, how the administration has put pressure on the intelligence agencies to manipulate their objectively drawn and realized information in order to make it more accurately fit the administration's political agenda; and here we have an example of how the administration is doing the same thing with regard to important scientific considerations on the single most important global issue of our lives, the warming of the Earth's temperature and the ecological consequences, as well as the consequences on the health and safety of people in this country and around the world. It is time for this administration to be honest in its science and in its reporting to the American people.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to go out of order and claim the time allocated to the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PASS TRANSPORTATION EQUITY ACT FOR 21ST CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to discuss the importance of passing the reauthorization of the Transportation Equity Act for the 21st century.

Our transportation system has a direct and significant impact on the daily lives of all Americans. While the United States has benefited greatly from having a strong transportation network on which we can move our people and goods, we are approaching a crossroads.

My district in North Texas has experienced an increase in traffic over the last 3 decades. This is the direct result of unprecedented population growth, unprecedented employment growth, and underinvestment of Federal funds to this area. In many ways, this is a silent crisis, rarely recognized by residents until they find themselves in an unbearable commute to work or unable to make necessary connections between home, work and countless other activities that our busy lives demand.

In Texas, our identified transportation needs outstrip available funding three to one. Texas has several specific transportation needs such as seeking opportunities for increased funding, supporting international trade transportation and a more efficient environmental process, and expanding innovative financing techniques. I believe we must make the necessary investment to support our transportation future in Texas or we will sit in traffic and literally watch our transportation infrastructure deteriorate before our eyes to the point that it further impedes growth and economic development.

As a member of the Committee on Transportation and Infrastructure, I am working with the committee's bipartisan leadership and my other committee colleagues on the 6-year, $375 billion TEA-21 reauthorization proposal to fund highway and transit programs. Under the committee's proposal, Texas would receive an estimated $20.8 billion in highway funding over 6 years, which is an estimated $7.59 billion increase for Texas highway funding compared to current funding levels.

Furthermore, this proposal would stimulate job and economic growth throughout our great State, creating an estimated 93,000 new jobs in Texas over the next 6 years.

I believe Texas needs increased funding for its highway and transit programs. I have requested funding assistance to expedite the planning and construction of specific highways and transit projects to improve the lives of citizens, business owners and those transporting goods through Texas and throughout my congressional district. More funding will equate to better roads, better bridges and better transit facilities, less congestion and improved safety and infrastructure for commercial transportation.

I am committed to working with Federal, State and local officials during the TEA-21 reauthorization this year to address Texas' long-term needs. The House Committee on Transportation and the Infrastructure members and other interested parties will continue to work to produce a bill which adequately provides for our economic security, creates and sustains jobs, enhances safety, and continues to improve mobility for our Nation's citizens, especially those in Texas.

INDEPENDENT COMMISSION TO INVESTIGATE DISTORTION OF EVIDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, beginning tonight and for the rest of the evenings until we recess for our summer break, a number of us will be coming to the floor to read letters that have been written by ordinary Americans, letters that were sent to our districts and others in our States, letters and comments that were in response to an online petition by moveon.org which is a grassroots organization with more than 1.4 million members.

Here is the petition which moveon.org has online: "Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program."

Over 320,000 people signed this online petition, and many of them wrote comments. In Illinois, 3,621 people wrote comments, and I have copies of those. I am going to read some of them.

All of the people who wrote comments are supporting H.R. 2625 which was introduced by the gentleman from California (Mr. WAXMAN) to establish an independent commission to investigate intelligence claims that were made to the public by the administration to justify a preemptive war against Iraq.

All of the ones I am going to read tonight were written by either people in the service or service related or veterans of U.S. wars. This is the first I will read.

"My wife is with Freeport's 333rd MP Company. She has been overseas since late April. She has been on active duty since February 9. She has not slept in her own bed next to her own husband in 4 months and 6 days. We still have no idea when this nightmare can be over for us. We understand a call to duty for our Nation. We truly do. However, she did not join the National Guard with an open-ended deployment and a war zone in mind. None of them did. We always thought the Guard was for short deployments and emergencies only. She tells me that morale with her soldiers is extremely low. There are short tempers, long days, fear, crying soldiers, and no idea when it can be over for them. That is the root of our anguish. These people have been uprooted from their lives and jobs, and they answered that call, yet no one can answer their most-asked question: When can I go home?

"The average soldier is not a stupid order taker. We have a highly intelligent military, and they realize what is going on back home with the controversy around the evidence of weapons of mass destruction. I cannot speak for other soldiers, but it disturbs my wife deeply to think that she could be over there risking her life and living a daily heartbreak based on distorted testimony.

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It makes her feel like a pawn of political agenda, not an American doing good in the world. All of this together most certainly influences her ideas of retention. We need the truth, not someone's version of the truth, not some of the truth but all of the truth. And we need to know when we can be reunited to live our lives together."

That is Ron Macek, Rockford, Illinois.

This is another letter:

"I am a veteran and a former intelligence analyst who spent 3 years in the Middle East peering over Saddam's shoulder. It is always disturbing when political leaders distort intelligence information to justify pet policies. It discredits intelligence agencies and the analysts who dedicate their time and lives to protecting America.

"Good intelligence analysts are sure to express multiple possibilities for unexplained events. They are also careful to delineate between what they know and what they think. It is a mistake to turn an assessment into policy. It is a shame that some analysts will tell the administration what they want to hear just to appease leaders. An investigation into this matter will prevent this from happening again." John Laesch, Bloomington, Illinois.

"I am a veteran of both the Korean and Vietnam Wars. I have seen firsthand the price we pay when we commit blood and treasure into a foreign land. It is a terrible price that is never replaced. If there is the slightest suspicion that the war in Iraq was promoted under false pretenses, then we should know about it. Such an occurrence would be a terrible misuse of government resources and the American people's trust. I request that you support an independent commission to investigate the handling of this matter." Robert P. Harrison, Arlington Heights, Illinois.

"As a former Naval officer married to a retired Navy man and with a daughter currently serving in Qatar, I'm probably one of the last people you would normally see signing a petition of this nature. Nonetheless, here I am. I question this administration's motivations and feel that our Commander in Chief has a lack of respect and regard for those he has placed in harm's way in order to further a set of goals of his own. His taunt of 'bring it on' is unsettling on its own, but coupled with the increasing evidence that our involvement was ill-advised and based on purposely unsubstantiated or twisted evidence only serves to increase my belief that the administration has an agenda wholly divorced from our national best interests." Pamela Faulkner from Illinois. More tomorrow.

LETTERS FROM OHIO IN SUPPORT OF INDEPENDENT COMMISSION TO INVESTIGATE ALLEGED DISTORTION OF EVIDENCE OF IRAQ'S WMD PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, it is my pleasure to be here and share the concerns in their own words from my constituents in northeast Ohio and other constituents around the rest of the great State of Ohio. As the gentlewoman from Illinois said, the previous speaker, this was a petition that was signed by literally tens of thousands, perhaps hundreds of thousands of Americans. I have with me tonight letters that accompanied the signing of the petitions, almost 3,000 letters just from Ohio, just one State, almost 3,000 letters alone. The petition said Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction programs. There were hundreds of thousands of signatures and tens of thousands of letters. Let me share some of them from Ohio.

Reverend William Trego of West Jefferson, Ohio said:

"It is shameful that a Nation with the brilliant legacy of the United States would stand before the leaders of the world and present a case supported with distorted and at times outright false information. We were sold a bill of goods."

From Wadsworth, Ohio, Michael Kovack:

"As a mobilized reservist for Operation Iraqi Freedom, I implore you to create a committee to examine the basis for sending us into harm's way. We must ascertain how this happened and, if error is found, never allow it to happen again."

Tom Gentry Jr. of Akron, Ohio, in my district said:

"This is a scary time for our country. Never have we been in so much danger of violent attack from without and attacks on our liberty from within."

From Strongsville, Ohio, David Koch said:

"From the very beginning, the allegations about Iraq sounded too convenient and very fishy. Now it is widely coming to light that the Bush administration grossly exaggerated and fabricated many claims. When I tried to warn people at the beginning, I took the heat from friends and family who shunned me as an idiot. It is time for the truth about the Iraq war to be made known to the American public."

From Brecksville, Ohio, Aaron Clark wrote:

"The President used lies and half truths to convince the American people to go to war. This is serious and needs to be investigated without delay."

There are hundreds and hundreds, in Ohio 2,500 letters just like this; in Illinois, the gentlewoman from Illinois mentioned more than twice that number; in California and across the country, literally tens of thousands of letters like this.

From Cincinnati, Ohio, on the other end of the State, Mark Light writes:

"As an elected Representative to your constituents, it is your obligation to back any efforts that will lead our Nation to the truth regarding such important matters. The citizens of this country have every right to know the truth when their lives and resources are at stake. Any actions other than total support of an investigation are essentially efforts to hide the truth from our citizens."

George Hennigin from Akron, Ohio, in my district said:

"The philosopher Baruch Spinoza once wrote: It has been the one song of those who thirst after absolute power that the interest of the state requires that its affairs should be conducted in secret. But the more such arguments disguise themselves under the mask of public welfare, the more oppressive is the slavery to which they will lead. Better that the right counsels be known to the enemies than the evil secrets of tyrants should be concealed from the citizens. They who can treat secretly of the affairs of a nation have it absolutely under their authority; and as they plot against the enemy in time of war, so do they against the citizens in time of peace."

Roberta Hunter from Columbus, Ohio said:

"The truth has never hurt a democracy. Since there are so many unanswered questions, an investigation will not hurt. It will once and for all end the questions of Americans and of many people around the world."

From Strongsville, Ohio, Sandy Fronius, a constituent of mine in northeast Ohio, writes:

"I am just a typical middle-aged, middle-class American, and I am deeply concerned about the possibility that the young men and women of our Armed Forces were sent into danger for no good reason. If we were lied to, I believe Mr. Bush should be relieved of his office."

Jerry Lowe from Cincinnati:

"If you as my Congressman have nothing to hide, if the Republican Party has nothing to hide, if the Bush administration has nothing to hide, then I urge you to join the crusade for truth to which all public servants should subscribe. Your constituents are watching. Restore the faith of Ohioans and Americans in the dedication of our elected officials to seek the truth and serve our country with integrity."

There are literally hundreds of more of these in Ohio, thousands, tens of thousands more of these around the country. I think people are very concerned and want to see Congress pay attention to what really happened.

HEAD START REAUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, this week we will consider legislation that is of critical importance to our Nation's future, the reauthorization of Head Start. This legislation is a top priority for me and for all of my colleagues in the Congressional Hispanic Caucus, the Congressional Black Caucus, and the Congressional Asian-Pacific American Caucus. Today, Hispanics are the largest minority group in the United States. However, the Hispanic community has the lowest level of educational attainment of any community in the Nation. This educational attainment, this attainment gap, starts from early childhood where Hispanics are less likely to participate in preschool programs, opening an achievement gap even before the first day of kindergarten begins. The gap expands through elementary school, where Hispanic students are more likely to be held back; increases in high school where they are more likely to drop out; and continues to widen in college where they are less likely to attend a 4-year college and less likely to obtain a college degree.

The upcoming reauthorization of the premier early childhood education program, Head Start, presents us with an opportunity to close that gap for Hispanic and low-income children. This should be a time of hope and optimism for our community. Sadly, it is just the opposite. The majority's plans for the Head Start program are a great source of anxiety for the Hispanic community.

Mr. Speaker, I include for the RECORD a recent article dated July 14, 2003, from the Fort Worth Star-Telegram entitled, "Hispanics Worry About Head Start Proposal."

For over 35 years, the Head Start program has enjoyed great success in meeting the comprehensive development needs of low-income children. Head Start programs achieve school readiness for these children through a holistic approach and intense parental involvement. The range and intensity of services is assured because of national program standards. Sending the program to the States would fatally undermine these national standards, jeopardizing access to the comprehensive services that make Head Start effective in serving low-income children and their families.

Yet that is just what the administration proposed and the Republicans in Congress intend to do. The Republican proposal to block-grant Head Start will do nothing to strengthen the program for the growing numbers of limited English proficient, LEP, children in communities across the Nation. As we have seen with the implementation of the No Child Left Behind Act, States look to the Federal Government for assistance and guidance in providing services to these populations. When Federal assistance is not forthcoming, the children suffer. Instead of looking for ways to divest themselves of responsibility for Head Start, the administration and the Congress should put Head Start on a path to full funding. Currently Head Start only serves 60 percent of the eligible population in our country. Migrant and seasonal Head Start programs only reach 19 percent of the eligible children; and, listen to this, Early Head Start only reaches 3 percent of the eligible children.

As a Nation, we must do better. Every child in America, no matter their race or the income level of their parents, should have the same opportunity to obtain a quality education and reach their full potential. We have the opportunity to do this, reach their full potential, in the Head Start reauthorization bill. Unfortunately, however, the legislation we will debate this week falls far short of that mark.

In closing, I want to say that I hope my colleagues will defeat H.R. 2210 and send the bill back to the committee for more work. We can do better. And for the sake of needy children all across the country, we must do better.

[From the Fort Worth Star-Telegram, July 14, 2003]

HISPANICS WORRY ABOUT HEAD START PROPOSAL

(By Gustavo Reveles Acosta)

FORT WORTH.—The already low number of Hispanic children served by the federal Head Start program could diminish even more if the changes proposed by the Bush administration come through, several Hispanic advocate groups said.

Hispanic advocates are calling President Bush's call to overhaul Head Start by creating eight state-operated programs "a blow" to providing service to low-income Hispanic children.

"Ours are some of the most vulnerable kids. Head Start gives them an opportunity to be introduced to English, books and ongoing health care," said Manda Lopez, executive director of the National Migrant and Seasonal Head Start Association, which advocates for the children of migrant farmworkers, who are mostly Hispanics.

Lopez, and groups such as the National Council of La Raza and the National Head Start Association, argue that handing over the 38-year-old program to the states will reduce funding for local grantees, diminish the quality of services and erase most of the tough oversight that is enforced under the federal program.

The reduced funding will further underserve the Hispanic population, Hispanic groups contend.

The National Council of La Raza, which will consider the Head Start issue during its national conference in Austin next week, believes that Hispanic children in areas with traditionally strong Hispanic populations are better served. But it is in communities with emerging populations of Hispanics that the most help is needed.

"States like California and Texas do much better than states like South Carolina that are barely seeing their Latino population grow," said Raul Gonzalez, a senior education analyst with NCLR.

"Given recent statistics, the next generation of kids participating in Head Start will be largely Latino, and we need to identify places where we can better serve them."

According to figures from the National Association of Head Starts, 33 percent of the nearly 1 million children in Head Start are Hispanic. The group's figures also show that only 23 percent of the eligible Hispanic population is being served.

In Tarrant County, 45 percent of the 2,500 children in the program are Hispanic.

The nonprofit group in charge of Head Start in the county, Child Care Associates, doesn't have any figures on the number of eligible Hispanic children in Tarrant County, but it estimates that about 11,500 eligible children currently go unserved.

"We are a minority majority community, and issues affecting the Latino population are definitely going to affect the children that we serve," said John A. Whitcamp, president of Child Care Associates.

"We are nowhere near the level that we need to be. And this bill is doing nothing to change that."

Although Whitcamp said his centers are well-equipped and staffed to meet the needs of Hispanics, advocates say that many centers shy away from expanding their service to Spanish-speaking minorities for three main reasons:

The overall underfunding of the program.

In areas where Hispanic populations have just recently emerged, providers think it is too expensive to hire the bilingual instructors and buy the culturally representative material that may be needed to serve Hispanic children.

The federal government's lack of enforcement to confirm that the racial and ethnic makeup of Head Start participation matches that of the community.

Even though Angelica Jones' 6-year-old son attended Head Start two years ago and her younger daughter has been eligible to do so as well, she is patiently waiting for a spot in the program.

"I think I got lucky the last time because I got in with no problems," said Jones, a stay-at-home mom who visited several north Fort Worth Head Start centers for availability earlier this week.

"I know there's a long waiting list and there are several of us who go to different [centers] to check for any spots every week."

NCLR, Gonzalez's group, hasn't officially opposed Bush's proposed changes. And although he said the bill doesn't outline a specific plan to increase Hispanic participation "by even one child," he welcomes some of the recommendations.

"The bill is by no means a perfect bill, but does allow for better assessment of communities that make sure the people in most need are the ones being served," he said.

Gonzalez said that assessment could increase Hispanic participation in areas with large or emerging Hispanic populations like Fort Worth.

Still, Whitcamp said that in the long run, the bill would hinder services in Fort Worth because the state would use some of its monies to help other state-funded children programs like CHIPS, that are struggling for a budget.

Handing over Head Start control to the states would further diminish funds by creating an additional filter of overhead costs, said Whitcamp, who oversees 40 centers throughout the county.

"We have been making the argument about our kids being underserved for years," Lopez said.

"This is not a new issue for us."

IRAQ'S WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I am here tonight to talk about something that is truly scary, the President's credibility gap. The fact that Members of Congress, the American people, and our international allies can no longer trust the evidence President Bush uses to justify war is a terrible threat to his credibility and, therefore, to America's security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that it is not in order to question the credibility of the President.

Ms. WOOLSEY. Thank you, Mr. Speaker.

Do not take my word for it. Listen to one of my constituents, Roy, from San Rafael. He writes:

> I was one of those who, traumatized by 9/11, trusted our government to lead us down the right path based on indisputable evidence and sound judgment. I supported their decision to go to war. I deserve to know if I was duped.

Mr. Speaker, the fact is that many people in this country are faced with a similar and terrible dilemma. Are they to believe whether or not the administration lied to them? Are they to believe that the White House is inept, that they based a decision to send young Americans to die on faulty information?

Another constituent of mine, William, from Sebastopol, wrote about what President Bush's untruths meant to him:

> I love my country but I am not very proud of it right now. This administration must answer for their deception. Business as usual is not acceptable.

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And Reede from Forest Knolls, California, sums up exactly why the White House must talk about these untruths and their unwillingness to come clean about them:

> There is nothing more essential to democracy than information. The administration's calculated disinformation campaign about Iraq's weapons of mass destruction is a direct attack upon our most cherished democratic values. Such flagrant contempt for the right of the people to control their government is unacceptable.

After September 11, Mr. Speaker, we all wanted to trust. We wanted to give our administration the benefit of the doubt. However, it is increasingly obvious that it is either not worthy of that trust, or it is simply not trustworthy. Either way, the administration must be held accountable for the untruths that came out of their mouths.

Don and Pam, two of my constituents from Santa Rosa, write,

> One of the Bush administration's favorite words is accountability. But because of their obsession with secrecy and control, they have successfully avoided making themselves accountable. Reasons for going to war in Iraq and, beyond that, the Bush foreign policy, including preemptive strikes and unilateral action, demands accountability, accountability through thorough investigation.

Mr. Speaker, Americans want answers. They want answers from their administration, and they are getting the runaround.

My constituent, Patrick from Sebastopol, writes,

> The administration's repeated use of the phrase, "attempts to rewrite history" is unbelievable. They are the ones attempting to rewrite history.

The simple fact is that the American people demand answers, and it is now up to Congress to get them.

Landis, from my own hometown, Petaluma, says it perfectly:

> It is very important to be able to trust one's government. We don't always need to agree, but we do need to believe that our government is working in our best interests. Even if the current administration is able to fool many Americans, it is not fooling the world. Until an independent commission investigates possible manipulations of intelligence data, the world and, indeed, many Americans, will not be able to trust that the Bush administration is working in America's best interest.

Mr. Speaker, it is time for a meaningful investigation into the administration's statements. The people I work for in Marin and Sonoma Counties and Americans across the country are demanding an investigation, and Congress must carry it out. I am pleased to add my voice to those of my constituents and join the gentleman from California (Mr. WAXMAN) in his call for a bipartisan investigation into weapons of mass destruction.

AMERICA CALLS FOR THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, tonight I rise to acknowledge the groundswell of support for an investigation into whether or not the Bush administration made its case for war against Iraq. As proof of the growing demand for honest answers from the Bush administration, we need look no further than the support around the country to create an independent commission to investigation whether the Bush administration manipulated and distorted evidence to take the country to war in Iraq.

Now, over 300,000 people have signed this petition and hundreds of thousands of people commented. Of course, I received thousands of letters from my own district, but tonight I would like to read into the RECORD just some of the over 24,000 comments received from outside of my district in the State of California.

> The credibility of this administration in front of the American public and the world at large is our most precious commodity. We must know the truth as soon as possible.

This came from Arcadia, California.

> I am writing to you as a concerned citizen of this country. I believe that we are heading down a very dangerous and destructive path that is being led by the Bush administration. This country is no more special than all of the countries in the world, and American citizens are just as important as Iraqi citizens. Our actions are not preventing hostility, but I believe it is creating more violence and anger towards America. It is the outrage that stems from within that compels me to write to you and ask you to look into this matter and not merely dismiss it as another policy move.

Again, Arcadia, California.

This one comes from Dublin, California.

> As a member of a military family, I am deeply concerned any time a President chooses to send our Armed Forces into danger zones. I have been appalled by the growing evidence that the President may have lied about the reasons for invading and conquering Iraq and fear that many lives may have been lost because of deliberate falsehoods.

From Pleasanton, California:

> The credibility of the United States is at stake. Our new preemptive war policy is incredibly dangerous and will result in many innocent lives lost until decisions for war are based on reality. Invading another country should be a very serious act. We did it. Our military performed well. But our President still needs to remain accountable to the United States citizens. Please ensure full disclosure is made on this matter.

By the way, this individual goes on to say, I am a Republican, but I still think that the Presidency must be accountable to people.

Another one from Pleasanton, California:

> Leading America into its first war based on a preemptive strike doctrine and against strong international opposition was the most serious act President Bush has committed.

> Now there is serious doubt that his justification was honest. A democracy can only function if all of these suspicions can be examined and proven either correct or wrong. You can only keep America a democracy if you support the establishment of this commission.

Again, from Pleasanton, California:

> Nothing could be less patriotic, more disregardful of the safety of our troops or more injurious to our national security than invading a country under false pretenses. If the Bush administration lied to us, we have a right, and a need, to know.

Pleasanton.

Here is one from Lodi, California:

> Our involvement in Iraq has caused the region to become even more unstable. We owe it to ourselves and the world to investigate this matter and put every effort forth to unearth the truth. President Clinton was impeached for lying about sexual involvement with an aide. Evidence is coming to light that Bush and his administration have lied to the world and, to date, little is being done about it. I ask you, which infraction is more serious and warrants our time and money for investigation?

Again, Lodi, California.

Here is one from Tracy, California, Mr. Speaker:

> The responsibility of sending young men and women into harm's way should not be taken lightly. It is to this end that I ask you to support a review of pre-war intelligence. I ask this as a former soldier and a member of the district of Tracy, California. I live on Central Avenue which runs through the downtown of Tracy and was lined with yellow banners embroidered with the names of our community's sons and daughters sent to fight in Iraq. You represent those men and women, they wrote to their Member of Congress, and their families and, he said, you owe it to them and to us to investigate why exactly they are fighting this war. Yes, it is still a war.

Here is one from Thousand Oaks, California, in southern California:

> Our country was taken to war with Iraq on the premise that we were under imminent threat by Iraq's weapons of mass destruction. Now, months later, after many deaths on both sides, we have yet to find any real evidence of these weapons that the administration had such "hard evidence" of. In order for the people's confidence in this administration to be restored, I am asking you to let us know the truth by endorsing an independent probe into this matter.

Here is one from San Diego:

> If we continue to make war based on misinformation, we will regret it as we did in Vietnam. What is done is done in Iraq, but we should be honest enough to look at the truth.

Now, here is another one from La Mesa, California, in southern California:

> Our system is based on the truth, the whole truth, and nothing but the truth. Once we feel that we are betrayed by our leaders and that they are not telling us the truth, the whole system might collapse. We paid millions of dollars to investigate the previous President because he lied about his private life. Therefore, it is worth our effort and money to investigate the current President and find out if he lied about taking our country to war. Certainly we need to know how the President used false evidence in his State of the Union speech to make his case for war. Please form an investigation committee and bring out the truth.

Here is one, Mr. Speaker, from Huntington Beach, California, again in southern California:

> Isn't it time we got to the bottom of this embarrassment? It is obvious at this point that there were serious distortions given to the American people regarding the necessity for war with Iraq. As a matter of fact, it might be more important to look at why the distortions were necessary at all. Why was it so important to go to war with Iraq that lies had to be used? A lot of time, money, and lies have been spent on this charade and it seems, in due course, that the Bush administration should receive the same grilling that Tony Blair has gotten over the same issues.

Mr. Speaker, believe me, these individuals throughout the State of California believe that this is a matter of national security and national integrity to explore these questions. They want an independent commission to establish an investigation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to accuse the President of lying or stating intentional falsehoods, even by innuendo. Further, a Member may not read into the RECORD the remarks of others if those remarks would be out of order as spoken by the Member.

ORDER OF BUSINESS

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

MANY REASONS TO QUESTION ACTIONS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, last night I could not sleep. Maybe it was the heat, or maybe I was just trying to make some sense of the situation we are in before Mr. Blair arrives in Washington, D.C.

Mr. Blair is in a lot of trouble at home, and Mr. Bush is in a little bit of trouble here.

There are many, many reasons to question our actions in Iraq, but, for some reason, there is a huge focus right now on the Niger uranium claim. So far, nothing the administration said about Saddam's gallons of nerve gas or smallpox or Anthrax or missiles or any other dangers we were supposed to be facing from Iraq have been found to be true. But until the last rock in Iraq has been turned over, the administration can say it is continuing to try hard to confirm the justifications for war it offered just a few months ago.

The uranium claim is different. I think that we are focusing on this claim because it was clear and concrete and seemingly supported by evidence and details. The President told us, "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

In retrospect, the administration figures have claimed that the President did not claim that Hussein was trying to buy uranium but only noted the British claim. Leaving aside how truly pathetic that kind of desperate parsing is, the statement was still false. The British government has learned no such thing. The "information" the British relied on came from one source, or perhaps two.

First, there were some crudely forged papers. ABC News has reported that the papers were created by an underpaid African diplomat who was stationed in Rome and sold to the Italian Secret Service which, in good NATO-ally fashion, passed the information on. We may know more about that soon, because the Italian judicial system opened an investigation into the matter earlier today.

The other source is perhaps the French. In early April The Washington Post noted that Western intelligence officials were fingering France as the country that circulated the fake papers.

Let us step back a moment from this who-did-what-to-whom and look at the actual claim. Was there anything believable about it? If the documents had been really top-notch forgeries instead of laughable fakes, would the claim that Saddam Hussein was making a secret effort to acquire hundreds of tons of uranium oxide from Niger have been something to stake a life-and-death decision on?

Niger is a small country in West Africa, about the size of Rio de Janeiro in population. They have been mining uranium since 1970. There are two mines that produce uranium.

□ 2045

Both mines are run by an international consortium that includes Japanese, German, Spanish and French interests. Both mines are closely monitored by the International Atomic Energy Agency. There is nothing, nothing that could lead an objective observer to believe that Iraqi agents would slip into Niger, make a deal, and slip out again without somebody in the tiny expatriate community noticing and mentioning to Dr. El Baradei, the director general of the International Atomic Energy Agency.

In fact, a distinguished retired American diplomat, Joe Wilson, spent more than a week in Niger sniffing around for any hint that the story might be true and found absolutely nothing.

It is simply not believable that this tiny, highly regulated industry in this tiny, sparsely populated country could have or would have violated IAE rules and broken U.N. sanctions to sell uranium oxide to Hussein. There are plenty of legitimate customers.

So why did the administration decide to believe it? Because of the overwhelming evidence? Hardly.

Last week Secretary of State Powell gave the following ringing defense to the President's claim: "There was sufficient evidence floating around at the time that such a statement was not totally outrageous."

Well, there you have it. It was obvious to anyone who looked into it carefully that Niger had neither the means nor the motive to sell uranium to Iraq. It was obvious. It was reported. And it was known. And yet the Secretary of State said, people of his stature thought it was not totally outrageous.

Mr. Speaker, actually it was totally outrageous. The President and the Congress are sworn to protect the United States of America. This is our most solemn duty. The question, and it is the only question that matters, is this: Did the threat posed by Saddam Hussein rise to the level of an imminent threat to national security or even to a grave and gathering danger? So far nothing leads to that conclusion.

There can be little argument about whether the people of Iraq are better off today than they were under Hussein. They are. But the 200 young Americans who have died and continue to die, one died last night, did not pledge their lives to make the people of Iraq better off. They pledged to protect the United States of America from real threats to our security. They died believing that they did. So far, I do not know why they died. We should find out.

ORDER OF BUSINESS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SCHOOL READINESS ACT HURTS CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to the so-called School Readiness Act of 2003, H.R. 2210. This bill does not provide the adequate funding for Head Start or for the much-needed expansion of early Head Start and migrant and seasonal Head Start programs.

H.R. 2210 begins an irreversible process of dismantling Head Start by promoting religious discrimination in hiring, shortchanging teachers, and denying services to eligible children by continuing to underfund Head Start.

Nearly 4 decades of research have established that Head Start delivers the intended services and improves the lives and development of the children and families that it serves. To illustrate how effective Head Start can be, let me tell you about one of my constituents.

Ms. Robles is a single mother with three children. She works full time while her children attend school. Pablo, the youngest of her three children, has been fortunate enough to participate and be enrolled in the Head Start program. Before Pablo started Head Start, he was quiet and withdrawn, a very shy boy who was very much dependent upon his mother. Pablo is now a confident and expressive little boy. He wants to do things independently and enjoys playing puzzles and building blocks.

Ms. Robles told me, "The transformation in Pablo is amazing. I see the difference in Pablo and my other two children who were not lucky enough to participate in Head Start."

In addition, Ms. Robles is grateful to Head Start because of the services it provides. She receives help from the social workers, including the emotional support she needed ever since leaving her family and friends behind in her country to make a new start in the United States. The nurses and teachers who participate in Head Start are also attentive and helpful to her and her children. Ms. Robles now feels she is a better mother to her children at home and a more prepared parent advocate to her children in school.

I urge my colleagues to vote "no" on this bill that skimps on children, H.R. 2210. As the old saying goes, if it ain't broke, why fix it.

Let us not play with the future of our most vulnerable children like Pablo Robles.

ORDER OF BUSINESS

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FUND MIGRANT AND SEASONAL HEAD START PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GRIJALVA) is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, I would like to associate myself with the comments that my colleague, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), just finished. Today I would like to deal with one specific aspect of H.R. 2210 dealing with Head Start and that specific aspect has to do with an effort that this House must undertake to provide true relief to the impoverished children of migrant and seasonal farm working families.

Migrant and Seasonal Head Start programs successfully provide the infants and children of migrants and seasonal workers in this country with educational and health related services. These services and these support services provided by Migrant and Seasonal Head Start keep children out of the fields where they are exposed to pesticides, hazardous equipment, extreme heat and other related health dangers.

Unfortunately, a severe funding shortfall leaves more than 80 percent of these eligible children without these vital services and protection.

According to the study published by the U.S. Department of Health and Human Services, Migrant and Seasonal Head Start programs serve just 19 percent of eligible migrant and seasonal children. By comparison, the regional Head Start programs serve approximately 60 percent of their eligible population. This shortfall leaves 130,000 children of migrant and seasonal workers and their families out of any opportunity in a Head Start program. Migrant and Seasonal Head Start programs serve both infants and toddlers. Early Head Start funds are only available to full-year programs and thus leave the migrant and seasonal programs to provide full-day services to both infants and toddlers without the benefit of extra program funds or technical assistance funds.

Migrant and Seasonal Head Start is already spreading its funds thin in order to sustain these programs and serve these very needy kids.

Migrant and seasonal programs are funded out of a 13 percent set-aside in the Head Start annual appropriations along with Indian Head Start, children with disabilities, training and technical assistance, program review, and research and demonstrations. Over the last 8 years, Migrant and Seasonal Head Start programs have consistently received 4 percent or less of the Head Start annual appropriations.

The Republican Head Start bill now includes an amendment that claims to assist migrant and seasonal children. This addition, however, would take money away from popular training and technical assistance programs and provide only a marginal increase in funds to these needy children, less than a 1 percent increase in funding to address the needs of over 130,000 children that are neglected by this bill. Moreover, this formula provides no guaranteed funding to eligible migrant and seasonal children. It is a year-to-year gimmick, and what we need and these children need is a real and reliable increase in resources and a revenue source for these services.

Based on current program funding, it would cost almost an additional $750 million to achieve near parity between Migrant and Seasonal Head Start and regional Head Start. Completely closing this funding gap between Migrant and Seasonal Head Start and regional Head Start may be unrealistic in the near future, but the recommendations are designed to move the programs toward parity by making a modest increase in funding for Migrant and Seasonal Head Start programs and Indian Head Start programs.

Today, before the Committee on Rules, I proposed an amendment that would help solve this problem in a substantial way. My proposal would increase funds sufficient to provide services to an additional 10,000 children of migrant and seasonal working families. The proposal would also stabilize funding for Migrant and Seasonal Head Start with the floor of 5 percent of the total appropriation. This amendment was drafted in such a way that it would have no negative effect on any other Head Start program. It would not take resources from any other community or any other program in Head Start.

Though migrant and seasonal families are seemingly an invisible population, a population that puts food on our tables, a population that many times does not have the political attention or the voice in this House, they deserve equal access to the social services we provide other children suffering from poverty.

Mr. Speaker, I urge my colleagues to listen to their consciences and join in my attempts to provide this relief to a neglected population in this country, a population of children that is left behind, continues to be left behind; and we have a historic opportunity to include them with the rest of the children of this country.

HUSSEIN HIDING WEAPONS OF MASS DESTRUCTION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I have heard tonight several concerns about our ability to find weapons of mass destruction in Iraq and whether that indicates the prewar intelligence on Iraq's program was either incorrect or biased.

Where those weapons are today falls into several categories. Of course, they could still be hidden. Saddam had become a master of concealment. Please remember that in 1995 the United Nations was preparing to lift sanctions believing that Iraq had disarmed. It was only the defection of Saddam's son-in-law and the revelations that significant weapons were present that halted the U.N. from lifting those sanctions.

Perhaps Saddam did destroy the weapons after the inspectors left in 1998. Why in the world then given the costs to him would he not be forthcoming about that?

Please remember the burden of proof is clearly still on Saddam, not the United States, not the President of the United States or the United Nations to demonstrate that the destruction of weapons had occurred. Possibly the weapons had degraded over time or were destroyed in the bombing; but again, why would Saddam not be forthcoming and say so?

I believe Congress is exercising its oversight authority and has set in place procedures to review comprehensively and on a bipartisan basis the intelligence surrounding Iraq prior to the outbreak of the war and to take into account any of the dissident views on the Iraq threat within the intelligence community.

The United States Armed Forces are still trying to pacify sectors of Iraq and deal with daily attacks on U.S. soldiers west and north of Bagdad. People who have lived in a police state with no freedom of speech are unlikely to volunteer information until stability and security are achieved in Iraq.

After the terrorist attacks of September 11, 2001, it became apparent that the United States needed to be more vigilant about terrorism and weapons proliferation, and pay particular attention to the prospect of weapons of mass destruction (WMD) falling into the hands of groups or states that would use them against American interests, either at home or abroad. While Saddam Hussein had been essentially "contained" within Iraq for a dozen years, by 2002 it was clear that the sanctions designed to prevent him from re-arming had fallen apart. More and more foreign countries were trading with Iraq in defiance of the United Nations (UN) sanctions. There was also widespread international agreement that Hussein had not given up his efforts to acquire banned weapons.

Iraq's expulsion of UN weapons inspectors had made it virtually impossible to monitor his activities. Most governments around the world—and the United Nations itself—believed Hussein's Iraq had not disarmed itself of the lethal weapons it was known to have possessed. In early 2003, the United Nations confirmed that Iraq had hidden its chemical, biological, and nuclear weapons programs, built missiles exceeding the range limits set by the Security Council, and failed to cooperate with inspectors. Instead of disarming, Iraq responded with false claims and empty declarations.

The Bush Administration, the Clinton Administration, and the United Nations all agree that Hussein possessed a significant biological and chemical capability in 1998 when the inspectors were withdrawn. There is broad agreement that Hussein, different from any other leader, had proven himself capable of using these weapons for offensive purposes and not merely in a defensive posture.

Where those weapons are today falls into one of several categories:

1. They are hidden—Hussein has become a master of concealment. Please remember in 1995 the United Nations was preparing to lift sanctions believing that Iraq had disarmed. It was only the defection of Hussein Kamel and the revelation that significant weapons were present that halted the UN from lifting the sanctions.

2. Hussein did destroy the weapons after the inspectors left in 1998. While this is unlikely given his other behavior, the burden of proof was clearly still on Hussein—not the United States, nor President Bush, and not the United Nations—to demonstrate the destruction of weapons had occurred.

3. The weapons had degraded over time or were destroyed in the bombing or looted during the combat phase of Iraqi Freedom.

The American soldiers who fought in Iraq did so with skill, determination and bravery in the face of grave dangers. Their conquest of Iraq was a rapid, overwhelming success; and victory was attained with relatively limited civilian casualties or damage to Iraq's infrastructure. All Americans can be proud of the performance of our armed forces in Iraq and we can unite in honoring the memory of those courageous soldiers who made the ultimate sacrifice to protect their fellow Americans.

The United States has had a positive impact since the military operation in Iraq. A brutal dictator has been removed. The revelation of mass graves in Iraq has only confirmed what we suspected: that the people most threatened by Saddam Hussein's rule of terror were the oppressed Iraqi citizens.

The disorder and political uncertainty we are witnessing in postwar Iraq, while at one level unsettling, is to some extent a reflection of how completely Saddam Hussein's Baathist regime dominated and dictated Iraqi life. International economic sanctions against Iraq have been lifted, and the international community is beginning to get involved in the reconstruction of Iraq.

The removal of Hussein has also improved the regional security situation in the Middle East. Syria has made commitments to crack down on terrorist offices in Damascus; Iranian opponents of the clerical regime in Tehran have been emboldened; the removal of the Iraqi threat has enabled the United States to announce we will end the controversial stationing of U.S. forces in Saudi Arabia; and, the release of the "road map" has re-energized the difficult but critical search for peace between Israel and the Palestinians.

There are efforts in the Congress to employ a full investigation into these difficult issues to understand whether mistakes were made, and to take action to fix them, in fulfillment of Congress's important oversight responsibilities. To date, the chairmen of the Senate Armed Services Committee, Senate Select Committee on Intelligence, and the House Permanent Select Committee on Intelligence reject a broader probe of the WMD issue.

The Coalition forces in Iraq have investigated approxiamely 200 of 1,000 potential sites. New information continues to come to the attention of the Coalition forces as members of Hussein's regime come forward. Since we do not know the outcome of these efforts, calls for an investigation seem premature at best.

Finally, we are beginning to see evidence that America's readiness to act against Saddam may be encouraging better behavior by other rogue states like North Korea and Sudan, which may increase the chances of peaceful resolution of our disputes with them as well.

I know there are concerns about our failure to find weapons of mass destruction (WMD) in Iraq, and whether that indicates that the prewar intelligence on Iraq's WMD was either incorrect or biased. There have been some challenges hampering the Administration's efforts to locate Iraq's WMD program, such as Hussein's 12-year practice of WMD concealment and deception, reluctance of Iraqi WMD scientists to discuss their past works and fears of reprisal, and the looting of suspected WMD sites.

I believe Congress is exercising its oversight authority and has set in place procedures to review comprehensively, and on a bipartisan basis, the intelligence surrounding Iraq prior to the outbreak of war, and to take account of any dissident views on the Iraqi threat within the intelligence community. The U.S. armed forces are still trying to pacify sectors of Iraq and to deal with daily attacks on U.S. soldiers west and north of Baghdad. People who have lived in a police state with no freedom of speech are unlikely to volunteer information until stability and security are achieved in Iraq. We must all remember, 30 years of living under a dictatorship cannot be reversed overnight.

ORDER OF BUSINESS

Ms. WATSON. Mr. Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SAVE HEAD START

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I want to commend the distinguished gentleman from Maryland and the distinguished gentleman from California and the Chair of our Black Caucus who will be coming up in a minute for organizing this important discussion on the future of Head Start.

Later in the week, the House of Representatives will consider H.R. 2210, a bill that radically alters the Head Start program. H.R. 2210 is ill-conceived and ill-devised. It sacrifices accountability and oversight in favor of standardized testing of 4-year-olds. It teaches our children a wrong lesson on discrimination by repealing current civil rights protections and allowing programs to discriminate in their hiring practices based on religion. It gambles with our children's future by diverting already limited resources into experimental block grants that can be diverted to other Federal programs.

H.R. 2210 is a classic bait and switch bill. The major changes in and new requirements under title I are not contained in title II of the bill, which creates an experimental block grants program for Head Start in eight States. This overhaul reverses the precedent in achievement that was created by the No Child Left Behind Act.

☐ 2100

NCLB seeks to close the achievement gap through strong standards and stronger Federal oversight. H.R. 2210 will only damage the integrity and efficiency of the program by redirecting resources to a block grant system and neglecting Federal standards and oversight.

Indeed, changing the funding formula to block grants under Title II creates a daunting scenario for Head Start. The four eligibility requirements under Title II do not address quality or expertise. The legislation requires the bare minimum of the eight participating States. All that a State has to do is to have an existing preschool system, a basic standard for school readiness and basic requirements for the allocation of Head Start funding.

All 50 States meet these minimum requirements, but too few provide quality service. For example, only three States currently provide all the services needed to get at-risk children ready to learn. These States provide the same set of eight comprehensive services required of Head Start through State-run pre-K programs. At present, there is simply no clear body of research demonstrating the effectiveness of State pre-kindergarten programs.

Let me also elaborate on other shortcomings of the proposal to change Head Start into a block grant program. Title II of H.R. 2210 does not specify minimum thresholds on class size, class-staff ratios or curriculum content. It calls on each State to create its own school readiness standards and own criteria for measuring achievement. With State preschool programs varying greatly in content and quality, how can we ensure that low-income children from across the Nation will receive a quality education?

H.R. 2210 also does not contain adequate evaluation and oversight requirements. Instead of annual reports and on-site evaluation by the HHS every 3 years, States under the block grant program will not be held to any minimum threshold requirements on quality or appropriateness of their State plans. This is a giant step backwards for the Head Start program.

Finally, the bill allows the States to use Head Start funds to supplement other Federal programs. Governors may be able to use this money to cover budget deficits in their States. My home State of California receives over $800 million in Federal moneys for Head Start. California is now suffering from a budget deficit in excess of $38 billion. With the block grant proposal, my State could divert TANF and Title I preschool funds to offset the State's budget deficit, then use the Head Start block grant to fund TANF and Elementary and Secondary Education Act. This loophole allows States to reduce Head Start funding legally, which severely shortchanges our low-income children.

Mr. Speaker, this is the wrong way to go.

DO NOT BLOCK GRANT HEAD START

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, once again, the needs of children and families do not make a priority in this House. They have left our children out in the cold on the number one issue of our community and that is education. Their proposal to block grant Head Start which provides money without guidelines for States and local implementation diverts attention from the critical needs of this program.

What happened to the issue of local control when it comes to Head Start? What happened to the fact that Head Start has been working well as it is now? Why now send that money to the States?

The only reason we decided to establish Head Start was because the States were unwilling, Mr. Speaker, unwilling to come up and respond to the needs of these children, unwilling to prepare them.

The State of Texas, for example, is still a State that only funds kindergarten half a day. The local community taxpayers have to come up with the rest of the money in order to pay for half day kindergarten, not to mention that they do not provide anything for early childhood. So Head Start is a critical program that has been there, and there actually has been a Head Start for a lot of the Hispanic community. Where 50 percent of our youngsters are still dropping out, Head Start has been there for them to make sure and the statistics show that kids that go to Head Start are less likely to drop out or more likely to finish when they should and go beyond.

Head Start has been a proven program, so why try to mess with it? Why try to destroy Head Start the way we know it now?

One of the top educational priorities of the members of the Congressional Hispanic Caucus is to ensure that Hispanic children enter school ready to learn. Hispanic children represent the fastest-growing school age population in the Nation. Unfortunately, they are the least likely to have the participation in preschool programs, opening an achievement gap before the first day of school begins.

Soon Congress will again decide funding levels for Head Start, the premier level, early childhood education program that presents us with an opportunity to close that gap for Hispanic and African-American children and low-income children.

For over 35 years, the Head Start program has proven itself. It has enjoyed great success in meeting the comprehensive development needs of low-income children. Head Start programs achieve school readiness for these children through the holistic approach and intense parent involvement, and that includes working with the parents. It includes reaching out, making sure that they understand how important education is, which is critical for those youngsters staying in school.

The range and intensity of service is assured because of the national program standards that it has. If we rely on the States for full implementation, it would fatally undermine these national standards, jeopardizing access to comprehensive services as well as making Head Start ineffective in serving low-income children and their families. Yet that is just what the Bush administration has proposed and the Republican Congress intends to do and that is to begin to destroy Head Start the way we know it now, put it into the form of a block grant.

Instead of looking for ways to remove themselves of their responsibility for Head Start, the administration and the Congress should put Head Start on the path for full funding. Currently, Head Start serves about 60 percent of their eligible children. They need additional resources to make sure we cover the other kids that are not covered by the existing program.

Migrant and seasonal Head Start programs only reach 19 percent of the eligible children. The State educational agencies are not equipped to reach out to these youngsters that are out in the field a lot of times. As a nation, we must do better. For migrant and seasonal farm work families, access to Head Start is a public health and safety issue.

In 1992, the General Accounting Office found that at least one-third of all migrant children as young as 10 work in the fields. This is in 1992, where there are still kids working in fields with their families and either contribute to their family income or because no child care was available. Children in the field are at risk from injuries from farm equipment, overexposure to the elements, as well as pesticide poisoning and, of course, long-term health risks associated with exposure to chemicals. In many cases, if slots are not available to migrant seasonal Head Start programs, no programs exist in the area, there is no alternatives but to take the children to the fields and perhaps leave them unattended at the labor camps.

The administration's proposal to block grant Head Start would do nothing to strengthen the growing numbers of limited English proficiency children in communities across this Nation; and we now see them in North Carolina, South Carolina, Georgia, Arkansas and a lot of the States where we had not seen them before. As we have seen, with the implementation of the President's No Child Left Behind Act, States look to the Federal Government for assistance and guidance in providing services to these populations.

The recent phenomena of emerging Hispanic communities poses a challenge to Head Start providers and participants. As children move into the areas of the U.S. where there have been Head Start programs operating but without experience in servicing, it is important that we continue to provide these resources.

In addition, let me just close by saying it is important that we keep Head Start. It is important that we remain on track. It is important that this program also remain within the Department of Health and not be moved to the Department of Education.

I also want the congratulate the Congressional Black Caucus on their efforts under the gentleman from Maryland (Mr. CUMMINGS), and I thank him for being here tonight.

FUTURE OF HEAD START

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, the Congressional Black Caucus and the Congressional Hispanic Caucus have come together tonight to address issues that confront our children, and when I say our children, I mean all children who unfortunately may not have the funds to get off to a good start before they start school officially in the kindergarten.

I will have a lot to say about this subject as we go through this hour, Mr. Speaker, but I want to yield first of all to the gentleman from Virginia (Mr. SCOTT), who has been at the forefront of addressing issues with regard to Head Start and faith-based issues and constitutional issues that confront us and has made it his business and has vigilantly stood guard with regard to making sure that programs that are put forth are ones that do not discriminate against people with our own tax dollars.

Mr. Speaker, I yield to my colleague from the great State of Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Maryland for yielding.

The gentleman from Maryland is an outspoken advocate for education and knows the value of the Head Start program, so I rise in support of the Head Start program but in opposition to the Republican Head Start bill.

In 2002, the Head Start program served nearly 1 million children, over 62,000 infants and toddlers in early Head Start. Unfortunately, however, Mr. Speaker, only 60 percent of the qualified 3- and 4-year-olds are currently enrolled in Head Start, and early Head Start is only funded to serve 3 percent of the eligible infants.

We need to make a commitment to fully fund the Head Start program, and this is because money spent on Head Start is money well spent. For every dollar we spend on Head Start, $4 to $7 are saved in future expenses because children who participate in Head Start need fewer services in elementary and high school, and they are less likely to go to prison or end up on welfare.

During the Clinton administration, Head Start funding grew from $2.8 billion in 1993 to $6.2 billion in 2001. That is an average of approximately $425 million per year. Over the past 2 years, the President's administration has proposed only a total increase of $300 million, about $150 million per year. That is about one-third of the average annual increase over the prior 8 years.

There are a lot of problems with the Republican Head Start bill, but as the gentleman from Maryland indicated, one of the most glaring is the fact that it permits programs run by faith-based organizations to discriminate in their hiring practices with the Federal money; that is, it permits employment discrimination with Federal money, not the church money, but with Federal money.

Sixty-two years ago, on June 25, 1941, President Roosevelt signed an executive order that banned discrimination by defense contractors based on race, creed, color or national origin. Executive order 8802 was the first law prohibiting employment discrimination and marked the beginning of fair employment practices in the United States.

These protections against employment discrimination were expanded by subsequent Presidents. For example, Executive Order 11246, signed by President Johnson in 1965, expanded the prohibitions against employment discrimination to all government contractors, not just defense contractors.

Every President of the United States since 1965 has enforced these executive orders. Over time, various civil rights laws were passed that contained similar prohibitions against discrimination and employment based on race, creed, color, national origin or sex.

However, on December 12, 2002, President Bush issued an executive order that for the first time since 1941 actually rolled back the prohibitions against employment discrimination.

□ 2115

Under his executive order 13–279, religious organizations which received Federal funds would be permitted to discriminate in employment based on religion unless there is a specific prohibition.

Now, when the President says that we should remove barriers to faith-based organizations serving as sponsors of federally funded programs, he does not explain what the barriers are. Even without new laws, many faith-based organizations have sponsored federally funded programs for decades, and they administer these programs just like any other sponsor, including compliance with fair employment practices, and that is with positions paid with Federal funds.

Now, in fact, any program which can be funded under this administration's faith-based initiative can be funded without that initiative, without new legislation, and without executive orders if the sponsoring organization agrees not to discriminate in hiring with the Federal money. Not the church money, the Federal money. And today, in fact, 8 percent of the Head Start programs are sponsored by faith-based organizations. If the sponsor insists on discriminating on employment, a barrier exists and the faith-based initiative removes that barrier and allows the sponsor to administer the program and select employees paid with Federal money based on religion.

Now, there was a time in America when people of certain religions were routinely denied jobs solely because of their religious beliefs, but we passed laws to end that invidious discrimination. So when this administration talks about restoring publicly funded religious discrimination, let us remember the old adage that you can put lipstick on a pig, but you cannot pass it off as a beauty queen. Likewise, you can use poll-tested semantics and euphemisms, but you cannot pass this off as anything but ugly discrimination.

And let us take a look at the Head Start program. If the Republican Head Start bill passes, thousands of today's Head Start teachers could lose their jobs if they fail their employer's religious tests. Tens of thousands of already at-risk 3- and 4-year-old children could lose their Head Start teachers if the teachers happen to be of the wrong religion or do not contribute enough to their church. Tens of thousands of parent volunteers could lose their privilege of serving as volunteer teacher aides in their own children's Head Start classrooms based on their religious beliefs. These parent volunteers would be blocked from the opportunity to become trained and paid Head Start teachers solely because they do not share the federally funded employer's religious beliefs. And 29 percent of today's Head Start teachers started off as volunteers.

Now, exactly what kind of head start will children be getting when they see their parents denied the opportunity to become a teacher solely because of their religion? And because 11 a.m. Sunday morning is still the most segregated hour of the week, religious discrimination in Head Start programs will often mean that teachers of the wrong race will not be hired, thereby threatening 33 percent of the Head Start teachers who are African American and nearly 23 percent of the Head Start teachers who are Hispanic.

The result of the Head Start bill sponsored by the Republicans will be that in many federally funded Head Start centers all of the teachers may end up being of one religion and one race and one ethnicity. This is a return to the old days of segregation. If this bill passes, it will be done with Federal money.

I urge my colleagues to strongly consider just what they are voting for when the Head Start bill comes to the floor later this week. We should preserve decades of fair employment practices and reject Republican attempts to allow the most qualified employees to be rejected solely because they fail a religious test.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for his statement, and certainly I think we could summarize it by saying that the Congressional Black Caucus and the Congressional Hispanic Caucus do not want the government to use our tax dollars to discriminate. It is as simple as that. So I thank the gentleman for being so vigilant on that issue consistently.

Mr. Speaker, I yield now to my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, later this week, the House is poised to reauthorize one of this country's most significant programs. For over 3 decades, this program, Head Start, has given more than 20 million children a chance to succeed in school by providing quality comprehensive services and early education to our Nation's poorest children and families.

Like Medicare and Social Security, as well as other safety net programs that help people overcome poverty and become more productive members of society, the Head Start program is now under attack from Republicans. This is nothing less than an attack on our children, on their chance to realize their potential, and on our communities' futures. Like any mother who will fiercely defend our children against any attack, and also as the representative of the Virgin Islands community, which has not only relied on Head Start but also utilized this program efficiently and to maximum effect, I join my colleagues of the Congressional Black Caucus and the Hispanic Caucus, as well as the Children's Defense Fund and the National Head Start Association, and others, to fight tooth and nail for the best start for our children.

The changes to the Head Start program, if passed, would especially have a detrimental effect on minority populations. In fiscal year 2002, 32.6 percent of children served in Head Start were African American and 29.8 percent were Hispanics. Though touted as a bill to improve school readiness of disadvantaged children, it is another one of those good-sounding bills that hides a bad intent. H.R. 2210 would harm the very individuals it says it proposes to help.

Head Start is a unique program because of its comprehensive nature. It provides academic, nutritional, social, and medical services that foster the overall well-being of the child. It helps uncover treatable medical conditions that might otherwise go unnoticed and provides important support to the families of its enrollees.

Head Start currently operates under the direction of Federal performance standards that ensure quality comprehensive services for children and prepares them for school. None of this would be guaranteed under the administration's proposal, and standards are essentially undefined and undermined in the proposed block-grant approach.

Giving Head Start to the States without performance standards and without additional funding, as proposed by the administration, would encourage States which are facing budget deficits to divert Head Start dollars to fill gaps in other programs, and thus spread the dollars more thinly, not adequately serving the needs of the children.

I am glad that thus far those of us who have been committed to Head Start have been able to rid the bill of one of their more terrible ideas, which was to move Head Start from the Department of Health and Human Services into the Department of Education. This would have restricted Head Start to a narrow classroom approach without the broad set of social services which are so important.

This raises another concern, the proposed Head Start Reporting System in Child Outcomes. Such required testing of 4- year-olds is developmentally inappropriate. Further, Head Start programs are very culturally diverse, thus making it next to impossible to develop one test that adequately addresses all cultures. Such testing being added to the current child outcomes requirement would also overburden classroom staff with new and unwise assessment requirements.

Dismantling a program that already works is not the way to improve the Head Start program. Improvements to Head Start can be done under the existing structure. H.R. 2210 is meant to lead to the demise of Head Start. We cannot and must not let that happen.

We in the Congressional Black Caucus and the Congressional Hispanic Caucus know firsthand the value of Head Start, and we are committed to that best start for all of this country's children. We ask the people of this country to voice their opposition to their congressional representatives, and we call on our colleagues to join us and to keep this proven and valuable program intact for yet another generation of children.

Mr. CUMMINGS. Mr. Speaker, I thank the distinguished gentlewoman for her statement. In considering some of the things that she said, Mr. Speaker, I cannot help but just look at and quote a portion of the National Head Start Association's Report entitled, "Dismantling Head Start, The Case for Saving America's Most Successful Early Childhood Development Program," which is dated April 16, 2003.

What they say in that report, the National Head Start Association, is, and I quote: "A hodgepodge of inconsistent and untested State government programs that either will serve fewer children than Head Start does now or will provide less comprehensive services to those children served will be the outcome if this legislation is passed."

The interesting thing is, as I listened to the gentlewoman from the Virgin Islands, I could not help but think about a school where for the last 12 years I have spoken as the graduation speaker, which is basically a high school for children who are in special education. Two or three years ago I noticed, and I was mentioning to the principal of the school that many of the children who came to participate in the program and who were graduating, many of them had speech defects, some of them seemed to be a bit slow in their reading abilities, and many of them suffered from all kinds of what appeared to be crippling ailments. The thing that the principal pointed out to me is that if, when these children were little, these things had been corrected, they would not have to go a lifetime having to suffer with certain ailments.

Head Start has always been about a comprehensive program providing nutrition, making sure that our children got dental examinations, making sure that they have mental health referrals, and making sure that those things that could be corrected at an early age and be corrected quite easily and at a reasonable price, Head Start has been about the business of doing that. And with this effort to shift Head Start to a block grant-type program and take away standards, it certainly goes against our children.

With that, Mr. Speaker, it gives me great pleasure to yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentleman from Maryland for his leadership, as well as the members of the Congressional Black Caucus for their leadership on this issue.

Mr. Speaker, we will be debating this question over the next 2 days. I hope as we are presenting our concerns tonight that my colleagues and the constituents of my colleagues, frankly, will be made aware of that such that the gallery during the time of the debate will be standing room only. Because this is a spear being thrown in the hearts of Americans who have come to understand and love the value of the Head Start program.

The one thing I like about the Head Start program is that it is not a respecter of race or religion, it is an opportunity for children who are in need with respect to their economic status to be able to do better in life. It is a well-proven program. It is a program that is grounded in the fixing of the health condition of young children, the nutrition condition of young children, the psychological condition of young children, and the intellectual aspect of young children.

□ 2130

It is a holistic program which deals with the embracing of the family member, the parent, who gains self-esteem and understands how to be an advocate for their children. It has love intertwined amongst its values so that the children who come know there is love both in the place of learning, but as well from an adult to a child.

This legislation which will go on the floor of the House will literally end Head Start as we know it. This block grant program is risky. My State has just gotten rid of, and I like to use that terminology because it is true, 170,000 children off the SCHIP's program. Right now, parents are receiving letters that there is no room at the inn, there is no opportunity for your children to have good health care.

States across the Nation are finding themselves in bad economic times. Because of that, they will be looking for the dollar anywhere they can find it. When we start sending block grant dollars to these States, clearly we will find that the State's special interests will have the upper hand and the children will be standing outside the door with a sign on the door: No room at the inn.

This bill we will be debating is a classic bait and switch. The GOP claims credit for improving the academic content of Head Start in title I of the bill, but it excludes all but one of those improvements to be implemented by block grants in title II. What we have is a shell game and a shell of a bill, and I am disappointed and disgusted that we find ourselves getting rid of a program that has proven itself well.

But, more importantly, the national head of Head Start has begged the leadership of this Congress, working with the chairpersons of the committee and the author of the bill, to listen to us and sit down and work through this process, and yet we have failed in getting the other side of the aisle to see the light.

Head Start works because children arrive more prepared and they do better in school than low-income children who do not receive Head Start. In addition, Head Start narrows the readiness gap between Head Start kids and their more affluent peers. Experts say that to expect Head Start to eliminate that gap is totally unrealistic. Poverty is devastating to children, development and success, but it has worked. Head Start has helped children arrive and to be more ready.

Mr. Speaker, I believe that the process that we are using now will clearly take a process that has been successful, and I do not know what more to say, throw the spear in the heart or rip it to shreds. I am confused and absolutely outraged that we have a system that does not listen to the people who are using the system.

Did we have large numbers of parents who are in this system now come and argue for a block grant process, or was it the States who were on their knees as it relates to a budget because we give them a lot of unfunded mandates, including Leave No Child Behind because we have a $550 billion tax cut, and so monies coming from the Federal Government are diminishing and going down and down. That is one of the reasons that States have cut children off the Children's Health Insurance Program. Now we come through the back door to be able to dismantle a program which has made education holistic.

One of the very valuable points of the Head Start program is how they embrace the parents. I have heard parents say Head Start is as good for me as it is for my child. It gives me the opportunity to have input in my child's education. The counselors listen to me if there are problems at home.

I know there are some who are well-endowed, who are financially able and laughing and thinking this is a funny issue, but it is not. It is a serious issue.

It is a serious issue because our children are going to be hurt. It is a serious issue because children went to Head Start and had an opportunity to get a meal when they could not get a meal at home, had an opportunity to be immunized, had the opportunity to develop their own self-esteem and self-confidence, had the opportunity that if there were counseling needs that they could secure counseling needs in order to prepare themselves to go to school.

Yes, those teachers that the gentleman from Virginia (Mr. SCOTT) spoke of that could be hired without the wall put up or litmus test: What is your religion? What are your beliefs? We now have a program riddled with problems, constitutional violations and separation of church and State and riddled with problems in terms of taking away from the program the very infrastructure that made it right and made it real.

I hope, Mr. Speaker, that we will have a vigorous debate. I have offered amendments that would ensure that the proposal that is going forward does not take the new Federal funds and diminish the funds that are already being used. I hope that is not the case. I hope we will have the kind of debate that will cause my colleagues on the other side of the aisle to vote down this legislation and leave Head Start as it is in order to ensure that we will continue a plan that will be effective for our children. We should be fighting for the betterment of our children.

I am pleased to join the gentleman from Maryland (Mr. CUMMINGS) and the Congressional Black Caucus to speak for those who cannot speak. I hope that the Chamber is full of Members who are debating this issue, and I hope that the gallery will be filled with parents and children who realize that any vote against the Head Start program that we know and love will be a vote to undermine the futures of our children, today, tomorrow and into the very far future.

Ms. JACKSON LEE of Texas. Mr. Speaker, I wish to express my outrage and my disgust at the Majority party's effort to destroy the Head Start Program. The Republican's plan is a sword through the heart of this effective educational program and an insult to America's children.

The Majority party's plan shreds the Head Start Program. The Republicans plan to establish a block grant that will amount to the demise of head start. Specifically, Title II of this bill will end Head Start as we know it. The block grant provisions in the Republican bill are a risky experiment that turns a successful program over to states with unproven expertise and without the federal program quality standard requirements and oversight that are demonstrated to increase school readiness. This bill is a classic "bait and switch." The GOP claims credit for improving the academic content of Head Start in Title I of the bill but excludes all but one of those improvements to be implemented by block grant states in Title II.

The Republican's demolition of Head Start is deplorable because the Head Start program works. Children in the Head Start program arrive at school more prepared and perform better academically than low-income children who are not enrolled in the Head Start program. In addition, although experts say that to expect Head Start to eliminate that gap is "totally unrealistic," the Head Start program narrows significantly the readiness gap between children in Head Start and their more affluent peers.

Head Start helps children arrive at school more ready to learn. However, to expect Head Start to be a cure for the devastating impact of poverty is unrealistic. The idea that the block grant is the solution to closing the school readiness gap if flawed and illogical. State preschool programs are untested and unproven. Not only is there no research showing that state preschool programs produce better results than Head Start, there is no research demonstrating the effectiveness of state preschool programs at all.

The "No Child Left Behind" program was developed because the solution to the achievement gap in students between kindergarten and the 12th grade was the establishment of stronger standards and more federal oversight. Why, then, is the Republican's solution to the same achievement gap in young children to eliminate standards and oversight in Head Start?

The Block Grant Program in the Republican proposal is also damaging to the Head Start Program because it slashes quality comprehensive services. The block grant requires states to provide an array of services but doesn't require the same nature, extent or quality of those services. Under the block grant program, none of the thirteen areas of Head Start performance standards (e.g., "education and early child development," "health and safety") that lay out the comprehensive services and high level of quality that have made Head Start successful are required.

In fact, the block grant emphasizes comprehensive services being met through referral of families to outside services for assistance, essentially encouraging states to provide a lower level of services.

The Republican's Head Start bill is also damaging to our children because it weakens educational performance standards. The block grant specifies no minimum threshold on school readiness standards, child-staff ratios or curriculum content. It calls on each state to derive their own school readiness standards and their own ways of measuring progress against those standards. But those standards are undefined in the block grant and vary greatly among the states. Head Start education standards are thorough and strongly based on education performance research.

Having States develop their own performance standards with no direction and no requirements will weaken educational standards overall. Block grants diminish educational oversight and evaluation. States meeting the eligibility criteria for participation in the Block Grant program have their applications approved by the Secretary by default. This means there is no oversight or evaluation of the quality or appropriateness of the state plan. Additionally, there is no minimum threshold requirement of States' internal evaluations of their programs. Meaning a school may define their own success regardless of their actual performance. Under the Head Start program, on the other hand, schools must report annually on their progress, and each school is subjected to a thorough on-site evaluation every three years under the direction of the Department of Health and Human Services. This is meaningful evaluation that provides a better education for our children.

Perhaps the most tragic impact of the Republican's Head Start proposal is that it reduces the role of parents in their children's academic success. Parent are children's most important teachers. Studies have shown that teaching parenting strategies and involving parents in their children's education is strongly related to children's achievement in school. That's why a cornerstone of the Head Start program has been the involvement of parents in their child's development and education, health, nutrition, mental health, community advocacy, and transition activities from preschool to kindergarten.

Family partnership agreements have been critical in getting families to recognize what it takes to promote their child's positive development and early education. But the block grant proposal developed by the Republicans requires minimal parental involvement. No reference is made whatsoever to parent policy councils, or similar provisions, which makes Head Start a local program addressing local needs. Parents have been, in essence, eliminated from the bill.

Finally, the Republicans' Head Start proposals allow decreases in Early Education Services across the State. The block grant supplantation restrictions permit a decrease in the total expenditures in the State on early education. The block grant bars States from supplanting "non-Federal funds that would otherwise be used," a restriction the Government Accounting Office concluded is almost impossible to enforce because of the difficulty in proving what would have otherwise been used. The block grant also permits supplanting federal funds (for example ESEA Title I preschool funds or surplus TANF funds). So nothing bars States from diverting ESEA or TANF funds to other purposes and using the block grant funds to fill in the holes. This would allow an overall decrease in early education spending within the State.

Mr. Speaker, our Head Start program is under attack, and therefore America's children are under attack. The Republican's Head Start bill is the equivalent of taking an axe to valuable and effective education programs. I implore all Americans and all members of the House of Representatives to speak out against this attack on our children. We must protect our children and we must save the Head Start program.

Mr. CUMMINGS. Mr. Speaker, the Head Start program, if we did not have one, we would have to invent it, because it has been so effective in preventing so many problems that children quite often develop after they get a little older.

The question has often been asked, why is the Congressional Black Caucus and the Hispanic Caucus so concerned about a Head Start program? And I think it is coming out very clearly as Members have spent a lot of time all day working and now they come here tonight, and the reason the Members are here is because they want to make sure that every child is allowed to grow up to be all that God meant for them to be.

The other day I was visiting Sheltonham Juvenile Detention Center in Maryland; and in speaking to the young boys there, most of them between 12–17, I told them when I was 7 years old I could remember young children going off to that detention center. I told them that the march continues even today, and I am 52 years old. I told them that we wanted to make sure that no more of our young men and young women would march off to that institution with shackles around their feet. We want them to be the Dr. Ben Carsons of the world, the teachers, the doctors, the educators, the people who make a difference in our society.

That is why the Congressional Black Caucus takes this time tonight, and we have done it over and over again, to make sure that we do everything in our power during our watch not to allow a very significant and very effective program that helps our children to be dismantled.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for holding this Special Order on Head Start and for the gentleman's leadership to ensure that we continue to raise the level of awareness in terms of making sure that our country knows what is going on here in Washington, D.C. I thank the gentleman for remaining consistent and ensuring that we do have this opportunity to speak out and to wake up America.

Tonight of course this Special Order, this discussion is with regard to Head Start, a program whose obituary is but a few days away if the administration has its way. If the administration has its way, this would be the beginning of the end for Head Start. Later this week, we will see the Republicans overhaul or at least try to overhaul the Head Start system, a program which has fundamentally provided children with an opportunity to succeed. Since its inception in 1965, it has reached over 20 million people. It is a program that still continues to touch and improve this country's low-income children by providing them opportunities to succeed. It really is the best example of Leave No Child Behind.

In my hometown of Oakland, California, over 1,600 children are part of our area Head Start programs; and across the country last year, Head Start and Early Head Start programs worked with more than 900,000 children in over 2,500 local programs. But the Bush administration has indicated that, like so many other beneficial policies and programs that they are dismantling, Head Start must also be dismantled. They are saying that it must be undone, it must be gutted. How are they doing this? They are doing this in several crucial ways.

First, they want to block grant Head Start, but block granting Head Start would be very dangerous. Block granting Head Start would mean creating 50 potential new bureaucracies in each State. Not only would that be expensive, depriving these programs of money to use for the real goal of providing early childhood development and education for children, but it would weaken the oversight and evaluation of these programs.

And, of course, block granting Head Start is especially disturbing at this point in our Nation's history in the economic downturn and jobs depression that we are, unfortunately, experiencing. At a time when State budgets are in such crisis and with the States able to determine exactly how they are going to spend their money, the possibility of using this money for things other than Head Start I think would be too tempting. I would hate to see our children caught up in State budget battles. It is too risky, and they do not deserve that.

Perhaps worst of all, Republicans want to turn Head Start into a program that relies on an exclusively academic program rather than what has been proven to be successful, and that is a comprehensive program for low-income children. What they want now is for children as early as age 4 to take a literacy test. Can Members imagine giving a 4-year-old a literacy test by which they would be evaluated? Gone would be the program components of nutrition and immunization programs, as well as counseling and other very important program components that provide for the support not only of the child but of the family. This focus on test scores for young children really is unbelievable.

At this particular time we should be doing more to improve and to increase the program, not reduce it. The truth is, we are still not reaching enough children. As I said earlier, over 1,600 Oakland students are in our Head Start programs. On any particular day in my hometown, 300–400 children are on waiting lists for Head Start centers. Head Start officials tell me all 30 centers have children on waiting lists, meaning all of the areas in my city are being affected.

Several months ago when families of Head Start heard about this very backwards initiative and proposal, 300–400 rallied immediately at city hall and they said in no uncertain terms if it is not broke, why fix it. They said that they wanted more children included in Head Start and that it was working in the way that we know it has always worked and to not tamper with it.

In fact, several of them told me we needed to focus on the fact that 300–400 children in Oakland are far too many to begin school already behind. They insisted, as we are insisting tonight, that Head Start remain intact. We must not stand by and allow the Bush administration to dismantle a successful, proven program like Head Start.

The President wants to kill one of the country's most successful programs, and I do not understand it. I encourage all of my colleagues to join with the Congressional Black Caucus and the Congressional Hispanic Caucus to resist this administration's very wrong and backward policies. I encourage our colleagues to do everything possible to avoid having one of the greatest early childhood education efforts become an obituary, a tombstone on which is written "Head Start was a great program."

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for her statement, and I yield to the gentlewoman from California (Ms. WATERS), a former Head Start teacher and someone who has spoken out consistently on this issue with a tremendous amount of passion.

Ms. WATERS. Mr. Speaker, I would like to thank the chairman of the Congressional Black Caucus for this and many of the other Special Orders he has organized in order to make sure that everyone in this Chamber and throughout the country understands the grave changes the President and the Republican Party are trying to make to the Head Start program.

□ 2145

Mr. Speaker, 38 years ago, I had the great fortune to help organize one of the first Head Start programs in this country under the War on Poverty. My involvement with Head Start has been one of the most defining experiences of my life. Not only did I help to organize one of the first Head Start programs in the country working with the community, I went to work for Head Start as an assistant teacher and I was inspired to go back to school and to get my degree. Not only was I inspired, I saw the inspiration that Head Start did for many parents, many folks in the community.

Today I sat in the Committee on Rules where I went to try and offer some amendments to strengthen the Head Start program and to not allow the Head Start program to be block-granted to the States. I literally sat there and listened to the chairman of the Committee on Education and the Workforce and others talking about Head Start without really knowing or understanding what Head Start is. I did not recognize the program that they were talking about. And it dawned on me that they did not know this program. It dawned on me that many of them had never spent any time in a

Head Start classroom. I heard descriptions of what the Republicans would like to do with the Head Start program, talking about somehow making it a program where children would be involved with literacy and trying to prepare them for the public schools and education in new and different ways.

Mr. Speaker, they did not know that in the beginning of Head Start, a lot of work was done to determine what would be the best way to provide an early childhood education experience for children who came from disadvantaged homes and disadvantaged communities. We tested everything from Montessori to other approaches to dealing with children. Finally it was concluded, after all of the study and all of the work, that the way to deal with the children from disadvantaged communities was to focus on the whole child, the entire child, and bring the family in to helping to determine the educational destiny of their children. In doing so, we felt that all of the children needed to have a physical examination to determine their health. We also thought that it was important to have a strong parent involvement component in this program. We also knew that it was important to have nutrition involved in the program.

And we were right. And we also determined that we had to reduce the ratio of children to teachers, because at that time single-teacher classrooms headed by one teacher was trying to manage 35 and 40 kids in the public schools. So we reduced those ratios to 1 to 5. For a classroom of 15, one adult to every five students in the Head Start class. And it worked. Because we had physical examinations, we discovered learning disabilities, dyslexia, other kinds of problems, sight problems, hearing problems, all kinds of problems that would have caused children to fail, to be placed in special education classes and not to be able to succeed; and we dealt with that, with this new model that was created.

And now we have people talking about they want a program to teach literacy. They do not understand that when you build self-esteem, when you introduce children to books for the first time, when you teach them to love books and to care for books, that is the best way to get children reading. When you teach the parents through the parent involvement program to read to the children, you are developing children who not only will love reading and love books but will become great readers and will be very, very literate and be able to succeed in the public schools and in the schools that they will go to.

I listened to those who were describing how they wanted to change the program. They really do not have any good reasons for changing this program. The only thing that they are doing is carrying out a conservative Republican philosophy that gets government out of providing a real safety net for the least of these. They are not only following the line, the philosophy of the Republican Party in divesting itself from programs that invest in people. We see it every day. It is not only Head Start. It is the section 8 program where they are trying to get out of the business of helping to provide safe and secure housing for people who cannot afford it with a subsidy; and so they are marching down this conservative road, of divesting government from being involved in programs that were created under the Great Society, programs of Johnson and Kennedy and getting rid of government responsibility.

Unfortunately, we are in the minority around here and we may not be able to stop them. They were so arrogant that they are going to have a closed rule where we will not be able to offer any amendments. They are going to have a closed rule so that there will not be any discussion and any real debate about how we ought to be strengthening Head Start. And the arrogance goes further than that. They are going to debate this on a Friday when people are rushing off to catch airplanes so that they can limit the debate and shut it down and literally roll out of here having block-granted Head Start and eight of our programs. This is sinful and it is shameful. They are destroying one of the most successful programs that we have ever had in this country, a program that has been commended and supported by every President since the inception of Head Start.

There is no reason for this. Some of the amendments that I tried to offer, one was an amendment that would allow parents to count the hours they volunteer in a Head Start classroom against welfare work requirements. Another would establish a parent service awards program. The amendment would authorize a $1,000 voucher to up to 5,000 individuals to be used for the cost of any education or job training program approved by any State or the Secretary of Health and Human Services. Eligible recipients of the award are parents who volunteer in the classroom at least 5 hours a week for the entire Head Start year.

A third would require each Head Start program to establish and maintain a waiting list of all children who are eligible for and apply for enrollment in a Head Start program, but are unable to participate because of lack of funding. If there is funding remaining after the initial disbursement of funds, this amendment authorizes the Secretary of Health and Human Services to distribute the remaining funds. And the last would remove title II of the bill and thereby ensure that Head Start can function as designed with strong educational standards, low child-to-staff ratios, and high-quality social services. In addition, the amendment ensures that funds designated for Head Start will go directly to local Head Start programs and the States will not have the opportunity to divert Head Start funds to close gaps in their budget or for other priorities.

I was not the only Member of Congress up there. In fact, I would guess there were 15 or 20 Members who were present, all interested in offering an amendment or two in an attempt to minimize the damage that the Republicans are doing to the Head Start program. Many of these amendments were well thought out and would improve the program. Yet the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), has requested a closed rule with no amendments to be permitted except maybe a manager's amendment and a Democratic substitute.

Let me just close, Mr. Speaker, by saying, if, in fact, this Congress allows the block-granting of Head Start, it will be one of the worst public policy decisions that has been made in the history of the Congress of the United States of America. Any time you have public policymakers who are willing to take a successful program that has been lauded and commended by everybody and there is nobody supporting the block-granting of the program, nobody asking that some changes like this be made to the program and undermine the ability of poor children and low-income, working families to have an experience of preschool that would help to make children more successful, then we ought to be called to task for it, and we ought to be challenged in our elections for it. We do not need to do this. I would ask the Republicans to rethink this wrongheaded policy. They may not do it, but we will all pay a price in the long run for it.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for her statement.

Mr. Speaker, tonight it is a very sad time when we consider a program, as the gentlewoman from California said, that has been so successful; and it is a sad time when a program that has touched so many lives and built so many lives so successfully is being attacked. We do consider it to be just that. One of the things that the gentlewoman from California talked about was she went to the Committee on Rules and she asked a question, why is it that the Republican leadership is so afraid of amendments to this bill to make it a better bill and to make the Head Start program better? She went on to say that there is a question as to whether or not they really understand what Head Start is all about. Martin Luther King, Jr. said, “You cannot lead where you do not go and you cannot teach what you don't know.” The fact is that there are so many children like the 4-year-old that I saw just a month ago graduating from our Head Start program at the Union Baptist Church in my district reading on the level of a third or fourth grader. That is what Head Start is all about.

And so it gives me great pleasure to yield to the distinguished gentleman from Illinois (Mr. DAVIS), who has consistently been at the forefront of lifting people up and trying to make a difference in their lives. I know that the gentleman from Illinois believes very strongly in the statement that I make quite often and that is that our children are the living messages we send to a future we will never see.

Mr. DAVIS of Illinois. I want to thank the gentleman from Maryland for yielding. I also want to commend him for his outstanding leadership on not only this but a myriad of issues confronting America as he continues in his role as chairman of the Congressional Black Caucus. I also want to commend my good friend, the gentleman from Texas (Mr. RODRIGUEZ), for his outstanding leadership as chairman of the Hispanic Caucus as we come together to work on issues that are mutually important to both groups, but are really important to all of America.

For about the last almost hour, we have heard many of my colleagues extol the virtues of Head Start. Since 1965, the Head Start program has helped over 21 million of America's neediest children gain the academic, social, emotional, and behavioral skills necessary for success in life. However, the positive effects of Head Start extend far beyond the individual child in the classroom. As a matter of fact, as we have heard, it helps the entire family. One of the most important aspects of Head Start is the involvement of parents. Through their involvement in the program, Head Start parents gain invaluable skills that have a positive and lasting effect on all of their children. Research has shown that Head Start parents demonstrate improved parenting skills, are more likely to begin preparing for employment, and gain the skills necessary to effectively advocate for their children. Head Start parents learn the importance of being involved and caring role models for their children. They are encouraged to participate in a wide range of activities, such as home visits, literacy classes, volunteering in the classroom, and taking part in the governing of the program. As a matter of fact, we just heard one of the most outstanding members of this body, the gentlewoman from California, talk about how she was inspired and motivated as a parent.

In the 2001–2002 program year, more than 876,000 parents volunteered at their local Head Start program. After participating in the program, Head Start parents typically continue to take a strong interest in the education of their children and are likely to continue their involvement with the program.

□ 2200

In fact, 23 percent of Head Start staff members in Illinois and in many other sites across the Nation are current or former Head Start parents.

The original bill sought to block grant the entire program. Fortunately, as a result of the hue and cry of Head Start activists, program directors, Democrats and Members of this body and other bodies and others have forced some back-peddling, and now the Head Start reauthorization bill seeks to implement an experimental program in eight States, providing block grants to integrate Head Start in preexisting State preschool programs.

These block grants, as we know, will undermine the comprehensive family-based intent of the program. They will allow States to determine their own standards, guidelines, and qualifications. These States could then decide to implement Head Start as a pre-kindergarten program, cutting out nutrition, vaccinations, dental care, medical care, and other important services currently guaranteed to children in the program. With the current State budget crisis, these services will almost certainly be eliminated, leaving the low-income children served by Head Start with no way to receive these extremely important services.

Unlike Head Start, typical pre-kindergarten programs are half-day programs that do not fully address parents' child care needs. These programs also focus primarily on building a foundation for academic skills, overlooking the importance of developing the social, emotional, and behavior skills vital to classroom survival.

Finally, these programs typically do not teach parents to actively advocate for their children. Low-income children deserve safe, caring environments. They deserve to have their parents involved in their lives. Low-income parents need to learn how to provide for the needs of their children. It is clear that if Head Start reauthorization is passed as written, it will be a tragedy for our Nation's low-income families and will not provide the comprehensive approach to readiness that our children so greatly need.

So, Mr. Speaker, once again, I want to reinforce what has already been said. That is, "If it ain't broke, don't fix it." If it does not need change, do not change it. If it is working, then let it work in such a way that it seriously benefits all of the children.

So, Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for his outstanding leadership.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his statement.

Mr. Speaker, tonight the Congressional Hispanic Caucus and the Congressional Black Caucus have come together to address the Head Start program; and, as I said a little bit earlier, our concerns go very deep.

Every time I come into this Chamber, I cannot help but think about the day that I was sworn in. My father, who only had a first grade education, sat up in the balcony. After the swearing-in ceremony, he came down with tears in his eyes, and I asked him the question, I said, Dad, why are you crying?

And I understood, first of all, about his history. He was a man who was born in Manning, South Carolina, and his people who owned the land where he was a sharecropper denied him the opportunity to get a decent education. He had gone some 70 years deprived of the kind of education that he deserved. So here he was in April of 1996, looking down on his son who had gotten the education. And I said, Dad, are you upset? I mean, are you happy, so happy that you have tears in your eyes about your son being elevated to a Congressman and being a lawyer and a phi beta kappa? He said, no, that is not what it is about. He said, I am crying out of pain. I am crying over the fact that I have gone a lifetime and finally I see what I could have been.

And what this is all about, this entire discussion here tonight, is about little children who have been born into a world and born into an environment where the income level of their parents may not be all that it is for others, and all they are doing is trying to be all that God has meant for them to be.

One great sculptor said that not long ago at one time he was sculpturing and his sculptures were selling for about $20. He went back to his grandfather and he said, grandfather, your sculptures sold for more. I mean, what is it? How did that happen? And the grandfather said, you have to look into the wood; it is already there. And so he began to look into the wood and see the sculpture, and he began to cut away and finally came up with what he knew was already there.

The fact is that these children who, again, are trying to simply be all that God meant for them to be, it is already there. The question is whether we, as adults, will do all that we can to bring it out of them.

We are convinced in the Congressional Hispanic Caucus and in the Congressional Black Caucus that we should be doing more, not less. We should not be merely raising the Head Start budget from $6.8 billion to $6.9 billion. That is not enough, because there is still, even with that slight increase, there are still 40 percent of all of the children who deserve a head start and who deserve to be in the program unable to do it because we have not put the money forward.

We are concerned about the fact that we are now saying let us experiment with these eight States and give them the block grant funds to pass on to the Head Start programs. We are worried that that money may get diverted somewhere else, and the kids that really need that money they will not get it. Because budgets throughout our Nation, almost every single governor is struggling with a deficit, and we are very clear that when they are struggling with deficits it is probably quite likely that the money, all of the money that is destined for those Head Start programs will not get there.

So we do not want to be in a situation where 30 years from now, 20 years from now, 40 years from now, children who are then grown up are looking at their children and saying what my father said to me: Now I know what I could have been, what I could have been. The fact is that we have an opportunity here today, this week, to make sure that all of our children, all of our children, every one of them, has an opportunity to get off to a good head start.

Finally let me say this: So often I hear my colleagues talk about what they want for our children. But I ask the question, if their children, if they were talking about their own children, the children that have their blood running through their veins and who came from their womb, would they want an improved Head Start program if their child had to be a subject of the Head Start program? I would submit that they would want a better program, that they would not want funds diverted.

So this evening, Mr. Speaker, I thank all of the Members of the Congressional Black Caucus, all of the Members of the Congressional Hispanic Caucus who have come forward to lift up our children so that they can be all the best that they can be.

Mr. JONES of Ohio. Mr. Speaker, I raise in support of Hard Start as we know it. Rather than dismantling Head Start, I call on the leadership of both parties to make Head Start bipartisan as it has been for 38 years, to keep the current Federal-to-local structure of Head Start intact rather than supporting any measures to shift oversight to any number of states, to maintain and improve upon current Federal performance standards and oversight—to ensure high quality and the array of comprehensive services offered by Head Start, to provide for further improvements including higher teacher qualifications, matched with provisions for funding teacher training and higher salaries, and to move towards fully funding Head Start, beginning with at least a $1 billion increase for FY 2004.

All the Head Start programs in Ohio say that if the States inherit control of the program, it is likely the current comprehensive focus for Head Start will be lost. This change could eliminate critical services, such as promoting children's social and emotional well-being in addition to their academic skills, health and dental screenings and treatment, mental health services, parent-education programs and social services.

They say that: families who are currently receiving help but have income above 150 percent of poverty will lose their assistance the next time their eligibility is predetermined. The changes also include an increase in parent fees, which will increase the amount families pay by an average of $50.

They say that the rates for family childcare providers will be lowered from the 75th percentile of the market rate to the 60th percentile, making it difficult for those providers to serve families receiving assistance.

The shame of it all is that the most eligible children are denied childcare assistance. Nationally, only 1 out of 7 children eligible for childcare assistance under Federal law receives help. States have long waiting lists for children help. (At the end of 2002, one-third of the states continued to put low-income working families on waiting lists.)

In Ohio 38,081 children are enrolled in the Federal program and 18,173 in the State program.

Ohio has 837 centers. This does not count home-based services; these are actual centers. Of these, 229 are only federally funded, 109 are only State funded, and the other 499 are mixed—both State and Federal funds.

Cuts in Ohio will mean that 18,500 children will lose their child care assistance by September to help the State save $268 million. On April 1, the State will decrease income eligibility from 185 percent of the Federal poverty level ($27,787 for a family of three) to 150 percent ($22,530 for a family of three).

Support Head Start as we know it. Fully fund this successful program!

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

BIPARTISANSHIP BRINGS POTENTIAL SOLUTIONS TO PRESCRIPTION DRUGS ISSUE

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I come to the floor of the House tonight again to talk about the issue of prescription drugs and the prices that Americans pay compared to the prices that people pay in the rest of the industrialized world. I will have colleagues joining me tonight from time to time from both sides of the political aisle. We have Republicans, we have Democrats, we have people who would consider themselves conservative and, hopefully, some who will be coming down who consider themselves to be liberals or progressives.

Because this is not an issue of right versus left. It is an issue of right versus wrong. Tomorrow night we hope to do another Special Order on a bipartisan basis to talk about this issue again, because I think this is the kind of issue that we need to talk about, that Members need to understand.

Mr. Speaker, I, in the past, have said that the fact that Americans pay so much more than the people in Canada or in Germany or Switzerland or France, I have always said that it is not so much shame on the pharmaceutical industry, it is shame on us. And it is really our responsibility. Our own FDA works for the Congress and not the other way around.

But, tonight, my tone is going to start to change because of some of the things that the pharmaceutical industry has been doing over the last several weeks.

President Reagan said, if you tell something that is not true but you do not know it is not true, that is a mistake. If you say something that is not true and you know it is not true, that is a lie. And in the last several weeks we have seen things that really do border on lies, because the people who are telling the stories know that they are not true. We are going to talk about that tonight.

I want to thank my colleague, the gentleman from Illinois (Mr. EMANUEL), for joining me tonight in this Special Order. I know that he has had an incredibly long day and he can only stay for a few minutes, so I would like to yield to him so that he can talk about the issue and the problem and what we in Congress maybe can do to bring some parity and fairness in terms of the prices that our consumers are forced to pay for these life-saving drugs.

Mr. EMANUEL. Mr. Speaker, I thank my good colleague and friend, the gentleman from Minnesota, for his leadership on this issue, as he has shown time and again. The test of leadership is the ability of an individual, in the face of a great deal of opposition, to consistently stay whole and true to his principles; and the gentleman has done that, even in the face of not only political opposition but leadership opposition within his own party on this issue.

Others of both parties, a cross-section that cuts a big swathe within our Congress, members of what one would call the extreme right and members on the extreme left, have come together on this. I think it is because, one, I think this legislation speaks to our common set of values; and, two, it is because all of us cannot be hard to the fact that because we have heard stories repeatedly of busloads and carloads of individuals who have gone over the border to Canada to buy medications that are life-saving and necessary and have done that as the only means in which they can afford their medication and what has been prescribed. All of us have heard those stories and that is why all of us have come here.

Now, some may have talked about price controls. Others may have talked about just letting the system as is continue. This legislation, which we put together under the gentleman's leadership, uses market forces to bring prices down. It says that if you can get the medication at a 12 or 15 percent reduction in Canada, and that is a better way for you to go, you would go there. If you can find it cheaper in England or in Ireland or in Germany or Italy, you could go there. That would force at the local pharmacy the prices to begin to reduce here at home for the American consumer and American seniors.

That competition will bring competitiveness to the type of medication you can buy and real reductions in the prices, so that no longer would the American consumer, through inflated prices here at home for prescription drugs, be supporting the price reductions and the affordable prices that Canadians, Brits, the French, Germans, Italians, and Dutch are paying there.

So it uses market forces to reduce prices and brings that competition to bear. I think once that happens, our local pharmacy and drugstore, because they will not want to lose market share, will reduce prices at their local pharmacy. It is the force of the market that will bring prices down.

The gentleman has shown many times I think the prices of drugs on this chart, and I know the gentleman will get to it soon, but that competition for me is not only important for our seniors, it is important to our private businesses. General Motors I think has a $1.2 billion health care package for prescription drugs for their retirees. This type of savings, on average, 20 percent, would save close to $240 million for GM.

But we will see that ripple throughout the entire economy. That would save, for families who are paying $60, $70 for a one-time medication, who can then buy it for $30 or $40, and that is a tremendous reduction.

□ 2215

Second, we are about to embark on the largest expansion of an entitlement in over 40 years. Medicare, we are thinking about adding $400 billion for a prescription drug benefit. Some think it may in the end go up to 5 or $600 billion. I think all of us owe the taxpayers a little bit of respect. And when I say respect, respect is understanding the value of their tax dollars should go the longest way possible. Therefore, if we can get the prices for a prescription drug or a specific drug, whether it is arthritic, heart, diabetic medication at 40 percent reduction or 30 percent reduction, we owe the taxpayers through Medicare the right to get them the best price.

Corporations and the pharmaceutical company will get their profits, but this legislation is not about their best profits. It is about the best price for the seniors and our taxpayers. And two myths I want to strike down, one myth that those on the other side say, and they constantly say, is that if you do this you are going to destroy our ability to develop new medications. I think that taxpayers have been tremendously generous to the pharmaceutical industry. Through the research and development tax credit, taxpayers have supported research at these corporations, and they have paid for that research through the tax credits' R&D.

Second, the taxpayers are being very generous because if you look at cancer drugs, you look at drugs for AIDS, every one of them was developed through the National Institutes of Health, which is a taxpayer-funded research institute. So in my view, R&D will never get hurt as long as the taxpayers maintain their generosity to the tax credit, the R&D, and through NIH. So that myth does not work.

Second, that we are somehow endangering the health and safety of the medications that we have at our local pharmacy and drug stores. The truth is every one of the medications we have talked about are FDA, Federal Drug Administration, approved. They are the drugs that were manufactured at the Food and Drug Administration FDA facility, and these facilities produce the drugs for the markets here in America, Canada, England and France, the same companies. They are name-brand drugs at 20, 30, 40, 50 percent reduction. So safety is not a concern. Development of new products is not a concern. We would do great work for our taxpayers and our elderly and our American consumers.

I know the gentleman has some examples to show to the people who are listening and watching the debate of this important issue.

Mr. GUTKNECHT. Mr. Speaker, we have plenty of examples. Before the gentleman goes, one of the issues that I briefly referenced in my opening remarks was that up until the last several days I have been very hesitant to criticize the pharmaceutical industry because in many respects they did not create this system; Congress did. They did not allow this system to perpetuate. It was the FDA and the Congress that did. But recently they have begun what I think is an unethical strategy to try and scare seniors, to scare consumers, to begin to get them to believe that the problems that would be created by this legislation are insurmountable.

And to the gentleman's credit, the gentleman has had the courage to fight back. Because they have started to run ads on radio, they started to do mailings to our seniors, they are making phone calls to our seniors, they are mailing to pro-life groups; and that is where I get back to this point. If you tell something that is not true and you know it is not true, that is a lie. And I think sometimes here in this city we have to call an untruth a lie. And to the gentleman's credit, and I want the gentleman to talk a little bit about what he has done in Chicago to begin to call things the way they really are and to counterattack. And I admire the gentleman for that. Perhaps the gentleman can talk a little bit about what has been happening in Chicago, in the gentleman's district, and what he is doing about it.

Mr. EMANUEL. Mr. Speaker, as the gentleman knows, the pharmaceutical companies set up a front group, because if it was paid for by the pharmaceutical companies, it would totally be discredited; but they set up a front group to advertise and start to attack or pressure individual Members on this legislation. And they ran radio ads saying, call your Member, say you do not want unsafe drugs in the district, using scare tactics to frighten senior citizens and to frighten American consumers.

Well, in the Chicago area it has totally backfired so I want to thank them for spending their money to help us. But I decided to go on with my own radio ad to counter what the pharmaceutical industry was doing and to tell them the truth and the public the truth about what was going on, what we were trying to do, which is bring competition, bring the prices down, make medications more affordable, save the taxpayers money.

The gentleman and I have talked about it, others have talked about it; I believe that what the drug pharmaceutical companies were doing here was a sign of desperation.

Now, when I mentioned to the gentleman I was running radio ads, a colleague of ours from Indiana mentioned the direct mail he was getting in his district. A colleague of ours from Massachusetts was mentioning the phone calls where pharmaceutical companies were calling up telling the same message they were delivering on the radio, saying, talk to your Congressman, and then patching that through. Once the staff of the Member's office explained it, the seniors not only felt good, they were happy that he was on the legislation. But they are using the scare tactics in a sign of desperation. Their position is untenable.

We have competition for a car. You want to buy a Toyota, you can buy a Toyota. You want to buy General Motors, you can buy General Motors. You want to buy a Renault, you can buy a Renault, a Saab. You want to buy strawberries all year round, you can do that. You want to buy software from an American company, you can do that. You want to buy them from a German company, SAP, you can do that. The only area where you cannot buy other products from other markets in the same product line is in the pharmaceutical area. We can do it in cars, stereos, TV, electronics. And in all of those places, consumer prices have dropped dramatically. Competition has worked.

The pharmaceutical industry has gamed the political system. They have gamed the legal system, and they have kept competition out. We pay the highest prices in the world for pharmaceutical drugs. The gentleman's chart shows the 10 most-used drugs for seniors. There is a $700 spread where American seniors are paying $700 more than their counterparts in Germany, 20 percent more in Canada. Why? Because the political system has been gamed by the pharmaceutical industry to keep competition out of the market.

Now, I have seen the marketplace work. It does it in every product. It brings efficiency to the marketplace. The reason we have this tremendous inefficiency in the pharmaceutical area is because we have a closed market. You open up the marketplace to competition, prices will drop.

One of the things I learned a long time ago, maybe this is because I am a middle child. I used to say about middle children, we wrote a book, "War or Peace." We could do either one. If someone was going to go out and say something like that to scare and intimidate people, they needed to be pushed back and given some of their own medicine.

What they did in Chicago, what they are doing around the country, the gentleman can correct me if I am wrong, but I think it is about $20 million big pharmaceutical companies are spending to scare people. It is a sign of desperation. They are using desperate tactics. And I hope it is backfiring on our colleagues and realizing that type of pressure politics will not work, scaring people. The public is on to what they were doing.

That is what I decided to do. We have run it in the Chicago area. We have got a tremendous amount of attention and support by the public for speaking out and speaking up against the pharmaceutical industry scare tactics. If they wanted to have an honest debate, this is worth having a debate. I look forward to it. But what they are doing is exactly what the gentleman said, they are lying. They are scaring people when they need not scare them.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman. We have sort of suffered the slings and arrows of outrageous fortune over this issue, but it is worth it because this is a big issue. The gentleman mentioned they are desperate. They understand what we understand, that over the next 10 years this is a $630 billion issue. And that $630 billion is going to be paid by seniors, it is going to be paid by families, it is going to be paid by big businesses, it is going to be paid by small businesses; but that is $630 billion that Americans should not have to pay.

As we talked about with many of these drugs like Tamoxifen, the Americans already paid for the drug. We paid to develop the drug. And yet they sell it, here, this box of drugs I bought in Munich, Germany, for $59.05. We rounded it off to $60. This drug sells here in Washington, D.C. for $360. That is outrageous. It is indefensible. And the reason that they have to resort to distortions, deceptions, and downright lies is because they cannot defend this chart. They cannot defend the fact that Cipro sells in Germany for $35, and $55 in the United States, that Coumadin sells for $21 in Germany and $89.95 in the United States. Glucophage, $21.95 in the United States, only $5 in Germany. Pravachol sells for $62.96 in Germany but $149.95 here, and the list goes on.

The gentleman said the total price for the 10 most commonly prescribed drugs, $373.30 in Munich, Germany. That same group of drugs, same quantities, made in the same FDA-approved facilities sells for $1,039.65 here in the United States. That is indefensible. They do not want to argue this chart. They do not want to argue these numbers, so they resorted to the only thing that is left, and that is to try to scare seniors, try to deceive Members of Congress and somehow distort this whole issue so that it is about safety, it is about abortion, it is about all other kinds of issues; but that is not what it is about.

It is about money. It is about real money. Because they believe that $630 billion belongs to them. We believe that $630 billion belongs to Americans.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague from Minnesota for having the Special Order and my colleague from Illinois, who I am working with on a number of different issues.

The gentleman talks about what is going on, that they are trying to scare seniors, they are trying to scare Members of Congress. In an unprecedented way, they have taken this argument to our constituents; and actually I am glad that they did. Back in my district a few weeks ago as I am talking to my newspapers, I started getting some unusual inquiries. They were asking me some strange questions. They said, What are you working on, this reimportation? And I kind of explain it to them. And I kind of asked them the question and said, Why are you asking? I have worked on this bill for the last 3 or 4 years, and this is the first time you have ever asked me about it. They said, We had someone from the pharmaceutical companies visit us and talk to us about this issue. I said, That is interesting. We have some pharmaceutical companies in west Michigan. I have a rural district along the Lake Michigan shoreline and a number of dailies, a number of weekly newspapers. I said, Oh, one of the folks from one of the local drug companies. They said, No, we think this is a lobbyist from Washington. And almost universally they have all said, We are not quite sure what to make of this because this has never happened to us before that a lobbyist would come from Washington and meet with us and to try to tell us why you are, the quote was, Why you are backing the wrong horse, was one of the terms that they were using.

I will get back to that, but this person was from the Pharmaceutical Research and Manufacturers of America and visited all of my daily newspapers and I think some of the weeklies and actually visited some that were not in my district that he thought were still in my district.

But now they introduce the flier that says, they are spending more on my campaign than I spend on my own campaigns, "Will Congressman HOEKSTRA miss an opportunity to protect the sanctity of human life?"

Absolutely not. In 10½ years of being in Washington, I have not missed a vote to protect the unborn. This will not be one of the times that even will impact the unborn. We have a letter from a former colleague to the gentleman from Minnesota (Mr. GUTKNECHT) that talks about what a phony argument they are raising in this instance, in scaring the pro-life folks.

□ 2230

Then they have the second flier that these folks are mailing out into my district, a public health alert: Investigative reports expose danger of imported medicines for seniors. But they are mailing that out in my district.

Then an urgent drug safety warning for America's family, a half-page ad in my local newspapers. I guess my colleague from Illinois must have experienced some of the radio ads that they are running, urgent. And the two of my colleagues are absolutely right. Because what has run in one of my local newspapers now is the dirty little secret that these folks are running away from, which is save up to 86 percent on your prescription drugs, 86 percent. This is an offer to constituents in my district to buy the same drugs, and you have got the prices up there, something that in the U.S. costs $80 dollars, get it for 17 bucks from Canada. This is after they ship it to you at 17.

Mr. EMANUEL. Mr. Speaker, may I ask my colleague, what you have as an ad in your area paper, where people can buy the same medications that they could get at their local pharmacies, if they went to Canada, the reductions, if you could read a few of those comparatives.

Mr. HOEKSTRA. Mr. Speaker, Lipitor, save 43 percent. The average U.S. cost is $288. Our price is $165.

Neurotonin, you have got all these down, but average U.S. cost $130. Our price $78.

Mr. EMANUEL. Our price being the one in Canada.

Mr. HOEKSTRA. That is right. Our price being the one in Canada.

Premarin, the U.S. price, $80. Our price, if you buy it through mail order from Canada, $17.

One of my pharmacists called me today because he says I cannot sell this for $80. He says, when I buy this from my supplier in the U.S., it is costing me $74. The dirty little secret is that these folks are willing to sell.

The savings are save 43 percent, save 40 percent, save 79 percent, save 26 percent. Save 86 percent on Nolvadex. $349 is the average U.S. cost. Buy the same drug, manufactured in the same plant in the U.S. and buy it, I am 180 miles from Detroit. Go 180 miles to Windsor and buy the same thing for $50.

It is not like the Canadians have this phenomenal pharmaceutical system that they can build this stuff so much cheaper, manufacture this stuff so much cheaper. It is the same stuff built in the same plants in the U.S., but it is sold for 86 percent cheaper if you want to buy it from Canada, 45 percent, 54 percent, 23, 49, 52 percent.

Zocor, I know that you have talked about that, $377 is the average cost in the U.S.

Mr. GUTKNECHT. That must be for 100 tablets. Does it say?

Mr. HOEKSTRA. It is 100 count tablet, 20 milligrams.

Mr. GUTKNECHT. That is what we are talking about.

Mr. HOEKSTRA. Buy it from Canada for $180.

Mr. EMANUEL. That is a 50 percent reduction, little more.

Mr. HOEKSTRA. Fifty-two percent. One of my pharmacists called me this morning, and he is outraged because he opens his morning newspaper, and he is seeing this ad and says, how do I compete? And I said, I want you to do a press conference with me next week. On Monday morning we are going to do this, and we are going to talk about that and expose the dirty little secret.

This is not about drug safety. This is not about abortion. This is about the American taxpayers being gouged by greedy drug companies which I think was the headline in Illinois.

Mr. EMANUEL. Mr. Speaker, if my colleague would yield, as a friend of ours once said, if they say it ain't about money, it is about money, and that is what this is about. It is not about abortion. It is not about safety. It is not about anything else but about money.

I respect the need for them to make a profit. They will make a profit, but it is clear what is going on here is that the American consumers, the American elderly and American taxpayers are subsidizing the rest of the world, and it is high time we stand up for those folks who are trying to make ends meet, whether they be taxpayers, sick patients, whether they be the elderly, get the prescriptions. It is clear because all those drugs are name brand drugs, same name brand drugs made in the same facility, they are just sold at a 50 or more percent reduction in Canada. In that type of competition your local pharmacist can compete if they had that same type of price, and that is what we are talking about.

Mr. HOEKSTRA. Mr. Speaker, what my local pharmacist said today was we would have not that great of a drug crisis in the United States if we had Canadian pricing or German pricing or other EU pricing.

The three reasons that Mr. Trewhitt gave my local newspapers as to why this reimportation is a failed strategy, there is no guarantee any savings would be passed on to consumers.

The Lipitor, save 43 percent. My belief is that if you have reimportation, my pharmacist in Holland, Michigan, or my pharmacist in Ludington, Michigan, if he can access these drugs through a purchasing agreement with a reputable pharmaceutical house in Canada, do I think he is going to buy or stay in business if he is paying $288 for it and the pharmacy down the street can get it for $165? I am sorry, he is going to be buying it, and the consumers will see the savings. The consumers in Canada obviously are seeing the savings. The savings have moved down.

It is uncertain whether the safety of reimported drugs can be assured. Give me a break. You told me how many pounds or tons of bananas we import and these types of things. The technology exists where we can put the controls in place that we can maintain the integrity.

But the bottom line is reimportation will not happen. What will happen is that we will see an equalization of the prices between the Canadian and the U.S. markets and the European markets and the U.S. and the U.S. seniors and the U.S. government. But, also, U.S. manufacturers will no longer be subsidizing the health care costs of the rest of the world.

The third argument that Mr. Trewhitt raises, the third major reason he argues against reimportation is that, in essence, he said the U.S. also would be importing someone else's failed price controls. It does not look like failed price controls to me. It looks to me like price controls or whatever mechanism Canada is using appear to be working pretty well, because the folks who are manufacturing these products are perfectly willing to sell these products in Canada at these prices, and they are not willing to sell these same drugs to American consumers at the same price. It appears to be working for Canada.

If this were a failed price control, these drugs would not be available in Canada. If these companies could not make money at these prices, what they would say is we are not going to distribute these products in Canada because we cannot make a profit at it so we are not going to distribute them there until we get a fair and reasonable price for these products. They are not going to available in Canada, and Canadians would be having to come to the United States to buy these quality drugs, but it is exactly the opposite.

Mr. GUTKNECHT. Mr. Speaker, I want to give our friend from Illinois a few minutes because I know he has to leave.

Mr. EMANUEL. I think that our other colleague from Michigan laid it out. What would happen is you would see a dramatic reduction in prices here in the United States. There would be some levelling off. Prices in other places would rise. We can call it reimportation. I like to refer to it as market access. We would go from a closed market to an open market. You have real competition. Once that occurred, what would happen at that point, prices would be reduced here at home.

More importantly, I will use the General Motors example. There are businesses all across the country, look at the steel industry, what was really depressing the steel industry was not the competition in prices. It was that our steel industry had all these legacy costs for retirees, health care costs. You get the reductions like this, and the costs for our steel industry would be dramatically reduced, but that is across big businesses and small businesses.

Small businesses, only one-third of them provide health care. Two-thirds do not. Why? Because it is too costly. One of the greatest causes of health care inflation is, which is now running at 20–25 percent a year, two factors, the uninsured and prescription medicines. Those are the factors behind health care inflation.

We have got to bring this under control. The way to do it is not mandate it. Let us use market forces to do it.

Again, I want to go back to what our opponents have done. I again believe that their desperation and desperate tactics, whether that is through the direct mail as you have shown, the radio commercials that are running in my district, the telephone campaign that is running in other folks' districts, what is interesting is, as I have said before and I will say again, they could have said anything. They can talk about their life-saving medications. They could have talked about their innovation, how many people they employ. They did not talk about something positive. They tried to scare people about what we are trying to do.

To me, their first argument, their first salvo, the first arrow they shot is indicative of the emptiness of their position. They did not say something positive about what they are trying to do. They are trying to run us down, helping seniors and consumers.

Again, I want to thank both of you. I do have to go. I thank both of you for your leadership. One of the things I am most impressed with is the huge bipartisanship that has been shown on this, the cross-sections of both caucuses, the Democrats and Republicans, who have come together, both in the House and in the Senate where 82 Members voted for similar legislation, although it is only specific to Canada.

We are talking about the European Union here, which I think would be real competitive because we have a common set of principles. We have heard too many stories of people missing medication, people, as my colleague has always said, and if I could steal this from him for a second, we have turned our elderly into drug runners, coyotes running over the border trying to get medication.

Both of you have districts obviously closer to Canada than mine, but in Illinois there are actually three or four storefronts opening up to do distributions from Canada. You see it on a real day-to-day basis what is going on, and you see the competitive market forces that if we brought them here people would not drive 120 miles, which they do today. They would drive 12 minutes, and they would get the medication at their local pharmacy.

We need that type of competition here, and it is the right thing to do, and I think we are on the right course. The desperate tactics shown by our opponents reflect the success of our message, and I think we are scheduled to have a vote next week, which I think America needs to focus on and bring their attention to.

Again, I want to thank you for doing this again today, and I think we are going to have some other time this week to talk about this again.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman; and hopefully tonight we are going to have another bipartisan opportunity to come together, Republicans, Democrats, Independents, conservatives, liberals, and talk about this.

Let me just share, I have a lot of heroes. We all have heroes, but I want to talk about one in particular. Her name is Kate Stahl. Kate Stahl is 84 years old. She is a very active member of the Senior Federation back in Minnesota, and she was quoted in a recent copy of U.S. News and World Report, and the quote is, I would like nothing better than to be thrown in jail.

She is a self-described drug runner. She helps people find affordable medications, in Canada principally, but she will also look other places. She goes on-line. She helps them buy drugs. She takes them up to Winnipeg to buy drugs. Kate Stahl is not a common criminal. She is an American hero.

One of the statistics I have come across and one of the reasons I fight so aggressively on this issue, there was a study done recently by the Kaiser Foundation, and I checked this out because I spoke to the community pharmacists a few months ago. The study said that 29 percent of seniors say that they have had prescriptions that have gone unfilled because they could not afford them.

So when I spoke to the community pharmacists a couple of months ago, I asked them the question, have you ever had the experience where a senior comes in, or it does not even have to be a senior, it can be a mother or father comes in with a prescription, hands it to you and you tell them how much the prescription is going to cost and they take a deep breath and they drop their head and they say, well, maybe I will be back tomorrow and they never come back? Shame on us. Shame on us.

These drugs are available today in other industrialized countries for a fraction of what we pay, but they have something we do not have. They have parallel marketing or parallel trading in Europe, and they allow the pharmacists to literally shop where they can get the best price, whether it is for Coumadin or Synthroid or whatever it happens to be, and, as a result, they have affordable drugs.

□ 2245

It really is time for us to open up markets, because markets work. Again quoting Ronald Reagan, "Markets are more powerful than armies." We have to open up markets. We have to have some competition. And if we do that, we will have more affordable prescription drugs, not just for seniors but for moms and dads, families, and for small businesses.

Mr. Speaker, I yield back to my friend from Michigan because he has been a champion of small businesses, and particularly a champion for small businesses. He has seen what is happening to manufacturing and one of the reasons for the cost of health care. Perhaps he wants to talk a little about why this does matter whether you are a senior citizen or a manager of a small manufacturing plant.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding. So much of the debate has been about ensuring that seniors have access to health care, and that is important, that they have access to affordable health care. But what has been lost in the debate, and my colleague from Illinois brought this up briefly before he left, was that small businesses and others are struggling with the cost of health care.

When a small business is expected to pay these kinds of prices that are double or triple what would be paid in Canada, what happens is, and it is not too difficult to figure out, the health care cost for a small business in Canada that is paying $33 for a prescription and a company in Michigan that is paying $100 for that exact same prescription, and prescriptions are becoming a much greater percentage of the total cost of health care, well, naturally, the insurance costs are going to be higher for that company in the U.S. than what they are in Canada.

In the manufacturing sector today, companies are competing on the basis of pennies. If I can make this widget for a few cents less in Canada or in Europe versus the U.S., guess what, I am moving. That is how competitive the market is. Markets work. Sources of supply shift. And so, in effect, not only are we subsidizing the health care costs in Canada and in Europe for the seniors, our businesses and our workers carry this additional burden of increased health care costs. Our companies and our workers in America are subsidizing the very workers that they have to compete with in Canada and in Europe based on health care.

Our workers not only have to be productive enough to cover the cost of their own health care, but they also are picking up a part of the health care cost of the very people that are trying to put them out of work each and every day in Canada, in Europe, and, as my colleague likes to refer to them, the starving Swiss. Those are the folks our people are competing against each and every day, and they are now being asked to pick up part of the burden for their health care costs. It is absolutely outrageous.

Manufacturing is under assault in the U.S. Talk to a small businessperson today and the first thing they will bring up is the competitive nature of the market that they are in. There is no safe market any more. It is not like we found our niche; we are going to have a good year. Competition is tough each and every day, and they have to go out and fight to get a customer and to keep a customer.

The second thing they will say is that the fastest rising cost in our business is health care. And a big component of it is that they are paying more so that Canadian companies and Canadian workers can get their health care cheaper. There is no reason why mom and dad, who go to work during the day and want to raise their family, that while they are working they are subsidizing the health care costs of competitors across and outside of our borders.

This is one of the things that we need to deal with as we try to resurrect and strengthen manufacturing in the U.S. This is one small step, but it has to take place. We have to equalize those health care costs.

Mr. GUTKNECHT. Reclaiming my time, Mr. Speaker, the gentleman is absolutely correct. I have been astonished at the response by some of the people here in Washington. We all claim to be very concerned with the fact that we have lost over 2 million manufacturing jobs in the last 4 years; and some people are saying, well, the answer is more government programs; and some people say, well, the answer is tax cuts. But here is an idea that if we are right, and I think we are, and I think the evidence supports this, that we can save at least $630 billion.

Now, if you want to allow Americans to keep and spend $630 billion of their money, here is a good place to start; and it does not cost the Federal Treasury a dime. It just begins to equalize, so no longer will American consumers and American taxpayers be subsidizing the health care cost of the rest of the world.

And I just want to come back to one point, because people do not realize, and the gentleman from Illinois (Mr. EMANUEL) started talking about this, we subsidize the pharmaceutical industry in three separate ways. First of all, we subsidize them in the tax codes because they get very generous tax benefits for what they do on research and so forth. They get to write off at least 50 percent. In many cases, they get a dollar-per-dollar tax reduction in the form of tax credits.

Secondly, we subsidize them in the amount we spend on research. This year, and I am proud of this fact, we will spend about $27 billion in taxpayers' dollars through the NIH, the National Science Foundation, actually through the Defense Department. We spend an awful lot of money on research which ultimately benefits the pharmaceutical industry. With the drug tax laws, for example, we spent almost $.5 billion taxpayer dollars developing Paxil. Then we licensed that drug to a pharmaceutical company and they went out and sold $9 billion worth of Paxil to the market. Even though we took it all the way through phase 2 trials at taxpayer expense, they have sold $9 billion and they paid us a royalty of $35 million.

Finally, we subsidize the pharmaceutical companies in the prices we pay. As the gentleman said, I think we ought to subsidize the people in sub-Saharan Africa, but I think the time has come to say we will no longer continue to subsidize the starving Swiss.

Mr. HOEKSTRA. If my colleague will yield, Mr. Speaker, I think this is a very, very critical point. We are fighting in a world economy for every job. Every American worker faces not only competition, but in Michigan we face competition from Wisconsin, Illinois, Minnesota, and Ohio, each and every day. And each and every day they fight competition from Canada, from Europe, and the Far East.

Now, not that long ago we had a plant close in my hometown and move to Canada. One of the reasons they moved was due to the ridiculous sugar subsidy we have here that inflated the price of sugar in the U.S. The other reason was that the cost of labor, which includes the cost of health care and other benefits, was higher in the United States. And so not only is it that health care costs more here, it is because the workers here were covering their own health care and paying a portion of the health care costs for the very people that ended up putting them out of a job.

We are subsidizing other companies to compete against U.S. manufacturers and U.S. workers. We cannot lose that point through this debate. It is absolutely critical that the American people need to recognize that when we are paying triple or four times the prescription drug prices in the U.S. versus what they are paying in other countries, it is the U.S. worker who is subsidizing foreign workers who are trying to take their job each and every day. That is why this is absolutely so critical.

The gentleman and I have been here for a period of time, and we are always talking about free trade. Let us have free trade. Because we say, hey, competition works. But when it comes to this area where it is so clear that competition would work, because we have this discrepancy between Detroit and Windsor, where all we have is a river with a bridge over it and a tunnel underneath it, and you have to go a couple of miles and you can save 70, 60, 50 percent, yet we will not let them do it, that tells us that there is something wrong.

Mr. GUTKNECHT. And we should do something about it.

Mr. Speaker, we have been joined by our friend, the gentleman from Vermont, someone who has been in these trenches fighting this battle I think for even longer than I have.

Mr. HOEKSTRA. And if the gentleman will yield briefly, I just have to say that I do believe this will be the first time that I have ever been joined on a Special Order by my colleague from Vermont. So welcome.

Mr. GUTKNECHT. Mr. Speaker, I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for his leadership on this issue. I think what is very interesting on this issue is that we are finding people from different philosophical perspectives, Republicans, Democrats, Independents, Conservatives, Progressives, Liberals, Moderates, coming together and making one very strong point. And while our analysis may be different, the bottom line that we all agree on is that it is simply unacceptable that the people of the United States year after year are forced to pay by far the highest prices in the world for prescription drugs, many of which are manufactured right here in this country.

As the gentleman from Minnesota knows, several years ago I took some of my constituents, and I was the first Member of Congress to do that, and being in Vermont we are right near the Canadian border, so we went from Franklin County, northern Vermont, over the border, and we had with us a number of women who were struggling with breast cancer, a terrible illness. They were able to purchase, and the gentleman has it right in his hands, a widely prescribed breast cancer drug called Tamoxifen.

These women could not believe their eyes when they ended up paying one-tenth the price, 10 percent of the price, in Montreal than they were paying in the State of Vermont.

Now, my view is that the time is long overdue for the Members of the United States Congress, Republicans, Democrats, Independents, to stand up to what I believe is the most powerful lobby in the history of our country. The pharmaceutical industry has spent hundreds of millions of dollars fighting every effort here in Congress. No matter what the idea is, they have fought it.

My understanding now, and my colleague can correct me if I am wrong, is that they are running ads all over the country against the concept of reimportation. They are lying about people's political beliefs. They are putting up and funding phony front organizations to represent their interests. And the point to be made, in my view, is that it is absurd that year after year, when the pharmaceutical industry leads all other industries in the profits that they make, when they have enough money to pay their CEOs exorbitant compensation packages, when they have enough money to have over 600 paid lobbyists, and, my friends, there are only 435 Members of the House, yet they have 600 lobbyists, former leaders of the Republican Party, former leaders of the Democratic Party, they are besieging the institution, that we cannot walk the hallways without bumping into a representative of the pharmaceutical industry telling Members of Congress, please, do everything you can to make sure that Americans continue to pay the highest prices in the world.

The last point I would make, and my friend from Michigan touched on this issue, I happen not to be an advocate of free trade. I think free trade in the last number of years has been a disaster for American workers, et cetera. But for all of those people in Congress, a majority of people, who think that it is okay to bring in products from China, to bring in vegetables from Mexico and Latin America, to bring in beef and pork bellies from Canada, if all of that is okay, how come we cannot bring FDA safety-regulated prescription drugs from Canada, which has a regulatory system quite as strong as the FDA? I would love our colleagues to tell me that answer.

Mr. GUTKNECHT. Well, if the gentleman will yield back, that is the question I asked my colleagues and that is how I got involved in this debate. I always tell people I feel like the little boy who came in and asked his mother a question, and his mother was busy. She said go ask your dad. And he said, well, I did not want to know that much about it.

The more I have learned about this, the more pernicious this thing is. But what really got me involved was several years ago on behalf of my pork producers, when the price of hogs dropped from about 37 cents a pound down to about 9 cents a pound, 8 cents a pound, my hog producers started calling me saying, Congressman, can you not do something about this? I said, I do not know what I can do. They said, at least can you stop the Canadian hogs from coming into the American market making our situation even worse, making the supply and demand thing even worse? Can you do something about the Canadian hogs, at least stop them?

So I called the Secretary of Agriculture and I called the Secretary of Commerce and I got essentially the same answer. They said, well, that is called NAFTA. It is called free trade. All of a sudden a light bulb went on above my head. I said, wait a minute, we have free trade when it comes to pork bellies and blueberries, but we do not have free trade when it comes to Tamoxifen? The one area where Americans could save billions.

Mr. SANDERS. That is amazing.

Mr. GUTKNECHT. Billions. And that is when I began to move. As Winston Churchill once said, "The difference between a fan and a fanatic is, a fanatic is one who cannot change their mind and will not change the subject." I have become a fanatic on this, and we will not step down.

□ 2300

Mr. HOEKSTRA. Mr. Speaker, the interesting thing that the gentleman from Minnesota (Mr. GUTKNECHT) is talking about, if you are buying pork or hog bellies from Canada, they were raised and grown in Canada and exported to the U.S.

These drugs that we are talking about shipping into the U.S. were probably made in the U.S. under the FDA, they were shipped to Canada, and this is kind of a reverse NAFTA. We are shipping this stuff out, and they are selling it at these phenomenal discounts in Canada. Then the American consumer would like to buy American product back, and they are saying that it is too dangerous, illegal, and plus you will promote abortion.

Mr. SANDERS. Mr. Speaker, common sense would dictate, is it not far more difficult to regulate the vegetables or the beef or pork that are raised on farms and ranches, what pesticides are they using, who knows, it is very difficult to regulate, but it is okay to import that product into the United States. But when you have prescription drugs manufactured in the United States and approved by the FDA, sent to Canada, approved by their regulatory system, all of a sudden we cannot regulate it. On the surface it is absurd and laughable, and anyone who makes that case should be laughed out of this institution.

Mr. HOEKSTRA. Not only on the surface is it ridiculous, but as we peel the onion, it gets even more absurd. They say that these are Canadian drugs, who knows where they manufactured. No, they were not manufactured in Toronto. These things were manufactured, produced in our own factories.

Mr. SANDERS. The gentleman from Indiana (Mr. BURTON) and I did a study. We requested of the CRS to take a look at the Canadian prescription drug regulatory system. We are not dealing with some Third World in Canada. What the CRS told us is that the Canadian prescription drug regulatory system almost always is equivalent to the FDA in the United States, which makes the argument that the drugs coming in would be unsafe totally ridiculous.

Mr. GUTKNECHT. Mr. Speaker, coming back to the abortion piece, if anybody knows what the rules are on the drug RU–486, it is the drug companies that make it. We talk about Canada and Mexico, we do not even mention Mexico in our legislation because we only talk about industrialized countries. We mention only the G–8 countries, countries that we know have very sophisticated methods of regulating the drugs. But let us come back to RU–486. That is what they are going after with some of the pro-lifers with that mailer. Here is what they know.

Mr. HOEKSTRA. It is the pharmaceutical companies.

Mr. GUTKNECHT. Exactly. It is all funded by the pharmaceutical companies. We know that, and we will be able to prove that within the next 72 hours.

But let me come back to this point. They know the rules. You cannot get the abortion drug RU–486 with a prescription in the United States. You can only get it administered by a doctor in a hospital or in the doctor's office. In other words, he or she cannot write you a prescription and you get it filled at the pharmacy.

The pharmaceutical industry knows that, and that is why this is such a bald-faced lie. In fact, they do not even go so far as to say you cannot even get it legally in Canada or Mexico. It is outlawed completely in those countries. Only the FDA has allowed the abortion drug.

I do not think they should, but whichever side of the story you are on, stick to the facts. And if anybody knows the facts, it is the companies that produce it. It is not laughable. It is sad. I used to think of them as an ethical industry. No more. It is unethical. What they are doing is dishonest, and they deserve all of the spite that the consumers are beginning to heap upon their shoulders.

Mr. SANDERS. Mr. Speaker, I am pro-choice. I am proud of it. I have always been, and I will always be. But for the pharmaceutical industry to lie about the pro-life people just shows the desperateness as to where they are. What they are nervous about and what this Special Order is about is people from different political parties coming together on behalf of the American people and saying, enough is enough, pharmaceutical industry, you cannot rip the American people off. I think we have them on the run, and if we keep our fiber and keep working together, we will win this effort.

I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) for his leadership efforts on this issue.

Mr. HOEKSTRA. Mr. Speaker, I think what my colleagues have both alluded to is the dishonesty or questioning the motives of the pharmaceutical companies.

My mom and my in-laws are mid-80s, and they take prescription drugs. They are paying four times what somebody in Canada or Europe will pay. How in the world can a drug company justify those numbers and say just the very simple fact of a border means if you need a life-saving prescription in Canada, it is going to cost you $17 and in the United States it will cost you $80?

It is absolutely outrageous that that is what these folks are doing each and every day. For whatever reason, they are pricing people and seniors out of the market here in America. They go to bed at night feeling perfectly comfortable doing that and then throwing this garbage out there to justify it.

We may differ on life, but you are absolutely right, the folks that developed RU–486 are the ones that are paying for the ads that say, how terrible, they are going to promote abortion. It is like, excuse me, you are the ones that came up with this drug.

Mr. Speaker, I congratulate my colleague for leading the fight and being a staunch supporter on this and the gentleman from Vermont (Mr. SANDERS) coming to join us tonight. I cannot wait until we have a vote on this. I think we are going to win in overwhelming fashion, and we are going to demonstrate that different parts of this Congress can come together and stand up for the consumers.

Mr. GUTKNECHT. Mr. Speaker, I yield to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Michigan (Mr. HOEKSTRA).

There is no question that there are people in this country who are literally dying or suffering because they cannot afford the high prices that they are forced to pay in this country. It is not acceptable that an industry which is so wealthy and so profitable can continue to force Americans to suffer in that way.

It excites me that we are coming together regardless of philosophy or party to say enough is enough. I look forward to that vote. I think we have them on the run, and I think the literature that the gentleman showed is just an indication of how desperate and panicky they must be. I would say to the American people it is a sad state of affairs when an industry has to stoop to that level. I think Congress has caught up to them, and I think we are finally going to represent effectively the American people on this issue.

Mr. GUTKNECHT. Mr. Speaker, we have had a very lively discussion. This is an important debate. Ultimately, it is about hundreds of billions of dollars that Americans pay and will be forced to pay if we do not do something about it. There is nothing in it for any of us except the satisfaction of doing what we believe is honestly right.

I will close with the words of the American philosopher and country western singer Tom Petty, "We won't back down."

□ 2310

OPPOSITION TO ALLOWING AMERICAN TOURIST TRAVEL TO CUBA

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to address the issue of American tourists visiting the island of Cuba this evening. Mr. Speaker, in my opinion now is not the time to open American tourism to Cuba. American tourists should not be allowed to soak in the sun of Cuba's beaches while so many of Cuba's democracy leaders and independent thinkers suffer under inhumane conditions in Cuba's jails.

Behind Cuba's tropical weather and vacation resorts lies a repressive regime. This is the same regime that earlier this year arrested over 80 nonviolent human rights advocates, prodemocracy leaders, and independent journalists in a campaign by Castro and his forces to silence all voices of opposition on the island.

Mr. Speaker, I have said in the past that doing business with Cuba means doing business with Castro. So long as Castro maintains his stranglehold on every aspect of Cuban life, allowing Americans to travel to Cuba would mean subsidizing Castro. Most Cuban tourist operations are run by the Cuban military and internal security services. These so-called "companies" funnel money directly into the regime, earning them the hard currency necessary to perpetuate their repressive policies. Contrary to popular belief, increased tourist travel to the island would not increase purposeful contact with the Cuban people. Canadians and Europeans have been traveling to Cuba for years, and yet there has been no measurable impact on or change in Castro's control over his people.

Furthermore, Mr. Speaker, 98 percent of Cuban citizens are forbidden even entry into the tourist areas, which is Fidel Castro's way of denying foreigners the ability to gain a glimpse into the reality of Cuban life. Those Cubans who do work at the resorts are forbidden to engage in certain types of conversations with foreigners, including any mention of Cuba's political situation, the U.S. embargo, and other such issues.

Citizens who work at the resorts are employed by a State employment agency run by the Castro regime. The foreign resorts pay the worker's wages to the state agency in dollars, but the worker receives only pesos. Therefore, between 95 percent and 97 percent of a worker's wages are kept by Castro.

Mr. Speaker, by lifting travel sanctions with nothing in exchange from the Cuban Government, we are betraying the very people these policies were designed to help. By allowing American citizens to sip drinks on Cuba's coastline, we are turning our backs on the journalists and pro-democracy advocates that are wasting away in Cuba's jails. I urge my colleagues to join with me and oppose any attempts to lift travel restrictions and to remain committed to their support for the Cuban people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for July 14 through 16 on account of personal reasons.

Mr. JANKLOW (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. HAYWORTH (at the request of Mr. DELAY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HINCHEY) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, July 16.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, July 16.

Mr. BURGESS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HINOJOSA, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. GRIJALVA, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1233. An act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; to the Committee on Resources and the Committee on the Judiciary.

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 709—An act to award a congressional gold medal to Prime Minister Tony Blair.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 16, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3180. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3181. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number

99-09C, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3182. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquistion Regulation Supplement; Payment Bonds on Cost-Reimbursement Contracts [DFARS Case 2002-D030] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3183. A letter from the Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Special Supplemental Food Program for Women, Infants, and Children Overseas (RIN: 0720-AA75) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3184. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims [Docket No. 94P-0036] (RIN: 0910-AB66) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3185. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Antidiarrheal Drug Products for Over-the-Counter Human Use; Final Monograph; Correction [Docket No. 78N-036D] (RIN: 0910-AA01) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3186. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Tires [Docket No. NHTSA-03-15400] (RIN: 2127-AI54) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3187. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems, Child Restraint Anchorage Systems [Docket No. NHTSA-03-15438] (RIN: 2127-AH99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3188. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7516-4] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3189. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 [MB Docket 02-277]; Cross-Ownership of Broadcast Stations and Newspapers [MM Docket No. 01-235]; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets [MM Docket No.01-317]; Definition of Radio Markets [MM Docket 00-244]; Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area [MB Docket 03-130] Received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3190. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 12-03 which informs of an intent to sign a Project Agreement between the United States, Australia, Italy, and the United Kingdom concerning C-130J Co-operative Systems and Software Upgrade Requirements Management (COSSURM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed request for the sale of defense articles or defense services sold commercially to Saudia Arabia, Norway and France (Transmittal No. DDTC 016-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract to Norway (Transmittal No. DDTC 055-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 047-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3194. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract to Israel (Transmittal No. DDTC 046-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract to Israel (Transmittal No. DDTC 046-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Denmark (Transmittal No. DDTC 044-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed amendment to a license for the export of defense services, technical data and defense articles abroad to the United Kingdom (Transmittal No. DDTC 052-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3198. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifiation of a proposed technical assistance agreement for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DDTC 049-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3199. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — 31 CFR chapter V — received June 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3200. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-107, "Additional Use of the Reserve Funds Omnibus Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3201. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3202. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery [Docket No. 030409081-3154-02; I.D. 032103B] (RIN: 0648-AQ72) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3203. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Washington Sport Fisheries [Docket No. 030124019-3040-02; I.D. 061903C] (RIN: 0648-AQ67)received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone; Huntington Cleveland Harborfest and Parade of Sail, Cleveland, OH July 9-14, 2003 [CGD09-03-206] (RIN: 1625-AA00, 1625-AA11) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California [COTP San Francisco Bay 03-004] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Military Ocean Terminal Sunny Point, Cape Fear River, Brunswick County, NC [CGD05-03-074] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bogue Sound, Morehead City, NC [CGD05-03-072] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of High Capacity Passenger Vessels in Prince William Sound, Alaska [COTP-PWS-03-003] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Swimming Across San Juan Harbor, San Juan, Puerto Rico [COTP SAN JUAN-03-104] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix, United States Virgin Islands [COTP San Juan-03-113] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-03-222] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gary Air and Water Show, Lake Michigan, Gary IN [CGD09-03-235] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Brooks Memorial (S.E. 17th Street) Bridge, Atlantic Intracoastal Waterway mile 1065.9, Fort Lauderdale, Florida [CGD07-03-076] (RIN: 1625-AA09) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Toledo Tall Ships Parade, July 16, 2003, Port of Toledo, OH [CGD09-03-208] (RIN: 1625-AA08, 1625-AA09, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Bay City Tall Ship Celebration, Saginaw River, August 14-18, 2003 [CGD09-03-204] (RIN: 1625-AA09, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sacramento River, Sacramento, CA [COTP San Francisco Bay 03-019] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-03-073] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3218. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Wings Over Cleveland, Cleveland, OH [CGD09-03-232] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3219. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Contiguous to Waterfront Facilities [USCG-1998-4302] (RIN: 1625-AA07 (Formerly RIN: 2115-AE22)) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3220. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Recognition of Organizations and Accreditation of Representatives; Attorneys, and Agents (RIN: 2900-AI93) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3221. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Elimination of User Fees for Certain Determination Letter Requests Pursuant to Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Notice 2003-49) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3222. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Annual Accounting Period (Announcement 2003-49) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3223. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treatment of Community Income for Certain Individuals not Filing Joint Returns [TD 9074] (RIN: 1545-AY83) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3224. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Exchanges of Insurance Policies (Notice 2003-51) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3225. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Effect of Section 338(h)(10) Elections in Certain Multi-step Transactions [REG-143679-02] (RIN: 1545-BB68) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3226. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes [TD 9073] (RIN: 1545-BB17) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3227. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax on Reversion Of Qualified Plan Assets to Employer (Rev. Rul. 2003-85) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3228. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Catch-Up Contributions for Individuals Age 50 or Older [TD 9072] (RIN: 1545-BA24) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3229. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Authority to charge fees for furnishing copies of exempt organizations' material open to public inspection under IRC Section 6104 [TD 9070] (RIN: 1545-BB22) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3230. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Accounting Periods and Methods of Accounting (Rev. Proc. 2003-62) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3231. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definition of Guaranteed Annuity and Lead Unitrust Interests [TD 9068] (RIN: 1545-A031) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3232. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rents from Real Property (Rev. Rul. 2003-86) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2473. A bill to amend title XVII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; with an amendment (Rept. 108–178 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY: Committee on House Administration. House Resolution 317. Resolution dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii (Rept. 108–207). Referred to the House Calendar.

Mr. NEY: Committee on House Administration. House Resolution 318. Resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee (Rept. 108–208). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 and for other purposes (Rept. 108–209). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1720. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers; with amendments (Rept. 108–210). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2297. A bill to amend title 38, United States Code, to modify and improve certain benefits for veterans, and for other purposes; with amendments (Rept. 108–211). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, and Ms. CORRINE BROWN of Florida):

H.R. 2725. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Transportation and Infrastructure.

By Ms. CARSON of Indiana (for herself, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. PAYNE, Ms. LEE, and Mr. OWENS):

H.R. 2726. A bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mrs. LOWEY, Mr. GUTIERREZ, Mr. HOEFFEL, Ms. NORTON, Ms. BALDWIN, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. SANDERS, Mr. ROTHMAN, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Ms. ESHOO, Mr. CUMMINGS, Mrs. CAPPS, Mr. WAXMAN, Ms. SLAUGHTER, Ms. CORRINE BROWN of Florida, Mr. GREEN of Texas, Mr. NADLER, Mr. OWENS, Mrs. KELLY, Mr. BAIRD, Mr. PASCRELL, Ms. WOOLSEY, Mr. MATHESON, Mr. MCDERMOTT, Mr. LEVIN, Mr. SCOTT of Georgia, Mr. FILNER, Mr. RANGEL, Mr. CONYERS, Mr. FROST, Mr. WU, Mr. HOLT, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. BELL, Ms. MILLENDER-MCDONALD, Mr. SHAYS, Ms. MCCOLLUM, Mr. VISCLOSKY, Mr. BLUMENAUER, Mr. ENGEL, Mr. DOYLE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. MICHAUD, Mr. FALEOMAVAEGA, Mr. DAVIS of Alabama, Mr. BRADY of Pennsylvania, Ms. DEGETTE, Mr. OSE, and Mrs. JOHNSON of Connecticut):

H.R. 2727. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 2728. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2729. A bill to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2730. A bill to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2731. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mrs. MUSGRAVE (for herself, Mr. BOEHNER, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, Mr. DEMINT, Mr. WILSON of South Carolina, Mr. EHLERS, Mr. PITTS, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. KENNEDY of Minnesota, Mr. ADERHOLT, Mr. BRADY of Texas, Mr. GUTKNECHT, Mr. KING of Iowa, Mr. CRANE, Mr. MILLER of Florida, Mr. BEAUPREZ, Mr. CHABOT, Mr. DOOLITTLE, Mr. AKIN, Mr. JONES of North Carolina, Mr. TOOMEY, Mr. SMITH of Michigan, Mr. RYUN of Kansas, Mr. HOSTETTLER, Mr. PAUL, Mr. SOUDER, Mr. RYAN of Wisconsin, and Mr. WELDON of Florida):

H.R. 2732. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURR (for himself, Mr. FOSSELLA, Mr. TOWNS, Mr. GORDON, and Mr. BOUCHER):

H.R. 2733. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORBES (for himself, Mr. ROHRABACHER, Mr. LARSON of Connecticut, and Mr. GORDON):

H.R. 2734. A bill to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes; to the Committee on Science.

By Mr. BARTON of Texas (for himself, Mr. TOWNS, Mr. ACEVEDO-VILÁ, Mr. AKIN, Mr. ANDREWS, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. DAVIS of Alabama, Mrs. JO ANN DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Ms. DEGETTE, Ms. ESHOO, Mr. FORD, Mr. FRANKS of Arizona, Mr. GERLACH, Mr. GOODLATTE, Mr. GRAVES, Mr. GREENWOOD, Mr. HOLDEN, Mr. LATOURETTE, Ms. JACKSON-LEE of Texas, Mr. MANZULLO, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MOORE, Mrs. MYRICK, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. RUSH, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. STENHOLM, Mr. TANCREDO, Mr. TANNER, Mr. THOMPSON of Mississippi, Mr. TOOMEY, Mr. WAMP, Mr. WAXMAN, Mr. WELDON of Florida, Mr. WEXLER, Mr. WILSON of South Carolina, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2735. A bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEVIN:

H.R. 2736. A bill to amend title VII of the Tariff Act of 1930 with respect to determining certain antidumping calculations for merchandise from former nonmarket economy countries; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 2737. A bill to amend the Trade Act of 1974 and the Sherman Act to address foreign private and joint public-private market access barriers that harm United States trade, and to amend the Trade Act of 1974 to address the failure of foreign governments to cooperate in the provision of information relating to certain investigations; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. DAVIS of Alabama, Mr. RENZI, and Mr. MATHESON):

H.R. 2740. A bill to amend the National Housing Act to authorize the Government National Mortgage Association to guarantee securities backed by loans guaranteed by the Rural Housing Service under section 538 of the Housing Act of 1949; to the Committee on Financial Services.

By Mrs. CAPPS (for herself, Mr. GEORGE MILLER of California, Mrs. MALONEY, Mr. FROST, and Mr. TOWNS):

H.R. 2741. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 2742. A bill to amend title 18, United States Code, to provide penalties for armored car robberies; to the Committee on the Judiciary.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2743. A bill to require the Comptroller General to prepare statements for bills and resolutions reported by committees of the House of Representatives and the Senate on whether any new entities, programs, or functions authorized by the bills or resolutions are redundant with existing Federal entities, programs, or functions and could be more efficiently performed by an existing Federal entity, program, or function, and to require such statements to accompany reports on legislation; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. RUSH, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Mr. WELLER, Mr. COSTELLO, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. LAHOOD, Mr. SHIMKUS, Mr. JACKSON of Illinois, and Ms. SCHAKOWSKY):

H.R. 2744. A bill to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building"; to the Committee on Government Reform.

By Mr. KUCINICH (for himself, Mr. RANGEL, Ms. BORDALLO, and Mr. HINCHEY):

H.R. 2745. A bill to amend the Internal Revenue Code of 1986 to require a sports franchise to provide for all of the games played by the franchise to be available for local television broadcasting in order to be subject to the presumption that 50 percent of the consideration in the sale or exchange of a sports franchise is allocable to player contracts; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. SHAYS, and Mr. SIMMONS):

H.R. 2746. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building"; to the Committee on Government Reform.

By Mr. LEWIS of Kentucky:

H.R. 2747. A bill to amend the Internal Revenue Code of 1986 to update the optional methods for computing net earnings from self-employment; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. FROST, Mr. WYNN, Mr. BALLANCE, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Ms. NORTON, and Mr. HOYER):

H.R. 2748. A bill to amend chapter 84 of title 5, United States Code, to allow individuals who return to Government service after receiving a refund of retirement contributions to recapture credit for the service covered by that refund by repaying the amount that was so received, with interest; to the Committee on Government Reform.

By Mr. SHERMAN (for himself, Mr. BAIRD, Mr. CONYERS, and Mr. FATTAH):

H.R. 2749. A bill to amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. HAYWORTH, Mr. KILDEE, and Mr. ABERCROMBIE):

H.R. 2750. A bill to make technical amendments to the Indian Child Welfare Act of 1978; to the Committee on Resources.

By Mr. LEVIN:

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress regarding dispute settlement proceedings in the World Trade Organization; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. LANTOS):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress regarding the Government of Saudi Arabia's lack of protection of internationally recognized human rights and the absence of religious freedom in Saudi Arabia; to the Committee on International Relations.

By Mr. NEY:

H. Res. 317. A resolution dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii; considered and agreed to.

By Mr. NEY:

H. Res. 318. A resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. LARSEN of Washington and Mr. GRIJALVA.

H.R. 49: Mr. MEEHAN, Mr. KENNEDY of Minnesota, Mr. THOMPSON of Mississippi, and Mr. HALL.

H.R. 110: Mr. MILLER of Florida.

H.R. 290: Mr. UDALL of New Mexico, Mr. MEEHAN, Mrs. MYRICK, Mrs. DAVIS of California, Mr. BELL and Mr. HEFLEY.

H.R. 296: Mr. DEUTSCH.

H.R. 303: Mrs. JONES of Ohio.

H.R. 331: Mr. ROSS.

H.R. 369: Mr. HOEKSTRA and Mr. MCCOTTER.

H.R. 375: Ms. HART and Mr. WICKER.

H.R. 391: Mr. ROGERS of Alabama.

H.R. 414: Mr. UDALL of Colorado.

H.R. 433: Ms. ESHOO.

H.R. 434: Mr. SHIMKUS and Mr. GOODE.

H.R. 463: Mr. HULSHOF and Mr. KOLBE.

H.R. 486: Mr. WELDON of Florida, Mr. WICKER, Mr. HENSARLING, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, and Mr. PICKERING.

H.R. 528: Mr. ENGLISH, Mr. KENNEDY of Minnesota, Mr. RUSH, Mr. JACKSON of Illinois, and Ms. MILLENDER-MCDONALD.

H.R. 570: Mr. PRICE of North Carolina.

H.R. 571: Mr. WOLF.

H.R. 586: Ms. KAPTUR.

H.R. 594: Mr. MILLER of North Carolina, Mr. CHOCOLA, Mr. DINGELL, Mr. GEPHARDT, and Mr. PRICE of North Carolina.

H.R. 648: Mr. GIBBONS.

H.R. 687: Mr. BARTON of Texas.

H.R. 721: Mr. BARTON of Texas.

H.R. 738: Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. UDALL of Colorado, and Ms. MILLENDER-MCDONALD.

H.R. 745: Ms. MILLENDER-MCDONALD.

H.R. 785: Mr. PUTNAM and Mr. WALDEN of Oregon.

H.R. 834: Mr. GRIJALVA.

H.R. 857: Mr. SCHIFF.

H.R. 898: Mr. KUCINICH, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, and Ms. HARRIS.

H.R. 997: Mr. LEWIS of Kentucky.

H.R. 1002: Mr. SHAW.

H.R. 1008: Mr. MANZULLO.

H.R. 1034: Mr. SHERMAN.

H.R. 1043: Ms. BALDWIN, Mr. ROGERS of Kentucky, and Mr. CALVERT.

H.R. 1068: Mr. KING of Iowa and Mr. GOODE.

H.R. 1078: Mr. CUNNINGHAM, Mr. KNOLLENBERG, Mr. SWEENEY, Mr. MILLER of Florida, Mr. WELDON of Pennsylvania, Mrs. BIGGERT, Mrs. LOWEY, Mr. FARR, Mr. HAYES, Mr. HERGER, Mr. OLVER, Mr. NORWOOD, Mr. NUNES, Mr. GALLEGLY, and Mr. VITTER.

H.R. 1098: Mr. WILSON of South Carolina.

H.R. 1167: Mr. CALVERT.

H.R. 1251: Mr. JANKLOW.

H.R. 1305: Mr. DREIER.

H.R. 1310: Mrs. EMERSON, Mr. BAIRD, Mr. GREEN of Wisconsin, and Mr. ROGERS of Kentucky.

H.R. 1336: Mr. BURGESS and Mr. BURNS.

H.R. 1359: Mr. FRANK of Massachusetts and Mr. HINCHEY.

H.R. 1470: Mr. SNYDER.

H.R. 1499: Mr. WEXLER.

H.R. 1523: Mr. LATHAM.

H.R. 1533: Mr. SHERMAN and Mr. KANJORSKI.

H.R. 1569: Mr. ANDREWS, Mr. PALLONE, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. ROTHMAN.

H.R. 1605: Mrs. TAUSCHER and Mr. FRANK of Massachusetts.

H.R. 1622: Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. GEORGE MILLER of California, and Mr. BURTON of Indiana.

H.R. 1639: Ms. MCCOLLUM.

H.R. 1666: Mr. FOLEY.

H.R. 1708: Ms. ROYBAL-ALLARD and Mr. STARK.

H.R. 1710: Mr. KIND.

H.R. 1717: Mrs. DAVIS of California.

H.R. 1730: Mr. TAYLOR of Mississippi.

H.R. 1769: Mr. HOEFFEL, Ms. KAPTUR, and Mr. GREEN of Texas.

H.R. 1784: Mr. CLAY, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. LATHAM, and Mr. DICKS.

H.R. 1811: Ms. LEE, Mr. NADLER, Mr. DAVIS of Illinois, Mr. ANDREWS, Ms. BALDWIN, Mr. HAYWORTH, Mr. RYUN of Kansas, Mr. SANDERS, and Mr. LEVIN.

H.R. 1813: Mr. BECERRA and Mr. ALLEN.

H.R. 1870: Mrs. MUSGRAVE.

H.R. 1886: Mr. MILLER of North Carolina.

H.R. 1896: Mr. MILLER of Florida.

H.R. 1905: Mr. NADLER.

H.R. 1912: Mr. NUSSLE.

H.R. 1939: Mr. MARKEY.

H.R. 2008: Mr. ANDREWS.

H.R. 2038: Mr. ISRAEL.

H.R. 2085: Mr. BURR.

H.R. 2125: Mr. FALEOMAVAEGA and Ms. JACKSON-LEE of Texas.

H.R. 2130: Mr. ANDREWS, Mr. PALLONE, Mr. FRELINGHUYSEN, and Mr. HOLT.

H.R. 2135: Mr. PICKERING.

H.R. 2174: Mr. GRIJALVA and Mr. MCGOVERN.

H.R. 2205: Mr. LAMPSON, Mr. DELAHUNT, Mr. MENENDEZ, Mr. SIMMONS, Ms. BERKLEY, Mr. HINCHEY, Mr. SANDLIN, Mr. DOOLEY of California, Mr. SHERMAN, Mr. ABERCROMBIE, Mr. SHIMKUS, Mr. HOLT, and Mr. ALLEN.

H.R. 2218: Mr. MORAN of Kansas.

H.R. 2233: Mr. GRIJALVA.

H.R. 2246: Mr. LAHOOD, Mr. LUCAS of Oklahoma, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. MCDERMOTT, and Mr. KING of New York.

H.R. 2265: Ms. DUNN and Mr. GILLMOR.

H.R. 2318: Mr. DAVIS of Tennessee, Ms. NORTON, and Mr. PETERSON of Minnesota.

H.R. 2323: Mr. GRIJALVA and Mr. WEXLER.
H.R. 2377: Mrs. JONES of Ohio.
H.R. 2427: Mr. KLECZKA and Mr. DEMINT.
H.R. 2433: Mrs. DAVIS of California and Mr. MOORE.
H.R. 2462: Mr. VAN HOLLEN and Mr. MARKEY.
H.R. 2482: Mr. BEREUTER.
H.R. 2497: Mr. WEXLER.
H.R. 2511: Mr. LYNCH.
H.R. 2513: Mr. BISHOP of New York.
H.R. 2517: Mr. GALLEGLY.
H.R. 2519: Mr. LANTOS, Mr. BISHOP of New York, Mr. LIPINSKI, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2568: Mr. LANTOS.
H.R. 2570: Mr. REYES, Ms. MCCOLLUM, and Ms. NORTON.
H.R. 2579: Mr. GREEN of Wisconsin.
H.R. 2602: Mr. SIMPSON, Mr. NORWOOD, Mr. DOOLITTLE, and Mr. BAKER.
H.R. 2607: Mr. ABERCROMBIE.
H.R. 2620: Mr. NADLER and Mr. KUCINICH.
H.R. 2622: Mr. MURPHY.
H.R. 2625: Ms. WOOLSEY, Mr. ALLEN, Mr. HINCHEY, Mr. EMANUEL, Mr. THOMPSON of California, and Mr. CLAY.
H.R. 2626: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. GILCHREST.
H.R. 2665: Mr. STARK, Mr. KUCINICH, Mrs. MCCARTHY of New York, and Mr. KILDEE.
H.R. 2687: Mr. DUNCAN.
H.R. 2700: Mr. MCDERMOTT.
H.R. 2705: Mr. WYNN and Mr. FRANK of Massachusetts.
H.R. 2711: Mr. KUCINICH and Mr. MCDERMOTT.
H.J. Res. 50: Mr. MANZULLO and Ms. DUNN.
H.J. Res. 56: Mr. GINGREY, Mr. DAVIS of Tennessee, Mr. PICKERING, and Mr. WICKER.
H. Con. Res. 6: Mr. EHLERS.
H. Con. Res. 30: Mr. COOPER, Mr. BACHUS, and Mr. TERRY.
H. Con. Res. 76: Mr. JOHNSON of Illinois.
H. Con. Res. 94: Mr. MCHUGH, Mr. CARSON of Oklahoma, Mrs. NORTHUP, Mr. WAXMAN, Mr. FLETCHER, and Mr. SANDLIN.
H. Con. Res. 126: Mr. MILLER of Florida.
H. Con. Res. 155: Mr. LIPINSKI.
H. Con. Res. 192: Mr. WYNN, Mr. MCINTYRE, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. JENKINS, Mr. POMEROY, Mr. REYES, Mr. SPRATT, and Mr. BAIRD.
H. Con. Res. 213: Mr. FATTAH.
H. Res. 108: Mr. BLUMENAUER.
H. Res. 259: Mr. STARK.
H. Res. 285: Mr. ETHERIDGE, Mr. PITTS, Mr. PALLONE, Mr. CALVERT, Mr. BURNS, and Mr. BARRETT of South Carolina.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. COLLINS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2691

OFFERED BY: MR. JOHN

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to prosecute any individual for taking migratory birds as described in 20.21(i)(1)(i) of title 50, Code of Federal Regulations, on or over land or water where seeds or grains have been scattered solely as the result of manipulated regrowth of a harvested rice crop.

H.R. 2691

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 7: Strike section 335 of the bill (page 154, lines 12 and 13).

H.R. 2691

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 8: Page 92, line 22, after the dollar amount insert the following: "increased by $57,480,000".

Page 93, line 22, after the dollar amount insert the following: "increased by $57,480,000".

Page 128, line 7, after the dollar amount insert the following: "reduced by $57,480,000".

H.R. 2691

OFFERED BY: MR. UDALL OF NEW MEXICO

AMENDMENT NO. 9: Add at the end (before the short title) the following new section:

SEC. . None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

H.R. 2691

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 10: Page 21, line 3, after the first dollar amount, insert "(reduced by $6,000,000)".

Page 47, line 6, after the dollar amount, insert "(reduced by $3,000,000)".

Page 91, line 22, after the dollar amount, insert "(reduced by $6,000,000)".

Page 128, line 7, after the dollar amount, insert "(increased by $10,000,000)".

Page 128, line 11, after the dollar amount, insert "(increased $10,000,000)".

Page 128, line 23, after the dollar amount, insert "(increased by $5,000,000)".

H.R. 2691

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 11: Strike section 332.

EXTENSIONS OF REMARKS

RECOGNIZING THE HONORABLE REVEREND DOUGLAS L. SIDEN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Reverend Douglas L. Siden for his outstanding leadership in the San Francisco Bay Area community. Doug Siden has been an ordained American Baptist Minister for 48 years. On July 28, 2003, a reception will be held to honor him on the occasion of receiving a Doctor of Humane Letters from the American Baptist Seminary of the West and to recognize his many years of community service.

Doug Siden, a resident of Alameda, CA, has always been committed to social justice, the environment and to youth. As a young minister in the 1960s, he first demonstrated his leadership abilities by advocating for the establishment of parks in his community. He developed an inter-racial church that supported fair housing and the integration of the community. He marched with Cesar Chavez to support farm workers' rights and marched with Martin Luther King, Jr. during the civil rights movement. Several times, Doug went to Washington, DC, to advocate for civil rights legislation as the representative of the inter-faith San Francisco Conference on Religion, Race and Social Concern.

Through the years, Doug has always been in the forefront of leadership. He was the first pastor of a newly created church in San Mateo, CA; first director of urban strategy for his Northern California regional church; first chairman of the San Francisco Night Ministry; first Area Minister for his denomination's churches from San Francisco to the Oregon border; and first Regional Camp Executive Director for the American Baptist Churches of the West. Doug is proud of his leadership role in the establishment of two-year round camps for children, youth, adults, and families of all ages in the Santa Cruz Mountains and the High Sierra near Lake Tahoe.

Doug is currently devoted full-time to public, community, and church service. He was elected to the East Bay Regional Park Board of Directors in 1992 and currently serves as the Board's Vice President. He is involved in leadership roles in a myriad of other organizations, including President of Martin Luther King, Jr. Freedom Center and Chair of the Seafarers Ministry of the Golden Gate. Secretary of Interior Bruce Babbit appointed him an Advisory Commissioner for the Point Reyes National Seashore and the Golden Gate National Recreation Area. Additionally, he serves on the Board of Directors of the Chabot Space and Science Center in Oakland, the Rotary Club of Alameda, and the American Baptist National Conference.

I join the friends and colleagues of Reverend Douglas L. Siden in expressing congratulations as he receives a Doctor of Humane Letters. I also join in thanking him for his years of service. He is the epitome of community activism from which we have all benefited.

TRIBUTE TO MR. ROBERT MILLER III

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor Mr. Robert Miller III on his receipt of a Congressional Award Gold Medal on Wednesday, June 25, 2003.

At a mere 18 years of age, Robert's accomplishments are amazing. As a recipient of the Congressional Award Gold Medal, Robert has demonstrated a noteworthy commitment in several fields. Receipt of this award signifies that Robert has performed over 400 hours of community service, as well as 200 hours of both personal development and physical fitness activities over the past 2 years. This honor similarly attests to Robert's exemplary academic and extracurricular status as a student at North Penn High School.

Prestigious awards such as this one are nothing new to Robert. Previously, he has received both a bronze and a silver Congressional Award Medal. As an Eagle Scout, his involvement in the Cradle of Liberty Council Boy Scouts of America further reflects the strength of his character. Robert has shown exceptional dedication to community service, personal development and physical fitness. I firmly believe that these characteristics will lead him to unbounded success in the future.

I also wish to extend my congratulations to Robert's parents, Dorothy and Robert Miller Jr., who have instilled him with good moral standards and have supported his efforts tirelessly.

Again, I congratulate Robert Miller III on his Congressional Award Gold Medal.

LEGISLATION TO RENAME U.S. POST OFFICE IN MOLINE, ILLINOIS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. EVANS. Mr. Speaker, today I am introducing legislation to rename the U.S. Post Office at 514 17th Street in Moline, Illinois after my friend, David Bybee, who passed away unexpectedly last year.

Dave was a distinguished public servant who was the National Business Agent for the Chicago Region of the National Association of Letter Carriers. He served his community and union for 33 years within the very walls of the building I seek to name after him. It is my hope that his name will forever be identified with the institution he cherished for so many years as a national union leader for letter carriers.

Dave Bybee became a letter carrier for the Postal Service in 1967 and after only two years on the job was elected President of Letter Carriers Local 318. He then became the Regional Administrative Assistant and concurrently the Secretary to the Illinois State Association of Letter Carriers from 1971 to 1977. In 1980, Mr. Bybee was elected the National Business Agent to the National Association of Letter Carriers for the 17,000 strong Chicago Region. He held that office and concurrently served as a Vice President of the Illinois AFL–CIO until his death on May 31, 2002.

Dave Bybee worked tirelessly on behalf of the letter carriers of Illinois and traveled thousands of miles in Illinois and across the nation representing his members. Dave was also loved by the retirees who knew they had a good friend and leader who fought for their benefits In 1992, recognizing Dave's hard work and lifetime dedication, the local union he first represented as President twenty-three years earlier was named the David M. Bybee Branch of the National Association of Letter Carriers.

Dave Bybee was also civically active and had many friends within the Illinois Congressional delegation and state legislature on both sides of the aisle. He served as a member of the Electoral College in two national elections.

His dedication to his fellow workers did not interfere with his devotion to his wife, Judy, and their two sons, Michael and John. In addition to a full and rewarding family life, he still found time to serve his community as the fire chief of Carbon Cliff and as a school board member, and remain active in the Moline Elks Club.

Dave had a wonderful sense of humor and no matter how tired he was from work and travel, he could always manage to make any group he was visiting or speaking to laugh and smile. When he passed away, letter carriers and postal officials from all over the state and nation traveled to Moline to pay their respects. Dave was a national labor leader who served not only his fellow workers, but his community and family.

Mr. Speaker, the Post Office in Moline, Illinois, should be named after Dave Bybee. The Moline community, postal workers across Illinois and the nation owe David Bybee a great deal because of his advocacy for working Americans. This is the very least we can do to commend such a dedicated and hardworking man.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO MS. LYNN COWART

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. NEUGEBAUER. Mr. Speaker, I rise today to honor and acknowledge my Chief of Staff and friend, Ms. Lynn Cowart on the occasion of her retirement. Through the course of my career, working in the business world and as a public official, rarely have I been so privileged to work with such an extraordinary person that gives unselfishly and wholeheartedly to the interests and welfare of other people.

Lynn was born in Virginia to Molly and Andy Cowart and is the middle sister to Ms. Nora McCormick and Ms. Chris Cowart. Daughter of a Captain in the U.S. Navy, Lynn moved all around the United States, attending both public and Catholic schools, and graduated high school in Alexandria, Virginia. She then attended the University of Hawaii and business school in Hawaii.

Lynn's lengthy and impressive career began as a temporary employee for the Department of the Navy in Pearl Harbor. In 1968, Lynn moved to Washington, D.C. and worked in the Pentagon until 1972. Then, in 1973 she moved across the Atlantic Ocean to England where she worked in the United States Embassy in London under the auspices of the Defense Intelligence Agency. Lynn moved back to the United States in 1980 and worked for an attorney here in Washington, D.C. In 1982, she began working for Senator John Tower from Texas until his retirement. She then moved from the U.S. Senate to the U.S. House of Representatives to work for Representative Larry Combest where she worked for 18 years. In May of 2003, Representative Combest retired. On June 3rd, I was elected to fill the seat for the 19th District of Texas and Lynn accepted the position of Chief of Staff in my office.

Lynn's dedication to public service will continue after she retires from politics. This fall she will begin work at Island Creek Elementary School, serving the people of Fairfax County in Virginia's public school system.

Her career is impressive not only for its duration and the intriguing posts she has filled but more so for the integrity and strong work ethic she brings to each job. For over 30 years, Lynn has been a model of devotion, stability, fairness, and attentiveness that is nothing short of amazing. Her loyalty and passion for the 19th District is evident through her nearly 20-year commitment to the area. The Permian Basin and South Plains of Texas is a unique area where hard-working people are faithful to their roots in the oil and gas industry and agriculture. Lynn's integrity and personal attention to these people is astonishing. She has always taken time to listen and act upon any complaints or concerns that farmers or the hard-working folks of Texas had. When I was sworn in on June 5th, I know I would have been stranded and lost without Lynn's incredible capability to maintain patience with me. Six days out of the week, Lynn kept an incredible schedule and put in extended hours in order to keep the office running. Thanks to Lynn, who is the glue which holds my staff together, the offices in Washington D.C., Odessa and Lubbock stayed in business leading up to my election and my first hectic week as a U.S. Congressman. Her ability to remain positive in tough situations only proved to me that Lynn possesses confidence beyond anyone I have ever known. Without her I would not be as I am today: sure that my transition could not have gone any smoother. Over the years, Lynn has made a powerful impression upon people here on Capitol Hill and back home in Texas. Anyone in public service would do well to emulate her example if they truly desire a career that makes a difference and leaves a legacy.

Mr. Speaker, please join me in extending my sincere thanks to Lynn Cowart. I am truly honored to recognize her accomplishments. She will certainly be missed.

CENTENNIAL OF THE SUPERINTENDENCY OF COLONEL CHARLES YOUNG—REDEDICATION OF THE BOOKER T. WASHINGTON TREE

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. NUNES. Mr. Speaker, I stand before you today to observe two very special events taking place in the Sequoia/Kings Canyon National Park on August 23, 2003. The first is the centennial of the superintendency of Colonel Charles Young and secondly, the rededication of the Booker T. Washington Tree.

Born in Kentucky during the Civil War to the parents of former slaves in 1864, Charles Young became only the third African-American to graduate from the United States Military Academy at West Point in 1889. Upon graduation, he was commissioned as a Second Lieutenant and assigned to the 10th U.S. Cavalry.

In the year 1903, then Captain Charles Young was in charge of the 9th U.S. Cavalry and had been assigned the duty of "Acting Superintendent" of the Sequoia and General Grant National Parks, he was to be responsible for the supervision of payroll accounts and directing activities of rangers. That early summer Captain Young led his "Buffalo Soldiers" out of the cold and fog shrouded Presidio in San Francisco en route to the high sierras of Central California. Captain Young and his troopers arrived 16 days later amongst some of the largest and oldest living things on Earth and they began their historic summer working in the second national park ever created in the United States.

With this assignment, Captain Young not only became the first African-American superintendent in the U.S. Park Service history but also became the driving force in forging what would become today one of the most visited and highly recognized parks in the world.

During his tenure as superintendent, Colonel Young discovered and named a majestic Giant Sequoia after an individual that inspired and influenced his life, Booker T. Washington. After nearly 100 years, this tree has been rediscovered and stands as a monument to both Colonel Charles Young and Booker T. Washington.

Again, I ask you to join with me today in recognizing Colonel Charles Young and the rededication of the Booker T. Washington Tree in the Sequoia/Kings Canyon National Park.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bills (H.R. 2660), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. KENNEDY of Rhode Island. Mr. Chairman, during debate on H.R. 2660, the Departments of Labor, Health and Human Services, and Education Appropriations bill, I strongly supported the Obey/Miller Amendment regarding overtime regulations at the Department of Labor (DOL).

The amendment would block a proposal by the Bush Administration that will eliminate overtime under the federal Fair Labor Standards Act for millions of hard-working Americans who rely on overtime pay to make ends meet.

The DOL proposal would strip overtime rights from more than 8 million workers by allowing easier classification of workers as "white collar" employees ineligible for overtime.

Workers such as mid-level office workers in the offices of downtown Providence or the licensed practical nurses in Northern Rhode Island, or the EMTs, paramedics, and physical therapists on Aquidneck Island will lose under this proposal.

It is just another attempt by the Bush Administration to roll back the clock on years of important wage and hour laws.

This Congress should support the Obey/Miller Amendment and oppose the DOL overtime proposal.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. PORTMAN. Mr. Speaker, on July 14, 2003, I was unavoidably detained and missed the vote on rollcall No. 356 on H.R. 2673, the Fiscal Year 2004 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. GOSS. Mr. Speaker, I was not present on July 10, 2003 due to official travel overseas. As a result, I was not able to be present for rollcall votes Nos. 346, 347, 348, 349, 350, 351, 352 and, 353. Had I been present, I would have voted "yea" on Nos. 346, 352, and 353. I would have voted "no" on Nos. 347, 348, 349, 350, and 351.

INTRODUCTION OF LEGISLATION TO REFORM THE OCCUPATIONAL SAFETY AND HEALTH ACT: H.R. 2728, H.R. 2729, H.R. 2730, and H.R. 2731

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. NORWOOD. Mr. Speaker, I rise today to introduce four legislative proposals which were each formerly included in H.R. 1583, the "Occupational Safety and Health Fairness Act of 2003."

As was true of H.R. 1583 in its entirety, the goal of each of these individual proposals is to address a unique situation in our law where employers, and especially small employers, are denied fundamental fairness or equitable results in their efforts to defend themselves against citations issued by the Occupational Safety and Health Administration (OSHA) for alleged violations with which, in good faith, they take issue.

Specifically, the "Occupational Safety and Health Small Business Day in Court Act" gives the Occupational Safety and Health Review Commission (OSHRC) additional flexibility to make exceptions to the arbitrary 15-day deadline for employers to file responses to OSHA citations when a small business inadvertently misses the deadline by mistake. The "Occupational Safety and Health Review Commission Efficiency Act" increases the membership of the OSHRC from three to five members to ensure that cases are reviewed in a timely fashion. The "Occupational Safety and Health Small Employer Access to Justice Act" permits the award of attorney's fees and costs to small business owners that prevail in court when contesting OSHA citations to ensure that the agency doesn't waste taxpayer resources on fruitless cases. And, the "Occupational Safety and Health Independent Review of Citations Act" restores independent review of citations issued by OSHA by clarifying that the OSHRC is an independent judicial entity that is given deference by courts reviewing OSHA issues.

With this in mind, Mr. Speaker, the Workforce Protections Subcommittee has conducted a hearing on the provisions contained in H.R. 1583, and we firmly believe that a record has been produced that very strongly supports the four individual proposals I introduce today. I have withheld the introduction of several provisions formerly contained in H.R. 1583 because unlike the four proposals I introduce today, I believe further research and discussion would be helpful in determining how to improve these proposals. I invite all Members and especially the Minority Members of this Congress to join in these discussions and help small business achieve the fairness they deserve.

But again, Mr. Speaker, the proposals I introduce today have withstood the inquiry of hearing, and I believe, stand ready for mark-up in their current form. Each is designed to make what I believe is a narrow, precise, and sensible adjustment for an omission regrettably not caught by Congress at the time of original passage of the Occupational Safety and Health Act of 1970. In my mind, Mr. Speaker, each of these proposals lends itself to bipartisan support, and I ask each of my colleagues on both sides to seriously consider such support.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. KUCINICH. Mr. Speaker, I rise in strong support of this bill.

The 45 million people of Burma have lived in virtual imprisonment for over 40 years, when Burma's military junta first came to power. It has only been in the past 15 years that people around the world have come to learn of this great country, its ruthless and brutal dictators, and its celebrated freedom fighter, Nobel Peace Laureate Daw Aung San Suu Kyi.

The Burmese military regime is notorious for its human rights practices. In 1988, the regime, known then as the State Law and Order Restoration Council (SLORC), brutally killed thousands of activists in a nonviolent cry for freedom and democracy. In 1990, when the people of Burma voted over 82 percent of the parliamentary seats to the National League for Democracy, Aung San Suu Kyi's party, the junta nullified the elections.

Earlier this year, the State Department condemned Burma's military for using rape as a weapon. Human Rights Watch has documented Burma as having the largest number of child soldiers than anywhere else in the world. The International Labor Organization has repeatedly condemned the military for using forced—or slave—labor.

Three years ago, U.N. Special Envoy Razali Ismail initiated negotiations for a power sharing settlement between the military junta and the NLD. These talks have since collapsed. Burma's military junta has instead shown absolute contempt for the NLD, Aung San Suu Kyi, and the negotiations process. On May 30, 2003, the regime staged a violent attack on Aung San Suu Kyi and her supporters as they traveled in Northern Burma. They have shut down NLD offices, detained dozens of activists, closed universities, and once again imprisoned Daw Suu.

The United States should not respond to Burma's military junta with appeasement, engagement, or tolerance. It is time for the United States to respond with action. The people of Burma have continually called for a nonviolent course of action in the form of stronger sanctions, which will directly affect the pockets of the dictators. An import ban, visa ban, and the freezing of assets will not only limit the money propping up the regime, but will also send a message to the people of Burma supporting their hopes for human rights and democracy. In a 1997 speech smuggled out of the country Aung San Suu Kyi said, "Please use your liberty to promote ours." Let us do just that.

OHIO HISTORICAL SOCIETY MARKER TO COMMEMORATE NEW BREMEN AND MIAMI AND ERIE CANAL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. OXLEY. Mr. Speaker, at noon today in New Bremen, Ohio, an Ohio Historical Society marker was dedicated to commemorate New Bremen and the Miami and Erie Canal. I am proud to send my best wishes to everyone celebrating this event.

One hundred seventy years ago, work commenced on a connector between the Miami Canal in Dayton and the Wabash and Erie Canal in Junction. This connector, dubbed the Miami Extension, was completed in June of 1845. In that month, the packet boat *Banner* became the first vessel to travel the canal from Cincinnati to Toledo, taking three days for the journey.

In 1849, the Ohio General Assembly gave the name "Miami and Erie Canal" to the entire system. Even as railroad track was laid throughout western Ohio in the decades to follow, the canal remained an important commercial and military transport route. The Great Flood of 1913, however, washed out many major sections of the Miami and Erie Canal, rendering it impassable and leading to its abandonment.

The Village of New Bremen in my congressional district was founded in 1833, the same year the Miami Extension was started. Many of New Bremen's founders, mostly Hanoverian German Protestants, came to Ohio via the National Road and the Ohio River, landing in Cincinnati. There, they formed the City of Bremen Society and agreed to purchase 80 acres of land in Ohio to found a Protestant community. First called "Bremen," the village's plat was officially recorded on June 11, 1833. New Bremen, the midpoint on the Cincinnati-Toledo segment of the Miami and Erie Canal, is celebrating its 170th birthday this year.

Mr. Speaker, I applaud the New Bremen Historic Association and the New Bremen-New Knoxville Rotary Club for their efforts in securing this historical marker from the State of Ohio. I also thank Doug Harrod and Darrin Klinger for their research on New Bremen's history and the importance of the Miami and Erie in our state's past.

TRIBUTE TO WILLIAM HORNBY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the notable accomplishments of an extraordinary gentleman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this individual for his exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor William Hornby on the occasion of his 80th birthday.

Bill Hornby has devoted much of his time, skill and energy to making Denver and the West a better place. Born in Kalispell, Montana on July 14, 1923, he attended the public schools and went on to receive a degree in humanities from Stanford University and a master's degree in journalism. After serving in the United States Army as a language expert in the Signal Corps, he worked in public relations on the Marshall Plan in Europe from 1948 to 1952. Bill Hornby came to Denver in 1957 as a copyreader for the Denver Post and over the past 40 years, has served as managing editor, editor-in-chief and as a columnist on civic affairs and Western regional history. He has been a powerful advocate for a free press and has been placed on the American Society of Newspaper Editors' freedom of information honor role.

His interest in Colorado and our Western heritage led him to the Colorado Historical Society where he has served as a trustee and a board member of the associated Colorado Historical Foundation. He is an emeritus trustee for the Buffalo Bill Historical Association and he has written books concerning the history of the Denver Post and Rotarians International, where he served as District Governor.

Bill continues to live in Denver with his wife, Barbara Sudler Hornby, and their dog, Benji. He is chairman of the Denver Planning Board and Chairman of the Education Foundation for the Colorado Community College and Occupational Education System. He has served on the Western Interstate Commission on Higher Education and on the State Board for Community Colleges and Occupational Education. Bill has also been a director of the Clayton Foundation, which is primarily focused on early childhood education. He is a trustee emeritus of the University of Montana Foundation and is a former President of the American Society of Newspaper Editors.

It comes as no surprise that Mr. Hornby has received several awards and honors during his lengthy career as an editor, journalist and educator. In 1990, the Center for the American West presented him with the Wallace Stenger Award, which is given to persons who have made as sustained contribution to the cultural identity of the West. He received the Dana Crawford Award of Colorado Preservation, Inc., in 2000 for his considerable contribution to historic preservation. And in 2001, he received the Unsung Heroes Award from the City & County of Denver.

Please join me in commending William Hornby, a distinguished citizen. It is the strong leadership he exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

INTRODUCTION OF THE INDIAN CHILD WELFARE ACT AMENDMENTS OF 2003

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation with my colleagues, Congressman J.D. HAYWORTH of Arizona, Congressman DALE KILDEE of Michigan, and Congressman NEIL ABERCROMBIE of Hawaii to amend the Indian Child Welfare Act (ICWA) of 1978. It is now a quarter century since enactment of the ICWA. The Act has been vital to the existence of Indian tribes and their families. Yet, because certain ICWA provisions have not been adequately implemented Congress's promise to protect the integrity of Indian families and tribes remains partially unfulfilled. This bill clarifies Congress's intent with regard to the ICWA in a way that would achieve full compliance with this intent.

Many of this bill's provisions are included in direct response to tribal comments on H.R. 4733, an ICWA bill I introduced last year in response to tribal concerns. This bill was drafted with the input of the Association of American Indian Affairs, Tanana Chiefs Conference, National Indian Child Welfare Association, National Congress of American Indians, various tribes and other concerned organizations. The changes that the present bill make to H.R. 4733 also reflect input from each of these named organizations. The primary goal in drafting these amendments was to improve permanency outcomes for Indian children who are placed in substitute care at a rate higher than any other group of children in America.

It has been my policy to have all affected parties participate in the legislative process to help finalize a bill for passage. With this in mind, it is my intent to later include in the legislative process other groups that are working to improve permanency outcomes for Indian children. In 2003, we still have numbers of American Indian and Alaska Native children being adopted out of their families, tribal communities and States even when qualified members of their families are available for placement. We continue to have this problem in Alaska and I have been asked to introduce amendments to further clarify the ICWA. The amendments include, among others, provisions that would:

Clarify that the ICWA applies to all Indian children involved in "child custody proceedings" (as defined in the ICWA) and define the minimum efforts that must be undertaken to prevent the breakup of an Indian child's family through involuntary out-of-home placement.

Require detailed notice to Indian tribes in all voluntary child custody proceedings, to parents in voluntary adoption proceedings, and to parents and tribes in all involuntary proceedings.

Clarify the right of Indian tribes to intervene in all voluntary State court child custody proceedings, provided that the tribes file a notice of intent to intervene or a written objection within 45 days of receiving notice of a voluntary termination of parental rights or within 100 days of receiving notice of a particular adoptive placement, and certifies that a child is a member, eligible for membership, or is the child of a member.

Require notice to extended family members and recognize their right to intervene in State child custody proceedings.

Require attorneys, public and private agencies to provide detailed information to Indian parents of their rights under ICWA.

Limit parents' rights to withdraw consent to an adoption to 6 months after relinquishment of the child or 30 days after the filing of an adoption petition, whichever is later.

Clarify tribal jurisdiction in Alaska.

Facilitate the ability of tribes without reservations, including tribes in Alaska and Oklahoma, or with disestablished reservations, to assume jurisdiction over child custody proceedings.

Narrow the grounds upon which State courts can refuse to transfer cases to tribal courts.

Clarify tribal court authority over children transferred to tribal court jurisdiction.

Define the circumstances under which State ICWA violations may be reviewed by Federal courts and provide for Federal review of State ICWA compliance.

Provides for criminal sanctions for anyone who assists a person to lie about their Indian ancestry for the purpose of avoiding application of the ICWA.

Allow State courts to enter enforceable orders providing for visitation or contact between tribes, natural parents, extended family and an adopted child.

Extend ICWA (in some cases) to cover children of State-recognized and Canadian Indian tribes and children who reside or are domiciled on a reservation and are the child of a member, but who are not eligible for tribal membership.

Make it easier for Indian adoptees to gain access to their birth records.

Establish that foster and adoptive homes licensed or approved by Indian tribes in compliance with the Indian Child Protection and Family Violence Prevention Act shall satisfy the requirements for foster and adoptive home licensing under any other Federal law.

Clarifies that the terms of tribal-State agreements regarding the care and custody of and jurisdiction over Indian children shall be controlling even when another Federal law may have different requirements.

I think it is appropriate that Congress further clarifies the ICWA to ensure that American Indian and Alaska Native children are not snatched from their families or tribal communities without cause. In July 2001, the Child Welfare League of America offered American Indians something they have longed to hear for more than three decades: an apology for taking American Indian children.

"It was genuinely believed that Indian children were better off in white homes," said Terry Cross, Executive Director of the National Indian Child Welfare Association. (San Antonio Express News, Sunday, July 1, 2001 Article.)

That changed in 1978 when Congress passed the Indian Child Welfare Act. Even now, Cross cites problems. "Sometimes social workers are not properly trained to identify children as Indian. Or agencies fail to notify tribes of adoptions." (San Antonio Express News, Sunday, July 1, 2001 Article.)

I believe these FY 2003 ICWA amendments to be acceptable legislation which will protect the interests of prospective adoptive parents, American Indian and Alaska Natives extended families, and most importantly, American Indian and Alaska Native children.

We will seek additional input from the Department of Justice, the Department of the Interior and the Department of Health and Human Services. I am hopeful that these agencies will again embrace this legislation so that we can affirm this country's commitment to protect Native American families and promote the best interest of Native children.

I urge and welcome support from my colleagues in further clarifying the ICWA to ensure no more American Indian or Alaska Native children are lost.

HONORING ERIC LEE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Eric Lee, a fine young man and outstanding student from my congressional district in Safety Harbor, Florida.

Eric recently learned that he has been selected to receive the prestigious Fulbright award to study, lecture, or conduct research abroad during the next academic year. Eric received this award because of his academic achievement and leadership in the field in which he has chosen to study.

Congress created the Fulbright program in 1946 to "increase mutual understanding between the people of the United States and the people of other countries." I strongly support this goal and agree with the program's namesake, former Senator J. William Fulbright, that we should "aim to bring a little more knowledge, a little more reason, and a little more compassion into world affairs and thereby increase the chance that nations will learn at last to live in peace and friendship."

Mr. Speaker, there are more than 250,000 Fulbright alumni worldwide. I am confident that Eric Lee will exemplify the excellence and achievement that they have established throughout the program's history. I congratulate him, and his parents, on this outstanding achievement, and I wish him well in his studies and his future endeavors.

RECOGNITION OF GEORGE E. SHIPLEY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the life and achievements of Congressman George Edward Shipley.

A Representative from Olney, Illinois, he served the United States Congress from January 3, 1959–Jauary 3, 1979. Congressman Shipley was a member of the Eighty-sixth Congress and served as a Democrat for the succeeding 9 Congresses. His diligent efforts as chairman of the Legislative Subcommittee of the House Appropriations Committee and as a member of the committee's Public Works Subcommittee were of great value to the citizens of this Nation.

Mr. Shipley helped secure a $1.2 million grant to help in the building of East Fork Lake in Richland County and he was known as a true representative of the people and a family man. It wasn't uncommon for him to bring his children out to Washington and let them see the political process up close. When he couldn't bring them out to Washington he seemed to always get home, even though the allowance for trips home wasn't as great as it is today. He realized that his first duty was to be a good father and he wanted to make sure he was there for his family.

Congressman Shipley was born in Richland County near Olney, Illinois on April 21, 1927. He served as a private in the United States Marine Corps from 1944 through 1947, with service in the South Pacific. He went on to attend East Richland High School and graduated in 1950.

Shipley then went on to become the chief deputy sheriff of Richland County, Illinois from 1950–1954 and then the sheriff from 1954–1958. He died on June 28, 2003 in Olney, IL. He is survived by his wife, Gloria Ann Shipley, their children, Lucinda Jane Lewis, George Edward "Buddy" Shipley Jr., Mimi Fehrenbacher, Shawn Marie Dwyer, and Robb Edward Allen Shipley, and his seventeen grandchildren. His first great grandchild will be born in September. He was a great man who served his community, his state and his nation in many capacities and he will be truly missed.

A SPECIAL TRIBUTE TO IVAN DANGLER FOR HIS DEDICATED SERVICE TO THE STATE OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, Mr. Ivan Dangler, from Ohio. After 42 years of service, Mr. Dangler has decided to retire as Principal at Green Springs Elementary School. He had a distinguished career in education, serving as teacher, principal, and superintendent. After finishing his doctorate at the University of Toledo, he served as interim principal at the junior high school in Clyde. He has helped make the schools friendly, caring places for teachers and students. He has been known to recognize teachers' accomplishments during morning announcements and give students hugs or words of encouragement when they were feeling down.

Mr. Dangler is planning to move to Columbus, Ohio to work as a mentor with the Ohio Principals Association. He will help new principals "get the kinks out before they get in trouble."

Mr. Dangler also plans to spend more time on woodworking. He made bookcases, storage units, and picture frames for the teachers, in addition to the check-out unit in the library.

Ivan will leave big shoes to fill in the arena of education. His wisdom, honesty and forthrightness are attributes to which all people should aspire. He has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to Mr. Ivan Dangler, a wonderful gentleman who for 42 years has dedicated himself to serving the students and teachers of Ohio. We all congratulate Mr. Dangler and wish him, his family, and his friends all the best as we pay tribute to one of our finest citizens.

HONORING CLARENCE DOYLE McGINLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress today to pay tribute to a lifelong journalist and journeyman. Clarence McGinley, known to friends and family as Doyle, dedicated his life to a career in journalism. His profession took him on adventures across the country, finally settling down in Glenwood Springs, Colorado. As we reflect on his passing, I would like to recognize Doyle for his journalistic accomplishments and the impact that he had on his community.

When Doyle's skills as a plate maker for newspaper presses became outdated, the paper presented him with an opportunity to work as a reporter. Doyle's career flourished, winning a Pulitzer Prize for his reporting on Vietnam protests only two years later. While Doyle did not have traditional schooling as a reporter, he was widely known for his ability to track down a story. He continued his career in journalism and began a new career in the bail bond business when he moved to Glenwood Springs in the 1980s to care for his aging parents. Doyle's son, Wayne, noted that Doyle will be remembered by the community as a friend to everyone and by his children as a loving father.

Mr. Speaker, I am proud to stand before this body of Congress today to recognize the positive impact that Doyle had on my district and the State of Colorado. Individuals like Doyle provide the spirit and strength of character that make this nation great. I extend my deepest sympathies to Doyle's family and friends during this difficult time.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Ms. BERKLEY. Mr. Speaker, due to a family emergency, I was unable to vote on Monday, June 14, 2003. Had I been present, I would have voted "yea" on rollcall No. 354. I would have voted "yea" on rollcall No. 355. I would have voted "nay" on rollcall No. 356. I would have voted "yea" on rollcall No. 357. I would have voted "yea" on rollcall No. 358. I would have voted "yea" on rollcall No. 359.

CONGRATULATIONS ON THE BIRTH OF CATHERINE ANNE PAYNE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to Mr. Thomas "Chip" Payne and Shannon Payne, on the birth of their daughter, Catherine Anne Payne, on Thursday, July 10th, 2003 at 6:23 a.m. Catherine was born at Columbia's Richland Memorial Hospital weighing 7 pounds and being 19½ inches in length. I extend my warmest wishes for a successful and happy life who is blessed to have devoted parents.

HONORING GREYSON FREDETTE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to an inspiring young man in Durango, Colorado. Despite facing extraordinary physical adversity, Greyson Fredette has shown perseverance in overcoming the odds and flourishing despite being challenged by a rare disease. I rise today to recognize Greyson for his inspirational efforts and remarkable accomplishments.

Greyson is a rising senior at Durango High School who battles an extremely rare disease known as ataxia-telangiectasia, or "A–T." A–T is a progressive, degenerative condition that results in decreased muscle control, including everything from an individual's legs to his eyes. While Greyson's condition does not allow him to walk, it does not preclude him from exercising his muscles through weightlifting. In fact, while he enjoys pottery and Spanish, Greyson cites weightlifting as his favorite class. Furthermore, even though his condition makes reading difficult, Greyson excels academically and has qualified for the honor roll.

Mr. Speaker, I am honored to pay tribute to Greyson Fredette today for his bravery and the example he has set within his community. He embodies the courage and strength of spirit that have made our nation strong. I commend Greyson for his hard work and determination and wish him all the best with his future endeavors.

IN MEMORY OF FORMER MICHIGAN STATE REPRESENTATIVE PETER KOK

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. EHLERS. Mr. Speaker, today I want to honor someone whom I consider to be the ideal public servant and one of the finest legislators I ever met—Peter Kok of Grand Rapids, Michigan, who died Sunday, June 22, 2003 at the age of 83.

Peter Kok's obituary appeared in papers around the world in the week following his death, and with good reason. It was his refusal to bomb a defenseless and innocent village in northern Italy while a captain in the Army Air Force during World War II that became the basis for Joseph Heller's famous 1961 novel, Catch 22, and the subsequent 1968 movie of the same name. Rather than bomb the village, he dropped his B–25's payload on an open field outside the village and the rest of the bombers in his command followed suit.

For his heroism in completing 67 bombing missions over Italy and southern France as a member of the 488th Bomb Squad of the 340th Bomb Group, Peter received the Silver Star, the Distinguished Flying Cross, the Airmen's Medal and a Purple Heart.

After the war, Peter returned to Grand Rapids and established a real estate brokerage firm. Later, he decided to jump into the political fray by running for the Michigan State House of Representatives in 1964, defeating two incumbents in a primary; he was then reelected to a total of seven terms before retiring from public office in 1978.

Peter Kok became a champion for open housing legislation that prohibited so-called "redlining." Other pet causes included mental health services, special education and environmental legislation—all before these causes became popular issues.

As I said before, Mr. Speaker, Peter Kok was the ideal public servant. He was decent, honest and a truly superb legislator. I had the pleasure of working with him when I was a member of the Kent County Board of Commissioners and later had the honor of holding his former seat in the Michigan House a few years after his retirement.

For those who remember Peter Kok as a pilot, as a real estate agent or as a legislator, we all mourn his loss, and we offer our condolences to his family.

HONORING CHIEF LOUIS E. KELLY ON HIS RETIREMENT FROM THE ELIZABETH FIRE DEPARTMENT AFTER 33 YEARS OF SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Chief Louis E. Kelly on his retirement from the Elizabeth, New Jersey Fire Department, and to congratulate him for 33 years of dedicated and courageous service to his community.

Chief Kelly's impressive career began in November, 1969, as a Probationary Firefighter in Ladder Company 3 of the Elizabeth Fire Department. In 1977, he became Fire Captain of Rescue Ladder 1, and in 1986, Battalion Chief. After being promoted to Deputy Fire Chief in 1993, he served as Acting Chief from 1995–1996, and was appointed to Chief of the Department in April, 1999. For the last nine years, Chief Kelly has also served as a Deputy Mutual Aid Coordinator for Union County.

Over the years, the Elizabeth Fire Department and Chief Kelly have been the recipients of many commendations, recognitions, and awards. Chief Kelly is a three-time recipient of the Valor Award from the 200 Club of Union County, and has received two Heroism and Community Service Awards from Firehouse Magazine for his heroism and dedication. The Elizabeth Fire Department has awarded him three Class 1 awards, four Class 2 awards, and four Unit Citations. He is the twelfth chief of the Elizabeth Fire Department, which began officially in 1902 and replaced the volunteer fire department.

Under the leadership of Chief Kelly, the Elizabeth Fire Department gave its all in the recovery efforts after September 11, 2001, an event which Chief Kelly noted, "proved no entity can handle every situation on its own." The tragic events of that day demonstrated the Department's commitment and courage, which will never be forgotten.

Chief Kelly will be remembered for his love for and dedication to his community, both as a coach for Elmora Youth League and for the Saint Genevieve's Parish, and his many other community activities.

Today, I ask my colleagues to join me in honoring Chief Louis E. Kelly for his years of service to the Elizabeth Fire Department and the City of Elizabeth.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004; and for other purposes.

Ms. McCOLLUM. Mr. Chairman, today we are voting to fund the U.S. military to meet its future needs. Our duty to our servicemen and women is to provide them with the tools and the means to protect and defend our nation as well as protect them when in conflict. An issue that has persisted to be unsatisfactorily addressed by Congress is the endangerment of our soldiers and civilians—especially children—from the unexploded remnants of cluster munitions. These munitions disperse thousands of small grenades into areas of conflict that include battlefields but too often also include urban and rural areas inhabited by civilians.

Cluster weapons have been used by U.S. military forces in conflict areas including Laos, the Persian Gulf, Kosovo, Afghanistan, and most recently during Operation Iraqi Freedom. Unlike other military weapons, cluster bombs have a failure rate that can reach as high as 40 percent, leaving a trail of thousands of unexploded ordnance that cause death and destruction for our soldiers and civilian populations alike. This unexploded ordnance creates an extremely hazardous environment for soldiers patrolling the areas, future peacekeepers and civilians who unwittingly pick these weapons up or step on them—most frequently children.

In Kosovo in 1999, five children playing with the colorful unexploded submunitions were killed. In Iraq, a child's eyes were blown out when a grenade he was playing with near his Baghdad home exploded in his face. Another young Iraqi man brought a grenade into his home, where it exploded, injuring the man severely and killing his 8-month old sister, who had been resting on the living-room floor.

U.S. soldiers are in similar danger. As our troops in Iraq canvass the region, they encounter thousands of unexploded cluster grenades on the roads, in the homes and in the hands of the Iraqi people. It has made their job much more difficult, and in the case of Army Sergeant Troy Jenkins, has cost them their lives. Sergeant Jenkins was killed in Iraq when, after encountering a child who was handling a cluster weapon, the weapon exploded.

The Department of Defense has correctly identified the problem of unexploded cluster bombs and is taking steps to ensure these weapons are safe. In 2001, then Defense Secretary William Cohen issued a Pentagon-wide memorandum calling on the Department to achieve a 1-percent failure rate by 2005. I ask unanimous consent to insert a copy of Secretary Cohen's memo into the record at this time.

Achieving a 1-percent failure rate requires the simple addition of a secondary fuse to blow up the cluster grenade or neutralize it should it fail to explode on impact. The technology to reach this goal is available, and the Army has already begun developing these new munitions. Yet, little funding has been allocated to expand this technology to all branches of military service. The bill before us today continues to shortchange this commitment. As a result, dangerous cluster bombs with high failure rates remain in use, with thousands more in military stockpiles. This leaves future families, soldiers and innocent children vulnerable to these hazards. Congress can and must do more.

Today, I am calling on Congress to strengthen our commitment to our soldiers and civilians around the world from the danger of cluster bombs deployed by the U.S. military. It is our responsibility to support the Pentagon and our allies around the world who have sought to address this danger by ensuring cluster weapons are not deadly for years after their use. Reaching a 1-percent failure rate for cluster bombs is possible right now, but not without the full commitment of Congress. We have the will to enforce this goal—now we must have the way.

I look forward to working with both Chairman LEWIS and Ranking Member MURTHA in the weeks and months ahead in addressing this critically important issue. I also ask unanimous consent to insert into the RECORD at this time a recent article from Newsday.com on cluster munitions.

THE SECRETARY OF DEFENSE,
Washington, DC, January 10, 2001.

Memorandum for the Secretaries of the Military Departments.

Subject: DoD policy on submunition reliability (U).

Submunition weapons employment in Southwest Asia and Kosovo, and major theater war modeling, have revealed a significant unexploded ordnance (UXO) concern. The following establishes the Department's policy regarding submunition weapons acquisition. The policy applies to systems delivered by aircraft, cruise missiles, artillery, mortars, missiles, tanks, rocket launchers, or naval guns that are designed to attack landbased targets and that deploy payloads of submunitions that detonate via target acquisition, impact, or altitude, or self-destruct (or a combination thereof). It is the policy of the DoD to reduce overall UXO through a process of improvement in submunition system reliability—the desire is to field future submunitions with a 99% or higher functioning rate. Submunition functioning rates may be lower under operational conditions due to environmental factors such as terrain and weather.

Program Managers shall include the nonrecurring cost of increasing the overall functioning rate; the operational use costs, including the cost of clearing UXO on test and training ranges in accordance with DoD policy and operational requirements; and disposal costs, as part of the life-cycle costs of all future submunition weapons. The Program Manager should establish submunition functioning thresholds and objectives that advance the process of improvement in system reliability, and that take into consideration the benefits from reduced UXO (i.e., a cost-benefit analysis of increasing the functioning rate (cost) and the resulting reduction in UXO (benefit)).

The Services may retain "legacy" submunitions until employed or superseded by replacement systems in accordance with the above policy. The designation "legacy" would apply to submunition weapon acquisition programs reaching Milestone III prior to the First Quarter of Fiscal Year 2005.

The Services shall evaluate "legacy" submunition weapons undergoing reprocurement, product improvement, or block upgrades to determine whether modifications should be made to bring them into compliance with the above policy.

The Services shall design and procure all future submunition weapons in compliance with the above policy. A "future" submunition weapon is one that will reach Milestone III in FY 2005 and beyond. Waivers to this policy for future ACAT I and II submunition weapons programs shall require approval by the JROC.

Thus policy applies to all acquisition category submunition weapons programs. Compliance with this policy shall be assessed by the Component or Defense Acquisition Executive, as appropriate.

WILLIAM COHEN.

[From Newsday.com, June 23, 2003]

OFFICIALS: HUNDREDS OF IRAQIS KILLED BY FAULTY GRENADES

(By Thomas Frank)

WASHINGTON.—Hundreds and possibly thousands of Iraqi civilians have been killed or maimed by outdated, defective U.S. cluster weapons that lack a safety feature other countries have added, according to observers, news reports and officials.

U.S. cluster weapons fired during the war in March and April dispersed thousands of small grenades on battlefields and in civilian neighborhoods to destroy Iraqi troops and weapons systems.

But some types of the grenades fail to explode on impact as much as 16 percent of the time, according to official military figures. Battlefield commanders have reported failure rates as high as 40 percent.

Unexploded grenades remain potentially lethal for weeks and months after landing on the ground, where civilians can unwittingly pick them up or step on them. Many victims are children such as Ali Mustafa, 4, whose eyes were blown out when a grenade he played with near his Baghdad home in April exploded in his face.

The "dud rate" for cluster grenades can be reduced to less than 1 percent by installing secondary fuses that blow up or neutralize grenades that fail to explode on impact, according to defense contractors. In early 2001, the Pentagon said it would achieve that goal, but not until 2005. In the meantime, the military continues to use a vast arsenal of cluster grenades that fail to meet the new standard.

Former military officials and defense experts say the effort to improve the grenades was given a low priority and little funding.

"The Army is behind, and the Army is moving very slowly," said retired Army Lt. Gen. Michael Davison, now president of the U.S. division of Israel Military Industries, which has made 60 million grenades with secondary fuses. "It's a sorry situation that we didn't have secondary fuses on the artillery submunitions [grenades] that were fired in the last several wars."

Britain, which joined the United States in the fight to oust Saddam Hussein, fired 2,000 artillery cluster weapons in the war. All were equipped with Israeli-made grenades with secondary fuses and a 2 percent dud rate, the British Defense Ministry said.

The United States fired cluster weapons as bombs, rockets and artillery shells, which open like a clam to scatter hundreds of grenades over an area as large as several city blocks. Almost all of the U.S. grenades had one standard fuse, according to military records and officials. A notable exception was a type of cluster bomb carrying newly designed—and expensive—grenades with infrared sensors that seek armored vehicles and self-destruct if none is found.

As small as medicine bottles and often draped with short ribbons, unexploded grenades attract children who mistake them for toys. On the April day when Ali Mustafa lost his eyes—an explosion that injured his brother and friend—the three were taken to a Baghdad hospital where two other youths were being treated for cluster grenade wounds.

Ali Hamed, 10, of Baghdad, had his stomach ripped open and bowel perforated when a grenade that he and friends were playing with blew up.

Shrapnel ripped into the buttocks of Saef Sulaiman, 17, after his younger brother brought a live grenade into their Baghdad home. Sulaiman said his 8-month-old sister, who had been resting on the living-room floor, was killed in the explosion.

Ali Hamed's mother said two friends of her son's were killed when Ali was hurt.

Another Iraqi child who picked up a grenade survived when Army Sgt. Troy Jenkins took it from her. The grenade then exploded. Jenkins was killed.

The military has not said how many troops have been killed or injured by unexploded grenades. But the 1991 Gulf War revealed their danger.

A congressional report found that grenade duds killed 22 U.S. troops—6 percent of the total American fatalities—and injured 58 as forces swept the Iraqi military out of areas in Kuwait's desert that the Americans had just shelled.

The Army said in a post-war report that "the large number of dud U.S. submunitions . . . significantly impeded operations."

A U.S. mine-clearance company found 118,000 unexploded cluster grenades in just one of the seven Kuwaiti battlefield sectors, according to the General Accounting Office, Congress' investigative agency. Military documents and officials estimated the dud rate at 8 percent to 40 percent.

The total number of unexploded grenades in the region was estimated at 1.2 million by Human Rights Watch, which opposes cluster weapons. It estimated fatalities at 1,220 Kuwaitis and 400 Iraqi civilians.

Forced to confront the problem of unexploded cluster grenades, the military focused on training U.S. troops to clear them and avoid them in the battlefield instead of making improvements to reduce their number, defense experts said.

"We didn't do a whole lot that cost a whole lot of money," said Richard Johnson, a defense consultant and retired Army colonel who spent 30 years working in ammunition acquisition programs.

The Pentagon acknowledged in a 2000 report on cluster weapons that "a significant percentage of these submunitions [grenades] may not detonate reliably." The report said "corrective measures are under way" but said the Pentagon would not retrofit the cluster grenade inventory, which an earlier report said numbered 1 billion.

Retrofitting the entire grenade stockpile was deemed too costly, at $11 billion to $12 billion, according to a 1996 Army report. But the report also noted that cleaning up dud grenades was so costly that in certain limited conflicts "costs for retrofit of our ammunition might be recovered from the elimination of future cleanup costs."

The military has been trying to improve grenade reliability, but technological problems and the complexity of cluster weapons have caused delays. "I don't think anybody is happy with the current fusing," one Army official said.

Two people close to the Navy said recently that reports of civilian casualties have reignited what they called a stalled Navy effort to modify one type of grenade considered notoriously unreliable by experts. A military report indicates 36,179 such grenades were used in Iraq.

Lt. Col. Stephen Lee, who manages an Army program to upgrade cluster-weapon safety, said, "There have been major improvements; it's just that they're not fielded yet."

Speaking about a type of grenade used widely in Iraq, Lee said, "There really is no difference in terms of the dud rate between the first Gulf War and the most recent conflict in Iraq."

Experts say the military has focused on building new precision weapons systems. "Safety and collateral damage are not as high a priority as mission effectiveness," said David Ochmanek, a RAND Corp. defense analyst who was a deputy assistant defense secretary in the Clinton administration.

The Defense Department defended its recent use of cluster weapons in Iraq. Gen. Richard Myers, chairman of the Joint Chiefs of Staff, blamed the civilian casualties on Hussein for deliberately placing Iraqi weapons in populated areas where they would draw return fire. "War is not a tidy affair. It's a very ugly affair," Myers said in April. "And this enemy had no second thoughts about putting its own people at risk."

The U.S. military has known about the dangers of the unexploded grenades for decades, since the Vietnam War, when Viet Cong fighters used unexploded grenades as land mines against the U.S. forces that fired them by the millions.

In the three decades since, the duds have killed thousands in Laos, says the International Committee of the Red Cross. The Red Cross, human rights groups and the European Parliament have campaigned to ban cluster-weapon use until nations agree to improve grenade reliability, avoid firing them in populated areas and regulate their cleanup.

The United States did little in the 1970s and 1980s to improve the reliability of the grenades, said Darold Griffin, former deputy director for research and development in the Army Material Command. "Some felt duds were an asset on the battlefield. You fire them into an area where an enemy is, and having some duds decreases his freedom of movement," he said.

Countries that have fought wars on their own soil, most notably Israel, have made improvements, out of fear that duds would harm their own civilians and under public pressure. Israeli-made grenades now have a dud rate of less than 1 percent, said Davison, the Israeli Military Industries official. The company has sold tens of millions of grenades to Britain, Germany, Denmark and Finland, and to Switzerland, which has proposed international standards to improve grenade reliability.

Sweden also requires its cluster grenades to have secondary fuses, said Lt. Col. Olof Carelius of the Swedish Armed Forces.

Grenades fail to detonate mostly when their landing impact is lessened, because they fall on a soft surface or sloped terrain, or they collide in midair and lose speed. The Pentagon says many grenades fail only 2 percent of the time but acknowledges dud rates are difficult to ascertain and vary widely depending on conditions. It says the weapons are ideal for hitting spread-out targets like troop formations and tank columns.

But the consequences of failure rates are magnified by the numbers of grenades used: To destroy one air-defense system covering 100 square yards requires 75 rockets, each carrying 644 grenades—a total of 48,300. The 16 percent failure rate listed by the Pentagon produces 7,728 unexploded grenades, scattering them over 600 square yards.

Bonnie Docherty, part of a Human Rights Watch team that recently spent a month surveying battle damage throughout Iraq, said she "saw evidence of thousands of submunitions in or near populated areas."

Cluster-weapon use was "significantly more extensive than in Afghanistan," where the United States dropped 1,228 cluster bombs containing 248,056 grenades in a six-month span, according to Human Rights Watch.

A report by the Air Force in late April said U.S. aircraft over Iraq dropped 1,714 cluster bombs containing about 275,000 grenades. No report is available on the number of ground-fired cluster weapons, but throughout the war launchers could be seen firing grenade-carrying rockets.

Efforts to improve grenades stalled when an Army contractor, KDI Precision Products Inc. of Cincinnati, proved unable to mass-produce a secondary fuse for new grenades. A contract signed in 1987 was canceled in 2000.

"It's not an easy technical problem to solve," KDI president Eric Guerrazzi said. He and others say the program might have succeeded with more funding, perhaps to pay a competing firm to work as well on developing the fuses.

Spending on munitions research and procurement dropped from $18 billion a year during the 1980s to about $6 billion a year after the Cold War.

"The funding for R and D [research and development] in the Army was minimal, and fusing was the last on the list," said Bruce Mueller, a former Army lieutenant colonel who managed the fuse program for defense contractor Raytheon. "They develop weapons, then they develop munitions, and after they develop munitions, the last thing they worry about is how to fuse them."

A Lingering Threat

The war in Iraq is over, but the danger from the bombing remains. Cluster bombs used by coalition forces showered wide areas and their unexploded remnants pose a threat to Iraqi citizens and U.S. forces.

How They Work

Most cluster munitions consist of four components:

A dispenser, fins, internal fuses and bomblets.

Dispenser is dropped from a warplane like a conventional bomb.

Dispenser is stabilized in flight by fin assemblies.

Internal fuses trigger dispenser to open at a predetermined height above the target.

Dispenser spins and disperses bomblets to target.

Bomblets float to target and detonate.

However . . .

Mechanical and fuse failures can leave some bomblets unexploded. Their toy-like appearance can attract children, with tragic results.

What They're Used For

Cluster bombs are designed to kill troops moving in the open. The smaller explosions spread over acres can take out large numbers of the enemy.

The Bomblets

The bomblets, or submunitions, can be designed for anti-personnel, anti-materiel, anti-tank or dual purposes. They can be finguided or parachute-aided.

Cluster bombs can be carried by bombers such as the Air Force's B-52 Stratofortress.

Some, shaped like tennis balls, can be 1.7 inches or 3.9 inches in diameter. Others are cylindrical.

RECOGNIZING DR. KRISHNA REDDY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize a great community leader and President of the Indian American Friendship Council, Dr. Krishna Reddy, for his commitment to the advancement of the U.S.-India relationship and the Indian-American community.

Dr. Reddy has a remarkable record of advocating on behalf of the Indian-American community. As Founder and President of the Indian American Friendship Council, Dr. Reddy has demonstrated his tremendous dedication to improving U.S.-India relations. His expertise and service have undoubtedly led to increased dialogue and solidarity between these two democracies.

Dr. Reddy's commitment to engaging the Indian-American community in the political process and ensuring that Indian-Americans have a voice in our government is also commendable. His organized efforts have helped educate Congress about issues important to India and the Indian-American community and fostered relationships between Members of Congress and Indian-Americans nationwide.

It is a great honor to pay tribute to Dr. Krishna Reddy and the Indian American Friendship Council.

NATIONAL SECURITY AND WARTIME LEADERSHIP

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. DELAY. Mr. Speaker, despite our success in Afghanistan and Iraq, despite our many allies around the world, and despite our unquestionable leadership here at home, the wolves of terrorism are still on the lurk.

Wherever they threaten, we must gird ourselves for battle.

This war presents many foes on many fronts, but we fight it for one purpose: the security of American people.

This week, the House considered one of the tools that will help us win this war: President Bush's "Project Bioshield" initiative. Project Bioshield, as you know, is a comprehensive program to research, develop, and acquire vaccines, drugs, and countermeasures to protect Americans from terrorism.

It will streamline government-sponsored research of biological, chemical, nuclear, and radiological weapons and medicines to combat their effects. And it will authorize a special reserve fund to purchase enough of those countermeasures to respond to catastrophic terrorist attacks.

Project Bioshield is another way to protect America, and further evidence that there is no difference between national security and homeland security. Both agendas are designed to win the war on terror and protect the American people from future attack. Thus, we will implement Project BioShield for the same reason we defeated the Taliban and liberated Iraq: Security.

Without security, peace and prosperity will be difficult to find and impossible to preserve.

Without victory in the War on Terror, no fiscal, domestic, or social policy will even survive.

Those are the stakes, Mr. Speaker: the preservation of civilization and hope for peace in the world.

One man who understands those stakes is British Prime Minister Tony Blair, one of the heroes of Operation Iraqi Freedom and the War on Terror.

To show our appreciation for his courage and his friendship, we will welcome Prime Minister Blair to speak to a joint meeting of the House and Senate Thursday.

The American people are safer today because of the support he gave us—and continues to give us—in Iraq . . .

. . . just as they will be made safer by Project BioShield and other security initiatives here at home.

And President Bush and this Congress will work to ensure we stay that way.

Thanks to President Bush, vulnerabilities have been identified and addressed.

Our nation is safer, stronger, and better prepared to meet the next threat, wherever it may emerge.

Wartime leadership, Mr. Speaker, could not be better defined.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. KING of Iowa. Mr. Speaker, on July 14, 2003, I was unavoidably detained due to a delayed flight. Unfortunately, I missed the following Rollcall votes. If I would have been present, I would have voted:

"Yea" for Rollcall 108–354, the Rehberg Amendment.

"Nay" for Rollcall 108–355, the Blumenauer Amendment.

"Nay" for Rollcall 108–356, the Hefley Amendment.

"Nay" for Rollcall 108–357, the Ackerman Amendment.

RECOGNIZING TENSAS REUNION, INCORPORATED

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. VITTER. Mr. Speaker, I rise today to recognize the hard work and accomplishments achieved by Tensas Reunion, Incorporated, located in my home state of Louisiana.

Tensas Reunion, Incorporated, is a nonprofit organization whose mission is to develop and implement comprehensive and sustainable programs that improve the quality of life for residents of Tensas Parish and meet the educational needs of the Parish's underserved communities. As we strive to provide our children with brighter futures, organizations like Tensas Reunion are a shining example of how we can improve our educational system through community work.

I would like to commend Tensas Reunion, Incorporated, and I am confident that they will continue their outstanding service that has helped so many children in Louisiana.

Thanks to their tireless dedication Northern Louisiana has grown and continues to grow into stronger community.

REGARDING H.R. 2673 AND THE REIMPORTATION PROVISIONS

SPEECH OF

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2673:

Mr. SULLIVAN. Mr. Chairman, H.R. 1, the Medicare Prescription Drug bill, which I supported, contains a provision which allowed for the importation of foreign medicines. However, it also included important safeguards that are not present in the importation provision included in this legislation. These new safeguards include: (1) Limiting reimportation to drugs being reimported from Canada; (2) requiring drugs reimported under its provisions to bear a statement designed to inform the patient that the drug was reimported by someone other than the manufacturer; (3) requiring the use of packaging that is reasonably certain to be tamper-resistant and not capable of counterfeiting; (4) preventing "transshipment" through third world countries by permitting the reimportation only of drugs that have not left the possession of the first Canadian recipient after receipt from the manufacturer; and (5) allowing the Secretary to designate one port of entry in the U.S.

The provision included in the legislation before us allows reimportation from any country. Importing medicines from foreign countries weakens the U.S. pharmaceuticals distribution system by allowing the entry of pharmaceuticals from all over the world—even from countries with demonstrated counterfeiting problems. For example, this proposal would allow importation from South Africa, a country where "Up to 20% of the medicines . . . are fakes or stolen and are almost impossible to distinguish from the real thing."

The provision included in H.R. 1 also requires imported drugs to say they are imported, the provision in this bill does not. Without proper labeling, patients won't know what drugs they are getting. Those of us who are not willing to take the risk with our health will have no way of knowing if they have purchased an imported prescription drug that is contaminated from their neighborhood pharmacy. Proper labeling gives Americans who choose not to use import prescription drugs the means to do so.

This provision would also allow the transshipment of drugs, the provision included in Medicare Prescription Drug bill would not. Transshipment of prescription drugs from country to country provides no pedigree or record of where a particular prescription has been. Without a record of shipment, there is no guarantee of safety. H.R. 1 requires documentation, such as the origin, destination, and lot number assigned to the prescription drug that provides this safety.

It also requires tamper resistant packaging, the provision in this bill does not. H.R. 1 requires prescription drugs from Canada be contained in packaging which the Secretary of Health and Human Services has "determine[d] to be reasonably certain to be tamper-resistant and not capable of counterfeiting." Tamper-resistant packaging provides an extra layer of security to prescription drugs.

Most importantly, the importation provision included in the Medicare Prescription Drug legislation contains language that allows the Health and Human Services Secretary to ensure the safety of the American drug supply and those drugs being imported, the provision included in the Agriculture Appropriations bill does not. The Medicare bill contains language that requires the Secretary of HHS to certify to the Congress that the new imports will (1) pose no additional health and safety risks, and (2) result in significant savings to consumers. This is important, since the safety and cost-savings provision was signed into law by Congress and President Clinton, as part of the "Medicine Equity and Drug Safety Act of 2000," to ensure consumers are protected and that they save money. Since that time, two HHS Secretaries, one Democrat and one Republican, could not demonstrate cost-savings or safety from importation.

The importation provision in the bill before us does not include any safeguards to ensure that the medicines patients receive are safe. I do not support taking this type of risk with the health of patients in my district. While I am voting in favor of H.R. 2673 because of numerous other provisions in the bill, I believe reimportation is poor policy and a serious safety concern to Americans.

REMARKS IN HONOR OF TECKLA HALL

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. CROWLEY. Mr. Speaker, it is with great shock and even deeper sadness that I come before the United States House of Representatives to announce and mourn the untimely passing of my friend Teckla Hall, of Co-Op City, the Bronx, New York.

Teckla Hall was a driven, passionate advocate for the causes she felt were important—her community, her family, her ancestral roots. She worked tirelessly on every project she undertook, whether serving on the board of the Riverbay Corporation, where she continually strived to improve the quality of life for all residents; to her service as President of the Eleanor Roosevelt Democratic Club working to advance her political beliefs; to her leadership in the National Council of Negro Women. Teckla had a quiet yet powerful voice. She was heard. She was listened to. She was respected and admired.

While I only knew Teckla a short time, the brief 6 months she worked as my Office Director in Co-Op City, I admired and respected her.

When visiting Co-Op City looking for a community representative for my Co-Op City office, I continually heard one name—Teckla Hall.

But she was more than a résumé—more than a community leader. She was a beloved daughter, caring for her mother at her home in Co-Op City; a cherished sister, an adored aunt and a good and faithful friend.

Just recently I was on the House floor discussing her niece and her stunning accomplishments. I never thought I would be here again, so soon, discussing something so sad.

When I heard of her death on July 4, I was shocked. She was only 44, in the prime of her life and more accomplished than her years.

All who knew her will feel her loss. She touched many lives—her family's, my staff's, constituents' and people throughout New York's Seventh District.

I will do all that can be done to help ease the pain of Teckla's family during this tragic time. My thoughts and prayers are with them.

Today, she was laid to rest but she will always be a part of the fabric of Co-Op City.

PRESCRIPTION DRUG COSTS ARE "OUT OF BOUNDS" FOR SENIORS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. DAVIS of Illinois. Mr. Speaker, on June 27, 2003, this House of Representatives passed a poor excuse for a solution to the Medicare prescription drug crisis. The Medicare Prescription Drug and Modernization Act of 2003 provides minimal benefits to our Nation's disabled and senior citizens and fails to address the underlying problem of skyrocketing prescription drug costs.

On July 9, Families USA released a report appropriately called "Out of Bounds: Rising Prescription Drug Prices for Seniors." Between January 2002 and January 2003, the price of the 50 drugs most commonly used by seniors rose at three-and-a-half times the rate of inflation. With the Republican prescription drug plan, these rising prescription drug costs will continue to restrict patient access to much needed medications.

What is the solution to these skyrocketing drug prices? We must hold the pharmaceutical companies accountable! The cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico must be eliminated. Generic drugs, whose prices grow far more slowly than brand name drugs, must be allowed to quickly enter the market. Drug companies must begin to hold the welfare of patients above the richness of their own pocketbooks.

Until we convince pharmaceutical companies to treat our senior citizens justly, Congress must take action. A fall-back prescription drug benefit must be offered through Medicare, which would have the power to negotiate drug prices. We must allow drugs to be re-imported from Canada. Members of Congress must be held accountable for the prescription drug benefits we give to seniors. We must urge the conferees to maintain in the final bill Senator MARK DAYTON's amendment which calls for Members of Congress to receive comparable prescription drug benefits to those of Medicare beneficiaries.

Members of Congress, I urge you, do not allow the well-being of our Nation's seniors to be controlled by the greedy hands of the pharmaceutical industry. Take a stand and fight for our Nation's disabled and seniors.

SENATE—*Wednesday, July 16, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

O God of peace, end the civil war that rages in our hearts.

Fill our God-shaped void with Your presence and bid our striving to cease.

Thank You for Your steadfast love and Your redemptive presence among us.

Remind us that each day we make decisions for which we are accountable to You.

Give us wisdom and courage to burn life's brief candle, always aware of Your saving presence.

Use our Senators today as instruments of Your peace.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have a period of morning business for 30 minutes. Following that 30-minute period, the Senate will begin consideration of H.R. 2330, the Burma sanctions legislation.

Under the order from last night, there will be 60 minutes for debate on the Burma bill with a vote on passage to occur later in a series of stacked votes. After that debate, we will resume consideration of the Defense appropriations bill for debate on the Dorgan amendment on war costs, to be followed by debate on the Bingaman amendment on detainees.

The Senate will then conduct a series of three rollcall votes on the two amendments and passage of the Burma bill. These votes are expected to begin shortly after 12 noon today. Additional amendments will be offered over the course of the day, and therefore rollcall votes will continue throughout the day and evening in order to complete action on the Defense appropriations bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 10 a.m., with the first 15 minutes under the control of the majority leader or his designee, and the next 15 minutes under the control of Senator MIKULSKI or her designee.

STALLED NOMINATIONS FOR THE SIXTH CIRCUIT

Mr. FRIST. Mr. President, I rise this morning to address a very specific situation—a dire situation—that exists in the administration of justice for the people of Tennessee, Kentucky, Ohio, and Michigan, the States that make up the Sixth Circuit Court of Appeals.

I am joined this morning by other Senators from the Sixth Circuit and, most notably, we are joined on the Senate floor by many Members of the House of Representatives, representing the four States of the Sixth Circuit.

This morning, we will be meeting with Michigan's attorney general, Mike Cox, and several other Michigan leaders. They flew down today to make their case in the Senate, encouraging us to do our job and move forward with the stalled Michigan nominations to the Sixth Circuit Court of Appeals. They will be presenting the Senate leadership with a petition of thousands of Michigan citizens asking the Senate to end this delay on the so-called Michigan four.

This petition corresponds with a concurrent resolution which has been introduced in the Michigan Legislature, also asking the Senate to end the almost 2-year delay on the Michigan nominations.

The people and leaders of Michigan are not just speaking for themselves; they speak for the people from all of the States concerned and affected by this inexcusable delay. That includes the people of Tennessee, Kentucky, as well as Ohio.

That is why last week I took the rare, but not unprecedented, action of vowing for discharge of these four stalled nominations from the Judiciary Committee, because the delay of these nominations affects more than the State of Michigan, and the entire Sixth Circuit congressional delegation does have an interest on behalf of the people of the States and districts we represent.

In response to my discharge motion, my colleague, the senior Senator from Illinois, objected on behalf of the two Senators from Michigan on the basis that the stalled Michigan nominations had not had a hearing.

I thought at the time it was an odd objection given that the Senators from Michigan are the ones who are obstructing such hearings from even being held. Nevertheless, I respectfully considered the objection and studied the record of the Michigan nominations. This morning, I have sent a letter to Senator HATCH, chairman of the Judiciary Committee, along with Senator MCCONNELL, who also signed and wrote this letter with me, asking them to hold hearings on these nominations as soon as possible.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 16, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: As leaders of the majority and senators who represent two of the four states that comprise the Sixth Circuit, we are requesting that you hold hearings on the nominations of Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin to the U.S. Court of Appeals for the Sixth Circuit.

On July 7, 2003, the Majority Leader filed resolutions to discharge the Judiciary Committee from consideration of these nominees. These measures would allow the full Senate to consider their nominations, three of which have been pending for nearly two years (the fourth has been pending more than one year).

We believe that the discharge resolutions are necessary because the Michigan senators

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

have returned negative blue slips in an effort to prevent you from holding hearings on these nominees. Our understanding, however, is that the Michigan senators' objection to these nominees is based not on any substantive concerns about their qualifications, integrity, or temperament. Indeed, these four nominees are held in the highest regard and enjoy solid reputations. Nor is it based on a failure of the White House to properly consult with the Michigan senators. In fact, it appears that the Administration has been extremely solicitous of their views, having engaged in extensive consultation, as that term is properly understood.

Rather, based upon our review of the record of consultation and correspondence, it appears that the Michigan Senators object to consideration of these nominees for purposes unrelated to their personal qualifications. Simply put, they believe that two Clinton nominees from Michigan who were not confirmed should be renominated by President Bush. Because the White House has not taken the extraordinary step of renominating these two Clinton nominees, the Michigan Senators have decided to block all four of Michigan's circuit court nominees (and both of its district court nominees as well).

This is not a valid reason to hold the entire Sixth Circuit hostage and inflict damage and delay on our constitutes. This situation is unacceptable and simply cannot continue. The Michigan senators should not be able to prevent the entire Senate from acting on four outstanding nominees who would fill judicial emergencies on an appellate court that is operating with fully one fourth of its seats vacant.

There are many others, including numerous Michigan public officials, who share this view. Nine members of the Michigan congressional delegation wrote you on February 26, 2003, asking you to provide hearings for the Sixth Circuit nominees from Michigan as soon as reasonably practical. On July 3, 2003, the Michigan Senate introduced a resolution calling for the United States Senate and Michigan's U.S. Senators to act to begin the confirmation hearings on Michigan's Sixth Circuit nominees.

In response to the filing last week of the resolution to discharge the Judiciary Committee from consideration of Judge McKeague's nomination, Senator Durbin stated, ". . . [T]his nomination for the Sixth Circuit, and the others that will be made by the majority leader, have not had the benefit of any hearing before the Senate Judiciary Committee. I believe that [a] hearing should take place before a lifetime appointment is given to any person to the Circuit Court." We wholeheartedly agree that the Michigan nominees to the Sixth Circuit deserve hearings, and accordingly request that you schedule hearings for Judges Saad, Neilson, McKeague, and Griffin as soon as possible.

On behalf of our constituents, we would appreciate your immediate attention to this most urgent matter.

Sincerely,

WILLIAM FRIST,
U.S. Senate Majority Leader.
MITCH MCCONNELL,
U.S. Senate Majority Whip.

Mr. FRIST. Mr. President, I also ask unanimous consent to have printed in the RECORD two letters from White House Counsel Alberto Gonzales outlining the history of these nominations.

There being no objection, the material was sordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 28, 2003.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: Thank you for your letter of March 25, advising the President of a letter you recently received from Senator Levin and Senator Stabenow. As you note, Senators Levin and Stabenow have returned blue slips objecting to all five judicial nominees from Michigan pending before the Committee. The Michigan Senators' letter further suggests that the White House did not engage in adequate consultation with them regarding these nominees. You have asked me to describe the nature and extent of consultation between the White House and the Michigan Senators regarding Richard Griffin, David McKeague, Susan Bieke Neilson, Henry Saad and Thomas Ludington. We are pleased to have the opportunity to explain why we believe there has been appropriate consultation.

Before turning to a chronological review of the record, we believe a general comment is in order. Senators Levin and Stabenow insisted from the outset that President Bush should renominate to the Sixth Circuit two nominees of President Clinton—Helene White and Kathleen McCree Lewis—who had not received hearings or votes. The Senators argued that "elementary fairness . . . necessitates that they be renominated, that hearings be held, and that they be voted up or down by the Senate Judiciary Committee." See Levin-Stabenow Letter to President Bush (April 3, 2001). In response, we informed the Senators that we were in fact considering Judge White and Ms. McCree Lewis, along with numerous other candidates, for the Sixth Circuit, but that the President would not commit to renominating them for those seats. We explained that it is extraordinarily rare for a President to nominate for the federal bench an individual previously nominated by his predecessor, especially when the predecessor is from another political party; that President Bush was not responsible for the failure of Judge White and Ms. McCree Lewis to attain confirmation; and that numerous individuals appointed by President George H.W. Bush to the federal courts of appeals saw their nominations lapse without Senate action at the end of 1992, and did not have their names resubmitted by President Clinton. As we summarized, "President Bush is entitled to make his own appointments for these vacancies, and he may well prefer candidates other than those previously chosen by President Clinton." See Gonzales Letter to Senators Levin and Stabenow (April 10, 2001).

Following this initial exchange, in which the White House made its position very clear, we moved forward with the process of evaluating candidates for the judicial vacancies in Michigan—including Judge White and Ms. McCree Lewis, who we interviewed—and recommending nominees to the President. Throughout this process, we repeatedly consulted with the Michigan Senators, seeking their input on candidates time and time again, almost literally until the eve of their nominations. At no point did either Senator Levin or Senator Stabenow ever articulate any specific objections to any of the five nominees. Instead, the Michigan Senators consistently responded to our consultations by (1) continuing to ask that President Bush "address" the White and McCree Lewis situations by renominating them, and (2) refusing to provide feedback on our proposed candidates unless and until we gave in to that request.

Specifically, our records show that, prior to the nominations of the five individuals in question, the White House engaged in the following noteworthy consultations with the Michigan Senators.

April 3, 2001. The Michigan Senators write to the President to announce their position: "[E]lementary fairness to [Judge White and Ms. McCree Lewis] . . . necessitates that they be renominated, that hearings be held, and that they be voted up or down by the Senate Judiciary committee"; and "[n]ominating others in their stead would not only be inconsistent with your stated goal of bipartisanship, it would compound the difficult situation we are now in relative to filling the Michigan judicial vacancies on the Sixth Circuit."

April 10, 2001. I respond in writing as described above—stating that we are considering Judge White and Ms. McCree Lewis, but that President Bush is entitled to make his own appointments for the Michigan vacancies.

May 17, 2001. At a meeting in my office, I provide the Senators with the names of individuals being considered for the Sixth Circuit (including Judges Saad, McKeague, and Griffin) and for the vacancy on the U.S. District Court for the Eastern District of Michigan (including Thomas Ludington). I invite the Senators to provide their feedback on those individuals. Senator Levin, however, states that he will not provide any reactions until "the larger issue" is settled.

May 17, 2001. Following up on my meeting with the Senators, Associate Counsel Brad Berenson calls the Chiefs of Staff of Senators Levin and Stabenow, again providing the names of the candidates and soliciting the Senators' reaction.

May 23, 2001. Mr. Berenson consults again with Senator Levin's Chief of Staff regarding Judges Griffin, McKeague and Sadd—making clear that no nominations are definite, and again asking for reactions or feedback from the Senator. Mr. Berenson also delivers the same message and invitation by voice mail to Senator Stabenow's Chief of Staff.

June 7, 2001. Mr Berenson again calls Senator Stabenow's Chief of Staff seeking the Senator's reaction to the potential judicial nominees. The Chief of Staff reports that Senator Stabenow does not know any of the individuals in question and again urges that no action should be taken on them until the White/McCree Lewis situation is addressed.

June 15, 2001. Mr. Berenson again calls Senator Stabenow's chief of Staff—once again seeking the Senator's reaction to the potential judicial nominees, and notifying the Senator that Susan Bieke Neilson is under consideration for the Sixth Circuit. Mr. Berenson also calls Senator Levin's Chief of Staff to deliver the same message, but is told that the Chief of Staff can not talk until the following Monday.

June 21, 2001. After leaving several telephone messages, Mr. Berenson succeeds in contacting Senator Levin's Chief of Staff. Again, he seeks the Senator's reaction to the potential judicial nominees we had identified on May 17; he also gives notice that Susan Bieke Neilson is under consideration for the Sixth Circuit.

July 9, 2001. Mr. Berenson speaks by phone with Senator Levin's Chief of Staff regarding Judge Neilson. Mr. Berenson leaves a voice mail message about Judge Neilson for Senator Stabenow's Chief of Staff.

August 8, 2001. Mr. Berenson places phone calls to both Senators' Chiefs of Staff. Both are on vacation, so Mr. Berenson leaves messages regarding Judge Ludington.

August 10, 2001. Senator Levin's Chief of Staff writes to Mr. Berenson reiterating Senator Levin's original position.

August 14, 2001. Mr. Berenson responds to Senator Levin's Chief of Staff, explaining that "although we gave careful consideration to the matter, including interviews of both women, the President does not intend to nominate both these women to the Sixth Circuit." Mr. Berenson's letter further notes that "[we] have . . . continued to keep the Senator fully informed at every stage of our deliberations, providing the names of individuals the President is considering for appointment and repeatedly soliciting the Senator's views," and advises that "we would prefer to have the Senator's input before the President makes nominations."

August 17, 2001. I send a letter to then-Chairman Leahy (with copies to the Michigan Senators as well as to you), once again clearly setting out the White House's position. I write that "I have met with Senators Levin and Stabenow and have listened carefully to their concerns regarding the history of nominations from Michigan to the Sixth Circuit. Although I understand their desire to have the President renominate two of President Clinton's candidates for the Court of Appeals . . . we believe it would be unfair to expect the President to do so. The net result of our discussions is an apparent standoff in which the two Michigan Senators are attempting (inappropriately, in my view) to use the threat of negative blue slips against President Bush's Michigan circuit nominees to compel the President to renominate Clinton nominees based upon grievances in which president Bush played no part." I also reiterate that "[w]e remain committed to consulting closely with home-state Senators to identify judicial candidates the President may nominate with the support of the Senators; however, meaningful, good faith consultation by the Senators cannot, in my judgment, include a demand that President Bush select as nominees those individuals previously selected by the prior Administration."

August 22, 2001. Senator Levin's Chief of Staff writes to Mr. Berenson, proposing a bipartisan commission for judicial nominations in Michigan.

August 23, 2001. Mr. Berenson responds, explaining that the White House is not willing to consider a commission in Michigan at this time. Mr. Berenson elaborates: "Commissions exist or are under consideration in only two or three states in which history or other special circumstances clearly justify such an unorthodox mechanism. None of these circumstances exists in Michigan."

October 9, 2001. I meet with the Michigan Senators at Senator Levin's office to discuss potential solutions to the Sixth Circuit impasse.

October 31, 2001. I speak with Senator Levin to explain why the Michigan Senators' commission proposal is not acceptable, and to inform the Senator of the president's intent to make nominations to the Sixth Circuit seats shortly.

November 1, 2001. Senators Levin and Stabenow write to urge me "to reconsider [their] proposal to jointly establish a bipartisan judicial nominating commission for the existing Michigan vacancies on the Sixth Circuit Court of Appeals." Again, they do not provide any comments on Judges Griffin, McKeague, Neilson, Saad or Ludington—and they indicate that "we could not, in good conscience, return blue slips on Sixth Circuit nominees until the unfair treatment of the nominations of [Judge White and Ms. McCree Lewis] is addressed."

November 2, 2001. I respond to the Michigan Senators, respectfully declining to reconsider our decision not to establish a judicial nominating commission, and reiterating that we had proposed an appropriate solution to the Michigan situation. My letter also gives fair warning that "the President will soon make nominations to all of the existing federal judicial vacancies in Michigan," and invites the Michigan Senators to reconsider their position.

Following these extensive consultations by the White House, the President nominated Judges McKeague, Saad and Neilson on November 8, 2001.

Still, our consultations as to the remaining vacancies continued even after this point. I met with the Michigan Senators on December 19, 2001, and again on February 7, 2002, to discuss solutions to the Michigan. situation, and I called them on June 20 and 24, 2002. Seeing no prospect of resolution, the President nominated Judge Griffin to the Sixth Circuit on June 26, 2002. Judge Ludington was nominated later that year, on September 12.

In short, we engaged in repeated pre-nomination consultations with the Michigan Senators regarding these five nominees, making every reasonable effort to get the Senators' feedback. We interviewed the candidates suggested by the Senators—Judge White and Ms. McCree Lewis. And we proposed our own reasonable solution to the matter. Notwithstanding these extensive efforts by the White House, the Michigan Senators steadfastly refused to provide feedback on the nominees, instead insisting that the President should first agree to nominate President Clinton's candidates and/or to turn the process over to a commission. After several months, with no sign of progress, and having received no specific objections to any of the individuals in question, the President proceeded with his nominations, to address the acknowledged judicial emergencies on the Sixth Circuit. These emergencies continue to this day, and affect not only the constituents of Senators Levin and Stabenow, but also the citizens of Kentucky, Ohio and Tennessee.

I believe that any reasonable observer would agree that the record described above demonstrates that the White House engaged in appropriate consultations with respect to the five Michigan judicial nominees.

I trust that this letter provides the information you need regarding our extensive consultation with the Michigan Senators. However, I would be pleased to provide additional details if necessary.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

THE WHITE HOUSE,
Washington, April 2, 2003.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.
Hon. DEBBIE A. STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATORS LEVIN AND STABENOW: I respectfully write with regard to your March 19 joint letter to Chairman Hatch, which accompanied your return of blue slips indicating your opposition to a hearing and vote for five pending Michigan nominees for federal judicial seats. Your letter explains that you are objecting to these Michigan nominees—and will continue to object to future Michigan nominees—in order to protest the fact that two of President Clinton's judicial nominees from Michigan did not receive hearings.

Although you have returned negative blue slips for all of these nominations, you do not indicate any opposition based upon qualifications to any of the five individuals in question. Nor did you express any such specific opposition during our pre-nomination consultations with your offices regarding these individuals. (This consultation history is described more fully in the attached response to any inquiry from Chairman Hatch.) In our judgment, all five nominees are indeed well qualified to serve on the federal bench, and deserve prompt hearings and votes. I will briefly review their qualifications below, before turning to your complaints regarding President Clinton's nominees and, finally, addressing your blue slips.

I. THE NOMINEES

David McKeague, Susan Bieke Neilson, Henry Saad, Richard Griffin and Thomas Ludington are well qualified for the judicial seats for which they have been nominated.

Judge McKeague has served on the U.S. District Court for the Western District of Michigan since 1991, when he was unanimously confirmed by the then-Democrat-controlled Senate. During his tenure as a district judge, he has on seven occasions been designated to sit on a panel of the Sixth Circuit. Chief Justice Rehnquist appointed Judge McKeague to serve on the Judicial Conference's Committee on Defender Services, where Judge McKeague chairs the funding subcommittee. The Chief Justice also appointed Judge McKeague to the District Judges Education Committee of the Federal Judicial Center, which Judge McKeague chairs. The American Bar Association ("ABA") has given Judge McKeague, a "Well Qualified" rating for the Sixth Circuit.

Judge Neilson has served on the 3rd Judicial Circuit Court of Michigan since 1991. She has written numerous articles and was coeditor and author of Michigan Civil Procedure, a two-volume treatise on all areas of Michigan civil practice. This treatise was selected by the Michigan Judicial Institute for purchase on behalf of every trial judge in the State of Michigan and received the "Plain English Award" from the State Bar of Michigan. The ABA has unanimously rated Judge Neilson "Well-Qualified" for the Sixth Circuit.

Judge Saad has served on the Michigan Court of Appeals since 1994. During his 1996 retention election, he received broad bipartisan support, including endorsements from the Michigan Chamber of Commerce and the United Auto Workers. Judge Saad is also active in the community. He has served as President of the Wayne State University Law School Alumni Association, Chairman of the Board of the Oakland Community College Foundation, and as a Board Member on the National Conference of Christians and Jews. In 1995, he received the Arab-American and Chaldean Council Civic and Humanitarian Award for Outstanding Dedication to Serving the Community with Compassion and Understanding. The ABA has given Judge Saad a "Qualified" rating. It also bears noting that Judge Saad was nominated to the Eastern District of Michigan by President George H.W. Bush a decade ago, but did not receive a hearing.

Judge Griffin has served on the Michigan Court of Appeals since 1989. He has served the bench and bar in a number of volunteer capacities. He is a former member of the federal judicial selection committee for the Western District of Michigan, and currently serves as Chairman of the Quality Review Committee for the Michigan Court of Appeals. The ABA has rated Judge Griffin

"Well Qualified" to serve on the Sixth Circuit.

In sum, all four of the President's Sixth Circuit nominees from Michigan have extensive experience on the state or federal benches; all are active in their communities and in the bar; all have extensive support in Michigan; and all have received Well Qualified or Qualified ratings from the ABA. We respectfully submit that by any traditional standard, Judges McKeague, Neilson, Saad and Griffin are superbly qualified candidates for the vacant seats on the Sixth Circuit—seats that have been designated "judicial emergencies" by the Judicial Conference.

Thomas Ludington is likewise fully qualified for the district court. He has considerable experience on the state bench—having served as Chief Judge of the 42nd Circuit Court in Michigan since 1995—and enjoys wide support within the State. And he too has received a unanimous "Well Qualified" rating from the ABA.

II. THE BASIS OF YOUR OBJECTIONS

In explaining your negative blue slips, you note that two of President Clinton's Michigan nominees to the Sixth Circuit, Judge Helene White and Kathleen McCree Lewis, did not receive hearings or votes.

We understand your position. President Bush has explained that too many nominees of both President Bill Clinton and President George H.W. Bush did not receive timely hearings and votes. For example, two of President George H.W. Bush's Sixth Circuit nominees—John Smietanka and Justin Wilson—and his nominee to the Eastern District of Michigan, Judge Saad, did not receive hearings or votes in the then-Democrat-controlled Senate a decade ago.

President Bush has called on both parties to move on from the cycle of blame and retribution that has plagued the Senate for more than a decade. Since the 2000 campaign, the President has emphasized that every judicial nominee should receive a committee hearing and up or down floor vote within a reasonable time, no matter who is President or which party controls the Senate. On October 30, 2002, after nearly two additional years of Senate delays, the President advanced a plan involving all three Branches that would require, among other steps, the Senate to vote on nominees within 180 days of nomination. The plan would ensure a generous period of time for all Senators to gather information and have their voices heard and votes counted. Whether the nominee is John Smietanka or Helene White or Susan Bieke Neilson, whether the President is President Clinton or President Bush, whether the Senate is Republican- or Democrat-controlled, the President believes that the procedures for fair and timely Senate consideration and votes on judicial nominations should be the same.

III. THE SIGNIFICANCE OF THE BLUE SLIPS

Against this backdrop, let me turn to your blue slips.

It has been my understanding that the blue slip is not a veto, but rather a device to ensure adequate pre-nomination consultation with home-state Senators, such as has occurred in the cases of these five nominees. We understand this to have been the consistent Senate policy for at least the last 25 years—during the Chairmanships of Senators Kennedy, Thurmond, Biden and Hatch. And in recent weeks, several other Democratic Senators (including former Chairman Leahy) have argued that Jorge Rangel and Enrique Moreno, nominees of President Clinton to the Fifth Circuit, should have received hearings and votes notwithstanding what the Committee deemed to be inadequate consultation with home-state Senators—thereby implicitly embracing the view that home-State Senators should not be allowed to veto a nominee.

We agree strongly with the bipartisan policy maintained by Senators Kennedy, Thurmond, Biden, and Hatch as Chairs of the Judiciary Committee. We respectfully agree that the tradition of consultation does not and should not entail a veto for home-state Senators, particularly a veto wielded for ideological or political purposes. Rather, the intention of the Constitution and the tradition of the Senate require, in our judgment, that the full Senate hold on up or down vote on each judicial nominee. If the objections of home-state Senators to a nominee are persuasive, those objections either will deter the President from submitting the nomination in the first instance or, alternatively, will convince a majority of the Senate that the nomination should be rejected. As Senator Kennedy stated in 1981, however, the Senate has not allowed and should not allow "individual Senators [to] ban, prohibit, or bar" consideration of a nominee.

Once again I respectfully suggest that all Senators should have their voices heard and their votes counted on the nominations of Judges McKeague, Neilson, Saad, Griffin, and Ludington—five individuals well qualified to serve on the federal bench.

I remain hopeful that we can work together to fill these judicial emergencies and I remain ready to meet to explore options.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

Mr. FRIST. After looking at the record, I have reached the conclusion that the objection to these nominees having hearings is based not on any substantive concerns about their qualifications, or their temperament, or about their integrity. Indeed, these four nominees are held in the highest regard and enjoy solid reputations. Nor is it based on a failure of the White House to properly consult with the Michigan Senators. In fact, it appears that the administration has been extremely solicitous of their views, having engaged in extensive and good-faith consultation, as that term is properly understood.

Rather, based upon review of the record of consultation and correspondence, it appears that the Michigan Senators object to the consideration of these nominees for purposes totally unrelated to their personal qualifications. Simply put, they believe that two Clinton nominees from Michigan who were not confirmed should be renominated by President Bush. Because the White House has not taken this extraordinary step of renominating two of former President Clinton's nominees, the Michigan Senators have decided to block, to obstruct, all four of Michigan's circuit court nominees. I might add, they are blocking the district court nominees as well.

I believe the reason it is important for us to shed light on this issue is—and I am sure the American people and my colleagues will agree—that this is not a valid reason to hold the people of the entire Sixth Circuit Court hostage and inflict damage and delay on our constituents.

The situation is simply unacceptable and cannot continue. The Michigan Senators, I believe, should not be able to prevent the entire Senate from acting on four outstanding nominees who would fill what we all know are officially classified as judicial emergencies on the appellate court that is operating with fully one-fourth of its seats vacant right now. These are judicial emergencies.

I should note that one of these nominees, Judge Henry Saad, was first nominated by the first President Bush and was never given a hearing. He has been waiting, in effect, for over a decade. It bears noting that when he is confirmed by this Senate, he will be the first Arab American to serve on the Federal courts.

The Constitution of the United States requires that the Senate responsibly and expeditiously vote on the President's nominees—"yea" or "nay"—and allow the courts to get on with their work. Instead, what is happening is that the President's nominees to the Sixth Circuit are being held up, and the Senate is blocked from performing its constitutional duty.

Among the 12 U.S. Courts of Appeals, the Sixth Circuit is now dead last in the timeliness of its disposition of cases.

District court judges within the Sixth Circuit warn us that by having to perform regular duty as a substitute judge on the court of appeals, their own trial dockets have slowed considerably.

Only a substantial commitment on the part of the senior judges of the Sixth Circuit, district judges from the within the Sixth Circuit, and visiting appellate judges from other circuits has kept the caseload even barely manageable. The Sixth Circuit is the third busiest court of appeals, and Chief Judge Boyce Martin has asked Congress to authorize a 17th judge for the court. The court would be overworked even if it had its full complement of 16 judges.

According to District Judge Robert Bell, W.D. Michigan, "We're having to backfill with judges from other circuits, who are basically substitutes. You don't get the same sense of purpose and continuity you get with full-fledged court of appeals judges." Furthermore, "we don't have the time or the resources that the circuit court has. You can't help to conclude that if we had 16 full-time judges with the full complement of staff, that each case might get more consideration . . ."

Those are very troubling words: "Each case might get more consideration." It is unconscionable that we would deliberately allow our courts to get clogged up, backlogged, and undermined because some in Washington wish to politicize the process. Our courts are supposed to be fair and impartial. They are supposed to serve both victims and defendants. We are undermining the rights of our fellow citizens if we do not resolve this issue.

It is not just judges who are seeing what is happening. United States attorneys in Michigan tell us that the delays caused by the vacancies are complicating their ability to prosecute wrongdoers, defendants are able to commit more crime while awaiting trial, there is less consistency in the court's jurisprudence, and the United States is effectively being deprived of en banc review in some cases.

A letter signed by 31 Assistant United States Attorneys in the Eastern District of Michigan states:

> [i]n years past, it was the normal practice of the Sixth Circuit that a case would be heard by the Court approximately three months after all briefs were filed, and in most cases an opinion would issue in about three additional months. At present, due to the large number of vacancies on the Court . . . it has been taking on average between twelve and eighteen months longer for most appeals to be completed . . .

Moreover, they go on:

> [D]elays in criminal cases hurt the government . . . [T]he longer a case goes on, the more chance there is that witnesses will disappear, forget, or die, documents will be lost, and investigators will retire or be transferred . . . In some cases, convicted criminal defendants are granted bond pending appeal. The elongated appellate process therefore allows defendants to remain on the street for a longer period of time, possibly committing new offenses. In addition, the longer delay makes retrials more difficult if the appeal results in the reversal of a conviction.

They go on:

> [T]he Sixth Circuit has resorted to having more district judges sit by designation as panel members. This practice has contributed to a slowdown of the hearing of cases in the district courts, because the district judges are taken out of those courtrooms. The widespread use of district judges also provides for less consistency in the appellate process than would obtain if full-time Circuit Judges heard most of the appeals.

And they conclude:

> In some cases, the small number of judges on the Court has served to effectively deprive the United States of en banc review . . . Achieving a unanimous vote of all of those judges of the Court who were not part of the original panel is, as a matter of practice, impossible, and not worth seeking. However, if the Court was at full strength, an en banc review could have been granted with the votes of about two thirds of the active judges who were not part of the original panel.

I quote their comments at length because I want to lay out in unambiguous terms what is happening to our justice system.

Justice delayed is justice denied—justice denied to everyone, including victims, defendants, and the entire community.

President Bush has nominated four well-qualified individuals from Michigan to fill these vacancies. The objections of the Michigan Senators are, in my view, unreasonable. The basis of their complaint is that two nominees were left without hearings at the end of President Clinton's term in 2001.

They ignore the fact that two nominees were also left without hearings at the end of President Bush's term in 1993, which means that President Clinton got to appoint the same number of judges to the Sixth Circuit as the number of vacancies that came open during his Presidency.

Both parties have left nominations ending at the end of Presidents' terms. But the effort by my Michigan colleagues to block nominations at the outset of a President's term is unheard of.

Five of the Sixth Circuit's active judges—nearly half—were appointed by President Clinton.

Let me read from the Grand Rapids Press. It makes the point well, saying:

> The Constitution does not give [Sens. Levin and Stabenow] co-presidential authority and certainly does not support the use of the Court of Appeals to nurse a political grudge . . . [Sens. Levin and Stabenow] have proposed that the president let a bipartisan commission make Sixth circuit nominations or that Mr. Bush renominate the two lapsed Clinton nominations. Mr. Bush has shown no interest in either retreat from his constitutional prerogatives. Nor should he. Movement in this matter should come from Sens. Levin and Stabenow—and, clearly, it should be backward.

Our courts cannot work if we do not have judges to run them. And our communities suffer when our courts do not work—victims, who never see justice, defendants who hang in limbo, and communities that go unprotected.

President Bush's judicial nominees deserve a simple up-or-down vote. That is all that is being asked. This is one of our most important constitutional duties. We cannot use the system to nurse grudges. The consequences are too great. The public expects us to do our duty. I call upon my fellow Senators to exercise their constitutional responsibilities and free the Michigan four.

Mr. President, I yield the Republican time to the majority whip, the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. I thank the Chair.

Mr. President, I thank the majority leader for outlining what is truly a crisis in the Sixth Judicial Circuit, the federal circuit which includes Tennessee, Kentucky, Ohio, and Michigan.

As this chart illustrates, of the 16 judgeships on the Sixth Circuit, 4 seats are vacant. They are all Michigan seats. They are being held up by the Michigan Senators, strangely enough, as the majority leader has outlined, based upon some grievance that occurred in the past. But the problem is not the past; it is the present. We have a judicial vacancy crisis in the Sixth Circuit that affects not only the State of Michigan but litigants in Tennessee, Kentucky, and Ohio.

If we look at the second chart, we will see what the effect is on litigants. Back in 1996, the Sixth Circuit had to handle about 364 cases per active judge. For 2002, it is up to 643 cases per active judge, an increase of 77 percent.

The Sixth Circuit is essentially swamped with litigation, and justice is being denied by being delayed. It is the slowest circuit in the country. Sixth Circuit litigants have to wait on justice 50 percent longer than any other litigants in any other part of America just because they happen to be a litigant in the Sixth Judicial Circuit because of the action of the Michigan Senators in holding up all four of these well-qualified nominations to the Sixth Circuit. If you are so unfortunate as to be a litigant in the Sixth Circuit, you have to wait 50 percent longer than the national average to have your case dealt with.

Senatorial prerogatives are important, but my recollection is Senators do not get to pick circuit judges in the first place. I guess we can have an argument about the blue slip policy as it relates to district judges, but we do not get to pick circuit judges; they are a Presidential prerogative.

To simply withhold judges at the circuit level to secure nominations that the election does not give you an opportunity to achieve—in other words, the Republicans won the election in 2000—and, by doing that, dramatically disadvantage litigants not only in your own State but in three other States, seems to this Senator unfair.

I guess the issue is what can be done about it. As the majority leader indicated and as I believe the senior Senator from Illinois indicated last week—the Senator from Illinois noted that there had not been any hearings on these nominees—my suggestion and the majority leader's suggestion to the chairman of the Judiciary committee, Senator HATCH, is to have hearings on these nominees. We have sent him a letter requesting that, because of the judicial emergencies in the Sixth Circuit, he go forward with hearings on these nominees.

I hope Chairman HATCH will do that and the committee will forthwith act on these judges, send them to the floor, and let the Senate work its will because we have a crisis. My people in Kentucky did not have anything to do with this issue, and they ought not be penalized because of actions in some other State in the Sixth Judicial Circuit. I hope Senator HATCH, the chairman of the Judiciary Committee, will hold these hearings in the very near future.

Mr. FRIST. Will the Senator from Kentucky yield for a question?

Mr. McCONNELL. I do yield for a question.

Mr. FRIST. Mr. President, I ask the Senator from Kentucky to share his concern as to the effect this particular delay of the Sixth Circuit nominees has on the people we serve every day and how their real lives are being affected. I think that is what drives us in moving forward, recognizing this delay is simply unacceptable.

Mr. MCCONNELL. Mr. President, if you are a litigant from Tennessee or Kentucky and are having to wait 50 percent longer than a litigant in some other State because of the actions by the Senators from Michigan, it seems to me that is simply unfair. Because of some grievance that occurred in the past, some score being settled by holding hostage these litigants from Tennessee and Kentucky who had nothing to do with this situation, I think is grossly unfair.

One thing the majority leader has asked Senator HATCH to do that will help is have hearings, as has been suggested by the senior Senator from Illinois, and move forward on these nominations.

Mr. FRIST. Mr. President, I thank the Senator. That does bring into focus what we are here to do. For me, that brings into focus why, for us to be good stewards of the judiciary, we need to accelerate this process and move it forward. Indeed, that is what the Constitution calls upon us to do.

Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. The leader controls 2 minutes 15 seconds.

Mr. FRIST. I yield the remainder of our time to the distinguished Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the majority leader and the whip for bringing this to the attention of the Senate.

I am new to the Senate. This situation is very disappointing to me as a Senator from the Sixth Circuit. I will give one example of how this affects people in real time and real lives in Tennessee, Kentucky, Ohio, and Michigan. Thirty-one assistant U.S. attorneys in the Eastern District of Michigan have written a letter to Senator LEVIN to complain that the vacancies have slowed justice, have complicated prosecutions, have enabled criminals to commit more crimes while awaiting trial, have led to less consistency in decisions, and have deprived the United States of en banc review in some cases.

A group of law professors, in a letter to the majority leader, stated that because of the unfilled judicial vacancies, the Sixth Circuit takes as long as 15 months to reach a final disposition, 5 months more than the national average.

This is unfair to the people in our State. I hope the Judiciary Committee will move swiftly to hearings and the Senate will move swiftly to consider, vote on, and hopefully confirm the Michigan four.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, how much time do the Democrats have in morning business?

The ACTING PRESIDENT pro tempore. The Democrats have 15 minutes under a previous order.

Mr. REID. Mr. President, I yield all 15 minutes to Senator MIKULSKI.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for up to 10 minutes.

Ms. MIKULSKI. I thank the Chair.

Mr. President, I yield 5 minutes to the Senator from Michigan and then 10 minutes to myself.

JUDICIAL NOMINEES

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I thank my colleague and dear friend from Maryland. She has been waiting to speak for a long time. I appreciate her graciousness in allowing me to speak for a moment.

This is a very unfortunate time in the State of Michigan. We have traditionally had bipartisan cooperation on issues that affect our wonderful State and the people we all represent. I cannot think of a time when we have had in previous Congresses Republican colleagues on the House side doing press conferences and attacking the Senators. It is very unfortunate.

Let me speak first to the numbers our distinguished majority leader just used and other Members on the other side of the aisle. It is my understanding those numbers about backlogs were prior to the filling of four vacancies on the Sixth Circuit. So we are looking at a situation where there have been four vacancies already filled. Retired judges are used to hear cases.

We do not hear about the kind of backlog and the concern about the lack of justice going on in the Sixth Circuit. I believe that is absolutely inaccurate. What we do hear is a great concern about playing politics.

There was an effort to hold up all the nominees to the Sixth Circuit under President Clinton. Now, coming into this Senate, Senator LEVIN and I have attempted to work with the administration to have a bipartisan solution to stop this. That is what we have been about, not going on with partisanship, which is what is happening now. Rather than working with us for a bipartisan solution, we see partisan press conferences. We see our colleagues on the other side of the aisle, and unfortunately our colleagues in the House on the Republican side, holding press conference after press conference attacking us, rather than working things out.

How do we work it out? Well, many States have bipartisan commissions to recommend nominees to the President, working with the Senators. We have put forward the Wisconsin motto which has the Senators from one party placing four people on a commission. The senior Republican in this case, Congressman SENSENBRENNER from Wisconsin, who is a part of this process, nominates four. They have two people from the Wisconsin bar, and the heads of the law schools. It works. It has been embraced by the White House.

It is disconcerting to me to see what has been agreed to and worked well in Wisconsin will not be allowed in Michigan. We know that in Washington State there is a commission. We know there are agreements in other States to work together with the Senators. But somehow in Michigan, instead of doing that, so our families, our workers, and our businesses can be represented and know that we will provide mainstream judges in a bipartisan way, we see unfortunate comments on the floor, we see misinformation, we see political press conferences over and over again.

This is how we got to this situation. It was partisanship in the last Senate under President Clinton, holding up the nominees. We are trying to change that and say let's stop this.

Instead of press conferences, I welcome colleagues in the Senate, as well as our House Members, to join us, to sit down and develop a motto such as Wisconsin and other States, where it works in a bipartisan way, to be able to put forward judges to fill these vacancies.

It is important who is on the bench. This is not the President's prerogative alone, nor any individual Senator. It means we need to work together because our families are affected, our business community, issues of privacy, health care, business law, the environment. Many issues are affected, and so it matters who is on the court from Michigan. We simply ask that we be treated with fairness as other Senators in other States have been, and we will continue to work to that end.

I yield back for my colleague from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Ten minutes.

Ms. MIKULSKI. I claim such time for myself.

NEED OF INTERNATIONAL COMMUNITY IN IRAQ

Ms. MIKULSKI. Mr. President, I rise today to address the situation in Iraq. Right now, America is bearing the primary burden in Iraq. Almost every day another soldier dies—not in combat but in postwar occupation. Our American soldiers must not bear this burden alone. Quite frankly, the American taxpayer must not bear responsibility for the cost of nation building alone.

I urge our President, President Bush, to build an international effort to participate in sharing the burden and the responsibility of bringing order out of chaos in Iraq.

The occupation of Iraq is something we all have to face up to. Last year, when the Senate debated the Iraq war resolution, I said this: We do not know whether our troops will be welcomed with flags or with land mines.

Now we know. Our troops are facing great and grave danger. They are facing snipers, ambush. One soldier was shot in the back as he waited to buy a soda. Another was standing in line to buy DVDs, and he was shot in the back. This is not combat with an opposing army. These are murders, these are assassinations, and we need to stand up for our troops and give them the help and the backing they need.

We need to stand up for these troops who are so dedicated, so duty driven, so wanting to do the job that America sends them to do, but they should not bear this all by themselves, with a few treasured allies.

Since the President declared the end of hostilities, 82 soldiers have died. Our troops in Iraq are not peacekeepers or nation builders. There is no peace to keep and there is no nation to build. We have to start from scratch. America's troops now are an occupying force, and they continue to face very fierce resistance in parts of Iraq. In some areas, it is guerilla war with house to house fighting with members of the Saddam Fedayeen or other groups still loyal to Saddam Hussein trying to kill them. They are trying to ambush our military convoys.

Our forces are seeking to establish order and security. Yet they are very highly visible, whether they are guarding facilities such as power stations or delivering supplies or training the Iraqi police force. This puts them at grave risk. American soldiers must not face this danger all alone.

About 148,000 American soldiers are still serving in Iraq, and we salute them. There are over 13,000 troops from the United Kingdom, Australia, Poland, and other countries, and we thank them for being there. Many Marylanders are serving there, including members of our National Guard and Reserves, and I stand up for them to make sure they get the backup they need and they can return home from their deployment.

America should not stand with just a coalition of the few. We need to have the international force of the many. This is why we need to go to the U.N. and ask for help. We need to go to NATO and get them involved, and we need to go to the world to help pay for the cost of doing this.

Occupying Iraq is not easy and it is not cheap. Rumsfeld has now doubled his estimates of the cost of occupying Iraq, from $2 billion a month to $4 billion a month. The Pentagon estimates that the total cost will be over $100 billion. The American taxpayers are bearing that responsibility, and they will bear that responsibility for some time to come. When we talk about responsibility, it should be the responsibility of the world to help rebuild the power stations while we are trying to work to create a new power structure.

Last week I supported a burden sharing amendment to the State Department authorization bill. Ninety-seven Senators agreed to that. Not one disputed it. What did it recommend? That the President ask NATO to raise a military force for deployment in postwar Iraq, and to urge NATO allies and other nations to provide troops and police to the coalition efforts in Iraq, and that the President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq.

It also said go to the U.N. to ask for resources to rebuild and administer Iraq. Iraqi oil alone will not pay for this. We have to get these oil wells ready.

When the President asked for authorization to go to war, I said that if it is important enough to go to war, if it is important enough to the world to go to war, then the world should come with us.

We must bring the entire international community with us to share responsibilities and the burden of stopping these threats.

I saw the situation we are in coming. That is what I worried about, that American troops would be there by themselves, with a few steadfast allies, and the American taxpayer would be the one facing this nation building. That was my position then and it is still my position.

During the debate in the Senate, I urged the Senate to support the Levin amendment, which called for international legitimacy, for international cooperation, international support, including military and international resources, meaning real money. I spoke on the Senate floor about the threat of Saddam Hussein, and I spoke about the threats to our troops. I said then that I firmly believed Saddam Hussein was duplicitous, deceptive, and dangerous and that they had grim and goulish means to carry out their weapons plans. I did believe that they could develop, produce, and stockpile chemical and biological weapons, and I did believe that they had the means for delivering them in the region. Whether the information I was given in all my briefings was valid or not is something to probe in another forum. We are committed to doing that.

Right now, we need to acknowledge Saddam threatened not only the United States, he threatened the region and he threatened the world. Now the region and the world have to get into this. It is not too late. President Bush should mount a new diplomatic effort, recruiting allies to share these burdens of occupying Iraq and to root out the remaining resistance. We have to go to the U.N. and NATO to get formal authorization, get international help for this rebuilding. This is an opportunity to reach out, even to countries that opposed the war, such as France and Germany, and get them involved.

I hope we can answer this call before the Iraqi resistance fight grows, before more American soldiers die, without sending more troops into Iraq by getting our allies to join. If our allies join, they can help provide the troops, they can help provide the police, and they can help provide the money.

To our troops—regular, reserve, and their families—I say thanks. Thanks for helping get rid of Saddam Hussein and his regime. They were international thugs. They have made tremendous sacrifices. Each and every member of our military is part of this American family. We thank them for their bravery, their fortitude, and their gallantry. They answered the call to duty. I salute every single member of our Armed Forces.

I express my condolences to all Marylanders who lost their lives and paid the ultimate sacrifice. Captain Rippitoe, CPL Mark Evnin, SGT Kendall Waters Bey, PFC Juan Guadalupe, SP George Mitchell, and CPL Jason Mileo. I honor these men and their families, all the Marylanders wounded, and every American soldier right now either in Baghdad or in a hospital recovering.

Our troops know we count on them. They have to count on us to get them the help they need, not only with the right resources for our military but to get more military from other nations to support them. The international community was divided over whether to go to war in Iraq. Now the world should unite in support of winning the peace our American men and women have fought so hard to win and for which they have given so many sacrifices.

I yield the floor.

Mr. BAUCUS. Mr. President, I join with Senator MIKULSKI in her comments expressing concern about the United States role in Iraq, the safety of our troops in Iraq, and how proud we are of our troops. I urge the administration to do what is necessary to restore morale. The best way is to do the right thing by our troops, make sure they are strongly supported and, even more fundamentally, rethink our position in Iraq: What is our policy? What are we attempting to accomplish? Then encourage many more of our allies, both in the Arab world and other parts of the world, to join the United States.

This is a problem that will only be resolved with more thoughtfulness and more direct candor about the nature of the problem and working closely with our allies, both Arabs and others.

We should also focus a little bit more on terrorism generally rather than get diverted, as we seem to be, in specific countries. It is extremely complex, but there is building concern in the United States about United States policy in Iraq. I join those who believe we should focus more on terrorism around the world. This requires the cooperation of a lot more countries around the world to be successful. I hope we can accomplish that.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to the consideration of H.R. 2330, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2330) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). There is 1 hour of debate equally divided in the usual form with no amendments to the bill.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to discuss the Burma sanctions bill. This bill is the result of a collaborative effort between Senators McCONNELL, GRASSLEY and myself.

When first introduced, the bill would have imposed sanctions without an opportunity for congressional review. I was concerned that Congress would simply pass a bill, and then forget about Burma.

I think that is the wrong approach when it comes to sanctions.

Senator GRASSLEY and I worked hard to ensure that Congress would have the opportunity to revisit this issue every year. The House went even further, by requiring an annual vote, plus a 3-year sunset.

Now, make no mistake about it, the actions by the dictatorship in Burma are unacceptable. The arrests and treatment of Aung San Suu Kyi are deplorable and cannot be tolerated.

Yet as is so often the case when we debate the merits of international sanctions, the question is not whether to punish Burma's ruling regime; the question is how to do so effectively.

We have learned through our own experiences that unilateral sanctions simply don't work. They rarely destabilize the oppressive regime that is the target of the sanctions. Instead, they only hurt the people—both in the target country and even here in the United States.

Unfortunately, we have also seen how, once a sanctions policy is in place, it is very difficult—no matter how ineffective the policy is, to terminate it and find a better solution.

So, how do we deal with this dilemma?

The answer is found in a simple appeal to common sense.

First, we must actively seek the cooperation of our allies. Multilateral action is essential if the policy is to be effective. Second, we must give ourselves a chance to review and revise the policy if it isn't working.

That is what this bill does with Burma. It imposes sanctions. It also encourages the president to work with our allies in the region to build a collective response. And I understand our allies are considering sanctions.

This bill also requires Congress to revisit the issue every year. If the policy is working, then we can renew it. But if it isn't working, then we can terminate it and try a new policy. This legislation will keep the dictatorship's feet to the fire. It will create regular incentives for them to change.

It is just this sort of common-sense approach that is needed with other U.S. sanctions, particularly against Cuba.

By any honest assessment, our embargo against Cuba—now in its fifth decade—is a total failure. The U.S. is alone in pursuing this failed policy, yet politics prevents us from reassessing it.

Thus, the Cuban embargo has become institutionalized. And the fight to end the embargo, even though ending it makes so much sense, has become a difficult, uphill battle.

We do not want that to happen to the Burma sanctions. We want the people of Burma to enjoy true democracy and freedom. And we want to pursue the policy that will help them achieve this. So we will try sanctions. But if they don't work, and if we are not joined by our allies in this cause, then Congress will revisit this issue in a year.

In the coming weeks, many Members will be pressing for action to reform Cuba sanctions. I hope that today's debate on Burma highlights the inconsistency of our sanctions policy, and that we can apply a common-sense approach as we move forward on other sanctions issues.

I now would like to yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

IRAQ INTELLIGENCE

Mr. CORZINE. Mr. President, I thank my distinguished colleague from Montana who as always is representing issues that make an enormous difference to the quality of our debates here on the Senate floor but, more important, to how our world works, both here at home and abroad. I appreciate it very much.

Mr. President, I rise today to join in a growing expression of concern by my colleagues and the American people about the possible misrepresentation of intelligence information by the President and the administration in building its case for the war in Iraq. Without a thorough explanation of why many of the administration's statements are in conflict, and have included claims unsubstantiated by the best intelligence, the American people, their representatives, and many of our would-be international partners in post-conflict Iraq, will most certainly begin to lose confidence in the administration's word. Simply, the Nation's credibility, in my view, is at stake.

That credibility is vital as we approach burden-sharing efforts in the reconstruction and democratization of Iraq, the projected cost of which grows each and every day.

There were reports again this morning that another American soldier lost his life in that reconstruction and democratization effort. All told, in New Jersey there have been seven men and women who have lost their lives in Iraq. We are paying a serious toll, not only in terms of financial expense, as recently reported, but, most importantly, in the life and blood of our brave soldiers.

A thorough public review is necessary, in my view, if we are to reestablish the United States' credibility. And once all the facts come to light, we need to hold those responsible accountable. Our leaders need to promptly admit and correct all misstatements, exaggerations, and overreaching interpretations.

On the White House Web site, the pages that relate to the conflict of Iraq are titled "Denial and Deception." The American people can only hope that is not a moniker for the administration's presentation of its case for the war in Iraq.

As we are now all well aware, in this year's State of the Union Address President Bush said:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

The power of the President's allegations in those 16 short words cannot be overstated. The Bush administration, using legalistic language, was leading people to embrace, at least in my view, the view that Saddam Hussein had an active nuclear program. The President didn't say the British were claiming anything. He didn't say they alleged anything. He said they "learned" that Saddam was attempting to buy uranium, implicitly accepting the charge as fact.

Although just 16 words long, it was a powerful statement that resonated in the context of debates that had gone on throughout the Nation and the world. Only much later did we the people and the Congress learn this statement was based on information that our own intelligence agency earlier learned was false.

Yesterday morning, Senator LEVIN, the distinguished ranking member of the Senate Armed Services Committee, laid out seven questions about claims regarding Iraq and the uranium. Senator LEVIN argued these should be answered in the context of a bipartisan investigation. I believe that is true, and I could not agree more.

This is not just a concern about the African uranium issue. It is about whether there was a fair and full presentation to the American people. But to the list of the seven questions, I would add an eighth. If the information in the State of the Union Address was technically accurate, as administration officials have lately argued, why was it excluded in Secretary Powell's 90-minute presentation before the United Nations only 8 days later? Why was the intelligence on alleged Iraqi uranium purchases good enough for the State of the Union Address, a 1-hour speech addressing a variety of issues besides Iraq, but not good enough for a U.N. speech laying out the complete case against Iraq in painstaking detail 1 week later?

I would add a ninth question to Senator LEVIN's list. Why did we learn about the misleading nature of these comments in the State of the Union, not from the administration, but from the International Atomic Energy Agency and the media? If there is no good explanation for the administration's delay in correcting the error, it is hard to escape the conclusion this was not just a series of blunders. Was it a strategy for winning an argument? What was it about? Was there a coverup involved? I think those questions need to be asked.

This is not an academic matter. At stake is nothing less than the credibility of the United States, and that is important for protecting the American people. That credibility gets weakened each day the administration fails to provide a complete and candid explanation of what happened. Who knew? When did they know it? Why did they wait until now to break the conspiracy of silence?

Keep in mind, political leaders around the world, not just here at home, have staked their own reputations on their support of President Bush and the United States. As a consequence, many of our closest allies and their elected officials are facing enormous criticism from their own citizens, and sometimes—and this is quite telling—from their own political parties. We owe it not only to the American people but to all those who stood with us to be straight and to come clean immediately. Otherwise, this episode will only undermine our ability to win support for other critical foreign policy interests in the future, and they are substantial. In fact, without a clear explanation or an admission of fault, we put the American people at risk facing a world where our partners question our credibility on all issues—Iran and Syria, North Korea.

The problem is especially troubling when viewed in the context of a broader pattern of selective information provided by the administration. Last October, for example, during the Iraqi debate—this is one that is particularly troubling to me—Secretary James Kelly was in Pyongyang, meeting with the North Koreans. At that meeting, a meeting that occurred a full week prior to the Senate vote on the resolution authorizing force in Iraq, the North Koreans admitted to an active nuclear program. Yet despite its importance and relevance to the debate regarding Iraq and America's national security posture generally, the administration waited until after the Congress had voted on the resolution to authorize the use of force before revealing the details of the North Korean disclosure.

To this Senator, that information was both relevant and timely to the Iraqi debate. Apparently, because it might affect the tenor of the debate, the information was withheld from the full Congress until after the vote.

What are our priorities? Where were the dangers and how do we frame this issue, particularly as it relates to the security of the people of the United States? I ask, where is and where was the greater risk to the American people?

As Senator LEVIN and others have explained, there were many other instances in which the administration selectively, in some form or another, misrepresented or withheld information to support their case for the war in Iraq.

For example, the administration claimed there were linkages between al-Qaida and Iraq. But those claims now seem overstated or exaggerated and apparently were based on scant and circumstantial evidence.

Another widely discussed issue relates to Iraq's purchase of aluminum tubes, where there was considerable debate within the intelligence community about whether the tubes were useful as part of a nuclear program.

When you add up these claims, it becomes clear that the administration certainly was seeking to win an argument—not inform—and quite obviously it worked.

As John Adams once said, "Facts are stubborn things; and whatever may be our wishes, or inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence."

We need to ensure that the facts come out. We should do it on a bipartisan basis, and we should do it immediately. The safety and security of the American people are at stake.

We need to hold accountable not only those responsible for providing misleading intelligence but also those responsible for preventing the facts from coming out. The credibility of this President and the future credibility of the United States are at stake. I hope we can deal with this in an expeditious and clear manner. Hopefully, this in turn will set us on a course where we can share the burdens not only in Iraq but of protecting the American people around the globe in the days and years ahead.

Thank you. I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. McCONNELL. Mr. President, the Senate is going to do something important later this morning; that is, send a message to Burma that we don't intend to do business with them any longer. In addition to that, this Freedom and Democracy Act, which will pass the Senate later this morning and go down to the President for signature, will guarantee that we have another debate in each of the next 3 years very similar to the MFN China issue with which we are all familiar where the issue came back before the Senate with an expedited procedure once a year.

This is not the last time we will be dealing with the Burmese Freedom and Democracy Act, and certainly it will not be the last time we deal with Burma until the legitimately elected leader of that country is not only out of prison but in power.

I thank my colleagues in both the Senate and House for acting quickly on the Burmese Freedom and Democracy Act of 2003. The 418–2 vote in the House yesterday complements the 97–1 vote we had on a very similar bill in the Senate on June 11.

The message from the United States Congress to the world could not be more clear—the assault on freedom in Burma will not stand.

With the cooperation and support of my colleagues in the Senate, the Burmese Freedom and Democracy Act will shortly be on its way to the White House for signature by the President.

When the people of Burma needed support in their struggle for freedom, America acted—and acted decisively.

Unfortunately, there has been no change in the situation in Burma since this measure was first introduced.

It is an outrage and a violation of human decency that democracy leader Daw Aung San Suu Kyi and other democrats continue to be held by the thugs calling themselves the State Peace and Development Council

(SPDC). Instead of giving the world access to Suu Kyi, Burmese strongman General Than Shwe has dispatched his minions to regional capitals on a misinformation campaign laying blame for the May 30 ambush on Suu Kyi and her party, the National League for Democracy (NLD). Few should be duped by this desperate measure, and an import ban and other sanctions against Burma cannot come soon enough.

More must be done to support the struggle of freedom in Burma. It is past time that neighbors—especially Thailand and China—take off their blinders to the multitude of dangers posed by Burma to the region. We already know that HIV/AIDS and drug use unravels the social and economic fabric of bordering countries, and engagement with the SPDC serves only to further perpetuate lawlessness in Burma that threatens peace and stability, not just in Burma but throughout all of southeast Asia.

The United Nations has a role to play in creating a unified front against the regime. The Security Council should be briefed by U.N. Special Envoy Razali Ismail on the situation in Burma, and further action by that body should be contemplated.

However, words of condemnation are not enough. While I was pleased to meet with Razali when he was in Washington last week, frankly, his time is better spent in Asia shuttling between capitals and marshaling support for the release of Suu Kyi and other democrats and for the recognition of the results of the 1990 elections which have never been honored. Suu Kyi and her party got 80 percent of the vote but were never allowed to take power, and she has been under house arrest for most of the last 3 years.

America's leadership is as important as it can possibly be. By signing the Burmese Freedom and Democracy Act, President Bush will clearly signal that the United States stands by the Burmese people in their hour of need. Our allies should take note of the import ban and other measures contained in the act and immediately follow suit.

The only way this is going to work is on a multilateral basis. It worked in South Africa. Generally, I am skeptical of these kinds of import bans. But there was one conspicuous example of where it worked, and that was in South Africa. The reason it did was because everybody cooperated. We are calling on the international community to isolate these thugs and not do business with them.

Change will come in Burma only if the free world has the collective will to hold the SPDC accountable for its brutality.

Some may continue to beat the ragged drum of engagement, but dialog is as dead as those the SPDC murdered on May 30. It is folly to think engagement will "encourage positive changes" within the SPDC. This tiger will never change its stripes. For over a decade, engagement has been tried. While the junta has made hollow promises of "reconciliation" with the NLD and ethnic nationalities, general Than Shwe has no intentions of relinquishing power on his own. He must be pressured by the world into doing so.

It is not enough for envoys and diplomats to meet with Than Shwe's underlings and other senior SPDC leaders in Rangoon. Than Shwe's grip in Burma is no less than Saddam Hussein's was in Iraq. If Japan, Thailand, Indonesia, and other Southeast Asian nations are to have an impact on the situation, they must deal directly with Burma's top thug.

Let me be clear. Than Shwe is personally responsible for the May 30 murders and subsequent injury and arrest of countless Burmese democracy activists. He is responsible for the ongoing and systemic egregious human rights abuses perpetuated upon the ethnic nationalities in that country.

The fact that no outsider has seen Suu Kyi since Razali's brief meeting in early June should be a cause for alarm. We need to know exactly where she is being held and the state of her physical condition. No one has time for peek-a-boo games the junta may be interested in playing.

Suu Kyi must be immediately and unconditionally released, along with all other democrats whose only crime is advocating democracy and the rule of law.

With the passage of this act, our work on this issue is hardly over. The people of Burma can count on America's continued support for the struggle for freedom in their country. I intend to seize every opportunity to advance this cause both in Washington and abroad.

And I know that I can count on many of my colleagues to do the same. I particularly want to thank Senators FEINSTEIN and McCAIN, who are no less outraged than I at the horrific abuses of the SPDC and the continued detention of Suu Kyi and other Burmese democrats. On the House side, Congressmen LANTOS, KING, and HYDE were equally energetic in responding to this crisis. Burma has no better friends than these freedom-loving Americans.

Democracy and the rule of law will prevail in Burma. As we near this historic vote this morning, I am reminded of the Reverend Martin Luther King's observation that the "arc of the moral universe is long, but it bends toward justice." This morning, we must commit ourselves never to tire in the pursuit of justice in long-suffering Burma until Suu Kyi is free and the struggle for freedom won.

Suu Kyi has kindled the flame of freedom in the hearts and minds of her compatriots. America must ensure that it is never extinguished.

Let me close by saying that the Burmese Freedom and Democracy Act would not have moved so swiftly through the Congress were it not for the efforts of Senator FEINSTEIN and particularly Senator McCAIN. Senators LUGAR and BIDEN of the Foreign Relations Committee gave this legislation an opportunity to move quickly. They could have insisted on it going to Foreign Relations. They did not. Senator GRASSLEY and Senator BAUCUS had very useful suggestions to make in terms of the form of the final bill. And my colleague Senator LEAHY also played an integral part.

Over in the House, Congressmen LANTOS, DELAY, THOMAS, HYDE, and KING were all instrumental in securing swift passage of the act.

In terms of staff, I just want to mention my crew who were involved: Billy Piper, my chief of staff; Brian Lewis, who is my counsel on the Senate floor; Robert Karem; and Paul Grove, a longtime friend and associate, who is the staff director of the Foreign Operations Subcommittee, who has had an intense interest in this issue for a long time.

I give special thanks and recognition to my former staffer who used to have Paul Grove's job, Robin Cleveland, who is now Assistant OMB Director in the Bush administration, who, 10 years ago, sparked my interest in this whole issue. It is hard to believe it has been 10 years, but, unfortunately, not much has changed in Burma. Ten years of the status quo is completely unacceptable. The Burmese people have a friend in Robin Cleveland.

Finally, I thank those in the NGO community for their tireless efforts in support of Burma. There are a lot of very committed activists in the United States who also travel to the area who are intensely interested in this issue and who will never give up until Suu Kyi has an opportunity to be free not only of prison but free to assume the power that she and her supporters earned in the free elections back in 1990.

Mr. President, I know Senator McCAIN wants to speak. How much time do I have remaining?

The PRESIDING OFFICER. The majority has 19 minutes 5 seconds.

Mr. McCONNELL. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I do want to make a few further observations related to Thailand, Burma's neighbor, and their policy toward Burma.

When Thai Prime Minister Thaksin Shinawatra was in Washington last week, we had an opportunity to discuss the situation in Burma and Thai policy toward the repressive regime. Unfortunately, the Prime Minister seemed to indicate that Thailand would not change its policy of engagement with the SPDC. I know the President brought it up with him as well because the President told me he brought the matter up with the Thais as well when he met the Thai Prime Minister. If we look at Thailand today, we can see the benefits of this policy they have been following.

Drug abuse has spun wildly out of control, causing His Majesty the King of Thailand to publicly comment on the threats to his beloved country from narcotics trafficking and abuse. With this abuse has come HIV/AIDS, crime and destitution.

Where do these drugs come from? Why, they come from Burma, of course.

Thailand today is home to countless innocent people seeking sanctuary from gross human rights violations and the denial of even the most basic of freedoms. Thailand's response has been less than compassionate, with many of these men, women, and children detained and deported back to their homeland, and others denied access to humanitarian assistance.

Where do the refugees have to return? Why, Burma, of course.

Tensions along the Thai-Burma border have periodically spilled over into skirmishes between Thai soldiers and those of the SPDC. Burmese investment in armaments, including MiG aircraft purchased from Russia, pose an immediate danger to the entire region.

What is the source of this instability? Burma.

The Thai Prime Minister should have departed the United States with a firm understanding that protection of freedom in Burma was a top priority for both Congress and the administration.

Unfortunately, I do not think he got the message.

I understand that on July 31 and August 1 a meeting will be held in Bangkok between Thailand, Cambodia, Laos, and Burma to discuss economic cooperation strategies. Prime Minister Shinawatra should take note of the vote we are about to cast and reconsider hosting this meeting.

Instead of promoting economic cooperation strategies, Thailand should be working to free Aung San Suu Kyi and other democrats being detained by the SPDC. Democrats should help democrats during times of duress.

I will have more to say about Thailand at a later date, but we should have a right to expect more from the Thais who have been one of our strongest allies in that region over the years.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, first, I thank Senator McCONNELL for his leadership on this issue, not only now as we are in an incredibly critical moment in time in the history of the struggle of the Burmese people for freedom, but for his longstanding advocacy in this noble cause and his commitment to the security and safety of one of the heroic figures of the 20th and 21st centuries, Aung San Suu Kyi.

Again, I thank him for not only motivating this body to rapid passage of this legislation but to his work with the other body which has resulted in us being able to pass it overwhelmingly today. I thank Senator McCONNELL again, and I regret to say we are a long way from seeing a resolution of this terrible unfolding, unending tragedy taking place in Burma. I guess as a personal pique, I refuse to call it Muanmar, which the junta have changed the name to, and we have a lot more to do. But I believe what we are doing today, because of his sponsorship, will send a message throughout Burma that we have not abandoned this heroic woman, nor have we abandoned the cause of democracy and freedom in this country of gentle people who deserve a great deal better than the group of thugs who have been oppressing them and repressing them for a long period of time.

It has been almost 7 weeks since Burma's military junta orchestrated a savage attack on Burma's democrats and their leader Aung San Suu Kyi. In response Congress acted with extraordinary speed and consensus to send to the President's desk the bill before us banning imports from Burma. It is imperative that he sign it immediately, as I am confident he will.

Aung San Suu Kyi and the Burmese people can't wait, nor should Burma's rulers and neighbors wait a day longer to hear the United States speak with one voice in support of freedom in Burma. Congressional action on this bill is nearing completion, but as the Senator from Kentucky has said, our commitment to Burma's people will not end until they are free. Our resolve will not weaken as long as the junta denies the Burmese people a right to live in a nation ruled by law, not fear, led by the elected leader whose appeal no amount of violence can diminish and whose courage no amount of suffering can dim.

It is now time for Burma's leaders, especially the frontline states, to join the United States and Europe in rejecting half measures and implementing a fundamentally new approach that looks forward to Burma's liberation rather than a mere moderation of an illegitimate regime's rule. Southeast Asia will not be stable or secure as long as the generals rule in Rangoon. Placing hope in a policy of reconciliation that relies more on the junta's goodwill than on international pressure for democratic change will do nothing to alter a status quo that upholds tyranny.

China, India, and Thailand directly suffer the effects of regional insecurity caused by AIDS, drugs, and refugees that flow across Burma's borders. They also suffer the economic consequences of living next to a bankrupt nation whose economy is controlled largely by drug lords and a corrupt military elite. While China may not be troubled by dictatorship in Burma, it would clearly benefit economically from having another Asian tiger on its borders which good government and Burma's natural wealth would make it.

Democratic India would benefit strategically and economically from a fellow democracy in Rangoon that could expand Indian influence in Southeast Asia and serve as a significant trading partner.

We expect more in particular from our ally Thailand which has done little of substance to support change in Burma since the May 30 attacks. As far as I am concerned, business as usual won't cut it. We frankly expect a democratic ally such as Thailand to do more to oppose dictatorship in Burma, both out of principle and because of the insecurity its misrule brings to Thailand. We will be watching for signs of a new policy approach in Bangkok. This will be an issue in our bilateral relationship.

We welcome Japan's announcement of suspending new assistance to Burma as a result of the junta's crackdown. But Tokyo's existing aid programs send a mixed signal to the democrats who were so heartened by popular protests on their behalf in the streets of Tokyo. We would welcome the Government of Japan's reassessment of its entire policy toward Burma.

All of us appreciated ASEAN's joint statement calling for Aung San Suu Kyi's early release at the Phnom Penh summit, breaking with the group's history of noninterference in each other's affairs. But friends of ASEAN want to see it take concrete steps to prove its relevance to security and stability in Southeast Asia.

I remind my colleagues that when ASEAN admitted Burma into ASEAN, it was with the promise and commitment that things would improve in Burma. No one can argue that there has been anything but retrogression and an increase in brutality and, of course, the latest outrage in the capture and mistreatment of their freely elected leader.

Events in Burma are testing ASEAN as never before. Burma's crisis impacts every nation in the region, from AIDS, drugs, and refugees to political and economic instability. Those of us who want ASEAN to succeed expect it to play a leadership role in its own backyard and to deliver on its promises in 1997 that membership would change Burma. Some of us weren't convinced then and we are not convinced today. Burma will soon be preparing to assume ASEAN's presidency in 2006. What kind of an image does ASEAN have with Burma as its president? ASEAN's credibility can't withstand the presidency of a rogue regime that is unreconstructed and brutal, which has the blood of its people on its hands and imprisons their elected leader. As long as Burma festers, ASEAN looks either incapacitated, weak, or irrelevant.

As long as Aung San Suu Kyi remains in prison and the Burmese people live in fear, convinced Burma's neighbors are complicit in their suffering, the problem of Burma will be an issue in America's bilateral relations with nations across Asia. It is time for Burma to command the attention of the U.N. Security Council. Burma's misrule is clearly of international importance. The council has not even formally been briefed by Ambassador Razali Ismail since his visit over a month ago to Rangoon as the Secretary General's personal representative. The United States should demand that the Security Council take up this issue.

As the United States, the EU, and even ASEAN have acknowledged, Burma is an international problem. The council would be remiss to ignore it, and even a council debate would command the attention of the generals. It might also command some attention in Beijing, Bangkok, Tokyo, and other capitals with the power to make a difference. It is past time for the United States and our allies to press this issue.

I am proud that Congress, with passage of this legislation, is speaking with one voice in support of Aung San Suu Kyi and the Burmese people. The generals must know we won't let up the pressure until Burma is free. The United States stands with the Burmese people in their struggle for the freedom that is their birthright and which the generals have stolen from them. We will do everything in our power to help them take back their country.

Mr. President, I ask unanimous consent that four editorials be printed in the RECORD. Two are from the Washington Post, one from the Wall Street Journal, and the final one a comment by Jack Straw, the foreign minister of Great Britain.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 14, 2003]

STOP STALLING ON BURMA

U.N. Secretary General Kofi Annan is scheduled to meet with President Bush at the White House today. Ahead of time, U.N. officials said they expected the two men to discuss Liberia, the Middle East and other matters. We trust that among those other matters will be a subject about which both leaders have claimed to be highly concerned: the crackdown on democracy activists in Burma. The leader of that Southeast Asian nation's democracy movement—the rightful leader of the country, in fact—remains in captivity, and neither Mr. Bush nor Mr. Annan has rallied to her defense as strenuously as one would expect.

It's been a month since Secretary of State Colin L. Powell promised prompt action to penalize the generals he referred to as "the thugs who run the Burmese government." The time had come, he said in an op-ed article in the Wall Street Journal, to freeze their financial assets and ban remittances to Burma. But the administration has taken no such steps. It's been six weeks since the junta sent 3,000 vigilantes, armed with wooden bats and sharpened iron rods, to beat and stab Aung San Suu Kyi's supporters as they traveled with her in the hinterland. Aung San Suu Kyi, a Nobel peace laureate, apparently escaped injury but was taken into custody and, except for one brief interview with a U.N. envoy, has not been heard from since. The Senate shortly thereafter approved a measure banning imports from Burma, where the generals control most companies, but the bill has yet to emerge from the House. It's scheduled for action this week; the House should vote and the president should sign the bill quickly into law.

And the United Nations? You might think the Security Council would have swung into action to demand freedom for one of the world's most courageous leaders and for her colleagues and to address the threat to regional stability posed by the increasingly erratic junta. After all, there is no dispute as to her legitimacy; the party she leads overwhelmingly won an election in 1990 but has never been permitted to take its rightful place in government. So far, however, the chief U.N. response has been the election of Burma—or Myanmar, as the generals call it—to the vice presidency of the General Assembly for the session that begins in September.

For many years now, the United Nations and the United States have supported dialogue between Aung San Suu Kyi and the nation's junta leading toward peaceful democratization. She has consistently endorsed such a nonviolent process, even during many years of house arrest. With their murderous attack of May 30 and subsequent incarceration of her, Burma's leaders have shown contempt for the idea, and so far they have paid little price. The president and the secretary general could begin to change that equation today.

[From the Washington Post, June 22, 2003]

WHERE SHE IS

Since Government-sponsored goons attacked Burmese democracy leader Aung San Suu Kyi and her supporters on a provincial road May 30, the Nobel Peace laureate has been in confinement and virtually cut off from the world. In editorials earlier this month urging that Aung San Suu Kyi be freed we asked, "Where is she?" Now we know—and the answer could hardly be more discouraging. According to the British Foreign Office, the corrupt generals who rule Burma moved her from a "guesthouse," where she had been held ostensibly for her own protection, to the notorious Insein Prison, a colonial-era monstrosity where old dog kennels have been converted to torture cells. The disclosure of the move came on Aung San Suu Kyi's 58th birthday—a nice touch, and well in keeping with the usual mode of operation of Burma's ruling thugs, who a few years back refused to allow Aung San Suu Kyi's husband to visit her even when he was dying of cancer.

Usual methods, yes, but other governments can no longer respond with their usual apathy. Burma is a beautiful, resource-rich nation of 50 million people, strategically located at the crossroads of India, China and Southeast Asia. Its largely Buddhist population, once among the best-educated in Asia, has fallen into poverty after a half-century of military misrule. Thirteen years ago the generals, misreading their subjects as dictators so often do, permitted an election—and Aung San Suu Kyi's National League for Democracy won more than four out of five parliamentary seats, even through she was under house arrest at the time. The generals nullified the election and kept the NLD leader under house arrest for most of the succeeding decade. They put hundreds of would-be parliamentarians and other NLD activists in prison. They continued to run the economy into the ground, while Burma's drug trade flourished and the generals enriched themselves corruptly.

Last year, under international pressure, the dictators released Aung San Suu Kyi and promised a dialogue leading toward democracy. But once again her popularity—freedom's popularity—seems to have surprised them. They cracked down more brutally than before, settled back to see whether the world cared—and so far seem to have seen little reaction that might worry them. On June 11 the Senate, led by Mitch McConnell (R-Ky.), voted 97 to 1 to cut off imports from Burma, which would deal a blow to the generals, who control most of the economy. A companion House bill seemed to be making progress late last week. The White House and Secretary of State Colin L. Powell have issued some tough statements.

But actions of real consequence? So far, none. Southeast Asian foreign ministers, meeting last week in Cambodia with Mr. Powell, agreed to send a delegation to Burma no later than October. October? While one of the world's most courageous political leaders languishes in one of its most infamous jails? Where are Kofi Annan and the U.N. Security Council? Where are the executive orders that President Bush could issue today? "If the international community has the political will to stand for freedom in Burma, change can come to that beleaguered country," Mr. McConnell said last week. He's right. Inside Insein Prison, and throughout the larger prison that Burma has become, a lot rides on that "if."

[From the Wall Street Journal, June 12, 2003]

IT'S TIME TO TURN THE TABLES ON BURMA'S THUGS

(By Colin L. Powell)

WASHINGTON.—United Nations Special Envoy Razali Ismail has just visited Burma and was able to bring us news that Aung San Suu Kyi, a Nobel Peace Prize winner and the leader of a peaceful democratic party known as the National League for Democracy, is well and unharmed. The thoughts and prayers of free people everywhere have been with her these past two weeks. Our fears for her current state of health are now somewhat lessened. On May 30, her motorcade was attacked by thugs, and then the thugs who run the Burmese government placed her under "protective custody." We can take comfort in the fact that she is well. Unfortunately, the larger process that Ambassador Razali and Aung San Suu Kyi have been pursuing—to restore democracy in Burma—is failing despite their goodwill and sincere efforts. It is time to reassess our policy toward a military dictatorship that has repeatedly attacked democracy and jailed its heroes.

There is little doubt on the facts. Aung San Suu Kyi's party won an election in 1990 and since then has been denied its place in Burmese politics. Her party has continued to pursue a peaceful path, despite personal hardships and lengthy periods of house arrest or imprisonment for her and her followers. Hundreds of her supporters remain in prison, despite some initial releases and promises by the junta to release more. The party's offices have been closed and their supporters persecuted. Ambassador Razali has pursued every possible opening and worked earnestly to help Burma make a peaceful transition to democracy. Despite initial statements last year, the junta—which shamelessly calls itself the State Peace and Development Council (SPDC)—has now refused his efforts and betrayed its own promises.

At the end of last month, this rejection manifested itself in violence. After the May 30 attack on Aung San Suu Kyi's convoy, we sent U.S. Embassy officers to the scene to gather information. They reported back that the attack was planned in advance. A series of trucks followed her convoy to a remote location, blocked it and then unloaded thugs to swarm with fury over the cars of democracy supporters. The attackers were brutal and organized; the victims were peaceful and defenseless. The explanation by the Burmese military junta of what happened doesn't hold water. The SPDC has not made a credible report of how many people were killed and injured. It was clear to our embassy officers that the members of the junta were responsible for directing and producing this staged riot.

We have called for a full accounting of what happened that day. We have called for Aung Sun Suu Kyi to be released from confinement of any kind. We have called for the release of the other leaders of the National League for Democracy who were jailed by the SPDC before and after the attack. We have called for the offices of the National League for Democracy to be allowed to reopen. We are in touch with other governments who are concerned about the fate of democracy's leader and the fate of democracy in Burma to encourage them, too, to pressure the SPDC.

The Bush administration agrees with members of Congress, including Sen. Mitch McConnell, who has been a leading advocate of democracy in Burma, that the time has come to turn up the pressure on the SPDC.

Here's what we've done so far. The State Department has already extended our visa restrictions to include all officials of an organization related to the junta—the Union Solidarity and Development Association—and the managers of state-run enterprises so that they and their families can be banned as well.

The United States already uses our voice and our vote against loans to Burma from the World Bank and other international financial institutions. The State Department reports honestly and frankly on crimes of the SPDC in our reports on Human Rights, Trafficking in Persons, Drugs, and International Religious Freedom. In all these areas, the junta gets a failing grade. We also speak out frequently and strongly in favor of the National League for Democracy, and against the SPDC. I will press the case in Cambodia next week when I meet with the leaders of Southeast Asia, despite their traditional reticence to confront a member and neighbor of their association, known as Asean.

Mr. McConnell has introduced the Burmese Freedom and Democracy Act in the Senate; Reps. Henry Hyde and Tom Lantos have introduced a similar bill in the House. We support the goals and intent of the bills and are working with the sponsors on an appropriate set of new steps. Those who follow this issue will know that our support for legislation is in fact a change in the position of this administration and previous ones as well. Simply put, the attack on Ms. Suu Kyi's convoy and the utter failure of the junta to accept efforts at peaceful change cannot be the last word on the matter. The junta that oppresses democracy inside Burma must find that its actions will not be allowed to stand.

There are a number of measures that should now be taken, many of them in the proposed legislation. It's time to freeze the financial assets of the SPDC. It's time to ban remittances to Burma so that the SPDC cannot benefit from the foreign exchange. With legislation, we can, and should, place restrictions on travel-related transactions that benefit the SPDC and its supporters. We also should further limit commerce with Burma that enriches the junta's generals. Of course, we would need to ensure consistency with our World Trade Organization and other international obligations. Any legislation will need to be carefully crafted to take into account our WTO obligations and the president's need for waiver authority, but we should act now.

By attacking Aung San Suu Kyi and her supporters, the Burmese junta has finally and definitively rejected the efforts of the outside world to bring Burma back into the international community. Indeed, their refusal of the work of Ambassador Razali and of the rights of Aung San Suu Kyi, and her supporters could not be clearer. Our response must be equally clear if the thugs who now rule Burma are to understand that their failure to restore democracy will only bring more and more pressures against them and their supporters.

[From the Financial Times, June 25, 2003]

BURMESE MILITARY BRUTALITY CANNOT BE TOLERATED

(By Jack Straw)

Last week was Aung San Suu Kyi's 58th birthday. What should have been a day of quiet celebration with family and friends for the Nobel Peace Prize winner was instead spent in detention in a jail outside Rangoon.

The Burmese regime's claims that she is in "protective custody" after her supporters clashed with opponents on May 30 lacks credibility. We know from witnesses' accounts that thugs, armed and hired by the regime, ambushed Ms Suu Kyi and her supporters in a premeditated attack. Dozens of civilians were killed and injured, scores were arrested, many more are still in hiding. The regime has closed the offices of Ms Suu Kyi's National League for Democracy and detained party leaders and workers across the country.

Ms Suu Kyi herself was taken away by the military authorities. For some time, nobody knew where she was being held, or in what conditions. Last Thursday, the Foreign Office revealed that she was being kept in a two-room hut at the notorious Insein jail just outside Rangoon.

We understand that Ms Suu Kyi is being held under the most draconian legislation that the military authorities have at their disposal—Section 10(a) of the 1975 State Protection Law. This allows for her detention, without access to family or lawyers, for up to five years—with no prospect of appeal.

She has been isolated from her supporters, both inside Burma and beyond. Attempts by others, including Mike O'Brien, a Foreign Office minister, to get in touch with Ms Suu Kyi have been frustrated by the regime. She remains cut off and locked up. This is wholly unacceptable.

Far from Ms Suu Kyi's being in "protective custody", the only people being "protected" by her detention are those in the military regime itself. They hope that by keeping her—and the democratic movement—incarcerated they can cling on to power. The military government, which attempts to run Burma through fear and intimidation, is not only brutal but also corrupt and incompetent. A once prosperous country is being run into the ground. Poverty is rife and diseases such as malaria, tuberculosis and HIV/Aids are spreading.

In stark contrast to the Burmese military junta, and to their enduring fury, Ms Suu Kyi commands the support and respect of the Burmese people. Ever since her party won an election in 1990, the regime has harassed and intimidated Ms Suu Kyi and her supporters. She has already suffered long spells of house arrest and imprisonment.

Hundreds of her supporters are also in prison, many without trial. Others have been blackmailed or intimidated into giving up politics. But whenever and wherever she travels, ordinary people still turn out in their thousands to see and hear her. For them she is a marker of hope for a better future.

The UK, together with our partners in the European Union, the US and other members of the international community, are pressing the regime to begin a process of national reconciliation and democracy. Burma's neighbors too, especially its fellow members of the Association of South East Asian Nations, have been dismayed by the detention of Ms Suu Kyi and have called publicly for her release.

We welcome this international consensus. Regrettably, the Burmese regime shows a cynical and blatant disregard for the views of others. It responds only to direct pressure. The EU has therefore decided to increase sanctions against Burma.

We have already applied an arms embargo and a ban on the sale of any items that could be used for torture or repression, on defense links and non-humanitarian aid. High-level contacts are also prohibited. We have already introduced an assets freeze and the EU has suspended Burma's trading privileges. The US has taken similar steps.

We have now agreed to take these measures further. Our ban on Burmese ministers visiting the EU will be extended to include senior managers of state-run enterprises and officials from organizations linked to the government. Further pressure will follow unless the regime moves rapidly to restore civilian rule and democracy.

The hopes and aspirations of the Burmese people cannot be frustrated. The spirit and

> justness of the democracy movement cannot be contained by violence or prison cells. We call on the friends of Burma, in Asia and around the world, to redouble their efforts to help Ms Suu Kyi and the people of Burma move toward national reconciliation, respect for human rights and the democracy they so richly deserve.

Mr. MCCAIN. Mr. President, the Washington Post editorial of July 14 says:

> It's been a month since Secretary of State Colin L. Powell promised prompt action to penalize the generals he referred to as "the thugs who run the Burmese government." The time had come, he said in an op-ed article in the Wall Street Journal, to freeze their financial assets and ban remittances into Burma. But the administration has taken no such steps. It's been six weeks since the junta sent 3,000 vigilantes armed with wooden bats and sharpened iron rods, to beat and stab Aung San Suu Kyi's supporters as they traveled with her in the hinterland. [She] apparently escaped injury but was taken into custody and, except for one brief interview with a U.N. envoy, has not been heard from since.
>
> And the United Nations? You might think the Security Council would have swung into action to demand freedom for one of the world's most courageous leaders and for her colleagues and to address the threat to regional stability posed by the increasingly erratic junta. After all, there is no dispute as to her legitimacy; the party she leads overwhelmingly won an election in 1990 but has never been permitted to take its rightful place in government. So far, however, the chief U.S. response has been the election of Burma—or Myanmar, as the generals call it—to the presidency of the General Assembly for the session that begins in September.

The Washington Post June 22, last year:

> But actions of real consequences? So far, none. Southeast Asian foreign ministers, meeting last week in Cambodia with Mr. Powell, agreed to send a delegation to Burma no later than October. October? While one of the world's most courageous political leaders languishes in one of its most infamous jails? Where are Kofi Annan and the U.N. Security Council? Where are the executive orders that President Bush could issue today?

I appreciate very much, and I referred to, Secretary Colin Powell's article that appeared in the Wall Street Journal on June 12 and, on June 25, Jack Straw's article—the Foreign Secretary, as we all know, of our close friend and ally, England. He wrote:

> Last week was Aung San Suu Kyi's 58th birthday. What should have been a day of quiet celebration with family and friends for the Nobel Peace Prize winner was instead spent in detention in a jail outside Rangoon. . . .
>
> Far from Ms. Suu Kyi's being in "protective custody," the only people being "protected" by her detention are those in the military regime itself. They hope that by keeping her—and the democratic movement—incarcerated they can cling on to power. The military government, which attempts to run Burma through fear and intimidation, is not only brutal, but also corrupt and incompetent. A once prosperous country is being run into the ground. Poverty is rife and diseases such as malaria, tuberculosis and HIV/AIDS are spreading.
>
> In stark contrast in the Burmese military junta, and to their enduring fury Ms. Suu Kyi commands the support and respect of the Burmese people. Ever since her party won an election in 1990, the regime has harassed and intimidated Ms. Suu Kyi and her supporters. She has already suffered long spells of house arrest and imprisonment.
>
> Hundreds of her supporters are also in prison, many without trial. Others have been blackmailed or intimidated into giving up politics. But whenever and wherever she travels, ordinary people still turn out in the thousands to see and hear her. For them, she is a marker of hope for a better future.

He concludes by saying:

> The hopes and aspirations of the Burmese people cannot be frustrated. The spirit and justness of the democracy movement cannot be contained by violence or prison cells. We call on the friends of Burma, in Asia and around the world, to redouble their efforts to help Ms. Suu Kyi and the people of Burma move toward national reconciliation, respect for human rights, and democracy they so richly deserve.

Mr. President, we need the Security Council to debate this issue. Our Ambassador and our Secretary of State should call for that debate. Our administration, following the passage of this legislation, should immediately implement Executive orders that can further put restrictions on our relations with this gang of thugs in Burma.

Finally, there are probably people who may be viewing this action by Congress today and the comments the Senator from Kentucky, Mr. MCCONNELL, and I are making and saying: You know, Burma is a small country, far away. It is rise or fall. Its type of government has very little impact on the United States economically, culturally, politically, or militarily.

But I argue that that is not the case, particularly when we look at the flow of drugs and many other things that are happening in this country.

Why is it that these Senators are not talking about Iraq? Americans are dying—one a day—there. There is an unfolding scandal, or mini-scandal, about who knew what and when and why, and there is a great politicization of that. North Korea has threatened to develop nuclear weapons. Iraq apparently is doing that. Why isn't the Senate devoting their attention to larger issues that far more vastly affect the U.S. national security?

The answer is simple: This democracy movement in Burma is what America is all about. Over 200 years ago, in a very small country, a very small movement for independence—which was given very little chance—took place in this country. If it had not been for the help of other countries—particularly France—the United States may have achieved its independence over time, but certainly not in the way that we did.

The PRESIDING OFFICER. All time for the majority debate has expired.

Mr. MCCAIN. I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, at the risk of redundancy, what is happening in Burma is what the United States is all about—our defense of freedom and democracy, even if it doesn't affect our national interest. That is what makes America different.

I argue that this administration, this Congress, and the American people will reconfirm their commitment to their freedom, democracy, and to one of the great heroic figures in history, and that is Madam Aung San Suu Kyi, who has the profound respect, appreciation, affection, and admiration of all who have encountered her and many who have not.

I yield the floor.

Mr. MCCONNELL. Before the Senator leaves, I thank him for his passionate and insightful comments about the situation in Burma. No one has said it better. I also share his view that the U.N. ought to take up this matter. I wish to mention to my friend from Arizona that, in discussion with the special envoy, Mr. Razali, last week, he showed very little enthusiasm. The reason is that China might veto it.

I wonder if the Senator shares my view that I don't care whether China would take such an action, this needs to be discussed before the Security Council, debated among the most important countries in the world. Let the Chinese in public rationalize such an action if they are inclined to do so. I wonder if my friend shares my view on that.

Mr. MCCAIN. Mr. President, yes, I think if it is China's view that the Security Council should not take up an issue of basic fundamental human rights and democracy and wish to veto it, that is their right as members of the U.N. Security Council. But the fact is, that does not relieve the United States of our obligation to bring it up.

One other aspect. Since we have met with Mr. Razali on a number of occasions, up until our last meeting with the special envoy of the U.N., Mr. Razali, he was generally upbeat that things would get better in Burma, that some of the restrictions on Aung San Suu Kyi would be relaxed, and that we should take this moderate approach. In fact, there was even little criticism of the inclusion of Burma in ASEAN because that would bring them into the fold. Now they are facing the embarrassing prospect of, 2 years from now, Burma taking over the chairmanship of ASEAN itself. That is remarkable.

So it was very interesting to me that Mr. Razali, for all intents and purposes—from my impression of our conversation—has basically given up on the policy of sort of appeasement, bringing along the junta so they would become more democratic, et cetera. In fact, I think his statements, authenticated by events, indicate that that policy has been an abject failure.

Mr. McCONNELL. Mr. President, the Senator from Arizona is absolutely correct. This policy of engagement has been a total failure. That is part of what our bill is about today. It is to not only establish a leadership role for the United States but to lead the world in moving in a different direction.

The Senator from Kansas is here, and he also had a chance to meet with Mr. Razali and has made an important contribution to this debate. I believe we have enough time to accommodate not only Senator BROWNBACK but Senator LEAHY as well.

Mr. BROWNBACK. Mr. President——

Mr. LEAHY. Mr. President, will the Senator yield for a moment?

Mr. BROWNBACK. Yes.

Mr. LEAHY. Mr. President, I have an inquiry. How much time is available on this side?

The PRESIDING OFFICER. There are 11 minutes 9 seconds remaining.

Mr. BROWNBACK. Mr. President, I will not speak long. The Senator from Kentucky has covered this very well, as well as the Senator from Arizona. I think it is important that the Senate take up this resolution. It is an important time to do this and it is an important cause.

There are two narrow issues I would like to comment on briefly regarding the situation of the neighboring country of Thailand.

Thailand has been a strong ally of the United States for some period of time and has worked closely with us on a number of issues in which we have a strong interest in the region. Yet on this issue of Burma, Thailand has not been constructive. As a matter of fact, it has put forward a number of really quite negative comments.

The current Thai Prime Minister most distressedly has begun an assault on Burmese exiles living as refugees on the Thai-Burma border, which leads me to the next category on which I think we need to be pressing.

I have been to the Thai-Burma border. The exiles, because of the Burmese Government, have fled to the Thai border and are in refugee camps. They are subjected to all sorts of horrific conditions—living conditions that are not appropriate, sanitation conditions that are not appropriate, and then they are being trafficked, as people move through, trying to take young women and children into the sex trade that flourishes in Thailand and other places, but particularly in Thailand.

We have seen a rapid slave trade, trafficking in persons. Sex trafficking is taking place because of the Burmese Government and what they are doing, and the complicity of the Thai Government of not dealing with this situation on the border, of not condemning those in the Burmese Government who are causing problems.

I rise in support of the bill introduced by the Senator from Kentucky. What is happening in Burma is an extraordinary situation. It is having huge human consequences in the region with people fleeing from the Burmese Government and who then are being trafficked, and we are not getting the help and support we need from a number of countries, particularly Thailand. This seems to be propping up the Burmese regime. This is something about which we should be very clear to our allies cannot continue.

I rise in strong support of the Burmese Freedom and Democracy Act of 2003. I urge its unanimous passage and world condemnation of what is taking place by the Government of Burma.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, if I may briefly say before the Senator from Kansas leaves, I thank him for having a hearing on the Burma situation and for being exceedingly involved and knowledgeable about this issue. I am sure he shares my view that this is going to be a long struggle. We are going to be dealing with this issue, unfortunately, next year when this certification process kicks in and we are back to reviewing the Burmese Government. I hope I am wrong. I hope by this time next year Aung San Suu Kyi is not only out of jail but in power. I would not bet on it.

I thank the Senator from Kansas for his important contributions.

Mr. BROWNBACK. I thank the Senator.

Mr. LAUTENBERG. Mr. President, I rise today to express my support for H.R. 2330, the Burma Sanctions bill.

It is a travesty that today, 55 years after the Universal Declaration of Human Rights and only weeks after fighting a war to liberate 24 million Iraqis, we watch the military junta in Rangoon violently and ruthlessly suppress the rights of the Burmese people.

The bill before us, like S. 1182, will send a strong message to the thugs running Burma that the U.S. Congress will not tolerate their abrogation of the rule of law.

The international community needs to follow suit. This is especially true with regard to Burma's neighbors—the countries of the ASEAN group—and the Security Council of the United Nations.

I would like to call attention to a July 14 Washington Post editorial that very clearly states the need for a unified, international approach to confronting the military junta in Burma. The editorial asserts that the United Nations must do more to push Burma toward reform and democratization. And it draws attention to the sorry fact that Burma has been elected to provide the vice president of the United Nation's General Assembly for the session beginning in September 2003.

It is appalling that one of the world's most oppressive regimes has been chosen by its neighbors for a leadership role at the United Nations. This selection serves only to undermine the credibility of the United Nations and the General Assembly.

I support H.R. 2330 because I am a strong advocate for human rights and democratic governance in Southeast Asia and around the world. I call on my colleagues to pass this bill.

I also call on administration officials to raise the military junta's suppression of human and political rights—including the illegal arrest of opposition leader Aung San Suu Kyi and at least 17 officials of her party on May 30 when they meet with their ASEAN nation counterparts.

Finally, I urge the international community to stand up to the Burmese dictatorship. We must remain steadfast in our resolve to restore the freedom of the Burmese people. We need to send a message to these thugs that their brutal reign of oppression and terror does not go unnoticed and will not last.

Mrs. FEINSTEIN. Mr. President, I rise today to congratulate the House of Representatives for passing the Burmese Freedom and Democracy Act of 2003 and to urge the Senate to take swift action on the House bill to get it to the President's desk.

The 418-to-2 House vote to ban all imports from Burma is an important statement to support for human rights, the rule of law, and democracy in Burma.

Over 6 weeks have passed since Aung San Suu Kyi and several of her National League for Democracy colleagues came under attack by paramilitary thugs and were subsequently detained by the ruling military junta, the State Peace and Development Council, SPDC.

Since then, with the exception of a brief visit by the U.N. Special Envoy to Burma, Razali Ismail, Suu Kyi has been held incommunicado reportedly in the notorious Insein Prison.

The events of May 30 clearly indicate that the military junta has no intention of adhering to its commitment to engage the NLD in a substantive dialogue on political reform and national reconciliation.

Prompt Senate action will put the U.S. Congress firmly on record in support of Suu Kyi's immediate release and the legitimate democratic aspirations of the Burmese people as expressed by the 1990 parliamentary elections, decisively won by the NLD.

The only difference in the House bill as opposed to the Senate bill passed last month—a 3-year sunset on the sanctions—is acceptable, if not ideal.

Now, I call on the international community, in particular ASEAN and the United Nations, to follow Congress's lead and take action to bring pressure to bear on the SPDC.

A united effort is critical for sanctions to be most effective. The regime must know that the world speaks with one voice and its days are numbered.

I urge my colleagues to support the House bill so that the President can sign it into law.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while both the Senator from Kansas and the Senator from Kentucky are on the floor, I want to take a minute to praise them for their outstanding statements. I strongly support the Burmese Freedom and Democracy Act that Senator McCONNELL, Senator FEINSTEIN, and others have introduced and sheparded through the Senate earlier this year.

I have lost count of the number of times my good friend from Kentucky has come to the Chamber to send an important message to the very brutal and very corrupt regime in Burma. Senator McCONNELL's message has been: Your conduct is outrageous. It should not be allowed to stand. Aung San Suu Kyi is the democratically elected leader of Burma, and she and her fellow opposition leaders must be immediately released.

The Senator from Kentucky and those who join with him are absolutely right. Our country, the greatest democracy history has ever known, must stand for democratic principles around the world. This legislation helps the United States do just that.

Since the McConnell-Feinstein legislation was introduced—and passed by the Senate 93 to 1, something we do not see too often around here—it has helped send a clear signal to the administration, ASEAN members, and the international community that we need to increase the pressure on the illegitimate regime in Burma.

We have seen some good first steps taken by the State Department, including a ban on remittances, expansion of visa restrictions, and a strong statement by Deputy Secretary Armitage on Friday.

But, U.S. action can only go so far. There has to be active pressure from Burma's neighbors in Southeast Asia. I single out Thailand, Japan, and China. These nations have to disavow what we all know has been a failed policy of engagement.

In many cases, engagement can be a good thing. In many cases, engagement can help resolve difficult international issues. This is not one of those times.

Mr. President, I am glad to see some postive developments have occured on this issue in Asia. The ASEAN nations have taken the unprecedented step of expressing concern with the situation in Burma. The Japanese have suspended some forms of aid to the regime.

But that is not enough. Other leaders in the region have to make unequivocal statements saying what we in the United States Senate are saying: Aung San Suu Kyi is the democratically elected leader of Burma and the military junta has to release her and her followers.

The world needs to do more. The U.N. has to become more involved. The Security Council should be briefed by U.N. Special Envoy Razali Ismail on the situation in Burma and Security Council action should be seriously considered.

My purpose in speaking, obviously, is to support this legislation. However, I wanted to take a moment to praise the deep and personal effort by the Senator from Kentucky on Burma. He has shown courage, but, perhaps more importantly, he has demonstrated tremendous persistence in keeping our attention focused on Burma. Sometimes we forget some of what we say is heard and has an impact in other parts of the world. In some cases, it may not be make it back to our own States, but it is heard in the parts of the world where is makes a big difference. This is one of those times.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the Senator from Vermont for his kind comments on the Burma bill and appreciated his forceful advocacy of passage.

In terms of the parliamentary situation, is there time left on the Burma bill on both sides?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. I am prepared to yield back the time that remains on this side if the Senator from Vermont would do the same.

Mr. LEAHY. I will do the same. Should we ask for the yeas and nays?

The PRESIDING OFFICER. All time is yielded back.

Mr. McCONNELL. Do we need to ask for the yeas and nays on the Burma bill?

The PRESIDING OFFICER. That would be appropriate.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question is on the third reading of the bill.

The bill (H.R. 2330) was ordered to the third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on passage of the bill at a time determined by the majority leader, after consultation with the Democratic leader.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2658, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Dorgan amendment No. 1264, to require from the President a budget amendment for the budget for fiscal year 2004 on the amounts requested for military operations in Iraq in fiscal year 2004.

The PRESIDING OFFICER. There will now be 30 minutes equally divided in relationship to amendment No. 1264 by Senator DORGAN.

Who yields time?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call not be charged either to the Republican or Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is there is a 30-minute timeframe on my amendment.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, let me indicate I have just been sitting with my colleagues, Senator STEVENS and Senator INOUYE, discussing this amendment. I want to discuss just for a moment why I have offered this amendment and then indicate that I think we have a responsibility here in the Congress to try to understand how much these operations in Iraq and Afghanistan and other areas of the world cost us and how we plan to pay for them.

Before I do that, let me say the chairman of this subcommittee and the ranking member, two Members for whom I have the highest regard—and I happen to serve on this subcommittee—have distinguished military records. The ranking member has the Medal of Honor. The chairman flew over the hump in China during the Second World War. He has a very distinguished record. I very much appreciate working with them. They have done an extraordinary job with the piece of legislation brought to the floor of the Senate to fund our defense needs.

I visited Afghanistan during the past year or so. I have not visited Iraq. But I happen to think what we have done, with the wonderful men and women who wear America's uniform, is kick the Taliban out of Afghanistan and free the people of Afghanistan. What we have done is to drive underground—at this point—Saddam Hussein and liberate the people of Iraq. It has been done by very brave, courageous, and wonderful young men and women, and with equipment which is funded by this subcommittee.

I know my colleagues likely have done what I have done. They have visited the site where they are producing a little airplane called the Predator. It is not much bigger than a little Piper Cub. It flies at about the same speed. It is a little airplane without a pilot which sits up there for nearly a day and flies around the battlefield and with a sensor can give you a vision of exactly what is on the battlefield, and you have someone sitting in Florida watching a television monitor seeing what is on the battlefield in Afghanistan or Iraq. It is really breathtaking technology which is being used.

The Predator is low tech. The Global Hawk does the same at multiples of altitude. The Global Hawk is also an unmanned aerial vehicle that has been used extensively in both theaters.

Those are the kinds of new technologies that are really quite remarkable—the technologies that are funded by this subcommittee.

In addition to the technology, weapons, and air assets and ground assets, the soldiers themselves are quite extraordinary. I appointed a young man to the United States Naval Academy, Jason Frye, from Hazen, ND. Jason Frye was recently at the Bethesda Naval Hospital. In fact, Senator INOUYE called Jason on Friday. He is a young marine who was in Iraq. He had part of his arm blown off by a rocket-launched grenade. When I went to visit him at the Bethesda Naval Hospital, he was worried about his unit. He wanted to be back with his unit. He wondered how his unit was doing in Iraq. This young man had a battlefield injury. They had to use the cord from the radio in his Humvee to wrap around his arm as a tourniquet to stop the bleeding. He got medical attention at a field hospital in Iraq.

What a remarkable young man. He is a symbol of all the young men and women who answered the call and have done their duty. Our thoughts and prayers are with them. Our hearts go out to those who have been injured and killed, and to their families.

This piece of legislation is extraordinary. It was introduced by two remarkable legislators. I am pleased to be a part of the subcommittee that supports our national defense needs and supports the men and women who serve this country.

The amendment which I have offered says there is kind of an illusion going on with respect to the cost of what we are doing in defense. It is not a deliberate illusion by anyone. It is this:

We are spending about $3.9 billion a month in Iraq at the moment—almost $4 billion. We are spending nearly $1 billion at the moment in Afghanistan. Those are the costs of the ongoing activities in both countries. Both of these activities are very important.

If we are spending about $5 billion a month—an annualized rate of about $60 billion—the question is, How will all of that be funded? Some of it is funded in this legislation. The salaries of the soldiers who would be stationed at Fort Sill, or Fort Lewis, or some other post, we would be paying those salaries anyway. Now they are in Iraq. They are being paid in Iraq.

The question is, What are the extra costs in the $5 billion a month we are spending to be in these two theaters, Afghanistan and Iraq?

The answer is, we don't know. The President likely doesn't know. The OMB and the DOD do not know. But the Pentagon's chief financial officer said last week they have a "pretty good sense" of what is going on on the ground for next year. Obviously, they have some planning. My expectation is we will have substantial numbers of troops on the ground in Iraq for some long while. It is not unlikely that we could see more troops going to Afghanistan at some point. If they have a good sense of what is going on on the ground, we ought to plan for that.

I respect the fact that some would say we don't know what this is going to cost next year. We know the answer is not zero. My only concern, as I indicated to the Senator from Alaska, the chairman of the subcommittee, is I don't want us to be in a situation where each spring we have to produce larger and larger supplemental appropriations bills. I would prefer we do some planning. It is certainly true, as the chairman pointed out, that we have been doing this for a long time, but not in the theaters of Bosnia, Kosovo, and others. I understand that. But these are larger numbers. We have not been confronted with $4 billion a month, and then another $1 billion on top of it, or $5 billion a month. We have never done this. We have never done this at a time when the front pages of the newspapers say we have a Federal budget deficit of $450 billion. It is a different time. We face different circumstances.

My point is we know what the answer for the cost of these operations next year is not. It is not zero. It is something. The question is, What? If the comptroller at the Pentagon has a pretty good sense of what is going to be on the ground in the next fiscal year, I would prefer we get a sense of what that is and try to plan for that and estimate that in our regular appropriations bill.

I understand the difficulty. I understand why in previous years we have always said, Well, let us just wait; we will see what the Pentagon spends on it. We will add it up and replace it in a supplemental appropriations request. I think this is a different set of circumstances.

I know there is disagreement in the Chamber. I think we are going to be in Iraq for some long while. We have been in Agfhanistan for some while now. The troop strength has been drawn down. But I think there are some storm clouds over Afghanistan. I worry a great deal about what the needs are going to be there and how to solidify and maintain what we have achieved in Afghanistan.

My own feeling is we would be better served at this point as we try to produce a final piece of legislation on Defense appropriations if we would have a supplemental amendment that says here is what we think we will need in the coming fiscal year for these operations.

Again, if the comptroller at the Pentagon has a pretty good sense of what is going to be on the ground, they very likely have documents that tell them, at least, and perhaps us, what they think they will need. Is it accurate? I do not know. But again, I know zero is not the starting point.

Having said that, I offered an amendment that asked the President to send us in 2 weeks a budget amendment giving us the information the Pentagon apparently has in terms of having a "pretty good idea" of what is going to be on the ground for the next fiscal year and tell us what those costs will be above that which already exists.

The chairman makes a point that money previously appropriated in a supplemental is available—a $60-plus billion supplemental, $30-plus billion of which was to replace money taken from previous accounts.

If there is money available, how much above that will be required for expenditure, and do the comptroller at the Pentagon and others know what their estimate might be of what our costs will be in the coming fiscal year? That is what my amendment is requesting.

I have visited with the chairman and ranking member about my amendment. I wanted to make the comment that I, on a general basis, believe this bill is an extraordinarily good bill. The work of the chairman and ranking member is, in my judgment, some of the best work in the Senate. I am proud to be a member of the subcommittee. I believe we ought to find a way to do this differently with respect to major theaters of operations in the annual spring request with respect to very large and larger supplementals each year.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alaska.

Mr. STEVENS. Madam President, I strongly oppose Senator DORGAN's amendment. The Secretary of Defense has testified that the cost for this last month was $3.9 billion in Iraq and $900 million in Afghanistan. As was stated, we provided, in a supplemental, $62.6 billion in late April. By the time it was available, it was May. And $30-plus billion, as the Senator said, went to pay costs that had already been incurred in moving our forces to Iraq.

But the Senator's proposal would instruct the President to submit a fiscal year 2004 budget amendment for the cost of the war in Iraq. Congress has not and should not instruct the President to submit such an amendment. As a matter of fact, Congress should not instruct the President to request funds now for future contingency military operations. We have opposed that concept in the past. We have not done it, and we should not start now.

We only need to review the recent history of financing military contingencies to know this would be a dangerous precedent. Just take into account that the number of times the Congress has directed a President, any President, to submit a budget to pay for future operations is zero. We did not do it in Desert Storm. We did not do it in Somalia. We did not do it in Haiti. We did not do it in Bosnia. We did not do it in Kosovo. We did not do it in Afghanistan. And we should not do it now. The reason is clear: because to try to estimate contingency costs in the future would lead us to creating contingency funds, which could be spent in any way the Department wants them.

Any submission would be inaccurate because the operational situation could change repeatedly during any time in the future. The Department does not know how much it might need for Iraq. They do not know what accounts they might need it in. That depends on the strategy that evolves as we deal with the situation in Iraq.

I personally believe the costs in Iraq are coming down. Slowly but surely, they are coming down. The amendment would force the administration to request a large, unspecified fund from which they would transfer money to pay for whatever contingency developed. We denied that. We denied that this year. The administration made such a request and we said no, we will not do that. That would only reduce congressional oversight and would give the Department of Defense a blank check.

I asked the Congressional Research Service to look at this matter and tell us how we budgeted for wars in the past. I quote from the CRS report:

> Presidents have not requested and Congress has not provided funding for wars in advance [never]. Rather, administrations have requested . . . and Congress has subsequently appropriated money to meet specific, documented budget requirements.

That is what the O&M account is for. Presidents use the O&M account. We subsequently get their requests to add money and replace it in the accounts from which they have taken it. They show us what they have spent it for, and we go ahead and budget after the amounts have been determined.

In keeping with longstanding practice, the Department did supply us, in the President's submission, a peacetime budget for fiscal year 2004. That is for the ongoing baseline programs of the Department of Defense. It is not a wartime budget. As operational requirements change, we will see such a budget. Funding war costs separately, and in a supplemental, if necessary, makes the costs visible to Congress and ensures we do not distort the baseline funding.

We believe the Department will be able to define what the costs are when they determine what they are going to do. As they spend their money, they will come to us with fully explained, well justified, reasons for their expenditures of the moneys they have, and we will replace those moneys.

I do oppose Senator DORGAN's amendment. If he is going to present it as it is currently before us, I will move to table it.

Again, let me say, as I did yesterday, Congressman YOUNG and I did meet with the President about the problem of the total amount of money in this bill for defense and other matters, and we took $3 billion out of the President's 2004 request. His budget request has been reduced by Congress, and this amendment would require him to submit us a supplemental now to pay for costs for Iraq.

We have already agreed, in effect, that the money the President has now, the Department of Defense has now, should fund the requirements of Iraq until we determine what permanent relationships there will be there. Hopefully, that will be done by early next year, and we will know. As these account amounts decline—and I believe they will—they should not average more than $2 billion a month, in my opinion, for this calendar year. If that is the case, there will be money left in the supplemental that has already been passed and adopted by the Congress and accepted by the President.

I believe we should follow the tradition of appropriations and handle money for defense based upon a firm understanding of what the costs are, not upon predictions of what the costing will be when we are at war. We deal with a prediction budget in the overall concept of 2004. Every year we get the President's prediction of how much money needs to be spent and will be spent in the coming fiscal year, and based on that prediction we provide money.

Wartime expenses have always been treated differently. No President has asked for money in advance, no President has ever received money in advance for a wartime budget. They have had concepts, like the supplemental we passed for 2003 to carry through in terms of the 2003 actions which will carry into 2004. And we will get a supplemental for 2004 when the time comes, if that is necessary.

I yield the remainder of my time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, listening to my chairman reminded me of my days of youth. During World War II, when I was a young man, I had the high honor of serving as platoon leader of 40 men. It was a small part of the war. But if someone had come up to me, say, my colonel, and said: How many men will you lose in the next 30 days? How many rounds of ammo will you use during the next 12 months? How many grenades will you explode during the next 12 months?—my answer would have had to have been: I don't know. There is no way of knowing how many men I will lose in this battle or the next battle. I have no idea how many rounds we will fire or how many grenades we will throw. We will do our best to maintain our force.

But to require any commander to come forth with even a good guess as to what one can anticipate—who in his right mind could have predicted what Midway would turn out to be like or the battle of Guadalcanal? No one had any idea. We had contingency plans as to how we should cope with the enemy if it came from the northern slope or the southern slope, but as for the outcome, we went into a battle once that lasted 5 days and we thought we would come through with minimal casualties. In those 5 days, we incurred 800 casualties in my little regiment, 300 dead—in a battle we thought we could resolve in 3 days. But we had no idea the opposing forces were three times our size.

I realize my colleagues are very eager to know what the costs of this war will be. Senator STEVENS and I would like to know that also because we are in charge of bringing forth to this body our recommendations on what to spend. Frankly, we have no way of knowing. We can make a calculated guess. We tried to do that the last time, and we did not succeed. So we have called upon the administration to do their best. And when the time comes they need supplemental appropriations, we will consider that, and we will inspect and just look over every account. Keep in mind, if it is going to be a calculated guess, we have no way of conducting oversight. So I hope my colleagues will be a bit more patient with us.

I realize that it may pay political dividends in some cases. But in this case we are dealing with the lives of men and women. I hope that in dealing with the lives of men and women, we will make certain that we conduct the affair in the best way possible.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Madam President, we find much to agree about, as a matter of fact. We do not fund wartime budgets in advance because we don't know what a war will cost. There is no disagreement on that score. We do not have a wartime budget, and we do not have an appropriations bill in front of us that deals with the cost of war. We agree with that.

In fact, all of us know the President indicated the war in Iraq was over. We understand at this point we have had some difficulty restoring order completely and there is some violence occurring in Iraq, but most of our troops in Iraq are not fighting. Most of the troops in Iraq are engaged in some kind of peacekeeping and restoration of order.

The point I was trying to make is this: This country always supports its troops and does so very aggressively, and no one will question whether that is the case. This subcommittee does that and does it aggressively. If we find in Iraq and Afghanistan—two theaters in which we have been engaged for some while—that troop strength in those areas remains about the same level as it has been and we are spending about $5 billion a month, my understanding is somewhere near the end of this year we will be about out of money, and we will be taking money from other accounts.

So there will be 9 months left in the next fiscal year. If they continue to spend money at that level, we are talking about $40 or $50 billion. The chairman says he expects that not to happen. I hope it does not happen. I hope we are not confronted with that choice.

My point is, if the Pentagon at this point understands some notion about what kind of troop strength they intend to have for some long while in Iraq or Afghanistan, then we should understand how we prepare and plan for paying for it.

We now face a very large Federal budget deficit. Frankly, we don't have a choice in dealing with these issues. We must pay the bill. We can't commit our sons and daughters to a war, send them overseas, whether they are restoring order or keeping peace or actually war fighting, we can't do that and say: We will not provide everything you need to be successful. That is what this subcommittee has always done under the leadership of the chairman and ranking member.

It is important for us to understand that we have a $450 billion estimated budget shortfall. It is growing by leaps and bounds. The point I am trying to make is that we are likely to face much larger expenditures in the coming 12 months to meet our military needs, and they do not exist in this bill.

The chairman has explained properly that in the past we have never required it to be a part of this bill. He indicates it is because we don't fund wars in advance. I say that we are not at this point in an active war in Afghanistan or Iraq. The war is over. The columns of humvees and tanks and mechanized vehicles moving into Iraq have stopped. Now there is a different circumstance. It is heartwrenching some mornings to hear of the attacks on American troops. But most of what is happening in Iraq is the restoration of order and the peacekeeping. It seems to me that if we are going to be there for some while, it makes sense for us to evaluate what the Pentagon thinks. They are finding documents and they are talking about them. What will that cost? And then ask the President to submit that to us along with his vision of how we deal with that, how we pay for it.

My colleague indicated we would have to fund it. Look, this is part of a broad set of priorities. Yes, this has to be funded but how? What are the consequences of it and how and where does it come from?

My point is not to cause angst to the chairman and the ranking member. If we are going to be involved in longer term theater operations that are not wartime operations but require the commitment of troops—140,000 troops in Iraq perhaps, 20,000, 25,000 troops in Afghanistan, and that may increase—if we are going to require the placement of troops in these theaters for some longer period of time, if we have longer anticipated costs, we ought to figure out what those are and put them in the regular appropriations bill. That is the point I am making. We just have a disagreement about that.

To me, it is just about where we find ourselves in fiscal policy, what the requirements are with respect to military policy, and whether we can find a way to more orderly anticipate the future costs that we almost certainly know, and the Pentagon has some notion, and trying to respond to those and deal with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, it is beautiful, the way my colleague from Hawaii remembers things that happened in his own life and puts in perspective what we are dealing with. I hope the Senate listens because the problem that the Senator from Hawaii had as a platoon leader is exactly the problem the Commander in Chief has right now: How much are they going to spend and where are they going to spend the money.

The Senator from North Dakota wants us to tell the President, submit a budget to tell us how money will be spent, and we don't know what the plan is because the contingencies are so great.

Let me mention to you what we have just come through. We originally intended to send part of our forces into Iraq through Turkey. When we found out we had a difficulty there because of the change in administration in Turkey, we had to take those troops out, send them back through the canal and then come back up through the Persian Gulf into Kuwait.

Could we have anticipated those costs? Could the President have submitted us a budget for that operation? Absolutely not.

One of my tasks is to handle the appropriations bills and try to assist in handling the funding for our executive branch and all branches of the Government. But one thing continues to bother me about the emphasis on the current deficit. It is big. It is going to get bigger. Do you know why? Our whole economy is getting bigger.

When I first came to Washington, I had a mortgage of about $45,000. I sort of choked about that. My God, how could I do that? Our income at the time was $30,000 a year. I thought, this is a pretty tough thing but we had to have a house for our family of seven. Now our mortgage is 10 times that. Do you know why? My income has expanded.

The same thing has happened to our Nation. Our overall gross domestic product is so large that $450 billion, $500 billion is not as great as the deficit was at least 3 years of the Clinton administration. Percentage-wise we have to start thinking about what the debt is and how it relates to overall economic activity. I hope one of the joint economic committees will come forth and explain this deficit to us. It is bad. I don't like high deficits. I don't like to owe a mortgage either.

I hope the Senate will concentrate on what we are spending and not what the size of the deficit is right now. We want to hold down expenses. I think the best way to hold down expenses is to follow the precedent we have followed in every war to date.

I am reading a book right now about the revolutionary period and how Washington tried to get the Continental Congress to give him money. He was forced to spend money and then have them help him pay for it. We borrowed money around the world, particularly from France in those days.

You talk about a deficit; my God what the Continental States must have had in terms of a deficit. Somehow or other, the country survived based upon faith and trust in the system.

The system we have followed so far is that we do not fund wars in advance. I hope the Senate will defeat this amendment.

Does the Senator have any further time?

What is the time situation?

The PRESIDING OFFICER. The Senator from Alaska has 10 seconds remaining.

Mr. STEVENS. How much time on the other side?

The PRESIDING OFFICER. There is no time on the other side.

Mr. STEVENS. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Under the previous order, that vote will occur later, and the order of the stacked votes will be determined by the leaders; is that correct?

The PRESIDING OFFICER. The order has already been determined. This amendment is first.

Mr. STEVENS. I thank the Chair.

AMENDMENT NO. 1268

The PRESIDING OFFICER. All time having expired, the Senator from New Mexico, Mr. BINGAMAN, is now recognized to offer an amendment on which there shall be 40 minutes of debate equally divided in the usual form.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I send an amendment to the desk on behalf of myself and Senators SPECTER, DASCHLE, BYRD, LEAHY, LEVIN, ROCKEFELLER, CORZINE, DURBIN, and CARPER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DURBIN, and Mr. CARPER, proposes an amendment numbered 1268.

Mr. BINGAMAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the individuals being detained by the United States Government as enemy combatants)

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON INDIVIDUALS DETAINED AS ENEMY COMBATANTS BY UNITED STATES GOVERNMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the individuals being detained by the United States Government as enemy combatants.

(b) ELEMENTS.—Except as provided in subsection (c), the report under subsection (a) shall set forth the following:

(1) The name and nationality of each individual being detained by the United States Government as an enemy combatant.

(2) With respect to each such individual—

(A) a statement whether the United States Government intends to charge, repatriate, or release such individual; or

(B) if a determination has not been made whether to charge, repatriate, or release such individual, a description of the procedures (including the schedule) to be employed by the United States Government to determine whether to charge, repatriate, or release such individual.

(3) With respect to each such individual who the United States Government intends to charge, the schedule for the filing of the charges and the trial of such individual.

(c) CLASSIFICATION OF CERTAIN INDIVIDUALS.—(1) If the Secretary determines that the inclusion of an individual in the report under subsection (a) would harm the national security of the United States, the Secretary may include such individual in a classified annex.

(2) Determinations under paragraph (1) shall be made on a case-by-case basis.

(3) If the Secretary determines to omit one or more individuals from the unclassified form of the report, the Secretary shall include in the report an explanation of the omission of the individual or individuals.

(d) FORM.—The report under subsection (a) shall, to the maximum extent practicable, be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "enemy combatant" means—

(A) an individual held under the authority of the Military Order of November 13, 2001 (Volume 66, No. 222, pages 57833–57836 of the Federal Register); or

(B) an individual designated as an enemy combatant and held under other legal authority.

Mr. BINGAMAN. Madam President, I came to the floor two days ago to express my concern about the administration's detention policies with respect to three different categories of individuals, and this is particularly in the period since 9/11.

One of those groups I spoke about was immigrants. There, of course, the concern has been underscored by the report done by the inspector general in the Department of Justice pointing out the abuses that have been engaged in by both the Department of Justice and the FBI with regard to immigrants after the 9/11 tragedy.

Another group I spoke about were material witnesses. There have been several abuses there. In some cases, I think the FBI has acknowledged that. I think, again, we have a serious issue there of adequate attention to civil liberties and human rights.

The third group I spoke about is the group designated by the Department of Defense and the President as so-called enemy combatants. That is a group my amendment deals with today.

The amendment is very straightforward with regard to these individuals. It requires a report. It says to the Department of Defense, the Secretary of Defense, give the appropriate committees of the Congress a report within 90 days of the time this law becomes effective. The report shall indicate who these people are that the administration has designated as enemy combatants, and it shall tell us what plans the Department has with regard to charging these individuals with crimes, with regard to trying them for those crimes, and if there is an intention to repatriate some of these individuals to particular countries, to please advise us of that, but tell us something about who these individuals are and what you intend to do with them. That is the thrust of the amendment.

There is a proviso in the amendment that says if there is a national security problem that the Department or the Secretary of Defense sees in giving us any of this information, of course, that doesn't need to be included in the unclassified version of the report. That could be kept in a separate, classified annex and assigned whatever classification the Secretary determines is appropriate.

The administration is holding 3 individuals today—that I am aware of—in the United States as enemy combatants and is holding close to 700 at our military base in Guantanamo Bay, Cuba. In all cases, these individuals are being called incommunicado. They are given no access to counsel and no opportunity for judicial review as yet.

Let me say what I think should be obvious to everybody, and that is that I am not advocating that these individuals be released. What I am saying is that we should afford them the right to be charged with a crime. Tell us what action they have taken that justifies their incarceration, and set up some opportunity for them to be tried for those actions. Many of these enemy combatants have been in custody by our Government for well over 18 months—in some cases over 20 months.

President Bush announced recently—in the last 2 weeks—that 6 of the 700 or so of these enemy combatants will be tried by a military tribunal. As far as I know, there has been no indication yet as to what they will be tried for. There is no indication yet, or designation, or appointment of a military tribunal or commission to do the trying of these individuals. There has been no date set for these trials. But the President has said that 6 of the 680 or 700 individuals are eligible—I believe that is the phrase used by the Department of Defense and the White House—to be tried by military tribunals.

There are serious questions about how those tribunals will function, and I am sure there will be many debates about that. Even more serious is a question relating to those who remain in jail, who have not—as yet at least—been given any indication of charges, any indication of when trials might be conducted in relation to them.

The obvious question we need to be asking—we in the Congress—since we have an oversight responsibility over the administration, the executive branch, is, Where does the Government or this administration intend to go with regard to these individuals?

So far, the administration takes the position that once the President says someone is an enemy combatant, they can keep them incarcerated, presumably until the war on terrorism is over.

But the President has said—and I think he is probably right—this war on terrorism is of indefinite duration; it is not a war that we can see the end of—at least not in the near future. It appears to be the President's view and the administration's view that these individuals can be kept as prisoners from now on, without the administration having an obligation to say who they are, without the administration having an obligation to charge them with a crime, without the administration having any obligation to afford them a hearing.

The administration takes the view that they do not come under the Geneva Convention, but evidently they come under none of the other procedural requirements that we have always thought applied in our system either.

In my view, this is not a tenable position. It is not consistent with the commitment to liberty and the rule of law on which this country was founded. We demand that other governments show greater respect for human rights than this, and we should be demanding better from our own Government as well.

The amendment is very straightforward and very modest, in my view. It simply says that the Secretary of Defense shall provide us with a report on the status of these detainees—provide that to the relevant committees of the Congress. Under the amendment, the report should include the name and nationality of the individuals involved, a statement as to whether our Government intends to charge them with some offense, or intends to repatriate them, or intends to release them—whatever action we intend to engage in.

There is nothing in the amendment that biases what is done with these individuals in any way. In the case of the individuals for whom such a determination has not been made, we ask for a description of the process the Department of Defense is intending to follow and the timeline for actually making a decision regarding these individuals.

Madam President, I believe strongly that we have an obligation to require some accountability with regard to this set of individuals.

We have made provision in the amendment, as I said before, so that the Secretary can withhold any information from any report he deems to be information necessary to withhold for national security reasons.

The administration, in my view, needs to take some action and needs to advise the Congress on what it is doing with these people. If the individuals have committed crimes, let's see them charged with crimes. If they have not committed crimes, let's see them repatriated. Let's see some action taken. We in Congress need to understand what that action is. That is the thrust of the amendment. I hope it will receive broad bipartisan support.

I appreciate Senator SPECTER cosponsoring the amendment, as well as the other Members I mentioned. I believe there is at least one other Member who wishes to speak in behalf of the amendment. So I reserve the remainder of my time.

Mr. LEAHY. Mr. President, the distinguished Senator from New Mexico, Mr. BINGAMAN, has an amendment which would require the Department of Defense to share with the relevant congressional committees information about those who are being held as enemy combatants. I am pleased to cosponsor this amendment.

The amendment safeguards any national security concerns by authorizing the Secretary of Defense to provide this information in classified form where national security requires it. It is a cautious amendment. It does not force the administration to change the way it designates or treats enemy combatants, but merely secures the ability of Congress to carry out the oversight that our laws, our Constitution, our traditions, and our practice require us to do.

Although the cases involving enemy combatants detained within the U.S. have been well publicized, we know very little about those who are being detained in Guantanamo Bay. Because they are held outside U.S. territory, the courts have found they do not have the power to review their detention. I do not doubt some of these detainees are dangerous individuals who wish the United States harm, but doubts have been raised on behalf of some of these detainees, and I think the Congress should have the information necessary to make judgments about this situation.

I hope this amendment will be adopted. It will make the Department of Defense to make decisions more quickly as to whether to charge many of the individuals it is currently holding. No one advocates haste that will compromise ongoing intelligence gathering or hurt our national security, but at the same time, the United States cannot be in the position of indefinitely detaining individuals without charging them with any wrongdoing. That is inconsistent with United States traditions and will continue to cause us difficulty in our relations with the nations of citizens who are being held, ranging from Pakistan to Great Britain. It also puts us in a difficult situation when we tell other countries not to do what we are doing.

Indeed, according to the New York Times, the President's decision to certify two British nationals for trial before a military tribunal created friction between our two nations, as Prime Minister Blair arrives to address a joint meeting of Congress tomorrow.

Let me be clear, this amendment does not require any enemy combatant to be charged, let alone released, but it does ask the Secretary of Defense to explain where the investigatory process stands in the case of each detainee.

Finally, I hope this amendment will encourage the administration to make decisions about what charges he intends to bring, if any, against Jose Padilla and Yaser Hamdi, U.S. citizens currently being held indefinitely without charge in the United States. Their detentions have raised grave legal questions, and it is deeply discomforting to see in this case American citizens held indefinitely, in a legal twilight zone, without access to counsel or those protections to which we believe U.S. citizens are generally entitled, and also those protections that we preach to the rest of the world we uphold and we ask them to uphold when one of our citizens is being detained in their country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, soon after the war in Afghanistan started, I joined with others to go with Secretary of Defense Rumsfeld to Guantanamo Bay to assure ourselves that the Department of Defense is complying and will comply with provisions of the Geneva Convention with regard to the treatment of prisoners who are held at Guantanamo Bay and other places arising from that war.

It is my understanding the individuals who are detained are those who have participated in the battles in Afghanistan against our soldiers, and those who are, at the request of the Department of Justice, held for suspected terrorist activities in the United States in the war against terrorism.

The Department of Defense does not have control over these personnel. I believe they are really under the jurisdiction of the Department of Justice. I do not intend to make any kind of point of order based on legislation. I think we should just face this directly.

I think the concept of Senator BINGAMAN's amendment is directly contrary to what we should be doing with regard to activities of people who have conducted themselves as enemies of the United States in war and those who are involved in the terrorist activities as part of the terrorist war against the United States.

Placing a requirement that we disclose and give a schedule as required by this Bingaman amendment is totally contrary to the best interests of the United States. It would place an unwarranted pressure on the administration to decide on charging and prosecuting enemy combatants prior to completion of intelligence and law enforcement analysis.

These people in Guantanamo Bay were held incommunicado from one another. One of the reasons was the concept of the knowledge of who else was detained might deter one of these people from giving us the information we needed to find the leaders in the war on terrorism against the United States.

The process of investigation is a very long and tedious one. These people use different languages. We found they are using names and declaring they are from countries that are totally untrue. The real problem is how to deal with these people in a way to end the war in Afghanistan and to end the war on terrorism.

It is the executive branch's authority and responsibility to conduct the global war on terrorism. It is the executive branch's responsibility to conduct the war in Afghanistan. For Congress to impose a restriction on the activities that are consistent with precedent and consistent with the manner in which similar people have been detained over the years when we have been involved in war, such as World War II, and the Germans came to our shores and the spies who were intercepted throughout the world—they were held in the combatant status. These people are in combatant status and, as such, their treatment is subject to the Geneva Convention.

Only this basic law would impose conditions upon the right of the administration and the Departments of the executive branch to fully exploit the intelligence and investigative capabilities of the detention in a combatant status in order to deal with these two terrible scourges we face right now.

Unfortunately, the war in Afghanistan seems to be taking unfortunate turns lately, and I hope we can meet that situation. We meet it through information that we gather from some of these people. I am reliably informed that some of these people, in the way they have been treated, have divulged information to us that has led to the capture and detention of others in a similar capacity as having been enemies of the United States.

In short, I think it would be highly inadvisable to adopt the Bingaman amendment, and it would have a negative impact on both the war on terrorism and the conduct of wartime operations in Afghanistan.

There are cases pending in the courts now that this amendment, I understand, would terminate because there are people who, through civil rights cases, filed to determine the court's opinion as to the "combat status" designation, and I do not think we should take action now as a Congress to interrupt that process.

Madam President, does Senator INOUYE wish to comment?

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, the committee has been advised, No. 1, that the procedure and process employed in Guantanamo and other places of detention meet the requirements set forth by the Geneva Convention.

No. 2, the matter is being represented by counsel and presently in court. As our chairman indicated, it would not be appropriate for this committee to be intervening while a court case is pending.

No. 3, I think we should keep in mind that this is not a war. This is an experience that this Nation has not had in its past history. This is a war on terrorism. It is not the uniformed enemy to which we are always accustomed where we know who their commanders are, we know where they are coming from, they wear a different type of uniform. In this war, we have no idea who the terrorists are. It could be this young lady here, for all I know.

Having said that, if we follow provisions of this amendment and the Defense Department and the Department of Justice are required to give out the names, the rank, the charges, et cetera, and to give an indication as to when one can expect this prisoner to be released, I think we may be working right into the hands of the organization we are trying to combat: al-Qaida.

If I were in charge of the al-Qaida operations, I would like to know what is happening to those below me. And if I new Mr. One is coming out next August or Mr. Two is coming out in September, I can make plans accordingly.

As I pointed out, this is a war that none of us have experienced in the past. The chairman and I could speak of World War II and the Hump, the Japanese, the Germans, the camps and such.

On this matter, we have never experienced anything like this. So I hope as long as Guantanamo is open to inspection—and the chairman and I have gone there. It has been always open to Members of Congress if they wish to go there for themselves to look over the conditions, to taste their food, and in fact talk to them to see if they are being tortured, as some would suggest. I think my colleagues will find that as Americans we have treated our detainees in an humane fashion.

Now, no one would want to be detained even for an hour, but in this wartime condition and terrorist condition I think there is a necessity. We have done our duty in a way that Americans need not be embarrassed and ashamed. So I hope my colleagues will not look favorably upon this amendment and wait for another day.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. How much time remains?

The PRESIDING OFFICER. The Senator has 10½ minutes.

Mr. BINGAMAN. I yield myself such time as I may consume.

Madam President, I will respond to a few of the points my colleagues from Alaska and Hawaii made. First, I will say what this amendment does not do. There is nothing in this amendment that restricts what action the Department of Defense, the Department of Justice, or any other agency of the Government is permitted to take with regard to these enemy combatants. This is an amendment that asks for a report. It does not say certain action has to be taken with regard to these individuals. It says tell us the status.

Second, there is nothing in this amendment that affects court cases. If there are court cases related to any of these enemy combatants, then it is perfectly appropriate for the Justice Department to indicate who the person is or which individuals are involved and say they are subject to pending litigation, if that is the case. But the reality is, if one is designated an enemy combatant, they are taken out of the court system. That designation takes one out of the court system and puts them in the custody of the military. It is the position of our military that from that point on, one has no right to a hearing, no right to be charged, is an enemy combatant, and accordingly they will deal with them as they choose.

The Senator from Alaska says this is something that is probably in the jurisdiction of the Department of Justice. I think that sort of makes my case. These people are in nowhere land. They are in limbo.

There is an article that came out in the morning paper in my home State in Albuquerque where there was a little report on the speech I gave 2 days ago talking about this problem, and I will read a sentence from that report: White House spokesman Taylor Gross referred questions about BINGAMAN's speech and proposed amendment to the Justice and Defense Departments. A Justice Department spokeswoman referred questions to the Defense Department. A spokesman for the Defense Department declined to comment.

The reality is, we are allowing the administration to put these people in a category and then take the position that no rights apply to these individuals. There is no obligation on the Department of Justice to follow procedures with regard to these individuals. There is no obligation on the Department of Defense.

There is nothing in my amendment that questions the treatment of these individuals. Others have questioned the treatment of these individuals. I have not questioned the treatment of these individuals in Guantanamo. There is nothing in the amendment that questions the treatment of these individuals.

Also, the point my good friend from Hawaii has made, that this would give al-Qaida or some other terrorist organization information that could be useful to them about when individuals might be released, first, we have a proviso that anything the Department of Defense determines might be contrary to national security, they should keep it classified. They can give it any level of classification they want to give it. If they want to say it is code level classification, they can do that, whatever classification they think is appropriate.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BINGAMAN. I am glad to yield to my colleague from Illinois.

Mr. DURBIN. I am happy to be a cosponsor of this amendment. I ask the Senator from New Mexico—he has made the point it is still up to the administration to decide which names and identities will remain classified and not publicly disclosed. If there is any concern about national security and the threat of terrorism, as I understand this amendment, the Senator makes a clear exception so the administration has the last word in terms of this disclosure; is that not true?

Mr. BINGAMAN. Madam President, in response to that question, let me say that is exactly right. We have gone out of our way to make it clear the Departments can keep secret, can keep code classification, whatever classification level the Department decides is appropriate, any information they think is vital to our national security. So we are saying, as to the information that is not of that type, tell us what can be told about who these people are and what the intent is as far as what to do with them.

Mr. DURBIN. I ask the Senator from New Mexico, through the Chair, if he would yield for one additional question. Is it not true historically that when we are in the midst of a national security challenge or crisis, and questions of civil liberties arise, that many times we do not want to face them head on; that it is not until later in history that we look back and say we should have asked harder questions, questions about the suspension of civil liberties in wartime, questions about internment camps, questions about policies that we followed?

If I understand what the Senator is seeking in this amendment, it is to say at this point in time what we are asking for is a disclosure of those people who have been detained and arrested and are in special status, whose rights at least may be compromised because of our concern about national security; and that disclosure is all that this amendment is about, giving the administration the last word and determination as to which names might be held back and not disclosed because of security concerns.

Mr. BINGAMAN. Madam President, in response to that follow-on question, that is exactly correct. The Senator from Illinois is exactly right in pointing out that in what we are trying to do, we are not—this is not an amendment I am offering 6 weeks after the 9/11 tragedy. This is an amendment I am offering 20 months or more after the 9/11 tragedy. We know that many of these individuals have been there well over a year and a half. It is time that we in Congress exercise our oversight responsibility and say: Who are they? What are they intending to be charged with? I do not anticipate that these are individuals we are going to some day say we have decided to release. I assume that we have them there for good reason, and that we are going to prosecute them and that we are going to find them guilty. That is my assumption, assuming the system works as it is intended to work.

So my thought is, let's get some idea of where we are going so that we begin to build in some accountability and begin to recognize what we historically have recognized, and that is that there are certain legal protections that apply if one is jailed by the United States Government. There are certain legal rights that we will be afforded.

Mr. DURBIN. I ask the Senator from New Mexico if—I do not know how much time he has remaining, Madam President.

The PRESIDING OFFICER. There are 3 minutes 15 seconds remaining.

Mr. DURBIN. If I might ask the Senator from New Mexico this question: What is at issue in his amendment, if I am not mistaken, is whether we are going to afford any form of due process to these detainees. Is it not also true that we have to look beyond these detainees to how we as Americans would be treated in other countries, whether we are establishing a standard which we could live by?

In other words, I am asking the Senator from New Mexico if we believe that we can detain individuals, without disclosure of who they are, and the circumstances of their detention, does that not invite the same conduct against Americans or service men and women overseas and give the United States little or no room to complain?

I ask the Senator from New Mexico if he is not asking for us to stand up for some basic elements of due process which we would ask to be afforded to Americans in similar situations.

Mr. BINGAMAN. In response to the question, I think the Senator from Illinois makes a very good point. If we are going to proclaim our commitment to liberty and to freedom as we always have, and as I certainly want to be able to do, and if we are going to insist that U.S. citizens, when they are captured in overseas incidents, whether they be military or civilian, that they be given some reasonable treatment through the court systems of those countries, then we have to have some adherence to reasonable legal process for these individuals that we have incarcerated. That is all I am asking. Tell us what we are going to do. If they come back and say we are not going to do anything, then we can see whether a follow-on amendment or follow-on action is appropriate.

This amendment simply says, give us a report. Tell us the status of these individuals; tell us your plans with regard to these individuals; or give us some idea whether or not you are going to charge them. If you are going to charge them with something, tell us what you might charge them with. If you decide to make that decision later on, tell us when you might decide to make that decision.

It is the most modest of amendments. I hope very much it will be supported by my colleagues on a bipartisan basis.

How much time remains?

The PRESIDING OFFICER. The Senator has 53 seconds.

Mr. BINGAMAN. I retain that and I yield the floor.

Mr. STEVENS. Madam President, for the information of the Senate, the Intelligence Committee has access to information about enemy combatants who are being detained, including names the Red Cross is fully engaged with in the continuing meaningful access to detainees.

This Congress was briefed about the creation of the military tribunals and the handling of detainees. The tribunals were created by Executive order. That was published in the Federal Register. It has been a matter of public record for some time.

Any detainees brought before military tribunals have full access to military and, at their request, civilian counsel. We are talking now about the requirement to publish, to release these names. By the way, they have been released, in effect, in classified form, but with the intervention of our Intelligence Committee, which is the oversight committee for this body in regard to information such as this.

I cannot believe we would be faced on an appropriations bill with a matter of this kind. It does not get into money, but it does deal with something the Department of Defense has connection with. It is relevant and therefore we must deal with it.

However, the broad release of the names of these individuals, even in classified form, could compromise our ability to access information which could prevent more terrorist attacks, could prevent more attacks on our military in Afghanistan. This is a military problem in that sense. That is why the Department of Defense is involved. It is the Department of Justice's sense in terms of deciding how they are prosecuted. If they are prosecuted in civilian courts is another matter. Then they would be fully accounted for in the public sector. If the prosecutor in the tribunals—the tribunals themselves can be closed, if that is the decision. The person would still have the right to counsel and a right to be tried before the tribunal, but we would not necessarily have public access to that trial because of the information involved.

If people want to go to Guantanamo and know who is there, go there. We went there. I don't understand why we should take this action now.

By the way, the Senator is not quite correct; it not only says the names and the nationality but also whether they are to be charged, repatriated, a statement of what procedure is going to be followed to determine whether they are charged or repatriated. That is intelligence information. And with respect to such individuals in the United States, intention to charge, a schedule for the filing of the charge and the date for the trial. If it is a military tribunal, it could well be classified. To require the determination now of what would be done—it is true there is an exclusion here; the Secretary can omit. But if he omitted one or more individuals, then he would include in the report an explanation of the mission of the individual or individuals. It could include a classified index. If it could include a classified index, why should it be published? We do not publish a classified index.

The term "enemy combatant" means an individual held under the authority of military order of November 13, 2001, as published in the Federal Register, or an individual designated as an enemy combatant and held under other legal authorities. In both instances, they have quality access to courts that protect their rights. Other people are pursuing those cases.

The interrogation process of people like this is ongoing and very timely. It does not lend itself to detailed plans, firm dates, and firm schedules. We saw some of that when we were in Guantanamo, but the interrogation efforts in many ways require somehow to get through to an individual who has lied to us about who the person is, where they are from, and refused to give any data at all concerning their own background. They were captured under wartime conditions.

This amendment is an attempt to poke Congress' nose under a tent, that we belong only if we are in an unclassified area. That is what the Intelligence Committee has already done. I am reliably informed the Intelligence Committee has access to information about these enemy combatants in detention, including their names. If they started releasing the names of these individuals, even in classified form, it could compromise sources and methods of their acquisition and compromise the possibility of gaining information on them that might prevent further terrorist activities.

If the Senator wishes further time, I will be glad to not yield back my time but I intend to yield back the time and move to table.

Mr. BINGAMAN. I appreciate the courtesy. I will use my remaining 50 seconds.

The PRESIDING OFFICER. Forty-five seconds.

Mr. BINGAMAN. Madam President, first of all, if the Secretary of Defense believes the release of any of these names compromises our national security, he is given full reign to keep that information classified at any level of classification he decides is appropriate. So we are not in any way interfering with national security.

In my view, it is not appropriate for us to say, look, if you want to check on them, get on a plane and go down to Guantanamo. We and the American people need to be persuaded there is some adequate due process and legal process being followed.

Regarding the idea of these military tribunals, there have been no tribunals established. The President said 6 individuals out of the nearly 700 are eligible to be considered or to be tried by military tribunals. There are no military tribunals established.

I urge support for the amendment and I yield the floor.

Mr. STEVENS. Madam President, I yield back the remainder of my time.

Before that, I ask unanimous consent that the second and third votes in this stack of three votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield back the remainder of my time, I move to table the Senator's amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. The first vote will be on tabling the Dorgan amendment; the second vote will be on the Bingaman amendment; and the third vote will be on Burma.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1261

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided prior to a vote on the motion to table the Dorgan amendment.

Who yields time?

Mr. STEVENS. There are 2 minutes equally divided before a vote on each amendment?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Since Senator DORGAN is not here, I will claim 1 minute. I ask unanimous consent I be recognized for 1 minute to close this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. As cosponsor of this amendment, what we are setting out to do is to ask the administration for the costs of the Iraqi war. That is not included in this Defense bill. We are living on money appropriated in the supplemental appropriation that we know will run out before the next fiscal year ends, so we are leveraging from one supplemental appropriation to the next.

This war, in fact, is costing in the realm of $4 billion a month and the Afghanistan war another $1 billion a month. We are asking the President to disclose the cost of this war, to give us an idea for the American taxpayers and for Congress of the financial responsibility we have undertaken.

I support the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, we fund peacetime budgets in advance. Congress has never agreed to fund wartime expenses in advance. Instead, we have always, in every instance, as stated by the Congressional Research Service, funded them after those costs have been incurred and with the President's request for the payment. Presidents take the money from existing funds and we replace those funds, rather than having budgets determined in advance.

As the Senator from Hawaii so vividly pointed out, it is impossible to know what the costs will be in fighting a war in advance. That is what this amendment urges, and that is why I moved to table that, and I urge the support of the motion.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—53

Akaka
Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—41

Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—6

Edwards
Graham (FL)
Kerry
Lieberman
Miller
Sununu

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1268

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, there are now 2 minutes equally divided prior to a vote on the motion to table the Bingaman amendment.

Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this is a very straightforward amendment which just requires a report from the Secretary of Defense on those people we are incarcerating under the status of "enemy combatant" and what our intentions are with regard to charging them or making a decision on charging them.

We have a proviso in there that if the release of any of this information will jeopardize national security, the Secretary can withhold that and put it in a classified annex and give it any level of classification the Secretary determines is appropriate.

So it seems to me essential that the Congress exercise some oversight of this process. If we are going to be a nation that stands for liberty and freedom and legal process, then we ought to ensure that everyone who has been taken into custody in our country be afforded some legal protection. There are no military tribunals that have been established. The problem is not resolved. We should ask for this report.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, these people are being held consistent with the Geneva Convention. The Intelligence Committee of the Senate has access to names and information concerning those who are detained.

The Red Cross is fully engaged and has meaningful access to the detainees. We need to have the interrogation process continue so that we can see if we can get information from these people that might lead to us having the ability to prevent further terrorist attacks against the United States.

They are enemy combatants. There is fully published, in the Federal Register, the procedure under which they will be handled. This amendment, as a matter of law, forces the disclosure and a plan of when they are to be released. It is contrary to the best interests of national security, in my opinion. I made a motion to table and I urge its support.

The PRESIDING OFFICER. All time has expired.

The question now occurs on agreeing to the motion to table amendment No. 1268. This will be a 10-minute vote. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—52

Alexander
Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—6

Edwards
Graham (FL)
Kerry
Lieberman
Miller
Sununu

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. STEVENS. Mr. President, pursuant to the previous order, I ask that the Senate proceed to a vote on the passage of H.R. 2330, the Burma sanctions bill.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 2330, which the clerk will report.

The legislative clerk read as follows:

A bill (H. 2330) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

The PRESIDING OFFICER. The question is on passage of the bill. The yeas and nays are in order. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Enzi

NOT VOTING—5

Graham (FL)
Kerry
Lieberman
Miller
Sununu

The bill (H.R. 2330) was passed.

Mr. STEVENS. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. I ask unanimous consent that the distinguished Senator from Louisiana have 4 minutes as in morning business.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 1419 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 1269

Mr. DASCHLE. I have an amendment at the desk. I ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] for himself, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. DEWINE, Mr. MILLER, Mr. SMITH, and Mrs. CLINTON, proposes an amendment numbered 1269.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . IN RECOGNITION OF THE NATIONAL GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NATIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE THESE FORCES ACCESS TO TRICARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Forces in the U.S. National Guard and Reserve have made and continue to make essential and effective contributions to Operation Iraqi Freedom and other ongoing military operations;

(2) More than 200,000 reserve personnel from the Army, Navy, Air Force, Marine Corps, and Coast Guard are currently serving their nation on active status;

(3) Our dependence on the National Guard and Reserve has increased dramatically over the course of the past decade. Annual duty days have grown from about 1 million in the late 1980s to more than 12 million in every year since 1996;

(4) While our dependence on the reserves has increased in the post-Cold War era, their basic pay and benefits structure has remained largely unchanged;

(5) Offering TRICARE to reservists for an affordable monthly premium enhances our national security by improving their medical readiness when called to duty, streamlining and accelerating the mobilization process, and enhancing our military's ability to recruit and retain qualified personnel to reserve duty;

(6) The Congressional Budget Office, the official, non-partisan scorekeeper of all congressional legislation, has estimated the cost of this proposal at just over one-tenth of one percent of the Administration's FY2004 defense budget request;

(7) On May 20, 2003, a strong majority of Senate Democrats and Republicans joined together and voted 85–10 for an amendment to the FY2004 Defense Authorization bill to provide reserve personnel and their families access to TRICARE regardless of their current deployment status; and

(8) The Appropriations Committee indicated in its report accompanying the FY2004 Defense Appropriations bill that it supports this proposal.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The National Guard and Reserve play a critical and increasingly demanding role in protecting our national security, and

(2) The Senate supports the Appropriations Committee position as articulated in the report accompanying the FY2004 Defense Appropriations bill and affirms its support for providing Guard and Reserve personnel access to TRICARE.

Mr. DASCHLE. Madam President, we have received word of four more reservists killed in Iraq and Kuwait over the past week. They are the 18th, 19th, 20th, and 21st reservists who have made the ultimate sacrifice during Operation Iraqi Freedom, and numerous others have been wounded.

Four other reservists have died this year in support of Operation Enduring Freedom.

Their deaths offer a stark reminder of how our military functions today. A National Guard or Reserve member is more likely to serve on active duty than at any other time in our nation's history. In fact, reservists have been called to support every military operation since Operation Desert Shield/Desert Storm, whether it was peacekeeping in the Balkans, defending our Nation's airspace after the September 11th attacks, or neutralizing the Baathist regime in Iraq.

These troops work hard to stay prepared for the time when their Nation calls, and they are eager to prove themselves when summoned to active duty. Nonetheless, we have been demanding more and more of them, and it's time that we as a Nation considered what we can give back.

For that reason, a bipartisan group of us introduced legislation earlier this year to allow reservists to pay a premium and receive coverage from TRICARE, the military health program. I joined with the Senator, from South Carolina, Mr. GRAHAM, Senator CLINTON, Senator LEAHY and Senator DEWINE, to press for inclusion of a similar proposal in the Fiscal Year 2004 Defense Authorization bill. The outcome was a strong, bipartisan vote, 85–10, in favor of allowing reservists to buy into TRICARE.

Today, we are asking the Senate to underscore our resolve to move forward on this issue. We are asking our fellow Senators to join in affirming the importance of the reserves to our national security and the necessity of a new TRICARE benefit to keep this force intact and improve its readiness.

Some have argued that we would diminish the value of active-duty service by providing the same health benefit to part-time soldiers. In fact, we are requiring reservists to pay for a benefit that comes at no charge to active-duty troops and their families.

Other have said we would be undermining recruiting and retention and quality of life programs. This argument fails the laugh test, as any Guard and Reserve recruiting officer will tell you.

Still others say this is too costly. But when we rely so heavily on the Guard and Reserve to protect our national security, I question whether we can afford not to provide this benefit. CBO says the price tag would come to just over one-tenth of one percent of the President's proposed Fiscal Year 2004 defense budget. In return, we will take a major step toward ensuring the integrity of this force, by improving its medical readiness when called to active duty, by streamlining and accelerating the mobilization process, and by enhancing our military's ability to recruit and retain qualified personnel to reserve duty.

Today, 40 percent of our reservists between the ages of 19–35—and that represents a pretty broad spectrum of reservists on active duty today—are uninsured. It is in our national security interest to make sure they have health insurance and do not have to go for long periods of time without being able to see a doctor or provide for the most basic health needs of themselves or their families.

Today, more than 200,000 reservists are on active duty, having left behind families, careers, and their everyday lives to serve their Nation. Some may never come home. Our military relies on this force to protect our borders, our national interest, and our people.

I think it is important once again the Senate go on record and send as clear a message as we can that we are not going to rest and we are not going to quit until they have the access they deserve to the health care program they so badly need.

At this time, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM of South Carolina. I would like to speak, if possible.

Mr. DASCHLE. I wouldn't be calling for the vote at this point. I am just asking for the yeas and nays and for a vote later on.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. DASCHLE. I yield the floor.

Mr. GRAHAM of South Carolina. Madam President, I thank Senator DASCHLE for the great help he has been and for his partnership on this piece of legislation. I associate myself with his remarks about the TRICARE program being extended to family members of the Guard and Reserve.

During the last Desert Shield-Desert Storm conflict, I was in the Air National Guard unit that was called up to active duty. Planes, pilots, and crews went over and did a magnificent job. I was in a support role as a military lawyer. I was called to active duty—along with doctors and other folks—to take care of families who were left behind by providing legal services.

When a family member is deployed in the Guard and Reserve, more likely than not the military pay will be smaller than the civilian pay. The Soldiers and Sailors Civil Leave Act allows a renegotiation of loans and a restructuring of debt so the military pay can cover family expenses. You are not successful all the time. I spent hours negotiating new loans, house payments, and car payments so the military pay would cover the family expenses. But one thing that we haven't addressed is health care.

As Senator DASCHLE indicated, there are many members without health care. But for those who have health care, once they are activated, the physician network that your family is used to is replaced by the military.

In the case of our unit—Swamp Fox Unit in the South Carolina Air National Guard that I served in from 1991 to the present—they have been deployed six times. That is not unusual. You have families bouncing from one health care network to the other.

We are trying to make sure that continuity of health care is available to Guard and Reserve families by allowing them, in addition to their membership in the Guard and Reserve, access to the TRICARE military health care system when they are in their civilian capacity as well as when they are activated. So when they are activated, there is no major upheaval in their lives when it comes to health care. They will have a safety net.

You can't be everything to everybody. But they are having to pay a premium that is fair to them, helps reduce the cost of the bill similar to what retirees pay.

It is important to me to put this on the table, and do it in a way so we can afford it. I think the premium helps offset the cost.

I am here to report that I have talked with the administration and the Pentagon which have concerns about implementing this program now because we haven't budgeted for it in this budget cycle. We are going to compromise on the Defense authorization bill and initiate a study of the best way to provide TRICARE coverage to Guard and Reserve members in terms of cost, affordability, and availability. We will have that study. Next year, Senator DASCHLE and all of the others who have worked with us have my solemn promise we are going to go after the money necessary to fund this program.

The proposal we are speaking about today has a statement in it that they are willing to help fund this if we can find the money. This sense-of-the-Senate resolution is important in the sense that we are letting our Guard and Reserve families know we haven't forgotten about them and that we are trying to do this in an affordable and efficient way by studying it for a year. But help is going to be on the way.

The recruiting and retention problems that we suffer in the Guard and Reserve we haven't yet begun to understand. You have some Guard and Reserve units that are indispensable to the war-fighting machine that we have created and which is so effective. Their employers have suffered greatly because they are gone from their work stations in the civilian community a lot. Employers have been paying the difference between the military pay and the civilian pay in many instances.

We are going to work in a bipartisan fashion to have a tax credit. The retirement age is 60. On active duty, you can retire after 20 years of service. As a Guard or Reserve member, I am 5 years away. I have to get 5 good years somehow so I can get my retirement. I am not worried about me. But we have a proposal that for every 2 years you stay on to help your country, we will allow you to retire early. That is not part of the package we are talking about in TRICARE but it will be part of a package to upgrade Guard and Reserve benefits. The total cost for all three—health care, reduced retirement, and tax credits—is in the $15 billion range over 5 years. That is a lot of money. But I agree with Senator DASCHLE, we can't afford not to do it.

I ask all of my colleagues to look at this closely and support this sense-of-the-Senate resolution so we can sit down with the administration next year in good faith—they have been very good about dealing with this issue in a responsible way this year—and come up with the money and get a commitment from the administration, the Pentagon, the House, and the Senate to fund this program.

If we improve the benefit package, not only are we doing what we should do to help our Guard and Reserve families, which they will appreciate, but we will have a better chance of retaining these great Americans because we are asking so much of them. It is time for us to deliver a better benefit package because they have really delivered for this country.

I appreciate working with Senator DASCHLE, and the administration has been very good to work with. This time next year I hope we can take the floor and tell the Reserve and Guard families of this country that they have a benefit package that shows how much we respect and care for them.

I yield the floor.

Mr. DASCHLE. Madam President, I thank the distinguished Senator from South Carolina for his great effort on this amendment and for his generous words. He speaks from experience—first, as a member of the Guard but then also as a member of the Armed Services Committee. I appreciate the work he has done in getting us to a point where we have a commitment from the administration that they will work with us. I hope we don't have to wait a year. But I recognize reality. I believe it is important to get a commitment regardless of how long it takes.

The message we want to send today with this sense-of-the-Senate resolution is that there is strong bipartisan support for the concept that we ought to be able to allow the Guard and Reserve to access TRICARE as soon as possible so that in the very situation the Senator from South Carolina has noted—this recognition that they may be called to active duty not once but several times as they go in and out of their role as active guardsmen—they have the time to transition with the coverage and the peace of mind required as they commit themselves once again to their country.

I hope we can get a strong bipartisan vote. I hope we recognize that, while this is not inexpensive, we estimate that one-tenth of 1 percent of the overall cost of the defense budget is a price worth paying for the commitment and the message that we send about our recognition of the important role the Guard and Reserve play today as they serve in Iraq and around the world.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I rise in strong support of the Daschle-Graham amendment. This amendment expresses the strong sense of Congress that members of the Guard and Reserve should be made eligible for the TRICARE health insurance program.

I am the co-chair of the Senate's National Guard Caucus, and I have watched closely as over 200,000 members of the Guard and the Reserves have been called to duty for the war in Iraq. Our reservists have distinguished themselves in every respect, underscoring that our Nation's defense rests—as it has been since our founding—on our citizen soldiers.

We have a responsibility to ensure that this force is as effective as possible. Yet a recent GAO report indicated that almost 20 percent of our reserves do not have access to adequate health insurance. This means that we are deploying men and women to fight when they are not as healthy as possible.

This resolution makes the strong statement in support of a cost-share program that ensures that reservists and their families have coverage. It puts the body's weight behind the strong report language in this bill and follows on the Senate's 85 to 10 vote during our consideration of the Defense authorization bill in favor of this innovative cost-share program.

The defense conferees are currently reviewing this provision, based on legislation I crafted along with Senators DEWINE, DASCHLE, and SMITH, and a strong vote today would send a signal that a final bill should include health insurance eligibility.

I urge all my colleagues to vote again to support this effort.

AMENDMENT NO. 1271

(Purpose: To require reports on U.S. Operations in Iraq)

Mrs. BOXER. Madam President, I have been working on an amendment that I trust would get support from both sides of the aisle, and I would like, at this time, to send this amendment to the desk and ask unanimous consent that the previous amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1271.

At the appropriate place, add the following:

SEC. . REPORTS ON IRAQ

Not less than once every 30 days, the Secretary of Defense shall submit a report to the congressional defense committees, the House International Relations Committee, and Senate Foreign Relations Committee that contains the following information:

(a) Total and monthly costs of U.S. operations in Iraq,

(b) Number of U.S. military personnel serving in Iraq and the immediate region.

(c) Total and monthly contributions made by foreign governments and international organizations in support of U.S. operations in Iraq.

(d) Number of foreign military personnel serving in support of U.S. operations in Iraq,

(e) Defense articles and services offered by foreign governments and international organizations in support of U.S. operations in Iraq,

(f) Total number of U.S. casualties as a result of U.S. operations in Iraq by date and cause,

(g) All contracts in excess of $10 million entered into by the U.S. government for the reconstruction of Iraq.

Mrs. BOXER. Thank you very much, Madam President. And I am glad the clerk was able to read this amendment because I think it is a very straightforward amendment, not one of those that is convoluted.

Essentially, my amendment is an assurance that the American people will receive the full and accurate costs relating to the operations in Iraq; will know more about the monthly costs therein; will know more about the contribution of our coalition of the willing and other nations that may come in, both in terms of their support of military personnel and their monetary support, and other support; and also will have detailed reports on the casualties.

This is a very important amendment because, quite frankly, as a member of the Foreign Relations Committee myself, we do not have the information we need. I am going to attempt to prove that as I go through my points.

Basically, the amendment would require that each month—every 30 days—the Secretary of Defense send a report to the congressional committees with specific information. You have heard that information read by the clerk, so I will not go into that until my summary.

Madam President, I ask unanimous consent that Senators LANDRIEU and MURRAY be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, last August, the Senate Foreign Relations Committee, on which I serve, began a series of hearings on U.S. policy toward Iraq, hearings that began under the leadership of Senator BIDEN, and have continued with our current chairman, Senator LUGAR.

From the very first hearing, my position on this issue was very clear. I felt if our policy toward Iraq was going to be successful, it should be done in conjunction with our allies and in coordination with international institutions, such as NATO and the United Nations.

Why did I feel that way? Because I felt that the burden of this situation should be shared by the world. Surely, the world has something at stake if there is stability in Iraq, and that burden ought to be shared.

The fact is, for many different reasons—and I am not going to rehash them—the burden has not been shared. And this situation is very different than the first Persian Gulf war, where George Herbert Walker Bush built a very broad international coalition to share the burdens of war.

All we have to do is look at the cost. That is one example. The estimated cost of the first gulf war was $61 billion total. The operation was financed by more than $53 billion pledged by countries around the world, and some of that came in the form of in-kind services that also counted toward the estimate. So our allies picked up roughly 85 percent of the cost of the first gulf war. Our allies also provided a quarter of the military force on the ground.

How different is this current situation? We have 146,000 troops in Iraq, and they are dying every day. I have come to the floor to eulogize those who have died who had any connection to California. Let me say, since President Bush declared an end to major hostilities on May 1, 15 of those who were either from California or based in California have been killed. In the total of all those killed, 56 have been from California or based in California. This war is touching the people of my State very deeply.

So here are 146,000 troops from our country in Iraq, and the British, our top ally, have 12,000 troops. They certainly have been our deepest friends in this particular situation. They have 12,000 troops. We have 146,000. Poland and Australia have a small number of troops. All these troops are greatly appreciated. But you cannot come close to the type of international coalition that we had in the first Persian Gulf war or, more important, what we need to have today so that the burden does not fall so hard on our families.

Last night, I heard a report on CNN about a little child that would just break your heart. He was there with his mom. You never can script a child. This little boy said: I was supposed to have my daddy home, and this is the second time, but the President changed his mind again.

Clearly, the President doesn't want to see little kids crying for their parents. No one does. But what it means is we need to internationalize the troops in the field so we do not have to carry this burden. We also need rules and regulations so we keep to our word about the length of the terms served over there, and that is an issue that will come back again. We had a vote on that yesterday.

For a moment I rise to talk about the money. In a hearing on July 9 before the Armed Services Committee, Secretary of Defense, Donald Rumsfeld, was unable to recall the monthly cost of U.S. operations in Iraq. The committee actually had to go into a recess so the Secretary could get the information.

This is unacceptable. I have the transcript from that hearing. I am going to read from it.

Senator BYRD:

Mr. Secretary, what is the current monthly spend rate to support our ongoing military operations in Iraq?

Mr. Rumsfeld:

I'll have to get you that for the record.

It's a combination of appropriating funds, as you know, sir, know better than any, plus the expenditures of funds taking place from Iraqi frozen assets, from Iraqi siezed assets and from U.N.-Iraqi assets under the oil-for-food program. And I can certainly have Dr. Zakheim come up and provide a very precise answer as to what's currently being spent.

Senator BYRD:

Do you recall a figure? Can you give us an estimate? I've heard the figure of $1.5 billion a month.

Secretary Rumsfeld:

I would not want to venture a guess and be wrong, sir.

Senator BYRD:

Well, somebody ought to know.

Secretary Rumsfeld:

> Well, they do know. We'll be happy to brief you on that.
>
> Well, I'd like to know now.
>
> Well, we'd have to adjourn . . .
>
> Well, OK.

Madam President, how do you come before the Armed Services Committee without an estimate of the cost? I don't quite understand it.

Secretary Rumsfeld says these expenditures are in a variety of categories, et cetera.

This is what Senator BYRD said:

> I understand that, Mr. Chairman, but I've been around here going on 51 years and I'm on the Appropriations Committee, and we want to fund our military and meet the need. But there must be some figure, some amount that we can cite as an amount that we're spending monthly in Afghanistan and the same with respect to Iraq.

Secretary Rumsfeld:

> I'm sure there is, and we'll get it for you.

Senator BYRD:

> Very well. That'll be another figure we hope to have when we return, Mr. Chairman, I would hope.

And Secretary Rumsfeld says:

> In that case not likely. That fast?

Senator BYRD:

> Well, you like to have figures fast when it comes to appropriating money.

Secretary Rumsfeld:

> That's for sure.

Senator BYRD:

> I would [like to] know, on behalf of the Appropriations Committee and the Congress, how much we're spending.

Secretary Rumsfeld:

> We'll try and get it for you.

Then Senator BYRD says:

> Well, anyhow, so much for that . . .

I ask unanimous consent to print these conversations in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> BYRD: Mr. Secretary, what is the current monthly spend rate to support our ongoing military operations in Iraq?
>
> RUMSFELD: I'll have to get you that for the record.
>
> It's a combination of appropriated funds, as you, sir, know better than any, plus the expenditures of funds that are taking place from Iraqi frozen assets, from Iraqi seized assets and from U.N.-Iraqi assets under the oil-for-food program. And I can certainly have Dr. Zakheim come up and provide a very precise answer as to what's currently being spent.
>
> BYRD: Do you recall a figure? Can you give us an estimate? I've heard the figure of $1.5 billion a month.
>
> RUMSFELD: I would not want to venture a guess and be wrong, sir.
>
> BYRD: Well, somebody ought to know.
>
> RUMSFELD: Well, they do know. We'll be happy to brief you on it.
>
> BYRD: Well, I'd like to know now.
>
> RUMSFELD: Well, we'd have to adjourn and I'd have to get on the phone with Dov Zakheim.
>
> BYRD: Well, OK.
>
> We'll be back, won't we, Mr. Chairman?
>
> WARNER: Yes, we will, Senator.
>
> BYRD: And along with that, how much are we spending a month to support U.S. military forces in Iraq?
>
> RUMSFELD: The expenditures for Iraq are in a variety of categories. You might include the salaries of the people that are serving there; those salaries would be paid whether they're serving there or they're back in Germany or back in the United States.
>
> It might include funds, as I indicated, that are coming from other sources. It might include funds for reconstitution that are currently being spent, but we're spending on rebuilding stocks of bombs, for example, and weapons that were used during the conflict.
>
> So it is not a question that can be posed and then answered with a single number. I wish I were able to do that, but it falls into a variety of different baskets under our appropriated funds.
>
> BYRD: I understand that, Mr. Chairman. But I've been around here going on 51 years and I'm on the Appropriations Committee, and we want to fund our military certainly and meet the need. But there must be some figure, some amount that we can cite as an amount that we're spending monthly in Afghanistan and the same with respect to Iraq.
>
> RUMSFELD: I'm sure there is, and we'll get it for you.
>
> BYRD: Very well. That'll be another figure, we hope to have that when we return, Mr. Chairman, I would hope.
>
> RUMSFELD: In that case not likely. That fast?
>
> BYRD: Well, you like to have figures fast when it comes to appropriating money.
>
> RUMSFELD: That's for sure.
>
> BYRD: I would know, on behalf of the Appropriations Committee on the Congress, how much we're spending.
>
> RUMSFELD: We'll try and get it for you.
>
> BYRD: I hear and I read that it's something like $3 billion to $3.5 billion a month to support U.S. military forces in Iraq. And where are these figures coming from that we read about, and that we in the Appropriations Committee are told from time to time?
>
> Well, anyhow, so much for that . . .

Mrs. BOXER. If anything that happens in the Senate means anything at all, if we are not just spinning our wheels when we have committee hearings, we ought to learn what to do when things are not going right. I suggest things are not going right when a man as intelligent as Secretary Rumsfeld cannot answer a simple question like what it is costing us every single month.

We have found out from the Department of Defense Comptroller that the cost of U.S. operations in Iraq has cost $48 billion thus far. The cost per month is $4 billion, not what Senator BYRD thought, 1.3 or 1.4; it is $4 billion. And given that we are going to be in Iraq for years, not months, according to everyone, how does the administration propose we pay for this, given the tax cuts they have created, deficits as far as the eye can see, and the international community has pledged only $1.7 billion so far, and it is costing us $4 billion a month?

Sometimes it is hard for my constituents to understand these dollars. What I have done today in a handmade chart—forgive me, it is not the most beautiful-looking chart, but I think it says it all—is ask, how do we know exactly what $45 billion a year is that we are now currently spending on Iraq? I thought I would take a look at selected issues that we care about in the Senate in a bipartisan way and tell the people of this country, as well as remind my colleagues, what we are spending on these things compared to $45 billion a year in Iraq.

We spend on the Drug Enforcement Agency—that is the agency that does everything to get the bad guys who are trying to push drugs on our children and interdicting drugs at the border—in a year, $1.6 billion. We are spending $45 billion in Iraq, and we still have people waiting in line to get treatment on demand for their drug habit. We can't take them. We don't have enough money. But we are spending $45 billion in Iraq.

On higher education, across party lines, we have worked so hard to make sure we have enough money for education. Let's look at higher education—the kinds of grants and loans we give out to deserving middle-class families so that their kids can get a college education. We spend $23.4 billion on higher education in a year. We are spending $45 billion a year in Iraq.

Afterschool programs: I have a special feeling for those because I wrote the law. Senator ENSIGN, on the other side of the aisle, and I teamed up on that one. We are spending $1 billion a year on afterschool programs, and we have thousands and thousands and thousands of children on waiting lists whom we cannot accommodate because we don't have the money. But we are spending $45 billion a year in Iraq, and that is before the major reconstruction starts.

We are all talking about Head Start. The President has a plan to give it back to the States. I oppose that fiercely. This is a program that works for poor families. Be that as it may, whether it is a block grant or a Federal program, we are spending $6.7 billion a year on Head Start. Millions of children are waiting to get in. We are spending $45 billion a year on Iraq.

Highways: There isn't one Senator in this body who would say their State doesn't need highway funding. We are spending $31.8 billion a year on highways. By the way, that comes from the gas tax our citizens pay. That is less than we are spending for a year in Iraq.

NIH, the National Institutes of Health: Again, there is no one I have ever met whose family or friends have not been touched by cancer, Parkinson's, Alzheimer's, or heart disease. The bottom line is that we are spending $27.1 billion a year to find cures for these diseases. And we are spending $45 billion a year in Iraq.

Veterans' health: These are people who have served this Nation proudly. We have made a commitment to take care of them. We are going to have a whole lot more veterans coming back from this war. We want to meet our commitments. How much do we spend a year on veterans' health? We spend $23.9 billion on all of the veterans' health. We are spending $45 billion a year in Iraq.

The Transportation Security Agency: I sit on the Commerce Committee, we know what we have to do to make sure our public is protected from these terrorists who are still in our country. There are declassified reports that say there are tens of thousands in our country. Will they strike again? We are doing everything to make sure the President has the resources he needs. But, bottom line, what are we spending on the TSA to protect the flying public? It is $5.2 billion.

There is a lot more we have to do, such as retrofit airplanes so if there is a shoulder-fired missile a terrorist gets hold of and shoots that at a plane, there will be a missile defense system through the technology that is on our military planes. We want them on civilian aircraft. This is a bipartisan issue. We don't have enough money for that. But we are spending $45 billion a year in Iraq.

Coast Guard: Again, they are out there protecting us from drugs that are being smuggled, from human cargo that is being smuggled, and looking out for terrorists. That costs $6.1 billion a year.

The EPA enforces our laws for clean air, clean water, safe drinking water, and Superfund sites. They are terribly underfunded. The Superfund sites that were to be cleaned up under this administration were cut in half. We don't have the money. As a matter of fact, the "polluters pay" is falling on taxpayers, and yet $8.1 billion is all we are spending, compared to $45 billion in Iraq.

My last example is the Superfund Program. If anybody has a Superfund site in their State, they know these are highly polluted sites that need to be cleaned up so that there can be economic development on those sites and so that our children and all of our people can be protected from these poisons. That is $1.3 billion, and we are spending $45 billion a year in Iraq.

Why did I go through this? Because sometimes people's eyes glaze over when they hear numbers. Mine tend to do that. We have to put this into perspective. We are spending $4 billion a month. Secretary Rumsfeld eventually came up with those numbers later. So we know that is a fact. That is what we are spending. That is $45 billion a year, and we don't come close to spending that on the priorities of the American people. We don't even come close.

So why is my amendment important? Because it is going to tell the American people how their taxpayer dollars are being spent in Iraq and how much of a contribution our allies, our friends, are making. It is also going to tell us the details of when people get wounded or killed—how did it happen and why did it happen? We need that information. We need it on behalf of the American people. That is for sure.

In closing, again, this is a very straightforward amendment. It is written in plain English. It is very clear.

I will close my statement by reading the amendment one more time. I cannot imagine why my friends on the other side would object to this. I hope they don't object. The fact is, the American people deserve to know what is happening to their tax dollars. They don't have to have a situation where someone comes up and Senator BYRD asks a question—regardless of who it is on either side of the aisle—and says, gee, I don't know. That is not acceptable.

Here is how the amendment reads:

> Not less than once every 30 days, the Secretary of Defense shall submit a report to the Congressional Defense Committee, the House International Relations Committee, and the Senate Foreign Relations Committee that contains the following information:
>
> (a) Total and monthly costs of U.S. operations in Iraq;
>
> (b) Number of U.S. military personnel serving in Iraq and the immediate region;
>
> (c) Total and monthly contributions made by foreign governments and international organizations in support of U.S. operations in Iraq;
>
> (d) Number of foreign military personnel serving in support of U.S. operations in Iraq;
>
> (e) Defense articles and services offered by foreign governments and international organizations in support of U.S. operations in Iraq;
>
> (f) Total number of U.S. casualties as a result of U.S. operations in Iraq by date and cause;
>
> (g) All contracts in excess of $10 million entered into by the U.S. Government for the reconstruction of Iraq.

On this last one, as someone who has fought hard to end that sole source contract to Halliburton, I am very worried that this could repeat itself. That sole source contract was worth many billions—at least $7 billion or $8 billion. It didn't go out for bid. It was going to go forward and we stopped it. I thank Senator WARNER for teaming up with me to stop it.

On August 14, we are supposed to get the follow-on contract. I hope that will happen. I am counting on it. Let us not be sanguine about this whole military procurement situation. I served on the Armed Services Committee for many years on the House side. You turn your back one minute and there is another contract; it didn't go out for a bid, it is costing a fortune, and you wind up with $7.000 coffee pots on airplanes. I have been there and I have seen that. So all contracts in excess of $10 million entered into by the U.S. Government for the reconstruction of Iraq—we will know about that, I say to colleagues.

So I think if the Senate has some regard for its own power, its own role in this entire matter, then the Senate will go on record and support this very simple amendment, just asking for information on a monthly basis so we can stay ahead of the curve.

With that, Madam President, I finish my statement. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, this amendment is redundant and unnecessary. It, in effect, requires a report to committees of Congress every 30 days by the administration on operations in Iraq.

The supplemental that the Congress passed in April just before the Easter recess providing fiscal year 2003 funds for the Iraqi operations required that many reports be submitted to committees of Congress. As a matter of fact, within 5 days of the transfer of funds from the Iraqi Freedom account, a report is sent to the Appropriations and Defense Committees of the House and Senate advising the Congress of how these funds are going to be spent.

No such reporting has been required of recent operations elsewhere in the world. For example, during the Clinton administration, no such reports were required for operations in Somalia or Bosnia or Haiti. Nor were they required during the operations in Afghanistan or Kosovo.

This report duplicates information the Department of Defense is already routinely providing through congressional hearings and briefings for Members of Congress and press organizations, news organizations that have access to the regular briefings at the Department of Defense.

The reports on the cost of Iraq and the number of personnel serving in the region are widely available. We all know that representatives of news organizations are all over Iraq gathering information, making reports every day on television through their news organizations back to the United States and around the world. There are no secrets.

There were members of the press involved and personally present during all of the military operations and, to a great extent, Ambassador Bremer and General Abizaid still make information available to those representatives of news organizations who are seeking information about what is going on in Iraq. We all have access that is unparalleled and truly unlimited.

The Senator complains that this should be required as a matter of statute, that we ought to have an enactment of law that makes the administration provide these reports. But if we look at the supplemental the Congress adopted just before the Easter recess, that has already been done. This is redundant. It is unnecessary.

The Senator read from her amendment to tell us exactly what is in it. We have already provided for reports, and I am going to read it so everybody will know what we have already ordered the administration to do by law:

> Not later than 45 days after date of enactment of this Act, the President shall submit to the Committees on Appropriations a report on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:
>
> (1) The distribution of duties and responsibilities regarding such activities among agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense (to be provided within 30 days within enactment of this Act)
>
> (2) A detailed plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq.
>
> (3) A strategy for coordinating such activities among the United States Government, foreign governments and international organizations, including the United Nations.
>
> (4) An initial estimate of the costs expected to be associated with such activities.
>
> (5) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States, foreign governments, and international organizations, including the United Nations, and an estimate of the revenue expected to be generated by Iraqi oil production that could be used to pay such costs.
>
> (b) SUBSEQUENT REPORTS.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2004, the President shall submit to the Committees on Appropriations a report that contains:
>
> (1) A list of significant United States Government-funded activities related to reconstruction in Iraq that, during the 90-day period ending 15 days prior to the date the report is submitted to the Committees on Appropriations—
>
> (A) were initiated; or
>
> (B) were completed.
>
> (2) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the 90-day period beginning on the date the report is submitted to the Committees on Appropriations, including:
>
> (A) Cost estimates for carrying out the proposed activities.
>
> (B) The source of the funds that will be used to pay such costs.
>
> (C) Updated strategies, if changes are proposed regarding matters included in the reports required under subsection (a).
>
> (4) An updated list of the financial pledges and contributions made by foreign governments or international organizations to fund activities related to humanitarian, governance, and reconstruction assistance in Iraq.

Madam President, we would be hard pressed to require anything further that the Congress ought to know about the expenditure of funds in carrying out the operations of the activities described in this supplemental appropriations bill.

This bill we are considering enacting now in the Senate applies to appropriations that will be available beginning in the next fiscal year, fiscal year 2004. Reports are required by law now. They will continue to be required and be available to Members of Congress on whatever committee one serves—the Foreign Relations Committee, the Defense Committees, the Appropriations Committees, and any others.

We can read every day about the witnesses who are called before the Congress and questions are asked about what is going on in Iraq. We are entitled to that information. So it is not that I rise to oppose this amendment because we are not entitled to the information the Senator suggests we ought to have, but that we already have it and it is already required to be given to the Congress routinely, and it is made available under provisions of law that have already been enacted. Therefore, if you hired all the accountants and bookkeepers who would be required to fill in all the forms and submit all the documents that Senator BOXER requires, I suggest we should consider renaming her amendment. It should be the Bookkeepers and Accountants Civil Relief Act of 2003. That is my suggestion.

I hope the Senate will table the amendment, and it will be the intention of this Senator, when everybody has had an opportunity to talk about the amendment who wants to talk about the amendment, to move to table the amendment of the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, it is a sad day when one Senator will rename an amendment of another Senator who simply wants to know what it is costing my taxpayers every single day.

If the Senator is right and this has already been done, he did not complain about it then. He did not stand up and say: We want this report, but, gee, we should not have it because it is too much work.

The bottom line is, I have seen the report to which the Senator refers. It is nine pages, and it is estimates. It is not costs incurred. I have asked as recently as today to find out the contribution of other countries, and I have asked it of people in very high-up positions, and they do not have the answer.

Senator COCHRAN talks about the news: The news knows this; just turn on CNN, they know it. That is not what I was sent here to do, watch CNN. I do not want to give up my power of the purse to CNN or to Fox News or to MSNBC. He talked a long time about the press. If I wanted to be a reporter, I would have stayed a reporter. I was a reporter for a while. But people sent me here to get the facts and figures.

If the Senator believes it is a waste of time and it is a matter of bookkeeping to find out the total monthly cost of United States operations in Iraq so I can stand up at a townhall meeting and tell the people what it costs—if he thinks that is a waste of time, then I am confused. Why are we here? Why are we bothering?

Why are we bothering? If he thinks it is a waste of time to find out how many U.S. personnel are serving in the region, then I am very confused. There was a Presidential candidate who was asked that question, and he said between 100,000 and 200,000. He was right, but he was chastised. Why did he not know it was 146,000?

So perhaps the Senator believes it is not important to know in any given month how many people are serving in Iraq. I think it is, because, guess what, they are my constituents. I have lost 50 of them. So I would like to know who is over there.

I also would like to know, when one of our Americans dies, the circumstances surrounding that. I want to know what the coalition of the willing is actually doing, not what the Senator talks about, estimates.

See, he is talking about a report that talks about estimates. I am talking about what actually has occurred, and what costs have been incurred. The Senator never mentioned the fact that I am going after these contracts. Maybe that is because he does not want to go after them. The fact is we see a contract let to Halliburton, a sole-source noncompetitive bid. What does it cost? It could have cost $9 billion except some of us found out about it, and happily Senator WARNER agreed with me and we came together, and this is supposed to be ended. But it could happen tomorrow.

So I would call the Senator's position, since he has now characterized my position, the stonewall position. I could throw around charged words, too. I could call his words the cover-up-the-true-costs position. That was not my intent. I do not stand here, after a Senator is sincere, to try and demean what they do. I do not think that is right. But since it was done to me, I say people who do not support this are not interested in knowing the truth, are not interested in getting the facts, are trying to hide something from the American people.

Now maybe the Senator feels $45 billion a year is a little bit of money. I do not know where he comes from. Maybe that is a little bit of money. Where I come from, that is a lot. We spend $1.6 billion in all on drug enforcement in this country. We are spending $45 billion, roughly, but the Senator feels we do not have to have some report that basically tells us how it is being spent. He calls it redundant when it is not at all redundant, because it is not about estimates, which is the report he is talking about, but it is about actual costs incurred.

One thing I thought we could come together on in this Senate is the people's right to know how their money is being spent, and the people's right to know, if troops are lost, what are the conditions, why did it happen, and the people's right to know who is sharing the burden of these costs.

I have spoken to families who have heard from their loved ones that our people over there are more scared now than they were during the hot war, where they performed so brilliantly. I am hearing the words "sitting ducks" used now. It is not a happy situation. We have to work to bring down the burden on our troops, and the financial burden on our people, and we could do that with leadership. At least the Senate ought to know the true costs, not the estimated costs. What I am talking about is accountability, and anyone can stand up and say it is redundant, but the fact is it is far from redundant because I saw the report my friend talks about and it has nothing to do with this. It is about estimates and projections. This is about reality.

So I hope that notwithstanding the opposition I have heard today, which I think frankly is couched in a way which was not fair, that my colleagues will vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I move to table the Boxer amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Madam President, I ask consent that at 3:15 today, the Senate proceed to a vote in relation to the Boxer amendment No. 1271, to be immediately followed by a vote in relation to the Daschle amendment No. 1269, with no second-degree amendments in order to either amendment prior to the votes; provided further that there be 2 minutes for debate equally divided in the usual form between the votes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the motion to table amendment No. 1271. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU), is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—5

Graham (FL)
Kerry
Lieberman
Miller
Sununu

The motion was agreed to.

Mr. ENSIGN. Madam President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1269

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to the vote on the Daschle amendment.

Who yields time?

Mr. REID. Madam President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that the agreement to have 1 minute on each side be waived, that we start the vote immediately.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—2

Kyl
Nickles

NOT VOTING—5

Graham (FL)
Kerry
Lieberman
Miller
Sununu

The amendment (No. 1269) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask the Chair to indicate to the Senate how long that vote took.

The PRESIDING OFFICER. It took 23 minutes.

Mr. STEVENS. Mr. President, I have to take credit on this one, I say to my friend. I asked that it not be completed until I completed a conference that I had conducted.

Mr. REID. I only say to my friend, the distinguished Senator from Alaska, this is not a complaint to the Senator from Alaska. This complaint is to the fact that these votes take so long and are so unnecessary. We waste so much time. We have a significant number of people on this side who want to offer amendments. There are some on the other side. We waste hours waiting for stragglers to come in on votes. If people are not here, let them not vote. We are wasting time. I hope we can speed up the votes.

Mr. President, unless the Senator from Alaska has some other matter that he wants to tend to, I ask unanimous consent that Senator KENNEDY be allowed to offer the next amendment. Senator KENNEDY has agreed—and the other side has seen the amendment—to 30 minutes on his side. We would agree to an hour evenly divided on this matter.

The PRESIDING OFFICER. Is the Senator making that unanimous consent request?

Mr. REID. Yes.

Mr. STEVENS. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1273

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1273.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the United States strategy for reconstruction in Iraq)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

(5) A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a UN Security Council resolution.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. KENNEDY. Yes.

Mr. REID. Mr. President, I modify the request made a few minutes ago to indicate that there would be no second-degree amendments prior to the vote on or in relation to the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I have had the opportunity to share this amendment with the manager of the bill. I believe the floor manager is familiar with it.

The amendment is now at the desk. I welcome the opportunity to address the Senate on the substance of the amendment. I supported the Boxer amendment that we just voted on, which failed to carry. She was seeking important information on the Iraqi operation. I believe the American people deserve this information. But they also deserve a plan.

My amendment requires the administration to report information on that plan. This amendment asks the President to submit a report to the Congress within 30 days of enactment on the efforts to internationalize our operations in Iraq. The report would provide a timetable for the President to seek NATO participation as an institution in the ongoing operations in Iraq. It would provide a timetable for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational security force, including substantial participation by the Armed Forces of NATO member countries, to guarantee the stability and reconstruction of a democratic Iraq.

The report would include an estimate of the number of American Armed Forces personnel needed in Iraq to guarantee the stability and reconstruction of Iraq, and an estimate of the number of personnel from foreign countries that the administration believes are necessary to accomplish that goal.

Finally, if the administration chooses not to go to NATO or the U.N., the report would require an explanation of the rationale.

Last week, by a vote of 97 to 0, the Senate approved a resolution encouraging the President to consider requesting the involvement of NATO and the U.N. in Iraq. This amendment builds on that action by seeking a plan and timetable for doing just that.

The administration has had plenty of time to consider this. For the sake of the soldiers in Baghdad, it is time to act. Supporters and opponents of the war alike are enormously proud of the way our troops performed in Operation Iraqi Freedom. The speed and success of their mission in toppling Saddam Hussein demonstrated the extraordinary ability of our Nation's Armed Forces. It is no accident that so few of our forces paid the ultimate price during the 3 tumultuous weeks this took.

It was a foregone conclusion that we would win the war, but the all-important challenge now is to win the peace. In fact, we are at serious risk of losing it. Each day now, as the guerrilla war goes on, our troops and their families are paying the price. Our clear national interest in the emergence of a peaceful, stable, and democratic Iraq is being undermined.

Since May 1, when President Bush announced on the aircraft carrier that major combat operations in Iraq had ended, 82 more American troops have died. For the men and women of our Armed Forces who are dodging bullets in the streets and alleys of Baghdad, and other parts of Iraq, the battle is far from over. President Bush says to the attackers, "bring 'em on," but how do you console a family by telling them their son or daughter is a casualty of the postwar period?

The debate may go on many months, or even years, about our intelligence failures before the war began. The failures of intelligence were bad enough, but the real failure of intelligence was our failure to understand Iraq. There is no question that long before the war began, the serious issue was raised about the danger of winning the war and losing the peace. In fact, it was one of the principal arguments against going to war.

Based on our past experience in Bosnia, Kosovo, East Timor, and Afghanistan, we knew the postwar rebuilding of Iraq would be difficult. These are not new issues. Rather than learning from the past experience in these previous conflicts, the administration rushed ahead, and the result has been chaos for the Iraqi people and continuing mortal danger to our troops—all because we insisted on doing it unilaterally, without the support of the two international organizations that could have made all the difference in winning the peace.

Sadly, we quickly went from liberators to occupiers in a few short weeks. Cynicism and anger against America are rife. Many Iraqis believe we are unwilling, not just unable, to restore basic services. They are losing faith and trust in our promise of a reconstructed, stable, peaceful future, and they fear that Saddam may still be alive. Under fire from guerillas who are determined to see America fail, our soldiers are now performing police functions for which they have had little training. We are straining their endurance, and they want to know how long they will have to stay in Iraq.

Even President Bush is now saying rebuilding Iraq will be a massive and long-term undertaking.

What we need most now is to share at least some of the burden with the international community. Our troops are now sent overseas for longer tours of duty than ever. Because we rely on their skill and the skill to meet commitments on a global scale, more than 150,000 troops are in Iraq, and many have been deployed in the region for close to a year. Half of our Army divisions are in Iraq or Afghanistan. Of the 33 Army combat brigades, 18 are in Iraq. The strain is also great for citizens serving in the Guard and Reserves because we depend upon them with greater frequency, ever since we reduced our forces after the Cold War.

It is difficult to continue to put patriotic reservists through the deployment grinder year after year and expect them to hold up indefinitely. It is also difficult to sustain the cost of such missions. We are now spending $3.9 billion a month in Iraq, and with the ongoing costs of the war on terrorism, our operations in Afghanistan, and our potential new responsibility around the globe in places such as west Africa, let alone Iran and North Korea, we are creating an unsustainable financial burden at a time of exploding budget deficits, soaring demands for homeland security, and mounting needs for health care, education, and other domestic priorities.

As a nation with honor, responsibility, and the vision of a better world, America cannot invade and then cut and run from Iraq, but we also cannot afford the continuing costs in dollars or in blood of continuing to go it alone. If our national security is at stake, we will spare no cost.

The alternative is so obvious. Working with the international community, we can develop and implement an effective strategy to reduce the burden and risk to our soldiers, stabilize Iraq, and deliver on the promise of a better future for its people.

Whatever our divisions before the war, the challenge is very different now. There is every chance we can secure broad international support and participation in the stabilization and reconstruction of Iraq. All we may have to do is ask because so much is clearly at stake for the rest of the world.

At issue is the stability and the future of the entire highly volatile Middle East. No one would be immune from the dangers that a resentful and disorganized Iraq presents for its nation and neighbors everywhere. If we diversify the faces of the security force, it is far less likely that Iraqis will see us as the enemy, oppressor, and occupier. We want the 25 million citizens of Iraq to see the armed strangers in their country as friends and partners in their pursuit of freedom. We want the new governing council appointed last Sunday to succeed.

We need to bring regional forces into Iraq, especially Muslims. Countries such as Jordan, Pakistan, and Egypt could transform this mission with both their diversity and their expertise. The United Arab Emirates have contributed to the effort in Kosovo. Morocco, Albania, and Turkey have worked with us in Bosnia. Many nations have well-trained police. Reaching out to other countries and bringing them into the postwar process is the surest path to a stable Iraq.

But most other nations are unlikely to send troops to serve what is perceived as an American occupation. India turned us down earlier this week. Other nations will be far more likely to do their part if the international mission is approved by the United Nations or organized by NATO. Instead of asking our Armed Forces to carry out a mission they are not trained for, and to do it alone, we need to rely on the expertise and the resources of the international community. The United Nations has assumed that responsibility in other countries in the past, and it is one of the major reasons the U.N. was created. Necessity is the mother of invention.

In the case of Iraq, President Bush obviously had to modify his strong opposition to nation building. The challenge now is to move beyond unilateral nation building. The new Iraqi council announced on Sunday is a step in the right direction, but it will be much more effective if the United Nations has a major presence in overseeing it.

Those who join a United States-dominated, government-run council run the high risk of being dismissed by the Iraqis as American puppets. As long as America alone is calling the tune, Iraqi moderates may remain in the background or even oppose us.

Our interests in the emergence of a true democracy in Iraq are best fulfilled by involving the world community, and especially other Arab nations, as part of helping the Iraqis themselves shape a new Iraq. Only then would a new Iraq government be viewed as legitimate by the Iraqi people. The U.N. has a modest role now through its mandate for humanitarian issues, but it has only an advisory role in the civil administration of Iraq. That has to change. The U.N. should have a formal role in overseeing the establishment of a political process. The U.N., rather than the United States, should preside over the evolution of a new Iraqi government. Doing so will win international legitimacy and indispensable international support for this challenge, minimizing the danger that Iraqis will keep regarding their new government as a puppet of ours.

With Arab-speaking spokesmen, the U.N. could also convey a different image and a different message to the people of that country, a sense of reassurance that an overwhelming American occupation never can.

NATO, as an institution, should clearly be in Iraq as well. Military experts believe it will take at least 200,000 troops to stabilize Iraq. Our goal should be to include NATO and some of its 2 million-member pool of armed forces in military operations as soon as possible. America will provide a majority of troops, but over time the overall number of forces would decrease.

As in Kosovo and Bosnia, we should ask the United Nations Security Council to authorize NATO to organize an international security force to demilitarize and stabilize Iraq. To do so does not mean the United States should or must relinquish all military control. On the contrary, we would have a significant role in the NATO force and could continue to have a defining role in Iraq.

An American commander was in charge of American troops in Bosnia, and the head of NATO forces in Europe is and always has been an American.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seventeen minutes.

Mr. KENNEDY. Secretary Rumsfeld told the Armed Services Committee last week that except for the area around Baghdad, most of Iraq is already secure. If that is so, then why not reduce the burden on our military and allow this large area of Iraq, which needs police officers as well as combat troops, to be turned over as soon as possible to the United Nations-approved and NATO-led force? Why not allow American and coalition forces to secure the area around Baghdad and allow other nations to provide security for the rest of Iraq?

We all know that as long as Iraq continues to dominate our attention, we cannot give other aspects of the war against terrorism the clear focus they deserve. It is not just what happens in Iraq itself, as important as that issue is, but the continuing urgency of the ongoing fight against terrorism that should persuade us to seek allies in an international plan for a peaceful Iraq. Otherwise, we run the grave risk of exposing our Nation to more terrorist attacks.

We won the war in Iraq, as we knew we would, but if our present policy continues, we may lose the peace. We must rise to the challenge of international cooperation. Saddam may no longer be in power, but the people of Iraq will not truly be liberated until they live in a secure country. The war will not be over until the fighting stops on the ground, democracy takes hold, and the people of Iraq are able to govern themselves.

My amendment asks the administration to make a major, genuine effort to enlist the official support of NATO and the United Nations for our forces in Iraq. I urge the Senate to affirm it.

Mr. President, I will take a few moments to review the amendment. It is two pages. It says:

> Not later than 30 days after the date of enactment of this Act, the President shall submit to Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:
>
> (1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.
>
> (2) A schedule for the President to seek and obtain approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.
>
> (3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.
>
> (4) An Estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.
>
> (5) A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution.

Basically, what this amendment is saying is, let us hear from the President on what the plan is for postwar Iraq.

Let the Senate hear from the President his response to what was the 97 to 0 vote in the Senate Chamber last week that asked him to consider going to the United Nations, going to NATO, and reporting back to the Congress so the American people will have knowledge and understanding of exactly what the plans for the future of Iraq would be.

I hope as we were able to gather a virtually unanimous vote in the Senate last week on the previous resolution, we could gather support in the Senate on this resolution.

I reserve the remainder of my time.

Mr. STEVENS: Did the Senator modify his amendment?

The PRESIDING OFFICER. The amendment has not been modified.

Mr. KENNEDY. The amendment I sent to the desk did not need a modification. I provided for the Senator paragraph 5.

Mr. STEVENS. Mr. President, is that the subparagraph 5?

Mr. KENNEDY. Yes. That was the modification. Rather than sending the modification to the desk, I sent a completely new amendment and I believe my staff shared it with the Senator. The only difference was these four lines:

> A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution.

So the purpose of the last paragraph is that if the President decides he is not going to follow this, that he will send back to the Congress and to the Senate a report stating to the American people the reasons and the justification for not doing so.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I consider the Senator from Massachusetts a great personal friend and I hope he takes no umbrage at what I am going to say. I have been here now 35 years. I certainly was not here during Senator KENNEDY's brother's administration, but I was alert and part of the national constituency at the time and admired very much what President Kennedy did in terms of handling foreign policy, and particularly the Cuban crisis.

I read this and I see an amendment that tells the President to report to Congress on what he intends to do in the future in terms of negotiations, to give us a schedule of the strategy he and Ambassador Bremer will follow almost on a daily basis. I wonder what would have happened to President Kennedy in the Cuban crisis had that been the demand of Congress, to tell us in advance what they were going to do about the possibility that those missiles from Russia might come to Cuba. I really cannot believe the Senate has gone so far that they want to handle the President's daily schedule and have it in advance.

The President of the United States is the President of the United States. I really cannot believe anyone would vote for this amendment, and I hope the Senator will reconsider his language.

This last section says the President should give a statement and justification for his actions in seeking or in failing to seek an agreement for NATO to participate, or a U.N. Security Council resolution. That is required by the Senator's amendment. First, it tells him to seek it and then it tells him to follow up on almost a daily basis through this continuum now of handling the Iraq crisis. This is worse than the amendment we considered before, which would ask the President to predict how many mortars, how many missiles, how many whatever are going to be needed in the future, what is the plan for the future contingencies that might occur in Iraq. This is saying the President should give us a schedule that the President is going to use to seek to obtain approval of a resolution for the United Nations Security Council, including participation by armed forces of NATO and member countries.

As a matter of fact, we have already delegated that authority to SACEUR and to the ambassador to NATO. They have a daily proposition. I do not imagine they themselves even give the President a daily schedule of what they are going to do in the future with regard to NATO. Certainly to ask Mr. Bremer and the President's representatives to tell us what is their schedule now and in the future in dealing with other countries, when are they going to ask for U.N. participation, NATO participation, how are they going to do it, and will they please tell us, if they do not do it, why they did not do it, and if they failed, why they failed—my God, Senator, I really believe we should seriously consider what we are doing. This expects the President to seek and obtain. No, it does not expect. It directs him: The President shall seek and shall obtain.

The Presidency is a separate, independent portion of this great democracy. We have some checks and balances on it, that is true, and they are pretty strong, but we do not have the power to tell the Commander in Chief what to do. We do not have the power over foreign affairs. He does. If he wants to make an agreement, he has to submit a treaty, and he has to submit it to us for our advice and consent, but he still has the power to make them. We cannot tell him what to do. This tells him what to do. It not only tells him what to do, it tells him to succeed and, if he fails, to tell us why he failed.

Now, I do not know, maybe I am too much of an old trial lawyer. I get excited about some things, and I hope the jury is listening. I was pretty successful as a trial lawyer, as a matter of fact, because jurors listen if you get their attention. I hope I am getting the attention of the Senate, no matter where it is, because this amendment goes far too far:

> Shall submit to the Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities to the post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom.

Then it gives five separate categories of things that are done in the future. It is not a report of what has happened in the past. To demand it of the President and say the President shall submit a report to us on anything I think overlooks the concept of checks and balances.

We can ask the President to do something by a bill, and he can veto it. He is surely not going to veto this bill, although if I were President, if that came to me I would veto it because it does not represent the distinction I understand to exist under the Constitution in terms of the three great branches of this democracy.

Now, to have the President give us an estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components, predict again—predict the future, predict the contingencies, predict whether Turkey is going to participate, predict who else is going to participate, predict who will not participate, my God, do we want the President to publish that, that so far this nation has not agreed, so far that nation has not agreed?

We were privileged to listen to the Secretary of State today in a classified session upstairs give his opinion of what might be possible, but to ask even the Secretary of State to give us a plan and publish it for what he intended to do to try to achieve a goal that is a goal of all branches of our Government, and that is terminate our affair in Iraq as soon as possible and successfully, I think it would be highly improper. I do not think he would submit it.

I take umbrage at the fact that this amendment tells the President what to do, and tells him to tell us how he is going to do it, in advance of even knowing what the circumstances are that he has to plan for.

We do not know how long we are going to be in a security situation in Iraq. I have told the Senate, and certainly I think most people know, I got a little upset when they would not let part of our committee into Baghdad. Other parts of the United States forces and executive branch are in Baghdad, and I pointed out to them that with other Senators I went in and out of Vietnam several times on helicopters that were shot at, but we went throughout Vietnam to see and report back to the Senate what was occurring. I thought we had that right to go into Iraq and report back what was occurring, but I was convinced later that—and we now know that there is a serious security threat there because of the snipers who are there, because of those people who are still so allied with the Baath party and Saddam Hussein that they are willing to literally commit suicide to cause us problems. That is not a new phenomenon if we look at what has been happening between Palestine and Israel for so many years, but we did not expect it there. I confess that was really a shock to me to hear about that, when our people were there to protect those who have been given their freedom, that some of their countrymen are willing to continue to kill us because we are protecting their own countrymen. This concept now is getting to the point of really being a difficult problem.

I think the Senate has a right to participate in these plans and to have hearings when the time comes and ask these people to come up and testify before us about what the plans are. Those plans undoubtedly would require expenditures of some Federal funds. I expect them to come before our committee and tell us they have requirements and then set forth the nature and extent of those requirements.

I certainly do not expect this committee to send a demand to the executive branch, particularly the President himself, to tell us now what they are going to do in the future and to predict now what the contingencies are in the future that have to be met or to have a statement and justification for the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution. That is something the Constitution gives the power of the President to do. We are going to demand he give us a statement of justification for not taking action? I don't think that is within our province. Not at all.

I hope the Senate is listening. I hope the jury will agree with me and we will not approve this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, 82 American soldiers have been shot since the President of the United States landed on the Abraham Lincoln and effectively said this war is over. There is no postwar policy. It is a bankrupt policy.

We attended the hearings with General Garner regarding postwar Iraq policy. He lasted 21 days and was fired. Now we have new personnel in Iraq, operating out of the palace in Iraq. We have American servicemen who are in a shooting gallery over there; and the Senator from Alaska is rejecting our request for the President of the United States to tell us what our policy is?

We do not have a postwar policy for development in Iraq. We have failed intelligence. One day they are saying the army is going to defect and join us; the next day they fire the army, the next day they are trying to rehire them. One day they say they will recruit the police and the next day they say they are thugs and will have nothing to do with them. They don't have a policy.

For the Senator from Alaska to stand here and say he is indignant because the American people want to hear what the policy is surprises me just as much as I surprised him. The American people want to know how long their sons and daughters are going to be shot at in Iraq. What is the policy?

A week ago we had 97 Members of the Senate, including the Senator from Alaska, urging the President of the United States to consider going to the United Nations and to consider, as well, using NATO. The Senator from Alaska supported that.

What this amendment is saying is, tell us if you are going to go to the United Nations, tell us if you are going to include NATO. And if you are not going to, come back and tell the American people why not.

We had a President who said we were going to use NATO in Bosnia. It worked, and we reduced the number of Americans who were killed. We had a President say we were going to use NATO in Kosovo. It worked, and we reduced the number of Americans killed. We had a President who said we would bring in U.N. forces in East Timor. We did and reduced the dangers to America. There are many who believe that is a viable option. Maybe the Senator from Alaska does not, but there are a lot of people and a lot of parents who do.

I say to the Senator from Alaska, the American people are entitled to know the policy of this administration. To hear such rejection to find out the policy is amazing.

This is supposedly an open government. We would think the President would want to share his thinking in order to galvanize support. No President can lead a country in time of war unless he galvanizes the support of the American people.

We ought to know what the policy is. If this is not the policy, tell us what it is—not behind closed doors but in open session. Tell us what it is. We did not hear it at the Armed Services Committee last week from the Secretary of Defense and we did not hear it today, evidently—unless a few selected Senators heard it in a closed session.

What is wrong with requesting the President of the United States to tell the American people where we are going to be in 30 days in Iraq when our American servicemen are being shot and killed every day. I am sorry that irks or bothers the Senator from Alaska but parents of American service men and women would like to know. The American people want to know. We are entitled to that kind of information. If he does not want to go that particular route, come back and tell us what he does want to do.

This is a makeup policy over in Iraq. One person heading it up today and he is gone tomorrow. We have people deciding they will do one thing today and they change it tomorrow. In the meantime, one thing is consistent: the killing of American servicemen who are doing tasks they were not trained for and they should not be doing in that country.

Many believe it would be worthwhile to bring other troops in and share the responsibility and burden of securing Iraq. Maybe the Senator rejects that. There are people within the administration who want to go it alone. If that is the position, the posture of this President, let's hear it out and have a debate on it.

One day it is, no, we do not want to go it alone; we want to use the United Nations and NATO but we really do not want to request them. Secretary General Robertson of NATO has indicated that the United States has not made a direct appeal to him in order to galvanize NATO as an institution to provide security. Sure, some of the countries have been asked, but the Secretary General of the United Nations says the United States has not asked the United Nations in a formal way to try to take over some of the responsibilities. Maybe there is good reason for it. But the American people are entitled to know what the reasons are.

This amendment is to try to find out that information. We do have a responsibility in foreign policy in terms of making war, the war powers, as well as in approving treaties.

This Senate, the people's Senate, has a responsibility in foreign policy. The American people are entitled to know the thinking of this administration as their sons and daughters are getting shot every day. I am sorry if 30 days is too long a time. But we know what is going to happen. There will be 30 more Americans killed during that period of time. We are entitled to know.

With all respect—and I have great affection for the Senator from Alaska—I am as troubled by his reaction as he is troubled by this amendment.

I withhold the remainder of my time.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 19 minutes and the Senator from Massachusetts has 5 minutes 24 seconds.

Mr. STEVENS. I postulate, if this power exists to do what the Senator from Massachusetts wants to do, we might not have been in Vietnam. I had a conversation with a former Senator who disagreed with President Johnson and wished he had some way of deterring him from his course.

I remind the Senator of the power of the President:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices. . . .

Nothing in this Constitution gives the Congress the right to ask for that. In fact, to the contrary, there is a specific power for the President. In section 3 of article II it says:

> He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; . . .

There is nothing in this Constitution that gives us the power to tell the President of the United States what to do—not at all. The separation of powers is one of the most distinct advantages of this democracy. It is the longest living government on the face of the Earth today because it is a government of the people, by the people, and for the people, but it has a Constitution. That Constitution we all swear to uphold and defend. Part of that Constitution is the separation of powers concept. We do not have the power to dictate to the President of the United States. We can send him a bill and ask him to do something, and he can veto it if he wishes, but we cannot, in my judgment, tell him to do anything.

We cannot command him to plan in advance; to tell us what he is going to do; to tell us what is the plan of action for an area that is still so unstable that people are being killed. I regret that as much as the Senator from Massachusetts. We all do. There is no question about that.

There seems to be building up a feeling here that somehow or another we are wrong to be in Iraq; we are wrong to stay in Iraq. Yesterday, I had in my office a young man from the 101st Airborne who had served in Iraq. I asked him, What do you think about being there?

He said: Senator, I am proud I went there, and I want to tell you I am proud of what we are doing there.

He said: I never thought I would live to see the day we would see the results of a person like Hitler. I saw those graves. I saw the way they had been treated by that dictator. We were right to be there and we are right to be there.

I believe he would go back there today if we asked him.

The problem is not the presence of our people over there in danger. The problem is people questioning our right to keep them in danger without some plan in advance that would absolutely protect them from danger. I think we have the best system of defense in the world. I know we have the best military in the world. We have the best systems available to them in the world. We have the best sensors. But it is still possible to fool all of this technology and have a person come in and kill one of them.

As a matter of fact, it is possible to come and kill one of us. We can't tell them to give us a plan how to protect us, as a matter of fact. We don't have a plan to protect ourselves, as a matter of fact.

We live in a democracy. The democracy is that we elect people to carry out the duties under this book, the Constitution of the United States. I say this amendment violates the spirit and the meaning and intent of the Constitution of the United States. It is not our right to tell the President to give us a statement of justification for his actions in seeking or failing to seek an agreement in terms of foreign policy.

I do believe that we have a right, again, to schedule hearings, to ask them to come up and give us their opinions, as we did today with the Secretary of State—off the record, however, on a classified basis because of the nature of it. I believe we have an absolute right to ask him to give us details of the money he asks us for. And he will ask us for money, I am certain. But to go this far, to say that not later than 30 days from the enactment of this bill the President shall submit to the Congress this report, a schedule, to seek approval of the United Nations authorizing multinational force; an estimate of the number of forces we are going to have there to guarantee reconstruction for each component; an estimate of the number of personnel, armed forces of foreign countries that are needed to guarantee the stability and reconstruction—all of this—a schedule for the President to seek participation as an organization of many nations in NATO, ongoing operations in Iraq—I couldn't prepare that schedule. I couldn't prepare a schedule of my actions for the next week if I tried. And I don't see how the President can prepare a schedule of his actions on a matter so deep and so intricate as trying to determine how we should complete our actions in Iraq.

If I remember right, in October we passed a resolution the President signed giving him authority to do what he is doing. That resolution didn't say, and as you do, give us your plan of action in advance; define for us your strategy in advance; give us the number of people you are going to deploy; tell us how you are going to get foreign troops to come at us; go to the U.N.; go to the NATO.

We knew better than that. We responded to his request to get our approval of his intent to use his power as Commander in Chief to try to restore freedom to Iraq. I am proud of this President and what he did. I intend to defend him as much as I can and assist him as much as I can in achieving what the Congress asked him to achieve, and I do not believe he should be put in a straitjacket to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. Five minutes 22 seconds.

Mr. KENNEDY. I will not take the time.

Mr. President, American service men and women are dying every day. This amendment does not require the President to go to the United Nations. It does not require him to go to NATO. All we are trying to find out is what his policy is. If he does not want to go to the United Nations, if he does not want to ask NATO to come in there and get additional help and assistance and troops that might provide some relief for ours—just tell us. Just tell us. He ought to be able to tell us, give us the answers very quickly.

All we are asking for is to know the policy. I think parents are entitled to know whether this President will go to ask for additional kinds of military force in terms of NATO—in Muslim countries, other countries that will be interested in helping and assisting the Americans secure Iraq. I think the American people are entitled to know whether we will follow the other measures that have been taken that have been successful in Kosovo and in Bosnia and also in East Timor.

If the President doesn't want to do it, fine, but just tell us. American servicemen are dying over there. We are entitled to know what the President is going to do.

But we do not have an answer now. We do not have an answer except more of the same. And this postwar policy is adrift. It is bankrupt. It is nonexistent. It is being made up on the back of an envelope every single day, and American service men and women are dying. That is what this amendment addresses.

Finally, the Senator from Alaska, as I understand it, voted on this resolution last week, where the Senate included in the sense-of-the-Senate resolution that the President should consider requesting formally and expeditiously that NATO raise a force for deployment. The Senator supported that sense of the Senate that the President should consider 'calling on the United Nations.

This was passed last week. All we are saying is, if you are not going to do it, tell us you are not going to do it, and tell us within the 30-day period. If you are going to do it, let us know that as well.

I think the American people are entitled to know what our policy is because I don't believe they do know, today.

I reserve my time.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes; the Senator from Massachusetts has 2 minutes 24 seconds.

Mr. STEVENS. Mr. President, I sense the Senator from Massachusetts wants to place the responsibility for those who are in harm's way, who do lose their lives, who do, as we say, make the ultimate sacrifice for democracy; and he wants to have a plan in advance.

It is true I voted for that resolution. It was precatory. It was a sense of the Senate saying to the President of the United States we think he ought to get as many people in there to help as possible. We think we ought to get the U.N. involved. We think we ought to use NATO forces to the extent we think we can. We think we ought to get a burden-sharing arrangement in Iraq because it is in the best interests of the whole world that we have eliminated Saddam Hussein. It is in the best interests of the world that peace be restored in Iraq. I firmly believe that.

We passed a resolution that told the President to use all necessary means to achieve the objectives we outlined. He asked for our approval of his intention to deploy our forces to take down the Saddam Hussein regime.

I absolutely agree. I voted for the resolution. It had nothing to do with asking the President to make the statements and to give us within 30 days a statement of justification for his actions in seeking or failing to seek NATO participation or a United Nations Security Council resolution: Thirty days; tell us now; and, if you haven't done it in 30 days, you failed. How is that consistent with the Constitution?

If we want to sort of assess blame for the deaths that are occurring in Iraq or Afghanistan, as far as that is concerned, we all share the blame. We are Americans who asked young people to volunteer. We didn't conscript them. Every single one over there—God bless them—is a volunteer. I think we are the only nation in the world today that has a totally volunteer military. We asked them to join. We asked them and told them what their duties would be. Their duty is to obey the commands of the Commander in Chief and to support the Constitution of the United States. Again, God bless them; that is what they are doing very well. I almost puddle up thinking about the young people who die because of the request of this Congress and the President's compliance with that request.

How we get out of this in terms of satisfying the demands of people who want a daily plan for what we are going to do tomorrow: We were privileged to see part of the plan that dealt with the embarkation of our forces going to Iraq. As I said here before, part of that plan was to go through Turkey. If that plan had been published about going through Turkey, and had it been discussed here, and had Turkey changed its mind, then the question would be, What was your contingency plan? Would we have published a contingency plan? We have contingency plans right now in case there are people who come back into Iraq who want to really restore war there.

The Senator says the President said the war was over. We all thought it was. Today, the military forces who are there in uniform are there because we don't have a civilian component capable of maintaining security in an atmosphere such as Iraq.

I just visited with some of the people who came back from there. They say it is sort of a scary place. There are places where you can drive down the road just like you would drive from here to Chicago. There are other places where you wouldn't cross the street. Our job is to maintain forces there to protect people who have to cross the street. Until our job is done, the President will keep our people there. Until that happens, and until he makes the decision to bring them back, I will vote for the money to support them. I will give them the authority and whatever he needs to protect them. And I will ask the Congress to make certain that we understand we will get further requests for money for Iraq. That is for sure. How much, I couldn't tell you.

Again, back to my great friend from Hawaii who made the statement about his time as platoon leader and how he would not have known how many grenades would be used in the next week. How does the President know how many forces he is going to have to use next week to protect those who are there? I understand that some of them are coming home. I saw a young man in my office who told me about his experience there.

But I don't think we are in a position yet where we can demand an estimate of the personnel of the Armed Forces in foreign countries and who are needed in Iraq and for reconstruction. That even implies that the forces would be used to reconstruct Iraq. I don't think they are going to use military people to reconstruct Iraq. I think we will have the council that has just been nominated put forth an Iraqi government that will seek support to use their own income from their oil and start bringing about an economic system that is based upon supply and demand and have reward for every individual for their contribution to their society. I expect to see a really vibrant economy and a vibrant democracy in Iraq before I leave this world because of what we are doing now.

Again, I urge Members of the Senate to support the Constitution. Don't get in the position where we try to dominate the executive branch by requiring a schedule in a bill which he cannot veto because of the circumstances which exist today. He cannot do that.

We must protect this bill against any threat of veto. Certainly there would be a threat of a veto. If I were President of the United States, I would certainly veto a bill that had that direction to me.

I urge Members to vote to table the amendment. I will do so when the Senator is finished with his time.

I yield such time to the Senator from Hawaii as he might use.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Hawaii.

Mr. INOUYE. Madam President, it was not my intention to participate in this debate.

As it is well known in this Chamber, I was one of the few who voted against the resolution to grant the President of the United States authority to carry out the strike. So my views are rather well known here.

But on matters that are being discussed today, in war it is almost impossible to predict what will happen tomorrow. As I indicated earlier, as a young lieutenant in charge of 40 men, if someone should have asked me how many men I thought I would lose today in battle, my response would be that I hope none. But who can predict that?

Like many of my colleagues here, I have seen too many men killed. I have sensed the anger of war, and I have tasted the hatred involved.

I say these things not to criticize my dear friend. In fact, I commend him for bringing these matters up for discussion. But one in war cannot make predictions, much as you want to.

Equally as important, in the world of diplomacy—and in this case pointed out very astutely by my chairman, the Senator from Alaska—the President of the United States is in charge of the foreign policy of this Nation. In the world of diplomacy, when one sits down with another diplomat, one doesn't tell the world, I am going to tell that person that I want this or I want that or I am going to do this if you do not do that. It is just not done that way. Most of the conversations between heads of state are in private. That is the way it should be. We are not here to embarrass the head of state of some country by telling the Senate that, in my discussions with prime minister such-and-such, he said this and he is reneging now. That is not the way it is done.

Equally as important, whatever disclosures our Commander in Chief makes, they impinge upon the future of the men on the front line. I would not want any sort of activity that would place our men and women in jeopardy. I think if we force the President of the United States to do what is required in this resolution, we may be placing our men and women in jeopardy.

Mr. KENNEDY. Madam President, I understand there are 2 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Madam President, it is important to know what this is and what this is not. We are not asking for war plans. We are talking about how we are going to win the peace.

We have a policy which is adrift in Iraq today. Americans are getting shot every single day. We are not asking for secret conversations between heads of state. All we are trying to do is ask the President of the United States, as we did a week ago, to consider going to the United Nations. We asked him to consider going to NATO. Now we are asking him: If you are going to NATO, tell us; and if you are not going to NATO to try to get relief for our military, tell us.

This is about the postwar period, not a secret plan about whether we are going through Turkey or how many bombers we are going to have or how many ships. We are talking about the plan for the postwar period and where Americans are getting shot every single day.

The policy is adrift. We are asking the President to clarify for the American people what his policy is. I think the American people are entitled to it.

I am prepared to yield back my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, the law we passed authorizing the President to proceed requires reports to the Congress:

> The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after—

"after"—

> such actions are completed. . . .

That is in the resolution we voted for. That is the authorization for use of force.

Madam President, I ask unanimous consent that a statement by Paul Bremer, the President's representative, our representative, in Iraq, which was an op-ed piece he provided to the New York Times, dated July 13, 2003, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. In it, Ambassador Bremer states:

> In all this, the coalition is working closely with Iraqis who will eventually be responsible for their country's well-being. For our three priorities—security, politics and the economy—the strategy provides for the successful transition to a stable and reformed Iraq. This does not mean that the road ahead is without danger. The combination of a broken infrastructure and acts of sabotage could mean a rough summer. We will suffer casualties, as the bitter-enders resort to violence. We are also braced for an increase in terrorism by non-Iraqis, but no one should doubt our determination to use our power in the face of violent acts.
>
> Once our work is over, the reward will be great: a free, democratic and independent Iraq that stands not as a threat to its neighbors or the world, but as a beacon of freedom and justice.

EXHIBIT 1

[From the New York Times, July 13, 2003]

THE ROAD AHEAD IN IRAQ—AND HOW TO NAVIGATE IT

(By L. Paul Bremer III)

BAGHDAD, IRAQ.—Americans can be proud of the role their fighting men and women played in freeing Iraq of Saddam Hussein and his cronies. The people of Iraq are now on the road to political and economic independence.

The first official step in this political transition at the national level occurs today, with the convening of the Iraqi Governing Council. This is the latest sign of progress. For the first time in decades, Iraqis are truly free. More than 150 newspapers have been started since liberation. All major cities and 85 percent of towns now have a municipal council where Iraqis are increasingly taking responsibility for management of local matters like health care, water and electricity.

Iraqis are speaking out and demonstrating with a vigor borne of 35 years of imposed silence. This is not yet a full democracy, but freedom is on the march, from north to south. Sadly, this progress is despised by a narrow band of opponents. A small minority of bitter-enders—members of the former regime's instruments of repression—oppose such freedom. They are joined by foreign terrorists, extreme Islamists influenced by Iran and bands of criminals. These people do not pose a strategic threat to America or to a democratic Iraq. They enjoy no support since their only vision is to reimpose the dictatorship hated by Iraqis. Our military will hunt them down and, as President Bush said, "They will face ruin, just as surely as the regime they once served."

These shadowy figures are killing brave Iraqis working with us, attacking soldiers and civilians, and trying to sabotage the fragile infrastructure. The attacks have drawn concern worldwide. My coalition colleagues and Iraqi friends have noticed that the attacks are often aimed at successes in the renewal of this nation. A week ago, an American soldier was mixing with students at Baghdad University, which reopened on May 17. Their presence was testimony to the educational progress that is blossoming here (public schools have also reopened). But our enemies fear enlightenment, so one of them killed the soldier.

The day before, 250 Iraqi police recruits graduated, the latest success in re-staffing law enforcement. Tens of thousands of Iraqi policemen are now on duty. But the enemies of freedom correctly felt threatened by the cooperation and professionalism the day represented, so they set off a bomb that killed seven new officers. Before the war, women had to travel miles for propane. Now, local councils are establishing distribution centers that make the gas readily available to households. On June 18, one American soldier was killed while guarding a center. The June 24th explosion at an oil refinery in Barwanah is another example of political sabotage on Iraq's energy supply.

With these attacks on Iraq's new successes, citizens of coalition nations ask how long we will remain in Iraq—and some Iraqis may doubt our ability to improve their lives. As President Bush has made clear, we are committed to establishing the conditions for security, prosperity and democracy. America has no designs on Iraq and its wealth. We will finish our job here and stay not one day longer than necessary.

We have a plan to support the establishment of this government of, by and for Iraqis. After months of consultations with Iraqis, we have take the first step in establishing an interim administration. Today, the Governing Council of Iraq will meet. It represents all the strands from Iraq's complicated social structure—Shiites, Sunnis, Arabs, Kurds, men and women, Christians and Turkmens. The council will immediately exercise real political power, appointing interim ministers and working with the coalition on policy and budgets.

At the same time, the council will establish procedures to write Iraq's new constitution. Once it is ratified by the people, elections can be held and a sovereign Iraqi government will come into being. So the question of how long the coalition will stay in Iraq depends in part on how quickly the Iraqi people can write and approve a constitution.

The coalition recognizes the urgency of marrying economic well-being to political freedom. For 35 years, the country's assets were misappropriated or stolen. We are pouring resources into re-establishing basic services and creating jobs. Our economic reform plan will entail a major shift of capital from the value-destroying state sector to private firms. We are also creating a social safety net for any resulting disruptions. And we believe that a method should be found to assure that every citizen benefits from Iraq's oil wealth. One possibility would be to pay social benefits from a trust financed by oil revenues. Another could be to pay an annual cash dividend directly to each citizen from that trust.

In all this, the coalition is working closely with Iraqis who will eventually be responsible for their country's well-being. For our three priorities—security, politics and the economy—the strategy provides for the successful transition to a stable and reformed Iraq. This does not mean that the road ahead is without danger. The combination of a broken infrastructure and acts of sabotage could mean a rough summer. We will suffer casualties, as the bitter-enders resort to violence. We are also braced for an increase in terrorism by non-Iraqis, but no one should doubt our determination to use our power in the face of violent acts.

Once our work is over, the reward will be great: a free, democratic and independent Iraq that stands not as a threat to its neighbors or the world, but as a beacon of freedom and justice.

Mr. STEVENS. Madam President, I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, were the yeas and nays ordered on the Kennedy amendment?

The PRESIDING OFFICER. The yeas and nays were ordered on the motion to table.

Mr. STEVENS. I call for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1273.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—52

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—5

Graham (FL)
Kerry
Lieberman
Miller
Sununu

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, Senator McCAIN will be recognized to offer an amendment and after that Senator CORZINE.

Mr. REID. Senator McCAIN was gracious, and he said he was going to be long. Senator CORZINE can go first.

Mr. STEVENS. That is agreeable. I state to the Senate that Senator CORZINE will offer an amendment and then Senator McCAIN will offer an amendment. We will vote on those two amendments. Hopefully, we will start at 7 o'clock on those two amendments.

I want to tell the Senate, I have been negotiating with my great friend, our great leader—can I call you the great leader?—about the process. Senator FRIST has agreed that I can state, if we can finish this bill tomorrow night, there will not be any votes on Friday. The Senate will be in session. And on Monday we will be in session but there will be no votes. It will be our intention to call up and start statements and even consider amendments, if Senators wish to raise them, on homeland security on Monday, but no votes. That is conditioned upon us finishing this bill before we go home tomorrow night. I know a lot of people want to make plans to travel west. You can leave in the morning or late at night where I live.

As a practical matter, I urge Senators to cooperate with us and find ways to raise their amendments. We will be pleased to stay in session tonight and have amendments offered and have them voted on at a time to be determined tomorrow. We are going to try to do our best to continue through tomorrow. We do have a Joint Meeting of Congress for the leader of Britain tomorrow. That will interrupt this process a little bit. But we will continue after that tomorrow and finish if Members will cooperate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of Senator DASCHLE and all the Democrats, we recognize that it is a heavy push to do this tomorrow. We are going to do everything we can to meet this schedule. We have people on our side who also have things to do the next day. We will do everything we can.

The Senator from Alaska is absolutely right, the Blair meeting, as important as that is, is going to slow us down. We have made great progress today. We will do the best we can.

Mr. STEVENS. We can turn this into a little prayer meeting. So others might follow the example, I yield to the Senator who wishes to state he will not raise an amendment.

Mr. NELSON of Florida. Madam President, I was considering offering an amendment regarding Roosevelt Roads in Puerto Rico because of punitive action that was taken in the House bill requiring the shutting down of Roosevelt Roads within 6 months, simply as a punitive measure over the fact that some of the leaders in the House did not like the fact that the Puerto Rican people took a position that they did not want training at Viegues Island. Instead, it ought to be done in a deliberative and professional process, just like any other military base, through the normal BRAC process.

The resident commissioner or the delegate from Puerto Rico has requested that I not offer the amendment. He feels very confident that he will be able to prevail in conference. So at his request, I will not offer the amendment.

The PRESIDING OFFICER. The Democratic whip is recognized.

Mr. REID. Madam President, we have about 1 hour 15 minutes under the suggested schedule of the Senator from Alaska. That will mean the Senator from Arizona, Mr. McCAIN, will have 45 minutes. He wanted 45 minutes himself. I wonder if he will take a half hour plus 15 minutes for the Senator from Alaska?

Mr. STEVENS. I shall take care of myself, Madam President.

Mr. REID. We need to have some time agreement if Senator CORZINE is going to be followed by Senator McCAIN. We cannot leave Senator McCAIN with no time.

Mr. STEVENS. Senator MCCAIN assured me he would cooperate with our schedule, knowing the event Senator INOUYE and I will attend tonight at 7:30 honoring World War II veterans. We will come back to continue the bill after that ceremony.

Mr. REID. Madam President, Senator REED has been most cooperative. Following those two votes, he wishes to speak on the bill. He would like to speak for up to half an hour after the completion of the two votes that have been mentioned by the Senator from Alaska.

Because Senator MCCAIN has allowed Senator CORZINE to go first, I wish to make sure Senator MCCAIN has time left to debate his amendment. It is my understanding that the two Senators who are going to speak on this will use no more than a half hour between them.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. I thank the Chair. Will the Chair inform me as I approach the 20-minute mark?

The PRESIDING OFFICER. The Chair will do so.

Mr. REID. Madam President, I will put that in the form of a unanimous consent request that we have Senator CORZINE, then we have Senator MCCAIN, and that there be no second-degree amendments prior to a vote on or in relation to both those amendments, and that Senator JACK REED be recognized following those votes to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

AMENDMENT NO. 1275

Mr. CORZINE. Madam President, I call up my amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 1275.

Mr. CORZINE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

TITLE —NATIONAL COMMISSION ON THE DEVELOPMENT AND USE OF INTELLIGENCE RELATED TO IRAQ

SEC. 101. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on the Development and Use of Intelligence Related to Iraq.

SEC. 102. FINDINGS.

(1) The Congress underscores its commitment to and support for ongoing Congressional reviews regarding the collection and analysis of intelligence related to Iraq.

SEC. 103. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the role of policymakers in the development of intelligence related to Iraq and Operation Iraqi Freedom;

(2) examine and report upon the use of intelligence related to Iraq and Operation Iraqi Freedom;

(3) build upon the reviews of intelligence related to Iraq and Operation Iraqi Freedom, including those being conducted by the Executive Branch, Congress and other entities; and

(4) investigate and publicly report to the President and Congress on its findings, conclusions, and recommendations.

SEC. 104. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 12 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 3 members shall be appointed by the minority leader of the Senate; and

(4) 3 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2) the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) QUALIFICATIONS; INITIAL MEETING.—

(1) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as intelligence, governmental service, the armed services, law enforcement, and foreign affairs.

(2) INITIAL MEETING.—Once six or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 105. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates the development and use of intelligence related to Iraq and Operation Iraqi Freedom; and

(B) shall include an investigation of intelligence related to whether Iraq—

(i) possessed chemical, biological and nuclear weapons, and the locations of those weapons;

(ii) had links to Al Qaeda;

(iii) attempted to acquire uranium in Africa, and if so, when;

(iv) attempted to procure aluminum tubes for the development of nuclear weapons;

(v) possessed mobile laboratories for the production of weapons of mass destruction;

(vi) possessed delivery systems for weapons of mass destruction; and

(vii) any other matters that bear upon the imminence of the threat to the national security of the United States and its allies.

(2) submit to the President and Congress such report as is required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(A) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 106. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purposes of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, e-mails, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) Information From Federal Agencies.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) Assistance From Federal Agencies.—

(1) General services administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) Other departments and agencies.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 107. STAFF OF THE COMMISSION.

(a) In General.—

(1) Appointment and compensation.—The chairperson and vice chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Personnel as federal employees.—

(A) In general.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) Members of commission.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) Detailees.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) Consultant Services.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 108. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 109. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 110. REPORT OF THE COMMISSION; TERMINATION.

(a) Report.—Not later than nine months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Termination.—

(1) In general.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the report is submitted under section (a).

(2) Administrative activities before terminating.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $5,000,000, to remain available until expended.

Mr. CORZINE. This amendment is premised on a strong view that intelligence and its honest analysis are vital tools in our war on terrorism. To protect the American people, our intelligence must not be shaped to win an argument, but must be used to inform.

This amendment calls for a bipartisan commission to study the use of intelligence related to Iraq. The commission would examine several key issues, including intelligence related to the following questions:

Whether Iraq possessed chemical, biological and/or nuclear weapons;

Whether Iraq had links to Al-Qaida, and;

Whether Iraq attempted to acquire uranium in Africa.

Earlier today I joined in a growing expression of concern by my colleagues and the American people about the representation of intelligence information by the President and the administration in building its case for the war in Iraq. Without a thorough explanation of why many of the administration's statements are in conflict, and have included claims unsubstantiated by the best intelligence, the American people, their representatives, and many of our would-be international partners in post-conflict Iraq, will most certainly begin to lose confidence in the administration's intelligence analysis, if not their word. Simply put, the Nation's credibility, in my view, is at stake.

This credibility is important for the security of the American people who have and continue to bear an enormously high cost, a heavy burden, in both life and treasure, with regard to our presence in Iraq. I know in my home State of New Jersey there have been seven soldiers who have been lost since the beginning of the conflict. It is something that impacts people's daily lives.

We stand with our troops. We stand with the mission they are trying to do, to bring about democracy, but we do have a right, and they have a right to have credibility with regard to the intelligence that is presented.

There have been a lot of accusations and allegations circulating in recent days. Some may be trying to politicize this debate. This amendment is an attempt to ensure that this debate does not become a political one, and that we focus in a bipartisan way on getting to the facts.

In my view, in order to preserve the public credibility of the United States, we need a thorough public review, one that is above politics, one with conclusions that will be regarded as credible and definitive, not only in the U.S. but around the world.

As we are now all well aware, in this year's State of the Union Address President Bush said:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

The power of the President's allegations in those 16 short words cannot be overstated. The Bush administration, using legalistic language, was leading people to embrace, at least in the opinion of many, the view that Saddam Hussein had an active nuclear program. The President did not say the British were claiming anything. He did not say they alleged anything. He said they "learned" that Saddam was attempting to buy uranium, implicitly accepting the charge as fact.

Although just 16 words long, it was a powerful statement that resonated in the context of debates that had gone on throughout the Nation and the world for nearly 5 months, in every public forum, the floor of the Senate, the halls of the United Nations, and across the airwaves. Only after many months did we the people and the Congress learn this statement was based on information that our own intelligence agency earlier learned was false. In fact, the administration's own spokesperson said the statement was inappropriate for the State of the Union address. And the Director of Central Intelligence has stated that: These 16 words should never have been included in the text written for the President.

Yesterday morning, Senator LEVIN, the distinguished ranking member of the Senate Armed Services Committee, raised several areas of particular concern, including: the aluminum tubes; the Iraq-al-Qaida connection; whether Iraq reconstituted nuclear weapons; whether Iraq possesses chemical and biological weapons; allegations of mobile biological warfare labs.

Furthermore, Senator LEVIN laid out seven questions about claims specifically regarding Iraq and the uranium. He argued that these should be answered in the context of a bipartisan investigation. I believe that is true, and I could not agree more.

This is not just a concern about the African uranium issue. It is about whether there was a fair and full presentation to the American people. But to that list of questions, I would add several others.

For example, if the information in the State of the Union Address was "technically accurate," as administration officials have lately argued, why was it excluded in Secretary Powell's 90-minute presentation before the United Nations only 8 days later?

Also, why did we learn about the misleading nature of these comments, not from the administration, but from the International Atomic Energy Agency and the media?

This is not an academic matter. At stake is nothing less than the credibility of the United States, and that credibility is important for protecting the American people. That credibility gets weakened each day we fail to have a full accounting of the facts about what happened, facts such as who knew that certain information was false? When did they know it? Why was it expunged from one administration speech but not another? And why are we just learning about much of this now?

Keep in mind, political leaders around the world, not just here at home, have staked their own reputations on their support of President Bush and the United States. As a consequence, many of our closest allies and their elected officials are facing enormous criticism from their own citizens, and sometimes—and this is quite telling—from their own political parties. We owe it not only to the American people but to all those who stood with us to be straight and to come clean immediately; otherwise, this episode will only undermine our ability to win support for other critical foreign policy interests in the future, and they are substantial. In fact, without a clear explanation, we put the American people at risk facing a world where our partners question our credibility on many interconnected concerns: Korea, Iran, Syria, and the road map to peace in the Middle East.

We need to understand whether this is part of a broader pattern of selective release of information or just a series of unfortunate snafus. Last October, for example, during the Iraq debate, Secretary James Kelly was in Pyongyang, meeting with the North Koreans. At that meeting, a meeting that occurred a full week prior to the Senate vote on the resolution authorizing force in Iraq, the North Koreans admitted to an active nuclear program. Yet despite its importance and relevance to the debate regarding Iraq and America's national security posture generally, administration officials waited until after the Congress had voted on the resolution—6 days, by the way—to authorize the use of force before revealing the details of the North Korean disclosure.

To this Senator, that information was both relevant and timely to the Iraq debate. Was this information withheld because it might affect the tenor of the debate, or might impact the Congress's view of the Iraqi threat, or the relative view of the Iraq threat?

As Senator LEVIN and others have explained, there may have been other instances in which the administration selectively, in some form or another, misrepresented or withheld information to support their case for the war in Iraq.

For example, the administration claimed there were linkages between al-Qaida and Iraq. But many now believe those claims were overstated or exaggerated, and based on scant and circumstantial evidence.

Another widely discussed issue relates to Iraq's purchase of aluminum tubes, where there was considerable debate within the intelligence community about whether the tubes were intended for use as part of a nuclear program.

When these claims are added up, many people have concluded that the administration may have been seeking to win an argument—not inform the American public. And we need to know the truth. We need to be informed to make good decisions, to set priorities, to go forward, to protect the American people. The American people deserve to be informed accurately.

The commission I am proposing would be completely bipartisan. It would neither supplant nor interfere with ongoing Congressional reviews regarding the collection and analysis of intelligence related to Iraq.

So, again, I hope we can support this proposal. We need to ensure that the facts come out. We should do it on a bipartisan basis, and we should do it immediately. The safety and security of the American people are at stake.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise to support the Corzine amendment. I think this is an incredibly important amendment to this important bill. In doing so, once again, as I have done before on this floor, I commend our service men and women who have served us so well in Iraq, as well as around the world.

We join in our pride and gratitude for their courage and their service.

However, I must rise today to express my deep concern about revelation after revelation of the fragile nature of the facts presented to the American public and the world about the reasons we had to preemptively, unilaterally attack Iraq.

Those misleading words in the President's State of the Union Address this past January have brought into question the credibility of our Government. This is extremely serious. It hurts our country because Iraq is not the only threat to our Nation, as the Senator from New Jersey indicated. We continue to be threatened by terrorists in emerging nuclear countries such as Iran and North Korea. In order to win the war on terrorism and ultimately disarm Iran and North Korea, we are going to have to work with NATO and other allies to protect American citizens.

Unfortunately, the misleading statements about Iraq attempting to purchase uranium from Niger will make building such coalitions even more difficult. This means our homeland will be less safe and our American citizens less secure. This is a deep concern of mine. I wish the misleading statements about Iraq and Niger were the only statements in question that the President and his administration have made to the American people. Unfortunately, there have been others.

First, let's go through what transpired with the statements on Iraq and Niger. Before the State of the Union referencing Iraqi purchases of uranium from Africa, the administration, at the direction of the CIA, took out a nearly identical line in a speech the President gave in Cincinnati last October justifying the use of force in Iraq. Then, the African uranium purchase was back in the State of the Union Address, although we were told now this was a mistake by the CIA director George Tenet. Then, the African reference was dropped from Secretary of State Powell's presentation on Iraqi weapons capabilities to the United Nations just 8 days later. Then, Saddam's nuclear weapons came back with certainty when Vice President CHENEY appeared on Meet the Press in March and said, "We believe he has, in fact, reconstituted nuclear weapons."

This was one of the main assertions used that took us to war, and I believe the American people have a right to know which is it. If it was good intelligence, why the constant change of mind? Either Iraq had nuclear weapons or it didn't. If it was bad intelligence, who kept pushing to use it in the administration speeches and interviews? We need to know the answers to these questions. It is important for the credibility of our country and for the trust of the American people in our Government.

It does not end there. We heard much about specially-made aluminum tubes that could be used to build centrifuges to create weapons-grade uranium. In the same State of the Union where he referenced uranium purchases from Africa, President Bush also said: Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.

But, in fact, an unclassified intelligence assessment back in October stated some intelligence specialists "believe that those tubes are probably intended for conventional weapons programs."

Last February, Secretary of State Colin Powell told the U.N. Security Council that "we all know there are differences of opinion," and that "there is controversy about what these tubes are for."

However, the International Atomic Energy Agency, after conducting its own study, concluded the uranium tubes were not for uranium enrichment.

Which is it? Enough time has gone by; we should have and are entitled to answers. We are entitled to the truth. Most importantly, the American people are entitled to the truth. Although we now have more than 140,000 troops in Iraq, we have not yet found chemical or biological weapons or even the plants needed to make them. We have not found evidence of al-Qaida training camps, although in the runup to the war the administration not only said they were there in Iraq but that they knew precise locations.

Again, this administration has taken us into a new age, an age where we claim the right to unilaterally, preemptively strike another nation because we believe our national survival is at stake. In such a world, the intelligence used as proof for striking first has to be unassailable, has to be totally credible, or the American people and our allies will be deeply suspicious of any future claims.

The claims led to decisions to put American men and women in harm's way and in too many instances have led to the loss of life. We need to find out the truth behind the various claims and questions, legitimate questions that have arisen, questions that have been asked by colleagues on both sides of the aisle, questions that have taken us into the deserts of Iraq and put our men and women in harm's way.

The only way we can get to the bottom of this is to set up an independent commission to get the facts, a bipartisan commission, a way to objectively look at what happened so it does not happen again.

There is nothing more serious than a potential nuclear threat to our people. If there was ever a need for an independent commission, it is now. We now face potential nuclear threats from Iran, from North Korea. We could face more in the future. American families and our American troops deserve answers to the questions that have been raised. We all deserve answers. We all deserve the truth.

I hope my colleagues will join in support developing this independent commission. I believe nothing less than the credibility of our country is at stake. I hope we all join in supporting the Corzine amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Democratic leader.

Mr. DASCHLE. Mr. President, I rise for a couple of minutes to compliment the distinguished Senator from Michigan for her very eloquent statement and for the leadership of the Senator from New Jersey, a member of the Foreign Relations Committee. Both Members have made their points very ably. I am grateful to both of them for their leadership in this effort.

The real question is, How do we assert the facts in the most logical and the most bipartisan manner? As we have seen on so many other occasions, the only way to ensure that is done with a public review of the information provided and all of the facts available to us is through this independent approach. The Intelligence Committee has done an outstanding job. I commend them for their session, even this afternoon as we speak, looking into the facts as they are presented from those within the intelligence community.

As Senator ROCKEFELLER has noted on several occasions, they are constrained by their own understandable jurisdictional review and do not have the capacity to go beyond that jurisdictional review when issues involving other branches of the Government, other agencies of the executive branch, and certainly the White House itself, are involved.

So this affords an opportunity to do the right thing, to give the American people the confidence they need that we understand now what the facts are, what the story is, and how we can ensure as we make these judgments we are doing so with the very best policy and goals in mind.

I think this is a very worthy amendment. I think it ought to pass on an overwhelmingly bipartisan vote. I am hopeful we can do that this evening, and I am grateful to those who have committed to this amendment, and especially for the leadership of Senators STABENOW and CORZINE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I rise also in support of Senator CORZINE's amendment. Yesterday was a very grim day in Minnesota. We had the funeral service of the first Minnesotan to be killed in Iraq this year in the line of duty, PVT Edward James Herrgott. It is a grim reminder that 63 days after the President declared the hostilities almost over in Iraq, this young man lost his life on July 3, standing out in front, guarding the Baghdad Museum, the site where some of my colleagues and I had swept by, well protected, just 2 days before. He was killed, murdered by a sniper's bullet. At the age of 20, his life and all of its promise was snuffed out.

We learned last week from the Secretary of Defense that, in his judgment, the military presence, some major component of which will have to be from the United States—hopefully much less will be, when we do as we must, which is to internationalize the continued development and hopefully economic recovery in Iraq—but as long as there is going to be a presence there, United States troops are going to be a big part of that, and it is almost unavoidable under the circumstances, especially as they exist today, the number of men and women who have lost their lives since May 1—which stands now at 79—will only increase.

So, as Americans are faced, again and again, with a member of the family, a friend, an acquaintance, or just through the media a fellow citizen of that State, again and again they are going to be confronted with this question of, what are we doing in Iraq? What is the game plan to extricate our troops after achieving the success the military had so dramatically, remarkably in the 3 weeks it took from entering the country to sweeping into Baghdad with an incredible display of technology, the training, and most of all the dedication of those men and women who have really redefined the words "courage" and "patriotism" for this Senator.

They continue to labor there under the most extreme conditions, 115-degree temperatures, all the other difficulties that are manifest there, not to mention the life-threatening danger that so many of them are under day and night.

Given all that, I think it is imperative for our national security that we understand that we—all of us collectively in the Congress and the President, this administration—made what is the most momentous decision that can be made by this body and the administration, the decision whether or not to go to war—in this case, to initiate a war against another sovereign nation. To know that decision was made on accurate information from our intelligence operations, to me, is essential to our national security in the days and years ahead.

It is also essential to our democracy to know the information we are getting from our leaders is truthful, accurate, to the best of their knowledge. There are enough questions that have been raised that must be answered, and they must be answered with the truth and with the facts as that can be determined objectively and dispassionately to be.

I regret that the Senate Armed Services Committee, of which I am a member, is not going to be undertaking the bipartisan investigation into these issues as its counterpart, the Senate Intelligence Committee, has agreed to do. I think there has to be that kind of willingness on both sides of the aisle to seek the truth. I cannot understand why anybody would not want to find the truth and present it to the Members of this body and, even more importantly, to the American people. But that is a decision that evidently has been reached.

In the absence of that, I think this independent commission is essential. We owe it to ourselves. We owe it to the Private Herrgotts whose lives have been sacrificed in this endeavor. We owe it to the future men and women who will be over in Iraq, in future engagements, if necessary. We owe it, ultimately, to our country, our democracy, and to ourselves.

I yield the floor.

AMENDMENT NO. 1270

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1270.

Mr. McCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for certain programs, projects, and activities)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. None of the funds appropriated by this Act may be obligated or expended for any of the following programs, projects, and activities:

(1) The canola oil fuel cell initiative.

(2) Shakespeare in America military communities.

(3) Control of brown tree snakes.

(4) The Academy for Closing and Avoiding Achievement Gaps.

(5) Hangar renovation at the former Griffis Air Force Base, New York.

Mr. McCAIN. Mr. President, this amendment strikes funds for the canola oil fuel cell initiative, Shakespeare in American military communities project, control of brown tree snakes, hangar renovation at the former Griffiss Air Force Base, and the Academy for Closing and Avoiding Achievement Gaps.

First, I would like to address the Senate concerning the 2004 Defense Appropriations Act. With each and every appropriations act, I come down to the floor of the Senate to point out many of the special interests and pet projects Members add to the legislation each year. Today I have the opportunity to speak on H.R. 2658, the Defense Appropriations Act for Fiscal Year 2004.

I remind my colleagues, the responsibilities of authorizers and appropriators are supposed to be distinct. The role of the Senate Armed Services Committee is to establish policy and funding levels and to oversee the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorization bills.

The appropriators' function today, as we all know, has expanded dramatically and the Appropriations Committee now engages in significant policy decisionmaking and micromanaging, clearly usurping the role of the authorizing committees.

The chairman of the Rules Committee was kind enough, a week or so ago, to have a hearing on a proposal I have to change the rules so that a point of order can be more easily lodged against an unauthorized appropriation. I will not bore my colleagues with further details because I have already introduced the rule and explained it.

But during that hearing, chaired by my friend from Mississippi, Senator LOTT, there was discussion of the process. This situation, this imbroglio in which we find ourselves, is not entirely the fault of the appropriators. I know it sounds strange for me to make that statement, but the fact is that there are holds on bills which are authorizing, which are done anonymously in many cases, and prevent the authorizing aspect of the process to be carried out, thereby forcing the appropriators to act in a policy fashion. Many times these holds are permanent and, really, there are some occasions where the Senators themselves do not know that those holds have been imposed.

Additionally, there is the process that, unfortunately, results that many programs and important agencies of Government even are not reauthorized. The Federal Communications Commission, which falls under the responsibility of the committee I chair, has not been reauthorized since 1993. So then it is understandable why the appropriators would act in such fashion.

I preface my remarks with the full acknowledgment that the system itself has broken down to a great degree.

As I came to this floor before and pointed out, the process of earmarking and outrageous appropriating has increased in a dramatic but reasonable fashion when you consider that any evil unchecked is going to rise.

According to information compiled by the Congressional Research Service, which examined earmarks for fiscal years 1994–2002, the total number of earmarks has grown from 4,126 in fiscal year 1994 to 10,540 in 2002—an increase of over 150 percent. The level of funding has risen from $26.8 billion in 1994 to $44.6 billion in fiscal year 2002, an increase of over 66 percent.

We are talking about real money.

We now see on the front page of the Washington Post this morning that the budget deficit may surpass $450 billion.

I might remind my colleagues that there is a little chart on the other side.

In 2000, we had a surplus of $236 billion; $127 billion in 2001; a deficit of $157 billion in 2002; and, in 2003 it is estimated to be $450 billion.

My dear friends, if you believe it is only going to be $450 billion, I have some land in the Arizona desert I would like to sell you.

This does not take into account, as recently admitted by the Secretary of Defense, $4 billion a month just for our operations in Iraq, which I support.

My point is, we can't afford to do this anymore. We can't afford to continue to spend money like drunken sailors. I never knew a sailor, drunk or sober, who had the imagination to spend hard-earned taxpayer dollars on the Shakespeare in American Military Communities Project—$1 million. Shakespeare in America Communities Project? Come on. Out of the Defense appropriations bill?

The hangar renovation at the former Griffiss Air Force Base—the Griffiss Air Force Base in Rome, NY, was closed in 1995. It has been reopened to civilian flight operations. In 1999, the airbase hosted Woodstock. Yet we are going to spend money to renovate the hangar there. We are going to spend $2 million. On a closed Air Force base we are going to spend $2 million. Meanwhile, we still have men and women, wives and husbands and family members who are fighting in Iraq on food stamps.

I don't know what the Canola Oil Fuel Cell Initiative is. Canola is grown in the Western United States and Canada. Forty percent of each seed can be produced into canola oil. Prices for canola oil have dropped, I am sorry to say. But we are spending money for a Canola Oil Fuel Cell Initiative.

What does that have to do with defense?

Let me just add an additional comment. The very highly respected, I believe, Concord Coalition came up with a study in the last couple of days which is excoriating in its comments. I think it is right on the mark.

The Concord Coalition Report on Fiscal Responsibility:

Deficits, Deception and Denial Rate a Failing Grade

> The first six months of the 108th Congress were the most fiscally irresponsible in recent memory. The crux of the program was the schizophrenic pursuit of small government tax policies and big government spending initiatives. Following the lead of the Bush administration, Congress made no attempt to reconcile the cost of new tax cuts on spending initiatives within the framework of a realistic long-term balanced budget plan. Instead, policymakers took a deteriorating budget outlook and made it worse. To add insult to injury, Congress used deceptive accounting gimmicks that would land a corporate CEO in jail. It is hard to say which is worse, the sunset gimmick used to hide the cost of an unaffordable tax cut, the doughnut hole gimmick used to hide the cost of an unaffordable, new Medicare entitlement, the shell games used to hide the appropriations of the disingenuous budget resolution that led to such in the first place. Then there was denial. Policymakers simply closed their eyes to the inevitable cost of reforming the alternative minimum tax and the growing cost of the war against terrorism at home and abroad.

I commend the Concord Coalition report to my colleagues which gives a grade of a D and an F.

You know what we are doing. We are heading for a train wreck. Everybody knows it. I don't know whatever happened to the old lockbox. Do you remember the old lockbox where we were going to take everybody's money for Social Security and put it in a lockbox so it couldn't be touched? You know what we are doing with the lockbox. It is simply because we are paying the retirement benefits of people who are retired. Those who are working have no money in accounts bearing their names. It is unfortunate.

The summer blockbuster is not showing on your local movie screen but rather on the floor of the Senate. I am alarmed about a large green monster, and it is not the "Incredible Hulk." I am talking about the exploding national deficit, and it should make the blood boil. We are now learning that the irresponsible tax cut and spending binge in Washington is resulting in this huge deficit. Even "The Terminator" can't stop the river of red ink that is endangering our fiscal future. It is like the "Pirates of the Caribbean" stealing our children's and our grandchildren's financial future.

I thought that was pretty well written.

I recognize the failure. I want to tell my colleagues that I recognize that the failure of the authorizing committees to pass authorizing legislation contributes to the broken system.

I want to work together with the appropriators to try to solve this issue because often the appropriators have no choice but to fund unauthorized programs and take it upon themselves to make policy determinations.

The fiscal year 2002 Defense Appropriations Act not only contained $3.7 billion in pork but also the dubious Boeing tanker lease. The conference report for the fiscal year 2002 Defense appropriations bill contained $8.1 billion in pork. The Senate version included $5.2 billion. This year's bill contains well over $4 billion. This number is less than last year's Senate version of the legislation.

This is real money.

The projects that appear in the Defense appropriations Member-add-ons are items requested by Senators and not included in the President's budget request. They do not appear on the Joint Chiefs unfunded priority list. They are not authorized in the Defense authorization bill.

This criteria is used by many organizations. And it has been useful in ferreting out programs of questionable merit and determining the relative priority of projects requested by Members for parochial reasons.

The fact remains that in the years I have created these lists no offsets have been provided for any project.

At a time when some of our soldiers and sailors still receive food stamps and live in inadequate housing, we find a way to provide over $4 billion in unnecessary spending through the Defense appropriations bill.

For example, the Joint Chiefs provided a list of critical requirements above what was provided for in the President's budget request. That list totaled nearly $18 billion for fiscal year 2004. We should provide additional funding for defense for items and programs which the Joint Chiefs need, and we need to set that as a priority.

I point out once again that the bases in Alaska stand to benefit a great deal in this legislation. Alaskan bases alone will receive $214 million in unrequested spending for improvements, renovations, and upgrades.

Looking back at my career in the Navy, I wish I had been so fortunate as to be stationed in Alaska.

Some of the more egregious examples of pork in this year's legislation include, as I mentioned, $1 million for Shakespeare in American Military Communities.

What is wrong with Ernest Hemingway? I wonder why Shakespeare was the greatest writer in the English language. But there may be a difference of opinion as to who the greatest writers in the English language were. Why not Chekhov or Ibsen?

Forty-nine million dollars for the Maui Space Surveillance System. Arizona is home to an observatory. But we are going to earmark $49 million to Maui while there are many observatories in the United States that offer many of these same benefits.

Two million dollars for miniature autonomous vehicles.

There is $5 million for the bug-to-drug program. It is not often I bother the distinguished chairman but perhaps he can tell me what the bug-to-drug program is. There is an appropriation of $5 million for the bug-to-drug program. While he is looking it up, I will continue.

There is $1.5 million to educate the 21st Century Information Operations Workforce, $2.5 million for the Hawaii Undersea Vehicle Test and Training Environment.

I mentioned there is $2.5 million for the canola oil fuel cell initiative. I would think the only canola oil the Department of Defense should be investing in should be used for salad dressing for our troops, not inventing batteries.

Mr. STEVENS. Will the Senator yield?

Mr. McCAIN. I would be interested in the bug-to-drug program.

Mr. STEVENS. The so-called bug-to-drug program has an official name. The official name is the Engineered Pathogen Identification Program. Its goal is to identify and protect soldiers from both unknown and genetically engineered pathogens, such as anthrax, plague, and Ebola. Currently, there are no pathogen vaccines. It would take 7 to 15 years to develop one.

This program is an attempt to shorten the time from drug development to its release for use as some type of an antigen to these pathogens which are very dangerous to our service men and women worldwide.

Mr. McCAIN. I thank the chairman for that explanation. It makes it much more clear. I appreciate that.

There are a number of them. One of them that is interesting is $9 million for SensorNet. SensorNet is developed by a company in Modesto, CA. They obviously make hardware and software because that is in their advertisement. In researching this earmark on the Web site, I found this 10- to 15-percent-off coupon on the Internet.

Now, I would ask my colleagues, if they are going to give average Americans 10 to 15 percent off, and we are going to give them $9 million, could they give us 10 to 15 percent off? Maybe we could save over $1 million. They are giving everybody else 10 to 15 percent off. Maybe they could give us 10 to 15 percent off as well.

This is the advertisement:

10–15% Off—Order Now and Save

> At AccuLab Products Group, we understand the difficulties of integrating science applications into the classroom. That's why we developed the SensorNet Science Program—the friendliest system on the market! Its ease of operation and flexibility offers the user wide ranges of applications without requiring a degree in computer technology. Our precalibrated, precision engineered probes offer the accuracy and reliability needed to perform in the toughest of situations and are backed by a 1 year guarantee.

So they are going to give 10 to 15 percent off. I would hope we could negotiate 10 to 15 percent off on our appropriation to them.

The hangar renovation at the former Griffiss Air Force Base, New York, the site of Woodstock 1999. Perhaps unintentional damage was done during Woodstock that requires that hangar to be renovated.

Of course, we are back to the old smart truck for the auto industry, and $12 million for the 21st century truck. It would be fun to drive one, I am sure.

Here is an interesting one: $4 million for the Ernest Gallo Clinic & Research Center. I love a fine wine as much as the next guy, I think, but do we need to fund Ernest Gallo or his research center with defense dollars?

Here is another: $8 million for the New England manufacturing supply chain. This is above and beyond the $6 million earmarked for them in last year's legislation. There is $9 million for the medical free electron laser, $1 billion for the brown tree snakes.

The Senator from Hawaii and I had a discussion about this item and the following items. The brown tree snake may be a serious threat to the Island of Hawaii. The question remains—and the Senator from Hawaii has never satisfactorily answered, at least not to my satisfaction—why this money has to come out of defense, why the brown tree snake should not be addressed by the Department of the Interior or the appropriate branch of Government. Why do we have to take it out of the hides of the men and women in the military to fight the brown tree snake? Shouldn't it come out of the appropriate agency of Government?

We have $150 million for breast cancer research, $85 million for prostate cancer research, $50 million for the Peer-Reviewed Medical Research Program, $24 million for the Hawaii Federal Health Care Network, $3 million for tribal colleges-science lab and computer equipment, $3 million for Pacific Island health care referral, $1.5 million for neurogenetic research and computational genomics—this is on top of $650,000 included in this year's omnibus appropriations.

These are all worthy causes. The cause of breast cancer research is worthy. The $85 million for prostate cancer research, it has no place in the Defense bill. When we are spending $3.9 billion a day just to take care of our operations in Iraq, we cannot take much needed defense dollars and put it for other programs that are not related to defense.

So I want to talk about one other area that is of concern, and that is the potential impact on readiness because of our restrictive trade policies with our allies.

From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and is certainly essential to economic growth. From a practical standpoint, "buy America" restrictions could seriously impair our ability to compete freely in international markets.

I would like to point out something else to my colleagues. We impose these "buy America" provisions while we buy from our allies and friends overseas a much smaller amount than they buy from us. If we keep restricting the ability of our Government to buy products that are made in other countries, sooner or later those countries will stop buying equipment, military equipment and others, that are built in the United States unless there is a compelling national security interest.

"Buy America" provisions include these items: anchor chains, carbon, alloy, or armor steel plate, ball and roller bearings, computers, diesel engines, and propellers.

There is a seafood waiver as a provision in this legislation in which we dictate we can buy only American seafood. I wonder if there is a 3-mile limit or a 10-mile limit or a 100-mile limit. Or does it have to be just caught by Americans, the same fish but caught by Americans, not by somebody else?

Why does the Department of Defense need to protect the American seafood industry? Why is the entire industry singled out for protection? Why not protect the American dairy product industry? Why aren't they covered?

Believe it or not, I do not enjoy coming to the floor on this issue. But I would argue—I would argue strenuously—that with a budget deficit—and it is in the headlines of every major newspaper in America: $455 billion—we cannot afford to spend additional billions on unneeded and unwanted projects.

There are many projects on this list that I will submit for the RECORD which are very badly needed and are legitimate but it is hard to know the difference when all we know is it appears in an appropriations bill. All of a sudden it just appears.

Was there a hearing on the issue of allowing the Department of Defense to only buy American seafood? That is a pretty significant measure that only American seafood can be purchased by the Department of Defense. Was there ever a hearing on it? Was there ever any discussion or debate on it? No. It shows up in this appropriations bill.

Do we really have to not allow other countries to sell us things as simple as anchor chains? What are we protecting? Could we save money by buying somebody else's anchor chain and spend that money, perhaps, on upgrading the lives of the men and women in the military?

In case you haven't heard, my friends, we have a problem in the military today, and it is keeping people in the Reserves and the Guard, and it is keeping people on active duty. I think if you watch television tonight you will see interviews with a number of men and women serving in the military who have just been told they will be extended for another 6 months on duty in Iraq because there are not sufficient troops to replace them.

So instead of perhaps expanding the size of the military to meet these new requirements, we are going to spend $1 million on the canola oil fuel cell initiative, brown tree snakes, the Shakespeare in American Military Communities project, and an Academy for Closing and Avoiding Achievement Gaps. The Academy for Closing and Avoiding Achievement Gaps is a grant to the Timbuktu Academy located in Baton Rouge, LA to conduct research on academic achievement gaps between students of varying socioeconomic backgrounds. It sounds like a very worthy cause to me. But why again should this come out of defense dollars?

I appreciate the indulgence of my colleagues. The amendment I proposed will eliminate the canola oil fuel cell initiative, the Shakespeare in American Military Communities project, the brown tree snake funding program, hangar renovation at the former Griffiss Air Force Base, and the Academy For Closing and Avoiding Achievement Gaps.

I yield the floor.

The PRESIDING OFFICER. Galleries will refrain.

The Senator from Alaska.

Mr. STEVENS. Mr. President, we had a time agreement and the Senator from New Jersey and the Senator from Arizona have spoken. I will make a few brief remarks and yield to my colleague. Then it is my intention to move to table these two amendments. Let me state why.

First in regard to Senator McCAIN's amendment, I state this sincerely, I think Senator McCAIN provides a very useful function for this Congress and this Senate with regard to the process we are involved in, the appropriation of money from the Treasury, spending the people's money. I am very sincere. We have checked every one of the amendments we have agreed to by unanimous consent with the Senator's staff before getting that agreement. That is a process we didn't use before. At times they make comments that lead us to change the amendments. And the Senator has, through this process, picked out some he would like to take out of the bill or put in the bill before we pull it out of committee. Let me comment on a couple of those.

The Senator mentioned the brown tree snakes. We have provided $1 million for control of these snakes. That primarily is to continue a very successful program so far that has been carried out on military planes to Hawaii from Guam. These snakes are carried inadvertently on military planes to Hawaii from Guam. The snakes are endemic to Guam and come on the military planes at Anderson Air Force base in Guam and then go into Hawaii. We hope we can prevent it. It will have an enormously adverse impact on the agriculture sector of the economy. But it is a military function. It is trying to eradicate or control these brown snakes where they come from, as they have been a menace to Hawaii because of their ability to crawl on to military planes as they come to Hawaii from Guam.

I commend the Senator for raising the question, but clearly we have examined it. It is an ongoing program.

The canola oil fuel cell initiative is an existing program between the Department of Defense and the Department of Interior. It is funded in this bill for $2.5 million. Both Departments put money into it. This project will extract and convert technologies, transforming agriculture materials into biobased fuel. Specifically, it is the rapeseed-based biodiesel fuel, and the underlying goal is to convert bio-based fuel into a hydrogen-rich gas stream to use with fuel cells and micro turbines and other power generation systems. It does have a legitimate defense interest, and it is a program for the Department of the Army, primarily in research and development.

Shakespeare in American Military Communities is a very interesting program. This is being done in conjunction with the National Endowment for the Arts. It is a partnership with the Department of Defense. The goal is to bring the arts to military personnel and their families as they are brought to other communities and high schools throughout the country. The proposal for this year is to perform "Macbeth" on 16 military bases in conjunction with educational programs. This is one of the programs the military is very pleased that we are trying to make available to them to improve the cultural activities on military bases, particularly for young children. We are looking into the prospect of taking some of these cultural programs overseas to meet the needs of the people stationed there. We have under consideration Fort Huachuca and Davis Monthan Air Force Bases. I know them both very well.

Further, the Senator raised the question of the Griffiss hangar renovation. This is part of a hangar that is used for the ongoing work and research of the Air Force research laboratory in Rome, NY. Damage to the hangar increases the heating, utility, and other fixed costs of the laboratory facility to its detriment. It is a renovation of a former Air Force base, but it is used by the Air Force research laboratory.

I regret to say I disagree with my good friend. I do note that what he is doing is trying to make certain we know what we are doing. On this amendment, I am sad to say I disagree with him, and I will move to table it in just a moment.

With regard to the amendment offered by Senator CORZINE, I have a problem, a decided problem with this. There is an ongoing investigation or series of hearings—I don't know whether you want to call it an investigation yet—of the items covered by this proposed amendment, creating a national commission on the development and use of intelligence related to Iraq.

Iraq is still ongoing. To create a commission now to look into Iraq primarily based upon the problem related to the President's statement in his State of the Union Message—which, by the way, was true, but not really totally accurate in terms of the interpretation people gave to it—in order to start the campaign of 2004, at a time when we have men and women in uniform over there now, their commanders, Ambassador Bremer, all of the people who participated in the process of this intelligence activity, including the CIA and the National Security Agency and the Defense Intelligence Agency, all of them will be involved in hearings before the commission. They are already in hearings before the House and the Senate, and they have unknown involvement in the internal investigation also going on in the Department.

As I said previously, almost all of us heard the Secretary of State, my great friend Colin Powell, tell us about his involvement and how this train of circumstances developed with regard to how that statement was in the President's State of the Union Message. We all know Presidents don't write their own State of the Union Message. They review drafts, and they rely on their subordinates to see that they are absolutely accurate. In the process, a statement was inserted that could be interpreted in a way that could mislead people.

Already the Director of the CIA has admitted his system made a mistake. He has taken responsibility, as he should, for something that should have been taken out by the CIA reviewer. It was not. It was taken out of a previous statement at another time. No question was raised about its being taken out. In this instance, it was not taken out and Director Tenet said it should have been taken out. He takes the responsibility himself because of the failure of his Agency, just as I make a policy when any member of my staff makes a mistake, I treat it as my mistake. George Tenet didn't make the mistake. The process in the CIA made the mistake. The President didn't make a mistake. In the process of preparing that statement, there was a mistake made.

I am tired of making a mountain out of a molehill on this one. I am particularly disturbed with the fact that people want to create another commission. This is not a time for a commission like the commissions we have known in the past. This is not Watergate. That is the impression. This is not a Watergate. It is not even a "truth gate."

The President read a speech that was prepared for him. We all clapped at it, and we all approved of it. It was one part of it, one tiny part of it that should have been taken out in the process of review.

Now to create a commission primarily for that and all the rest of the garbage in this thing—pardon my French—all the statements in here as to what is going to be investigated with regard to the possession of mobile laboratories, with regard to an attempt to procure aluminum tubes—it wasn't an attempt; they were procured. But the concept of whether or not Iraq possessed delivery systems for weapons of mass destruction—we had 17 resolutions of the United Nations that were not complied with. Why were they passing 17 resolutions if there was nothing to investigate?

But the main thing, why should we create a commission now to look into something that is ongoing? Once this is all tied down and we have our people home and Mr. Bremer is residing in the U.S., and the people involved in all of the intelligence activities that led to the statement are in the United States again, we can have some form of commission to review it. This Senator would not oppose that.

But this is an ongoing operation, and this is an attempt to smear the President of the United States. I shall not permit that if I can possibly avoid it.

As I understand it, there is no further time agreement. I have the floor. I intend to keep the floor until I make a motion to table this amendment.

I am happy to yield to my friend from Arizona for a question.

Mr. McCAIN. Mr. President, I will ask my colleague from Alaska a question. I will preface it by saying I do appreciate the cooperation that has been displayed while addressing this bill. I tell my friend from Alaska also that it has been very helpful for us to have the information and to be able to look at these amendments as they have come up. I hope next year we will see Hemingway, Faulkner, F. Scott Fitzgerald, and others of my favorite authors included in this program.

I also ask the Senator, concerning the Corzine amendment, isn't it true that the Senate Armed Services Committee is holding, and will be holding, hearings concerning the entire conflict, including friendly fire casualties, including the enormous success, including the issue of weapons of mass destruction; and those will be held openly and in a systematic manner, which Senator WARNER and Senator LEVIN have been working on in a bipartisan manner? Didn't the chairman of the Intelligence Committee hold a closed hearing today, and will he not hold a public hearing next week? Aren't we going through an orderly process of hearings concerning the conduct of the war?

The American people, of course, want to know about the friendly fire tragedy, and they also want to know how we did so well, how our equipment performed in such a magnificent fashion. It was one of the most rapid military victories in history.

Isn't it true that we are going through an orderly process of hearings concerning this conflict, in a very appropriate manner? If at such time those hearings are not satisfactory to the American people, or they don't cover enough information, or something like that, wouldn't sometime later be more appropriate to say a commission should be appointed rather than at the time when the appropriate committees, as far as I can tell, are carrying out their responsibilities and reviewing the conduct of the war and the oversight policies dictating our military? Does the Senator agree with that?

Mr. STEVENS. The Senator is absolutely correct. What is more, Senator INOUYE and I went to the CIA and we talked to the Director, and he informed us that he sent a stack of material this high to the committee already for its review. It is going to take some time to review all that. It is ongoing. This would have us appoint a commission to review the same thing that we are already investigating in the Senate Intelligence Committee and that the House is investigating. I presume the Armed Services Committee has some jurisdiction on this matter, also. The Foreign Relations Committee has jurisdiction.

Why should we appoint a commission to do what we should do—to do our work, particularly when it is not on a timely basis? As the Senator from Arizona stated in his question to me, the time may come when the public will question the results of our activities as Members of Congress. If they do, then the right thing for us to do—or the time may come when they develop such a conflict within Congress that it cannot be resolved, and that would be an appropriate time to perhaps look at a commission outside of the Congress. But right now is not the time.

Mr. BOND. Will the chairman yield for a question?

Mr. STEVENS. Yes, I am happy to yield.

Mr. BOND. Mr. President, as a member of the Intelligence Committee, I know we have been having these hearings and the oversight hearings. We are conducting the investigations. I wonder if the chairman is aware of the fact that I believe the Office of the Inspector General of the CIA is conducting an investigation. I believe the President's Foreign Intelligence Advisory Panel had jurisdiction. Is it correct that the ranking member of the Armed Services Committee, Senator LEVIN, is conducting an inquiry?

At my count, at least five different investigations are going on. I wonder if that number is accurate, and does the chairman think that a sixth, which would not start until later on, would add anything?

Mr. STEVENS. Mr. President, the question is relevant because the purpose of this commission is to support ongoing congressional reviews regarding the collection and analysis of intelligence data. We have not done it yet. We don't need any support that I know of. The support base is the executive branch and in the media to examine the report and the role of policymakers relating to Iraq and Iraqi freedom. That is not over yet.

Again, there is a timeliness to commissions. But more than that, there is the ongoing impact coming into this Senator's soul that we are starting a campaign of 2004. It is too early to do that, when we have men and women overseas in uniform trying to defend themselves and carry out the orders of the Commander in Chief. It is not timely to do this, and I do object to it.

Mr. President, I don't often do this. I am really going to be a little bit brash—you could not imagine I would do that, I am sure. Does the Senator from Nevada wish to ask a question?

Mr. REID. No. I was hoping we could vote on Corzine first and McCain second.

Mr. STEVENS. I was going to make that order. I am pleased that the Senator said that.

Mr. President, in order that the Senator from Hawaii and I can go to an appointment we have involving World War II veterans, I will take it upon myself to move to table the Corzine amendment and to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent at this time that it be in order to move to table the McCain amendment, and for that purpose I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, for the information of the Senate, following these two amendments, there will be a period for routine morning business.

I ask unanimous consent that following the votes there be a period for routine morning business, and that the Senator from Rhode Island, Mr. REED, make a statement.

Mr. REID. He wants to speak on the bill. After that, we will go into morning business.

Mr. STEVENS. Mr. President, Senator REED will be making a statement on the bill. Following his statement, I ask unanimous consent that there be a period for routine morning business until the Senator from Hawaii and I have returned from our event, which will be, I believe, about 8:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the only question I ask is this: We would love to have you back here, but I don't think there is need to come back tonight. We have a schedule set up for the morning.

Mr. STEVENS. We have not done that. We need to have the time to do that.

Mr. REID. If the Senator from Alaska wants to be here to do that, that is fine, but otherwise, valiant staff will take care of it and whoever is closing. We will see you back. That is fine.

Mr. STEVENS. Mr. President, in explanation, it is my intent to come back. The Senator from Hawaii will not have to come back. We want to enter into a unanimous consent agreement for the order of amendments. There will be two amendments. At 10 o'clock Senator BYRD will offer an amendment. I believe we will have an order for the Senate to come in sometime just prior to 9 o'clock.

Mr. REID. Nine o'clock is fine.

Mr. STEVENS. I am not going to make that order yet. That is the understanding I have, that we will come in around 9 o'clock and consider two amendments, and Senator BYRD is to offer his amendment at 10 o'clock.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COLEMAN). The yeas and nays have been ordered on these requests.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1275. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—4

Graham (FL)
Kerry
Lieberman
Miller

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1270

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1270. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—79

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Frist
Gregg
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NAYS—16

Allard
Bingaman
Conrad
Ensign
Feingold
Fitzgerald
Graham (SC)
Grassley
Hagel
Jeffords
Kyl
McCain
Nickles
Santorum
Sununu
Thomas

NOT VOTING—5

Bond
Graham (FL)
Kerry
Lieberman
Miller

The motion was agreed to.

Mr. FRIST. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I rise in support of the fiscal year 2004 Defense appropriations bill.

First, I would like to congratulate Chairman STEVENS and Senator INOUYE on an appropriations bill that has widespread, bipartisan support. It is never an easy job to bring this bill to the floor and, as usual, they have done an excellent job.

One of the most important aspects of this bill is the commitment that the Senate is making to improve the lives of the service men and women who protect us every day.

The bill provides a well-earned, average military pay raise of 4.15 percent and funds an increase in the basic allowance for housing to reduce our service members' average out-of-pocket expenses from 7.5 percent to 3.5 percent.

That being said, one of the most important aspects of this bill is its commitment to transformation.

Now, we have heard this word being used during the last few years in conversations relating to defense matters. So what does it mean?

Simply put, "transformation" is about changing the way our Nation's military operates, through the utilization and development of innovative tactics based upon new technologies and, of course, our most important resource—the hard work and training of our service members.

Transformation could be seen in the recent conflict in Iraq. Here, instead of a long, sustained air campaign, our forces were able to achieve a tactical surprise using precision weapons that destroyed our adversaries' ability to react to our initiatives.

As I have mentioned before, transformation could also be seen during war when information was gathered from a variety of sensors, whether on the ground or in the air, and that information was transmitted very quickly to commanders who could then exploit the weakness of our enemy. It was a remarkable operation and it reflects the high level of competence and expertise of our Nation's service men and women.

The appropriations bill continues this revolution by funding such programs as the development and procurement of such new systems as the DD(X) destroyer, the littoral combat ship, C–17 air transport, V–22 tilt-rotor and the Army's future combat system.

I am particularly pleased that the Appropriations Committee has recommended funding for the procurement of 22 F/A–22 Raptors.

This program lies at the heart of transformation. The F/A–22's supercruise engines allow for extended supersonic flight. This is a magnitude longer than its afterburning predecessors such as the F–15. The aircraft's stealth characteristics will allow it to penetrate even the most advanced air defense systems while internally carrying GPS-guided munitions. This will allow the F/A–22 to clear the skies of enemy aircraft while nearly simultaneously attacking both fixed and mobile targets, such as surface-to-air missile sites. I hope that the authorizing committee will join the Appropriations Committee in recommending the procurement of 22 of these vital aircraft.

I would also like to highlight a program that I support, the Full Spectrum Active Close-in Layered Shield, or "FCLAS", which is a revolutionary new technology promising to enhance dramatically the survivability of existing and future mechanized and wheeled combat vehicles without the normally accompanying weight gain. FCLAS has the potential to save many American lives and it is an important step for the committee to fund this system.

FCLAS works by using radar to detect an incoming kinetic energy weapon, antitank missile or rocket-propelled grenade. Once the incoming object is identified, FCLAS fires an explosive projectile to destroy the threat at a safe distance from the vehicle.

Such a system is currently under development in Russia, Canada and France. However, those systems, unlike FCLAS, have a fatal flaw. Their radar systems are placed in a prominent position and can be easily disabled with a single rifle shot.

In contrast, each FCLAS defensive explosive projectile has an individual radar system. FCLAS is placed around the protected vehicle in a device similar to a smoke grenade launcher. That means if the radar is damaged in one projectile the rest of the vehicle's active protection is unaffected. It also provides the same level of protection from every side and angle of the vehicle. The system is remarkably light and has drawn considerable interest by those designing the Army's Objective Force.

Currently, officials at the U.S. Army Tank Automotive Research, Development and Research Center are testing FCLAS and by all accounts they are very pleased with the system's initial results. The Marine Corps and Special Operations Command have also expressed strong interest in adapting this system for use in both land vehicles, such as the advanced amphibious assault vehicle and even aircraft.

In closing, again, let me express my commendations to the chairman, the ranking Democratic member, all of the members of the committee, and their capable staffs, for their work on this bill. It will be of great service in the support of our Nation's service men and women.

Mrs. FEINSTEIN. Mr. President, I rise today to express my deep concern that the fiscal year 2004 Department of Defense appropriations bill contains no additional funds for military operations in Afghanistan and Iraq. This is simply unacceptable and raises serious concerns about the administration's long-term intentions in both countries.

Given the commitments of the men and women of our Armed Forces all over the world and the risks they face in defense of our freedoms and national security, I am committed to providing the tools they need to perform their jobs at the highest level. It is surprising and troubling, then, that two of the most significant and critical deployments of U.S. troops in years—Afghanistan and Iraq—do not receive funding in the fiscal year 2004 Defense appropriations bill.

Clearly, these are not emergency situations that have only recently come to our attention. These are ongoing military operations that will most likely require a substantive American presence for years to come.

One hundred forty-five thousand U.S. troops are currently serving in Iraq facing almost daily attacks from guerilla forces. Eighty-one Americans have died since the President declared an end to major combat operations on May 1, 2003.

In Afghanistan, 8,500 U.S. troops are searching for remnants of al-Qaida and the Taliban and trying to stabilize the interim government of Hamid Karzai. Just yesterday, more than a year and a half after the fall of the Taliban, a U.S. Special forces convoy came under attack by unknown gunmen using small arms and explosive devices.

Americans are putting their lives on the line in Iraq and Afghanistan and we cannot find any funds for them in this bill.

These operations are certainly not cheap.

During testimony before the Senate Armed Services Committee last week, Secretary of Defense Donald Rumsfeld stated that the U.S. has spent nearly $4 billion a month in Iraq since January and is spending an additional $700 million a month in Afghanistan. He continued that he did not know if the figures for Iraq would go up or down in the next fiscal year or how much the administration intends to propose to Congress for military operations in Iraq.

Surely the Defense Department, in fact, has some idea about the funds it needs for Afghanistan and Iraq—and those commitments should be reflected in this bill.

Silence on this matter causes me great concern that our troops will serve far longer than we are being told and the cost will be far greater than we have been led to believe.

I urge the administration to level with the American people and this Congress about the costs of our engagements in Iraq and Afghanistan. The fiscal year 2004 Department of Defense appropriations bill is exactly the appropriate mechanism to do just that.

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate resumes the Defense appropriations bill on Thursday, Senator HARKIN be recognized to speak for up to 25 minutes.

I further ask unanimous consent that the next order of Democratic first-degree amendments be the following, and further that if a Republican amendment is offered it be interspersed between the amendments mentioned: Dodd, Byrd, Wyden, Durbin, Biden, Byrd, Kennedy, Byrd, and Schumer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, there will be no further rollcall votes tonight. I understand that under the order Senator REED is to be recognized for up to 30 minutes. I ask unanimous consent that following his remarks my colleague, the Senator from Tennessee, be recognized to speak as if in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, under the agreement entered earlier, we have a lengthy lineup of Senators who intend to offer amendments to the Defense appropriations bill, as I just outlined. We will be voting throughout the day tomorrow and into the evening in order to complete this measure tomorrow afternoon or evening.

I have had a number of discussions with the chairman of the committee. As he announced a few hours ago, if the Senate completes action on this bill, and if the Senate can begin consideration of the Homeland Security appropriations bill on Monday, the Senate will not be voting on Friday.

I will have more to say tomorrow on the schedule for this week and next week, after we have made further progress on the pending legislation.

I thank my colleagues. We continue to make good progress. I think it is clear if we finish tomorrow night, there being no votes Friday—and Monday is a no-vote day—we will be able to continue on Homeland Security early Monday during the course of the day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized.

Mr. REED. Mr. President, just a few days ago I had the privilege of traveling, with Senator WARNER and Senator LEVIN, and other colleagues, to Iraq. I wish to comment upon my observations of that trip in the context of this Defense appropriations bill.

After the most stunning victory in the annals of military history, the fighting and dying in Iraq goes on. The war is not over. It has changed its character. Conventional warfare of major formations against major formations has yielded to hit-and-run attacks against our troops. We are in a tenuous moment where the momentum of the battle has shifted from our coalition forces and may shift dramatically to opposition forces in Iraq.

We are being opposed by groups of Baathist diehards, Islamic fundamentalists, and criminals. Although this resistance, until recently, appeared to be uncoordinated and spasmodic, there are strong signs emerging that organizations are beginning to coalesce and we are facing a much more serious threat.

Just today, in Iraq, a manned portable air defense missile was fired at an American aircraft over Baghdad International Airport, signaling a major escalation of the capabilities of our opponents and the ability of these opponents to interfere with our occupation forces in a significant way.

Another American soldier died. The mayor of an Iraqi city was gunned down. Indeed, today General Abizaid indicated that we are facing a classical guerrilla-type war situation. And I must say, General Abizaid is a person I had the privilege of serving with 30 years ago in the 82nd Airborne Division. There is not a more talented and dedicated and decent officer in our Army or our military force. His expertise and knowledge make him the most capable person we could have there. So his conclusion, I think, is one that should resonate through these halls.

Now, if one of these groups—Baathists or fundamentalists, radicals, or criminals—becomes more coherent in their efforts—and it seems, based on today's events, they are becoming more coherent—then the danger to our force will rise.

Let me suggest this is a startling revelation today. It was difficult to bear the sight of American troops being hit with RPGs, rocket-propelled grenades, but to have the capability and the cunning to launch a missile against an aircraft in Baghdad should send shivers down our spine, not just with respect to Baghdad but throughout the world.

One of the issues which I am sure they are desperately trying to determine today is: How many of these manned portable missiles are there in Iraq? I do not know for a fact, but I would suggest there are hundreds, if not thousands.

While we were visiting the northern area of Iraq under the control of the 4th Infantry Division, General Odierno, the commander, indicated they had identified and were securing almost 3,000 ammo dumps, including small arms, all the way up to medium-range missiles with about a 100-kilometer range. This country is chock-full of RPGs and other weapons. The other question is: If they are in Iraq today, have some of these manned pads exfiltrated out of the country into very dubious hands? We face a serious issue.

Now, if all of these elements are able to come together with a common purpose—the Baathists and the criminal elements and the radical fundamentalists—we have a very serious challenge. And, most important, if any one or all of these groups can tap into an innate nationalism among the Iraqi people, if they can translate their disappointment about their economic position today, their dashed expectations of what liberation would mean, then we have a great challenge to our occupation of Iraq.

To dismiss these forces as inconsequential or without support, I think, is a serious mistake. What they may lack in popular support and skill—although, again, their demonstrated performance increases each day—they can make up in desperation and fanaticism. There are remnants of Saddam Hussein's regime. The disgruntled Baathists have no place to go, and they know it. For them, it will be a fight to the death.

In Chris Hedges' brilliant polemic about the corrosive effects of war, entitled "War is a Force That Gives Us Meaning," he described a visit to an Iraqi prison in Northern Iraq that was liberated at the end of the gulf war. In his words:

> When it was attacked in 1991 by Kurdish fighters and enraged civilians, 300 Iraqi secret policemen and guards, including the warden, held out for three days. None of the defenders survived. And after the battle, a triumphant fighter expressed the wishes of many. In his words:
>
> > We wanted them all to come back to life . . . so that we could kill them again.

This is the nature of the struggle and the combatants in Iraq. There are thousands of former secret police and Fedayeen, not just the 52 cards in the famous deck. We can expect fierce and persistent resistance from most if not all.

It is no surprise, then, that our military commanders assume that the situation in Iraq will get worse before it gets better. We should be prepared for continued casualties on a frequent basis. Indeed, we should be prepared for heavy casualties on given days.

Again, this is absolutely consistent with General Abizaid's conclusion that we are in a classic guerrilla war struggle today.

The most obvious objective of opposition forces is to inflict sufficient casualties on our troops so that support within the United States for a continued presence within Iraq will erode and evaporate. As such, our immediate response must be to communicate to the American people that the road ahead will be difficult. We are likely to sustain constant casualties, and we must commit significant resources to the struggle to rebuild Iraq.

That is why the absence of appropriations in this bill for our effort in Iraq is unfortunate. The administration has not requested funds so this absence is not the fault of the committee. It represents a very deliberate policy of the administration to avoid declaring to the American public, in an explicit fashion, the true course of our operations in Iraq.

We all anticipate that the administration will make a supplemental request early next year and argue that the funds are critically needed to cover costs that have already been incurred. But the American people deserve something better. They should know these costs now.

Having decided to use military force to eliminate the regime of Saddam Hussein, we cannot walk away from the difficulties of pacifying and rebuilding Iraq. We may come to seriously question the commitment we have undertaken, but to walk away at this point from the challenge would deal a serious blow to our prestige and power in the international community. To ensure that we stay the course, it is essential the American people know the costs, and the cost of our passage.

Our efforts in Iraq ultimately depend on the attitudes of the Iraqi people. They will be the final judges of our policies and our continued presence. At present, the long and terrifying shadow of Saddam Hussein continues to bedevil them. Many of our military officers and our civilian administrators attribute the noncommittal attitude of the Iraqis to the continuing uncertainty of Saddam's fate. There is much truth to this assertion. But we should be careful not to see the capture or death of Saddam as the "silver bullet" that will transform our presence in Iraq.

The Iraqi people seem to be withholding their enthusiastic endorsement for our efforts not just to await the fate of Saddam, but to be assured that the coalition can deliver at least the same degree of economic security they enjoyed under Saddam and, hopefully, much more.

It strikes me that the Iraqi people are not simply motivated by a residual fear of Saddam. They have grown up in a system that provided meager sustenance in exchange for utter subservience, a subservience that was enforced by ruthless terror. It will take more than Saddam's demise to erase this pervasive authoritarian culture. It will take many years and significant improvements in every phase of Iraqi life.

The most pressing demand in Iraq today is to provide a secure environment for our forces and for the Iraqi people. That challenge is inextricably linked and bound up with the economic revitalization of Iraq. Coalition forces are occupying a country whose economy has collapsed. Iraq under Saddam was a country in which everyone directly or indirectly worked for the regime. And now the regime is gone. Perhaps the single greatest long-term danger to our efforts is the huge number of unemployed. Unless we can rapidly put these people to work, they will be vulnerable to the overtures of those who wish us ill. We are in effect in a sprint to revive the Iraqi economy before the Iraqi people decide that freedom is not worth the uncertainty of a dysfunctional economy, and they become susceptible to the overtures of those who want to eject us from Iraq.

Another pressing demand is to create a legitimate Iraqi Government acceptable to the Iraqi people. We have begun to take the first steps in that process by the selection of a governing council. This council will exercise defined powers such as the appointment of Iraqi ministers. All of their actions, however, are ultimately subject to the veto of Ambassador Bremer. The council was selected to reflect the ethnic, religious, and demographic realities of Iraq. That was a positive and appropriate step. This council will participate in the selection of a larger conclave that will draft a constitution for Iraq.

All of these efforts are leading up to putting, as so many people have said, an Iraqi face on the Government of Iraq. We all realize that the longer we appear to be running the show, the more likely it is that opposition to our presence will grow.

At this juncture, we have avoided ceding authority to any one faction in Iraq. We are for the moment holding the various factions at bay. But this balancing act will become more and more difficult as we approach the time when real power is transferred to a real executive. At that point, the traditional rivalries of Sunni and Shia and Kurd will emerge and emerge with some force.

One aspect of the new governing council that I find troubling is the attention and influence given to exiled leaders. According to a report in the New York Times:

> . . . significantly, the new interim government will be dominated by the Iraqi exile leaders and Kurdish chieftains who carried out the long campaign to remove Saddam Hussein from power.

Given the presence of Kurds in northern Iraq and their obvious power—they have their own army; they control their own territory—it is not surprising that they would have a major role. But giving such a significant role to the exiles seems likely to be more controversial than constructive.

The best known of these exiles is Ahmed Chalabi. Chalabi has long resided outside of Iraq. In 1992, he was convicted in absentia by a Jordanian court for embezzlement and bank fraud. He was sentenced to 22 years in prison. It is not surprising that reaction to Chalabi and the exiles is not entirely favorable.

Hassan Zahrawi, a 23-year-old student at Baghdad's Mustansariya University, was quoted in the Washington Post as saying:

> We are the people who suffered. . . . They are thieves. They do not know anything about the suffering of the Iraqi people.

This certainly is not a scientific sampling. You could perhaps find people who would endorse Mr. Chalabi. But I think we are taking a risk by inserting, insinuating exiles in a dominant place in this governing council. I think that will strike a chord in Iraq and not a favorable chord as people who have suffered, who have very little, see these people who have just arrived dominating the political process. It could be a severe miscalculation.

Let me suggest another potential miscalculation. I read with great interest Ambassador Bremer's op-ed piece in the New York Times. One quote struck me:

> Our economic reform plan will entail a major shift of capital from the value-destroying state sector to private firms.

No one could disagree with that logic. But I think we have to be very careful that we do not replicate the experience we have seen in Russia, for example, where the winners of this transition of capital from the state to the private market were the insiders, the people with the connections, the people who were able to influence the government. We have made serious mistakes in our occupation planning. I hope we don't compound those mistakes by creating a government that has no legitimacy really and that serves simply as a conduit to enrich those who are participating in that government.

All of these concerns resonate throughout a country with distinction and disparate regional characteristics. On our trip, we visited Basra in the south, Baghdad in the center of the country, and Kirkuk in the north. The southern portion is predominantly Shia. They are engaged in a very careful balancing act between Iranian influences and their desires to participate in a secular government but certainly participate so that their religious culture is recognized. They are the largest population group in Iraq. We have been working with them. In the south my impression is that they are still weighing all of their options, and we have to be extremely careful.

In the north there is a significant population diversity, Kurds, Turkmen, Assyrians, Arabs. They are much more comfortable with our role there. They have seen the example of several years of a virtually autonomous region the Kurds established after the 1991 war.

The most stable regions at the moment seem to be the north and the south, although there are incidents of violence in all parts of Iraq.

But the key point, the most dangerous place is Baghdad. There in the suburbs leading to the west towards Falluja and up towards the north, toward Tikrit, the ancient home of Saddam and his tribal relatives, that is where the action is, that is where our soldiers are, frankly, being killed.

Our biggest concern at the moment is intelligence. Frankly, we did not expect this type of operation, and we are rapidly and diligently trying to understand who is attacking us, where they are getting their weapons and money and their support and supplies. Are their foreign influences? How many foreign fighters have come into Baghdad? We are in a race to find out about them before they do us even more grievous harm.

There is, of course, the issue of how many troops we should have in Iraq. I have heard reports that General Abizaid will recommend force strength in-country of about 160,000 soldiers and sailors, marines, all of our Armed Forces participating in one way or the other. That is a function of how much we know. My sense is that if we don't know who the enemy is, if we have uncertain threats from multiple directions, then we will err on the side of more troops rather than fewer. This situation could go on for a very long time.

There are those who have said we have gotten ourselves into another Vietnam. No, we haven't. That was a different time, a different place, a different situation. We don't have a rural insurgency as we did in Vietnam. We don't have a country that is a proxy for international politics being supported and encouraged by a significant infusion of foreign resources, wealth, and guidance. But we very well might have our own version of Belfast or the Intifada, urban guerrilla warfare in which there is insignificant foreign support at the moment but, as I indicated before, more than enough people who are determined to attack us and to hurt us.

As we traveled around in Iraq, we talked about the issue of weapons of mass destruction. Just one point: I assumed in my deliberations that the Iraqi regime would have chemical and biological weapons, but I assumed that they did not pose an immediate threat to the United States. Therefore, I did not vote to authorize the unilateral use of force. We have been surprised. But now what I sense is happening is that the search for weapons which so many declared were absolutely there and were so critical in their decision to mount a unilateral military attack, now that has been transformed into a search for a program. I wouldn't be surprised that in the months ahead, based upon analysis of documents, that some type of program emerges.

But with each passing day, it seems less and less likely that we will find a militarily significant concentration of chemical or biological weapons. I thought there was no credence to the claims by the President and others that there was an ongoing nuclear program in Iraq at the time, and I think that will be borne out.

Now, all of this leads me to several conclusions. One is particularly pertinent to this appropriation. Our Army and our marines—particularly our Army—are stretched thin, taut. They won't break because they are magnificent soldiers. They are under extraordinary pressure.

Let me suggest where our Army is. We have 370,800 soldiers in 120 countries, not just Iraq. In Iraq itself, we have the 3rd Infantry Division. These are the troops who led the fight into Baghdad. They have been told they are going home; they have been told they are staying. Once again, decisions have been reversed because of the situation. They are good soldiers. They will do their job, but certainly this is not the way to have a good plan, to rotate and move soldiers throughout the world.

The 4th Infantry Division is in the north. The 101st Airborne Division is in the north in Mosul. The 1st Armored Division has elements in the country. The 173rd Airborne Brigade conducted a parachute assault in the first days, and they are in Kirkuk. The 2nd Brigade of the 82nd Airborne is there. The 2nd and 3rd Light Cavalry Regiments are there. There are about 134,000 soldiers, together with 44,000-plus soldiers in Kuwait for supporting operations. In Afghanistan, we will have, by the end of summer, two brigades of the 10th Mountain Division. In the Balkans, we have the 34th National Guard Division from Kansas. In Kosovo, we have elements of the 1st Infantry Division, which will be replaced shortly by the Pennsylvania 28th National Guard Division. In the United States, we have soldiers deployed in counterdrug and other operations. Our Reserve elements are the 1st Cavalry Division, 1st Infantry Division Brigade, and we have new Stryker battalions or brigades up in Fort Lewis, and one in Alaska.

This is an extraordinary deployment of American forces. Included in the total are a significant number of National Guardsmen. These National Guardsmen and Reserve are one part of our great Army—one whole unified element.

I have left for last Korea. We have 37,000 soldiers there from the 2nd Infantry Division. I was shocked when I read yesterday of Secretary William Perry's conclusion that we are in a serious crisis with North Korea. Over the last few months, the administration has been trying diplomatically. But Secretary Perry, who is probably the most knowledgeable and experienced with respect to North Korea, is now convinced that we might have missed our opportunity for diplomacy to work.

One of the factors that goes into our strategy is whether we can complement our diplomacy with real military force. There is not much left to do that. Those 37,000 soldiers from the 2nd Infantry Division are not the kind of combat power you need to stare down the North Koreans if there is a serious breach of the current situation. But we are stretched thin. We cannot pull forces out of Iraq. We would jeopardize the mission there. We cannot pull them out of Afghanistan. We would jeopardize that mission. We have to consider what is most important for the Army, and we have to make decisions. Those decisions have to come to us quickly from the Department of Defense. What will we do?

This bill should have considered and included those types of recommendations—not our ideas, but the proposals of the Department of Defense and the administration, and there is scant detail with respect to Iraq and potential conflict with Korea. I hope diplomacy will work. But we have discovered that diplomacy without credible and complementary military forces is not as effective. This is a situation where we are stretched and we have an ongoing classic guerrilla war in Iraq, we have a situation in Afghanistan that is unstable, and we have a potential crisis in Korea. We need recommendations from the Department of Defense about where we are going to get soldiers to take these missions. I had hoped this bill would include such information. It doesn't.

Certainly, I am going to support the legislation, but I hope these questions are answered very quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

STEEL TARIFFS

Mr. ALEXANDER. Mr. President, President Bush is working very hard to get this economy moving again. I have strongly supported his jobs growth and tax cut plans. I believe his hard work and those plans are paying off. But in one case I want to respectfully suggest that the President consider making a midcourse correction. That case is the sad story of steel tariffs. It is a story of an honest effort by our President to save jobs that has backfired.

The backfire could not be coming at a worse time. As our economy recovers—and I believe that it is—the last thing our country needs is a wave of plant closings in the auto and auto parts industry. But that is exactly what will happen if the steel tariffs continue. The tariffs have become a job killer in the United States and a jobs growth program for Korea, Japan, Germany, and other countries that produce quality auto parts.

In March 2002, the Bush administration imposed tariffs of up to 30 percent on 10 different categories of steel imported from Europe, Asia, and South America. The tariffs may have saved a few steel-producing jobs for the time being. But since their institution in March 2002, the steel tariffs have already destroyed nearly as many jobs in the steel-consuming companies of America as exist in the entire domestic steel-producing industry.

Some auto parts plants in my State of Tennessee are already closing because of the higher cost of steel imposed by the tariffs. On top of that, last Friday the World Trade Organization ruled that these U.S. Steel tariffs are illegal and in violation of global trade rules. The European Union has already announced that it intends, therefore, to impose $2.2 billion in retaliatory sanctions on American imports sold in Europe, ranging from footwear to fruits and vegetables. And that would destroy still another batch of American jobs.

If these steel tariffs continue through the years 2004 and 2005, as scheduled, there will be a wave of plant closings across Tennessee and other steel-consuming States, especially among auto parts suppliers. Ironically, many of the steel-producing jobs themselves will also disappear for two reasons: One, when the tariffs eventually end, the protected and inefficient steel mills will find they are unable to compete in the world marketplace. And second, the demand in this country for this kind of steel will have dropped because automakers and auto parts suppliers will be buying parts overseas instead of buying U.S. steel to make parts in the U.S.A.

Fortunately, the President has an opportunity in September to review the decision that he made in March 2002 to impose steel tariffs. I respectfully urge him to chalk this one up to experience, to acknowledge that this exercise proves once again that protective tariffs are self-defeating and usually boomerang and to finally end the tariffs. Ending the tariffs would allow America's steel-consuming auto parts manufacturers and other American manufacturers a fair chance to make their products in the U.S.A. instead of overseas.

I began to first notice the effects of the new tariffs during my campaign for the Senate during 2002. Tennessee is home to at least 900 auto parts suppliers employing almost 100,000 people. Let me describe just how important these jobs are to us Tennesseans.

Before the auto industry came to Tennessee in 1980, we were the third poorest State. Only Mississippi and Arkansas were below us in family incomes. Our average family incomes were 80 percent of the national average family income. Then Nissan came to Tennessee. Then Saturn came to Tennessee. Then BMW and Toyota and other automobile plants put their assembly plants in other parts of the South and the Southeast.

These automakers wanted just-in-time quality auto parts suppliers close by. So to attract them, Tennessee built the best four-lane highway system in the United States. As a result, and as a result of our central location, over the last 20 years, the number of auto parts suppliers in our State has grown phenomenally, from a couple dozen to at least 900. These auto parts suppliers became the greatest contributors to a new prosperity in our State.

During the 1980s, Tennessee became the fastest growing State in family incomes. Our incomes by 1990 became 100 percent of the national average family income—from 80 percent in 1980 to 100 percent by 1990. During this time, of course, we were losing many other jobs, especially in the textile industry, but the textile jobs were being replaced by new higher paying jobs in the auto industry, and these auto parts plants usually came to smaller communities, to Shelby, to Rogersville, to Lexington, and to dozens and dozens of smaller Tennessee communities, usually adding 100, 200, 300 $30,000- to $50,000-a-year jobs with good benefits. And because labor costs of these auto suppliers are low—typically 15 to 25 percent of the cost in an auto supplier's budget is labor cost these higher wages are not enough of the whole total to justify having to move the plant overseas.

At a time when our greatest challenge seemed to be how do we keep our manufacturing jobs from moving to China or to Mexico or to Southeast Asia, the auto parts suppliers in Tennessee seemed like a godsend. They were good jobs that seemed likely to stay—stay, that is, unless some unexpected new costs forced the auto plants and suppliers to look outside the United States for a more competitive environment.

Enter the steel tariff. The President's decision in March 2002 boils down to this: It slapped a tariff of up to 30 percent on 10 different categories of imported steel. For Tennessee, most of it affected hot and cold rolled steel, the kind that is used to make cars and trucks in our country. Here is the irony. At the time of the tariff in March 2002, many auto parts suppliers in America were buying only about 5 percent of their steel overseas. In other words, of about $5.4 billion the U.S. auto industry purchased in 2002 of steel, only about $270 million came from overseas. But as soon as this tariff was placed on the 5 percent that came from overseas, domestic steel producers in this country raised their prices on the 95 percent of steel that was being produced in the United States, and suddenly auto parts suppliers and other steel-consuming businesses were paying up to 30 percent more for all their steel. In some cases, even more than that because of shortages.

In addition, steel companies broke their contracts in order to charge higher prices to auto parts suppliers. The auto parts suppliers then turned to their customers, the big automobile companies, and tried to pass along these price increases. The answer from the auto companies was: Sorry, we are cutting costs; we are not increasing them. So because the auto suppliers could not raise prices to cover increased costs, they suffered losses, and they began to lay off employees. In a few instances, entire plants closed.

Both the automakers and the auto parts suppliers began to consider the next logical step: looking offshore in another country for a place to build parts where steel is cheaper and is pegged at the global market price, not an artificial price as it is here.

Most small American manufacturers live on the edge. They are constantly under pressure to cut costs, and if costs cannot be cut, they cut a job or two. And if cutting a job or two does not do it, the only option is to move all the jobs overseas where costs are lower. It is that or go out of business.

Let us think what will happen during 2004 if the tariffs continue. It is very predictable, and it is this: Auto parts suppliers will move from Tennessee, from Wisconsin, from West Virginia, from Minnesota, from steel-consuming States, particularly auto parts suppliers. They will move to Mexico, to Korea, to Japan, and to Germany. There are many such countries capable of making quality auto parts where steel is at global market prices.

Since the United States tariffs do not apply to auto parts, only to the steel material, the auto parts suppliers will do only what they can do: Make the parts in Japan and ship them to the Nissan plant in Tennessee at a much lower cost than what they can make in Tennessee using United States steel.

This means small manufacturing plant after small manufacturing plant in small American town after small American town in State after State in 2004 will be closing their doors and shipping those good paying jobs with benefits to Korea, to Germany, to China, and to Japan. These same jobs that more than any other factor helped my State of Tennessee become prosperous will be gone, and I am afraid it will be hard to get them back.

Let me say just a word about steel-consuming jobs, like auto suppliers, versus steel-producing jobs, like steel plants. This tariff is a good-faith effort by the administration to save jobs in U.S. steel mills. There are more than 200,000 of these steel-producing jobs nationwide.

Here is the backfire. According to a study by Dr. Joseph Francois and Laura Baughman, almost 200,000 Americans in steel-consuming industries have lost their jobs in the last year since the imposition of the steel tariffs.

So when one considers the huge number of jobs in the steel-consuming sectors of American business, especially the auto industry, compared with a relatively small number of steel-producing jobs, I am afraid what happened last year is only a fraction of the job losses that will occur during 2004 and 2005.

Tennessee, for example, has only 3,396 steel-producing jobs, but Tennessee has 100 times that many steel-consuming jobs, 328,000, and 95,000 of those jobs are those auto-related jobs, those $30,000 to $50,000 jobs with good benefits that are in the small towns of Tennessee.

This is not just a Tennessee story, Mr. President. The United States has 12.8 million steel-consuming jobs, 2.1 million of which are auto related. The United States has only 226,000 steel-producing jobs.

I have selected at random a dozen other States and compared the number of steel-consuming jobs versus the number of steel-producing jobs. I will run through just a few of them.

Ohio has 770,000 steel-consuming jobs. Those are the auto parts suppliers. Ohio has over 38,000 steel-producing jobs; Florida, over 470,000 steel-consuming jobs. Florida has only a little over 1,500 steel-producing jobs. Even Pennsylvania, 72,300 jobs are auto related; 553,315 jobs are steel consuming like the autoparts suppliers. Only 35,730 are steel-producing jobs. Michigan, nearly 800,000 are steel consuming, 11,744 steel producing. West Virginia, 8,800 are auto related, 57,932 steel consuming, only 6,718 steel producing. Same in New Mexico. Same in Iowa.

Here is an interesting one. Minnesota has 248,047 steel-consuming jobs; 36,550 of those are autoparts suppliers. Minnesota has only 1,087 steel-producing jobs. The same in Wisconsin, Washington, Oregon, and in many other States.

In conclusion, let me say a word and give two or three specific examples of how the steel tariff has affected my State, Tennessee, during the last year. Tennessee ranks fourth in production of cars and trucks in the United States. It has nearly 100,000 employees in the automobile industry. It is the seventh largest State employed by the auto industry and a growing number of indirect and direct jobs in this sector.

According to the Motor Equipment Manufacturers Association, more than 70 percent of the employment of the auto industry comes from auto-parts suppliers. One example of how a steel-consuming company has been affected by the tariffs is Arvin Meritor. Arvin Meritor is a leading automotive supplier. It sells to the passenger car and commercial truck and trailer markets, as well as their related aftermarkets.

Arvin Meritor currently has six facilities in Tennessee in Loudon, Morristown, two in Pulaski, one in Brentwood, and one in Columbia. It employs 1,500 people. In 2002, Arvin Meritor purchased more than 1 million tons of steel globally. More than 95 percent of that steel consumed by Arvin Meritor in the United States during 2002 came from North American steel mills. Now, Arvin Meritor has faced a number of critical challenges since the inception of the tariffs.

In terms of pricing, administration officials advised the company only to expect a 4 to 6 percent increase in the cost of steel in the United States after the tariffs, but their experience was far worse. They found that cold-rolled steel prices from one of the company's U.S. steel suppliers rose by as much as 25 percent after April 1, 2002, just a few weeks after the steel tariffs were imposed, as compared to before the imposition of the tariffs. The current price is 13 percent higher.

Galvanized steel prices from one of Arvin Meritor's U.S. steel sources increased as much as 40 percent after April 1 of last year as compared to before the imposition of the tariffs, and the current price is 28 percent higher.

Once, Arvin Meritor had seven facilities in my State, but earlier this year, Arvin Meritor announced the closing of its 317-employee Gordonsville, TN, facility which produces doors, seats, and sunroofs. These are the $30,000, $40,000, and $50,000-a-year good jobs with benefits gone from Gordonsville, TN. This closure and the related reduction of Arvin Meritor's employment levels at its Pulaski, TN, facility, which produces aftermarket parts, they have cut down by 100 jobs. Both those incidents were due to the increased cost of the company's business units attributed in large part to steel tariffs.

A second example, the Dana Corporation, is one of the world's largest suppliers of axles, driveshafts, frames, brakes, chassis, et cetera. The company employs approximately 60,000 people worldwide. On April 1, 2002, Dana employed 3,000 people in facilities in Tennessee. Dana is one of the largest single purchasers of domestic steel in the U.S. with more than 95 percent of its total steel requirements purchased from U.S. steel producers.

Due to its product line, steel is Dana's largest single cost. As in the case of many auto suppliers in Tennessee and across this country, steel represents a large part of the overall production costs of automotive components. So after March 2002, Dana experienced steep price increases on domestic steel ranging from 20 to 50 percent. Coupled with delivery delays and supply restriction, in other words, shortages, the tariffs have forced Dana to begin seriously evaluating a number of steps to limit its exposure to problems arising from steel tariffs.

Among these steps is the use of offshore facilities to produce intermediate and finished products, as well as the active procurement of steel from exempt countries such as Mexico and Canada.

Now, if the goal is to save American jobs, how does it help to cause Dana, a large auto supplier, to move its facilities offshore—those are not Tennessee jobs—and to buy steel overseas? Those are not Tennessee steel producers.

A last example, Dura Automotive Systems, has five facilities in Tennessee, Gordonsville, Greenbrier, Lawrenceburg, Milan, and Pikeville. Dura employs 1,765 individuals in my State. It is the world's largest independent designer and manufacturer of driver control systems and a leading supplier of seating control systems, engineered assemblies, and structural door modules.

Dura is a leading supplier of door and window systems. Dura is an American company that used to purchase 100 percent of its steel from U.S. steel sources, once again, a prominent supporter of this Nation's domestic steel industry. Dura experienced a loss of $10 million in 2002 due to the higher steel prices, mainly for hot- and cold-rolled stripped steel, and was forced to increase its steel purchases from the spot market which is even more costly.

In addition, Dura's lead time for deliveries of steel from domestic sources, sources in this country, increased from 10 or 12 weeks to 18 or 20 weeks, adversely affecting just in time the manufacturing process and imposing significant additional costs on Dura.

American automobile companies and companies from all over the world that make automobiles in this country do not want delays in their autoparts. They want them the same day they order them, and if the tariff produces delays, that is just as costly as tariff price increases. Overall, the prices for Dura's required steel have increased by an average of 30 percent since March of last year. The result, Dura is currently considering a number of strategic alternatives such as moving production overseas and sourcing its steel from offshore sources.

That is very bad news to Tennesseans in Gordonsville, Greenbrier, Lawrenceburg, Milan, and Pikeville; 1,765 families who have these good jobs.

Our President, George Bush, is working hard to improve this economy. I am his strong supporter. I believe he is on the right track. I believe his jobs growth plan is working. I want him to succeed. I believe the economy is beginning to recover, and the last thing we need is any new cost on a major segment of American manufacturers that slows this economy's growth down.

I fear if the steel tariffs stay on as scheduled that we will see wave after wave of plant closings in the automobile industry across this State, in Tennessee, Ohio, Florida, Michigan, Pennsylvania, West Virginia, New Mexico, Illinois, Iowa, Wisconsin, Minnesota, Washington, and we do not want to see that. So I respectfully hope as the President comes to September and sees this opportunity, he will say: I did my best. I made a good-faith effort to help save those steel-producing jobs. It has not worked. It has backfired. It is the wrong policy, and the best thing I can do for the American worker is to end the steel tariffs.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALEXANDER. On behalf of the majority leader, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. BAUCUS. Mr. President, Montana has been proud to send many of our young men and women over to serve in the gulf these past few months. As their stories come back to us, we see more clearly the personal side of this war. We see the bravery, the commitment, and the courage of these men and women. Our Armed Forces remain engaged in a complicated, difficult effort, and they continue to carry out their mission with the type of professionalism and compassion that you could expect only from the most dedicated and finely trained individuals.

As I have done before, I would like to take the time this morning to acknowledge a few of the many Montanans we have serving in the gulf region. It is important that we let them know just how proud of them we are.

I have recently received news that Marine CPL Chad M. Taylor, of Kalispell, MT, has been awarded the Purple Heart. Chad was wounded last month while serving somewhere between the Iraqi cities of Baghdad and Tikrit. He was riding in an amphibious personnel carrier when it was hit by two rocket-propelled grenades. He has sustained shrapnel wounds in his legs, and he told his folks it would probably take "a couple of surgeries" to put him right.

Chad has not been the only member of his family serving over in the gulf—his twin brother Bobby is also a marine. The brothers joined up the same day, almost 4 years ago now. Before Chad's injury, both of them were stationed for a time in Baghdad, camping in separate Saddam palaces a few blocks apart. We hear they have seen each other fairly regularly, and once, passing in the steets of Baghdad, were able to exchange a high-five.

The boys' father says it is some relief to know that Chad is now safe, though wounded, but with Bobby still in the field, he remains "on pins and needles." We are all praying for Chad's quick recovery and Bobby's safe return. Hopefully, it will not be too long before this strong family can be back together again, celebrating the service and success of their wonderful boys.

LCpl Mike Tobey is also among those who have been wounded in Iraq. Mike's legs were broken in multiple places when a shell struck his troop carrier during the fighting in Baghdad. How's this for bravery and commitment? When interviewed by reporters he said, "I'd give anything to be back with the squad right now."

Mike's mother Julie lives in Whitefish, MT, and Mike's bravery has really brought the human side of this war into the lives of local residents. Mike has in fact become quite a local media sensation, indicating just how deeply support for our troops runs in Montana.

MAJ Patricia Camel Kelly of Ronan, MT, is currently serving as a surgical nurse in the 86th Combat Area Hospital in Iraq. She is working at an Enemy Prisoner of War camp, an experience she says will make her more confident as a family nurse practitioner when she returns to civilian life.

Major Kelly was previously a community health nurse with the Indian Health Service in St. Ignatius, and has a masters in community health nursing from Tulane University. She entered the Army in 1987, when her son Richard was a junior in high school, and while I am sure she is correct when she says she is still adding to her skills, it is hard for me to try to picture something this woman couldn't handle.

Major Kelly was one of the first tribal members to graduate from the Montana State University School of Nursing and is now one of many Native Americans serving overseas. She is of Pend Oreille descent and a member of the Confederated Salish and Kootenai Tribes. Her mother Alice Camel is a tribal elder.

After Major Kelly returns from Iraq, she plans to serve out the remainder of her time in the Army in Fort Lewis, WAF, and then move back home to the Flathead Indian Reservation. Her husband Isaac Kelly a retired Army master sergeant and her son Richard Janssen are among those eagerly awaiting her safe return.

Native Americans are probably serving in the highest percentage of any population in the country. Certainly there is strong evidence of this patriotic commitment to service in Montana. A good example is the Rocky Boy Tribe, which has 30 members on active military duty, despite a population of less than 3,000. Among those serving in the Gulf from Rocky Boy are two sisters, Crystal and Tashina Russette, both in the Navy, and Jason Torivio serving aboard the USS *Abraham Lincoln*.

Army CPL Angela Duran, mother of two small children and sister to a veteran of the first Gulf war, has now also been deployed. Her mother Linda will care for her two sons, ages 3 and 5, while she is away.

Ninety-one members of the Blackfeet Reservation are serving in the Armed Forces currently, with roughly 40 of them deployed for the Iraq war. Among those representing the Blackfeet Nation in the Gulf are PFC Carl Logan Kipp, part of the Army's Psychological Operations, and PFC Ivan Redhorn, recently deployed to the Gulf. Abe Birdrattler is serving in the Army's 3rd Division as a medic. Two of the Tucker boys, Brian, of the 101st Airborne, and his older brother Ronald, an Army specialist, and PFC Aretha Bullplume are also among those serving from the reservation.

These tribes have a strong history of community support for their members of the military, and they have been continuing that tradition with letters to their soldiers and care for their families. It feels good to know that when these troops come home, they will be receiving the kind of honor and respect from their community that all our troops deserve.

PO3 Travis Woodward of Superior, MT, has been serving aboard the USS *Valley Forge* and lending his expertise to an Australian ship as part of a cooperative coalition effort. Prior to this conflict, he has been part of a boarding team searching for drugs aboard foreign ships and enforcing United States sanctions against Saddam Hussein's regime.

Travis's time in the Navy is coming to an end this June, when he will be able to return to his wife and son back home in Montana. It will be a pleasure to see him rejoin his family and the Superior community.

PFC Frank Valenti is serving near Baghdad in the Transportation Division of the Army's 3rd Cavalry Division. He seems to be posterboy of what the Army can do to transform the life of a young man. From the description his mother gives, it seems Frank wasn't up to much after high school, kind of a sleep late, party hard kind of guy, and then he decided to turn his life around.

Joining the Army has really allowed him to start making something of himself. He married his longtime sweetheart and is serving his country and accomplishing things he can be proud of for the rest of his life. It is night and day from a few years ago for him, and it shows you a little bit about what kind of an institution our military is and what it means to become part of something larger than yourself, what it means to serve your country as Frank is doing.

Frank's brother Nathan Valenti is an Army pharmacy specialist serving in Germany, and I know their mother is very proud of both her boys, as she has every right to be. We are proud of them too.

Army CPT David Michael Gercken is a veteran of Operations Desert Shield and Desert Storm of the first Iraq conflict and is now serving in Iraq again. He is the father of three children, with a fourth child due July 1, when David will still be in Iraq.

David was raised in Great Falls and went on to attend college and met his wife at the University of Montana in Missoula. David is a Montanan through and through, and just before his deployment he sent me this statement via his parents. I would like to share it with you:

> Montanans have always shown a pioneering spirit and a dedication to democratic principles and the defense of freedom. As an Army officer I am very proud to take that same spirit with me when I deploy next week with the 1st Armored Division. GO GRIZ!!!!

A father, a veteran, and a proud, dedicated protector of this country and our values.

SSG Neil Bohne of Frenchtown, MT, joined the Air Force in 1998 and was deployed in Turkey in 1999 as part of Operation Northern Watch, which patrolled the no-fly zone in northern Iraq prior to this conflict, and later helped set up the first ever Coalition Life Support Shop in the former Soviet Union. He is now deployed to the 379th Expeditionary Wing in Iraq. His letters home have been reprinted in the Missoulian, and he has developed quite a local following. We know the support of hometown folks is very important to him, as it is to all our troops out their putting their lives on the line so far from home. We want to make sure he knows how proud we are of the job he and the rest of our forces have done and are continuing to do as they work to secure the peace and protect the freedoms we hold so dear.

LT Paul Tripp of the U.S. Navy is another man with a large hometown following. Paul's grandfather, Clarence, moved to Missoula from Minnesota with all nine of this brothers and sisters in the 1940s. The Tripp family has been a large and wonderful part of the community ever since.

Lieutenant Tripp has been serving the war effort as a code-breaker stationed in Saudi Arabia. He holds two master's degrees, in human resources and business management, and is considering pursuing a doctoral degree after he retires from the service. It is no surprise that a man this committed to education would have a tendency to make insightful comments, and I still return to a few lines from e-mail that were printed in the Missoulian, I guess about a month ago now. I would like to share his words with you all because I feel he really is able to articulate that which so many of us feel:

> As I travel and talk to people around this region, I want you to know how absolutely swelled up with gratitude and pride you should be to call yourselves Americans. There are men and women from every corner of our country serving you. There are women who have left their children, married couples who are at different bases serving at the same time, men who are single fathers that have left their children, and every variation in between.
>
> People are sleeping on cots, showering in trailers and walking in the sand ¼ mile to go to the bathroom—all in the name of freedom. We have such adaptable unselfish willing citizens over here that at times I am speechless from humility.

Nickolas Kyle Neilan is currently serving aboard the USS *Alonzo*, a guided missile Aegis cruiser. Nickolas is a Big Fork and Missoula native who has remained in touch with his home even while nine time zones away, reading the Missoulian online and corresponding with folks back home via e-mail. His service has been filled with long stretches at sea without a chance to dock and escape the confines of the ship, but like so many other of our servicemen and women, he bears these hardships calmly, simply doing his job and doing it well. He is the kind of young person we Montanans are proud to call one of our own.

Another Montanan serving at sea, PO3 Benjamin Taylor, is home now. He and Jason Torivio from Rocky Boy, whom I mentioned earlier, and Joe Keller of Harlowton serve aboard the USS *Abraham Lincoln*, part of a battle group that, until this past Friday, had been at sea longer than any other carrier group now on duty. They docked in San Diego briefly and are now on their way back to their homeport in Everett, WA. Joe Keller was able to debark in San Diego and fly home to Billings/Logan Airport, where he was met by his wife and two children and other family members.

Benjamin Taylor is a graduate of Sentinel High School and the University of Montana—he and his family have long been a strong part of the Missoula community, and I understand a large Missoula contingent was planning to make the trip to meet the ship dockside.

As the sailors aboard the *Lincoln* are arriving home, other Montanans are just arriving in Iraq, ready to pick up the task of security and rebuilding, now that the task of toppling Saddam's regime is done. Many of these newly deployed soldiers are members of the Army Reserves who have been called up to active duty for this conflict. The 495th Transportation Battalion from Kalispell, MT, just shipped out a couple weeks ago, and the 889th Transportation Battalion, also primarily of Kalispell, shipped out last week. The task before them is complex and difficult. It will test their training and their character, but we know they are up to the job. They have our confidence, and they are in our prayers.

Reservists are those who train on weekends a couple weeks a year, remaining ready for duty while still holding down civilian jobs and often raising families. When reservists are called up, they are asked to leave those jobs and families, to drop everything and heed the call to duty. Their employers are also asked to contribute, by granting flexibility to accommodate their training schedule, and of course to accommodate their sudden departure in time of conflict. The 125th Ordnance Battalion from Billings, MT. has contacted me with a short list of soldiers they feel are deserving of special recognition for serving in this special capacity. I hope hearing their stories gives you an idea of what kind of sacrifices so many of our reservists are gladly making in this conflict—the members of the 495th, and the 889th, and members from other companies around the State.

SGT Stacy F. Wright of Billings is enroute to Iraq to serve as a legal NCO. She has served as an active-duty member of the military before, but this time is leaving behind her husband, two children, a ranch, and a job as an administrative assistant in the Internal Revenue Service in order to serve her country.

SGT JJ Hutzenbeiler of Billings is now serving in Uzbekistan as a supply NCO, leaving behind his wife and job as a loan officer at 1st Interstate Bank.

SPEC Jesse C. Ryan is a student at Montana State University in Bozeman and was called up to serve in Iraq as a chemical Specialist.

SGT Jack E. Walker of Billings is enroute to Iraq as a motor sergeant. Jack has also served active duty before, but now must part with his wife, two children and small farm to do so.

SSGT Norman Richey, also experienced as an active-duty soldier, is enroute to New Mexico as a supply NCO. He leaves behind a job as a correctional officer for the New Mexico Department of Corrections.

SGT Chris Alamond is serving in Iraq as a communications NCO, having been called away from his wife and job as a mail handler for the U.S. Postal Service.

CAPT Nadine Elmore of Ekalaka left behind her husband and job with Montana State Human Resources to serve as a finance officer in Kuwait.

LTC Robert E. Brekke of Bozeman is now a provost marshall in Kuwait. When he is home, he serves as the owner/manager of Mountain Motor Supply.

LTC Teresa Otto is serving in Iraq and Kuwait as an anesthesiologist—the same job she has temporarily left at St. Vincent Hospital.

MSG Timothy Stavnes is serving in an undisclosed location as a special operations intelligence chief. Master Sergeant Stavnes has served as a traditional active duty soldier and been called up to active duty from the Reserves several times before. When he is in Billings, he is the assistant fire chief for the city, serving his community when not serving his country.

I would like to conclude my talk this morning by mentioning a Montanan serving overseas who is not a soldier, sailor, airman, or marine. Maggie Bigelow of Columbia Falls is serving in Germany as the financial manager of the enlisted club at Ramstein Airforce Base. She is also the saving grace of wounded Montanans like Chad Taylor and Mike Tobey, who have been flown to Ramstein for treatment. As one of those soldiers' mother's put it, she is an angel without wings. She has been keeping our boys in touch with their families, bringing them pizza, gifts, and most importantly, her smile and company. When one of our Montana servicemen is hurt and a long way from home, it is unbelievably reassuring to know she is there at his bedside, looking after him.

Maggie's father served as a marine in Vietnam, and her mother is a longtime member of the Veterans of Foreign Wars auxiliary. Her sister Brooke Brennan is serving in Kuwait as a staff sergeant in the Air Force. Maggie has grown up in a family dedicated to service, and the size of her heart is an inspiration to us all.

I hope hearing a little bit about these people helps folks understand the depth of commitment we have from our armed services—what they are willing to do in service of their country. It is not easy to drop everything and go out and serve when your country needs you, but these men and women do just that, whenever they are needed. I, for one, am incredibly grateful for that.

Mr. LEVIN. Mr. President, as our Nation's military continues its efforts to stabilize Iraq, we are reminded of the courage and valor that our soldiers, sailors, airmen and Marines embody each day as they carry out their duties. When I visited Iraq a few weeks ago, I experienced firsthand the difficult conditions under which they are performing their duties so capably.

Today, America is relying on the citizen-soldiers of the National Guard more than ever. In the past year, over thirteen hundred men and women from the Michigan National Guard have been mobilized to serve around the world. Among them were the men and women of the 110th Fighter Wing stationed at W.K. Kellogg Field in Battle Creek, Michigan. Since receiving A-10 aircraft in 1990, the men and women of the 110th Fighter Wing have literally been traversing the globe, seeing action in Bosnia, Kosovo, Operation Southern Watch in Iraq, and in Southwest Asia. It was while serving as part of Operation Allied Force in Kosovo that the 110th Fighter Wing teamed with sister A-10 units from the Massachusetts and Idaho Air National Guards to form the "killer bees."

Tomorrow, one of the members of the 110th Fighter Wing, Major James "Chocks" Ewald, will be visiting our Nation's capitol. Major Ewald embodies the commitment of the men and women in the National Guard. A pilot for United Airlines until he was furloughed following the September 11, 2001 terrorist attacks, Major Ewald is a retired Air Force pilot who leaves his wife and three young children in suburban Chicago one weekend a month to train with his National Guard unit in Battle Creek, Michigan.

Major Ewald piloted an A-10 Warthog that was shot down while providing combat air support to ground units approaching Baghdad during Operation Iraqi Freedom. It was truly a relief when we learned that even though Major Ewald had to abandon his aircraft, he was picked up in a matter of minutes by U.S. Army personnel who saw him hiding in the reeds along the banks of the Euphrates River.

As the Army unit approached, Major Ewald thought that Iraqi forces were nearing. However, when the soldiers called out to him, saying "Hey, pilot dude, we see you over there," he quickly concluded two things: first, his hiding place was not the best, and second, fortunately "dude" is probably not Saddam's Republican Guard calling for you.

This anecdote underscores the heroism of our Nation's military. A-10 pilots like Major Ewald put their lives on the line in support of our ground troops, and those troops in turn came to his aid when shot down. In an era when the term "hero" is used with increasing frequency, the actions of Major Ewald and his rescuers truly deserve the label of hero.

Our Nation owes a debt of gratitude to our men and women in uniform for their professionalism, patriotism and willingness to ensure our Nation's security. I know colleagues join me in welcoming Major James Ewald, and thanking him for his service to our country.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Elkhart, IN. On November 17, 1999, Sasezley Richardson, a 19-year-old black teenager was shot dead as he strolled back from a local mall with diapers for a friend's baby. The two men that shot Richardson said they shot the young man solely because of his race. The victim was black and the perpetrators of the crime were white. One of the shaven-headed suspects told police he was a member of the violent, white supremacist Aryan Brotherhood, while the other reportedly said he wanted to kill a black person in order to get in the group.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

2003 FEDERAL BUDGET DEFICIT

Mrs. FEINSTEIN. Mr. President, I rise to address this year's Federal budget deficit, which is now expected to exceed $450 billion. This will be the largest Federal deficit on record.

This is a staggering $680 billion increase from the $236 billion budget surplus the Federal Government ran 3 years ago.

And who knows how much the true deficit may in fact be if, a few months from now, the projection increases again due to the ongoing costs of rebuilding Iraq and Afghanistan. Reconstruction costs are now running $4.8 billion per month, or $58 billion annually, which is well above what we have budgeted.

According to the Concord Coalition, a nonpartisan group that advocates for balanced budgets, "The first six months of the 108th Congress were the most fiscally irresponsible in recent memory."

The members of this Chamber and the American public should know the simple truth: putting our economy back on track is even more difficult in the face of deficits of this magnitude.

And next year, the on-budget deficit will likely top $600 billion.

In my 10-year career in the Senate, there has never been a greater need for fiscal discipline than there is now. The then-record $290 billion deficit we faced in 1992 required some very tough choices to be made but the choices that lie ahead will be even harder.

It is incumbent on the President and the House and Senate leadership to prepare the country for those choices. Instead, the President and the Republican leadership in Congress have cut taxes with abandon while increasing spending at a rate faster than at any point during the past 10 years.

Discretionary spending increased by 13.1 percent between 2002 and 2001, and is expected to increase by 9.7 percent this year over 2002 levels. Much of that spending has been necessary to fight the war on terror, recover from the attacks of September 11, and improve our homeland security.

Nevertheless, such spending cannot be sustained if tax revenues plummet due to ill-timed tax cuts and a weakened economy. In fact, the Federal Government has now reached a point at which it could eliminate all nondefense discretionary spending and still not close the Federal budget deficit.

That would mean eliminating all Federal spending on roads, schools, law enforcement, disease research, and the environment, among thousands of other programs.

This structural imbalance between Federal revenues and outlays threatens to send us into a spiral of increasing debt and rapidly accelerating interest costs. As the Federal debt increases and public saving decreases, long-term interest rates will inevitably be pushed higher.

That not only increases the amount that the Federal Government must pay to finance its obligations but also raises the cost of putting a mortgage on your home or financing a new car purchase. A conservative estimate puts the increase in long-term interest rates due to the budget deficit at 0.4 percent.

An increase of that magnitude would add $800 per year to the cost of a $200,000 home mortgage, or more than the majority of American taxpayers will receive from the President's latest tax cut.

Yet what is perhaps more threatening is the negative economic impact of these growing deficits.

The hard truth is that even robust economic growth will not bring the budget back into balance. When preparing deficit projections, the CBO assumes average real GDP growth of 3.3 percent between now and 2008, which is well in excess of the 1.5 to 2 percent average growth of the past 3 years.

Such moderately strong growth would still leave us with more than $2 trillion in cumulative deficits over the next decade. And this does take into account the true cost of the tax cuts without the sunsets and other budgetary gimmicks, which is likely to add $1.8 trillion to those deficits if all existing tax cuts were extended.

These fiscal problems are not intractable, but they require bipartisan cooperation and real fiscal discipline, both of which have been in short supply of late.

One unfortunate consequence of the administration's approach to the recent tax cut has been a growing partisan divide between Democrats and Republicans on fiscal policy.

That stands in sharp contrast to the atmosphere when I entered the Senate in 1992. At that time a group of moderate Senators from both parties joined forces to rein in spending and hold the line on new tax cuts.

Those efforts came to fruition in 1998, when the first Federal budget surplus since the Johnson administration was recorded. Budget surpluses continued for an additional 2 years, coinciding with a period of robust economic growth.

During the 108th Congress, I have worked to rekindle that spirit of bipartisanship because I fear for the consequences of maintaining our current course.

This past January, I introduced bipartisan legislation with Senator CHAFEE to freeze further cuts to the top income tax rates, a move which would save over $150 billion over 10 years if enacted today.

During debate on the fiscal year 2004 budget resolution, I cosponsored an alternate budget resolution with Senators CARPER, CHAFEE, and LINCOLN. That alternate resolution would have brought the budget back into balance 4 years earlier than the resolution which passed the Senate, and was revenue-neutral over the 10-year budget window.

And yesterday I introduced legislation to upgrade our country's transportation and water infrastructure. Credit for this bill is due to Congressman OBERSTAR in the House, and I am pleased to introduce the Senate companion bill. This bill would create more than 2 million new jobs, at less than a tenth the cost of the latest tax cut.

Moreover, the $34 billion cost of my bill is fully offset by closing Enron-related tax shelters, putting an end to corporate expatriation and extending customs user fees.

This type of targeted, revenue-neutral stimulus promises to create more jobs than the President's tax cut, without digging us deeper into debt, and is precisely the sort of fiscally responsible approach to jump-starting the economy that we need.

Just as the budget surpluses of the late 1990s had a positive ripple effect of increasing the feeling of economic certainty and security in this country, the current budget deficit is having a negative ripple effect and is contributing to the near-freeze on hiring and capital investment we are currently experiencing.

We must break this cycle with bipartisan leadership or we will face an even greater crisis in the years ahead. We cannot afford to burden future generations with the debt resulting from our fiscal mismanagement, and we cannot afford to defer tough choices to future leaders.

CONGRESSIONAL REVIEW ACT AND THE FCC

Mr. FEINGOLD. Mr. President, I am proud to be an original cosponsor of S. J. Res. 17, the resolution of disapproval introduced yesterday by Senator DORGAN and a bipartisan group of Senators who are very concerned about the media ownership rules issued recently by the Federal Communications Commission. When the FCC issued those rules, it ignored the public. It ignored hundreds of thousands of public comments, and it ignored the calls of elected representatives for more careful consideration of these issues that are crucial to the future of information and entertainment in our country.

Over the past several weeks, many Senators have been doing what the FCC failed to do: listening to the American people. What we have heard is not applause for the new rules but great disappointment, and even anger. The American people are outraged by these new media ownership rules. They do not want new media ownership rules that legitimize eliminating local community voices in exchange for homogenization and uniformity. They do not want fewer and fewer choices, and less and less local control.

Those of us who support this disapproval resolution under the Congressional Review Act want to right the wrong done by the FCC. We believe that the people, not powerful media conglomerates, ultimately own the airwaves. The will of the people must be reflected in the rules that govern media ownership in this country. The strong public support for this resolution is demonstrated by the fact that there are already 35 Senators, from both sides of the aisle, who have signed a petition to bring this matter to the floor, as the CRA contemplates. It is now clear that we will have a vote on this matter in the Senate in the next few months. That is good news for the public.

The FCC's rules threaten to undermine the diversity of voices in the television and newspaper industries, just as diversity in the radio industry has been diminished. In a marketplace limited by only these new rules, our major media outlets will begin to look and act like radio, with absentee owners, standardized programming, and less local news and community involvement.

Thanks to the Telecommunications Act of 1996, which loosened the ownership rules for radio, we have seen the future of media consolidation, and we know that it offers a lot more to big media companies than it does to consumers. In some cases, it can be downright dangerous. The five giant media conglomerates that already dominate the airwaves will expand their reach and further stifle localism and diversity.

By invoking the Congressional Review Act, Congress can wipe out these new rules altogether, and the FCC will have to go back and redraft them. We plan to make it clear that the new draft should include some of the positive proposals contained in the recent media bill sponsored by Senator Ted Stevens that passed out of the Commerce Committee. The CRA specifically contemplated that agencies may have to redo regulations required by court or congressional mandate. If this disapproval resolution is passed by the House and the Senate, the preexisting rules will again be in effect until the FCC goes back to the drawing board and promulgates new regulations that are not substantially similar to the rules that Congress has disapproved.

In promulgating these new rules, the FCC ignored its primary responsibility—to serve the public interest. But fortunately, the FCC doesn't have the final word here. The people do. It is our duty in the Congress to listen to the people and give voice to their concerns. By passing the resolution of disapproval, we will do just that. I want to thank the Senator from North Dakota, Mr. DORGAN, for his leadership and the other Senators from both sides of the aisle who are working on this. This is an important effort and I believe we will be successful in taking this action on behalf of the public interest.

PESTICIDE HARMONIZATION

Mr. BURNS. Mr. President, I rise today to express my support of S. 1406, which is pesticide harmonization legislation. I join my colleague, Senator DORGAN, as an original cosponsor of this legislation. I would like to commend Senator DORGAN and his staff, the Montana Grain Growers, the National Association of Wheat Growers, and our Montana Department of Agriculture for their willingness to work out the gritty details of this bill. It has been a long and laborious negotiation process, but I believe we have come up with legislation that is better for the farmers of this country.

In my home State of Montana and many other Western and Midwestern States, we have faced a number of trade disputes between Canada and the United States. One of the most glaring discrepancies deals with pesticides. Chemicals that are sold for one price just across the border in Canada are sold at a considerably higher cost to American producers. Why does this happen you may ask? The EPA places strong regulations on chemicals used in the United States and therefore, the chemical companies believe they should hike up the prices to pay for their trouble.

The chemicals sold in Canada and the United States, in most cases, have the exact same chemical makeup. The same company manufactures them but often gives them a different name and nearly always prices the American chemicals higher. The crops harvested at a lower production cost in Canada are now competing with American products. I am a strong believer in fair trade, but for free trade to actually occur, this problem must be addressed.

Currently, American farmers are facing a serious economic recession. Grain prices are the lowest they have been in a number of years and there does not appear to be a light at the end of the tunnel. Additionally, much of the West is looking at yet another year of drought. Also, fertilizer costs are skyrocketing with the ever-rising cost of natural gas. To top it all off, they are also being forced to pay twice as much for nearly the same chemicals as their foreign neighbors.

This bill would eliminate current obstacles and even the playing field for our farmers. The bill operates under a similar concept as the previous bills introduced, but many of the details have changed. The pesticide harmonization bill that is currently introduced, S. 332, had the States, not EPA, in charge of pesticide registrations. This new version has EPA in charge of the process. This eliminated some of the concerns of States, whose budgets would not allow these much-needed registrations to be completed. It also protects confidentiality of ingredients in the chemicals.

Our farmers and ranchers have been paying too much for their pesticides and chemicals for too long. From my years as a football referee, I learned everyone needs to follow the same rules to play the game. We need to make sure Canadian farmers and U.S. farmers are playing under the same rules. I believe this bill makes that happen. I look forward to working with my colleagues on this crucial issue to America's farmers and ranchers.

THANKING THE NATIONAL MARINE ENGINEERS' BENEFICIAL ASSOCIATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that my letter addressed to Mr. Ron Davis of the National Marine Engineers' Beneficial Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 16, 2003.

Mr. RON DAVIS, President
National Marine Engineers' Beneficial Association, Washington, DC.

DEAR MR. DAVIS: I would like to extend my sincere thanks to the National Marine Engineers' Beneficial Association. Under your outstanding leadership, the National Marine Engineers' Beneficial Association strengthened the Army, Air Force, and Marine Corps combat power, and ensured our military's buildup in Southwest Asia.

The MEBA swiftly activated more than 40 vessels of the Ready Reserve Force. Our nation's military, and thus our national security, is dependent upon the quick response of each MEBA member. Your members more than met the challenge and exceeded all expectations.

Our nation depends on the courage and dedication of the MEBA to help ready our troops in times of crisis. I salute the heroic contributions of the National Marine Engineers' Beneficial Association and applaud every mariner for contributing to the support of our Nation's military.

Sincerely,

RICK SANTORUM,
U.S. Senator.

ADDITIONAL STATEMENTS

RECOGNIZING GILES H. MILLER, JR.

• Mr. ALLEN. Mr. President, I am very pleased today to recognize Mr. Giles H. Miller, Jr. of Culpeper, VA. Throughout his celebrated 100 years, he has been a model of altruistic service to his community, the Commonwealth of Virginia and America.

A Virginia native, Mr. Miller was born in Lynchburg on July 26, 1903. He attended college at the Virginia Military Institute from August 1920 to June 1924, and while enrolled, Mr. Miller was awarded some of the highest accolades the school has for students. As an alumnus, he has served VMI tirelessly in roles including President of its Board of Visitors, founder of the Miller Basketball Scholarship Program, and Chairman of the VMI Flying Squadron, just to name a few. His service has won him the school's Spirit Award, Distinguished Service Award, as well as the position of Senior Living Alumnus and the distinction of "Mr. VMI."

Mr. Miller's record of exemplary service extends also to the community of Culpeper, VA, where he has been a resident for more than 70 years and has deservedly earned the distinguished title of "Mr. Culpeper." Over those years, he has been a member of the Culpeper Town Council, Vice Mayor of Culpeper, founder and President of the Culpeper Host Lion's Club, Chairman of the Board of Culpeper Memorial Hospital and President of Culpeper National Bank. In recognition of his work, he has been honored as Outstanding Citizen of the Year in Culpeper, as well as with the Culpeper Colonel Award from the Board of Supervisors and the Good Scout Award from the Boy Scouts of America. In addition to his work in Culpeper, Mr. Miller has worked in significant positions throughout the Commonwealth, including a stint as Director of the Federal Reserve Bank in Richmond.

Mr. Miller is an example of many of the traits that we as Americans honor: service, dedication, and hard work, among others. He is a wonderful role model for his fellow Virginians and Americans, and I congratulate him on the wonderful celebration of his 100th birthday.•

TRIBUTE TO CHARLES L. SHEARER

• Mr. BUNNING. Mr. President, I pay tribute to one of Kentucky's finest educators. Dr. Charles L. Shearer has served as president of Transylvania University for over 20 years and he has helped shape it into the fine liberal arts institution it is today.

Upon Dr. Shearer's inception as Transylvania University's president 20 years ago, he brought with him a doctorate in economics and teaching experience. Charles also spent 4 years as the university's vice president of finance where he successfully eliminated Transylvania's deficits. Although campus enrollment was low then, Dr. Shearer helped Transylvania rebound from 605 in 1983 to a record 1,109 during the fall of 2002.

Achieving the highest quality of education in the classroom possible has been a top priority throughout Dr. Shearer's tenure as president. The top 25 students in each class are awarded the William T. Young Scholarship. The Bingham, Jones and Kenan programs encourage retainment and recruitment of faculty by awarding bonuses to deserving teachers.

Dr. Shearer's leadership helped raise the endowment from $4.1 million in 1983 to $110 million today. While funds peaked at $129.3 million in 1998, the school has been able to make the necessary improvements and growth that have shaped Transylvania University. In the past 20 years the additions to the campus have included the Young Campus Center, the Rosenthal and Poole residence halls, the Cowgill business center, the Lucille Little Theatre, the Clive Beck Athletic and Recreation Center, the John R. Hall Field for intramurals and athletics, and the Marquard baseball field.

The commitment and devotion Dr. Charles Shearer has demonstrated to Transylvania University is inspiring. Fewer than 5 percent of college or university presidents serve 20 years or more. His ability to work and grow with people has enabled Dr. Shearer to serve Transylvania University in a spectacular way. While Dr. Shearer has received numerous offers to serve at other academic institutions, he has declined in order to continue his role at Transylvania and thus has become the longest serving president in the school's 223-year history. I am thrilled Dr. Shearer has remained at Transylvania and am optimistic for the university's future. I thank the Senate for allowing me to recognize Dr. Shearer and Transylvania University. He is one of Kentucky's best at one of its finest institutions.•

RECOGNIZING STEPHEN ARTHUR HEAVENER

• Mr. ALLEN. Mr. President, today I recognize Mr. Stephen Arthur Heavener who will retire on August 1, 2003, after having served 8½ years as the Executive Director of the Front Royal-Warren County Economic Development Authority. He leaves this position to become Executive Director of the Department of Development in Carlsbad, NM.

During Mr. Heavener's 8½ years of service at the Warren County EDA more than 1,100 county jobs were created and the local industrial tax base increased from 8.5 percent in 1990 to 13.5 percent in 2002. These particular accomplishments came to fruition largely because of Mr. Heavener's work with Pen-Tab Industries, Toray Plastics, America, Family Dollar, Ferguson Enterprises and SYSCO Northeast Cooperative, Inc. Mr. Heavener also assisted in the redevelopment of the Avtex Fibers Superfund site in Front Royal. The massive construction on this 500-acre site will eventually create more than 11,000 square feet of premium rehabilitated office space, 240 acres of Conservancy Parklands, 160 acres of eco-business park, and 30 acres of soccer fields. In addition, Mr. Heavener has also aided in the growth and expansion of local businesses in Warren County by creating the Rural Business Enterprise Loan program, which has provided loans for small businesses in the amount of $250,000.

Mr. Heavener's record of success as Executive Director of the Front Royal-Warren County Economic Development Authority is well-known and respected. I congratulate him on his years of dedicated service to the people of Warren County and the Commonwealth of Virginia and wish him well in his new position in the Department of Development in Carlsbad.•

THE BOSTON CELTICS—HEROES AMONG US

• Mr. KENNEDY. Mr. President, the Boston Celtics are heroes on the basketball court and off the court as well. In 1997, they established the "Heroes Among Us" award to honor outstanding individuals in New England who have made an especially significant impact on the lives of others. The award is designed to honor men and women in Massachusetts who stand tall in their commitment to their community. The extraordinary achievements of the honorees include saving lives, sacrificing for others, overcoming obstacles to achieve goals, or lifelong commitments to improving the lives of those around them. They include persons of all ages and from all walks of life, including students, community leaders, founders of nonprofit organizations, members of the clergy, and many others.

At each home game during the season, the Celtics and their fans salute the exemplary efforts of an honoree in a special presentation on the basketball court. So far, over 250 individuals have received the "Heroes Among Us" award.

All of us in Massachusetts are very proud of this program, which has become one of the most recognized and respected initiatives in our State. I ask unanimous consent to include in the RECORD the names of the honorees for the 2002–2003 season.

Dira Barbosa, Cambridge, MA; Ethan Zohn, Lexington, MA; Lisa Scherber, Reading, MA; David Gordenstein, Needham, MA; Jonathan Adams, Littleton, MA; Jerry Smith, Hyannis, MA; David Gonthier, Amesbury, MA; Joe Lester, Tewksbury, MA; Robert Coard, West Roxbury, MA; Frank Chin, Boston, MA; Josh Powell, Dorchester, MA; Amy Maki, North End, MA.

Linda Whitlock, Newton, MA; Stephen Clay, Springfield, MA; Crew of the USS *Constitution*, Charlestown, MA; Rebecca Chernin, Sharon, MA; Bill Murphy, Centerville, MA; David Crandell, Needham, MA; Moe Boisvert, Shrewsbury, MA; Paul Manley, Nashua, MA; Technical Sergeant Cynthia Chagnon, Concord, MA; Captain Thomas Hudner, Concord, MA; Jason and Sharon Silber, Peabody, MA; Staff Sergeant David Johnson, Amesbury, MA.

Maureen Dunn, Randolph, MA; Darryl Williams, Milton, MA; Lieutenant Commander Bill Timmons, Buzzard's Bay, MA; Lou Bianchi, Natick, MA; Stephen and Ann Connally, Chesire, MA; Justin Pasquariello, Arlington, MA; Tom Kelley, South Boston, MA; Pam Singer, Dunbarton, NH; John and Magi Bish, West Warren, MA; Travers DeGroot, East Greenwich, RI; Gerald Chertavian, Boston, MA; Jeffrey Ryan, Watertown, MA.

Bill McAndrews, Medfield, MA; Patrick Doyle, Dorchester, MA; Macy DeLong, Lexington, MA; Hope Wilson, East Bridgewater, MA; Terry Lenczycki, East Bridgewater, MA; Lee Kennedy, Norwood, MA; Jane Sapp, Springfield, MA; Tony and Virginia Brenna, Milford, MA; Crew of the USS *Preble*, United States Navy; Gary Twombly, Hull, MA; Zachary Jewett, North Attleboro, MA.●

HONORING ARTHUR BROWN OF HECLA MINING

● Mr. CRAPO. Mr. President, I rise today to recognize Arthur Brown, who has been a long-time resident of Idaho and a great contributor to our State and its economy.

Art Brown came to Idaho from South Africa 36 years ago to begin a new career in the mountains of Idaho's Silver Valley. Art, his wife Tiia, and their children began a journey that would support not only them but a company and our community.

As an engineer down in the mines, Art pursued the American Dream. After years of hard work and commitment, he rose to become the chairman and chief executive officer of Hecla Mining Company, which was the top performer on the New York Stock Exchange in 1979 and again in 2002.

Throughout his journey, Art never lost sight of his family and community. He served his local community as the mayor of Pinehurst. He led youth golf and ski programs. Art even gained a reputation as a head cheerleader of sorts, running the sidelines at his daughter's basketball games. Most notable is the culture of community service he fostered at Hecla, first by his example and then by encouragement to his employees to do the same thing. Giving back to the community became a way of life for a Hecla employee under Art's direction.

Hecla Mining has been a part of the fabric of Idaho for over 112 years. And so have people like Art Brown, who contribute to their community, their State, and so much more. This year Art will be retiring from his service at the helm of Hecla. However, he will not be retiring away from Idaho. True to form, Art will remain rooted in his community and family of Idaho.

I am proud of Art Brown, for the example he has set for business in the State of Idaho, for his contributions to his community, and for his family who has supported him in his endeavors over the years. On behalf of myself and so many others in the great State of Idaho, I wish him the best in his future endeavors and thank him for his service to Idaho.●

MESSAGES FROM THE HOUSE

At 10:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2195. An act to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 236. A concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. MICA, Mr. EHLERS, Mr. HAYES, Mr. REHBERG, Mr. ISAKSON, Mr. OBERSTAR, Mr. DEFAZIO, Mr. BOSWELL, and Mr. HOLDEN.

From the Committee on Energy and Commerce, for consideration of section 521 of the House bill and section 508 of the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BARTON of Texas, and Mr. DINGELL.

From the Committee on Government Reform, for consideration of sections 404 and 438 of the House bill and section 108 of the Senate amendment, and modifications committed to conference: Mr. TOM DAVIS of Virginia, Mr. SHAYS, and Mr. WAXMAN.

From the Committee on the Judiciary, for consideration of sections 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. COBLE, and Mr. WAXMAN.

From the Committee on Resources, for consideration of sections 204 and 409 of the House bill and section 201 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mr. GIBBONS, and Mr. RAHALL: That Mr. RENZI is appointed in lieu of Mr. POMBO for consideration of section 409 of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of section 102 of the House bill and sections 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mr. ROHRABACHER, and Mr. COSTELLO.

From the Committee on Ways and Means, for consideration to title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. CAMP, and Mr. RANGEL.

ENROLLED BILL SIGNED

Under the authority of the order of January 7, 2003, the following enrolled bill, previously signed by the Speaker of the House, was signed on July 15, 2003, by the President pro tempore (Mr. STEVENS).

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

At 5:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference. Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, Mrs. WILSON of New Mexico, Messrs. CALVERT, SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, TURNER of Texas, Ms. LORETTA SANCHEZ of California, and Mr. COOPER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. GOSS, HOEKSTRA, and Ms. HARMAN.

From the Committee on Agriculture, for consideration of sections 1057 and 2822 of the House bill, and modifications committed to conference: Messrs. GOODLATTE, LUCAS of Oklahoma, and STENHOLM.

From the Committee on Education and the Workforce, for consideration of sections 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504–1506 of the House bill, and sections 233, 351, 352, 368, 701, 1034, and 1036 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, KLINE, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 601, 3113, 3201, and 3517 of the House bill, and sections 601, 701, 852, 3151, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BARTON of Texas, and DINGELL.

From the Committee on Financial Services, for consideration of sections 814 and 907 of the House bill, and modifications committed to conference: Messrs. OXLEY, KING of New York, and Mrs. MALONEY.

From the Committee on Governmental Reform, for consideration of sections 315, 323, 551, 805, 822, 824, 828, 829, 1031, 1046, 1050, 1057, title XI, title XIV, sections 2825 and 2826 of the House bill, and sections 326, 801, 811, 813, 822, 831–833, 841, 852, 853, 1013, 1035, 1102–1104, and 2824–2826 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, Mrs. JO ANN DAVIS of Virginia, Messrs. PUTNAM, TURNER of Ohio, WAXMAN, VAN HOLLEN, and DAVIS of Illinois.

From the Select Committee on Homeland Security, for consideration of section 1456 of the House bill, and modifications committed to conference: Messrs. COX, SHADEGG, and THOMPSON of Mississippi.

From the Committee on House Administration, for consideration of section 564 of the Senate amendment, and modifications committed to conference: Messrs. NEY, MICA, and LARSON of Connecticut.

From the Committee on International Relations, for consideration of sections 1047, 1201, 1202, 1209, title XIII, sections 3601, 3611, 3631, 3632, 3634, and 3636 of the House bill, and sections 323, 343, 921, 1201, 1202, 1204, 1205, 1207, 1208, title XIII, and section 3141 of the Senate amendment, amid modifications committed to conference: Messrs. HYDE, BEREUTER, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 661–665 and 851–853 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 311, 317–319, 601, and 1057 of the House bill, and sections 322, 330, and 601 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GILCHREST, REHBERG, RAHALL, and UDALL of New Mexico.

From the Committee on Science, for consideration of sections 852 and 911 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SMITH of Michigan, and HALL of Texas.

From the Committee on Small Business, for consideration of section 866 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 601, 907, 1049, 1051, and 2824 of the House bill, and sections 324, 601, and 2821 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and CARSON of Oklahoma.

From the Committee on Veterans' Affairs, for consideration of section 565 of the House bill, and sections 644 and 707 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of New Jersey, BILIRAKIS, and FILNER.

From the Committee on Ways and Means, for consideration of section 701 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY, and STARK.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, July 16, 2003, she had presented to the President of the United States the following enrolled bill:

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3234. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Mid-Session Review for the Fiscal Year 2004; referred jointly pursuant to the order of January 30, 1975 as modified by the order' of April 11, 1986; to the Committees on Appropriations; and the Budget.

EC–3235. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Forest Fire Suppression and Fuels Management Services" (RIN3425-AE89) received on July 15, 2003; to the Committee on Small Business and Entrepreneurship.

EC–3236. A communication from the Principal Deputy Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the Interim Report to Congress on Corrosion Matters in the Department of Defense; to the Committee on Armed Services.

EC–3237. A communication from the Deputy Secretary of Defense , transmitting, pursuant to law, the Annual Report of the Reserves Forces Policy Board for Fiscal Year 2002; to the Committee on Armed Services.

EC–3238. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99-09C; to the Committee on Armed Services.

EC–3239. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 01-08; to the Committee on Armed Services.

EC–3240. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Organization; Loan Policies and Operations; Termination of Farm Credit Status" (RIN3052-

AB86) received July 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3241. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus AF36; Exemption from the Requirement of a Tolerance" (FRL#7311-6) received on July 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3242. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerances Technician Correction" (FRL#7317-1) received on July 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3243. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cymoxanil; Pesticide Tolerances" (FRL#7313-6) received on July 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3244. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–3245. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the National Marine Fisheries Service Strategic Plan for Fisheries Research; to the Committee on Commerce, Science, and Transportation.

EC–3246. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Garmin International Inc." (WT doc. no. 01-339; FCC03-26) received on July 12, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3247. A communication from the Assistant Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability" (FCC03-126, CC99-200) received on July 12, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3248. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 1.937 of the Commission's Rules Concerning Repetitious or Conflicting Applications" (WT doc. no. 02-57; FCC03-79) received on July 12, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3249. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Species that Comprise Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0679) received on July 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3250. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries; Correction" (RIN0648-AM44) received on July 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3251. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "Federal Railroad Safety Improvement Act"; to the Committee on Commerce, Science, and Transportation.

EC–3252. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations Regulations; Brooks Memorial (S.E. 17th Street) Bridge, Atlantic Intracoastal Waterway mile 1065.9, Fort Lauderdale, Florida" (RIN1625-AA09) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3253. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; SLR (Including 2 Regulations)" (RIN1625-AA08) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3254. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations" (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3255. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 2 Regulations) [San Diego]" (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3256. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fireworks Display, Columbia River, Astoria, OR" (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3257. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes Within Or Contiguous to Waterfront Facilities" (RIN1625-AA07) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3258. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety Security Zone Regulations [San Francisco Bay]" (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3259. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 7 Regulations)" (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3260. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, Bureau of Land Management, received on July 15, 2003; to the Committee on Energy and Natural Resources.

EC–3261. A communication from the Assistant General Counsel for Regulatory Law, Office of Environmental Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites" (RIN1901-AA88) received on July 15, 2003; to the Committee on Energy and Natural Resources.

EC–3262. A communication from the Director, Office of Surface Mining, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY-242-FOR) received on July 11, 2003; to the Committee on Energy and Natural Resources.

EC–3263. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY-236-FOR) received on July 11, 2003; to the Committee on Energy and Natural Resources.

EC–3264. A communication from the Assistant Secretary for Fish and Wildlife, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Subsistence Harvest in Alaska; Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska during the 2003 Subsistence Season" (RIN1018-AI84) received on July 11, 2003; to the Committee on Energy and Natural Resources.

EC–3265. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Maryland Regulatory Program" (MD-048-FOR) received on July 11, 2003; to the Committee on Energy and Natural Resources.

EC–3266. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills" (FRL#7528-3) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3267. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export" (FRL#7528-4) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3268. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Fort Collins Carbon Monoxide Redesignation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions" (FRL#7522-1) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3269. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation of Plans; Indiana" (FRL#7517-5) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3270. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Georgia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL#7530-9) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3271. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines Establishing Test Procedures for the Analysis of Pollutants: Analytical Methods for Biological Pollutants in Ambient Water" (FRL#7529-7) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3272. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that State of California Has Corrected Deficiencies and Stay and Deferral of Sanction; San Francisco Bay" (FRL#7528-9) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3273. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Phaseout of Cholorobromomethane Production and Consumption" (FRL#7529-4) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3274. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act" (FL#7530-4) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3275. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Monthly Status Report on the Licensing Activities and Regulatory Duties of the United States Nuclear Regulatory Commission" for April 2003; to the Committee on Environment and Public Works.

EC–3276. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 4971 and Running of Statute of Limitations and Form 5500 and Form 5330" (Rev. Rul. 2003-88) received on July 11, 2003; to the Committee on Finance.

EC–3277. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Announcement Explaining Changes to Automatic Approval Procedures for Changes in Annual Accounting Periods by Individuals" (Ann. no. 2003-49) received on July 11, 2003; to the Committee on Finance.

EC–3278. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Fees for Copies of Exempt Organization Returns" (RIN1545-BB22) received on July 11, 2003; to the Committee on Finance.

EC–3279. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Application of User Fees to EGTRRA Amendments" (Notice 2003-49) received on July 11, 2003; to the Committee on Finance.

EC–3280. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 1.856-4: Rents from Real Property" (Rev. Rul. 2003-86) received on July 11, 2003; to the Committee on Finance.

EC–3281. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD: Definition of Guaranteed Annuity and Unitrust Interests" (RIN1545-AO31) received on July 11, 2003; to the Committee on Finance.

EC–3282. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Automatic Approval Procedures for Changes in Annual Accounting Periods by Individuals" (Rev. Proc. 2003-62) received on July 11, 2003; to the Committee on Finance.

EC–3283. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes" (RIN1545-BB17) received on July 11, 2003; to the Committee on Finance.

EC–3284. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance on the Application of Section 911 to U.S. Individuals Working in Iraq" (Notice 2003-52) received on July 11, 2003; to the Committee on Finance.

EC–3285. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Statute of Limitations on Assessment as Affected by Bankruptcy" (Rev. Rul. 2003-80) received on July 11, 2003; to the Committee on Finance.

EC–3286. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Compensation Deferred Under Eligible Deferred Compensation Plans" (RIN1545-AX52) received on July 11, 2003; to the Committee on Finance.

EC–3287. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Application Procedures and Final Agreement for Withholding Foreign Partnerships and Trusts" (Rev. Proc. 2003-64) received on July 11, 2003; to the Committee on Finance.

EC–3288. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD: Catch-Up Contributions for Individuals Age 50 or Older" (RIN1545-BA24) received on July 11, 2003; to the Committee on Finance.

EC–3289. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 4980 and Reversion in Excess of 25% of Terminating Defined Benefit Plan's Assets" (Rev. Rul. 2003-85) received on July 11, 2003; to the Committee on Finance.

EC–3290. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Treatment of Community Income for Certain Individuals not Filing Joint Returns" (RIN1545-AY83) received on July 11, 2003; to the Committee on Finance.

EC–3291. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Failed 1035 Exchanges" (Notice 2003-51) received on July 11, 2003; to the Committee on Finance.

EC–3292. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Effect of Section 338(h)(10) Elections in Certain Multi-Step Transactions" (RIN1545-BB78) received on July 11, 2003; to the Committee on Finance.

EC–3293. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Cardiac rehabilitation programs and pulmonary rehabilitation services; to the Committee on Finance.

EC–3294. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's March 2002 report entitled "Medicare Payment Policy"; to the Committee on Finance.

EC–3295. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's January report entitled "Applying Quality Improvement Standards in Medicare"; to the Committee on Finance.

EC–3296. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's recommendation of an index for adjusting payment amounts for physician training; to the Committee on Finance.

EC–3297. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-107, "Additional Use of the Reserve Funds Omnibus Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC–3298. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's Accountability Report for fiscal year 2002; to the Committee on Governmental Affairs.

EC–3299. A communication from the Director, Workforce Compensation and Perf. Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Administratively Uncontrollable Overtime" (RIN3206-) received on July 15, 2003; to the Committee on Governmental Affairs.

EC–3300. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–3301. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the General Accounting Office relative to the National Energy Policy Development Group; to the Committee on Governmental Affairs.

EC–3302. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to use of the Physicians' Comparability Allowance Program; to the Committee on Governmental Affairs.

EC–3303. A communication from the Chief Executive Officer, Washington Metropolitan Area Transit Authority, transmitting, pursuant to law, the Authority's annual financial report for the fiscal year ending June 30, 2001; to the Committee on Governmental Affairs.

EC–3304. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Drug, Antibiotic, and Biological Drug Product Regulations; Accelerated Approval; Technical Amendment" (Doc. no. 91N-0278) received on July 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3305. A communication from the Director, National Science Foundation, transmitting, a report entitled "FY 2001 Management and Performance Highlights"; to the Committee on Health, Education, Labor, and Pensions.

EC–3306. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Assignment of Agency Component for Review of Premarket Applications" (Doc. no. 2003N-0235) received on July 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3307. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Antiperspirant Drug Products For Over-the-Counter Human Use; Final Monograph" (RIN0910-AA01) received on July 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3308. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims" (RIN0910-AB66) received on July 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3309. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Evaluation, Research, and Technical Assistance Activities Supported by the Promoting Safe and Stable Families Program; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 877. A bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet (Rept. No. 108–102).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004" (Rept. No. 108–103).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 929. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes (Rept. No. 108–104).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense.

*Paul Morgan Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID:

S. 1418. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to chose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefits computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. BAYH, Mr. KERRY, Mrs. CLINTON, and Mr. DASCHLE):

S. 1419. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mr. CRAIG:

S. 1420. A bill to establish terms and conditions for use of certain Federal land by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such land; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 1421. A bill to authorize the subdivision and dedication of restricted land owned by Alaska Natives; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. KENNEDY, Mr. VOINOVICH, Mrs. CLINTON, Ms. CANTWELL, Mr. BREAUX, Mrs. MURRAY, Mr. HOLLINGS, Mr. INOUYE, Mr. LEVIN, Mr. BINGAMAN, Mr. ALLEN, Ms. MURKOWSKI, Ms. COLLINS, Mr. AKAKA, Mrs. HUTCHISON, and Mrs. LINCOLN):

S. Res. 196. A resolution designating December 14, 2003, as "National Children's Memorial Day"; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 197. A resolution to authorize testimony, document production, and legal representation in State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan; considered and agreed to.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 517

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 517, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 632

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 818

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 844

At the request of Mr. CRAPO, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 844, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 894

At the request of Mr. WARNER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 913

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 913, a bill to amend the Federal Deposit Insurance Act to provide for the return of excess amounts in Federal deposit insurance funds to financial institutions for use in their communities, with such distributions allocated according to the historical basis of contributions made to the funds by such institutions.

S. 976

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1046

At the request of Mr. REID, his name was withdrawn as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1046, supra.

S. 1250

At the request of Mr. BURNS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1250, a bill to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system and other purposes.

S. 1283

At the request of Mr. GRAHAM of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1296

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1296, a bill to exempt seaplanes from certain transportation taxes.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1335

At the request of Mr. GRAHAM of Florida, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1400

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 1400, a bill to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from North Carolina (Mr. EDWARDS), the Senator from Rhode Island (Mr. REED), the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), the Senator from Georgia (Mr. MILLER), the Senator from Michigan (Mr. LEVIN), the Senator from Nebraska (Mr. NELSON) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. CON. RES. 41

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Con. Res. 41, a concurrent resolution directing Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1418. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefits computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I believe Social Security is one of the greatest success stories of our government.

Social Security is the only program in the history of our Nation that has provided dignity and respect for our senior citizens, regardless of their income or backgrounds.

For almost 70 years, Social Security has been there for our citizens when they need it. It has provided seniors with independence and economic security in their retirement years.

In addition to helping millions of senior citizens, Social Security has provided economic security for surviving spouses and children and to countless Americans with disabilities.

It is easy to see why people believe Social Security is the most successful social program our country has ever adopted.

I rise today to reintroduce legislation that would correct a problem that plagues a special population of Social Security recipients. I am speaking on behalf of those affected by Social Security notch.

The Social Security notch causes more than nine million Social Security recipients born between the years of 1917 and 1926 to receive fewer Social Security benefits than Americans born outside the notch years due to changes made in 1977 to the Social Security benefit formula.

I have continued to speak out on this issue and the injustice it imposes on millions of seniors. The notch issue has been discussed, studied and reviewed, yet to date, Congress has not corrected this wrong. Because of this, many older Americans born during this period cannot afford the most basic necessities.

Congress must accept responsibility for any error that was made. We should not ask notch Seniors to accept less because of our mistake. While we must preserve and protect Social Security for future generations, we have an obligation to those, who through no fault of their own, receive less than those that were fortunate enough to be born just days before and after the notch period.

The notch situation has its origins in 1972, when Congress decided to create automatic cost-of-living-adjustments to help Social Security keep pace with inflation. Prior to 1972, each adjustment had to await legislation, causing beneficiaries' monthly payments to lag behind inflation. When Congress took this action, it was acting under the best of intentions.

Unfortunately, this new benefit adjustment method was flawed. To function properly, it required that the economy behave in much the same fashion that it had in the 1950s and 1960s, with annual wage increases outpacing prices, and inflation remaining relatively low. As we all know, that did not happen. The rapid inflation and high unemployment of the 1970s generated rapid increases in benefits.

In 1977, Congress revised the way that benefits were computed. In making its revisions, Congress decided that it was not proper to reduce benefits for persons already receiving them. It did, however, decide that benefits for all future retirees should be reduced.

We have an obligation to convey to our constituents that Social Security is a fair system. Notch Babies in Nevada feel slighted by their government and if I were in their situation, I would too. Through no fault of their own, they receive less, sometimes as much as $200 less, than their neighbors.

The legislation I am offering today is my proposal to right the wrong. Let us fix the notch problem and restore the confidence of the nine million notch babies across this land. Government has an obligation to be fair. My support of notch babies is longstanding. I sponsored numerous pieces of legislation over the years to address this issue. With this legislation, my effort continues.

It is unfortunate that these measures have not seen the light of day. Many who have written to me think Congress is waiting for notch babies to die rather than honor this debt. I must tell you it concerns me when our constituents have this perception of their elected representatives.

We have to do something to make sure Americans believe that Social Security is a fair system. Passage of my legislation provides us that chance.

My legislation is intended to make good on what this government should have done long ago. I propose that workers who attain the age of 65 after 1981 and before 1992 be allowed to choose either lump sum payment over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977.

It is time to put these dollars into the hands of those who earned them. It is time to show our support for notch reform.

I am introducing this legislation because actions speak louder than words. The 'Notch Fairness Act of 2003' that I am introducing on behalf of notch victims today, is intended to put my words into action. I ask all my colleagues to join me in support of this important and long overdue legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Notch Fairness Act of 2003".

SEC. 2. NEW GUARANTEED MINIMUM PRIMARY INSURANCE AMOUNT WHERE ELIGIBILITY ARISES DURING TRANSITIONAL PERIOD.

(a) In General.—Section 215(a) of the Social Security Act (42 U.S.C. 415(a)) is amended—

(1) in paragraph (4)(B)—

(A) by inserting "(with or without the application of paragraph (8))" after "would be made"; and

(B) in clause (i), by striking "1984" and inserting "1989"; and

(2) by adding at the end the following:

"(8)(A) In the case of an individual described in paragraph (4)(B) (subject to subparagraphs (F) and (G) of this paragraph), the amount of the individual's primary insurance amount as computed or recomputed under paragraph (1) shall be deemed equal to the sum of—

"(i) such amount, and

"(ii) the applicable transitional increase amount (if any).

"(B) For purposes of subparagraph (A)(ii), the term 'applicable transitional increase amount' means, in the case of any individual, the product derived by multiplying—

"(i) the excess under former law, by

"(ii) the applicable percentage in relation to the year in which the individual becomes eligible for old-age insurance benefits, as determined by the following table:

"If the individual becomes eligible for such benefits in:	**The applicable percentage is:**
1979	55 percent
1980	45 percent
1981	35 percent
1982	32 percent
1983	25 percent
1984	20 percent
1985	16 percent
1986	10 percent
1987	3 percent
1988	5 percent.

"(C) For purposes of subparagraph (B), the term 'excess under former law' means, in the case of any individual, the excess of—

"(i) the applicable former law primary insurance amount, over

"(ii) the amount which would be such individual's primary insurance amount if computed or recomputed under this section without regard to this paragraph and paragraphs (4), (5), and (6).

"(D) For purposes of subparagraph (C)(i), the term 'applicable former law primary insurance amount' means, in the case of any individual, the amount which would be such individual's primary insurance amount if it were—

"(i) computed or recomputed (pursuant to paragraph (4)(B)(i)) under section 215(a) as in effect in December 1978, or

"(ii) computed or recomputed (pursuant to paragraph (4)(B)(ii)) as provided by subsection (d),

(as applicable) and modified as provided by subparagraph (E).

"(E) In determining the amount which would be an individual's primary insurance amount as provided in subparagraph (D)—

"(i) subsection (b)(4) shall not apply;

"(ii) section 215(b) as in effect in December 1978 shall apply, except that section 215(b)(2)(C) (as then in effect) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 61, plus the 3 calendar years after such period for which the total of such individual's wages and self-employment income is the largest; and

"(iii) subdivision (I) in the last sentence of paragraph (4) shall be applied as though the words 'without regard to any increases in that table' in such subdivision read 'including any increases in that table'.

"(F) This paragraph shall apply in the case of any individual only if such application results in a primary insurance amount for such individual that is greater than it would be if computed or recomputed under paragraph (4)(B) without regard to this paragraph.

"(G)(i) This paragraph shall apply in the case of any individual subject to any timely election to receive lump sum payments under this subparagraph.

"(ii) A written election to receive lump sum payments under this subparagraph, in lieu of the application of this paragraph to the computation of the primary insurance amount of an individual described in paragraph (4)(B), may be filed with the Commissioner of Social Security in such form and manner as shall be prescribed in regulations of the Commissioner. Any such election may be filed by such individual or, in the event of such individual's death before any such election is filed by such individual, by any other beneficiary entitled to benefits under section 202 on the basis of such individual's wages and self-employment income. Any such election filed after December 31, 2003, shall be null and void and of no effect.

"(iii) Upon receipt by the Commissioner of a timely election filed by the individual described in paragraph (4)(B) in accordance with clause (ii)—

"(I) the Commissioner shall certify receipt of such election to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay such individual, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000, in 4 annual lump sum installments of $1,250, the first of which shall be made during fiscal year 2004 not later than July 1, 2004, and

"(II) subparagraph (A) shall not apply in determining such individual's primary insurance amount.

"(iv) Upon receipt by the Commissioner as of December 31, 2003, of a timely election filed in accordance with clause (ii) by at least one beneficiary entitled to benefits on the basis of the wages and self-employment income of a deceased individual described in paragraph (4)(B), if such deceased individual has filed no timely election in accordance with clause (ii)—

"(I) the Commissioner shall certify receipt of all such elections received as of such date to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay each beneficiary filing such a timely election, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000 (or, in the case of 2 or more such beneficiaries, such amount distributed evenly among such beneficiaries), in 4 equal annual lump sum installments, the first of which shall be made during fiscal year 2004 not later than July 1, 2004, and

"(II) solely for purposes of determining the amount of such beneficiary's benefits, subparagraph (A) shall be deemed not to apply in determining the deceased individual's primary insurance amount.".

(b) Effective Date and Related Rules.—

(1) Applicability of amendments.—

(A) In general.—Except as provided in paragraph (2), the amendments made by this Act shall be effective as though they had been included or reflected in section 201 of the Social Security Amendments of 1977.

(B) Applicability.—No monthly benefit or primary insurance amount under title II of the Social Security Act shall be increased by reason of such amendments for any month before July 2004.

(2) Recomputation to reflect benefit increases.—Notwithstanding section 215(f)(1) of the Social Security Act, the Commissioner of Social Security shall recompute the primary insurance amount so as to take into account the amendments made by this Act in any case in which—

(A) an individual is entitled to monthly insurance benefits under title II of such Act for June 2004; and

(B) such benefits are based on a primary insurance amount computed—

(i) under section 215 of such Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(ii) under section 215 of such Act as in effect prior to January 1979 by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977).

By Ms. LANDRIEU (for herself, Mr. Bayh, Mr. Kerry, Mrs. Clinton, and Mr. Daschle):

S. 1419. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

Ms. LANDRIEU. Madam President, I send a bill to the desk and ask for its appropriate referral. I send this bill to the desk on behalf of myself, the Senator from Indiana, Senator Bayh, Senator Kerry, and Senator Clinton.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Ms. LANDRIEU. Madam President, I appreciate the Democratic leader's generosity, to give some of his time for the introduction of this very important bill. I thank the Senator from South Dakota.

This particular measure is called the Foster Mentoring Act of 2003. I have spoken many times on the floor about the issue of foster care and adoption, and our efforts as a Congress to try to keep our families intact and to provide the economic systems in the country, as well as the social systems from the Federal, State, and local level, to try to help support our families in a way that will get them through crises that all families experience.

It would be our goal as a nation to see that every child born in a family gets to stay within that family and is loved and nurtured within that family unit, either the immediate family or extended family. But when family ties break down beyond the ability to repair them even with the best efforts made by the churches and synagogues and mosques and faith-based organizations as well as the Government, then we have to create a system out-of-home care, or foster care.

We have done that. We have created a system, but we have to fix a system that is now broken and in great need of repair. Many of us have been working diligently over the past few years to do that. Some great progress has been made.

Until the system can be reformed in its entirety, there are some things we can do now, we can do immediately. Passing this Foster Mentoring Act is one of these things. It would provide a $15 million grant to States to provide foster care mentoring programs, provides $4 million for a public awareness campaign for the need for mentors for the over 500,000 children who are in foster care in the United States today, and it would provide, most significantly, up to $20,000 for loan forgiveness for anyone who would mentor a foster care child.

You ask me have we done this before? Yes, in California, represented by a list of advocates I will submit. Children Uniting Nations is the lead nonprofit organization organizing this effort. Under the direction of Governor Gray Davis and his wife, Sharon, they have been a successful pilot for this kind of program in the United States.

This bill attempts to take what is working in California and expand it nationally and provide foster care mentoring opportunities to children in foster care.

I ask unanimous consent, because my time is short, to have printed in the Record a letter from the former majority leader, Dick Armey, who supports this initiative and really encourages the Congress to take a serious look.

There being no objection, the material was ordered to be printed in the Record, as follows:

Richard K. Armey,
Former Majority Leader,
Washington, DC, July 16, 2003.

Hon. Mary Landrieu,
Hart Senate Office Building,
Washington, DC.

Dear Senator Landrieu: I understand you are introducing legislation designed to promote mentoring for foster children. I am writing to applaud your effort and objective. Based on my own experience, mentoring works.

My own experience with mentoring convinces me that it affords an opportunity for learning and encouragement to children that is all too often not otherwise available. For the past ten years I have sponsored a program, which we called, Tools for Tomorrow in which we arranged scholarships and mentors fifteen deserving children. I have seen first hand how they blossomed through the experience and I have enjoyed the special relationship between the children and their mentors. Mentoring works in the lives of the children.

In addition to applauding your active leadership and efforts with respect to mentoring for foster children I also want to commend Daphna Ziman, and Children Using Nations for their support and activities in the private sector. Daphna Ziman, Chairperson of Children Uniting Nations, is a recognized leader who gives much of herself in the tireless pursuit of helping foster children. Her efforts and other private sector initiatives play a critical role in advancing this important cause.

With kind regards,

Dick Armey.

Ms. LANDRIEU. I urge my colleagues to take this issue, as I know they will, quite seriously, to do what we can now to provide the hundreds of thousands of children who are looking for mentorship and stability the benefit of this act and, as quickly as we can, take it up in the Senate. Of course, we urge our leadership to do so.

Finally, I thank Senator DASCHLE for giving me the minutes before his amendment to offer this important legislation.

I yield any time remaining.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I complement the distinguished Senator from Louisiana for her bill and her leadership on the issue of mentoring. She knows a great deal about foster care. I am grateful to her for the commitment she had made to the issue.

Recent statistics have shown that 45 percent of those children who are in foster care are less likely to begin using drugs; 59 percent do better academically; 73 percent set and attain a higher life achievement goal. So there is a lot to be said for fostering. I believe the Foster Care Mentoring Act that she has now just introduced is meritorious and certainly deserves our support.

I ask to be a cosponsor.

Ms. LANDRIEU. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. CRAIG:

S. 1420. A bill to establish terms and conditions for use of certain Federal land by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such land; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I am pleased to introduce today the Outfitter Policy Act of 2003.

This legislation is very similar to legislation I introduced in past Congresses. As that legislation did, this bill would put into law many of the management practices by which Federal land management agencies have successfully managed the outfitter and guide industry on National Forests, National Parks and other Federal lands over many decades.

The bill recognizes that many Americans want and seek out the skills and experience of commercial outfitters and guides to help them enjoy a safe and pleasant journey.

The Outfitter Policy Act's primary purpose is to ensure accessibility to public lands by all segments of the population and maintain the availability of quality recreation services to the public. While protecting access for many outdoor enthusiasts who possess the skills to enjoy recreating on public lands without assistance, this Act insures that outfitters and guides across the Nation can continue to provide opportunities for outdoor recreation for the many families and groups who would otherwise find the backcountry inaccessible.

Previous hearings and discussions on prior versions of this legislation helped to refine the bill I am introducing today. This process provided the intended opportunity for discussion. As well as it allowed for the examination of the historical practices that have offered consistent, reliable outfitter services to the public.

Congress has twice addressed this issue with respect to the National Park System permits—originally establishing standards for Park Service administration of guide/outfitter permits on their lands in 1965 and amending that system in 1998. Therefore, it is appropriate to set similar legislative standards for other public land systems such as Forest Service and Bureau of Land Management lands. However, these and other land management agencies are now without Congressional guidance, and instead rules, permit terms and conditions and other intricacies are often left to local agency personnel. The Outfitter Policy Act would alleviate the discord involved in land management permitting, providing consistent guidance on the administration of guide/outfitter permits for the other federal land management agencies.

The Outfitter Policy Act provides the basic terms and conditions necessary to sustain the substantial investment often needed to provide the level of service demanded by the public. However, the bill provides the agencies ample flexibility to adjust use, conditions, and permit terms. All of which must be consistent with agency management plans and policies for resource conservation. The Outfitter Policy Act strives to provide a stable, consistent regulatory climate which encourages qualified entrants to the guide/outfitting business, while giving the agencies and operators clear directions.

The Outfitter Policy Act is a measure that will facilitate access to public lands by the outfitted public, while providing incentives to outfitters to provide the high quality services over time. It is necessary to ensure that members of the public who need and rely on guides and outfitters for recreational access to public lands will continue to receive safe, quality services.

Unfortunately, this legislation has not passed in its current form. So I will be working with my colleagues, Senators BINGAMAN and WYDEN, to capture these concepts and draft a bill that will pass our committee.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Outfitter Policy Act of 2003".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize the Secretary of Agriculture and the Secretary of the Interior to facilitate the use and enjoyment of recreational and educational opportunities on Federal land by establishing a program for the permitting of providers of outfitted activities that—

(1) recognizes that outfitted activities constitute an important component of meeting the recreational and educational objectives of resource and land management;

(2) is based on developing an effective relationship between the Federal agency and the outfitters that facilitates an administrative framework and regulatory environment that makes it possible for outfitters to engage in, and invest in, a successful business venture that provides for recreational use of Federal land by the segment of the public that needs or wants the services of outfitters and guides; and

(3) ensures that the United States receives fair value for use of Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLOCATION OF USE.—

(A) IN GENERAL.—The term "allocation of use" means a method or measurement of use that—

(i) is granted by the Secretary to an authorized outfitter for the purpose of facilitating the occupancy and use of Federal land by an outfitted visitor;

(ii) takes the form of—

(I) an amount or type of commercial outfitted activity resulting from an apportionment of the total recreation capacity of a resource area; or

(II) in the case of a resource area for which recreation capacity has not been apportioned, a type of commercial outfitted activity conducted in a manner that is not inconsistent with or incompatible with an approved resource management plan; and

(iii) is calibrated in terms of amount of use, type of use, or location of a commercial outfitted activity, including user days or portions of user days, seasons or other periods of operation, launch dates, assigned camps, hunt, gun, or fish days, or other formulations of the type or amount of authorized activity.

(B) INCLUSION.—The term "allocation of use" includes the designation of a geographic area, zone, or district in which a limited number of authorized outfitters are authorized to operate.

(2) AUTHORIZED OUTFITTER.—The term "authorized outfitter" means a person or entity that conducts a commercial outfitted activity on Federal land under an outfitter authorization.

(3) COMMERCIAL OUTFITTED ACTIVITY.—The term "commercial outfitted activity" means an activity—

(A) conducted for a member of the public in an outdoor environment on Federal land, such as—

(i) outfitting;

(ii) guiding;

(iii) supervision;

(iv) education;

(v) interpretation;

(vi) skills training;

(vii) assistance; or

(viii) the dropping off or picking up of visitors, supplies, or equipment;

(B) conducted under the direction of compensated individuals; and

(C) for which an outfitted visitor is required to pay more than shared expenses (including payment to an authorized outfitter that is a nonprofit organization).

(4) FEDERAL AGENCY.—The term "Federal agency" means—

(A) the Forest Service;

(B) the Bureau of Land Management;

(C) the United States Fish and Wildlife Service; or

(D) the Bureau of Reclamation.

(5) FEDERAL LAND.—

(A) IN GENERAL.—The term "Federal land" means all land and interests in land administered by a Federal agency.

(B) EXCLUSION.—The term "Federal land" does not include—

(i) land held in trust by the United States for the benefit of an Indian tribe or individual; or

(ii) land held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(6) OUTFITTER AUTHORIZATION.—The term "outfitter authorization" means—

(A) an outfitter permit;

(B) a temporary outfitter authorization; or

(C) any other authorization to use and occupy Federal land under this Act.

(7) RESOURCE AREA.—The term "resource area" means a management unit that is described by or contained within the boundaries of—

(A) a national forest;

(B) an area of public land;

(C) a wildlife refuge;

(D) a congressionally designated area;

(E) a hunting zone or district; or

(F) any other Federal planning unit (including an area in which outfitted activities are regulated by more than 1 Federal agency).

(8) SECRETARY.—The term "Secretary" means—

(A) with respect to Federal land administered by the Forest Service, the Secretary of Agriculture;

(B) with respect to Federal land administered by the Bureau of Land Management, the United States Fish and Wildlife Service, or the Bureau of Reclamation, the Secretary of the Interior.

SEC. 4. OUTFITTER AUTHORIZATIONS.

(a) IN GENERAL.—

(1) PROHIBITION.—No person or entity, except an authorized outfitter, shall conduct a commercial outfitted activity on Federal land.

(2) SPECIAL RULE FOR ALASKA.—With respect to a commercial outfitted activity conducted in the State of Alaska, the Secretary shall not establish or impose a limitation on access by an authorized outfitter that is inconsistent with the access ensured under subsections (a) and (b) of section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(b) TERMS AND CONDITIONS.—An outfitter authorization shall specify—

(1) the rights and privileges of the authorized outfitter and the Secretary; and

(2) other terms and conditions of the authorization.

(c) CRITERIA FOR ISSUING AN OUTFITTER PERMIT.—The Secretary shall establish criteria for the issuance of an outfitter permit that—

(1) recognize skilled, experienced, and financially capable persons or entities with knowledge of the resource area;

(2) consider the safety of, and the quality recreational experience, educational opportunities, and resources available to, the outfitted visitor; and

(3) recognize and provide a range of public services.

(d) ISSUANCE OF OUTFITTER PERMIT.—

(1) IN GENERAL.—The Secretary may issue an outfitter permit under this Act if—

(A) the commercial outfitted activity to be authorized is not inconsistent with an approved resource management plan applicable to the resource area in which the commercial outfitted activity is to be conducted; and

(B) the authorized outfitter meets the criteria established under subsection (c).

(2) USE OF COMPETITIVE PROCESS.—Except as otherwise provided by this Act, the Secretary shall use a competitive process to select an authorized outfitter if the Secretary determines that there is a competitive interest in the commercial outfitted activity to be conducted.

(e) PROVISIONS OF OUTFITTER PERMITS.—

(1) IN GENERAL.—An outfitter permit shall provide for—

(A) the health and welfare of the public;

(B) conservation of resources;

(C) a return to the United States through the fees authorized under section 5;

(D)(i) a term of 10 years; or

(ii) a term of less than 10 years if—

(I) foreseeable amendments in resource management plans would create conditions that, less than 10 years after the date of issuance of the permit, would materially affect, and necessitate changes in the terms and conditions of, a permit; and

(II) the Secretary and the authorized outfitter agree to the reduced permit term;

(E) a probationary period of 2 years if the authorized outfitter is a new authorized outfitter;

(F) the obligation of an authorized outfitter to defend and indemnify the United States under section 6;

(G) a base allocation of outfitter use, and, if appropriate, a temporary allocation of use;

(H) a plan to conduct performance evaluations under section 8;

(I) a means to modify, on the initiative of the Federal agency or on the request of the authorized outfitter, an outfitter permit to reflect material changes in terms and conditions specified in the outfitter permit;

(J) notice of a right of appeal and judicial review; and

(K) such other terms and conditions as the Secretary may require.

(2) EXTENSIONS.—The Secretary may issue not more than 3 1-year extensions of an outfitter permit, unless the Secretary determines that extraordinary circumstances warrant additional extensions.

(f) TEMPORARY OUTFITTER AUTHORIZATIONS.—

(1) IN GENERAL.—The Secretary may issue a temporary outfitter authorization for the purpose of conducting a commercial outfitted activity on a limited basis.

(2) TERM.—A temporary outfitter authorization shall have a term of not more than 2 years.

(3) REISSUANCE OR RENEWAL.—A temporary outfitter authorization may be reissued or renewed at the discretion of the Secretary.

SEC. 5. FEES.

(a) AMOUNT OF FEE.—

(1) IN GENERAL.—In determining the amount of a fee, the Secretary shall—

(A) use consistent methodologies; and

(B) take into consideration—

(i) the financial obligations of the outfitter under the outfitter permit;

(ii) the provision of a reasonable opportunity to engage in a successful business;

(iii) the fair value of the use and occupancy granted by the outfitter authorization; and

(iv) other fees charged to the general public, such as entrance fees.

(2) REQUIREMENTS.—The amount of the fee—

(A)(i) shall be expressed as—

(I) a simple charge per day of actual use; or

(II) an annual or seasonable flat fee; or

(ii) if calculated as a percentage of revenue—

(I) shall be determined based on adjusted gross receipts; and

(II) shall include a minimum fee;

(B) shall be subordinate to the objectives of—

(i) conserving resources;

(ii) protecting the health and welfare of the public;

(iii) providing reliable and consistent performance in conducting outfitted activities; and

(iv) providing quality service to the public; and

(C) shall be required to be paid on a reasonable schedule during the operating season.

(3) ACTUAL USE.—For the purpose of calculating a fee based on actual use, the Secretary shall—

(A) consider multiple outfitted activities conducted in 1 day with separate charges as 1 actual use day; and

(B) consider an activity conducted across agency jurisdictions over the course of 1 day as 1 actual use day.

(4) ADJUSTED GROSS RECEIPTS.—For the purpose of paragraph (2)(A)(ii), the Secretary shall—

(A) take into consideration revenue from the gross receipts of the authorized outfitter from commercial outfitted activities conducted on Federal land; and

(B) exclude from consideration any revenue that is derived from—

(i) fees paid by the authorized outfitter to any unit of Federal, State, or local government for—

(I) hunting or fishing licenses;

(II) entrance or recreation fees; or

(III) other purposes (other than commercial outfitted activities conducted on Federal land);

(ii) a sale of assets used in the operations of the authorized outfitter; or

(iii) activities conducted on non-Federal land.

(5) FEES FOR SUBSTANTIALLY SIMILAR SERVICES IN A SPECIFIC GEOGRAPHIC AREA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if more than 1 outfitter permit is issued to conduct the same or similar commercial outfitted activities in the same resource area, the Secretary shall establish an identical fee for all such outfitter permits.

(B) EXCEPTION.—The terms and conditions of an existing outfitter permit shall not be subject to modification or open to renegotiation by the Secretary because of the issuance of a new outfitter permit in the same resource area.

(6) ADJUSTMENT OF FEES.—The amount of a fee—

(A) shall be determined and made effective as of the date of the outfitter permit; and

(B) may be modified to reflect—

(i) changes in outfitted activities relating to fees based on actual use;

(ii) extraordinary unanticipated changes affecting operating conditions, such as natural disasters, economic conditions, or other material adverse changes from the terms and conditions specified in the outfitter permit;

(iii) changes affecting operating or economic conditions determined by other governing entities, such as the availability of State fish or game licenses;

(iv) the imposition of new or increased fees assessed under other law; or

(v) authorized adjustments made to an allocation of use.

(b) Other Fees and Costs.—

(1) In general.—In establishing fees other than the fees authorized under this Act that may directly or indirectly affect authorized outfitters, the Secretary shall—

(A) ensure that the fees do no materially and adversely effect—

(i) the ability of authorized outfitters to provide quality services at reasonable rates; and

(ii) the opportunity of authorized outfitters to engage in a successful business venture; and

(B)(i) consider the cumulative impact of fees levied under this Act, any cost recovery requirements, and State and local taxes and fees on authorized outfitters; and

(ii) adjust the fees as appropriate;

(C) to the extent practicable, consolidate the fees into 1 predictable fee.

(2) Processing fees and costs.—Fees for processing applications for outfitter permits or monitoring compliance with permits terms and conditions shall not seek to recover costs of agency activities that benefit broadly the general public, relate directly to agency statutory duties, or are not directly related to or required for processing of applications or monitoring of an authorization.

(3) Notice.—A change in the manner in which a fee charged under paragraph (1) or (2) is determined shall be valid only if—

(A) the Secretary provides written notice to authorized outfitters affected by the change; or

(B) the authorized outfitter agrees to the change.

SEC. 6. LIABILITY AND INDEMNIFICATION.

(a) General.—An authorized outfitter shall pay the United States for all injury, loss, damage, and costs arising from negligence, gross negligence, or willful and wanton disregard for persons or property associated with the authorized outfitter's conduct of a commercial outfitted activity under an outfitter authorization.

(b) Indemnification.—An authorized outfitter shall defend and indemnify the United States for all injury, loss, damage, and costs the United States may incur as a result of judgments, claims, or losses arising from negligence, gross negligence, or willful and wanton disregard for persons or property associated with the authorized outfitter's conduct of a commercial outfitted activity under an outfitter authorization.

(c) Environmental and Other Liability.—Subsections (a) and (b) shall not be interpreted to limit any liability for, or prevent the United States from taking any action to address, injury, loss, damages, or costs associated with environmental contamination, injury to natural resources, or other cause of action that arises under other law, including the Resource Conservation Recovery Act (7 U.S.C. 1010, et seq.), the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 19 9601, et seq.), and Clean Water Act (33 U.S.C. 1251, et seq.), in connection with the authorized outfitter's use and occupancy of Federal lands, or to diminish any independent obligation of the authorized outfitter to indemnify the United States with respect to the same.

(d) Exception.—An authorized outfitter shall have no obligation to pay, defend, or indemnify the United States under subsections (a) and (b) for any injury, loss, damage, or costs for which the United States is solely responsible.

(e) Finding of Cognizable Claim.—

(1) Actions required before presenting claim.—Before presenting any claim to an authorized outfitter for injury, loss, damage, or costs incurred by the United States pursuant to subsection (a) or (b), the Secretary shall—

(A) submit to the authorized outfitter a preliminary finding that the claim is cognizable; and

(B) provide the authorized outfitter with an opportunity to comment before submitting the final finding to the authorized outfitter.

(2) Administrative claims.—Nothing in this section is intended to preclude the United States from pursuing its claims administratively, without first obtaining a judicial determination of liability.

(f) Assumption of Risk and Waivers of Liability.—

(1) General requirements.—An authorized outfitter may enter into agreements with outfitted visitors for assumption of risk and waiver of liability for negligence in connection with inherently dangerous outfitted activities, if—

(A) the waiver of liability also runs in favor of the United States and its agents, employees, or contractors;

(B) the waiver of liability adequately covers the risks of loss to the United States associated with the authorized outfitter's activities on Federal lands;

(C) the waiver of liability does not abrogate, limit, or in any manner affect the authorized outfitter's obligation to indemnify the United States under this section; and

(D) the waiver of liability does not affect the ability of the United States to recover as an additional insured under any insurance policy obtained by an authorized outfitter in connection with a commercial outfitted activity.

(2) Prior written approval required.—No waiver of liability may be used by an authorized outfitter without prior written approval of the Federal agency. The Federal agency has the discretion to deny requests for the use of waivers of liability for any reason if deemed not in the best interests of the United States.

(3) Standardization.—Waivers of liability used by authorized outfitters and insurance policies obtained by authorized outfitters in connection with a commercial outfitted activity shall be standardized to the greatest extent possible. .Authorized outfitters, the insurance industry, and the Federal agencies shall work together to achieve this goal.

SEC. 7. ALLOCATIONS OF USE.

(a) In General.—In a manner that is not inconsistent with or incompatible with an approved resource management plan applicable to the resource area in which a commercial outfitted activity occurs, the Secretary—

(1) shall provide a base allocation of outfitter use to an authorized outfitter under an outfitter permit; and

(2) may provide a base allocation of use to an authorized outfitter under a temporary outfitter permit.

(b) Waiver of Allocation.—

(1) In general.—At the request of an authorized outfitter, the Secretary may waive any obligation of the authorized outfitter to use all or part of the amount of allocation of use provided under the outfitter permit, if the request is made in sufficient time to allow the Secretary to temporarily reallocate the unused portion of the allocation of use in that season or calendar year.

(2) Reclaiming of allocation of use.—Unless the Secretary has reallocated the unused portion of an allocation of use in accordance with paragraph (1), the authorized outfitter may reclaim any part of the unused portion in that season or calendar year.

(3) No fee obligation.—An outfitter permit fee may not be charged for any amount of allocation of use subject to a waiver under paragraph (1).

(c) Adjustment to Allocation of Use.—The Secretary—

(1) may adjust a base allocation of use to reflect—

(A) a material change arising from approval of an amendment or revision in the resource management plan for the area of operation; or

(B) requirements arising under other law; and

(2) shall provide an authorized outfitter with documentation supporting the basis for any adjustment in the base allocation of outfitter use, including new terms and conditions that result from the adjustment.

(d) Renewals, Transfers, and Extensions.—Except as provided in subsection (c), on renewal, transfer, or extension of an outfitter permit, the same base allocation of use shall be included in the terms and conditions of the outfitter permit.

(e) Temporary Allocation of Use.—

(1) In general.—A temporary allocation of use may be provided to an authorized outfitter at the discretion of the Secretary for a period not to exceed 2 years beyond the base allocation.

(2) Transfers and extensions.—A temporary allocation of use may be transferred or extended at the discretion of the Secretary.

SEC. 8. EVALUATION OF PERFORMANCE.

(a) Evaluation System.—The Secretary shall develop a performance evaluation system that—

(1) ensures the continued availability of safe and dependable commercial outfitted activities for the public; and

(2) provides for the suspension or revocation of any outfitter permit if an outfitter fails to meet the required standards.

(b) Evaluation Criteria.—Criteria used by the Secretary to evaluate the performance of an authorized outfitter shall—

(1) be objective, measurable, and attainable; and

(2) include, as determined to be appropriate by the Secretary—

(A) standards generally applicable to all commercial outfitted activities; and

(B) standards specific to a resource area or an individual outfitter operation.

(c) Requirements.—In evaluating the level of performance of an authorized outfitter, the Secretary shall—

(1) appropriately account for factors beyond the control of the authorized outfitter;

(2) ensure that the effect of any performance deficiency reflected by the performance rating is proportionate to the severity of the deficiency, including any harm that may have resulted from the deficiency;

(3) schedule evaluations to ensure the authorized outfitter is present, or represented, at inspections of operations or facilities and inspections, which inspections shall be limited to the operations and facilities of the authorized outfitter located on Federal land; and

(4) provide written notice of any conduct or condition that, if not corrected, might lead to a performance evaluation of marginal or unsatisfactory, which notice shall include an explanation of needed corrections and provide a reasonable period in which the corrections may be made without penalty.

(d) Levels of Performance.—The Secretary shall define 3 levels of performance, as follows:

(1) Good, indicating a level of performance that fulfills the terms and conditions of the outfitter permit.

(2) Marginal, indicating a level of performance that, if not corrected, will result in an unsatisfactory level of performance.

(3) Unsatisfactory, indicating a level of performance that fails to fulfill the terms and conditions of the outfitter permit.

(e) Marginal Performance.—If an authorized outfitter's annual performance is determined to be marginal—

(1) the level of performance shall be changed to a "good" performance for the year if the authorized outfitter completes the corrections within the time specified; or

(2) the level of performance shall be determined to be unsatisfactory for the year if the authorized outfitter fails to complete the corrections within the time specified.

(f) Determination of Eligibility for Renewal.—

(1) In general.—The results of all annual performance evaluations of an authorized outfitter shall be reviewed by the Secretary in the year preceding the year in which the outfitter permit expires to determine whether the authorized outfitter's overall performance during the term has met the requirements for renewal under section 9.

(2) Failure to evaluate.—If, in any year of the term of an outfitter permit, the Secretary fails to evaluate the performance of the authorized outfitter by the date that is 90 days after the conclusion of the authorized outfitter's operating season, the performance of the authorized outfitter in that year shall be considered to have been good.

(3) Notice.—Not later than 90 days after the end of the year preceding the year in which an outfitter permit expires, the Secretary shall provide the authorized outfitter with the cumulative results of performance evaluations conducted under this subsection during the term of the outfitter permit.

(4) Unsatisfactory performance in final year.—If an authorized outfitter receives an unsatisfactory performance rating under subsection (d) in the final year of the term of an outfitter permit, the review and determination of eligibility for renewal of the outfitter permit under paragraph (1) shall be revised to reflect that result.

SEC. 9. RENEWAL, REVOCATION, OR SUSPENSION OF OUTFITTER PERMITS.

(a) Renewal at Expiration of Term.—

(1) In general.—On expiration of the term of an outfitter authorization, the Secretary shall renew the authorization in accordance with paragraph (2).

(2) Criteria for determination.—The Secretary shall renew an outfitter authorization under paragraph (1) at the end of the term of an outfitter authorization and subject to the requirements of this Act if the Secretary determines that the authorized outfitter has received not more than 1 unsatisfactory annual performance rating under section 8 during the term of the outfitter permit.

(3) Temporary outfitter authorization.—If the Secretary determines that the authorized outfitter has received an unsatisfactory annual performance rating in the last year of the 10-year term of the outfitter permit—

(A) the Secretary may issue to the authorized outfitter a temporary outfitter permit; and

(B) if during the 2-year period of the temporary outfitter permit issued under subparagraph (A), the authorized outfitter receives a good performance rating, the Secretary shall renew the outfitter permit for an 8-year term.

(b) Suspension or Revocation.—An outfitter permit may be suspended or revoked if the Secretary determines that—

(1)(A) the authorized outfitter has failed to correct a condition for which the authorized outfitter received notice under section 8(c)(4); and

(B) the condition is considered by the Secretary to be significant with respect to the terms and conditions of the outfitter permit;

(2) the authorized outfitter—

(A) is in arrears in the payment of fees under section 5; and—

(B)(i) has not entered into a payment plan with the Federal agency; or

(ii) has not brought a civil action or brought an administrative claim under section 12; and

(3) the authorized outfitter's conduct demonstrates willful disregard for—

(A) the health and welfare of outfitted visitors or other visitors; or

(B) the conservation of resources on which the commercial outfitted activities are conducted.

SEC. 10. TRANSFERABILITY OF OUTFITTER PERMITS.

(a) In General.—An outfitter permit shall not be transferred (including assigned or otherwise conveyed or pledged) by the authorized outfitter without prior written notification to, and approval by, the Secretary.

(b) Approval.—

(1) In general.—The Secretary shall approve a transfer of an outfitter permit unless the Secretary determines that the transferee is—

(A) not qualified; or

(B) unable to satisfy the terms and conditions of the outfitter permit.

(2) Qualified transferees.—Subject to section 4(d)(1), the Secretary shall approve a transfer of an outfitter permit—

(A) to a purchaser of the operation of the authorized outfitter;

(B) at the request of the authorized outfitter, to an assignee, partner, or stockholder or other owner of an interest in the operation of the authorized outfitter; or

(C) on the death of the authorized outfitter, to an heir or assign.

(c) Transfer Terms.—The terms and conditions of any outfitter permit shall not be subject to modification or open to renegotiation by the Secretary because of a transfer described in subsection (a) unless—

(1) the modification is agreed to by, or at the request of, the transferee;

(2) the terms and conditions of the outfitter permit that is proposed to be transferred have become inconsistent or incompatible with an approved resource management plan for the resource area; or

(3) the transferee proposes activities outside the scope of the existing authorization.

(d) Consideration Period.—

(1) Timeframe for review.—Subject to paragraph (2), if the Secretary fails to act on the transfer of an outfitter permit within 180 days after the date of receipt of an application containing the information required with respect to the transfer, the transfer shall be deemed to have been approved.

(2) Extension.—The Secretary may extend the period for consideration of an application under paragraph (1) if—

(A) the Secretary and the authorized outfitter applying for transfer of an outfitter permit agree to extend the period; or

(B)(i) the transferee requests a modification of the terms and conditions of the outfitter permit; and

(ii) the modification requires environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) Continuance of Outfitter Permit.—If the transfer of an outfitter permit is not approved by the Secretary or if the transfer is not subsequently made, the outfitter permit shall remain in effect.

SEC. 11. RECORDKEEPING REQUIREMENTS.

(a) In General.—An authorized outfitter shall keep such reasonable records as the Secretary may require to enable the Secretary to determine that all the terms of the outfitter permit are being met.

(b) Obligations of the Secretary and Authorized Outfitter.—The recordkeeping requirements established by the Secretary shall incorporate simplified procedures that do not impose an undue burden on an authorized outfitter.

(c) Access to Records.—The Secretary, or an authorized representative of the Secretary, shall for audit and performance evaluation purposes have access to and the right to examine for the 5-year period beginning on the termination date of an outfitter permit any records of the authorized outfitter relating to each outfitter authorization held by the authorized outfitter during the business year.

SEC. 12. APPEALS AND JUDICIAL REVIEW.

(a) Appeals Procedure.—The Secretary shall by regulation—

(1) grant an authorized outfitter full access to administrative remedies; and

(2) establish an expedited procedure for consideration of appeals of Federal agency decisions to—

(A) deny, suspend, fail to renew, or revoke an outfitter permit; or

(B) change a principal allocation of outfitter use.

(b) Judicial Review.—An authorized outfitter that is adversely affected by a final decision of the Secretary under this Act may commence a civil action in United States district court.

SEC. 13. COLLECTION AND USE OF FUNDS.

Except as provided in section 7 of the Act of April 24,1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580d), funds deposited under this Act shall be available to the Secretary without further appropriation and shall remain available for—

(1) administration of the outfitter permit;

(2) interpretive programs;

(3) trail maintenance; or

(4) any other activity to carry out this Act.

SEC. 14. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall promulgate regulations for permitting commercial outfitted activities on Federal land.

SEC. 15. RELATIONSHIP TO OTHER LAW.

(a) National Park Omnibus Management Act of 1998.—Nothing in this Act supersedes or otherwise affects any provision of title IV of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5951 et seq.).

(b) ANILCA.—Nothing in this Act modifies, amends, or otherwise affects section 1307 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197).

(c) State Outfitter Licensing Law.—This Act does not preempt any outfitter or guide licensing law (including any regulation) of any State or territory.

SEC. 16. TRANSITION PROVISIONS.

(a) Outfitters With Satisfactory Rating.—An outfitter that holds a permit, contract, or other authorization to conduct commercial outfitted activities (or an extension of such a permit, contract, or other authorization) in effect on the date of enactment of this Act shall be entitled, on expiration of the authorization, to the issuance of a new outfitter permit under this Act if the performance of the outfitter under the permit, contract, or other authorization was determined to be good or was the equivalent of good, satisfactory, or acceptable under a rating system in use before the date of enactment of this Act.

(b) OUTFITTERS WITH NO RATINGS.—For the purpose of subsection (a), if no recent performance evaluations exist to determine the outfitter's performance, the performance shall be deemed to be good.

(c) EFFECT OF ISSUANCE OF OUTFITTER PERMIT.—The issuance of an outfitter permit under subsection (a) shall not adversely affect any right or obligation that existed under the permit, contract, or other authorization (or an extension of the permit, contract, or other authorization) on the date of enactment of this Act.

SEC. 17. EFFECT.

(a) IN GENERAL.—Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource or establishes a property right in favor of the authorized outfitter.

(b) EFFECT ON NON-OUTFITTED RECREATIONAL OR ACADEMIC USE.—Nothing in this Act—

(1) establishes any preference for outfitted or non-outfitted use;

(2) diminishes or impairs—

(A) any existing use or occupancy of Federal land by the public (including the non-outfitted public); or

(B) any right or privilege of use, occupancy, or access to Federal land by the public (including the non-outfitted public);

(3) diminishes the existing authority of Federal agencies to—

(A) establish levels of use; and

(B) allocate such use among or between the outfitted and non-outfitted public; and

(4) applies to outdoor activity and services on Federal land for or directly related to academic credit and provided by a bona fide and accredited academic institution.

By Ms. MURKOWSKI:

S. 1421. A bill to authorize the subdivision and dedication of restricted land owned by Alaska Natives; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Native Allotment Subdivision Act is the only answer to resolving the question of whether Native landowners have the authority to subdivide their own property. Individual Alaska Native landowners cannot subdivide their land to transfer it either by gift or by sale. There is no current authority that allows them to dedicate rights-of-way across their land for public access or for utility purposes. The lack of explicit statutory authorization calls into question the legal validity of lands that have been subdivided and lands that likely could be subdivided in the future. This legislation will provide the necessary authorization to the Department of the Interior and Native landowners to dedicate their land for public purposes as they see fit. No other legislation or policy exists that addresses such a unique problem. Essentially this bill allows Alaska Natives to own lands with the same obligations and privileges of other private landowners in Alaska. However, the bill creates no obligation of Alaska Natives to do anything with their allotments unless they elect to sell or dispose of their lands.

Over the past twenty years, hundreds of allotments have been subdivided, either for the purpose of commercial sale or to facilitate transfers of land to the landowners' children or other relatives. Problems arose when the Borough placed a utility line across frontage property of one of the Native landowners. Frontage property the Borough thought it had legal access to; there was no reason to consider potential conflicts existed. The new owner questioned the validity and legality of the Borough placing any kind of feature across his land. In addition, grantees of existing easements, such as utility easements for local electric cooperatives, have felt threatened with trespass action for easements previously granted in good faith.

The question clearly goes to whether a trespass had been committed by local government. In fact in this case, subdivision plats were filed, signed and approved as evidenced by the appropriate signatures of the Bureau of Indian Affairs, the landowner and by the local governing authority. The official plats show streets laid out to provide frontage to the lots created by the subdivision, describing 10 foot utility rights-of-way on each lot. It is recognized that compliance with State law is required when landowners choose to subdivide their land. Given a choice, it would be advantageous to the Alaska Native landowners if the same opportunity was available to them. There is no applicable Federal law on the subject of subdivision of Native allotment lands. State law requires that access to subdivided lots be assured, typically by dedication of public rights-of-way, which will be shown on the subdivision plat.

In an effort to overcome this problem, a collaborative process was undertaken by the affected Boroughs and the State of Alaska to validate such dedications by separately conveying either easements or title to roads and utility easements to State and local governments. This was so burdensome, time-consuming and complex, the process had to be abandoned. The platting authorities and the State were so disenchanted by this process, they had no choice but to turn to Congress for relief. The common sense approach to solving this dilemma, is to afford the same considerations to Native landowners that others have. Native landowners must have the same authority to subdivide and dedicate their land as anyone else has the right to do, according to existing State law.

By speeding up and simplifying the allotment subdivision process, the Native landowner, the Federal, State and local governments would all benefit. This legislation permits a Native landowner at his own option to abide by and receive the benefits of subdividing his land in accordance with State or local law. The uncertainty of whether officially filed allotment subdivision plats are valid would be removed. This legislation will also serve to authorize future allotment subdivisions, ratify and confirm the legal validity of those already created.

The Native landowner will not be deprived of any of the protections of restricted land status. This legislation will confirm the restricted Native landowners' right to act in his own best interest. The issue they face is a choice between being able to subdivide their land, obtain a much greater total compensation for sales of subdivided lots or continue to be unable to subdivide their land. Their only option will be to sell one large tract that will almost always bring a substantially smaller total amount of compensation.

The legislation I am introducing today is an issue that applies to Alaska only. The solution affects the Native Allotment Act of 1906, the same legislation which provides for Alaska Natives to receive title to up to 160 acres of public land.

This legislation is non-controversial and is beneficial to all affected parties and to the general public. The State of Alaska and local governments have urged such legislation. The Department of the Interior is supportive.

And, finally, passage of this legislation will be in the best interest of the Native allotment owners and the general public. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alaska Native Allotment Subdivision Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Alaska Natives that own land subject to Federal restrictions against alienation and taxation need to be able to subdivide the restricted land for the purposes of—

(A) transferring by gift, sale, or devise separate interests in the land; or

(B) severing, by mutual consent, tenancies in common;

(2) for the benefit of the Alaska Native restricted landowners, any persons to which the restricted land is transferred, and the public in general, the Alaska Native restricted landowners should be authorized to dedicate—

(A) rights-of-way for public access;

(B) easements for utility installation, use, and maintenance; and

(C) additional land for other public purposes;

(3)(A) the lack of an explicit authorization by Congress with respect to the subdivision and dedication of Alaska Native land that is subject to Federal restrictions has called into question whether such subdivision and dedication is legal; and

(B) this legal uncertainty has been detrimental to the rights of Alaska Native restricted landowners to use or dispose of the restricted land in the same manner as other landowners are able to use and dispose of land;

(4) extending to Alaska Native restricted land owners the same authority that other landowners have to subdivide and dedicate land should be accomplished without depriving the Alaska Native restricted landowners of any of the protections associated with restricted land status;

(5) confirming the right and authority of Alaska Native restricted land owners, subject to the approval of the Secretary of the Interior, to subdivide their land and to dedicate their interests in the restricted land, should be accomplished without affecting the laws relating to whether tribal governments or the State of Alaska (including political subdivisions of the State) have authority to regulate land use;

(6) Alaska Native restricted land owners, persons to which the restricted land is transferred, State and local platting authorities, and members of the general public have formed expectations in reliance on past subdivisions and dedications; and

(7) those expectations should be fulfilled by ratifying the validity under Federal law of the subdivisions and dedications.

SEC. 3. DEFINITIONS.

In this Act:

(1) Restricted land.—The term "restricted land" means land in the State that is subject to Federal restrictions against alienation and taxation.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) State.—The term "State" means the State of Alaska.

SEC. 4. SUBDIVISION AND DEDICATION OF ALASKA NATIVE RESTRICTED LAND.

(a) In General.—An Alaska Native owner of restricted land may, subject to the approval of the Secretary—

(1) subdivide the restricted land in accordance with the laws of the—

(A) State; or

(B) applicable local platting authority; and

(2) execute a certificate of ownership and dedication with respect to the restricted land subdivided under paragraph (1) with the same effect under State law as if the restricted land subdivided and dedicated were held by unrestricted fee simple title.

(b) Ratification of Prior Subdivisions and Dedications.—Any subdivision or dedication of restricted land executed before the date of enactment this Act that has been approved by the Secretary and by the applicable State or local platting authority, as appropriate, is ratified and confirmed by Congress as of the date on which the Secretary approved the subdivision or dedication.

SEC. 5. EFFECT.

(a) In General.—Nothing in this Act validates or invalidates any assertion—

(1) that a Federally recognized Alaska Native tribe has or lacks jurisdiction with respect to any land in the State;

(2) that Indian country (as defined in section 1151 of title 18, United States Code) exists or does not exist in the State; or

(3) that, except as provided in section 4, the State or any political subdivision of the State does or does not have the authority to regulate the use of any individually owned restricted land.

(b) Effect on Status of Land Not Dedicated.—Except in a case in which a specific interest in restricted land is dedicated under section (4)(a)(2), nothing in this Act terminates, diminishes, or otherwise affects the continued existence and applicability of Federal restrictions against alienation and taxation on restricted land or interests in restricted land (including restricted land subdivided under section 4(a)(1)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 197—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN STATE OF COLORADO V. CARRIE ANN HOPPES, ANDREW M. BENNETT, CHRISTOPHER J. FRIEDMAN, ANDREW JONATHAN TIRMAN, CAROLYN ELIZABETH BNINSKI, MELISSA NOELLE ROSSMAN, RACHAEL ESTHER KAPLAN

Mr. FRIST (for himself and Mr. Daschle) submitted the following resolution; which was considered and agreed to:

S. Res. 197

Whereas, in the cases of State of Colorado v. Carrie Ann Hoppes best friend, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, pending in the Arapahoe County Court, Colorado, testimony and documents have been requested from Arapahoe County Court, Colorado, testimony and documents have been requested from employees in the Office of Senator Wayne Allard;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it *Resolved* that employees of Senator Allard's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent employees of Senator Allard's office in connection with the testimony and document production authorized in section one of this resolution.

SENATE RESOLUTION 196—DESIGNATING DECEMBER 14, 2003, AS "NATIONAL CHILDREN'S MEMORIAL DAY"

Mr. REID (for himself, Mr. Kennedy, Mr. Voinovich, Mrs. Clinton, Ms. Cantwell, Mr. Breaux, Mrs. Murray, Mr. Hollings, Mr. Inouye, Mr. Levin, Mr. Bingaman, Mr. Allen, Ms. Murkowski, Ms. Collins, Mr. Akaka, Mrs. Hutchison, and Mrs. Lincoln) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. Res. 196

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from a myriad of causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 14, 2003, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe "National Children's Memorial Day" with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Mr. REID. Mr. President, I rise today to submit a resolution that would designate December 14, 2003 as "National Children's Memorial Day." This resolution would set aside this day to remember all the children who die in the United States each year.

The Senate has passed a similar resolution for each of the past five years in order to ensure that families who have lost children know that their loved ones—and their grief—are not forgotten. Whether a child's death is sudden or anticipated, from illness or from accident, the grief of the families who loved them is unimaginable for all who have not shared their tragedy.

Today, we reaffirm that a child's death is a loss not only for one family, but for all of us, and we grieve together. By passing this resolution and sharing a day of remembrance, we can remind families who have lost children that they are not alone.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1267. Mr. ALLARD (for himself, Mr. Nelson of Florida, Mr. Campbell, and Mr. Sessions) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1268. Mr. BINGAMAN (for himself, Mr. Specter, Mr. Daschle, Mr. Byrd, Mr. Leahy, Mr. Levin, Mr. Rockefeller, Mr. Corzine, Mr. Durbin, and Mr. Carper) proposed an amendment to the bill H.R. 2658, supra.

SA 1269. Mr. DASCHLE (for himself, Mr. Graham of South Carolina, Mr. Leahy, Mr. DeWine, Mr. Miller, Mr. Smith, Mrs. Clinton, and Ms. Mikulski) proposed an amendment to the bill H.R. 2658, supra.

SA 1270. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra.

SA 1271. Mrs. BOXER (for herself, Ms. Landrieu, and Mrs. Murray) proposed an amendment to the bill H.R. 2658, supra.

SA 1272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1273. Mr. KENNEDY (for himself and Mr. Leahy) proposed an amendment to the bill H.R. 2658, supra.

SA 1274. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1275. Mr. CORZINE proposed an amendment to the bill H.R. 2658, supra.

TEXT OF AMENDMENTS

SA 1267. Mr. ALLARD (for himself, Mr. Nelson of Florida, Mr. CAMPBELL, and Mr. Sessions) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. Of the total amount appropriated by title III under the heading "Missile Procurement, Air Force", up to $10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

SA 1268. Mr. BINGAMAN (for himself, Mr. Specter, Mr. Daschle, Mr. Byrd, Mr. Leahy, Mr. Levin, Mr. Rockefeller, Mr. Corzine, Mr. Durbin, and Mr. Carper) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

Sec. 8124. (a) Report on Individuals Detained as Enemy Combatants by United States Government.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the individuals being detained by the United States Government as enemy combatants.

(b) Elements.—Except as provided in subsection (c), the report under subsection (a) shall set forth the following:

(1) The name and nationality of each individual being detained by the United States Government as an enemy combatant.

(2) With respect to each such individual—

(A) a statement whether the United States Government intends to charge, repatriate, or release such individual; or

(B) if a determination has not been made whether to charge, repatriate, or release such individual, a description of the procedures (including the schedule) to be employed by the United States Government to determine whether to charge, repatriate, or release such individual.

(3) With respect to each such individual who the United States Government intends to charge, the schedule for the filing of the charges and the trial of such individual.

(c) Classification of Certain Individuals.—(1) If the Secretary determines that the inclusion of an individual in the report under subsection (a) would harm the national security of the United States, the Secretary may include such individual in a classified annex.

(2) Determinations under paragraph (1) shall be made on a case-by-case basis.

(3) If the Secretary determines to omit one or more individuals from the unclassified form of the report, the Secretary shall include in the report an explanation of the omission of the individual or individuals.

(d) Form.—The report under subsection (a) shall, to the maximum extent practicable, be submitted in unclassified form, but may include a classified annex.

(e) Definitions.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "enemy combatant" means—

(A) an individual held under the authority of the Military Order of November 13, 2001 (Volume 66, No. 222, pages 57833–57836 of the Federal Register); or

(B) an individual designated as an enemy combatant and held under other legal authority.

SA 1269. Mr. DASCHLE (for himself, Mr. Graham of South Carolina, Mr. Leahy, Mr. DeWine, Mr. Miller, Mr. Smith, Mrs. Clinton, and Ms. Mikulski) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

SEC. . IN RECOGNITION OF THE NATIONAL GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NATIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE THESE FORCES ACCESS TO TRICARE.

(a) Findings.—The Senate makes the following findings:

(1) Forces in the U.S. National Guard and Reserve have made and continue to make essential and effective contributions to Operations Iraqi Freedom and other ongoing military operations;

(2) More than 200,000 reserve personnel from the Army, Navy, Air Force, Marine Corps, and Coast Guard are currently serving their nation on active status;

(3) Our dependence on the National Guard and Reserve has increased dramatically over the course of the past decade. Annual duty days have grown from about 1 million in the late 1980s to more than 12 million in every year since 1996;

(4) While our dependence on the reserves has increased in the post-Cold War era, their basic pay and benefits structure has remained largely unchanged;

(5) Offering TRICARE to reservists for an affordable monthly premium enhances our national security by improving their medical readiness when called to duty, streamlining and accelerating the mobilization process, and enhancing our military's ability to recruit and retain qualified personnel to reserve duty;

(6) The Congressional Budget Office, the official, non-partisan scorekeeper of all congressional legislation, has estimated the cost of this proposal at just over one-tenth of one percent of the Administration's FY 2004 defense budget request;

(7) On May 20, 2003, a strong majority of Senate Democrats and Republicans joined together and voted 85–10 for an amendment to the FY 2004 Defense Authorization bill to provide reserve personnel and their families access to TRICARE regardless of their current deployment status; and

(8) The Appropriations Committee indicated in its report accompanying the FY 2004 Defense Appropriations bill that it supports this proposal.

(b) Sense of the Senate.—It is the sense of the Senate that:

(1) The National Guard and Reserve play a critical and increasingly demanding role in protecting our national security, and

(2) The Senate supports the Appropriations Committee position as articulated in the report accompanying the FY 2004 Defense Appropriations bill and affirms its support for providing Guard and Reserve personnel access to TRICARE.

SA 1270. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. None of the funds appropriated by this Act may be obligated or expended for any of the following programs, projects, and activities:

(1) The canola oil fuel cell initiative.

(2) Shakespeare in America military communities.

(3) Control of brown tree snakes.

(4) The Academy for Closing and Avoiding Achievement Gaps.

(5) Hangar renovation at the former Griffis Air Force Base, New York.

SA 1271. Mrs. BOXER (for herself, Ms. Landrieu, and Mrs. Murray) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . REPORTS ON IRAQ.

Not less than once every 30 days, the Secretary of Defense shall submit a report to the congressional defense committees, the House International Relations Committee, and Senate Foreign Relations Committee that contains the following information:

(a) Total and monthly costs of U.S. operations in Iraq,

(b) Number of U.S. military personnel serving in Iraq and the immediate region,

(c) Total and monthly contributions made by foreign governments and international organizations in support of U.S. operations in Iraq,

(d) Number of foreign military personnel serving in support of U.S. operations in Iraq,

(e) Defense articles and services offered by foreign governments and international organizations in support of U.S. operations in Iraq,

(f) Total number of U.S. casualties as a result of U.S. operations in Iraq by date and cause,

(g) All contracts in excess of $10 million entered into by the U.S. government for the reconstruction of Iraq.

SA 1272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

SA 1273. Mr. KENNEDY (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

(5) A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a UN Security Council resolution.

SA 1274. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) FINDINGS.—The Senate makes the following findings:

(1) Naval Station Roosevelt Roads, Puerto Rico, is a strategically important forward base for United States military forces operating in the Caribbean Ocean and South America.

(2) Naval Station Roosevelt Roads contributes significantly to the operations of a series of ranges and locations in a 240,000 square mile area of the eastern Caribbean Ocean that supports Navy readiness exercises, proficiency assessments, and research, development, test, and evaluation activities.

(3) The 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is intended to ensure the objective and careful consideration of the current and future military value of military installations, ranges, activities, and facilities in determining the infrastructure requirements of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that the resolution of the disposition of Naval Station Roosevelt Roads, Puerto Rico, should occur during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990.

SA 1275. Mr. CORZINE proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

TITLE —NATIONAL COMMISSION ON THE DEVELOPMENT AND USE OF INTELLIGENCE RELATED TO IRAQ

SEC. 101. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on the Development and Use of Intelligence Related to Iraq.

SEC. 102. FINDINGS.

(1) The Congress underscores its commitment to and support for ongoing Congressional reviews regarding the collection and analysis of intelligence to Iraq.

SEC. 103. PURPOSE.

The purposes of the Commission are to—

(1) examine and report upon the role of policymakers in the development of intelligence related to Iraq and Operation Iraqi Freedom;

(2) examine and report upon the use of intelligence related to Iraq and Operation Iraqi Freedom;

(3) build upon the reviews of intelligence related to Iraq and Operation Iraqi Freedom, including those being conducted by the Executive Branch, Congress and other entities; and

(4) investigate and publicly report to the President and Congress on its findings, conclusions, and recommendations.

SEC. 104. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 12 members of whom—

(1) 3 members shall be appointed by the Speaker of the House of Representatives;

(2) 3 members shall be appointed by the minority leader of the Senate; and

(3) 3 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) QUALIFICATIONS; INITIAL MEETING.—

(1) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as intelligence, governmental service, the armed services, law enforcement, and foreign affairs.

(2) INITIAL MEETING.—Once six or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 105. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates the development and use of intelligence related to Iraq and Operation Iraqi Freedom; and

(B) shall include an investigation of intelligence related to whether Iraq:

(i) possessed chemical, biological and nuclear weapons, and the locations of those weapons;

(ii) had links to Al Qaeda;

(iii) attempted to acquire uranium in Africa, and if so, when;

(iv) attempted to procure aluminum tubes for the development of nuclear weapons;

(v) possessed mobile laboratories for the production of weapons of mass destruction;

(vi) possessed delivery systems for weapons of mass destruction; and

(vii) any other matters that bear upon the imminence of the threat to the national security of the United States and its allies.

(2) submit to the President and Congress such report as is required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(A) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 106. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission, or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, E-mails, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENA.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENT AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 107. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson and vice chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 108. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United Stats Code.

SEC. 109. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearance in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 110. REPORT OF THE COMMISSION; TERMINATION.

(a) REPORT.—Not later than nine months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the report is submitted under subsection (a).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $5,000,000, to remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate on July 16, 2003, at 10 a.m. to conduct an oversight hearing on the Semi-Annual Monetary Policy Report of the Federal Reserve.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 16, 2003, at 9:30 a.m. on Marine Mammal Protection Act in SR–428A.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 16, 2003, at 9:30 a.m. on Internet Tax Moratorium in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 16, 2003, at 10 a.m., in Room 106 of the Dirksen Senate Office Building to conduct a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 16, 2003, at 10 a.m., in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act of H.R. 2440, the Indian Health Care Improvement Act Amendments of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 16, 2003 at 2:30 p.m., to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer rights be authorized to meet to conduct a hearing on "Hospital Group Purchasing: Has the Market Become More Open to Competition?" on Wednesday, July 16, 2003, at 11:00 a.m., in Room 226 of the Dirksen Senate Office Building.

Panel I: Mr. Mark McKenna, Chairman, Novation, Irving, TX; Mr. Richard Norling, Chairman and CEO, Premier, San Diego, CA; Mr. Said Hilal, Chairman and CEO, Applied Medical Resources Corporation, Rancho Santa Margarita, CA; Mr. Thomas Brown, Executive Vice President, BIOTRONIK, Inc., Lake Oswego, OR; Mr. Gary Heiman, President and CEO, Standard Textile, Cincinnati, OH; Mr. Lynn James Everard, Hospital Purchasing Consultant, Coconut Creek, FL: Ms. Elizabeth Weatherman, Managing Director, Warburg Pincus, LLC, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Wednesday, July 16, 2003 at 10:00 a.m., for a hearing entitled "Great Lakes Restoration Management: No. Direction, Unknown Progress."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that a fellow in my office, Ava Shinigal, be allowed on the floor during consideration of the Defense Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION ACT OF 2003

Mr. ALEXANDER. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 141, S. 555.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 555) to establish the Native American Health and Wellness Foundation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Health and Wellness Foundation Act of 2003".

SEC. 2. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

"SEC. 801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

"(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

"**[**(2)**]** *(3)* FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

"**[**(3)**]** *(4)* SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"**[**(4)**]** *(5)* SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

"SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

"(b) PERPETUAL, EXISTENCE.—The Foundation shall have perpetual existence.

"(c) NATURE OF CORPORATION.—The Foundation—

"(1) shall be a charitable and nonprofit federally chartered corporation: and

"(2) shall not be an agency or instrumentality of the United States.

"(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

"(e) **[**PURPOSES *Duties.*—The **[**purposes of the**]** Foundation shall **[**be—**]**

"(1) **[**to**]** encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

"(2) **[**to**]** undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

"(3) **[**to**]** participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

"(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

"(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

"(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

"(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

"(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

"(C) establish the constitution and initial bylaws of the Foundation;

"(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

"(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

"[f] *(g)* Board of Directors.—

"(1) In general.—The Board of Directors shall be the governing body of the Foundation.

"(2) Powers.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

"(3) Selection.—

"(A) In general.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

"(B) Requirements.—

"(i) Number of members.—The Board shall have at least 11 members, [2 of whom shall be the Secretary and the Director of the Indian Health Service, who shall serve as nonvoting members] *who shall have staggered terms.*

"(ii) Initial voting members.—The initial voting members of the Board—

"(I) shall be appointed by the [Secretary] *Committee* not later than 180 days after the date on which the Foundation is established; and

"(II) shall have staggered terms [(as determined by the Secretary).]

"(iii) Qualification.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

"(C) Compensation.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

"[g] *(h)* Officers.—

"(1) In general.—The officers of the Foundation shall be—

"(A) a secretary, elected from among the members of the Board; and

"(B) any other officers provided for in the constitution and bylaws of the Foundation.

"(2) Secretary.—The secretary of the Foundation shall serve, at the direction of the Board, as the chief operating officer of the Foundation.

"(3) Election.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

"[h] *(i)* Powers.—The Foundation—

"(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

"(2) may adopt and alter a corporate seal;

"(3) may enter into contracts;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

"(5) may sue and be sued; and

"(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

"[i] *(j)* Principal Office.—

"(1) In General.—The principal office of the Foundation shall be in the District of Columbia.

"(2) Activities; offices.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

"[j] *(k)* Service of Process.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

"[k] *(l)* Liability of Officers, Employees, and Agents.—

"(1) In general.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

"(2) Personal liability.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

"[l] *(m)* Restrictions.—

"(1) Limitation on spending.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed 10 percent of the sum of—

"(A) the amounts transferred to the Foundation under subsection (m) *(o)* during the preceding fiscal year; and

"(B) donations received from private sources during the preceding fiscal year.

"(2) Appointment and hiring.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

"(3) Status.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

["(m) Transfer of Donated Funds.—The Secretary may transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.) if the transfer or use of the funds is not prohibited by any term under which the funds were donated.]

"(n) Audits.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

"(o) Funding.—

"(1) Authorization of appropriations.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(2) Transfer of donated funds.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

"SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) Provision of Support by Secretary.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

"(1) may provide personnel, facilities, and other administrative support services to the Foundation;

"(2) may provide funds to reimburse the travel expenses of the members of the Board; and

"(3) shall require and accept reimbursements from the Foundation for—

"(A) services provided under paragraph (1); and

"(B) funds provided under paragraph (2).

"(b) Reimbursement.—Reimbursements accepted under subsection (a)(3)—

"(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

"(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

"(c) Continuation of Certain Services.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

"(1) are available; and

"(2) are provided on reimbursable cost basis.".

(b) Technical Amendments.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (as added by section 1302 of the American Indian Education Foundation Act of 2000) (25 U.S.C. 458bbb et seq.)) as title VII;

(2) by redesignating sections 501, 502, and 503 (as added by section 1302 of the American Indian Education Foundation Act of 2000) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking "section 501" and inserting "section 701".

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 555), as amended, was read the third time and passed, as follows:

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Health and Wellness Foundation Act of 2003".

SEC. 2. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) In General.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

"SEC. 801. DEFINITIONS.

"In this title:

"(1) Board.—The term 'Board' means the Board of Directors of the Foundation.

"(2) Committee.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

"(3) Foundation.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

"(4) Secretary.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

"SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

"(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

"(c) NATURE OF CORPORATION.—The Foundation—

"(1) shall be a charitable and nonprofit federally chartered corporation; and

"(2) shall not be an agency or instrumentality of the United States.

"(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

"(e) DUTIES.—The Foundation shall—

"(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

"(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

"(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

"(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

"(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

"(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

"(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

"(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

"(C) establish the constitution and initial bylaws of the Foundation;

"(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

"(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

"(g) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

"(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

"(3) SELECTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

"(B) REQUIREMENTS.—

"(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

"(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

"(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

"(II) shall have staggered terms.

"(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

"(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

"(h) OFFICERS.—

"(1) IN GENERAL.—The officers of the Foundation shall be—

"(A) a secretary, elected from among the members of the Board; and

"(B) any other officers provided for in the constitution and bylaws of the Foundation.

"(2) SECRETARY.—The secretary of the Foundation shall serve, at the direction of the Board, as the chief operating officer of the Foundation.

"(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

"(i) POWERS.—The Foundation—

"(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

"(2) may adopt and alter a corporate seal;

"(3) may enter into contracts;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

"(5) may sue and be sued; and

"(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

"(j) PRINCIPAL OFFICE.—

"(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

"(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

"(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

"(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

"(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

"(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

"(m) RESTRICTIONS.—

"(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed 10 percent of the sum of—

"(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

"(B) donations received from private sources during the preceding fiscal year.

"(2) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

"(3) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

"(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

"(o) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

"SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

"(1) may provide personnel, facilities, and other administrative support services to the Foundation;

"(2) may provide funds to reimburse the travel expenses of the members of the Board; and

"(3) shall require and accept reimbursements from the Foundation for—

"(A) services provided under paragraph (1); and

"(B) funds provided under paragraph (2).

"(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

"(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

"(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

"(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

"(1) are available; and

"(2) are provided on reimbursable cost basis.".

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (as added by section 1302 of the American Indian Education Foundation Act of 2000) (25 U.S.C. 458bbb et seq.)) as title VII;

(2) by redesignating sections 501, 502, and 503 (as added by section 1302 of the American Indian Education Foundation Act of 2000) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking "section 501" and inserting "section 701".

ELEVATION OF THE POSITION OF DIRECTOR OF INDIAN HEALTH SERVICE WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. ALEXANDER. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 144, S. 558.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 558) to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 558) was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary for Indian Health appointed under subsection (b)(2)(A).

(2) DEPARTMENT.—The term "Department" means the Department of Health and Human Services.

(3) OFFICE.—The term "Office" means the Office of the Assistant Secretary for Indian Health established by subsection (b)(1).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department the Office of the Assistant Secretary for Indian Health.

(2) ASSISTANT SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Office shall be headed by an Assistant Secretary for Indian Health, to be appointed by the President, by and with the advice and consent of the Senate.

(B) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the day before the date of enactment of this Act may serve as Assistant Secretary at the pleasure of the President after the date of enactment of this Act.

(3) DUTIES.—The position of Assistant Secretary is established to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(A) facilitate advocacy for the development of appropriate Indian health policy; and

(B) promote consultation on matters relating to Indian health.

(c) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed as of the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

(5) coordinate the activities of the Department concerning matters of Indian health; and

(6) perform such other functions as the Secretary may designate.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Health and Human Services (6)." and inserting "Assistant Secretaries of Health and Human Services (7).".

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking "Director, Indian Health Service, Department of Health and Human Services.".

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended by striking the section heading and all that follows through subsection (a) and inserting the following:

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, there is established within the Public Health Service of the Department of Health and Human Services the Indian Health Service.

"(2) ADMINISTRATION.—The Indian Health Service shall be administered by the Assistant Secretary for Indian Health.

"(3) DUTIES.—In carrying out paragraph (2), the Assistant Secretary shall—

"(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

"(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

"(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

"(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility;

"(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health; and

"(F) perform such other functions as the Secretary may designate.".

(f) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act is amended—

(A) in section 601 (25 U.S.C. 1661)—

(i) in subsection (c), by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health"; and

(ii) in subsection (d)(1), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health"; and

(B) in section 816(c)(1) (25 U.S.C. 1680f(c)(1)), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(A) Section 3307(b)(1)(C) of the Children's Health Act of 2000 (25 U.S.C. 1671 note; Public Law 106–310) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(B) The Indian Lands Open Dump Cleanup Act of 1994 is amended—

(i) in section 3 (25 U.S.C. 3902)—

(I) by striking paragraph (2);

(II) by redesignating paragraphs (1), (3), (4), (5), and (6) as paragraphs (4), (5), (2), (6), and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(III) by inserting before paragraph (4) (as redesignated by subclause (II)) the following:

"(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.";

(ii) in section 5 (25 U.S.C. 3904), by striking the section heading and inserting the following:

"SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN HEALTH.";

(iii) in section 6(a) (25 U.S.C. 3905(a)), in the subsection heading, by striking "DIRECTOR" and inserting "ASSISTANT SECRETARY";

(iv) in section 9(a) (25 U.S.C. 3908(a)), in the subsection heading, by striking "DIRECTOR" and inserting "ASSISTANT SECRETARY"; and

(v) by striking "Director" each place it appears and inserting "Assistant Secretary".

(C) Section 5504(d)(2) of the Augustus F. Hawkins–Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note; Public Law 100–297) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(D) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 763(a)(1)) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(E) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) are amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(F) Section 317M(b) of the Public Health Service Act (42 U.S.C. 247b–14(b)) is amended—

(i) by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health"; and

(ii) in paragraph (2)(A), by striking "the Directors referred to in such paragraph" and inserting "the Director of the Centers for Disease Control and Prevention and the Assistant Secretary for Indian Health".

(G) Section 417C(b) of the Public Health Service Act (42 U.S.C. 285–9(b)) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(H) Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(I) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)) is amended in the last sentence by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(J) Section 203(b) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143; 111 Stat. 2666) is amended by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(g) REFERENCES.—Any reference to the Director of the Indian Health Service in any other Federal law, Executive order, rule, regulation, or delegation of authority, or in any document of or relating to the Director of the Indian Health Service, shall be deemed to refer to the Assistant Secretary.

AMENDING THE HIGHER EDUCATION ACT OF 1965

Mr. ALEXANDER. I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 570 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 570) to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 570) was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FOREIGN SCHOOL ELIGIBILITY.

(a) IN GENERAL.—Section 102(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

"(i) in the case of a graduate medical school located outside the United States—

"(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

"(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

"(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

"(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4), the institution's students complete their clinical training at an approved veterinary school located in the United States.".

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall be effective as if enacted on October 1, 1998.

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. ALEXANDER. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 197, which was submitted earlier today, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 197) to authorize testimony, document production, and legal representation in State of Colorado v. Carrie Ann Hoppes, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony, documents, and representation in related criminal trepass actions in Arapahoe County Court in the State of Colorado. In these actions, seven defendants have been charged with criminally trespassing on the premises of Senator WAYNE ALLARD's Englewood, CO, office on December 4, 2002. Upon its closing that day, the defendants refused repeated requests to leave Senator ALLARD's office, and, as a result, were arrested. Trials on the charge of trespass are scheduled to be held on or about July 23, 2003. The State has subpoenaed several of the Senator's staff members who witnessed the defendants' conduct. The enclosed resolution would authorize those staff members, and any other employees of Senator ALLARD's office from whom evidence may be required, to testify and produce documents in connection with these actions, with representation from the Senate Legal Counsel.

Mr. ALEXANDER. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 197) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 197

Whereas, in the cases of State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, pending in the Arapahoe County Court, Colorado, testimony and documents have been requested from employees in the office of Senator Wayne Allard;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, that employees of Senator Allard's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of Senator Allard's office in connection with the testimony and document production authorized in section one of this resolution.

PERMITTING THE USE OF THE ROTUNDA FOR A CEREMONY TO COMMEMORATE THE UNVEILING OF THE STATUE OF SAKAKAWEA

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 236, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ALEXANDER. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements regarding the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 236) was agreed to.

The preamble was agreed to.

APPOINTMENT OF COMMITTEE TO ESCORT THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Right Honorable Tony Blair, Member of Parliament, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Honorable JUDD GREGG of New Hampshire and the Honorable JOHN CORNYN of Texas as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic leader, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council for the 108th Congress:

The Senator from Nevada, Mr. REID;

The Senator from California, Mrs. BOXER.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 287, 288, 289, and 290. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

John Richard Grimes, of Massachusetts, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2006.

Lisa Genevieve Nason, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2004.

Georgianna E. Ignace, of Wisconsin, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2004.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, for a term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, JULY 17, 2003

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m., Thursday, July 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2658, the Department of Defense appropriations bill, as provided in the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. ALEXANDER. For the information of all Senators, the leader has asked me to say that tomorrow the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. Under the previous order, when the Senate resumes debate on the bill, Senator HARKIN will be recognized to speak for up to 25 minutes. Following Senator HARKIN's statement, the Senate will continue the amendment process. We have an order of Democratic amendments locked in, and it is the chairman's intention to begin working through those amendments tomorrow morning. Therefore, Senators should expect rollcall votes to begin in the morning and Senators will be notified when the first vote is scheduled.

It is the hope of the majority leader to complete action on the Department of Defense appropriations bill tomorrow. In order to complete work on this bill tomorrow, Senators should prepare for votes throughout the day and into the evening.

As a reminder, Prime Minister Tony Blair will give an address to both Houses of Congress at 4 p.m. tomorrow. Members should gather in the Senate Chamber in order to proceed to the Hall of the House of Representatives at 3:40 on Thursday afternoon.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ALEXANDER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:50 p.m., adjourned until Thursday, July 17, 2003, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 16, 2003:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

JOHN RICHARD GRIMES, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2006.

LISA GENEVIEVE NASON, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF

AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2004.

GEORGIANNA E. IGNACE, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2004.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES W. GRIM, OF OKLAHOMA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, July 16, 2003*

The House met at 10 a.m.

The Reverend Deborah J. Logan, Pastor, Christian Faith Fellowship Church, Zion, Illinois, offered the following prayer:

I exhort and encourage first of all that supplication, prayer, intercession and giving of thanks be made for all men. I pray for this Nation, our President, his cabinet and assistants, governors, Senators, Congress, judges, military and intelligence agencies and all those that are in authority that we may lead a quiet and peaceable life in all Godliness and honesty.

I pray that in all their ways they acknowledge You, that You Lord, will lead, guide and direct them in their affairs facing our Nation and give the President divine wisdom and strength to make sound decisions when faced with crisis.

I pray for Congress as they confer about the common wealth of their perspective region. Give them divine wisdom, knowledge, insight and understanding on how to effect change and make the proper changes for generations to come. I pray for divine safety and protection for them and their families. I pray for divine health and healing over their entire bodies, spiritually, physically, mentally and emotionally. I pray that they have sound and happy marriages, children and families. For the weapons of our warfare are not carnal, but mighty through God to the pulling down of strongholds.

Blessed is the nation whose God is Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

> S. 764. An act to extend the authorization of the Bulletproof Vest Partnership Grant Program.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1474) "An Act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes," disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. BENNETT, Mr. ALLARD, Mr. SARBANES, and Mr. JOHNSON, to be the conferees on the part of the Senate.

WELCOMING PASTOR DEBORAH J. LOGAN

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, it is my honor today to welcome Pastor Deborah Logan as our guest chaplain. Pastor Logan serves as a co-pastor at the Christian Faith Fellowship Church in Zion, Illinois, with her husband, Pastor James E. Logan.

In 1994, Pastor Logan and her husband, James, were ordained and installed as first assistant pastors of the Christian Faith Fellowship Church Waukegan. Three years later, she and James took the helm as pastors in the same church, now known as the Christian Faith Fellowship Church Zion.

Since then Pastor Logan and her husband have worked together to build a church in the North Shore area to uplift and encourage families through spiritual guidance and fellowship. These days the ministry continues to experience phenomenal growth as the vision of strong families led by strong spirit-filled men in their rightful place in the home is fulfilled.

I have had the privilege to join them at one of their services, and it was a joyous and uplifting experience.

Pastor Logan and her husband have been married for 15 years, and together they have two beautiful children, Cameron James and Llexis Charity.

I thank Pastor Logan for her continued dedication to her church, her community, and our country. I deem it an honor and privilege to welcome Pastor Deborah Logan to the United States House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will enter ten 1-minute speeches per side.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Alabama?

There was no objection.

IRAQIS BEING KILLED, TOO

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, there are thousands of Iraqi citizens who have volunteered to rebuild their country, to establish democracy and the rule of law, to turn on the power and water, set up schools and courthouses, build roads and homes. As the cohorts of Saddam Hussein attack our troops, they are killing Iraqis as well.

This confirms that Saddam Hussein is not just an enemy of the coalition troops; he is an enemy of freedom and prosperity, an enemy of peace and democracy, an enemy of all who seek to bring these back to Iraq. So I join many who come to this floor lamenting the loss of American life in Iraq, and I join them in their desire for our troops to be home soon; but we need to also remember that Saddam Hussein's rage does not end with the American soldier. He is perfectly willing to kill Iraqis to keep his nation from moving forward. We are grateful for the efforts of peace-loving Iraqis in helping to rebuild their nation and establish democracy.

CONGRESSIONAL BASEBALL GAME BIG VICTORY FOR CHARITY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, it is a great honor to be in the well of the House and to announce that the baseball game which was played last Thursday night between the Republicans and

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Democrats ended in a Republican victory, 5–3. I want to congratulate all of my Republican colleagues who played so well on the diamond, but particularly our most valuable player, the gentleman from Illinois (Mr. SHIMKUS). The coveted Roll Call trophy stands behind me.

This is the first game in a new series, a 5-game series. I also want to congratulate the gentleman from Minnesota (Mr. SABO), the manager of the Democrats, a real sportsman and a great individual, and all of the Democrats who participated.

Ultimately, this is a big victory for charity. We raised close to $100,000 for various charities, and ultimately that is what this game is all about. For folks back home who think this was a softball game, I assure you, we play hard ball here in Washington. Indeed, it was a great night and a great victory in Prince George's Stadium where the Bowie Bay Sox play. We want to thank the Bay Sox for their hospitality. A good time was had by all, and also to the sponsors who put up the funds to make this available and particularly to the charities. Again, a great victory and bragging rights for 364 days, which is not all bad.

MYTHS WHICH SENT US TO WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, today CIA Director George Tenet will testify behind closed doors. Yesterday I held a public briefing with two veteran intelligence officers about the misuse of intelligence which took us into war. Ray McGovern, briefed Vice Presidents during his 27 years with the CIA. He said, "In my day, we did our analyses among ourselves. We knew what the requirements were. We knew what the interests were on the part of the policymakers. But thank you very much, we did not need policymakers at the table to tell us how to shape the intelligence." So much for the current Vice President's multiple CIA visits.

Andrew Wilke, a key intelligence analyst in Australia was on the Iraq case and received intelligence received by the U.S. in the run-up to the war. He said, "In that time, I saw not a single piece of critical hard evidence to substantiate the claim of any cooperation between Iraq and al Qaeda."

Was the intelligence-gathering apparatus of our Nation corrupted for base political concerns? Did the U.S. go to war based on lies? Congress must find out in open public hearings to get the answers about phantom nuclear weapons and other myths which sent us to war.

MISUSE OF FEDERAL RESOURCES FOR POLITICAL PURPOSES

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express my concern over the partisan political use of Federal resources by the majority party. Roughly 2 months ago, the Justice Department, the Department of Transportation, and the Department of Homeland Security were all called upon to track down Democratic members of the Texas legislature, even though they had broken no law, nor endangered public safety nor homeland security.

I applaud the gentleman from Texas (Mr. GREEN) for introducing three resolutions of inquiry in an effort to get to the bottom of all of this. This afternoon, the Select Committee on Homeland Security will mark up its resolution, which asks the Secretary of Homeland Security to transmit all relevant information about the Texas mess to the House.

We must not allow the misuse of Federal resources for political purposes. These resources exist to protect the public from harm, not to protect the Republicans in Congress from political challenge.

IRAQ'S NUCLEAR WEAPONS PROGRAM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as Director George Tenet of the CIA comes to the Hill today, the debate will go on between whether U.S. intelligence agreed with the intelligence of our honored and treasured ally, Great Britain, over a particular transaction for enriched uranium in Africa. But there is no debate that Iraq had a nuclear weapons program that spanned nearly 3 decades.

Iraqi scientist Khidhir Hamza told U.S. officials after he fled Iraq in 1994 that he helped train a cadre of young scientists who would be capable of resuming Iraq's atomic weapons program as soon as the U.N. cut back inspections. He said the program was personally directed by Saddam since its inception 3 decades earlier and was aided and abetted by technology transferred from many Western nations.

And just 2 weeks ago, Mahdi Obeidi led U.S. authorities in Baghdad to dig up shrubbery in his backyard to find sophisticated parts and documents to support Saddam's nuclear weapons program.

While we debate agreements between intelligence agencies, let us remember that about which there is no debate: Saddam Hussein had a 30-year nuclear weapons program, and if he went forward unchecked, would have used it to blackmail and tyrannize the world.

HEAD START

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, today I rise on behalf of Head Start, a program which has been shown to help youngsters increase their vocabulary before they start school, a program which allows them writing skills before they start school, and to learn social behavior, a program which has been there to allow parent participation, allow health screening and services, a program that has been shown throughout the last 35 years to work for these low-income youngsters whose parents work out in the field harvesting food for this country.

What has the administration and the Republican Party decided to do? Shame on you, you have decided to go after this program designed to help the most vulnerable youngsters of this country.

□ 1015

As he just indicated, the intent to cut the program, that program that has been there for our kids. Shame on you. This program has been there, has worked and now you have chosen to go back and basically cut this program and put it in the form of a block grant. In Texas, we should not allow it. I would ask for your serious consideration to look at the fact that this program has been there for us.

THANKING DENMARK FOR SUPPORT IN THE WAR ON TERRORISM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I want to praise the strong support from the people of Denmark in the war on terrorism. Denmark has been our ally longer than any other country, with unbroken diplomatic relations going back to 1791. The Danish military was one of our strongest partners in Afghanistan, providing special forces and F–16 fighter jets and has stood side by side with America in disarming Iraq. Also, the people I represent appreciate the strong maritime trade relationship between South Carolina and Denmark.

I am honored to be a member of the Congressional Friends of Denmark Caucus, which was founded by the gentleman from California (Mr. LANTOS). Recently, I welcomed to Capitol Hill Denmark's Ambassador to the United States, Ulrik Federspiel, and First Secretary Karen Eva Abrahamsen. I had the opportunity to thank them personally for the courage their country has shown.

I ask all of my colleagues to join me in thanking Denmark for its strong stand with the United States on the war on terrorism.

In conclusion, God bless our troops.

LEGISLATIVE AND EXECUTIVE ACCOMPLISHMENTS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, when the Republicans took over the House and the Senate and the White House, a lot of critics in this town said, well, now they have an opportunity and they won't be able to capitalize on it because no one gets along in Washington, DC, and it doesn't really matter who is in charge.

But that has not been the case. The President passed his No Child Left Behind with a statement in there that I think is very important, and there is no bigotry as bad as the label of low expectations, challenging the status quo in education. He has fought and led the fight in the war against terrorism, taking our troops to places like Afghanistan and Iraq, making very difficult decisions and yet making the world safe once more and telling terrorists, we're not going to let you get away it.

We have just recently passed Medicare reform which gives our seniors a much-needed prescription drug bill so that they will not have to choose between prescription medicine and food. And, of course, we have passed a substantial tax reform and reduction package, one that will get Americans working again, one that will create jobs, one that will allow middle-class families to keep more of their hard-earned income.

PHARMACEUTICAL MARKET ACCESS ACT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to set the record straight regarding H.R. 2427, the Pharmaceutical Market Access Act. Some groups have made claims that this bill would change the laws currently in effect regarding RU-486 or other abortion drugs. Nothing could be further from the truth.

This bill will not, Mr. Speaker, change, supersede or overrule any law regarding abortion drugs. All the current laws and regulations for abortion drugs as well as all other drugs will remain in force and the punishments for breaking those laws and regulations will still apply. The truth is that all this bill does is to free Americans to participate in the world market for the purchase of FDA-approved pharmaceuticals. In doing so, it will not change what is otherwise legal or illegal in this country.

Some of the staunchest pro-life Members of this body support H.R. 2427 because they understand that it does not threaten or undermine the abortion drug laws currently in force. I hope that Americans will ignore the unfounded criticisms of this bill. This bill will provide Americans, particularly seniors, large savings when purchasing prescription drugs.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. ISSA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from California?

There was no objection.

ISSUES REGARDING OPERATION IRAQI FREEDOM

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, tomorrow the issue that faces this Congress will be brought to a point when Mr. Blair comes and explains to us what it was that he told our President that led the President to think that he should come in here in the State of the Union message and say things which are of questionable value.

We are continuing to have people die in Iraq. Last night another soldier died, and many were injured. These people signed up to protect the United States, not to make things better for Iraq or anything else. They signed up to protect their country, and they are dying.

There should be an investigation of what the reasons are that we were there. Did the threat rise to the level of a national security threat? Or was there a gathering of evidence? Certainly the uranium issue is bogus on the face of it, and it never should have been used by anyone in a defense of why we went to Iraq.

We have lost 200 people, and 1,000 have been injured. It seems like small numbers when you know about Vietnam, but that is where we are today, and we need an answer from the President.

PHARMACEUTICAL MARKET ACCESS ACT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I have been in Congress now for 21 years and I have seen some pretty cruddy things, but I have never seen anything as cruddy as this. This was put out by the Traditional Values Coalition. They asked me to be on their board of directors last year because they said I was such a nice guy. They are now sending out this circular to my district and many other congressional districts saying that I may be against protecting the sanctity of human life, inferring that I might be a pro-abortionist, when that has not been the way I feel for 40 years.

Members who are very pro-life, like the gentleman from New Jersey (Mr. SMITH), are also on the reimportation bill to allow seniors to get pharmaceuticals at the lowest price possible in the world. The reason this is being done is because the pharmaceutical industry is afraid that they will have to lower their prices here in the United States as opposed to what they are charging people in other parts of the world.

In Germany, if you want to buy Tamoxifen, which helps women fight breast cancer, it costs $60 for a 30-day supply. Here it is $360 for a 30-day supply.

The pharmaceutical industry is underwriting these lies to try to scare American congressmen from supporting legislation that would put Americans in a competitive position. Americans should not pay any more for their pharmaceuticals than their counterparts in other parts of the word, and to use babies like this is a crime. I really criticize the Traditional Values Coalition and other religious groups for using this kind of trash to scare American Congressmen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA, LAND CONVEYANCE

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 74) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

The Clerk read as follows:

H.R. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this Act as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 74 directs the Secretary of Agriculture to convey a 24-acre parcel of land in the national forest system at Lake Tahoe to the Secretary of Interior who will then hold it in trust for the benefit of the Washoe Tribe of the California and Nevada Paiute Indians. The tribe will use the property for customary and traditional cultural purposes just as they did when their ancestral homelands encompassed a 5,000-square-mile area around the Lake Tahoe Basin.

H.R. 74 was developed after a 1997 meeting among Federal, State and local officials who recognized the tribe's historic connection to the area before it was included in the national forest system. Under the bill, permanent residential development or commercial use is prohibited. It also contains provisions designed to ensure the continuation of public and administrative access to adjacent national forest lands. The tribe will also receive an easement to permit vehicular access on a forest development road for access to the property for safety and administrative purposes and for the convenience of tribal members who have difficulty walking.

This legislation has been passed by the House or the Senate in different forms in the last two Congresses. It is time now for this bill to be passed into law. I am hopeful that it will arrive on the President's desk this year so the people of the Washoe Tribe will finally be able to enjoy a piece of their rich cultural heritage.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

H.R. 74 directs the Secretary to convey without consideration approximately 24 acres of lakefront property in the Lake Tahoe Basin Management Unit to the Washoe Tribe of Nevada. The land to be conveyed was part of the Washoe Tribe's 5,000-square-mile ancestral home in the vicinity of Lake Tahoe. The tribe has historically gathered along the shore of Lake Tahoe for traditional and cultural purposes. H.R. 74 requires the tribe to limit its use of the land to traditional and customary uses and to prohibit development and commercial use of the site. The tribe must also comply with environmental regulations that are no less protective than those of the Tahoe Regional Plan.

Finally, the bill provides for an easement to the United States and a reciprocal easement to the tribe over a forest road and has a reversionary clause.

In past Congresses, the same bill has passed both Houses but failed to become law. I urge my colleagues to vote for this legislation. I congratulate the gentleman from Nevada for his hard work and leadership on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I would like to take a brief moment to thank my friend and colleague from New Mexico for his support and leadership on this important bill as well.

I urge a positive vote on this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 74.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LANDER COUNTY, NEVADA, LAND CONVEYANCE

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 272) to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, as amended.

The Clerk read as follows:

H.R. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE TO LANDER COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that the following:

(1) The historical use by settlers and travelers since the late 1800's of the cemetery known as "Kingston Cemetery" in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated.

(2) It is appropriate that that use be continued through local public ownership of the parcel

rather than through the permitting process of the Federal agency.

(3) In accordance with Public Law 85-569 (commonly known as the "Townsite Act"; 16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified.

(4) To ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as "Kingston Cemetery", consisting of approximately 10 acres and more particularly described as SW¼SE¼SE¼ of section 36, T. 16 N., R. 43 E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds the following:

(1) The historical use by settlers and travelers since the late 1800s of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated.

(2) It is appropriate that such use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S½NE¼SW¼SW¼, N½SE¼SW¼SW¼ of section 10, T. 31 N., R. 49 E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have this opportunity to discuss an issue that is of utmost importance to my constituents in rural Nevada.

As you may know, Nevada has one of the highest percentages of public lands of all the States in the Union. Close to 90 percent of our State is managed or controlled by the Federal Government. This poses many problems for my constituents, including the burial of our loved ones and the preservation of grave sites of our ancestors.

H.R. 272 authorizes the transfer of two cemeteries back to the respective local control of Lander and Eureka Counties in Nevada. It directs the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as public cemeteries.

Specifically, the town of Kingston, Nevada, requires an additional 8.75 acres of Forest Service land to supplement the 1.25 acres of Forest Service land conveyed to it in 2000 for the town's cemetery.

□ 1030

The added acreage would ensure that the areas of unmarked graves are included in the town's cemetery and that space is available for future graves in the Kingston cemetery. Additionally, this bill would authorize the Bureau of Land Management to convey 10 acres of disposable land to Eureka, Nevada, for continued use at the Maiden's Grave Cemetery. It is important to note that these cemeteries have been in use since the late 1800s, well before the creation of either the Forest Service or the Bureau of Land Management. Currently, the counties are required to go through a Federal permitting process to operate these cemeteries. H.R. 272 eliminates the excessive red tape of the Federal Government and gives control of these lands to the local governments.

It is appropriate that the operation of these cemeteries be continued through local public ownership rather than through the permitting process of the Federal Government or Federal agencies.

It is my intention to ensure that the residents of these communities have some certainty and closure on this issue which they have been burdened with for many decades. Mr. Speaker, it is my hope that every Member will see the importance of this legislation and the simple fairness of transferring these historic graveyards back to the communities that have buried their loved ones there since the 1800s. After all, the role of the Federal Government is not to play real estate agent. The role of the Federal Government is to serve the people, and H.R. 272 serves the people of Eureka and Lander counties fairly and should be expeditiously passed by this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation has been well described by the gentleman from Nevada. Essentially, we are turning over Federal land that is currently being utilized by two counties in Nevada. Normally, Mr. Speaker, anytime anyone, be it an individual or a State or a county government, receives Federal land, they should be required to pay the American people the fair market value of the land. In this instance, however, based on the location of these two parcels of land and the fact that they are both being used as cemeteries by the counties, we do not oppose these conveyances. As introduced, there were several technical issues with this legislation. However, an amendment adopted in committee addressed those concerns.

I urge my colleagues to vote for H.R. 272. I want to congratulate the gentleman from Nevada for his hard work on this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

I would also like to congratulate and thank my friend from New Mexico for his support and leadership on this very important issue to the people of Nevada, and I ask for a positive vote on this bill.

Mr. Speaker, I have no further requests for time on this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 272, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

McLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER NATIONAL HISTORIC SITE ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "McLoughlin House Addition to Fort Vancouver National Historic Site Act".

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) CITY.—The term "City" means Oregon City, Oregon.

(2) MCLOUGHLIN HOUSE.—The term "McLoughlin House" means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior's Order of June 27, 1941, and generally depicted on the map entitled "McLoughlin House, Fort Vancouver National Historic Site", numbered 389/92,002, and dated 5/01/03, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. MCLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER.

(a) ACQUISITION.—The Secretary is authorized to acquire the McLoughlin House, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) MAP AVAILABILITY.—The map identifying the McLoughlin House referred to in section 1(b)(2) shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) BOUNDARIES; ADMINISTRATION.—Upon acquisition of the McLoughlin House, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations.

(d) NAME CHANGE.—Upon acquisition of the McLoughlin House, the Secretary shall change the name of the site from the "McLoughlin House National Historic Site" to the "McLoughlin House".

(e) FEDERAL LAWS.—After the McLoughlin House is acquired and added to Fort Vancouver National Historic Site, any reference in a law, map, regulation, document, paper, or other record of the United States to the "McLoughlin House National Historic Site" (other than this Act) shall be deemed a reference to the "McLoughlin House", a unit of Fort Vancouver National Historic Site.

Amend the title so as to read: "An Act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 733, sponsored by the gentlewoman from Oregon (Ms. HOOLEY), and amended by the Senate, authorizes the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, currently an area affiliated with the National Park Service and included within the boundaries of the Fort Vancouver National Historic Site. The current operators of the house, the McLoughlin Memorial Association, lack the appropriate funds to maintain the historic structure and ask the Park Service to acquire it for purposes of preserving it.

If the Speaker recalls, this House considered H.R. 733 earlier this year, in which it authorized the Secretary to acquire the McLoughlin House and administer the site as a unit of the National Park system. The changes made by the Senate, such as the title change, have brought support. The McLoughlin House is named after Dr. John McLoughlin, the Father of Oregon, who established the famous British Hudson Bay Company in Vancouver, Washington, in 1825. Dr. McLoughlin supplied American pioneers with the goods they needed to settle and survive at their new home in Oregon. I urge my colleagues to support H.R. 733.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the McLoughlin House National Historic Site in Oregon honors the achievements of John McLoughlin, commonly referred to as the "Father of Oregon." The site has been preserved and managed by the McLoughlin Memorial Association since its designation as a national historic site in 1941. Unfortunately, the association is no longer in a position to be the primary management entity for this nationally significant site and is therefore seeking Federal acquisition of the site. Once acquired, the site will be managed as part of the nearby Fort Vancouver National Historic Site.

The gentlewoman from Oregon (Ms. HOOLEY) has worked tirelessly on behalf of this legislation and is to be commended for her diligence, including her efforts to have the House concur in the amendments made to this legislation in the Senate. We urge the House to approve these amendments so this legislation may finally be sent to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

The McLoughlin House national historic site in Oregon City, Oregon, was once home to Dr. John McLoughlin. Dr. McLoughlin was the chief factor of the British Hudson Bay Company based in Fort Vancouver on the Columbia River. He crossed the Rockies in 1824 and established Fort Vancouver in 1825. Dr. McLoughlin supplied American pioneers with goods they needed to settle and survive at their new home in Oregon. He was a fur trader, developer, doctor and mayor; and Dr. McLoughlin became known as the Father of Oregon, and the McLoughlin House was restored to honor his life and accomplishments.

The McLoughlin Memorial Association was formed in 1909. In 1910, the association opened the house as a museum. Since that time, the house has been visited by thousands of individuals each year. In 1941, Congress designated the McLoughlin House a national historic site, and it continued to operate under the direction of the association. When Fort Vancouver National Historic Site was established in 1948, the National Park Service entered into a formal agreement with the association to work cooperatively together.

In 2000, the association approached the National Park Service concerning the possibility of the agency assuming administration of the site. The association lacks appropriate funds to maintain the historic house and has asked the National Park Service to acquire the site and assume responsibility to ensure the future care of the historic site, with the association remaining active in an advisory capacity.

H.R. 3434 was introduced on December 6, 2001, by the gentlewoman from Oregon (Ms. HOOLEY). The bill was referred to the Committee on Resources and within the committee to the Subcommittee on National Parks, Recreation and Public Lands. On July 16, 2002, the subcommittee held a hearing on the bill. On July 18, 2002, the Subcommittee met to mark up the bill.

The gentleman from California (Mr. RADANOVICH) offered an amendment in the nature of a substitute to authorize the acquisition of the property but to include it within the boundaries of the Fort Vancouver National Historic Site, rather than create a new unit of the National Park System.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself as much time as I may consume.

I do recall those meetings in which those subjects were discussed and compliment both sides of the aisle for cooperating, and we do appreciate the hard work on this; and I would like to congratulate my colleague for his hard work and for the amount of time he consumed here.

Mr. UDALL of New Mexico. Mr. Speaker, I yield as much time as may be consumed to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I am very happy to rise today and make what I hope will be my last statement on the House floor on H.R. 733, the McLoughlin House National Historic Site Act. I have been working on this bill for 3 years; and I want to thank my colleagues, particularly the gentleman from California (Mr. POMBO), the chairman; the gentleman from West Virginia (Mr. RAHALL), the ranking member of the House Committee on Resources; and the gentleman from California (Mr. RADANOVICH), the chairman; and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking member of that committee's Subcommittee on National Parks, Recreation and Public Lands. Without their willingness to work with me on this bill, we would not be passing it today.

In Oregon, this legislation would not have happened without the tireless work of John Williams, former mayor of Oregon City, who came to me with this idea many years ago, and John Salisbury, who has shown his passion for this project by serving as the chairman of the board of the McLoughlin House, and the current mayor of Oregon City, Mayor Alice Norris.

My legislation would do what should have been done 60 years ago, include Dr. John McLoughlin's house in Oregon City as part of the National Park System. Rather than creating a new unit of the National Park System, this legislation simply adds this historic treasure to the existing Fort Vancouver National Historic Site, which is already administered as part of the National Park System. I believe this addition will preserve in perpetuity the cultural, educational and historical benefits of this historic site for future generations.

I am very happy that we are taking action in this House today and look forward to the day when the President signs this bill and the house of Oregon's Founding Father is preserved for our children and beyond.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 733.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

HOLDING IN TRUST CERTAIN BUREAU OF LAND MANAGEMENT LANDS FOR PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO IN NEW MEXICO

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 246) to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

The Clerk read as follows:

S. 246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement entitled "Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract", entered into by the Governors on December 20, 2000.

(2) BOUNDARY LINE.—The term "boundary line" means the boundary line established under section 4(a).

(3) GOVERNORS.—The term "Governors" means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PUEBLOS.—The term "Pueblos" means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) TRUST LAND.—The term "trust land" means the land held by the United States in trust under section 2(a) or 3(a).

SEC. 2. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico, as part of the Santa Clara Reservation.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., Sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., Sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., Sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., Sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., Sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 3. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico, as part of the San Ildefonso Reservation.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., Sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., Sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 4. SURVEY AND LEGAL DESCRIPTIONS.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 2(b) and 3(b), the boundaries of the trust land.

(b) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 2(b) and 3(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 5. ADMINISTRATION OF TRUST LAND.

(a) APPLICABLE LAW.—The trust land shall be administered in accordance with laws generally applicable to property held in trust by the United States for Indian tribes.

(b) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (25 U.S.C. 331 note; commonly known as the "Pueblo Lands Act"):

(1) The trust land.

(2) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(3) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Ildefonso in the San Ildefonso Pueblo Grant.

(c) USE OF TRUST LAND.—Subject to criteria developed by the Pueblos in concert with the Secretary, the trust land may be used only for traditional and customary uses or stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust. Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 6. EFFECT.

Nothing in this Act—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of any person or entity (other than the United States) in or to the trust land that is in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land based on Aboriginal or Indian title that is in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right for any purpose with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a New Mexico day on the floor of the House, and my colleague and I are here to recommend that Senate 246 be passed. It places 4,484 acres of Federal land managed by the Bureau of Lands Management in trust for two pueblos in the State of New Mexico. Specifically 2,484 acres will be added to the Santa Clara Reservation and 2,000 acres to the San Ildefonso Reservation.

The gentleman from New Mexico (Mr. UDALL) and the gentlewoman from New Mexico (Mrs. WILSON) are cosponsors of H.R. 508, the House companion to this noncontroversial measure. The lands being transferred to the pueblos are basically surplus land that the BLM has classified as "disposal property." These lands are situated between the two pueblos in a manner that is not conducive to public access or use, and they are difficult for the BLM to manage. In fact, there has reportedly been almost no use of these lands except by the pueblos for cultural purposes.

While the lands are deemed to be disposable property in the eyes of the Federal Government, they are valuable in the hearts of the two pueblos which have always asserted rights to them. Congress will be restoring land to the pueblos claimed as their ancestral homelands before the European settlers arrived. Recognizing the cultural, traditional, and religious importance of the land of the pueblos, the bill forbids any new commercial development as of the date of enactment. Otherwise, the pueblos will have control over managing the property for its intended purposes.

The bill specifies which lands are to be transferred based on an agreement worked out between the two pueblos. The transfer is subject to any valid existing rights, and there is a provision to ensure that enactment does not affect any pending land plans by the pueblos.

Similar legislation had been considered in the last Congress. It is supported by local governments in New Mexico and by the administration. We should ensure it is finally sent to the President after we pass it today.

Mr. Speaker I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in strong support of S. 246, a bill declaring that the United States hold certain Bureau of Land Management land in trust for the pueblos of San Ildefonso and Santa Clara in New Mexico. I originally introduced a similar bill in the 107th Congress and introduced H.R. 507, companion legislation to S. 246, at the beginning of the 108th Congress. Last Congress, Senators DOMENICI and JEFF BINGAMAN sponsored the Senate companion and were successful in incorporating it into S. 2711, the Indian Programs Reauthorization and Technical Amendments Act of 2002, during the closing days of the 107th Congress.

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Unfortunately, the House was unable to take up this legislation prior to its adjournment. Accordingly, I am delighted today that the House will finally have the opportunity to vote on this important legislation.

S. 246 will formally restore control and tribal authority of nearly 4,500 acres of remote surplus Federal property to the two Pueblos. This land is culturally significant to San Ildefonso and Santa Clara. The bill will transfer roughly 2,000 acres of land located within its aboriginal domain to the San Ildefonso Pueblo and approximately 2,484 acres to Santa Clara's Pueblo aboriginal lands will also be transferred to that Pueblo.

This transfer is the result of years of negotiations between the two Pueblos and between the Pueblos and the Department of the Interior and the Bureau of Land Management.

The Pueblos intend to maintain the natural quality of the land and restore the health of the ecosystem of their traditional ancestral lands. In addition, the lands will be used for ceremonial and other traditional purposes.

Finally, the acquisition and transfer of these remote, surplus Federal lands has the support of the surrounding communities and other groups. Specifically, this includes the Counties of Santa Fe, Rio Arriba and Los Alamos. It also has the support of the National Congress of American Indians, the National Audubon Society's New Mexico State office, the Quivira Coalition and the Santa Fe Group of the Sierra Club.

Once again, I am very pleased that we have the opportunity to pass this important legislation. I ask all of my colleagues today to support the return of this culturally significant land to the people of the San Ildefonso and Santa Clara Pueblos, and I thank the gentleman from New Mexico (Mr. PEARCE) for his participation on this issue.

Mr. Speaker, having no additional speakers, we yield back the balance of our time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

As I was listening to my colleague from New Mexico, I am completely unfamiliar with the previous attempts to pass this legislation, and though I do not take credit for it, I am glad to be a part of breaking this logjam and getting this legislation to the next level.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the Senate bill, S. 246.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bills H.R. 74, H.R. 272, H.R. 733 and S. 246.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

HONORING MAYNARD HOLBROOK JACKSON, JUNIOR, AND EXTENDING CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON HIS DEATH

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 303) honoring Maynard Holbrook Jackson, Jr., former mayor of the City of Atlanta, and extending the condolences of the House of Representatives on his death.

The Clerk read as follows:

H. RES. 303

Whereas the Honorable Maynard Holbrook Jackson, Jr. was born on March 23, 1938, in Dallas, Texas, and at the age of 14 entered Morehouse College as a Ford Foundation Early Admission Scholar;

Whereas the Honorable Maynard Holbrook Jackson, Jr. graduated cum laude from North Carolina Central University School of Law;

Whereas the Honorable Maynard Holbrook Jackson, Jr. became the first African-American Vice Mayor of the City of Atlanta;

Whereas the Honorable Maynard Holbrook Jackson, Jr. proved to be a gifted and brilliant political leader, and he later became the first African-American Mayor of the City of Atlanta;

Whereas, during his years in office, the Honorable Maynard Holbrook Jackson, Jr. was the catalyst for the design of a $400 million terminal at Atlanta's Hartsfield International Airport;

Whereas the Honorable Maynard Holbrook Jackson, Jr. helped to secure Atlanta's selection as the site of the 1996 Summer Olympics;

Whereas the Honorable Maynard Holbrook Jackson, Jr. served as president of the National Conference of Democratic Mayors and the National Black Caucus of Local Elected Officials;

Whereas the Honorable Maynard Holbrook Jackson, Jr. became Chair of the National Voting Rights Institute of the Democratic National Committee;

Whereas the Honorable Maynard Holbrook Jackson, Jr. established the American Voters League, a nonpartisan organization committed to increasing voter turnout;

Whereas upon being elected Mayor of Atlanta, the Honorable Maynard Holbrook Jackson, Jr. began encouraging and fostering interracial understanding in Atlanta;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a strong supporter of affirmative action, civil rights, and the expansion of social and economic gains for minorities;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a great champion for diversity, inclusion, and fairness—not just in government and business, but also in all areas of life;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a wonderful human being who never wavered from the principles that guided his life and career;

Whereas the efforts of the Honorable Maynard Holbrook Jackson, Jr. on behalf on the City of Atlanta and all Americans earned him the esteem and high regard of his colleagues; and

Whereas the untimely death of the Honorable Maynard Holbrook Jackson, Jr. has deprived his community, the City of Atlanta, the state of Georgia, and the entire Nation of an outstanding leader: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and accomplishments of the Honorable Maynard Holbrook Jackson Jr.;

(2) recognizes the legendary compassion exhibited by the Honorable Maynard Holbrook Jackson, Jr. as a civil rights leader; and

(3) extends its condolences to the Jackson family and the City of Atlanta on the death of a remarkable man.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 303 introduced by my colleague from the State of Georgia (Mr. LEWIS) honors Maynard Holbrook Jackson, Jr., former mayor of the city of Atlanta and extends the condolences of the House of Representatives on his death.

Mr. Speaker, today we do honor a great American leader. Maynard Jackson courageously guided the city of Atlanta for three terms as mayor. He was inspired to enter public service, catch this date, on April 4, 1968, when he was a 30-year-old hard-working lawyer in Atlanta. Why does that date register with us? On that terribly bittersweet day, Maynard Jackson welcomed his first child into the world and Reverend Dr. Martin Luther King, Jr., was tragically assassinated. The combination of these two events moved Mr. JACKSON to enter politics.

Only 2 months later, he unhesitatingly launched a grassroots campaign that challenged, albeit unsuccessfully, a powerful incumbent senator. His campaign earned him 200,000 votes, but in 1973, he again challenged a well-known incumbent as he ran for mayor of Atlanta, and this time he won. He was elected the first black mayor in Atlanta's history.

Maynard Jackson went on to become one of the most influential civic officials in the history of Georgia, the South and our entire Nation.

Mr. Speaker, last month, on June 23, Maynard Jackson sadly collapsed and died from a heart attack right here in Washington at the age of 65. He once was quoted as saying, with perhaps too great an understanding of the way we tend to simplify history, that "I could see my full name will be Maynard Jackson, first black mayor of Atlanta." Certainly his civic accomplishments are not to be overlooked.

Today, we seek to remember him more as the wonderful principled man that he was with a memorable booming voice and a giant, friendly handshake. His life was truly one worthy of commendation by this House, and I am proud that we are taking up this legislation.

I urge all Members to support the adoption of H. Res. 303 that honors the life and accomplishments of the honorable Maynard Holbrook Jackson, Jr. I thank my colleague from Georgia for introducing this worthwhile measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, Maynard Jackson, Jr., who took on Atlanta's establishment as the city's first black mayor and later helped plan for its role in the 1996 Olympics, died last month at the age of 65.

Maynard Jackson first made history in 1973 when he was elected the first black mayor of Atlanta. He made his presence known immediately by taking on the predominantly white business leadership and demanding that doors be opened for blacks. That is why many people called him Mr. Affirmative Action in this country.

He was reelected to a second term in 1977 where he led the city through one of its darkest periods, the string of slayings of young blacks from 1979 to 1981. When he left office after 2 years, barred from seeking a third consecutive term, he could boast of many accomplishments, including the expansion of Hartsfield Atlanta International Airport and the opening of the city's rapid rail system.

A lawyer by training, Maynard Jackson, Jr., was born in Dallas, Texas, on March 23, 1938, the third of six children. His father, Maynard Jackson, Sr., was a Baptist minister and his mother, Irene Jackson, was a college language teacher with a doctorate's degree in French. When Maynard was seven, his family moved to Atlanta to take over as pastor of the Friendship Baptist Church.

He enrolled at Morehouse College in Atlanta as an early admissions scholar and earned a BA degree in political science. He later earned a law degree from North Carolina Central University.

Maynard Jackson's family was active in early voting rights efforts. His grandfather was co-chairman of the Atlanta Negro Voters League, and his father founded the Georgia Voters League.

Maynard Jackson can be credited with not only what was accomplished during his terms in office but also for laying the foundation for Atlanta's continuing success as one of the most desirable places in the country to live.

Mr. Speaker, I ask unanimous consent to yield the rest of the time to the gentleman from Georgia (Mr. LEWIS), the author of this resolution, a person from Atlanta who is well-known throughout America, to finish managing our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to remember, to honor and celebrate a great citizen and a dear friend, Maynard Jackson.

Maynard Jackson's untimely death was shocking and is still unbelievable. I have known Maynard Jackson for more than 35 years; and, Mr. Speaker, I must tell my colleagues Maynard Jackson was a man who thought the impossible was possible. In 1973, he was the first African American to be elected mayor of the city of Atlanta. He served 12 years as mayor of the city.

During his tenure as mayor of Atlanta, he began encouraging and fostering an interracial understanding, transforming the city into a new Atlanta, to the gateway to the South, the city that was too busy to hate. I truly believe that Maynard Jackson must be looked upon as one of the founding fathers of the new Atlanta, the new South and the new America.

Maynard Jackson was a strong supporter of affirmative action, civil rights and expansion of social and economic gain for minorities. As our current mayor Shirley Franklin stated a few days ago, Maynard Jackson was a lion of a man. He was a champion of inclusion for all people and never wavered in his commitment to Atlanta.

In fact, Mr. Speaker, Maynard Jackson helped create an Atlanta that we all could be proud of. He was not afraid or scared to do what was unpopular. He was not scared to take a chance. Maynard Jackson was not afraid to do the right thing.

Because of his leadership, vision and dedication, our city, State and Nation will never be the same. We will miss you, Maynard. Atlanta will miss you, the Nation will miss you, but we would never, ever forget you. You have left your mark on each and every one of us. Thank you for your service. Thank you for giving your heart and your soul. As you take your passion and energy to the great beyond, again a grateful Nation, a grateful people and a grateful city say thank you.

Mr. Speaker, I reserve the balance of my time.

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Mr. OSE. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Baltimore, Maryland (Mr. CUMMINGS)

Mr. CUMMINGS. Mr. Speaker, I rise today in support of House Res. 303, a resolution to honor the former mayor of the City of Atlanta, the Honorable Maynard Jackson, Jr. And I want to thank my colleague, the gentleman from Georgia (Mr. LEWIS), for this resolution.

It is often said, Mr. Speaker, that when a person dies in our lives, and if it is somebody who is close to us, a part of us dies. The untimely death of one of our foremost leaders was a tragedy, and he will be sorely missed. But as I listened to the gentleman from Georgia (Mr. LEWIS), I cannot help but think about the fact that when Maynard Jackson became mayor back in 1973 of the great City of Atlanta, I was graduating from Howard University, and I can remember many of us being inspired by his leadership and the fact that he was a strong man who stood up. We had a saying back then, that he did not scratch where he did not itch and he did not laugh at jokes that were not funny. But he was a strong man, a strong African American man, and he inspired many of us student government leaders.

The Honorable Maynard Jackson was a pioneer for civil rights. He graduated cum laude from North Carolina Central University School of Law and went on to become the first African American mayor of Atlanta where he left a legacy of contributions that would pave the way for both African American leadership in the 21st century and a new standard of public service and commitment.

After being elected to office in 1973, at the age of 35, which I find amazing, Maynard Jackson, Jr., began to foster and encourage interracial understanding as well as serving as a guide in leveling the vastly uneven social and economic playing fields for minorities. He was a great advocate for diversity and fairness in all areas of life. The Honorable Maynard Jackson, Jr., was also the catalyst for the design of Atlanta's Hartsfield International Airport. He played an essential part in securing Atlanta's selection as the site of the 1996 Summer Olympics. He also played an integral role in increasing voter turnout by establishing the nonpartisan American Voters League.

Finally, Mr. Speaker, Maynard Jackson was an outstanding leader who was greatly influential. He was and will continue to be held in the highest esteem by his community, his colleagues, the State of Georgia, and the entire Nation. We should all aspire to such greatness. Please join me in honoring his life and accomplishments.

Mr. OSE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLANCE).

Mr. BALLANCE. Mr. Speaker, it is my high honor and privilege to stand and speak today on H. Res. 303, sponsored by my esteemed colleague, the gentleman from Georgia (Mr. LEWIS), which is honoring the late, great Mayor Maynard Holbrook Jackson, Jr.

It is said that time, like an ever-flowing stream, bears all its sons and daughters away. I suppose I am unique among the speakers today, in that I had the great pleasure of meeting and studying with Maynard Jackson beginning in 1963 at North Carolina Central University Law School, where I was and he had transferred from Boston. There in Durham, North Carolina, during a pivotal chapter in the civil rights struggle, Maynard transferred to be where his mother, Dr. Irene Dobbs Jackson, was a professor at North Carolina Central University.

We established a close friendship which spanned a period of almost 40 years, through his three terms as mayor of Atlanta and his entering back into the business world, where he was serving at the time of his untimely death.

Maynard's contributions to his adopted city of Atlanta and to America are unparalleled in our times, and he will be remembered as a giant in not only the political world but in the social and economic world as well, and his legacy will extend for all times.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Georgia (Mr. MARSHALL), the former mayor of the city of Macon.

Mr. OSE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I was elected mayor of Macon in 1995. Macon is a small town of a little over 100,000 people located 80 miles or so south of Atlanta. One of the first things I did after being elected was to visit Maynard Holbrook Jackson, Jr.

Maynard Jackson was elected mayor of Atlanta in 1973 at the age of 35, the first African American mayor of a major city in Georgia as well as the southeast. He served two 4-year terms and became known for promoting majority-minority partnerships to improve access for African Americans to the world of contracting and supplying governments.

Maynard Jackson was elected again as mayor in 1989 and served one term. When I went to see him as a newly elected mayor, it was to get his advice, any advice he would care to offer. I had no particular agenda, just a hope that he would impart some wisdom, given his experience in both government and business. Maynard Jackson spent hours of his time with me that day.

Of course, I cannot recall all that we spoke of, but I found his advice very valuable. I will always remember how cordial and engaged he was, someone who really did not need to give me the time of day, but, instead, gave me several hours. Maynard and I became friends who saw one another infrequently but who always responded quickly to one another's calls, e-mails, or letters.

The last time I spent any significant amount of time with him was just this February in Macon at the Georgia Music Hall of Fame for the opening of an exhibit honoring black classical musicians in Georgia. Maynard's aunt, Ms. Mattiwilda Dobbs, was the guest of honor for the occasion; but Maynard was the star who could have easily stolen the show. Instead, he remained out of the limelight, allowing his aunt to fully enjoy the attention she deserved as a world-famous artist, the first African American soprano to perform at the Metropolitan Opera House in New York.

When I heard of Maynard's passing, I recalled that evening I spent with him in February at the Music Hall of Fame, and I remembered one touching incident. As we were all examining the memorabilia gathered for this exhibit honoring classical American artists of Georgia, the walls for this section of the museum were covered with photographs. Maynard grabbed my arm and pulled me toward one. It was a picture of the Morehouse College Glee Club that appeared quite old. And with great pleasure Maynard pointed to one of the young men in the picture. It was his father, a father who had passed away when Maynard was quite young.

Now Maynard himself has passed away too young, leaving us in his prime, but leaving a legacy of remarkable accomplishments for Atlanta and all of Georgia. Mr. Speaker, it is right and just that this body honor Maynard Holbrook Jackson, Jr. with this resolution prepared by the gentleman from Georgia (Mr. LEWIS). Maynard Jackson will be sorely missed by his family and many friends. May he rest in peace knowing that his life was well lived.

Mr. LEWIS of Georgia. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Mr. OSE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman for yielding me this time and for introducing this resolution. It gives us the opportunity to reflect upon a great man.

I rise in strong support of this resolution honoring Maynard Jackson, most famously known as the first African American mayor of Atlanta, but who will be remembered for much more than his outstanding service as mayor to the people of Atlanta.

Maynard Jackson's accomplishments were far-reaching. He was an extraordinary leader in business, law, and public service. He successfully brought the world's largest airport, the Olympics, and a new world-class reputation to the City of Atlanta. Because of his efforts, the city boasts a booming economic center that is now home to one of the most prosperous African American business communities in the world.

The Honorable Maynard Jackson was a staunch supporter and pioneer of affirmative action initiatives. His legacy is particularly important at a time when the Nation has renewed its commitment to diversity as a compelling State interest through the Supreme Court's landmark decision. The transforming power of targeted efforts toward diversity and inclusion is clearly evidenced in Jackson's work. As mayor of Atlanta, he authored initiatives that laid the foundation for many of the minority firms in Atlanta's thriving business community. Additionally, Jackson successfully incorporated some of the most marginalized communities into the core of the city's political activities.

Early in life, Maynard Jackson proved he was exceptional by graduating from Morehouse College at the age of 18. He also held a law degree from North Carolina Central University. In addition to serving three mayoral terms, Jackson created several successful business ventures. He most recently chaired the Democratic National Committee Voting Rights Institute.

He believed in serving the larger community, but he also believed in giving back on an individual level. He did so by serving as a mentor to many young potential, aspiring, upcoming young leaders. Those leaders now have great shoes to fill with Maynard's passing, but are able to step up to the challenge and lead us into tomorrow, a great tomorrow, because of his care and his guidance.

I honor Maynard Jackson for his life's work. He created opportunities where none really existed. He advocated for communities that had been disregarded and disenfranchised. Every leader can learn from the way in which he facilitated the breaking of racial and class divides to achieve collective progress, prosperity, and peace for all Atlantans and all Americans.

To Jackson's credit, Atlanta is now a sophisticated and progressive city, an example to the country and to the world. His work points the way to a more equitable society and has left us numerous methods as to how that society can be achieved. For that, we are deeply grateful.

Mr. Speaker, on behalf of my congressional district, the Ninth Congressional District of California, who knew and loved Maynard Jackson, I join today with our colleagues, Maynard's family and friends, and, indeed, the entire Nation, as we mourn his passing, but also as we celebrate his life and his monumental accomplishments. Maynard Jackson will forever remain in the hearts and the minds of the American people.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. OSE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LEWIS), for yielding me this time. This is an extraordinary moment that we pay tribute in these hallowed halls of Congress to an extraordinary man, an extraordinary American, a man of soaring magnitude whose contribution and legacy speak right to the core of the foundation upon which this country was built: that is freedom, that is equality, that is making the best of us.

Maynard Jackson came on the scene at an extraordinary time in the history of this country. It was in 1968, when two very monumental things happened that directed his life from that moment on. In 1968, Dr. Martin Luther King, Jr. was assassinated, and it moved Maynard Jackson to enter into the world of politics. The second monumental thing that happened was he chose to challenge Senator Talmadge, a legendary figure also of soaring magnitude, and in many ways in a different direction.

That was a monumental crossroads in the history of Georgia and started us on a path of inclusion for African Americans in the world of politics, but especially in Georgia. I stand here as a Member of Congress and unashamedly say to my colleagues that had it not been for Maynard Jackson taking that chance in 1968 against Herman Talmadge, many of us African Americans who are in politics today might very well not have been in politics or had the opportunity.

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Mr. Speaker, in 1968 when Maynard Holbrook Jackson chose to challenge Herman Talmadge, it opened up a new era. He did not win that election, but he got over 25 percent of the vote and he set us on a course. The very next year, 1969, he became vice mayor of Atlanta, the first African American to do so. Following that in 1973, he was elected to become the first African American mayor of the City of Atlanta.

During that period, there was a burgeoning of political participation the likes of which Georgia had never seen. I am a beneficiary of that because as a kid in 1973 I was out helping Maynard Jackson get elected to become the first African American mayor of Atlanta. Exactly 1 year later, Maynard Jackson was in the streets of Atlanta helping David Scott get elected to the Georgia House of Representatives in 1974, at that time to become the youngest person to be elected in the history of the Georgia legislature.

It is so much to contain such a life, but not only in politics. Maynard Jackson made great contributions in opening up so many doors of opportunity, not just for African Americans, but for white Americans and for women, doors that were closed. He built, yes, he built the Atlanta International Airport. He built it on the foundation of many others, but it was Maynard Jackson that used that airport to open up tremendous business opportunities and partnerships for black and white Georgians and for Americans, and for that we are eternally grateful. As I pass almost two or three times a week, I look down at that point where he fell in Reagan National Airport, and I say a silent prayer; and that prayer is Dear God, thank you for sending Maynard Jackson our way.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank all of the Members who participated this morning and thank the gentleman from California (Mr. OSE) for yielding so much time.

Mr. Speaker, I want to say to the family and friends of Maynard Jackson and to all of the citizens of Atlanta and the citizens of our Nation that we have lost a son of America, a citizen of the world. Maynard Jackson was a very proud graduate of Morehouse College. He loved the school, the glee club; he loved the citizens of our city. He will be deeply missed, but we take this as an opportunity to honor and pay tribute to him for all of the good things that he did to make our city, our State, our Nation, and our world a better place.

Mr. Speaker, I yield back the balance of my time.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to add my condolences to those of my colleagues here. I cannot match their eloquence this morning. Their words are very well spoken. The majority side concurs in the extension of condolences to the family. I urge all Members to support the adoption of House Resolution 303.

Mrs. CHRISTENSEN. Mr. Speaker, I join my colleagues today in tribute to the life of Maynard Jackson Jr. and in strong support of H. Res. 303 which honors the life of this truly outstanding public servant.

Mr. Speaker, Maynard Jackson served as a strong voice for African-Americans and all the citizens of Atlanta, Georgia. As the first African-American mayor elected in 1973, at the age of 35, Maynard Jackson became the first African-American mayor of a major Southern city and as mayor he dedicated his service to improving Atlanta in all the ways he could do.

Maynard Jackson was a vocal voice in this country for civil rights and for increased opportunities for all minorities. By the conclusion of his first term as mayor of Atlanta, the percentage of city contracts going to minority-owned firms had increased from 0.13 percent at the time he took office to 38.6 percent by the end of his term. His leadership helped mold Atlanta into a city that not only offered hope and opportunities for African-American businesses, but for all of the citizens he represented.

Mr. Speaker, Maynard Jackson strongly believed in the ideals of the Democratic Party and worked diligently to engage more citizens in the political process. Mr. Jackson served as a much-needed voice for those at the grassroots level and tirelessly strived to get people involved in communities across the country.

Mr. Speaker, Maynard Jackson was a selfless leader who strongly believed in the potential of young people. Helping to invest for a better future, he gave much of his time in helping to develop their talents for leadership. As a mentor for these individuals, Mr. Jackson guided them by communicating about his own experiences to help better prepare these future leaders for the large task of making all communities brighter.

Mr. Speaker, Mayor Jackson not only worked hard to make Atlanta a better city to live in, but also stands out as a role model for all people. I express my deep condolences to his family and all of his friends and may God grant him eternal rest.

Mr. OWENS. Mr. Speaker, I rise in strong support of H. Res. 303, a resolution honoring the life of Maynard Jackson, Jr. Mr. Speaker, Maynard Jackson was a shining example of strength, resilience and undeniable charisma. As classmates at Morehouse College in Atlanta, GA we had the opportunity to spend a lot of time together as part of an experimental program sponsored by the Ford Foundation. Even then Maynard exhibited an intellectual curiosity well beyond his years. Maynard's strong faith and ability to stand steadfast even during troubling times served him well after the sudden death of his father.

Many of the skills Maynard developed during his early years at Morehouse helped him become the first African-American mayor of Atlanta. Under this leadership Atlanta was well on its way to becoming the new symbol for the south. Atlanta became an international city known for it's southern hospitality as well as it's fine dining and tourist attractions. As the shining example of the new south, Maynard led the way by introducing new initiatives that helped increase the number of minority contractors. As a result of his hard work local businesses flourished and a new generation of African-American millionaires was born. As mayor, Maynard endured criticism from proponents of the "old south" to lead the city to unprecedented growth, and prosperity which culminated in the expansion of the Atlanta airport.

Mr. Speaker, even after Maynard Jackson left office he continued to fight for the underserved and bring vital financial resources to Atlanta. His involvement with the U.S. Olympic committee led to Atlanta's selection as the site of the 1996 Summer Olympics. The city of Atlanta, the state of Georgia and the nation owes Maynard Jackson a debt of gratitude. Maynard's foresight and wisdom opened the door for African-American politicians throughout the nation. Today we mourn the man, but we remember the contributions he made in the name of fairness and equality. We will miss Maynard Jackson.

Mr. Speaker, on June 25, 2003, I spoke in memory and praise of Maynard Holbrook Jackson.

The speech follows:

IN MEMORY AND PRAISE OF MAYNARD HOLBROOK JACKSON

(Speech of Hon. Major R. Owens of New York, in the House of Representatives, Wednesday, June 25, 2003)

Mr. OWENS. Mr. Speaker, I join with all of my colleagues, with the family and with all Americans in mourning the passage of a great political leader and a personal friend, Mayor Maynard Jackson. I rise to salute the outstanding achievements of the former Mayor of Atlanta who was also a national political leader and a major asset of the Democratic Party. But before I sound the loud trumpets which are appropriate for the highlighting of Mayor Jackson's public life, I would like to pause and note my fond personal memories of Maynard.

In the Morehouse College class of 1956 he was my classmate. But even more intimate than that space were the roles we shared as part of an experimental program sponsored by the Ford Foundation. Maynard and I were two of 30 college freshmen who had been admitted without completing the last 2 years of high school. Most of the so-called "Ford Boys" were 16 years old. Maynard was the youngest at age 14.

Maynard was a native of Atlanta, the location of Morehouse College. He was a member of one of the oldest African American leadership families. Maynard even at that early age had a strong sense of mission and personal responsibility. Despite his youth he became the host for our group of 30 special students. We were from very different worlds. My father was a factory worker who had never earned more than the minimum wage. But during that freshman year Maynard's father who was the minister of one of Atlanta's most prestigious churches, died suddenly. My mother also died in the Spring of that year. Few understand better than I did the sudden escalated maturation of the 14 year old Maynard. It was probably the first great crisis of his life but he rallied his personal resources and he overcame that great emotional obstacle. It was a challenge which set a pattern for the rest of his life and career.

My classmate, Mayor Maynard Jackson leaves a clear and shining legacy for all to see and for African American leaders to utilize as a guiding beacon. Mayor Maynard sought power and through a very creative strategy and set of tactics he won power. But the truly distinguishing achievement of Mayor Maynard Jackson was his bold and uncompromising use of his power to further empower the African American community of Atlanta. In very concrete dollar and cents terms he confronted the business elite of Atlanta and forced the opening of new doors of significant business opportunities for minorities.

Under Mayor Jackson's early leadership as Mayor, Atlanta City contracts soared from less than 1 percent in 1973 to 39 percent within 5 years. Many of these contracts were related to the construction of the expanded world class Atlanta airport. It is believed that several dozen new black millionaires were created via Maynard's mandated joint venture models. It is important to note that the airport expansion was still completed ahead of time and under budget. For African Americans unprecedented new opportunities were opened up as a result of the Mayor's confrontation with the white business establishment. Maynard Jackson could never be called an "empty suit" concerned only with the ceremony and symbolism of being the first Black Mayor of Atlanta. The legacy he leaves is a lesson for all African American leaders: power is acquired for the purpose of empowering those who lacked power before. Martin Luther King's movement and the Voting Rights Act were constructed, not to install peacocks with their limited agendas for personal wealth and fame; instead the assumption of public office is a method of extending the struggle.

Let it be noted and fully understood that Maynard Jackson had to pay a price for his courage and his boldness on behalf of the continuing struggle. When he left office as Mayor, the white establishment attempted to lynch him economically by denying him an appropriate berth in the private sector. Fortunately, it was one more hurdle which Maynard overcame. More of the story of the battle of Atlanta must be told in order for the legacy to be understood clearly. Mayor Maynard Jackson was more than just a successful politician. He was a trailblazer, a hero who set high standards that all African American public officials must measure up to in performance.

Ms. MAJETTE. Mr. Speaker, the City of Atlanta, the State of Georgia, and the United States of America mourn the passing of an important civic and civil rights figure. Maynard Holbrook Jackson, Jr. lived as a trailblazer, paving the way for future black politicians throughout the country. Furthermore, Maynard Jackson was not only a prominent political figure, but a man of character as well; strong, genuine, and always full of heart.

Former Mayor Jackson was born in Dallas, Texas in 1938 into a family of civil rights activists. This strong background influenced Jackson to become involved in public affairs at an early age. The assassination of Dr. Martin Luther King, Jr. and the birth of Jackson's first child, occurring within days of each other, proved a pivotal turning point in Jackson's life and inspired him to commit to serving the public interest.

Jackson demonstrated immense courage when he challenged a popular, long-sitting United States Senator during his first run for public office in 1968. By becoming the first African-American to run for the Senate from the State of Georgia, Jackson cleared hurdles and opened new opportunities for African-American political ambition. Five years later, Jackson once again raised the bar of public service and made history with his successful campaign for the office of Mayor of the City of Atlanta. This victory made Jackson both the first black mayor of a major southern city and, at age 35, the youngest mayor in the United States. His election marked a turning point for both the City of Atlanta and our entire nation, as Jackson came to embody a rising political tide of young and energetic African-American politicians, along with the likes of Coleman Young and Tom Bradley, who possessed a sincere ambition to reinvigorate urban politics. The three terms that Jackson would go on to serve during the next twenty years would make him the second longest serving mayor in Atlanta history, a milestone in and of itself.

While each of these accomplishments are impressive and significant, Jackson's record as Mayor of Atlanta is equally admirable. His record shows a deep commitment to equality and a bold desire to reform the traditional Atlanta business community to make it more inclusive. During his tenure in office, Jackson launched an aggressive program to increase the number of minority contractors employed by the city. He also succeeded at creating "joint venture" programs in which minority and white contracting firms worked together for the construction of the mid-field terminals at Hartsfield International Airport. Jackson's efforts in reshaping and marketing the city have been credited with supplying the Atlanta region with much of its growth over the past quarter century. Maynard Jackson turned what was a regional town into a national and international business center.

Finally, Jackson gained international prominence during his final term as Mayor in the early 1990's. Once again, he did his utmost to use his position to bolster the prestige and notoriety of his hometown. His most visible accomplishment in office was surely his intimate involvement in the effort to bring the 1996 Centennial Olympic Games to Atlanta. We fondly remember the televised images of Mayor Jackson hugging and congratulating other city officials immediately following the announcement that Atlanta had been successful in its bid for the Olympics. Two years later, Jackson went before an international audience during the closing ceremonies of the Barcelona Olympics and proudly waved the Olympic flag on behalf of the City of Atlanta and the United States of America.

In recent years, Jackson sought to extend his sincere commitments to equality and progress to the national level. Jackson led a national initiative within the Democratic National Committee (DNC) to encourage African-American voter participation by heading the DNC's Voting Rights Institute. In this he sought to empower those who lacked a significant political voice.

During Jackson's career in public service, his tireless efforts have transformed a city, empowered its citizens, and brought it international recognition. Time and again, Maynard Jackson was a strong advocate for economic equality and high levels of civic participation within the African-American community. While this is likely the most noticeable aspect of his legacy, he has always desired to be known for his accomplishments on behalf of all individuals.

Indeed, our entire nation experienced a great loss when Jackson passed away on June 23, 2003. He was 65 years old and left behind a tremendous political legacy. Maynard Jackson inspired an untold number of potential political leaders, so many of whom will benefit from the doors that he opened and the barriers that he shattered. He will be greatly missed by people of all races, Democrats, Republicans, Georgians and non-Georgians alike.

Public servants such as Maynard Holbrook Jackson, Jr., who have had a significant impact in local and national politics, leave not only action, but legacy. As was said upon the passing of John Adams and Thomas Jefferson, "They are no more . . . but how little is there of the great and good which can die! To the country they yet live, and live forever."

Mr. OSE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, H. Res. 303.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 208) supporting National Men's Health Week.

The Clerk read as follows:

H. CON. RES. 208

Whereas, despite the advances in medical technology and research, men continue to live an average of six years less than women, and African-American men have the lowest life expectancy;

Whereas all ten of the ten leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men more than women;

Whereas between ages 45–54, men are three times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost one and a half times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15–34, and when detected early, has an 87 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 72,000 in 2003, and over one-third will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men contracting prostate cancer will reach over 220,000 in 2003, and almost 29,000 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than one-half the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas many men are reluctant to visit their health center or physician for regular screening examinations of male related problems for a variety of reasons including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in and first celebrated in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of corporations, public health departments, health care entities, churches, and community organizations, as well as many States, cities, and localities throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week web site has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical check-ups; and

Whereas June 9 through 15, 2003, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress supports National Men's Health Week; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 208.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 208, introduced by the gentleman from Maryland (Mr. CUMMINGS), supports National Men's Health Week. I rise in support of H. Con. Res. 208. The worthy purpose of this legislation is to heighten awareness of preventable health problems among men and boys across the country. The text of the resolution reveals that of the top 10 leading causes of deaths in the United States, according to the Centers for Disease Control, all 10 affect men at greater rates than women. Women make physical checkups and other preventative medical appointments much more frequently than men, and this bill aims to prompt all American men to not forget to make regular appointments with their physician.

This is a worthy resolution, and I urge all Members to support the adoption of House Concurrent Resolution 208. I congratulate the gentleman from Maryland (Mr. CUMMINGS) for his work on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, National Men's Health Week is celebrated each year as the week leading up to and including Father's Day. The National Men's Health Week Act was passed by Congress in 1994 and signed into law by President Clinton, becoming Public Law 103–264 on May 31, 1994.

Fathers, sons, brothers, husbands, uncles, and grandfathers should make use of this week and become aware of their health risks and ways to prevent disease, disability, and injury. The goal of National Men's Health Week is to raise awareness of the importance of early detection and treatment for men. The focus of last month's National Men's Health Week was heart disease, cancer, injuries, and stroke.

Prostate cancer is the most commonly diagnosed form of cancer other than skin cancer among men in the United States. It is second only to lung cancer as a cause of cancer-related death among men. Heart disease is the leading cause of death for all men in the United States; and injuries, both unintentional and those caused by acts of violence, are among the top 10 killers for Americans of all ages. Males are at a higher risk than women for motor vehicle crashes, falls, drownings, and homicide. This resolution will help address lack of awareness and poor health education among men and their families.

I urge my colleagues to support it, and I would commend the gentleman from Maryland (Mr. CUMMINGS) for his introduction and for bringing this matter to our attention.

Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the author of this resolution and chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS) for moving this legislation through the Committee on Government Reform. I would also like to thank the gentleman from California (Mr. OSE) and recognize the gentleman from California (Mr. CUNNINGHAM) for his tireless efforts to promote men's health. Finally, a special thanks is owed to the national media outlets such as CNN, CBS Early Morning Show, Wall Street Journal, The USA Weekend, Parade, Roll Call, and Fox Cable News for promoting the National Men's Health Week and recognizing the importance of the health of men and their families.

I am pleased that H. Con. Res. 208, a bill supporting National Men's Health Week, is on today's suspension calendar. The National Men's Health Week Act was passed by Congress in 1994 and signed into law by former President Clinton on May 31, 1994. Former Senator Bob Dole sponsored the legislation in the Senate, and former Congressman Bill Richardson sponsored it in the United States House of Representatives.

The purpose of Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys. National Men's Health Week is just one way in which the public and health care providers can become educated about the importance of early detection of male-related diseases.

Mr. Speaker, men are at such high risk because a higher percentage of men have no health care coverage, make fewer physician visits each year; and research on male-specific diseases is vastly underfunded. Experts believe that early detection of certain diseases could be possible if awareness were raised concerning male-related health problems. These problems include prostate cancer, infertility, and colon cancer.

Additionally, early detection may have an impact on the following statistics: men have a higher death rate for every one of the top 10 leading causes of death as defined by the Centers for Disease Control; men die of heart disease at almost twice the rate of women; 50 percent more men die of cancer than women; despite medical technology and research advances, men continue to live an average of 6 years less than women; and black male life expectancy is 68 years, whereas the overall life expectancy for all groups is 77 years of age.

These statistics are daunting, signifying that awareness, education, and research are indeed crucial. Mr. Speaker, it is imperative that men visit a doctor for annual examinations. If I might note, much research has been done with regard to men preventing diseases, and one thing that has been very interesting is that research shows that most men who are able to get early prevention treatment were usually pushed there by a significant other in their lives, a woman.

Preventive health care strategies such as annual examinations can play a role in prolonging male lives, thereby reducing the mortality rates for male-related health diseases. Many of the deaths are preventable, and many of the diseases which adversely affect men could be treated with early detection.

During this year's National Men's Health Week, June 9–15, approximately 750 men participated in health screenings here on Capitol Hill over a 3-day period. Although the week has ended, the message is universal and resonates throughout the year. Since its inception, public health departments, community organizations, and health care entities have celebrated National Men's Health Week. As such, I urge all of my colleagues to support the adoption of H. Con. Res. 208.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I would simply close by suggesting that my mother always used to tell us if we knew better, we would do better. I would hope as men become more aware as this kind of information proliferates, we will find men going to see their physicians, getting early screenings, making sure that they detect at an early stage possible illnesses so we can improve the quality of men's health and the quality of life for all Americans.

Mr. TOWNS. Mr. Speaker, I rise in strong support of H. Con. Res. 208, which recognizes National Men's Health Week. It has been well documented in health-related research that despite numerous advances in medical technology and research, men continue to live an average of six years less than women. Lack of health insurance, cost-prohibitive exams, a paucity of health education information, and even fear all contribute to the reluctance of many men in visiting health care centers or physicians for regular health screenings.

The Centers for Disease Control and Prevention have outlined the ten leading causes of death, and all ten of these affect men more than women; more than half of these are due to chronic conditions including heart disease, diabetes mellitus, chronic respiratory disease, and diseases of the liver. Between the ages of 45–54, men are three times more likely than women to die of heart attacks, and men die of heart disease at almost twice the rate of women. Cancers of the prostate, testes, and colon also contribute significantly to male mortality rates. Appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent.

The health outcomes for African American men, the population with the lowest life expectancy, are dire. Although heart disease is the leading cause of mortality for men of all racial and ethnic groups within the United States, significant racial inequalities in heart disease mortality among men have been reported for the last 50 years. Recent statistics indicated that the overall stroke mortality rate is 61 in 100,000 for the general population—the numbers for African American men are significantly higher with 87 in 100,000 African American men dying due to stroke. The likelihood that a man will develop prostate cancer is 1 in 6, but African American men in the United States have the highest incidence of prostate cancer in the world, and their mortality rates owing to this disease are higher than any other racial or ethnic group.

I want to applaud the gentleman from Maryland for introducing this measure and for his continuing efforts in promoting men's health. Educating both the public and health care providers about the importance of early detection of male health problems will have multiple benefits, to include reducing rates of mortality and morbidity owing to chronic diseases. Men who are educated about the value that preventive health can play in prolonging their life spans and their role as productive family members will be more likely to participate in health screenings. I urge passage of H. Con. Res. 208.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of my Congressional Black Caucus colleague Representative CUMMINGS on H. Con. Res. 208 which supports National Men's Health Week. This resolution requests that the President call on the American public and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

Currently, Mr. Speaker, America is facing a dangerous and mounting crisis in men's health care—one that is all the more pernicious because of its silence and its disproportionate impact on men of color.

This crisis costs lives—the lives of those most dear to us: fathers, sons, brothers and husbands. For example, American men die almost 5 years before women do, for African-American men, nearly 12 years sooner than White women. Forty percent of African-American men die prematurely versus 37 percent of Latino men and 21 percent of White men. Some 189,000 American men will be newly diagnosed with prostate cancer, and more than 30,000 will die. African-American men have the world's highest incidence and mortality rates of prostate cancer. Men of color account for the majority of HIV cases reported among males.

The causes for the growing crisis in men's health are deeply rooted and sociopolitical in nature. Yet, if men are to enjoy longer, fuller and healthier lives, then the poor state of men's health today must become a focal point on the nation's agenda.

To address the obstacles that prevent men from seeking and obtaining adequate healthcare, we have compiled a public education toolkit, which is attached. In it, you will find information on the state of men's health, gender gaps and barriers to care, and the social and political implications of this grave problem.

The U.S. health care system is the world's most advanced, with curative technologies and practices to treat nearly any significant disease. But there's a crisis brewing in America that has less to do with American medical know-how than with sheer male stubborness—and a health care system skewed in favor of females.

In short, men are at risk. They get sicker faster than women. They die off younger. They vastly outnumber women as victims of violence and on-the-job accidents. They are reluctant to see a doctor, and when they finally try to, they face barriers to care. Quite simply, men are largely out of sync with the U.S. health care system, and they are largely out of sync with their own bodies.

This crisis has been brewing for decades, ominously taking a backseat to the wondrous capabilities of American health care. Men quite frankly have been suffering in silence, lending greater and greater irony to the grand medical triumphs that we accumulate year after year.

How bad the men's health crisis is becoming painfully clear. The facts we now have are disturbing. Here are just a few: Male mortality figures have seen dramatic change over the years. In the 1920s, males and females lived to be roughly the same age. Today, women live more than a half-decade longer: 5.4 years, to be exact. In fact, over the last 30 years, the ratio of male mortality has outstripped female mortality at every age. In other words, the gap keeps getting bigger, with men now living 74.4 years, on average, compared to 79.8 for women.

For each of the top 10 causes of death, men have higher death rates that women. Twice as many men die from heart disease than women, when age is accounted for. And 40 percent more men die of cancer than women. By age 75, men die of cancer at nearly twice the rate of women. Yet cancer education and prevention is sorely lacking for men.

But there's more. Male AIDS victims outnumber females four and a half to one. And men's death rates are at least twice as high as women's for suicide, homicide and cirrhosis of the liver. In fact, four out of five deaths by suicide are men, and men age 20–24 are six times more likely than women to take their own lives. We lose 25,000 men every year to death at their own hands.

Men not only live more dangerous, they are accidents waiting to happen on the job too. In fact, 98 percent of all employees in the 10 most dangerous professions are men.

This is a fact borne out by a cold, clinical statistic. The federal government spends nearly $70 billion annually on cross-cutting programs to address women's health. For men, the amount spent is infinitely smaller, probably—it is as yet unknown. Most experts would agree today, however, that research on male-specific disease is under-funded. While prostate cancer comprises 37 percent of all cancer cases, only 5 percent of research funding is earmarked for this disease, according to the National Prostate Cancer Coalition. This amounts to $190 million, as compared to $424.9 million earmarked for breast cancer. And this year alone, 180,000 men will be diagnosed with prostate cancer; and almost 32,000 of them are expected to die from it.

What's more, 39 out of 50 States have either an office women's health or a program focused specifically on women's health. By comparison, just six States formally address men's health issues.

Deep disparities exist in our system of care for 30 percent of men in the U.S.—African-Americans, Latinos, Asian-Americans, Native Americans and others. Men die younger than women, and men of color have the lowest life expectancies of all: 66.1 years for Native Americans, 67.6 years for African-Americans, and 69.6 years for Latinos.

The health system is full of inequities for those men of color. Health-promoting behavior and early detection and treatment of diseases could reduce morbidity and mortality rates, but low utilization of health services, a lack of targeted health activities and increased risks due to social environment contribute to earlier deaths among men of color. For example, 21 percent of white men die prematurely from heart disease; the rate for black men is nearly twice as high: 40 percent.

So today I know we will pass this bill, and I ask my fellow congressional colleagues, other health providers, public health experts and officials, to bring this to the attention of people of this country who want to know that we will also move just as determinedly and expeditiously to ensure that our men are healthy.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. OSE. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for introducing this legislation, I urge Members to support the adoption of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1130

SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 6) supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

The Clerk read as follows:

H. CON. RES. 6

Whereas chronic obstructive pulmonary disease ("COPD") is primarily associated with emphysema and chronic bronchitis;

Whereas an estimated 10,000,000 adults in the United States have been diagnosed by a physician with COPD;

Whereas an estimated 24,000,000 adults in the United States have symptoms of impaired lung function, indicating that COPD is underdiagnosed;

Whereas COPD is progressive and is not fully reversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or second-hand smoke, and a history of frequent childhood respiratory infections;

Whereas more than half of all adults who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all adults who suffer from COPD feel they are not in control of their breathing, panic when they cannot catch their breath, and expect their condition to worsen;

Whereas nearly 119,000 adults died in the United States of COPD in 2000, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 8,000,000 office visits to doctors, 1,500,000 emergency department visits, and 726,000 hospitalizations by adults in the United States in 2000;

Whereas COPD cost the economy of the United States an estimated $32,100,000,000 in 2002;

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment; and

Whereas the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 6, introduced by my distinguished colleague from Florida, supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month. This is an important resolution that can help to alert all Americans to the dangers that chronic obstructive pulmonary disease poses to all of us.

Mr. Speaker, it may not be widely known that chronic obstructive pulmonary disease is the fourth leading cause of death in this country behind heart disease, cancer and strokes. The number of Americans that COPD affects each year is in the tens of millions. Chronic obstructive pulmonary disease refers to any of various lung diseases that result in poor pulmonary aeration. The most common forms include emphysema and chronic bronchitis.

Mr. Speaker, this affliction has baffled medical experts across the country and around the globe. Despite its prevalence, no cure has been discovered for COPD. However, a variety of treatment options are available to those who suffer from pulmonary disorders. On behalf of this House, I encourage all Americans to be aware of their pulmonary health in order to try to detect problems early and prevent the development of chronic obstructive pulmonary disease.

Mr. Speaker, for all of these reasons, I urge all Members to support the adoption of House Concurrent Resolution 6. I commend our colleague from Florida for his efforts to raise awareness of this.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleague from California today in support of House Concurrent Resolution 6, a resolution supporting the goals and ideals of National Chronic Obstructive Pulmonary Disease Awareness Month. Chronic obstructive pulmonary disease, referred to by the acronym COPD, is an umbrella term used to describe the airflow obstruction associated mainly with emphysema and chronic bronchitis. In short, COPD is a debilitating lung disease that is characterized by severe breathing limitations. This affects everyday tasks such as washing, dressing, even light housework and routine walking. COPD leaves many too breathless to leave the home. Sixteen million Americans suffer from COPD, and it is estimated that 16 million more have COPD.

The important point to understand about COPD is the effect that it has on various populations. I was shocked to learn that, between 1980 and 2000, the annual COPD death rate for African Americans nearly doubled, going from 25 percent to 43 percent. It is estimated that 1.7 million African Americans have evidence of mild or moderate obstructive lung disease. Yet, in 2000, only half of these individuals reported being diagnosed with COPD.

In addition to COPD's effect on African Americans, this disease is now disproportionately affecting women at an alarming rate. During the same period of time, 1980 to 2000, the COPD death rate among women nearly tripled, going from 20 percent to 57 percent. Currently, more women die from COPD than do men. It is estimated that 10.6 million women have evidence of mild or moderate obstructive lung disease.

Illinois is not yet listed among the States experiencing high death rates associated with COPD. However, nearly half of the United States is now experiencing high death rates from COPD. The Centers for Disease Control now estimates that COPD is the fourth leading cause of death in the United States. By 2020, CDC estimates that COPD will be the third leading killer in the country. There is no cure for COPD, but with early diagnosis, treatment can ease the symptoms of patients who suffer from this disease.

Continued ignorance about COPD is costly. COPD is the only leading chronic illness that continues to show increased mortality rates each year. In contrast, mortality rates associated with seven of the ten leading causes of death have actually decreased.

Simply put, COPD takes a heavy toll on our economy. According to estimates made by the National Heart, Lung and Blood Institute, in 2000 the annual cost to the Nation for COPD was over $30 billion. This included $14.7 billion in direct health care expenditures, $6.5 billion in indirect morbidity costs, and $9.2 billion in direct mortality costs. The sooner Americans learn more about COPD, the sooner they can take steps to combat it, and the sooner we can control the spiraling toll of this debilitating disease on our economy and human lives.

Mr. Speaker, a national awareness month will bring a much-needed focus for COPD and provide a further opportunity to educate Americans and heighten the awareness of COPD's increasing prevalence. I urge my colleagues to support this important resolution, and I commend the gentleman from Florida for its sponsorship.

Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), the leading spokesperson for this particular issue in the halls of Congress.

Mr. STEARNS. I thank my distinguished colleague from California for yielding me this time.

Mr. Speaker, as the author of H. Con. Res. 6, supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month, I want to thank the gentleman from Georgia (Mr. LEWIS) who was a cosponsor of this legislation in the 107th Congress and has been my cosponsor in the 108th Congress.

I am, finally, very pleased that the committee of jurisdiction has recognized this and it is on the floor today, because, as my colleagues have pointed out earlier, awareness of COPD is very important. If unchecked, it will continue to kill.

A lot of people, perhaps my colleagues, are wondering what COPD is. It was mentioned that it is a debilitating lung disease. Many of us who serve in Congress are going to be affected by it. It causes severe breathing limitations when you run up those steps. It is characterized by airway inflammation. It simply affects everyday tasks that you do, women and men, whether it is obviously on the golf course or whether it is walking up stairs or just running to the bus.

A lot of us take breathing freely for granted, but, frighteningly, the CDC estimates that COPD is currently the fourth leading cause of death in the United States. Of course, as was mentioned earlier, it is going to be moving up in the year 2020 to be the third largest killer in the United States.

While the exact prevalence in the United States is unknown, CDC estimates that there are 10 million diagnosed COPD sufferers and possibly as many as 24 million Americans undiagnosed who are suffering these symptoms today and have no idea what it is. The problem, Mr. Speaker, is there is no cure. Medical treatments exist to address the symptom relief and perhaps slow the progression of this disease. Besides the treatment of the symptoms of COPD, the sufferer actually is afflicted with anxiety. Their mental condition is affected through this anxiety and this stress. This also in many cases must be treated.

I would be remiss not to warn that the number-one step that one can take to prevent COPD, or at least minimize its symptoms, is simply to stop smoking, which is the primary cause of COPD, this long-term smoking by Americans. As you may know, we were pleased that President George Bush declared November 2001, COPD Awareness Month and recognized the contribution of the COPD Coalition in November of that year. So, obviously, we would like to pass this resolution and continue the momentum of awareness for all Americans on this important problem.

It is likely that we all know somebody who has this affliction, whether we live with them personally or have a family member or friend or staff member, he or she has COPD. An awareness month would create an opportunity for all of us to familiarize ourselves with this so that we could attempt to alleviate the suffering and hopefully eventually reduce the death rate associated with this affliction.

Research is being performed on this, and we believe we are getting closer to solving some of the problem.

Let me make a plug for the University of Florida, which is in my congressional district. It has been found that individuals suffering from a genetic deficiency called Alpha-1 antitrypsin deficiency are more likely to develop COPD later in life. In response to this finding, researchers at the University of Florida, a top-notch university and medical institution in my congressional district, have teamed up with the Alpha-1 Foundation and the State of Florida Department of Health and Human Services to conduct a multiyear screening and detection program for Alpha-1 deficiency. It is their hope that this program will serve to not only detect potential Alpha-1 deficient individuals but also to impress upon health care professionals the importance of simply screening for this Alpha-1 deficiency.

In fact, once an individual is identified with Alpha-1 deficiency, much can be done to help prevent the individual from developing COPD that is very exciting, not only just through exercise, but a modification of your diet. If this is not enough, further steps can be taken in the form of augmentation therapy by which the Alpha-1 antitrypsin protein is actually administered to arrest one's decreasing lung function. That is very good news.

Until research yields new treatments or a cure for COPD, the best approach to stemming the growth is through prevention and early detection. Prevention and early detection can only happen with increased awareness.

I would conclude by just mentioning some facts. In 2000, COPD accounted for 8 million physician office and hospital outpatient visits; 726,000 hospitalizations; over 1.5 million emergency room visits; and over 122,000 deaths. It costs the U.S. economy almost $15 billion a year in direct medical costs. All of this, we believe, is caused by environmental exposure, including tobacco smoke and, as I mentioned earlier, genetic defects.

Mr. Speaker, I urge my colleagues to support this. I am very pleased that it is on the floor today.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had a friend who suffered from COPD. He liked to go to the Bulls basketball games. From time to time we would go together. He could not walk more than 20 or 30 feet without having to stop and rest. Again, I want to commend the gentleman from Florida for his introduction of this very important measure and urge its passage.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support today of H. Con. Res. 6 which expresses support for the goals and ideals of Chronic Obstructive Pulmonary Disease

Awareness Month. I would like to thank Congressman STEARNS of Florida who sponsored this important concurrent resolution.

Mr. Speaker, Chronic Obstructive Pulmonary Disease (COPD) is a major problem today. It is currently the fourth leading cause of death in our country, taking the lives of nearly 119,000 adults in 2000. An estimated 10,000,000 Americans have been diagnosed with this disease, and it unfortunately is an underdiagnosed condition in this country.

As a former physician, this issue lies close to my heart. As the Chair of the Health Braintrust of the Congressional Black Caucus, I have had the opportunity to do much work on issues relating to lung disease within the caucus and in the larger body here in the House of Representatives.

Mr. Speaker, COPD and lung disease affect many families. It particularly hits hard in the African-American community. Although African-Americans only constitute approximately 12 percent of the population of the United States, according to the American Lung Association 26 percent of all asthma deaths are in African-Americans. The Association also reports that the incidence rate of lung cancer for African-American males is more than 45% higher than that of white men.

Mr. Speaker, The American Lung Association also reported that COPD took the lives of 3,757 African-American men and 2,692 African-American women in 2000. Countless others live with this disease and it adversely affects their lives by limiting their ability to partake in many of the activities that healthy persons enjoy.

Mr. Speaker, this resolution is a significant one. It gives formal congressional recognition that COPD is a major problem that affects many individuals and families and it expresses support for its awareness during COPD Awareness Month. As a co-sponsor of this legislation, I would urge all Members today to support it.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. OSE. Mr. Speaker, I want to add my thanks again to the gentleman from Florida for introducing this legislation. I urge all Members to support the adoption of this measure. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 6.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1145

REGARDING EFFORTS TO ABOLISH SLAVERY AND OTHER HUMAN RIGHTS ABUSES IN SUDAN

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 194) regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan, as amended.

The Clerk read as follows:

H. RES. 194

Whereas the efforts of the government of Khartoum to subjugate the peoples of the southern Sudan have led to the death of more than 2,000,000 persons and the displacement of another 4,000,000 persons;

Whereas the Department of State's "Country Reports on Human Rights Practices for 2001" estimates that between 5,000 and 15,000 Dinka women and children have been abducted during the past 15 years, and that between 10,000 and 12,000 persons remain in captivity;

Whereas credible observers report that some of the abductees were sold into slavery and others were used as forced labor or drafted into the military, including children;

Whereas the Department of State's "Country Reports on Human Rights Practices for 2002" notes that persons held in government controlled "Peace" camps for internally displaced persons were reportedly subjected to forced labor;

Whereas the Special Rapporteur for Sudan to the General Assembly of the United Nations concluded, on November 4, 2002, that the dire human rights situation in Sudan had not significantly changed;

Whereas the United States Civilian Protection Monitoring Team (CPMT) reported in February 2003 that militia allied with the Government of Sudan and supported directly by Government of Sudan troops continued to abduct civilians in the western Upper Nile region of Sudan;

Whereas subsequent to the February 2003 report of the Civilian Protection Monitoring Team, the Government of Sudan restricted the movements of the CPMT and prevented it from carrying out its mandate;

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights declares "[n]o one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms";

Whereas numerous human rights organizations, including Christian Solidarity International, the Center for Religious Freedom of Freedom House, and the American Anti-Slavery Group have demanded an end to slavery in all its forms and, in particular, to the abuses practiced by the Government of Sudan;

Whereas the National Association for the Advancement of Colored People adopted, in May 1995, a Resolution to Combat Modern Day Slavery stating that slavery in Sudan was an "irrefutable fact, corroborated by numerous sources," and pledging that "we will not rest until these slaves are freed";

Whereas the House of Representatives has repeatedly decried human rights abuses in Sudan and called for the abolition of the slave trade and of chattel slavery in Sudan;

Whereas the House of Representatives committed itself to practical measures to suppress the slave trade and chattel slavery in the Sudan by the passage, by a vote of 359-8, in the 107th Congress of H.R. 5531, the "Sudan Peace Act", and the Senate passed a similar measure, S. 180, unanimously;

Whereas the United Nations Commission on Human Rights conducted its 59th session in Geneva from March 17 through April 25, 2003;

Whereas the head of the United States delegation to the United Nations Commission on Human Rights, Ambassador Jeane Kirkpatrick, declared in her opening address that "[t]he Commission has the solemn duty to speak for those who are denied the right to speak for themselves";

Whereas Human Rights Watch and many other concerned persons and organizations have called upon the United Nations Commission on Human Rights to renew the mandate of the Special Rapporteur on human rights for Sudan, and to condemn gross abuses of human rights and violations of international humanitarian law by the Sudanese Government and rebel Sudan People's Liberation Movement/Army (SPLM/A) forces; and

Whereas the United Nations Commission on Human Rights, by a vote of 26 to 24 with 3 abstentions, refused to classify Sudan as an "Item 9" country, one in which grave human rights problems justify the appointment of a Special Rapporteur to investigate abuses and to report on them: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) slavery, under any circumstances, is an unconscionable practice;

(2) the subjection inherent in slavery inevitably leads to other abuses, including torture and rape;

(3) human rights abuses and slavery in Sudan remain a matter of the most profound concern;

(4) the United States must condemn attempts to ignore or condone these outrages;

(5) the United States must make clear to all members of the United Nations Commission on Human Rights that the refusal to condemn slavery in Sudan undermines any moral authority that the Commission might seek to exert in other areas;

(6) the United States must work to re-classify Sudan as an "Item 9" country, requiring a Special Rapporteur at the next session of the United Nations Commission on Human Rights; and

(7) the United States should encourage the United Nations to consider reinstating sanctions against Sudan and should urge the European Union, the African Union, and all others who express concern for human freedom and dignity to be engaged in activities that will convince Sudan to abolish slavery and respect human rights.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

To start, I would like to commend the author of this resolution, the gentleman from Massachusetts (Mr. CAPUANO), and I would like to commend the gentleman from New Jersey (Mr. PAYNE), the ranking member of the Africa Subcommittee. The gentleman from New Jersey (Mr. PAYNE) is also one of the original co-sponsors of this resolution, and they are a few of the many Members who have worked diligently to keep attention on the human rights situation in Sudan.

The conflict in Sudan, pitting the National Islamic Front Government against armed forces in the south struggling for political autonomy and with religious freedom has brought incomprehensible suffering to the people of Sudan. The numbers are truly staggering. There have been over 2 million Sudanese who have died over the past 2 decades alone due to war-related causes. Twice that number have been displaced.

In March of 2001, Secretary of State Colin Powell told the Committee on International Relations ". . . there is perhaps no greater tragedy on the face of the Earth today than the tragedy that is unfolding in the Sudan." Those were the words of our Secretary of State.

It is the Sudanese government that bears most all of the responsibility for this human rights disaster. Khartoum has long been responsible for marauding militias with notorious human rights abuses against southerners, including taking slaves and forcing conversions to Islam. These and other human rights abuses including blocking emergency food deliveries have rightly earned the Sudanese government widespread condemnation for these acts. In appointing former Senator John Danforth as his special envoy to Sudan in 2001, President Bush said, "For nearly 2 decades, the government of Sudan has waged a brutal and shameful war against its own people. And this is not right and this must stop." Such condemnation was also made by the U.N. Commission on Human Rights until this year.

The Commission had classified Sudan as an "Item 9" country, denoting its grave human rights problems. This brought needed international attention to these abuses primarily through the appointment and work of a Special Rapporteur to Sudan who was doing valuable human rights reporting on the ground in Sudan. Yet in April, the members of the commission representing individual countries in a 26 to 24 vote made the incomprehensible decision to end this status for Sudan. This was done despite the Special Rapporteur's judgment that the dire human rights situation in Sudan had not significantly improved and all the violations that respected human rights organizations have reported. This decision mars the commission, and it needs to be reversed.

House Resolution 194 states that "human rights abuses and slavery in Sudan remain a matter of the most profound concern" and that "the United States must work to reclassify Sudan as an 'Item 9' country, requiring a Special Rapporteur at the next session of the U.N. Commission on Human Rights." And this is the honest thing to do. It is also the just thing to do. It is the right thing to do in defense of victimized Sudanese who are suffering, and it is the right thing to do in memory of those who have perished. Designating Sudan a human rights special case is also a constructive step in support of the peace process in Sudan. We gain nothing by being blind to human rights abuses in Sudan.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. First of all, Mr. Speaker, let me commend the gentleman from Massachusetts (Mr. CAPUANO) for introducing H. Res. 194 concerning the ongoing problem of slavery in Sudan. This resolution keeps Congress on record in opposition to this inhumane practice. I also would like to thank the gentleman from California (Mr. ROYCE), chairman of the Africa Subcommittee, for his support of this resolution and for his continued good work as it relates to the problems on the continent of Africa; and with his leadership we have been able to have many hearings and to discuss many of the problems there. I would also like to compliment the gentleman from Illinois (Mr. HYDE) for his interest and the gentleman from California (Mr. LANTOS), ranking member, for the strong support that he has given these resolutions.

In spite of the universal condemnation of the practice of slavery in Sudan, the government has stonewalled on issues of slavery, claiming it is a matter of rival tribes engaging in hostage-taking over which it has little control. Prior to this, they actually denied the fact that there was any kind of engaging of people in slave trade. Now they admit it, but say it is just a traditional thing.

Mr. Speaker, between 5,000 and 14,000 children have been abducted in Sudan since 1983. Millions of girls have been forced into domestic service worldwide while boys have been trafficked to the gulf to work as menial laborers. Yet the Government of Sudan only takes half measures to convince the international community that it is taking the crime of slavery seriously. While they claim that there are laws in their country that prohibit slavery, there is no aggressive enforcement of those laws and no special courts dedicated to this singularly heinous practice against children.

Mr. Speaker, this Congress has never wavered in its demand to end slavery. With this resolution, we urge the administration and all international bodies to continue pressure to end this practice of slavery.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the sponsor of this resolution, the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I would like to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member; the gentleman from California (Mr. ROYCE); and the gentleman from New Jersey (Mr. PAYNE) for bringing this matter to the floor on this issue and for their great leadership on this issue and many other issues relative to the issues around the world, particularly with regard to the continent of Africa.

I want the people at home listening to understand what we are talking about. The word "slavery" just kind of rolls off the tongue, and in many ways I think people sometimes think we are talking in a figurative manner. We are talking about literal slavery, old-fashioned slavery where the government of one country either directly sanctions or indirectly allows one group of people to enslave another, to put them up on an auction block and sell them as I would sell a bicycle. It is not figurative. It is not some hyperbole. It is actual real textbook slavery that I think most Americans, if we ask them, would think has been gone from the face of this Earth since the middle of last century. It is not gone and this is a government, a country, not just a few renegades. This is not a criminal activity that uses women for sex slaves and uses children for forced labor; this is not that. This is an actual government who allows this to continue and in many cases participates in it indirectly. That is what we are talking about here.

What we are asking for is the United Nations to stand up. Just yesterday we took two votes on the United Nations. I pride myself on being a supporter of the United Nations, and I consider myself an internationalist. I think this country and the world is better off if we can talk to each other. I think the United Nations plays a valuable role. Yet the United Nations itself, a committee of the United Nations, said slavery is okay. I cannot be more offended than by that vote. I think it should be noted that the Chair of that commission is the country of Libya. An amazing coincidence. An amazing coincidence.

This administration, the Bush administration, has done a good job on this, and I do not agree with them on many things. On this issue they have stood up tall and been right, and I appreciate that and I congratulate them for that. This resolution and my message on this resolution is to the United Nations. If they want people like me to continue to support them, I do not think it is a very high bar to say to them that they need to stand up against slavery. How is that a high bar? I cannot imagine an any lower bar. Yet they have not. Honestly from a United Nations perspective, I cannot think of another vote that they have taken that has more offended me particularly in modern times.

This resolution is simple, and again I congratulate and thank the leaders of the Committee on International Relations for bringing this forward. This is really a message to the U.N. to get back on their game, stand up, stand up for the easiest issue in the world. If they do not, they jeopardize support from people like me and I think they undermine their credibility on every other issue around the world; and I find that to be absolutely the opposite of what the United Nations, what the United States stands for and our support for the United Nations.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from Massachusetts for those comments.

Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who has worked very hard on this issue herself.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time.

And I must thank the gentleman for his continuous hard work on this issue. He and I came to the floor several years ago when slavery in Sudan had never been mentioned on this floor and did a 1-hour Special Order. We were the first to raise the consciousness of this House, and it is very gratifying to see that that consciousness remains raised. I know the gentleman has gone to Sudan and as a member of the Committee on International Relations continues to press this matter forward, and we need the whole House and we need the whole country to do so.

President Bush has just been to Africa and declared that slavery is a crime, and of course he meant slavery involving African Americans; but I am sure he meant it worldwide as well, and I thank the President not only for that trip but for his own initiatives on Sudan, still a largely unknown, a little recognized issue in our country. We have a nation, 70 percent are Sunni Muslims, 25 percent are Animists; Christians, 5 percent. We have come to the floor again and again with resolutions similar to this, and this resolution is very mild. It just asks the United Nations to consider reinstating sanctions.

□ 1200

The United States has also instituted sanctions under President Clinton; and it calls upon others, our allies, to express the same concern essentially that we have expressed: the African Union, which should be taking leadership here, the European Union. We need allies on this matter, and we need them desperately. Because, if the truth be told, almost no progress has been made. That is the sad truth that we must face.

There is still widespread institutionalized slavery, according to the most recent report on Sudan. There is still massive dislocation and wholesale discrimination against the nonMuslim population.

The administration has made efforts, as we had Foreign Minister Ismail come to this country for consultations with the State Department, a delegation to come with consultations. I am not sure what comes out of these consultations, however, nor am I sure what we use as guideposts to determine whether progress is being made. And we understand the role Sudan plays as a possible center of terrorism. Terrorism has been strongly associated with Sudan, so we have extra reason to press forward.

Comprehensive sanctions, however, were put forward in 1997 as early as the Clinton administration, but they were our comprehensive sanctions. We are one country. There is a lot of oil in this country, and others continue to ignore slavery in Sudan. We have a humanitarian crisis. We need what the resolution calls for.

We need more as well. We need to increase assistance using religious and other nongovernmental organizations to distribute food and assistance on a nondiscriminatory basis. We need the United States to take the initiative in the United Nations so that sanctions go beyond a few nations like our own and so that we put a goalpost out here so that we can judge Sudan by whether there is an end to the bombings of civilians that keeps food from getting to them and into slavery and into the war itself.

Mr. Speaker, I ask that the Congress continue to keep this matter in its sights until we see some progress at last.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume just to conclude by thanking the gentlewoman from the District of Columbia.

Mr. Speaker, 2 million people have died as a result of the practices of the government of Sudan; 4 million have been displaced. We have had the EGAT nations attempt to come to a conclusion, a solution to this problem. We continually push this issue of slavery. It must be abolished, and other human rights abuses in Sudan must end.

Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

The Sudan peace process is, frankly, entering a very critical period. Some have described the next few months as the end game. There are elements in the government of Sudan who appear to desire peace. General Lazaro Sumbeiywo, the Kenyan mediator, has optimistically announced that he expects to have a peace deal by mid-August.

One thing is sure, though. If peace is to have a chance in Sudan, the U.S. and others will have to aggressively monitor any peace agreement, including paying close attention to human rights conditions. Should a peace agreement be struck, the Special Rapporteur would have an important role to play in ensuring that the new government respects the rights of all Sudanese. There is no reason in the world for the Special Rapporteur to be sidelined now. This resolution says Sudan is a human rights case that demands an international human rights spotlight.

It is critical that all parties in Sudan, especially the government, understand that there will be consequences for those who shun peace and perpetuate human rights abuses in Sudan. The Sudan Peace Act, signed into law last year, provides for such consequences.

Today, the House of Representatives is going on record with another stern warning that slavery and other gross human rights abuses in Sudan are intolerable and that the U.S. is watching. That is the message of this resolution which I urge my colleagues to support.

Mr. TOWNS. Mr. Speaker, as you are keenly aware, the road to peace for the people of Sudan has been long and perilous. Yet the prospect for a lasting peace may finally be at hand. Negotiations among the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) have been ongoing over the past ten months under a renewed commitment to peace and with a determination to resolve the important issues that remain.

I observed today, the debate on H. Res. 194 regarding the importance of international efforts to abolish slavery and other human rights abuses in Sudan. Mr. Speaker, I share the concerns of my distinguished colleagues and their desire to see and end to slavery and human rights abuses, be it Sudan or elsewhere in the world. But while we cannot condone or even forget the past, in my view the interests of the people of Sudan are best served by focusing on the future and finding lasting peace and stability for the region.

On April 21, 2003, President Bush, in his presidential determination under the Sudan Peace Act, certified that the government of Sudan and the People's Liberation Movement (SPLM/A) are negotiating in good faith. This historic event underscores the government of Sudan's commitment to peace and sets the stage for a negotiated peace agreement and the chance for dignity, prosperity and a better way of life for the people of Sudan, especially for Sudanese children.

Mr. Speaker, there will be those who will criticize the President's decision and who will focus on past history while giving little recognition to the positive events of the past year. The tragedy of such criticism is that it promotes a policy of divisiveness instead of unity which would enhance the prospects for peace and stability to the region. Even more troublesome is that such criticism shifts the focus from the real prospects for peace that now exist. While progress on the peace front has not been without setbacks, positive developments have and continue to occur and should not be ignored.

Mr. Speaker, the release of special envoy John Danforth's April 2002 report "Outlook for Peace in Sudan" put in motion the events to-date that have helped reestablish the present framework for peace. Following the Danforth report, an important first step towards peace was the signing of the Machakos Protocol, on July 20, 2002, resolving the major issues of self-determination for the south and the separation of state and religion. In September 2002, peace talks resumed under a negotiated ceasefire agreement and in October, 2002, the government of Sudan and the SPLM/A signed a Memorandum of Understanding (MOU) to allow unimpeded humanitarian access to all areas and to people in need, in accordance with the Operation Lifeline Sudan (OLS) agreement.

In addition, an addendum to the October 2002 MOU on cessation of hostilities was signed to add new mechanisms to strengthen implementation. Later in February, the human rights group Amnesty International was invited to visit Sudan for constructive dialogue on human rights issues.

On March 4, the mandate of the Civilian Protection Monitoring Team (CPMT) was extended for another year. Later in March, the ceasefire agreement was extended to June 30, 2003. Most recently, on May 1 the United Nations secured the opening of a new corridor in southern Sudan to enhance humanitarian access to the region.

Mr. Speaker, I hope my distinguished colleagues will view these developments as testimony to the government of Sudan's commitment to achieving a lasting peace for the benefit of all our people.

While these and other events give hope for peace and a permanent end to hostilities, there are many of my colleagues who remain skeptical.

There remain roughly 90 days before the next "Determination" under the Sudan peace act must be made. I would call on my colleagues to join me in support an NGO-sponsored fact finding delegation mission to Sudan and an accompanying report on the findings to assist in fully understanding the current situation in the Sudan with regard to allegations of slavery, human rights abuses and religious persecution.

Mr. Speaker. The situation in Sudan is the product of nearly a half-century of conflict and political divisiveness. While we must never forget the past, the interests of the Sudanese people will be best served by focusing on the future and achieving lasting peace.

We look forward to the day when peace is at hand and when U.S. sanctions can be lifted and Sudan removed from the state terrorist sponsors list. Only then will the people of Sudan be able to receive the benefits of American ingenuity, technology and investment for their sustained growth and economic prosperity.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 194, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. QUINN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SENSE OF CONGRESS SUPPORTING THE EFFORTS OF THE PEACE PARKS FOUNDATION IN THE REPUBLIC OF SOUTH AFRICA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 80) expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa.

The Clerk read as follows:

H. CON. RES. 80

Whereas on February 1, 1997, the Peace Parks Foundation was established in the Republic of South Africa as a non-profit company to facilitate the establishment of transfrontier conservation areas in the Southern African Development Community (SADC) countries;

Whereas the overall purpose of the Peace Parks Foundation is to facilitate the establishment and development of transfrontier areas involving two or more countries without compromising national sovereignty, and allowing the free movement of humankind and animals across international borders within the peace park and thereby contributing to economic development, job creation, and peace and understanding between the countries concerned;

Whereas former South African President Nelson Mandela is a patron emeritus of the Peace Parks Foundation and the heads of state of the SADC countries are honorary patrons of the Foundation;

Whereas the Peace Parks Foundation has received the full support and endorsement for its efforts and activities from the heads of state of the SADC countries;

Whereas eight transfrontier conservation areas totaling approximately 232,000 square miles are supported by the Peace Parks Foundation in the SADC countries; and

Whereas the United States values peace and stability in the global community, and in particular Africa, and has long recognized the significance of sustainable economic development and the conservation of biodiversity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the United States should support efforts to facilitate the establishment and development of transfrontier conservation areas in the Southern African Development Community (SADC) countries; and

(2) nongovernmental organizations and foundations in the United States should be encouraged to support and promote sustainable economic development and benefits through the preservation of wildlife in peace parks on an expanded and inclusive basis to the benefit of the countries concerned and their people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New York (Mr. BOEHLERT), with the support of several members of the Subcommittee on Africa, including the vice chairman, the gentleman from New York (Mr. HOUGHTON) and myself, introduced House Concurrent Resolution 80 supporting the efforts of the Peace Parks Foundation in the Republic of South Africa.

The Peace Parks Foundation, a nonprofit organization, helps with the establishment and development of transfrontier conservation areas among two or more of the southern African development community countries. The idea for the Peace Parks Foundation came about when it was realized that ecotourism has benefited South Africa but has not benefited its neighboring countries, including Mozambique.

The purpose of the Peace Parks Foundation is to better allow wildlife to move freely across national borders, which wildlife is wont to do, which will promote biodiversity, economic development, and peaceful cooperation between all countries involved. By giving local populations an economic incentive to protect the environment, wildlife poaching and other unsustainable practices should decrease.

The Peace Parks Foundation enjoys the full support of all SADC countries and all of their heads of state and is currently developing 232,000 square miles of conservation area between them. This resolution expresses U.S. support for these efforts and encourages nongovernmental organizations and foundations in the United States to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Con. Res. 80.

Mr. Speaker, House Con. Res. 80 calls on the U.S. to support the Peace Parks Foundation of Southern Africa. The Peace Parks will support the establishment of a transfrontier conservation area involving several countries in southern Africa to boost tourism and to help alleviate poverty. The effort by the Southern African Development Community, SADC, will allow the free movement of humans and animals across international borders. It represents a major advance in conservation efforts worldwide.

The Peace Parks will not only contribute to conservation but also to economic development, job creation, and peace and understanding between the countries involved. This is a big step forward.

Animals have no borders. They move throughout. However, borders that have been written by countries sort of presented a problem, and for the countries in the SADC region to come together to say that you can cross our borders, for the people to be able to cross the borders so that the animals could be protected is very important.

As a matter of fact, a tragedy has happened recently in Kenya because of the lack of rain in the game parks right outside Nairobi. There are tremendous numbers of game there, including lions and tigers. But the Masai people have cattle, a tremendous amount of cattle. Cattle is a way to express wealth. During the past 4 or 5 months, because of the drought, the wildlife has moved outside of the park grounds seeking water. As the wildlife, the zebras and other animals go out, the lions must follow them, and they have gotten near Nairobi. There have been killings of Masai cattle. Unfortunately, the Masai people have said that they need to have some protection and, actually, during the past month or so, have killed 10 lions in the area around Nairobi. They are saying we should be compensated for the last of our cattle.

So there is a very important aspect to wildlife, and I hope that the new government of Kenya will be able to have some program to compensate for the tremendous loss to the Masai people.

But this is an example where countries are coming together, creating jobs, and living with the wildlife can serve as an economic engine.

So I urge my colleagues to support H. Con. Res. 80.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the prime sponsor of this legislation.

Mr. BOEHLERT. Mr. Speaker, I am pleased to bring to the House floor House Concurrent Resolution 80, which encourages support for the Peace Parks Foundation of South Africa in helping to establish and develop transfrontier conservation areas or peace parks in sub-Saharan Africa.

In 2001, I had the opportunity to visit South Africa with the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). We saw firsthand the positive achievements of the Peace Parks Foundation, a nonprofit organization headed by conservationist Dr. Anton Rupert.

In general terms, peace parks are very large, ecologically significant natural areas that straddle the borders of two or more countries and that are attractive to visitors.

Peace parks allow wildlife to follow natural migration patterns and help conserve the magnificent native flora and fauna of the region. Very importantly, peace parks help support sustainable local economic development and regional peace and stability. Boy, are those worthy objectives. These are some of the issues President Bush discussed just last week when he visited South Africa and Botswana and several other African nations.

Africa's competitive advantage in the international tourism industry lies in its unique and diverse ecosystems that include everything from deserts to rain forests. A recent study estimated that, with adequate infrastructure, the various transfrontier conservation areas could support about 8 million visits by tourists per year. Tourism is a wonderful job creator. Leaders of southern African governments have recognized this and have shown committed enthusiasm for the peace parks. They know peace parks can help alleviate poverty by creating business opportunities for communities and jobs paid for by tourism dollars. I applaud their foresight in recognizing this path to sustainable economic development.

Economic realities and the consequences of war and political instability have helped erode conservation efforts in Africa. The incredible variety of Africa's wildlife and natural habitats should be protected and conserved for future generations. The Foundation's contributions to biodiversity conservation is significant because the space it seeks to protect covers large areas; and, in Africa, everything seems to be large.

Since December, 2001, 22 transfrontier conservation areas have been identified by the Foundation and now enjoy the support of governments in the region. This unusual, but successful, approach deserves our encouragement and support.

The process by which peace parks are created requires extensive consultations between interested parties, including governments, local communities, private landowners, and civil society. In addition, since peace parks straddle borders, their creation also requires cooperation between nations. Thus, the creation of peace parks contributes to the peace and stability for which the people of Africa yearn.

□ 1215

I am pleased to be able to say that in September 2003 Botswana and South Africa will sign an agreement establishing a new peace park. African leaders such as the revered former President Dr. Nelson Mandela and the leaders of Southern African Development Community countries, strongly support the Peace Parks Foundation. Dr. Mandela himself has said of peace parks, "I know of no biological movement, no philosophy or no ideology which does not agree with the peace parks concept as we see it going into fruition today. It is a concept that can be embraced by all. In a world beset by conflict and division," Dr. Mandela goes on to say, "peace is one of the cornerstones of the future. Peace parks are building blocks in this process, not only in our region, but potentially the entire world."

Dr. Mandela was so right.

I thank those Members who joined me in introducing this resolution, and I ask the support of all Members in adopting this resolution to honor the important achievements of the Peace Parks Foundation in helping the people of sub-Saharan Africa find peace and stability and economic benefit through their preservation of some of the world's most rare and beautiful wildlife and natural places.

Mr. PAYNE. Mr. Speaker, let me commend the gentleman from New York (Mr. BOEHLERT) for his wonderful resolution and those who support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, earlier this year the Africa subcommittee that I chair held a hearing on the Congo Basin Foreign Partnership, and this is an innovative international approach to the conservation of forests and wildlife in Central Africa.

This plan was first unveiled by our Secretary of State Powell last fall, and the initiative is designed to combat illegal logging through better forest management and local economic empowerment. Of course, these forests play a critical role in sustaining the environment. They absorb carbon dioxide, they cleanse the water, they hold the soil. Their plants and animals are invaluable for so many reasons, including their genetic and biochemical information, which could spark advances in medical, agricultural, and industrial technology.

Ten years ago, those forests in Africa were virtually untouched. Today, logging operations are shrinking these forests. One estimate has logging taking out Congo basin forest area at a rate of twice the size of Rhode Island each and every year. If current deforestation and wildlife depletion rates are not reversed world wide, the world will pay an incalculable environmental and social price and incalculable cultural price as well. This is the beginning of real commitment to conservation in Africa. That is what we are seeing with the Peace Parks Foundation, which deserves our support and deserves our encouragement. I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 80.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

The SPEAKER pro tempore. Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1950.

□ 1218

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, with Mr. NORWOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, July 15, 2003, amendment No. 41 printed in House Report 108–206 by the gentlewoman from California (Ms. WATERS) had been disposed of.

No further amendments being in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. NORWOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, pursuant to House Resolution 316, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. FLAKE. Mr. Speaker, I demand a separate vote on amendment No. 2, as amended, the Hyde-Lantos amendment, which was agreed to in the Committee of the Whole.

The SPEAKER pro tempore. Is there any other demand for a separate vote?

If not, the Clerk will designate the amendment on which a separate vote is demanded.

The text of the amendment is as follows:

Amendment:

Strike section 1 of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003".

Strike subsection (a) of section 2 of the bill and insert the following:

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into four divisions as follows:

(1) DIVISION A.—Millennium Challenge Account Act of 2003.

(2) DIVISION B.—Peace Corps Expansion Act of 2003.

(3) DIVISION C.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(4) DIVISION D.—Defense Trade and Security Assistance Reform Act of 2003.

Redesignate division A of the bill as division C of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Redesignate division B of the bill as division D of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Insert after section 3 of the bill the following two new divisions (and conform the table of contents accordingly):

DIVISION A—MILLENNIUM CHALLENGE ACCOUNT

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Millennium Challenge Account Act of 2003".

SEC. 102. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term "Board" means the Board of Directors of the Corporation established pursuant to section 303 of this Act.

(3) COMPACT.—The term "Compact" means the Millennium Challenge Compact described in section 204 of this Act.

(4) CORPORATION.—The term "Corporation" means the Millennium Challenge Corporation established under section 301 of this Act.

(5) COUNCIL.—The term "Council" means the Millennium Challenge Advisory Council established under section 308 of this Act.

(6) MILLENNIUM DEVELOPMENT GOALS.—The term "Millennium Development Goals" means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000), which aim to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria, and other infectious diseases, ensure environmental sustainability, and develop a global partnership for development.

SEC. 103. SUNSET.

All authorities under this division (other than title IV) shall terminate on October 1, 2007.

TITLE II—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 201. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) A principal objective of United States foreign assistance programs, as stated in section 101 of the Foreign Assistance Act of 1961, is the "encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives".

(2) The expanding acceptance of free trade and open markets and the spread of democracy and the rule of law have brought a better way of life to an increasing number of people in the world.

(3) Inequalities between men and women undermine development and poverty-reduction efforts in fundamental ways. A woman's limited access to resources and restrictions on the exercise of her rights, including the right to participate in social and political processes, disables her from maximizing her contribution to her family's health, education, and general well-being.

(4) On March 14, 2002, the President noted the successes of development assistance programs: "The advances of free markets and trade and democracy and rule of law have

brought prosperity to an ever-widening circle of people in this world. During our lifetime, per capita income in the poorest countries has nearly doubled. Illiteracy has been cut by one-third, giving more children a chance to learn. Infant mortality has been almost halved, giving more children a chance to live.''.

(5) Development is neither an easy process nor a linear one. There are successes and there are failures. Today, too many people are still living in poverty, disease has eroded many of the economic and social gains of previous decades, and many countries have not adopted policies, for a variety of reasons, that would enable them to compete in an open and equitable international economic system.

(6) More countries and more people will be able to participate in and benefit from the opportunities afforded by the global economy if the following conditions for sound and sustainable economic development are met:

(A) Security.—Security is necessary for economic development. Persistent poverty and oppression can lead to hopelessness, despair, and to failed states that become havens for terrorists.

(B) Policies that support broad-based economic growth.—Successful long-term development can only occur through broad-based economic growth that enables the poor to increase their incomes and have access to productive resources and services so that they can lead lives of decency, dignity, and hope.

(C) Democracy and the rule of law.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. The ability of people to participate in the economic and political processes affecting their lives is essential to sustained growth. The rule of law and a commitment to fight corruption is also critical to the development of a prosperous society.

(D) Investments in people.—Economic growth and democracy can be sustained only if both men and women have the basic tools and capabilities that foster the opportunity for participation in the economic, social, and political life of their countries. Successful development of countries requires citizens who are literate, healthy, and prepared and able to work.

(7) Economic assistance programs authorized under part I of the Foreign Assistance Act of 1961, as administered by the United States Agency for International Development and other Federal agencies, are of critical importance in assisting countries to be in a position to maximize the effectiveness of assistance authorized by this title.

(8) It is in the national interest of the United States to help those countries that are implementing the economic and political reforms necessary for development to occur.

(9) On March 14, 2002, the President stated that the "growing divide between wealth and poverty, between opportunity and misery, is both a challenge to our compassion and a source of instability . . . [w]e must confront it . . . [w]e must include every African, every Asian, every Latin American, every Muslim, in an expanding circle of development.''.

(10) The President has pledged that funds requested for the Millennium Challenge Account shall be in addition to, and not a substitute for, existing development and humanitarian programs.

(11) Development assistance alone is not sufficient to stimulate economic growth and development. Assistance has been shown to have a positive impact on growth and development in developing countries with sound policies and institutions. If countries have poor policies and institutions, however, it is highly unlikely that assistance will have a net positive effect.

(12) Economic development, and the achievement of the Millennium Development Goals, must be a shared responsibility between donor and recipient countries.

(b) Statement of Policy Regarding a New Compact for Global Development.—It is, therefore, the policy of the United States to support a new compact for global development that—

(1) increases support by donor countries to those developing countries that are fostering democracy and the rule of law, investing in their people, and promoting economic freedom for all their people;

(2) recognizes, however, that it is the developing countries themselves that are primarily responsible for the achievement of those goals;

(3) seeks to coordinate the disparate development assistance policies of donor countries, and to harmonize the trade and finance policies of donor countries with their respective development assistance programs; and

(4) aims to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) Assistance.—The President, acting through the Chief Executive Officer of the Millennium Challenge Corporation, is authorized to provide assistance to eligible countries to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this title.

(b) Principal Objectives.—Assistance provided under subsection (a) should advance a country's progress toward promoting the following principal objectives:

(1) Fostering democratic societies, human rights, and the rule of law.—The assistance should promote—

(A) political, social, and economic pluralism;

(B) respect for the rule of law;

(C) anti-corruption initiatives and law enforcement;

(D) development of institutions of democratic governance, including electoral and legislative processes;

(E) transparent and accountable public administration at all levels of government;

(F) a fair, competent, and independent judiciary; and

(G) a free and independent media.

(2) Fostering investment in education and health infrastructure and systems.—The assistance should foster improved educational opportunities and health conditions, particularly for women and children, including through—

(A) support for programs and personnel that promote broad-based primary education, including through the development of academic curricula, by making available textbooks and other educational materials, and through appropriate use of technology;

(B) support for programs to strengthen and build institutions, including primary health care systems, infrastructure, facilities, and personnel that provide quality health care;

(C) support for improved systems for the delivery of healthy water and sanitation services; and

(D) support for programs that reduce child mortality (including those programs that combat HIV/AIDS, malaria, tuberculosis, and other infectious diseases, consistent with sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961).

(3) Promoting economic freedom, broad-based economic growth, and fostering free market systems.—The assistance should foster the institutions and conditions needed to promote free market systems, trade, and investment, including—

(A) the reform and restructuring of banking and financial systems, including by allowing foreign competition in the banking and financial sectors, where appropriate;

(B) the development of transparent and efficient commercial codes and reduction in the regulatory burden on business;

(C) the protection of property rights, including—

(i) private property and intellectual property rights, including through the adoption and effective enforcement of intellectual property treaties or international agreements; and

(ii) the establishment and maintenance of an efficient and integrated legal property system that, among other things, facilitates the ability of the poor, particularly women, to convert physical and intellectual assets into capital, such as utilizing existing practices and customs that allow assets to be documented in a manner that makes the assets widely transferable, leverageable, and fungible, that allows individuals to hold legal title to their property, and that holds owners accountable for transactions involving their property;

(D) support for market-based policies that support increased agricultural production;

(E) a strong commitment to sound monetary and budgetary policies;

(F) the development of small businesses, private cooperatives, credit unions, and trade and labor unions;

(G) the protection of internationally recognized workers' rights; and

(H) the capacity of eligible countries to ameliorate damage to the environment and respect other environmental standards.

SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.

(a) Assistance for Low Income Countries.—

(1) Fiscal year 2004.—A country shall be eligible to receive assistance under section 202 for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development;

(B) subject to paragraph (3), the country is not ineligible to receive United States economic assistance by reason of the application of section 116, 490, or 620A of the Foreign Assistance Act of 1961, or by reason of the application of any other provision of law; and

(C) the Chief Executive Officer of the Corporation determines that the country has demonstrated a commitment to—

(i) bolster democracy, human rights, good governance and the rule of law;

(ii) invest in the health and education of its citizens; and

(iii) promote sound economic policies that promote economic freedom and opportunity.

(2) Fiscal years 2005 and 2006.—A country shall be eligible to receive assistance under section 202 for fiscal years 2005 and 2006 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

(B) the country meets the requirements of paragraph (1)(B); and

(C) the country meets the requirements of clauses (i) through (iii) of paragraph (1)(C), as determined by the Chief Executive Officer.

(3) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible for receiving assistance under section 202 pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph shall not be construed as satisfying the requirement of such paragraph.

(b) ASSISTANCE FOR LOWER MIDDLE INCOME COUNTRIES.—

(1) IN GENERAL.—In addition to countries described in subsection (a), a country shall be eligible to receive assistance under section 202 for fiscal year 2006 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report published by the International Bank for Reconstruction and Development;

(B) meets the requirements of subsection (a)(1)(B); and

(C) meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer.

(2) LIMITATION.—The total amount of assistance provided to countries under this subsection for fiscal year 2006 may not exceed 20 percent of the total amount of assistance provided to all countries under section 202 for fiscal year 2006.

(c) ASSISTANCE FOR SELECTED LOW INCOME COUNTRIES.—

(1) IN GENERAL.—A country shall be eligible to receive assistance for any of fiscal years 2004 through 2006 solely for the purpose of becoming eligible to receive assistance under subsection (a) if the country—

(A) meets the requirements of paragraphs (1)(B) and (2)(A) of subsection (a);

(B) demonstrates a commitment to meeting the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer; but

(C) fails to meet the eligibility criteria necessary to receive assistance under section 202, as established under subsection (e).

(2) ADMINISTRATION.—Assistance for countries eligible by reason of the application of this subsection shall be provided through the United States Agency for International Development.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, not more than 15 percent of such amount is authorized to be appropriated to the President for the fiscal year to carry out this subsection.

(d) GENERAL AUTHORITY TO DETERMINE ELIGIBILITY.—

(1) GENERAL AUTHORITY.—The Chief Executive Officer shall determine whether or not a country is eligible to receive assistance under section 202.

(2) CONGRESSIONAL NOTIFICATION.—Not later than 7 days after making a determination of eligibility for a country under paragraph (1), the Chief Executive Officer shall provide notice thereof to the appropriate congressional committees. Such notice shall include a certification of the determination of the Chief Executive Officer that the country meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C) in accordance with such subsection, subsection (a)(2)(C), subsection (b)(1)(C), or subsection (c)(1)(B), as the case may be.

(e) ELIGIBILITY CRITERIA.—

(1) INITIAL CRITERIA AND METHODOLOGY.—As soon as practicable after the date of the enactment of this Act, but not later than 30 days prior to making any determination of eligibility for a country under this section, the Chief Executive Officer—

(A) shall consult in-person with the appropriate congressional committees with respect to the establishment of eligibility criteria and methodology that the Chief Executive Officer proposes to use for purposes of determining eligibility under this section;

(B) shall establish such eligibility criteria and methodology; and

(C) shall prepare and transmit to such committees a written report that contains such eligibility criteria and methodology.

(2) REVISIONS TO CRITERIA AND METHODOLOGY.—If the Chief Executive Officer proposes to use revised or different criteria from the criteria described in paragraph (1) in making a determination of eligibility for a country under this section, then, not later than 15 days prior to making such determination, the Chief Executive Officer shall consult in-person with the appropriate congressional committees with respect to such revised or different criteria and methodology in accordance with paragraph (1)(A) and shall prepare and transmit a written report in accordance with paragraph (1)(C).

(f) FORM OF ASSISTANCE; RECIPIENTS.—

(1) FORM OF ASSISTANCE.—Assistance provided under section 202 for a country shall be provided to one or more of the entities described in paragraph (2) on a nonrepayable basis and in accordance with a fair, open, and competitive selection process that results in the awarding of such assistance on a merit basis using selection criteria that are made public by the Corporation in advance and are otherwise in accordance with standard and customary best practices for the provision of similar types of assistance.

(2) RECIPIENTS.—The entities referred to in paragraph (1) are the following:

(A) The national government of the country.

(B) Regional or local governmental units of the country.

(C) Nongovernmental organizations, including for-profit, not-for-profit, and voluntary organizations.

(D) International organizations and trust funds.

(g) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer may not make any grant or enter into any contract for assistance for a country under section 202 that exceeds $5,000,000 until 15 days after the date on which the Chief Executive Officer provides notification of the proposed grant or contract to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(h) PROHIBITION ON USE OF FUNDS.—The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this division to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act.

SEC. 204. MILLENNIUM CHALLENGE COMPACT.

(a) COMPACT.—The President, acting through the Chief Executive Officer of the Corporation, may provide assistance to an eligible country under section 202 only if the country enters into a contract with the United States, to be known as a "Millennium Challenge Compact", that establishes a multi-year plan for achieving shared development objectives in furtherance of the purposes of this title, and only if the President, acting through the Chief Executive Officer, provides to Congress notice regarding such Compact pursuant to subsection (h).

(b) ELEMENTS.—

(1) IN GENERAL.—The Compact shall take into account the national development strategy of the eligible country and shall contain—

(A) the specific objectives that the country and the United States expect to achieve;

(B) the responsibilities of the country and the United States in the achievement of such objectives;

(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives;

(D) an identification of the intended beneficiaries, disaggregated by income level, gender, and age, to the maximum extent practicable;

(E) a multi-year financial plan, including the estimated amount of contributions by the Corporation and the country and proposed mechanisms to implement the plan and provide oversight, that describes how the requirements of subparagraphs (A) through (D) will be met, including identifying the role of civil society in the achievement of such requirements;

(F) where appropriate, a description of the responsibility of other donors in the achievement of such objectives; and

(G) a plan to ensure appropriate fiscal accountability for the use of assistance provided under section 202.

(2) LOWER MIDDLE INCOME COUNTRIES.—In addition to the elements described in subparagraphs (A) through (G) of paragraph (1), with respect to a lower middle income country described in section 203(b), the Compact shall identify an appropriate contribution from the country relative to its national budget, taking into account the prevailing economic conditions, toward meeting the objectives of the Compact. Such contribution shall be in addition to government spending allocated for such purposes in the country's budget for the year immediately preceding the establishment of the Compact and shall continue for the duration of the Compact.

(c) DEFINITION.—In subsection (b), the term "national development strategy" means any strategy to achieve market-driven economic growth that has been developed by the government of the country in consultation with a wide variety of civic participation, including nongovernmental organizations, private and voluntary organizations, academia, women and student organizations, local trade and labor unions, and the business community.

(d) ADDITIONAL PROVISION RELATING TO PROHIBITION ON TAXATION.—In addition to the elements described in subsection (b), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

(e) LOCAL INPUT.—In entering into a Compact, the United States and the eligible country—

(1) shall take into account the local-level perspectives of the rural and urban poor in the eligible country; and

(2) should consult with private and voluntary organizations, the business community, and other donors, in the eligible country.

(f) CONSULTATION.—During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(g) COORDINATION WITH OTHER DONORS.—To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(h) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Not later than 15 days prior to entering into a Compact with an eligible country, the President, acting through the Chief Executive Officer—

(1) shall consult in-person with the appropriate congressional committees with respect to the proposed Compact;

(2) shall provide notification of the proposed Compact to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961;

(3) shall prepare and transmit to such committees a written report that contains a detailed summary of the proposed Compact and a copy of the full text of the Compact; and

(4) shall publish such detailed summary and full text of the proposed Compact in the Federal Register and on the Internet website of the Corporation.

(i) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development of the Compact between the United States and the country.

SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.

(a) SUSPENSION OF ASSISTANCE.—

(1) IN GENERAL.—The President shall suspend assistance in whole or in part for a country under this title if the President determines that—

(A) the country is engaged in activities which are contrary to the national security interests of the United States;

(B) the elected head of state of the country or any member of the country's highest judicial tribunal has been removed from that office or forcibly detained through extra-constitutional processes; or

(C) the country has failed to adhere to its responsibilities under the Compact.

(2) REINSTATEMENT.—The President may reinstate assistance for a country under this title only if the President determines that the country has demonstrated a commitment to correcting each condition for which assistance was suspended under paragraph (1).

(3) CONGRESSIONAL NOTIFICATION.—A suspension of assistance under paragraph (1), or a reinstatement of assistance under paragraph (2), shall be effective beginning 15 days after the date on which the President transmits to the appropriate congressional committees a report that contains the determination of the President under paragraph (1) or paragraph (2), as the case may be.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—The President, acting through the Chief Executive Officer of the Corporation, shall terminate all assistance for a country under this title if the President determines that the country has consistently failed to adhere to its responsibilities under the Compact or has significantly failed to meet the requirements of this title.

(2) CONGRESSIONAL NOTIFICATION.—A termination of assistance under paragraph (1) shall be effective beginning 15 days after the date on which the President, acting through the Chief Executive Officer, provides notification of the proposed termination of assistance to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 206. ANNUAL REPORT.

(a) REPORT.—Not later than April 1, 2005, and not later than April 1 of each year thereafter, the Chief Executive Officer of the Corporation shall prepare and transmit to the appropriate congressional committees a report on the implementation of this title for the preceding year.

(b) CONTENTS.—The report shall include the following:

(1) A description and assessment of the eligibility criteria and methodology utilized by the Chief Executive Officer to determine eligibility for each country under section 203.

(2) A description of the agreed upon measures of progress contained in each Compact.

(3)(A) An analysis, on a country-by-country, project-by-project basis, of the impact of assistance provided under this title on the economic development of each country.

(B) For each country, the analysis shall—

(i) to the maximum extent possible, be done on a sector-by-sector basis, gender basis, and per capita income basis, and identify trends within each of these bases;

(ii) identify economic policy reforms conducive to economic development that are supported by assistance provided under this title;

(iii) describe, in quantified terms to the extent practicable, the progress made in achieving assistance objectives for the country;

(iv) describe the amount and nature of economic assistance provided by other major donors which further the purposes of this title; and

(v) discuss the commitment and contribution of the country to achieving the assistance objectives contained in its Compact.

(4) A description and assessment of property rights in each country, including—

(A) the total value of legal and extralegal property and business holdings;

(B) the average time required to acquire land; and

(C) the average time required to register and wind up a business enterprise.

SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES BUSINESSES.

(a) PARTICIPATION.—To the maximum extent practicable, the President, acting through the Chief Executive Officer, shall ensure that United States small, minority-owned, and disadvantaged business enterprises fully participate in the provision of goods and services that are financed with funds made available under this title.

(b) REPORT.—The Chief Executive Officer shall prepare and submit to the appropriate congressional committees an annual report that contains a description of the extent to which the requirement of subsection (a) has been met for the preceding year.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED AUTHORITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, acting through the Chief Executive Officer of the Corporation, to carry out this division (other than title IV) $1,300,000,000 for fiscal year 2004, $3,000,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) may be referred to as the "Millennium Challenge Account";

(2) are authorized to remain available until expended; and

(3) are in addition to amounts otherwise available for such purposes.

TITLE III—MILLENNIUM CHALLENGE CORPORATION

SEC. 301. MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch a corporation to be known as the "Millennium Challenge Corporation" that shall be responsible for carrying out title II.

(b) GOVERNMENT CORPORATION.—The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

SEC. 302. CHIEF EXECUTIVE OFFICER.

(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION AND RANK.—

(1) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(2) AMENDMENT.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, Millennium Challenge Corporation.".

(c) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall exercise the powers and discharge the duties of the Corporation and any other duties, as conferred on the Chief Executive Officer by the President.

(d) AUTHORITY TO APPOINT OFFICERS.—The Chief Executive Officer shall appoint all officers of the Corporation.

SEC. 303. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be in the Corporation a Board of Directors.

(b) DUTIES.—The Board may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of—

(A) the Secretary of State, the Secretary of Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(2) EX-OFFICIO MEMBERS.—In addition to members of the Board described in paragraph (1), the Director of the Office of Management and Budget, the President and Chief Executive Officer of the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, and the Director of the Peace Corps shall be non-voting members, ex officio, of the Board.

(d) TERMS.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—Each member of the Board described in paragraphs (1)(A) and (2) of subsection (c) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(2) OTHER MEMBERS.—Each member of the Board described in subsection (c)(1)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Secretary of State shall serve as the Chairperson of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum, which shall include at least one member of the Board described in subsection (c)(1)(B).

(g) MEETINGS.—The Board shall meet at the call of the Chairperson.

(h) COMPENSATION.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—

(A) IN GENERAL.—A member of the Board described in paragraphs (1)(A) and (2) of subsection (c) may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(B) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Board described in subsection (c)(1)(B)—

(i) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(ii) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(B) LIMITATION.—A member of the Council may not be paid compensation under subparagraph (A)(i) for more than thirty days in any calendar year.

SEC. 304. INTERAGENCY COORDINATION.

In carrying out the functions described in this title, and consistent with section 101 of the National Security Act of 1947 (50 U.S.C. 402), the President shall ensure coordination of assistance authorized under title II with foreign economic assistance programs and activities carried out by other Federal departments and agencies.

SEC. 305. POWERS OF THE CORPORATION; RELATED PROVISIONS.

(a) POWERS.—The Corporation—

(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) may prescribe, amend, and repeal such rules, regulations, and procedures as are necessary for carrying out the functions of the Corporation and all Compacts;

(3) may make and perform such contracts, grants, and other agreements with any individual, corporation, or other private or public entity, however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $95,000 in any fiscal year;

(5) may lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this division;

(7) may hire or obtain passenger motor vehicles;

(8) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(9) may, with the consent of any Executive agency (as defined in section 105 of title 5, United States Code), use the information, services, facilities, and personnel of that agency on a full or partial reimbursement in carrying out the purposes of this division; and

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

(b) OFFICES.—

(1) PRINCIPAL OFFICE.—The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(2) OTHER OFFICES.—The Corporation may establish other offices in any place or places outside the United States in which the Corporation may carry out any or all of its operations and business.

(c) COOPERATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—In order to avoid unnecessary expense and duplication of functions, efforts, and activities between the Corporation and other Federal departments and agencies the Chief Executive Officer, or the Chief Executive Officer's designee—

(1)(A) shall consult, to the maximum extent practicable, with the Administrator of the United States Agency for International Development, or the Administrator's designee, in order to coordinate the activities of the Corporation and the Agency for International Development; and

(B) shall consult with the heads of other departments and agencies to ensure similar coordination of activities;

(2)(A) shall ensure proper coordination of activities of the Corporation with the provision of development assistance of relevant international financial institutions, including the International Bank for Reconstruction and Development, the International Monetary Fund, and the regional multilateral development banks; and

(B) shall provide to each United States Executive Director (or other United States representative) to the relevant international financial institutions a copy of each proposed Compact between the United States and an eligible country and a copy of each such final Compact.

(d) POSITIONS WITH FOREIGN GOVERNMENTS.—When approved by the Corporation, in furtherance of its purposes, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries or with international organizations.

SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE CORPORATION.

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION; OTHER AUTHORITIES AND LIMITATIONS.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer of the Corporation, the head of an agency may detail any employee of such agency to the Corporation on a fully or partially reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) LIMITATION ON TOTAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no individual may serve in or under the Corporation (whether as an employee of the Corporation, a detailee to the Corporation, or a combination thereof) for a total period exceeding 5 years.

(2) EXCEPTIONS.—

(A) EXTENSION AUTHORITY.—The Chief Executive Officer may extend the 5-year period under paragraph (1) for up to an additional 3 years, in the case of any particular individual, if the Chief Executive Officer determines that such extension is essential to the achievement of the purposes of this division.

(B) OFFICERS.—Nothing in this subsection shall limit the period for which an individual may serve as an officer of the Corporation appointed pursuant to section 302(d) nor shall any period of service as such an officer be taken into account for purposes of applying this subsection.

(c) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation—

(i) by reason of the application of subsection (b); or

(ii) for any other reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at

least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(d) Basic Pay.—The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of—

(1) chapter 51 of title 5, United States Code (relating to the classification of positions), and

(2) subchapter III of chapter 53 of such title (relating to General Schedule pay rates),

except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) Assignment to United States Embassies.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post, or United States Agency for International Development field mission.

(f) Privileges and Immunities.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(g) Responsibility of Chief of Mission.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(h) Allocation of Funds.—

(1) In general.—The Corporation may allocate or transfer to the United States Agency for International Development or any other agency any part of any funds available for carrying out the purposes of this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) Congressional notification.—The Chief Executive Officer shall notify the appropriate congressional committees not later than 15 days prior to a transfer of funds under paragraph (1) that exceeds $5,000,000.

(3) Use of services.—For carrying out the purposes of this division, the Corporation may utilize the services and facilities of, or procure commodities from, any agency under such terms and conditions as may be agreed to by the head of the agency and the Corporation.

(i) Funding Limitation.—Of the funds allocated under subsection (h) in any fiscal year, not more than 7 percent of such funds may be used for administrative expenses.

(j) Other Authorities.—Except to the extent inconsistent with the provisions of this division, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this division to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(k) Applicability of Government Corporation Control Act.—

(1) In general.—The Corporation shall be subject to the provisions of chapter 91 of subtitle VI of title 31, United States Code, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

(2) Conforming amendment.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(Q) the Millennium Challenge Corporation."

(l) Inspector General.—

(1) In general.—The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

(2) Authority of the board.—In carrying out its responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board of Directors.

(3) Reimbursement and authorization of services.—

(A) Reimbursement.—The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) Authorization for services.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, up to $1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, investigations, and inspections of operations and activities of the Corporation.

(m) Comptroller General.—

(1) In general.—The Comptroller General shall conduct audits, evaluations, and investigations of the Corporation.

(2) Scope.—The activities and financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be evaluated, investigated, or audited by the Comptroller General in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(3) Access and records.—Any evaluation, investigation, or audit shall be conducted at the place or places where pertinent information of the Corporation is normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the evaluation, investigation, or audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31, United States Code.

(4) Report.—A report of such audit, evaluation, or investigation shall be made by the Comptroller General to the appropriate congressional committees and to the President, together with such recommendations with respect thereto as the Comptroller General shall deem advisable.

(n) Definitions.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.

(a) Establishment.—There is hereby established in the executive branch an advisory council to the Corporation to be known as the Millennium Challenge Advisory Council.

(b) Functions.—

(1) General functions.—The Council shall advise and consult with the Chief Executive Officer of the Corporation and the Board of Directors with respect to policies and programs designed to further the purposes of this division and shall periodically report to the Congress with respect to the activities of the Corporation. In addition, the Council shall review on an annual basis the criteria and methodology used to determine eligibility of countries for assistance under title II and make recommendations to the Chief Executive Officer and the Board to improve the effectiveness of such criteria and methodology in order to achieve the purposes of this division.

(2) Additional functions.—Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Corporation in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Corporation;

(B) assess the potential capabilities and the future role of the Corporation;

(C) make recommendations to the Chief Executive Officer, the Board of Directors, and Congress, for the purpose of guiding the future direction of the Corporation and of helping to ensure that the purposes and programs of the Corporation are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law;

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) Public participation.—The Council may provide for public participation in its activities, consistent with section 552b of title 5, United States Code.

(c) Membership.—

(1) In general.—The Council shall consist of seven individuals, who shall be appointed by the Chief Executive Officer, and who shall be broadly representative of nongovernmental entities with expertise and interest in international trade and economic development, including business and business associations, trade and labor unions, private and voluntary organizations, foundations, public policy organizations, academia, and other

entities as the Chief Executive Officer determines appropriate.

(2) ADDITIONAL REQUIREMENT.—No member appointed under paragraph (1) may be an officer or employee of the United States Government.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council—

(A) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Council; and

(B) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Council, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(2) LIMITATION.—A member of the Council may not be paid compensation under paragraph (1)(A) for more than thirty days in any calendar year.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) FINANCIAL INTERESTS OF MEMBERS.—A member of the Council shall disclose to the Chairperson of the Council and the Chief Executive Officer of the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) CHAIRPERSON.—The Chief Executive Officer shall designate one of the members of the Council as Chairperson, who shall serve in that capacity for a term of two years. The Chief Executive Officer may renew the term of the member appointed as Chairperson under the preceding sentence.

(h) MEETINGS, BYLAWS, AND REGULATIONS.—

(1) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Chief Executive Officer, the Chairperson of the Board, the Chairperson of the Council, or two members of the Council.

(2) BYLAWS AND REGULATIONS.—The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) REPORT TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, AND BOARD.—

(1) REPORT.—Not later than January 1, 2005, and not later than January 1 of each year thereafter that the Corporation is in existence, the Council shall submit to the President, the Chief Executive Officer, and the Board a report on its views on the programs and activities of the Corporation.

(2) CONTENTS.—Each report shall contain a summary of the advice and recommendations provided by the Council to the Chief Executive Officer and the Board during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress.

(3) ADDITIONAL REQUIREMENT.—Not later than 90 days after receiving each such report, the Chief Executive Officer shall transmit to Congress a copy of the report, together with any comments concerning the report that the Chief Executive Officer considers appropriate.

(j) ADMINISTRATIVE ASSISTANCE.—The Chief Executive Officer shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.

(k) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Council. Notwithstanding section 102 of this Act, the authorities of the Council shall terminate on December 31, 2007.

SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.

(a) FINDINGS.—Congress finds the following:

(1) Many countries in the developing world lack the academic and public policy advocacy base essential to attaining the principal objectives of the Millennium Challenge Account.

(2) Because of widespread government repression of free speech and poverty, the countries of Africa in particular suffer an acute shortage of nongovernmental organizations which effectively study and promote the principal objectives of the Millennium Challenge Account.

(3) Many developing countries, particularly low income countries, lack the institutional capacity to enhance the quality and accuracy of data upon which the eligibility criteria in section 203 relies. Such countries may also lack the ability to monitor and evaluate development projects effectively.

(4) The Millennium Challenge Account will struggle to reach its goals unless countries in the developing world possess a home grown intellectual commitment and culture of advocacy aimed at promoting its principal objectives.

(b) ASSISTANCE.—The Chief Executive Officer of the Corporation is authorized to provide assistance in support of nongovernmental organizations (including universities, independent foundations, and other organizations) in low income and lower middle income countries, and, where appropriate, directly to agencies of foreign governments in low income countries, that are undertaking research, education, and advocacy efforts aimed at promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions, particularly for women and children, and economic freedom, including research aimed at improving data related to the eligibility criteria and methodology established by this division with respect to such a country or monitoring and evaluating the impact of assistance provided under this division.

(c) LIMITATION.—Not more than $10,000,000 of the amount made available to carry out this division for a fiscal year may be made available to carry out this section.

TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE

SEC. 401. DEFINITION.

In this title, the term "United States economic assistance" means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples, including assistance provided under title II (relating to the Millennium Challenge Account);

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;

(D) to save lives and alleviate suffering of foreign peoples during or following war, natural disaster, or complex crisis;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.

SEC. 402. FRAMEWORK FOR ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a coherent framework for United States economic assistance should be established in accordance with this section.

(b) ELEMENTS.—The framework described in subsection (a) includes the following elements:

(1) The United States Agency for International Development, under the direction and foreign policy guidance of the Secretary of State, should be responsible for—

(A) providing assistance to countries that face natural and man-made disasters in order to provide humanitarian relief to the peoples of such countries, in coordination with refugee programs administered by the Department of State;

(B) providing assistance to countries that are suffering from conflicts or are in post-conflict situations in order to provide humanitarian relief, transition assistance, and reconstruction assistance;

(C) providing assistance to help moderate-to-poorly performing countries achieve development progress in the areas described in part I of the Foreign Assistance Act of 1961, including progress toward becoming eligible for assistance under this title, and to promote international health worldwide, as well as assisting in the development of country and regional development strategies;

(D) addressing transnational problems, such as environmental degradation, food insecurity, and health problems; and

(E) assisting other Federal departments and agencies, including the Corporation established under title III, to carry out assistance activities abroad, including providing technical assistance and advice to such departments and agencies, coordinating its assistance programs with such departments and agencies, and using its field offices to help implement such assistance.

(2) The Corporation established under title III should provide assistance to countries that have demonstrated a commitment to bolstering democracy, good governance, and the rule of law, to investing in the health and educations of their people, and to promoting sound economic policies that foster economic opportunity for their people.

(3) The Department of State should be responsible for allocating security assistance to support key foreign policy objectives of

the United States and shall administer assistance in such areas as non-proliferation, anti-terrorism, counter-narcotics, and relief for refugees.

(4) Other Federal departments and agencies with expertise in international development-related activities, such as the Overseas Private Investment Corporation, the Trade and Development Agency, the Department of Agriculture, the Department of Health and Human Services, and the Centers for Disease Control and Prevention, to the extent such departments and agencies have the authority to carry out development-related programs, and in coordination with the Department of State and the United States Agency for International Development, should provide expertise in specific technical areas and shall provide assistance, including assistance provided with funds made available from the Corporation to assist United States Government international development activities.

SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVENESS OF ASSISTANCE.

(a) REPORT.—Not later than December 31, 2004, and December 31 of each third year thereafter, the President shall transmit to Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished under the framework established in section 402 to each country during the preceding three fiscal years. The report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding three fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding three fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding three fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—The report required by this section shall identify—

(1) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were achieved; and

(2) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were not achieved.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(d) DE MINIMUS EXCEPTION.—Information under subsections (a) and (b) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than $5,000,000.

DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Peace Corps Expansion Act of 2003".

SEC. 1002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DIRECTOR.—The term "Director" means the Director of the Peace Corps.

(3) HOST COUNTRY.—The term "host country" means a country whose government has invited the Peace Corps to establish a Peace Corps program within the territory of the country.

(4) PEACE CORPS VOLUNTEER.—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

(5) RETURNED PEACE CORPS VOLUNTEER.—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1003. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service abroad of volunteers who are United States citizens. The spirit of service and commitment to helping others is a fundamental component of democracy.

(2) Since its establishment, more than 168,000 volunteers have served in the Peace Corps in 136 countries throughout the world.

(3) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) The Peace Corps has sought to fulfill three goals—to help people in developing countries meet basic needs, promote understanding abroad of the values and ideals of the United States, and promote an understanding of other peoples by the people of the United States.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development by working with families and communities to improve health care for children, expand agricultural production, teach in schools, fight infectious diseases, protect the environment, and initiate small business opportunities.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote international peace, cross-cultural awareness, and mutual understanding between the United States and other countries.

(7) The Peace Corps is an independent agency, and, therefore, no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers and should be expanded, to the maximum extent practicable, to utilize the talent of returned Peace Corps volunteers.

(9) In fiscal year 2003, the Peace Corps is operating with an annual budget of $295,000,000 in 70 countries, with more than 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps presence in such places could foster better understanding between the people of the United States and such countries.

(11) Congress has declared, and the Peace Corps Act provides, that the Peace Corps shall maintain, to the maximum extent practicable and appropriate, a volunteer corps of at least 10,000 individuals.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps should not jeopardize the quality of the Peace Corps volunteer experience and, therefore, necessitates, among other things, an appropriate increase in field and headquarters support staff.

(14) In order to ensure that the proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan Peace Corps National Advisory Council composed of distinguished returned Peace Corps volunteers, former Peace Corps staff, and other individuals with diverse backgrounds and expertise can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as the Director discharges the duties and responsibilities as head of the agency.

TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS

SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by adding at the end the following new sentence: "As an independent agency, the Peace Corps shall be responsible for recruiting all of its volunteers.".

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by striking "*Provided*, That" and inserting "*Provided*, That such detail or assignment furthers the fulfillment of Peace Corps' development and public diplomacy goals as described in section 2: *Provided further*, That".

SEC. 1102. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

"SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

"(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

"(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

"(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

"(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

"(2) describing—

"(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

"(B) the rationale for undertaking such new initiatives;

"(C) an estimate of the cost of such initiatives; and

"(D) the impact on the safety of volunteers;

"(3) describing in detail the Peace Corps plans, including budgetary plans, to have 14,000 volunteers in service by 2007 while maintaining the quality of the volunteer experience, ensuring the safety and security of all volunteers, and providing for appropriate administrative and other support; and

"(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

"(A) by co-locating volunteers with international or local nongovernmental organizations; or

"(B) with the placement of multiple volunteers in one location.

"(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps shall consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, or as soon as practicable thereafter.".

(b) ONE-TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applications from low- and middle-income individuals who are carrying considerable student-loan debt burdens.

(c) ANNUAL REPORT TO CONGRESS ON THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP).—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director shall report on the progress of the Peace Corps in recruiting historically underrepresented groups. The Director shall prepare this report in accordance with section 7201 of title 5, United States Code, and subpart B of part 720 of title 5, Code of Federal Regulations.

(d) REPORT ON MAINTAINING THE INTEGRITY OF THE MEDICAL SCREENING AND MEDICAL PLACEMENT COORDINATION PROCESSES.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to the appropriate congressional committees a report that—

(1) describes the medical screening procedures and standards of the Office of Medical Services/Screening Unit of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer;

(2) describes the procedures and criteria for matching applicants for Peace Corps service with a host country to ensure that the applicant, reasonable accommodations notwithstanding, can complete at least two years of volunteer service without interruption to host country national projects due to foreseeable medical conditions; and

(3) with respect to each of fiscal years 2000 through 2002 and the first six months of fiscal year 2003, states the number of—

(A) medical screenings conducted;

(B) applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve;

(C) Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and

(D) Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR CERTAIN COUNTRIES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report that—

(1) describes the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in host countries; and

(2) lists the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.—The Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers and former Peace Corps staff who have relevant language and cultural experience and may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; COORDINATION OF HIV/AIDS ACTIVITIES.

(a) INITIATIVE.—

(1) IN GENERAL.—The Director, in cooperation with international public health experts, such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall expand the Peace Corps' program of training for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases which are prevalent in host countries in order to ensure that the Peace Corps increases its contribution to the global campaign against such diseases.

(2) ADDITIONAL REQUIREMENT.—Activities for the education, prevention, and treatment of infectious diseases in host countries by the Peace Corps shall be undertaken in a manner that is consistent with activities authorized under sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961.

(b) COORDINATION OF HIV/AIDS ACTIVITIES.—

(1) IN GENERAL.—The Director should designate an officer or employee of the Peace Corps who is located in the United States to coordinate all HIV/AIDS activities within the Peace Corps. Such individual may be an individual who is an officer or employee of the Peace Corps on the date of the enactment of this Act.

(2) FIELD COORDINATION.—In addition to the position established under paragraph (1), the Director should designate an individual within each country in sub-Saharan Africa, the Western Hemisphere, and Asia in which Peace Corps volunteers carry out HIV/AIDS activities to coordinate all such activities of the Peace Corps in such countries.

(c) DEFINITIONS.—In this section:

(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

(2) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term "infectious diseases" means HIV/AIDS, tuberculosis, and malaria.

SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

"(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers and former Peace Corps staff in fulfilling the goals of the Peace Corps; and";

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence—

(I) by striking "fifteen" and inserting "eleven"; and

(II) by striking "President, by and with the advice and consent of the Senate" and inserting "Director of the Peace Corps";

(ii) by striking the second sentence and inserting the following: "Six of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than six shall be members of the same political party.";

(B) by striking subparagraph (B);

(C) by amending subparagraph (D) to read as follows:

"(D) The members of the Council shall be appointed to 2-year terms.";

(D) in subparagraph (H), by striking "nine" and inserting "seven";

(E) in subparagraph (I), by striking "President shall nominate" and inserting "Director shall appoint"; and

(F) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively; and

(3) by amending subsection (g) to read as follows:

"(g) Chair.—The Director shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a term of two years. The Director may renew the term of a voting member appointed as Chair under the preceding sentence.".

SEC. 1106. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking "$125 for each month of satisfactory service" and inserting "$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter"; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking "$125 for each month of satisfactory service" and inserting "$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter".

SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.

(a) Purpose.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the objectives of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)).

(b) Grants to Certain Nonprofit Corporations.—

(1) Grant authority.—

(A) In general.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director may award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in paragraph (2).

(B) Delegation of authority and transfer of funds.—The Director may delegate the authority to award grants under subparagraph (A) and may transfer funds authorized under this section subject to the notification procedures of section 634A of the Foreign Assistance Act of 1961 to the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the "Corporation").

(2) Programs and projects.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) Eligibility for grants.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers and former Peace Corps staff with a background in community service, education, or health. If the grants are made by the Corporation, the nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) Grant Requirements.—Such grants shall be made pursuant to a grant agreement between the Peace Corps or the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $50,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Peace Corps or the Corporation, as the case may be, on each program or project for which the nonprofit corporation receives a grant under this section.

(d) Status of the Fund.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) Factors in Awarding Grants.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Peace Corps or the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) Congressional Oversight.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) Funding.—

(1) In general.—There is authorized to be appropriated to carry out this section up to $10,000,000. Such sum shall be in addition to funds made available to the Peace Corps under this division.

(2) Availability.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(h) Crisis Corps.—

(1) Statement of policy.—Congress states that the Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers.

(2) Increase in number of crisis corps assignments.—The Director, in consultation with the governments of host countries and appropriate nongovernmental organizations, shall increase the number of available Crisis Corps assignments for returned Peace Corps volunteers to at least 120 assignments in fiscal year 2004, 140 assignments in fiscal year 2005, 160 assignments in fiscal year 2006, and 165 assignments in fiscal year 2007.

SEC. 1108. DECLARATION OF POLICY.

Congress declares its support for the goal announced by President Bush of doubling the number of Peace Corps volunteers to 14,000 by 2007 and supports the funding levels necessary to accomplish this growth.

SEC. 1109. PEACE CORPS IN SIERRA LEONE.

(a) Findings.—Congress makes the following findings:

(1) Peace Corps service to Sierra Leone was suspended in 1994 due to a brutal civil war between the government and the Revolutionary United Front (RUF).

(2) Backed by British military intervention and a United Nations peacekeeping operation, government authority has been reestablished throughout the country and "free and fair" national elections took place in May 2002.

(3) Sierra Leone is a majority Muslim country.

(4) The Peace Corps has given the safety and security of its volunteers high priority.

(b) Sense of Congress.—It is the sense of Congress that the Peace Corps should return its program to Sierra Leone as soon as security conditions are consistent with the safety and security of its volunteers.

SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking "and $365,000,000 fiscal year 2003" and inserting "$365,000,000 for fiscal year 2003, $366,868,000 for fiscal year 2004, $411,800,000 for fiscal year 2005, $455,930,000 for fiscal year 2006, and $499,400,000 for fiscal year 2007".

An Amendment To Be Offered by Representative Kolbe of Arizona, or His Designee, as an Amendment to the Amendment Numbered 2, To Be Offered by Representative Hyde of Illinois, Debatable for 10 Minutes

Page 56, after line 3, insert the following new section:

SEC. 310. CLARIFICATION OF ROLE OF USAID.

(a) Status of USAID.—The Administrator of the United States Agency for International Development shall report to the President through, and operate under the foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) Functions of USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the "Child Survival and Health Programs Fund", and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance provided under title II in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Corporation and with the concurrence of the Administrator of the Agency,

to assist in the evaluation, execution, and oversight of Millennium Challenge Compacts described in section 204.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 52, not voting 14, as follows:

[Roll No. 368]

YEAS—368

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Cole
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Akin
Barrett (SC)
Bartlett (MD)
Berry
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Chabot
Coble
Collins
Cubin
Culberson
Davis, Jo Ann
DeMint
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Hastings (WA)
Hayes
Hefley
Hostettler
Jones (NC)
King (IA)
Miller (FL)
Miller, Gary
Musgrave
Myrick
Norwood
Obey
Otter
Paul
Rahall
Rohrabacher
Ryun (KS)
Shadegg
Shimkus
Shuster
Smith (MI)
Stearns
Tancredo
Taylor (MS)
Toomey
Wamp
Weldon (FL)

NOT VOTING—14

Berkley
Cooper
Ferguson
Fletcher
Fossella
Gephardt
Hayworth
Istook
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Oxley
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1248

Messrs. RYUN of Kansas, TANCREDO, HEFLEY, EVERETT, GOODLATTE, BURGESS, GARY G. MILLER of California and SHUSTER changed their vote from "yea" to "nay."

Mr. CRANE changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 368 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LINDER). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HYDE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 42, not voting 10, as follows:

[Roll No. 369]

AYES—382

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger

Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—42

Akin
Barrett (SC)
Bartlett (MD)
Brown-Waite, Ginny
Coble
Costello
Cubin
Davis, Jo Ann
Deal (GA)
Duncan
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Gutierrez
Hall
Istook
Jenkins
Jones (NC)
Kind
McInnis
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Obey
Paul
Petri
Pombo
Rahall
Ramstad
Rohrabacher
Ryun (KS)
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Toomey
Weldon (FL)

NOT VOTING—10

Berkley
Ferguson
Fletcher
Gephardt
Hayworth
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1305

Mr. TAYLOR of North Carolina changed his vote from "aye" to "no."

Ms. LINDA T. SÁNCHEZ of California, Mr. BERRY and Mr. GREENWOOD changed their vote from "no" to "aye."

So the bill was passed.

The result of vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for fiscal years 2004 and 2005; and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Speaker, as you know, I was absent today for medical reasons. If I had been in attendance, I would have voted "yes" on rollcall vote No. 368. If I had been in attendance, I would have voted "yes" on rollcall vote No. 369.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Mr. HYDE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1950, the Clerk be authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 220, not voting 9, as follows:

[Roll No. 370]

YEAS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
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Frank (MA)
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Green (TX)
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Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
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Holden
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Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
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Kleczka
Kucinich
Lampson
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Larsen (WA)
Larson (CT)
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Lucas (KY)
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Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
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Obey
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Owens
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Price (NC)
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Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
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Taylor (MS)
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Turner (TX)
Udall (CO)
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Van Hollen
Velázquez
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NAYS—220

Aderholt
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Ballenger
Barrett (SC)
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Bishop (UT)
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Boehlert
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Bonilla
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Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
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Hulshof
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Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
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Kennedy (MN)
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King (NY)
Kingston
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Kolbe
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Lewis (CA)
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McCrery
McHugh
McInnis
McKeon
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Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
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Portman
Pryce (OH)
Putnam
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Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
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Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
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Sensenbrenner
Sessions
Shadegg
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Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
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Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—9

Berkley
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1322

Mr. YOUNG of Alaska and Mrs. WILSON of New Mexico changed their vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NORTHUP. Mr. Speaker, earlier today on rollcall vote No. 370, I intended to vote "nay." I would like the RECORD to reflect that I was opposed to the DeLauro motion to instruct conferees. I inadvertently cast a vote in favor of the motion and reiterate my opposition to this effort.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. BUYER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SKELTON. Mr. Speaker, reserving the right to object, I yield to the gentleman from California for the purpose of explaining this request.

Mr. HUNTER. Mr. Speaker, I thank the distinguished gentleman from Missouri for yielding.

This unanimous-consent request allows the House and Senate Armed Services Committees to formally begin conference.

Mr. SKELTON. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. SPRATT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to insist upon the provisions contained in section 3111 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from California (Mr. HUNTER) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

I offer this motion simply to ask the House to stand by a bipartisan compromise that we struck last May in marking up the defense authorization bill, the bill we are now sending formally to conference which deals with the development of low-yield nuclear weapons.

Members of the House may have read, they may have heard that the Bush administration is pushing to repeal the so-called ban on low-level nuclear weapons research. They disavow any intention of building such weapons, but they at least seek the flexibility to conduct research in that realm. Let me tell everybody, they basically won that argument. Both the House and the Senate defense authorization bills propose changes to current law that allow the flexibility of research into low-yield nuclear weapons.

The administration said this was a problem, the Department of Energy said it was a problem, existing law, so we have changed it. We have addressed the problem. I was an author of the so-called Spratt-Furse amendment in 1993. I believe that the language of that amendment as it now stands as amended in the committee mark is sensible and a fair compromise. That is what I am asking the House to do, to stand behind it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the ranking member on our committee.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time.

While there are many reasons to support this motion, let me say that one key reason for supporting it is that the provisions contained in section 3111 of the House bill are largely the same legislation adopted by this body in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 which, of course, was last year's defense bill.

The House adopted that legislation after considerable and very careful deliberations and on a bipartisan basis led by the gentleman from South Carolina. We authorized research but retained the prohibition on development activities that could lead to the production of a destabilizing and unnecessary new low-yield nuclear weapon. We also described permissible activities necessary to address the safety and reliability of those issues.

Mr. Speaker, being a student of history, the war in Iraq and Desert Storm some 12 years ago now have taught us that stealth technology, standoff capability and precision munitions are the key to future warfare. New conventional technologies have changed the way we fight and, if anything, will allow us to become less reliant on low-yield tactical nuclear weapons.

The House position on low-yield nuclear weapons makes sense. I urge my colleagues to support the motion to instruct conferees.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this provision which is in the House-passed bill is a provision that was agreed to by the vice-chairman of the committee, the gentleman from Pennsylvania (Mr. WELDON), and the gentleman from South Carolina (Mr. SPRATT) last year. It was restated this year. It is the House position going into conference. For that reason, we are certainly not going to urge anybody to vote against it.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), the ranking member on the Subcommittee on Strategic Forces.

Mr. REYES. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the motion to instruct conferees offered by my friend and colleague, the gentleman from South Carolina.

Earlier this year, the administration proposed a complete repeal of a law that has been on the books for over a decade, the Spratt-Furse ban on research and development of new nuclear weapons with yields below five kilotons. The Spratt-Furse ban is not a complete ban. It bans just R&D of new low-yield nuclear weapons. It permits R&D on new weapons with yields above five kilotons. It permits R&D of modifications to existing nuclear weapons regardless of their yield.

It also permits our national laboratories to conduct R&D on low-yield nuclear weapons for the purposes of counterproliferation, that is, how to detect a low-yield nuclear terrorist device and devise ways in which to disable them.

The Spratt-Furse ban also permits R&D of low-yield nuclear weapons if it is necessary to help keep our nuclear arsenal safe and reliable.

When asked, Department of Energy officials admitted that there is no military requirement for a new low-yield nuclear weapon, and they had no plans to develop one anytime soon.

□ 1330

They simply wanted to repeal the Spratt-Furse ban because they maintain that it somehow has a chilling effect on the freedom of their scientists to look at any nuclear weapon option regardless of whether or not there is a military need.

During the markup of the defense authorization, the gentleman from South Carolina (Mr. SPRATT) offered an amendment that was adopted by the full committee by a voice vote, and I think this is a very sound compromise. The Spratt amendment permits research on new low-yield nuclear weapons, but draws the line on moving past research and into development. In short, the Spratt amendment makes sure that the Congress will be a coequal partner with the executive branch if there is any decision to move past research and actually start developing new low-yield nuclear weapons. I think that the Spratt amendment makes good sense and protects Congress's right to fully participate on any future decision to start up development of new low-yield weapons. I urge all of my colleagues to support this motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Let me take just a minute to explain the state of play and why it is important that the House provisions prevail over the Senate provision. The Senate defense authorization bill repeals these provisions in their entirety, but then backfills the gap with language that requires specific authorization of Congress to move from development into production of low-yield nuclear weapons. This amounts, really, to restating what the law already is, that to do something this significant with respect to a new product money has to be authorized and appropriated.

The House bill is similar in consequence but better, in my opinion, because it makes it absolutely clear that any movement beyond just research will require Congress to change by law the nuclear weapons policy of the United States. The House and Senate both addressed these specific concerns raised by the administration and the weapons labs and the Department of Defense to permit more flexibility in basic research, but our version contains a stronger guarantee that the Congress is going to be a partner in any decision to go beyond the scope.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr Speaker, I would like to offer my strong support for the motion to instruct which sends an important message that it is the will of the House to maintain the ban on development of 'low-yield nuclear weapons, and I commend the chairman of the full committee for his initiative to work with us on this.

Nuclear weapons will remain a crucial part of America's arsenal for the foreseeable future. They provide a hedge against potentially hostile nuclear powers and underpin security commitments to our allies. Today, however, the United States is addressing the threat of weapons of mass destruction from North Korea, India, Pakistan, and a growing list of countries.

As we have seen in Afghanistan and in the global war on terrorism, when the United States leads with a purpose, the rest of the world will follow. And just as the world follows our lead on tackling common enemies, it also reacts when we take provocative and destabilizing action. I believe strongly that until our war fighters have a military requirement for a new nuclear weapon or have exhausted conventional alternatives, Congress should maintain its ban on the development of such weapons.

Preventing the development of new nuclear weapons would not affect the RNEP study with focuses on existing warheads. It would not prevent any of the ideas that are currently being explored regarding missile systems. In addition to having no military requirement for them, new nuclear weapons are not the answer to threats being used to justify them. Nuclear weapons of any yield have a limited penetration ability and will never surgically destroy hardened targets. They offer no guarantee of destroying chemical and biological agents without releasing them into the atmosphere. Detonated in an urban area, even a 1-kiloton nuclear bomb would kill tens of thousands of civilians and hinder friendly troops.

Preserving the ban on new nuclear weapons is a small step that would also help restore the belief that the United States intends to fight the proliferation of weapons of mass destruction. I hope my colleagues would support this motion to recommit.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a nuclear physicist who understands what is at stake here better than possibly anybody in the House.

Mr. HOLT. Mr. Speaker, I thank my friend from South Carolina for yielding me this time.

The direction in which the administration has been leading our Nation on nuclear weapons is becoming increasingly dangerous. That is why I wrote to President Bush in April, a letter cosigned by 33 of my colleagues here, to underscore our concern that our Nation's leaders not adopt a mindset of viewing nuclear weapons as just an extension of the continuum of conventional military options available to the United States. It is important that we maintain the nuclear distinction.

I rise to support this motion because it gives us the opportunity to invoke at least one cautionary restraint on this dangerous path. Both the House and Senate versions of this bill eliminate the Spratt-Furse ban that has been in place since 1993. And this Senate language, especially, would allow Pandora's box to be opened to allow, in effect, unfettered research into low-yield nuclear weapons. As a scientist, I can talk about the studies that some of my scientific colleagues have prepared about why some of the newly conceived weapons like the bunker buster would not work as proposed, why they would be dirty, why they would be unwieldy; but I choose instead to focus for just a moment on the more important strategic and tactical questions.

We should be stepping away from using tactical nuclear weapons, not moving in that direction. U.S. battlefield commanders have said over and over again that they have long recognized the folly of battlefield nukes. The weapons and especially these newly conceived weapons put our troops at risk and are not useful in advancing military campaigns. And very important, this work would be sending the wrong message to our allies and to potential adversaries around the world. They would view the adoption of this bad, particularly the bad Senate language as further evidence that America is bent upon developing and procuring a new generation of nuclear weapons. As we go to war around the world in part to stop the proliferation of nuclear weapons, we should not be sending the signal that we are bent on developing and procuring a new generation of nuclear weapons.

So the Spratt motion is a very constructive step that provides, I think, an important safeguard that actually will help to make our country and our world more secure.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his comments, and I rise to make one correction. The House bill does have language which we would like to retain. The gist of this motion is let us stand by the House language and reject the Senate language.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the motion to instruct and I rise to thank the gentleman from California (Mr. HUNTER), the distinguished chairman of my former committee, for his acceptance of this motion.

Certainly this motion reflects a bipartisan compromise that has been worked out not just in this Congress but in the past Congress, and when that happens we should seize the moment. It does allow expanded research, but it stops short of allowing the development or the fabrication of new nuclear weapons. That is an essential step for this Congress to take, partly to make sure that we do not send the wrong signal to the rest of the world and partly to make sure that the institutional prerogatives of this House are protected when decisions of that magnitude are faced at any time.

There is, of course, an important strategic deterrent role for nuclear weapons, but 10 years ago or more we stepped back from the brink with Russia. We stepped back from maintaining or developing tactical nuclear weapons. We do not need to go down that path again because if we do, we risk losing further our standing in the international community. Our arguments about nonproliferation will seem hollow.

We are today continually concerned about weapons of mass destruction held by adversaries or held by other countries where we believe there is some risk to our security in the world. We do not advance those arguments about weapons of mass destruction if we start to develop new nuclear weapons that can only be used in a tactical way, whatever they are called. The nuclear Earth penetrator is one. We really need to make sure that we are exercising the kind of responsible leadership in this area that the world expects of us and that will redound to the benefit of our own national security.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the Cold War is over and the good news, to my friends, is we won and the Soviet Union lost. We do not need a new arms race with ourselves. We do not now need to send a signal to countries around the world who harbor desires to obtain nuclear weapons that we believe that it is still worth our while to invest in a new generation of nuclear weapons which are more usable in battleground situations. We must avoid being viewed as the drunk preaching temperance from a bar stool. If we want to convince others to embrace our view that nuclear weapons are not usable, we must ourselves act in a way that does not leave the misimpression that we are still engaging in the same kind of mindless development of another generation of nuclear weapons that only encourages countries like North Korea, countries like Iran, which each have active nuclear weapons programs, that they are wise in pursuing that course.

So the resolution that we are considering right now is one which is saying to the rest of the world we understand their concern about an initiation of another nuclear arms race, and we understand the consequences for regions around the world where there are bad actors, bad countries trying to develop nuclear weapons programs. We brought the country of Iraq to its knees militarily in 3 weeks. Our problem is not destroying any country's military capacity. Our real problem is in controlling the country after we do so, and nuclear weapons do not add to our capacity to accomplish those goals. So this is, in my opinion, a wise approach to take. The gentleman from South Carolina as usual is trying to draw a very fine line between programs that have already been put in place and do protect our country and new programs which would potentially add to an acceleration of an arms race, a nuclear arms race around the world.

We now must turn our attention to Iran and North Korea. The only way to deal with it is with strong diplomacy, active diplomacy. Additional nuclear weapons will not help us, and that is why this resolution must pass.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, let me simply put in context why we have this particular provision before us and why we are emphasizing it in this motion to instruct. The Spratt-Furse prohibition on low-yield nuclear weapons was a follow-up to the decision by President Bush, the first President Bush, on September 27, 1991, a historic day.

☐ 1345

That day he announced the withdrawal of all land-based tactical nuclear weapons from our overseas bases, particularly those in Europe, and all sea-based tactical nuclear weapons from surface ships, submarines, and naval aircraft. We decided to forgo the development of the follow-on to Lance, a battlefield tactical nuclear missile, and we sent a signal to the world by all of these decisions that we were serious about minimizing the role and possible uses of nuclear weapons early in a conflict and especially for tactical or theater purposes. We said that our arsenal in the future in effect would be a strategic arsenal, a strategic determinant, and we would not use nuclear weapons for tactical and theater purposes anymore, such as the Davy Crockett, to take out tanks or nuclear artillery, rounds, and sea-based mines and things of that kind.

This move away from tactical nuclear weapons prompted the Soviet Union to move in the same direction; and Gorbechev shortly announced the elimination of their warheads, their land-based tactical nuclear missiles, mines, and artillery shells. He announced that he was removing warheads from surface-to-air missiles and removing sea-based tactical nukes on naval aircraft.

Taken together, these steps marked a major step away from tactical nuclear weapons and a step toward global security. The initiative by the first Bush administration helped us persuade Kazakhstan, Ukraine, and Belarus to forswear nuclear weapons after the breakup of the Soviet Union. It also made it easier for the United States and our European allies to convince much of the rest of the world to extend indefinitely the nuclear proliferation treaty, or NPT.

Now, the NPT is not the final, definitive answer to our proliferation concerns, but the world would be a lot riskier place without it. It definitely makes it harder for nations or terrorist groups to obtain nuclear materials and nuclear know-how, and it establishes the authority of the war community to question and inspect the activities of States that are a signatory to this treaty.

I think a return by the United States back to the days of tactical nuclear weapons, especially nuclear weapons designed to be more usable by virtue of low yields, would send a troubling signal, a signal that nuclear weapons just maybe are useful for tactical purposes, battlefield purposes, strategic purposes, and were really just an extension of conventional weapons for the same tactical purposes. It would indicate that we see tactical utility in these weapons, and it would reverse the step that was taken in 1991. I do not think we need to go down that path.

Now, there are some who will say that we need to do this because we have to have weapons to take on deep, hard targets. The actual numbers are classified, of course, but even if we can improve the ability of our nuclear weapons to burrow in the hard terrain and into geologic formations such as granite, simple physics tells us we are going to come up way short of reaching the underground bunkers that we are really worried about, like those in North Korea.

Some say that we need these new weapons, these low-yield weapons, deeper penetrators, because we need the heat and the gamma rays and the X-rays of a nuclear weapon to destroy the chemical and biological agents that might be stored in deep underground bunkers. But if the fireball and the X-rays and the gamma rays are to reach the bunker, then we need to use, we are told by qualified experts, weapons that are much, much bigger than 5 kilotons; and using even a 5 kiloton weapon has consequences that have to be dealt with, fallout, for example.

Alternatively, if we want to use the pressure and blast of a nuclear weapon to crush a bunker, then we already have weapons to do that job.

Supporters of full repeal also say that our restraint thus far on developing these tactical theater and battlefield nuclear weapons has not really had any effect on nations that are bent upon acquiring them, North Korea being a prominent example, but I am not so sure about that. Ukraine, Belarus, and Kazakhstan in a momentous decision all decided to rid their countries of nuclear weapons. Brazil, South Africa, South Korea, and Taiwan have taken similar steps; and numerous countries have signed the NPT.

So before we repeal this long-standing language in the code, we should keep in mind the effects that surround us and also, also I think we should point out what is already in this bill. This bill will reduce the amount of time it takes to resume underground nuclear testing. This bill will call for a review of nuclear weapons for "bunker-busting" missions, the so-called Robust Nuclear Earth Penetrator. This bill will call for building a brand-new, multi-billion-dollar facility to produce plutonium pits for nuclear weapons. Just the beginning, planning money, but these things that are in here of a still-robust nuclear policy but one that is slanted towards strategic usage and not tactical usage.

Mr. Speaker, I commend the chairman of our committee for his generosity and collegiality in allowing us to reach an agreement on this. I know it is a compromise for him. He has his doubts, and we have our disagreements. But, nevertheless, I appreciate his kindness in doing it.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I just want to thank the gentleman for his participation as a great member of the committee. I did have and do have my reservations about his position, but it was an agreement between the gentleman from Pennsylvania and the gentleman from South Carolina and it is the position of the House. We are now going into conference with the other body, and I think it is appropriate to carry the House position forward.

I thank the gentleman for his thoughtful words.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I have gratitude for the gentleman's agreeing to the amendment. As long as it passes by voice vote, I will not ask for a record vote on final passage.

Mr. MARKEY. Mr. Speaker, I rise in strong support of the motion. The Administration and the Republicans in Congress have made clear their intent to explore new, low-yield nuclear weapons. Before we head down that path, we need to remember two things.

(1) The Cold War is over and I have good news for my friends on the other side of the aisle. We won! The Russians are no longer our adversaries. Remember, President Bush has told us he's looked into President Putin's eyes and found him to be a man he could deal with! Let's stop fighting the last war. The Russians are no longer a threat and I see no reason why we should allow the development of mini-nukes because somebody in Russia may have talked about the possibility of developing new weapons. They're probably only talking about doing that because they hear all of this talk about new nuclear weapons being developed by the U.S. What does this mean? It means that the only reason to develop mini-nukes is to start a new arms race. But that begs the question: with whom would we have this arms race? No nation in the world has a conventional military that can compare with ours. The only country that has a nuclear arsenal that compares to ours is Russia, and we're paying them to dismantle their nuclear weapons! Where's the beef behind this threat?

(2) These so called mini-nukes are still nuclear weapons. They may be smaller, but they will still kill tens of thousands of people, will still produce radioactive fallout and contaminate the countryside, and will still carry the stigma of being nuclear weapons. We already have big nuclear weapons, and medium-sized nuclear weapons, and small nuclear weapons. In fact, some of our nuclear weapons are "dial-a-yield", meaning we can select the yield of the weapon—and some of them can be "dialed" down to less than 1 kiloton, which, by the scale of nuclear weapons, is pretty mini. We used to have a weapon with a yield of less than a kiloton that weighted only 163 pounds—we called that the SADM or Special Atomic Demolition Munition. Is that what we want? To have kicked out the nuclear-seeking Saddam, only to replace him with our own nuclear SADM?

I would urge my colleagues to remember these two things: that to develop mini-nukes would be to start an arms race with ourselves, and that a mini-nuke is still a nuclear weapon, with all the associated consequences. We simply cannot preach nuclear temperance from a barstool. We cannot tell Iran, North Korea and other countries not to develop nuclear weapons while simultaneously developing our own new weapons.

I urge you to support this Motion to Instruct. Let's not turn back the clock and start a new "mini" arms race.

Mr. SPRATT. Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, Mrs. WILSON of New Mexico, Messrs. CALVERT, SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, TURNER of Texas, Ms. LORETTA SANCHEZ of California, and Mr. COOPER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. GOSS, Mr. HOEKSTRA, and Ms. HARMAN.

From the Committee on Agriculture, for consideration of sections 1057 and 2822 of the House bill, and modifications committed to conference: Messrs. GOODLATTE, LUCAS of Oklahoma, and STENHOLM.

From the Committee on Education and the Workforce, for consideration of sections 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504 through 1506 of the House bill, and sections 233, 351, 352, 368, 701, 1034, and 1036 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, KLINE and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 601, 3113, 3201, and 3517 of the House bill, and sections 601, 701, 852, 3151, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BARTON of Texas, and DINGELL.

From the Committee on Financial Services, for consideration of sections 814 and 907 of the House bill, and modifications committed to conference: Mr. OXLEY, Mr. KING of New York, and Mrs. MALONEY.

From the Committee on Government Reform, for consideration of sections 315, 323, 551, 805, 822, 824, 828, 829, 1031, 1046, 1050, 1057, Title XI, Title XIV, sections 2825 and 2826 of the House bill, and sections 326, 801, 811, 813, 822, 831 through 833, 841, 852, 853, 1013, 1035, 1102 through 1104, and 2824 through 2826 of the Senate amendment, and modifications committed to conference: Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mrs. JO ANN DAVIS of Virginia, and Messrs. PUTNAM, TURNER of Ohio, WAXMAN, VAN HOLLEN, and DAVIS of Illinois.

From the Select Committee on Homeland Security, for consideration of section 1456 of the House bill, and modifications committed to conference: Messrs. COX, SHADEGG and THOMPSON of Mississippi.

From the Committee on House Administration, for consideration of section 564 of the Senate amendment, and modifications committed to conference: Messrs. NEY, MICA, and LARSON of Connecticut.

From the Committee on International Relations, for consideration of sections 1047, 1201, 1202, 1209, Title XIII, sections 3601, 3611, 3631, 3632, 3634, 3635, and 3636 of the House bill, and sections 323, 343, 921, 1201, 1202, 1204, 1205, 1207, 1208, Title XIII and section 3141 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, BEREUTER, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 661 through 665 and 851 through 853 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 311, 317 through 319, 601, and 1057 of the House bill, and sections 322, 330, and 601 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GILCHREST, REHBERG, RAHALL, and UDALL of New Mexico.

From the Committee on Science, for consideration of sections 852 and 911 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SMITH of Michigan, and HALL of Texas.

From the Committee on Small Business, for consideration of section 866 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 601, 907, 1049, 1051 and 2824 of the House bill, and sections 324, 601, and 2821 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and CARSON of Oklahoma.

From the Committee on Veterans' Affairs, for consideration of section 565 of the House bill, and sections 644 and 707 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of New Jersey, BILIRAKIS, and FILNER.

From the Committee on Ways and Means, for consideration of section 701 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY, and STARK.

There was no objection.

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PROJECT BIOSHIELD ACT OF 2003

Mr. TAUZIN. Mr. Speaker, pursuant to the order of the House of Tuesday, July 15, 2003, I call up the bill (H.R. 2122) to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. JENKINS). Pursuant to the order of the House of Tuesday, July 15, 2003, the bill is considered read for amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The text of H.R. 2122 is as follows:

H.R. 2122

SECTION 1. SHORT TITLE.

This Act may be cited as the "Project Bioshield Act of 2003".

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

"SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

"(a) IN GENERAL.—

"(1) AUTHORITY.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

"(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h)) that affects national security.

"(3) INTERAGENCY COOPERATION.—

"(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

"(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, and supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

"(b) EXPEDITED PROCUREMENT AUTHORITY.—

"(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR BIOMEDICAL COUNTERMEASURE PROCUREMENTS.—

"(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

"(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

"(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41

U.S.C. 254d) (relating to the examination of contractor records).

"(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

"(2) OTHER THAN FULL AND OPEN COMPETITION.—(A) In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

"(B) The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

"(C) The Secretary shall implement this paragraph in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

"(3) INCREASED MICROPURCHASE THRESHOLD.—

"(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

"(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

"(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

"(c) AUTHORITY TO EXPEDITE PEER REVIEW.—

"(1) IN GENERAL.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

"(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

"(B) the amount of which is not greater than $1,500,000.

"(2) SUBSEQUENT PHASES OF RESEARCH.—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant or cooperative agreement.

"(d) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—

"(1) IN GENERAL.—For the purpose of performing, administering, and supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

"(2) FEDERAL TORT CLAIMS ACT COVERAGE.—

"(A) IN GENERAL.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

"(B) EXCLUSIVITY OF REMEDY.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

"(3) INTERNAL CONTROLS TO BE INSTITUTED.—

"(A) IN GENERAL.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

"(B) DETERMINATION OF EMPLOYEE STATUS TO BE FINAL.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

"(4) NUMBER OF PERSONAL SERVICES CONTRACTS LIMITED.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

"(e) STREAMLINED PERSONNEL AUTHORITY.—

"(1) IN GENERAL.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

"(2) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

"(f) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions by the Secretary under the authority of this section are committed to agency discretion.

"(g) EFFECT ON RIGHT TO FILE PROTEST.—Nothing in this section shall affect the right of an interested party to file a protest with the contracting agency, to file a protest with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code, or to file an action in the United States Court of Federal Claims under section 1491(b) of title 28, United States Code.".

(b) TECHNICAL AMENDMENT.—Section 481A of the Public Health Service Act (42 U.S.C. 287a–2) is amended—

(1) in subsection (a)(1), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (i)(1)";

(3) in subsection (d), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(ii) in subparagraph (A), by inserting "(or, in the case of the Institute, 75 percent)" after "50 percent"; and

(iii) in subparagraph (B), by inserting "(or, in the case of the Institute, 75 percent)" after "40 percent";

(B) in paragraph (2), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(C) in paragraph (4), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director";

(5) in subsection (f)—

(A) in paragraph (1), by inserting "in the case of an award by the Director of the Center," before "the applicant"; and

(B) in paragraph (2), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director"; and

(6) in subsection (i)—

(A) by striking "APPROPRIATIONS.—For the purpose of carrying out this section," and inserting the following: "APPROPRIATIONS.—

"(1) CENTER.—For the purpose of carrying out this section with respect to the Center,"; and

(B) by adding at the end the following:

"(2) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for fiscal year 2003.".

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act, as amended by section 2 of this Act, is amended by inserting after section 319F–1 the following section:

"SEC. 319F–2. STRATEGIC NATIONAL STOCKPILE.

"(a) STRATEGIC NATIONAL STOCKPILE.—

"(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available

sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

"(2) PROCEDURES.—The Secretary, in managing the stockpile under paragraph (1), shall—

"(A) consult with the working group under section 319F(a);

"(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

"(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

"(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

"(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

"(F) ensure the adequate physical security of the stockpile.

"(b) SMALLPOX VACCINE DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

"(c) ADDITIONAL AUTHORITY REGARDING PROCUREMENT OF CERTAIN BIOMEDICAL COUNTERMEASURES; AVAILABILITY OF SPECIAL RESERVE FUND.—

"(1) IN GENERAL.—

"(A) USE OF FUND.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

"(B) SECURITY COUNTERMEASURE.—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h))—

"(i) that affects national security;

"(ii) that is determined under paragraph (2)(B)(ii) to be a necessary countermeasure; and

"(iii)(I) that is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

"(II) for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing after the date of a determination under paragraph (5).

"(2) DETERMINATION OF MATERIAL THREATS.—

"(A) MATERIAL THREAT.—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

"(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

"(ii) determine which of such agents present a material threat against the United States population.

"(B) PUBLIC HEALTH IMPACT; NECESSARY COUNTERMEASURES.—The Secretary shall on an ongoing basis—

"(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

"(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

"(3) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

"(4) CALL FOR SECURITY COUNTERMEASURES; COMMITMENT FOR RECOMMENDATION FOR PROCUREMENT.—

"(A) PROPOSAL TO THE PRESIDENT.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a security countermeasure would be appropriate, such Secretaries may jointly submit to the President a proposal to—

"(i) issue a call for the development of such security countermeasure; and

"(ii) make a commitment that, upon the first development of such security countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such security countermeasure.

"(B) COUNTERMEASURE SPECIFICATIONS.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

"(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

"(ii) necessary measures of minimum safety and effectiveness;

"(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

"(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

"(C) PRESIDENTIAL APPROVAL.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the security countermeasure involved—

"(i) the call for the countermeasure;

"(ii) specifications for the countermeasure under subparagraph (B); and

"(iii) a commitment described in subparagraph (A)(ii).

"(5) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR FUNDING FROM SPECIAL RESERVE FUND.—

"(A) IN GENERAL.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a 'procurement under this subsection').

"(B) REQUIREMENTS.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

"(i) The quantities of the product that will be needed to meet the needs of the stockpile.

"(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

"(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

"(6) RECOMMENDATION FOR PRESIDENT'S APPROVAL.—

"(A) RECOMMENDATION FOR PROCUREMENT.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (2), (3), and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

"(B) PRESIDENTIAL APPROVAL.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

"(C) NOTICE TO CONGRESS.—The Secretary and the Homeland Security Secretary shall notify the Congress of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

"(D) SUBSEQUENT SPECIFIC COUNTERMEASURES.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

"(E) RULE OF CONSTRUCTION.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

"(7) PROCUREMENT.—

"(A) IN GENERAL.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

"(B) INTERAGENCY AGREEMENTS.—

"(i) FOR PROCUREMENT.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

"(ii) FOR ADMINISTRATIVE COSTS.—The agreement entered into between the Homeland Security Secretary and the Secretary for managing

the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

“(C) PROCUREMENT.—

“(i) IN GENERAL.—The Secretary shall be responsible for—

“(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

“(II) promulgating regulations to implement clauses (v), (vi), and (vii), and any other provisions of this subsection.

“(ii) CONTRACT TERMS.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

“(I) PAYMENT CONDITIONED ON SUBSTANTIAL DELIVERY.—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis.

“(II) CONTRACT DURATION.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

“(III) STORAGE BY VENDOR.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

“(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES.—

“(I) IN GENERAL.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

“(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

“(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

“(II) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

“(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

“(bb) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

“(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

“(iv) OTHER THAN FULL AND OPEN COMPETITION.—(I) In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase ‘available from only one responsible source’ in such section 303(c)(1) shall be deemed to mean ‘available from only one responsible source or only from a limited number of responsible sources’.

“(II) The authority under subclause (I) is in addition to any other authority to use procedures other than competitive procedures.

“(III) The Secretary shall implement this clause in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

“(v) PREMIUM PROVISION IN MULTIPLE AWARD CONTRACTS.—

“(I) IN GENERAL.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

“(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

“(bb) promises to pay one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

“(II) DETERMINATION OF GOVERNMENT'S REQUIREMENT NOT REVIEWABLE.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

“(vi) EXTENSION OF CLOSING DATE FOR RECEIPT OF PROPOSALS NOT REVIEWABLE.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

“(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

“(8) INTERAGENCY COOPERATION.—

“(A) IN GENERAL.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

“(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

“(9) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

“(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

“(B) administrative costs.

“(10) SPECIAL RESERVE FUND.—For purposes of this subsection, the term ‘special reserve fund’ has the meaning given such term in section 510 of the Homeland Security Act of 2002.

“(d) DISCLOSURES.—No Federal agency shall disclose under section 552, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

“(e) DEFINITION.—For purposes of subsection (a), the term ‘stockpile’ includes—

“(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

“(2) a contractual agreement between the Homeland Security Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) STRATEGIC NATIONAL STOCKPILE.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

“(2) SMALLPOX VACCINE DEVELOPMENT.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.”.

(b) AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

“SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For procurement of security countermeasures under section 319F–2(c) of the Public Health Service Act (referred to in this section as the ‘security countermeasures program’), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

“(b) SPECIAL RESERVE FUND.—For purposes of the security countermeasures program, the term ‘special reserve fund’ means the appropriations account established as a result of any appropriations made under subsection (a).

“(c) AVAILABILITY.—

“(1) DURATION OF AVAILABILITY FOR OBLIGATION.—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013, provided that any portion of such amount that remains unobligated for such purposes on the expiration of such term shall be returned to the United States Treasury and shall not be available for subsequent obligation for any purpose.

“(2) INITIAL AVAILABILITY FOR PARTICULAR PROCUREMENTS.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President

of such availability for the procurement in accordance with paragraph (6)(B) of such program.''.

(c) CONFORMING AMENDMENTS.—(1) Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh–12) is repealed.

(2) The item relating to section 121 in the table of contents (contained in section 1(b)) of such Act is repealed.

(3) With respect to the program established under former section 121 of such Act, the repeal of such section under paragraph (1) applies as a modification of the program in accordance with the amendment made by subsection (a) of this section, and not as the termination of the program and the establishment of a different program.

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

"SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

''(a) IN GENERAL.—

''(1) EMERGENCY USES.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug or device intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

''(2) APPROVAL STATUS OF PRODUCT.—An authorization under paragraph (1) may authorize an emergency use of a product that—

''(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

''(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

''(3) RELATION TO OTHER USES.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

''(4) DEFINITIONS.—For purposes of this section:

''(A) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

''(B) The term 'product' means a drug or device.

''(C) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

''(D) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

''(b) DECLARATION OF EMERGENCY.—

''(1) IN GENERAL.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

''(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

''(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

''(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

''(2) TERMINATION OF DECLARATION.—

''(A) IN GENERAL.—A declaration under this subsection shall terminate upon the earlier of—

''(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

''(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

''(B) RENEWAL.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

''(3) ADVANCE NOTICE OF TERMINATION.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

''(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

''(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

''(4) PUBLICATION.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

''(c) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

''(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

''(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

''(A) the product may be effective in detecting, diagnosing, treating, or preventing—

''(i) such disease or condition; or

''(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

''(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

''(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

''(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

''(d) SCOPE OF AUTHORIZATION.—

''(1) IN GENERAL.—An authorization of a product under this section shall state—

''(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

''(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

''(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

''(2) CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

''(e) CONDITIONS OF AUTHORIZATION.—

''(1) UNAPPROVED PRODUCT.—

''(A) REQUIRED CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

''(III) of the alternatives to the product that are available, and of their benefits and risks.

''(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

''(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

''(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

''(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(B) AUTHORITY FOR ADDITIONAL CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

''(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

"(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

"(2) UNAPPROVED USE.—With respect to the emergency use of a product that is an unapproved use of an approved product:

"(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

"(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

"(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

"(f) DURATION OF AUTHORIZATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

"(2) CONTINUED USE AFTER END OF EFFECTIVE PERIOD.—An authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

"(g) REVOCATION OF AUTHORIZATION.—

"(1) REVIEW.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

"(2) REVOCATION.—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

"(h) PUBLICATION.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

"(i) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

"(j) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect—

"(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

"(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

"(3) the authority of the Secretary under section 319F–2 to manage the stockpile under such section.

"(k) APPLICATION TO MEMBERS OF ARMED FORCES.—

"(1) WAIVER OF REQUIREMENT RELATING TO OPTION TO REFUSE.—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

"(2) PROVISION OF INFORMATION TO MEMBER OF THE ARMED FORCES.—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30 days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

"(3) EFFECT ON STATUTE PERTAINING TO INVESTIGATIONAL NEW DRUGS.—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

"(l) RELATION TO OTHER PROVISIONS.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization—

"(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

"(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

"(m) DISCRETION REGARDING USE OF AUTHORIZATION.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

"(n) ENFORCEMENT.—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.".

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) ANNUAL REPORTS ON PARTICULAR EXERCISES OF AUTHORITY.—

(A) RELEVANT AUTHORITIES.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to use of noncompetitive procedures).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to use of noncompetitive procedures).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS.—The Secretary shall annually submit to the Congress a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities; and

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY.—The Secretary shall annually submit to the Congress a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW.—Not later than three years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that the results of the study are

submitted to the Congress not later than five years after such date of enactment.

(c) GENERAL ACCOUNTING OFFICE REVIEW.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, use of noncompetitive procedures, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the Congress not later than five years after the date of the enactment of this Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Project BioShield Act of 2003".

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT—AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

"SEC. 319F-1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

"(a) IN GENERAL.—

"(1) AUTHORITY—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

"(2) QUALIFIED COUNTERMEASURE—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h)) that affects national security.

"(3) INTERAGENCY COOPERATION—

"(A) IN GENERAL—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) LIMITATION—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

"(4) AVAILABILITY OF FACILITIES TO THE SECRETARY—In any grant or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, and supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

"(b) EXPEDITED PROCUREMENT AUTHORITY—

"(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR BIOMEDICAL COUNTERMEASURE PROCUREMENTS—

"(A) IN GENERAL—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

"(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(B) APPLICATION OF CERTAIN PROVISIONS—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

"(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(ii) Subsections (a) and (b) of Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(C) INTERNAL CONTROLS TO BE INSTITUTED—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

"(2) USE OF NONCOMPETITIVE PROCEDURES—In addition to any other authority to use procedures other than competitive procedures, the Secretary may use such other procedures when—

"(A) the procurement is as described by paragraph (1); and

"(B) the property or services needed by the Secretary are available from only one responsible source or only from a limited number of responsible sources, and no other type of property or services will satisfy the Secretary's needs.

"(3) INCREASED MICROPURCHASE THRESHOLD—

"(A) IN GENERAL—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

"(B) INTERNAL CONTROLS TO BE INSTITUTED—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

"(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

"(c) AUTHORITY TO EXPEDITE PEER REVIEW—

"(1) IN GENERAL—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

"(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

"(B) the amount of which is not greater than $1,500,000.

"(2) SUBSEQUENT PHASES OF RESEARCH—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant or cooperative agreement.

"(d) AUTHORITY FOR PERSONAL SERVICES CONTRACTS—

"(1) IN GENERAL—For the purpose of performing, administering, and supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

"(2) FEDERAL TORT CLAIMS ACT COVERAGE—

"(A) IN GENERAL—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

"(B) EXCLUSIVITY OF REMEDY—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

"(3) INTERNAL CONTROLS TO BE INSTITUTED—

"(A) In general—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

"(B) Determination of employee status to be final—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

"(4) Number of personal services contracts limited—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

"(e) Streamlined Personnel Authority—

"(1) In general—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

"(2) Internal controls to be instituted—The Secretary shall institute appropriate internal controls for appointments under this subsection.

"(f) Actions Committed to Agency Discretion—Actions by the Secretary under the authority of this section are committed to agency discretion.".

(b) Technical Amendment—Section 481A of the Public Health Service Act (42 U.S.C. 287a-2) is amended—

(1) in subsection (a)(1), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (i)(1)";

(3) in subsection (d), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(ii) in subparagraph (A), by inserting "(or, in the case of the Institute, 75 percent)" after "50 percent"; and

(iii) in subparagraph (B), by inserting "(or, in the case of the Institute, 75 percent)" after "40 percent";

(B) in paragraph (2), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(C) in paragraph (4), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director";

(5) in subsection (f)—

(A) in paragraph (1), by inserting "in the case of an award by the Director of the Center," before "the applicant"; and

(B) in paragraph (2), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director"; and

(6) in subsection (i)—

(A) by striking "Appropriations—For the purpose of carrying out this section," and inserting the following: "Appropriations—

"(1) Center—For the purpose of carrying out this section with respect to the Center,"; and

(B) by adding at the end the following:

"(2) National institute of allergy and infectious diseases—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for fiscal year 2003.".

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) In General—Part B of title III of the Public Health Service Act, as amended by section 2 of this Act, is amended by inserting after section 319F-1 the following section:

"SEC. 319F-2. STRATEGIC NATIONAL STOCKPILE.

"(a) Strategic National Stockpile—

"(1) In general—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

"(2) Procedures—The Secretary, in managing the stockpile under paragraph (1), shall—

"(A) consult with the working group under section 319F(a);

"(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

"(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

"(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

"(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

"(F) ensure the adequate physical security of the stockpile.

"(b) Smallpox Vaccine Development—

"(1) In general—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

"(2) Rule of construction—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

"(c) Additional Authority Regarding Procurement of Certain Biomedical Countermeasures; Availability of Special Reserve Fund—

"(1) In general—

"(A) Use of fund—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

"(B) Security countermeasure—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h))—

"(i) against a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii);

"(ii) that is determined under paragraph (2)(B)(ii) to be a necessary countermeasure;

"(iii) that is designed, developed, modified, or procured for the specific purpose of preventing, detecting, identifying, deterring, or mitigating actual or potential acts of chemical, biological, radiological, or nuclear catastrophe;

"(iv)(I) that is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

"(II) for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing after the date of a determination under paragraph (5); and

"(v) that relates to an actual or potential act of terrorism or catastrophic event or to actual or potential warfare.

"(2) Determination of material threats—

"(A) Material threat—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

"(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

"(ii) determine which of such agents present a material threat against the United States population.

"(B) Public health impact; necessary countermeasures—The Secretary shall on an ongoing basis—

"(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

"(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

"(C) Notice to congress—The Secretary and the Homeland Security Secretary shall promptly notify the designated congressional committees (as defined in paragraph (10)) of any determination made pursuant to subparagraph (A) or (B). Such notice shall be in unclassified and, if necessary, classified form.

"(D) Assuring access to threat information—In making the assessment and determination required under subparagraph (A), the Homeland Security Secretary shall use all information to which such Secretary is entitled under section 202 of the Homeland Security Act of 2002, including but not limited to information, regardless of its level of classification, relating to current and emerging threats of chemical, biological, radiological, and nuclear agents.

"(3) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

"(4) CALL FOR DEVELOPMENT OF COUNTERMEASURES; COMMITMENT FOR RECOMMENDATION FOR PROCUREMENT—

"(A) PROPOSAL TO THE PRESIDENT—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a countermeasure would be appropriate but is either currently unavailable for procurement or available under unsuitable conditions, such Secretaries may jointly submit to the President a proposal to—

"(i) issue a call for the development of such countermeasure; and

"(ii) make a commitment that, upon the first development of such countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

"(B) COUNTERMEASURE SPECIFICATIONS—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

"(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

"(ii) necessary measures of minimum safety and effectiveness;

"(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

"(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

"(C) PRESIDENTIAL APPROVAL—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the countermeasure involved—

"(i) the call for the countermeasure;

"(ii) specifications for the countermeasure under subparagraph (B); and

"(iii) a commitment described in subparagraph (A)(ii).

"(5) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR FUNDING FROM SPECIAL RESERVE FUND—

"(A) IN GENERAL—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a 'procurement under this subsection').

"(B) REQUIREMENTS—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

"(i) The quantities of the product that will be needed to meet the needs of the stockpile.

"(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

"(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

"(6) RECOMMENDATION FOR PRESIDENT'S APPROVAL—

"(A) RECOMMENDATION FOR PROCUREMENT—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (2), (3), and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

"(B) PRESIDENTIAL APPROVAL—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

"(C) NOTICE TO CONGRESS—The Secretary and the Homeland Security Secretary shall notify the designated congressional committees of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

"(D) SUBSEQUENT SPECIFIC COUNTERMEASURES—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

"(E) RULE OF CONSTRUCTION—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

"(7) PROCUREMENT—

"(A) IN GENERAL—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

"(B) INTERAGENCY AGREEMENTS—

"(i) FOR PROCUREMENT—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

"(ii) FOR ADMINISTRATIVE COSTS—The agreement entered into between the Homeland Security Secretary and the Secretary for managing the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

"(C) PROCUREMENT—

"(i) IN GENERAL—The Secretary shall be responsible for—

"(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

"(II) promulgating regulations to implement clauses (v), (vi), and (vii), and any other provisions of this subsection.

"(ii) CONTRACT TERMS—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

"(I) PAYMENT CONDITIONED ON SUBSTANTIAL DELIVERY—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis.

"(II) CONTRACT DURATION—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

"(III) STORAGE BY VENDOR—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

"(IV) NON-STOCKPILE SALES OF SECURITY COUNTERMEASURES—The contract may provide that the vendor will not at any time (including after performance under the contract is otherwise completed) sell or otherwise provide such countermeasure to any domestic or foreign person, or transfer to any such person any quantity of such security countermeasure, or any intellectual property relating thereto that would enable the development or production of the countermeasure, without certification by the Secretary, in consultation with the Homeland Security

Secretary, the Secretary of Defense, and the Secretary of State, that such sale or transfer, or category of sales or transfers, would not adversely affect the national security; and that, for each violation of this provision of the contract, the United States is entitled to recover from the person as liquidated damages an amount equal to three times the sum of the payments made to the vendor under the contract.

"(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES—

"(I) IN GENERAL—The amount of any procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

"(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(II) APPLICATION OF CERTAIN PROVISIONS—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

"(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(bb) Subsections (a) and (b) of Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(iv) USE OF NONCOMPETITIVE PROCEDURES—In addition to any other authority to use procedures other than competitive procedures, the Secretary may use such other procedures for a procurement under this subsection if the product is available from only one responsible source or only from a limited number of responsible sources, and no other type of product will satisfy the Secretary's needs.

"(v) PREMIUM PROVISION IN MULTIPLE AWARD CONTRACTS—

"(I) IN GENERAL—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

"(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

"(bb) promises to pays one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

"(II) DETERMINATION OF GOVERNMENT'S REQUIREMENT NOT REVIEWABLE—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

"(vi) EXTENSION OF CLOSING DATE FOR RECEIPT OF PROPOSALS NOT REVIEWABLE—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

"(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

"(8) INTERAGENCY COOPERATION—

"(A) IN GENERAL—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) LIMITATION—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

"(9) RESTRICTIONS ON USE OF FUNDS—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

"(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

"(B) administrative costs.

"(10) DEFINITIONS—

"(A) SPECIAL RESERVE FUND—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

"(B) DESIGNATED CONGRESSIONAL COMMITTEES—For purposes of this section, the term 'designated congressional committees' means the following committees of the Congress:

"(i) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

"(ii) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

"(d) DISCLOSURES—No Federal agency shall disclose under section 552 of title 5, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

"(e) DEFINITION—For purposes of subsection (a), the term 'stockpile' includes—

"(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

"(2) a contractual agreement between the Homeland Security Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS—

"(1) STRATEGIC NATIONAL STOCKPILE—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

"(2) SMALLPOX VACCINE DEVELOPMENT—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.".

(b) AMENDMENT TO HOMELAND SECURITY ACT OF 2002—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

"(a) AUTHORIZATION OF APPROPRIATIONS—For the procurement of security countermeasures under section 319F-2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

"(b) SPECIAL RESERVE FUND—For purposes of the security countermeasures program, the term 'special reserve fund' means the appropriations account established as a result of any appropriations made under subsection (a).

"(c) AVAILABILITY—

"(1) INTEGRITY OF SPECIAL RESERVE FUND; LIMITATION OF OBLIGATIONAL AUTHORITY TO FUND PURPOSES; INTENT OF CONGRESS AGAINST REPROGRAMMING—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013 and only for the specific purposes set forth in the security countermeasures program. It is the intent of the Congress that no portion of such amount that remains unobligated for such purposes shall be applied, through reprogramming or otherwise, to any other purpose.

"(2) INITIAL AVAILABILITY FOR PARTICULAR PROCUREMENTS—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

"(d) RELATED AUTHORIZATIONS OF APPROPRIATIONS—

"(1) THREAT ASSESSMENT CAPABILITIES—For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated $5,000,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years 2005 and 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 104 of the National Security Act of 1947.

"(2) INTELLIGENCE SHARING INFRASTRUCTURE—For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than December 31, 2003, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under subtitle A of title II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.

"(e) Emergency Development of Security Countermeasures.—If the Secretary of Homeland Security and the Secretary of Health and Human Services jointly determine that procurement of a security countermeasure that has been approved for procurement using the special reserve fund under subsection (a)—

"(1) is not proceeding at a sufficiently rapid pace under 319F-2 of the Public Health Service Act to protect the national security; or

"(2) could be produced significantly less expensively by the government directly than through procurements under such section;

then amounts in the special reserve fund may be used by the Secretary of Health and Human Services to produce security countermeasures for placement in the stockpile under subsection (a) of section 319F-2 of such Act if the joint determination is submitted to the President and the President approves such use of the special reserve fund. Amounts made available for such use in accordance with the preceding sentence are available for obligation as of the date on which the presidential approval is made, subject to applicable law regarding the apportionment of appropriations. This subsection applies notwithstanding other provisions of this section, and notwithstanding section 319F-2 of the Public Health Service Act. This subsection may not be construed as affecting the amounts specified in subsection (a) as authorizations of appropriations or the obligation limits contained therein.".

(c) Conforming Amendment.—Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh-12) is repealed. With respect to the program established under former section 121 of such Act, the repeal of such section under the preceding sentence applies as a modification of the program in accordance with the amendment made by subsection (a) of this section, and not as the termination of the program and the establishment of a different program.

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

"SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

"(a) In General.—

"(1) Emergency uses.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug or device intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

"(2) Approval status of product.—An authorization under paragraph (1) may authorize an emergency use of a product that—

"(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

"(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

"(3) Relation to other uses.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

"(4) Definitions.—For purposes of this section:

"(A) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

"(B) The term 'product' means a drug or device.

"(C) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

"(D) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

"(b) Declaration of Emergency.—

"(1) In general.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

"(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

"(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

"(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

"(2) Termination of declaration.—

"(A) In general.—A declaration under this subsection shall terminate upon the earlier of—

"(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

"(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

"(B) Renewal.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

"(3) Advance notice of termination.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

"(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

"(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

"(4) Publication.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

"(c) Criteria for Issuance of Authorization.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

"(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

"(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

"(A) the product may be effective in detecting, diagnosing, treating, or preventing—

"(i) such disease or condition; or

"(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

"(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

"(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

"(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

"(d) Scope of Authorization.—

"(1) In general.—An authorization of a product under this section shall state—

"(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

"(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

"(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

"(2) Confidential information.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

"(e) Conditions of Authorization.—

"(1) Unapproved product.—

"(A) Required conditions.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

"(III) of the alternatives to the product that are available, and of their benefits and risks.

"(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

"(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

"(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

"(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(B) Authority for additional conditions—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

"(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

"(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

"(2) Unapproved use—With respect to the emergency use of a product that is an unapproved use of an approved product:

"(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

"(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

"(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

"(f) Duration of Authorization—

"(1) In general—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

"(2) Continued use after end of effective period—An authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

"(g) Revocation of Authorization—

"(1) Review—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

"(2) Revocation—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

"(h) Publication—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

"(i) Actions Committed to Agency Discretion—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

"(j) Rules of Construction—Nothing in this section shall be construed to impair or otherwise affect—

"(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

"(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

"(3) the authority of the Secretary under section 319F–2 to manage the stockpile under such section.

"(k) Application to Members of Armed Forces—

"(1) Waiver of requirement relating to option to refuse—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

"(2) Provision of information to member of the armed forces—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30 days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

"(3) Effect on statute pertaining to investigational new drugs—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

"(l) Relation to Other Provisions—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization—

"(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

"(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

"(m) Discretion Regarding Use of Authorization—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

"(n) Enforcement—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.".

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) Secretary of Health and Human Services—

(1) Annual reports on particular exercises of authority—

(A) Relevant authorities—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to use of noncompetitive procedures).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to use of noncompetitive procedures).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS—The Secretary shall annually submit to the designated congressional committees (as defined in subsection (e)) a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities; and

(iv) whether, with respect to each procurement that is approved by the President under section 319F-2(c)(6) of the Public Health Service Act (as added by section 3 of this Act), a contract was not entered into within one year after such approval by the President.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY—The Secretary shall annually submit to the designated congressional committees a report that summarizes the activity undertaken pursuant to the following authorities under section 319F-1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW—

(1) IN GENERAL—Not later than four years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that the results of the study are submitted to the designated congressional committees not later than five years after such date of enactment.

(2) CERTAIN CONTENTS—The report under paragraph (1) shall include—

(A) a summary of the most recent analysis by the Department of Homeland Security and the intelligence community of the domestic threat from chemical, biological, radiological, and nuclear agents;

(B) the Academy's assessment of the current availability of countermeasures to address such threats;

(C) the Academy's assessment of the extent to which programs and activities under this Act will reduce any gap between the threat and the availability of countermeasures to an acceptable level of risk; and

(D)(i) the Academy's assessment of threats to national security that are posed by technology that will enable, during the 10-year period beginning on the date of the enactment of this Act, the development of antibiotic resistant, mutated, and bioengineered strains of biological agents; and

(ii) recommendations on short-term and long-term governmental strategies for addressing such threats, including recommendations for Federal policies regarding research priorities, the development of countermeasures, and investments in technology.

(c) GENERAL ACCOUNTING OFFICE REVIEW—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, use of noncompetitive procedures, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the designated congressional committees not later than five years after the date of the enactment of this Act.

(d) REPORT REGARDING ADDITIONAL BARRIERS TO PROCUREMENT OF SECURITY COUNTERMEASURES—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall report to the designated congressional committees any barriers to the procurement of security countermeasures that have not been addressed by this Act.

(e) STATUS OF PROGRAM FOR CHEMICAL TERRORISM PREPAREDNESS—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the designated congressional committees a report describing the status of the program carried out by the Secretary to enhance the preparedness of the United States to respond to terrorist attacks involving chemical agents.

(f) DESIGNATED CONGRESSIONAL COMMITTEES—For purposes of this section, the term "designated congressional committees" means the following committees of the Congress:

(1) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

(2) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations, are meaningfully aware of available research and development grants and procurements conducted under sections 2 and 3 of this Act.

SEC. 7. ENSURING COORDINATION, COOPERATION AND THE ELIMINATION OF UNNECESSARY DUPLICATION IN PROGRAMS DESIGNED TO PROTECT THE HOMELAND FROM BIOLOGICAL, CHEMICAL, RADIOLOGICAL, AND NUCLEAR AGENTS.

(a) ENSURING COORDINATION OF PROGRAMS—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall ensure the activities of their respective Departments coordinate, complement, and do not unnecessarily duplicate programs to identify potential domestic threats from biological, chemical, radiological or nuclear agents, detect such domestic incidents, analyze such incidents, and develop necessary countermeasures. The aforementioned Secretaries shall further ensure that information and technology possessed by the Departments relevant to these activities are shared with the other Departments.

(b) DESIGNATION OF AGENCY COORDINATION OFFICER—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall each designate an officer or employee of their respective Departments who shall coordinate, through regular meetings and communications, with the other aforementioned Departments such programs and activities carried out by their Departments.

The SPEAKER pro tempore. In lieu of the amendments recommended by the Committee on Government Reform and the Select Committee on Homeland Security printed in the bill, the amendment in the nature of a substitute designate in the previous order of the House is adopted.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Project BioShield Act of 2003".

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

“SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING QUALIFIED COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

“(a) In General.—

“(1) Authority.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

“(2) Qualified countermeasure.—For purposes of this section, the term ‘qualified countermeasure’ means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) against a chemical, biological, radiological, or nuclear agent that may cause a public health emergency affecting national security.

“(3) Interagency cooperation.—

“(A) In general.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

“(B) Limitation.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

“(4) Availability of facilities to the secretary.—In any grant, contract, or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, or supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant, contract, or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

“(5) Tranfers of qualifed countermeasures.—Each agreement for an award of a grant, contract, or cooperative agreement under section 319F(h) for the development of a qualified countermeasure shall provide that the recipient of the award will comply with all applicable export-related controls with respect to such countermeasure.

“(b) Expedited Procurement Authority.—

“(1) Increased simplified acquisition threshold for qualified countermeasure procurements.—

“(A) In general.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

“(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

“(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

“(B) Application of certain provisions.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

“(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

“(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

“(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

“(C) Internal controls to be instituted.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

“(2) Procedures other than full and open competition.—

“(A) In general.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase ‘available from only one responsible source’ in such section 303(c)(1) shall be deemed to mean ‘available from only one responsible source or only from a limited number of responsible sources’.

“(B) Relation to other authorities.—The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

“(C) Applicable government-wide regulations.—The Secretary shall implement this paragraph in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

“(3) Increased micropurchase threshold.—

“(A) In general.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

“(B) Internal controls to be instituted.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

“(C) Exception to preference for purchase card mechanism.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

“(4) Review.—

“(A) Review allowed.—Notwithstanding any other provision of law, including subsection (f), review of a contracting agency decision relating to a procurement described in paragraph (1) may be had only by filing a protest—

“(i) with a contracting agency; or

“(ii) with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code.

“(B) Override of stay of contract award or performance committed to agency discretion.—Notwithstanding any other provision of law, the following authorizations by the head of a procuring activity are committed to agency discretion:

“(i) An authorization under section 3553(c)(2) of title 31, United States Code, to award a contract for a procurement described in paragraph (1) of this subsection.

“(ii) An authorization under section 3553(d)(3)(C) of such title to perform a contract for a procurement described in paragraph (1) of this subsection.

“(c) Authority to Expedite Peer Review.—

“(1) In general.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

“(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

“(B) the amount of which is not greater than $1,500,000.

“(2) Subsequent phases of research.—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant, contract, or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant, contract, or cooperative agreement.

“(d) Authority for Personal Services Contracts.—

“(1) In general.—For the purpose of performing, administering, or supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

“(2) Federal tort claims act coverage.—

“(A) In general.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

“(B) Exclusivity of remedy.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

"(3) INTERNAL CONTROLS TO BE INSTITUTED.—

"(A) IN GENERAL.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

"(B) DETERMINATION OF EMPLOYEE STATUS TO BE FINAL.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

"(4) NUMBER OF PERSONAL SERVICES CONTRACTS LIMITED.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

"(e) STREAMLINED PERSONNEL AUTHORITY.—

"(1) IN GENERAL.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

"(2) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

"(f) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions by the Secretary under the authority of this section are committed to agency discretion.".

(b) TECHNICAL AMENDMENT.—Section 481A of the Public Health Service Act (42 U.S.C. 287a-2) is amended—

(1) in subsection (a)(1)—

(A) by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(B) by inserting ", or in the case of the Institute, to any qualified public or private entity," after "private entities";

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (i)(1)";

(3) in subsection (d), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(ii) in subparagraph (A), by inserting "(or, in the case of the Institute, 75 percent)" after "50 percent"; and

(iii) in subparagraph (B), by inserting "(or, in the case of the Institute, 75 percent)" after "40 percent";

(B) in paragraph (2), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(C) in paragraph (4), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director";

(5) in subsection (f)—

(A) in paragraph (1), by inserting "in the case of an award by the Director of the Center," before "the applicant"; and

(B) in paragraph (2), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director"; and

(6) in subsection (i)—

(A) by striking "APPROPRIATIONS.—For the purpose of carrying out this section," and inserting the following: "APPROPRIATIONS.—

"(1) CENTER.—For the purpose of carrying out this section with respect to the Center,"; and

(B) by adding at the end the following:

"(2) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 and 2004.".

(c) ADDITIONAL AUTHORITY.—Section 319F of the Public Health Service Act (42 U.S.C. 247d-6) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

"(i) PRIORITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.—

"(1) IN GENERAL.—The Secretary, taking into consideration any recommendations of the working group under subsection (a), may initiate and sustain a program that results in the delivery of priority countermeasures for placement in the stockpile under section 319F-2.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.".

(d) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Section 2106 of the Public Health Service Act (42 U.S.C. 300aa-6) is amended—

(1) in subsection (a), by striking "authorized to be appropriated" and all that follows and inserting the following: "authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013."; and

(2) in subsection (b), by striking "authorized to be appropriated" and all that follows and inserting the following: "authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.".

(e) TECHNICAL AMENDMENTS.—Section 319F of the Public Health Service Act (42 U.S.C. 247d-6) is amended—

(1) in subsection (a), by inserting "the Secretary of Homeland Security," after "Management Agency,"; and

(2) in subsection (h)(4)(B), by striking "to diagnose conditions" and inserting "to treat, identify, or prevent conditions".

(f) RULE OF CONSTRUCTION.—Nothing in this section has any legal effect on sections 302(2), 302(4), 304(a), or 304(b) of the Homeland Security Act of 2002.

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) ADDITIONAL AUTHORITY REGARDING STRATEGIC NATIONAL STOCKPILE.—

(1) TRANSFER OF PROGRAM.—Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh-12) is transferred from such Act to the Public Health Service Act, is redesignated as section 319F-2, and is inserted after section 319F-1 of the Public Health Service Act (as added by section 2 of this Act).

(2) ADDITIONAL AUTHORITY.—Section 319F-2 of the Public Health Service Act, as added by paragraph (1), is amended to read as follows:

"SEC. 319F-2. STRATEGIC NATIONAL STOCKPILE.

"(a) STRATEGIC NATIONAL STOCKPILE.—

"(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

"(2) PROCEDURES.—The Secretary, in managing the stockpile under paragraph (1), shall—

"(A) consult with the working group under section 319F(a);

"(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

"(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

"(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

"(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

"(F) ensure the adequate physical security of the stockpile.

"(b) SMALLPOX VACCINE DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

"(c) ADDITIONAL AUTHORITY REGARDING PROCUREMENT OF CERTAIN BIOMEDICAL COUNTERMEASURES; AVAILABILITY OF SPECIAL RESERVE FUND.—

"(1) IN GENERAL.—

"(A) USE OF FUND.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

"(B) Security countermeasure.—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) that—

"(i)(I) is against a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii);

"(II) is determined under paragraph (2)(B)(ii) to be a necessary countermeasure; and

"(III)(aa) is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

"(bb) is a priority countermeasure for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing after the date of a determination under paragraph (5); or

"(ii) is authorized under section 564 of the Federal Food, Drug, and Cosmetic Act for emergency use.

"(2) Determination of material threats.—

"(A) Material threat.—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

"(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

"(ii) determine which of such agents present a material threat against the United States population.

"(B) Public health impact; necessary countermeasures.—The Secretary shall on an ongoing basis—

"(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

"(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

"(C) Notice to congress.—The Secretary and the Homeland Security Secretary shall promptly notify the designated congressional committees (as defined in paragraph (10) that a determination has been made pursuant to subparagraph (A) or (B). Such notice shall be in unclassified or, if necessary, classified form.

"(D) Assuring access to threat information.—In making the assessment and determination required under subparagraph (A), the Homeland Security Secretary shall use all information to which such Secretary is entitled under section 202 of the Homeland Security Act of 2002, including but not limited to information, regardless of its level of classification, relating to current and emerging threats of chemical, biological, radiological, and nuclear agents.

"(3) Assessment of availability and appropriateness of countermeasures.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

"(4) Call for development of countermeasures; commitment for recommendation for procurement.—

"(A) Proposal to the president.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a countermeasure would be appropriate but is either currently unavailable for procurement as a security countermeasure or is approved, licensed, or cleared only for alternative uses, such Secretaries may jointly submit to the President a proposal to—

"(i) issue a call for the development of such countermeasure; and

"(ii) make a commitment that, upon the first development of such countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

"(B) Countermeasure specifications.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

"(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

"(ii) necessary measures of minimum safety and effectiveness;

"(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

"(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

"(C) Presidential approval.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the countermeasure involved—

"(i) the call for the countermeasure;

"(ii) specifications for the countermeasure under subparagraph (B); and

"(iii) the commitment described in subparagraph (A)(ii).

"(5) Secretary's determination of countermeasures appropriate for funding from special reserve fund.—

"(A) In general.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a 'procurement under this subsection').

"(B) Requirements.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

"(i) The quantities of the product that will be needed to meet the needs of the stockpile.

"(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

"(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

"(6) Recommendation for president's approval.—

"(A) Recommendation for procurement.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (3) and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

"(B) Presidential approval.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

"(C) Notice to designated congressional committees.—The Secretary and the Homeland Security Secretary shall notify the designated congressional committees of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

"(D) Subsequent specific countermeasures.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

"(E) Rule of construction.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

"(7) Procurement.—

"(A) In general.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

"(B) Interagency agreements.—

"(i) For procurement.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

"(ii) For administrative costs.—The agreement entered into between the Homeland Security Secretary and the Secretary for managing the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

"(C) Procurement.—

"(i) In general.—The Secretary shall be responsible for—

"(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

"(II) promulgating such regulations as the Secretary determines necessary to implement the provisions of this subsection.

"(ii) Contract terms.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

"(I) Payment conditioned on substantial delivery.—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis. Nothing in this subclause may be construed as affecting rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to termination of contracts for the convenience of the Government.

"(II) Contract duration.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

"(III) Storage by vendor.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

"(IV) Non-stockpile transfers of security countermeasures.—The contract shall provide that the vendor will comply with all applicable export-related controls with respect to such countermeasure.

"(iii) Availability of simplified acquisition procedures.—

"(I) In general.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

"(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(II) Application of certain provisions.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

"(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(bb) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(iv) Procedures other than full and open competition.—

"(I) In general.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

"(II) Relation to other authorities.—The authority under subclause (I) is in addition to any other authority to use procedures other than competitive procedures.

"(III) Applicable government-wide regulations.—The Secretary shall implement this clause in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

"(v) Premium provision in multiple award contracts.—

"(I) In general.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

"(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

"(bb) promises to pay one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

"(II) Determination of government's requirement not reviewable.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

"(vi) Extension of closing date for receipt of proposals not reviewable.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

"(vii) Limiting competition to sources responding to request for information.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

"(8) Interagency cooperation.—

"(A) In general.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) Limitation.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

"(9) Restrictions on use of funds.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

"(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

"(B) administrative costs.

"(10) Definitions.—

"(A) Special reserve fund.—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

"(B) Designated congressional committees.—For purposes of this section, the term 'designated congressional committees' means the following committees of the Congress:

"(i) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

"(ii) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

"(d) Disclosures.—No Federal agency shall disclose under section 552 of title 5, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

"(e) Definition.—For purposes of subsection (a), the term 'stockpile' includes—

"(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

"(2) a contractual agreement between the Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

"(f) Authorization of Appropriations.—

"(1) Strategic national stockpile.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

"(2) Smallpox vaccine development.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.".

(b) Amendment to Homeland Security Act of 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

"(a) Authorization of Appropriations.—For the procurement of security countermeasures under section 319F–2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

"(b) Special Reserve Fund.—For purposes of the security countermeasures program, the term 'special reserve fund' means the appropriations account established as a result of any appropriations made under subsection (a).

"(c) Availability.—

"(1) Integrity of special reserve fund; limitation of obligational authority to fund purposes; intent of congress against reprogramming.—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013 and only for the specific purposes set forth in the security countermeasures program. It is the intent of the Congress that no portion of such amount that remains unobligated for such purposes shall be applied, through reprogramming or otherwise, to any other purpose.

"(2) Initial availability for particular procurements.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

"(d) Related Authorizations of Appropriations.—

"(1) Threat assessment capabilities.—For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated $5,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 104 of the National Security Act of 1947.

"(2) Intelligence sharing infrastructure.—For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than December 31, 2003, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under subtitle A of title II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.".

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

"SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

"(a) In General.—

"(1) Emergency uses.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug, device, or biological product intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

"(2) Approval status of product.—An authorization under paragraph (1) may authorize an emergency use of a product that—

"(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

"(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

"(3) Relation to other uses.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

"(4) Definitions.—For purposes of this section:

"(A) The term 'biological product' has the meaning given such term in section 351 of the Public Health Service Act.

"(B) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

"(C) The term 'product' means a drug, device, or biological product.

"(D) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

"(E) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

"(b) Declaration of Emergency.—

"(1) In general.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

"(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

"(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

"(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

"(2) Termination of declaration.—

"(A) In general.—A declaration under this subsection shall terminate upon the earlier of—

"(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

"(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

"(B) Renewal.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

"(3) Advance notice of termination.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

"(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

"(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

"(4) Publication.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

"(c) Criteria for Issuance of Authorization.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

"(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

"(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

"(A) the product may be effective in detecting, diagnosing, treating, or preventing—

"(i) such disease or condition; or

"(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

"(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

"(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

"(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

"(d) Scope of Authorization.—

"(1) In general.—An authorization of a product under this section shall state—

"(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

"(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

"(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

"(2) CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

"(e) CONDITIONS OF AUTHORIZATION.—

"(1) UNAPPROVED PRODUCT.—

"(A) REQUIRED CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

"(III) of the alternatives to the product that are available, and of their benefits and risks.

"(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

"(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

"(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

"(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(B) AUTHORITY FOR ADDITIONAL CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

"(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

"(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

"(2) UNAPPROVED USE.—With respect to the emergency use of a product that is an unapproved use of an approved product:

"(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

"(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

"(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

"(f) DURATION OF AUTHORIZATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

"(2) CONTINUED USE AFTER END OF EFFECTIVE PERIOD.—Notwithstanding the termination of the declaration under subsection (b) or a revocation under subsection (g), an authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

"(g) REVOCATION OF AUTHORIZATION.—

"(1) REVIEW.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

"(2) REVOCATION.—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

"(h) PUBLICATION.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

"(i) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

"(j) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect—

"(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

"(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

"(3) the authority of the Secretary under section 319F-2 to manage the stockpile under such section.

"(k) APPLICATION TO MEMBERS OF ARMED FORCES.—

"(1) WAIVER OF REQUIREMENT RELATING TO OPTION TO REFUSE.—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

"(2) PROVISION OF INFORMATION TO MEMBER OF THE ARMED FORCES.—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30 days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

"(3) EFFECT ON STATUTE PERTAINING TO INVESTIGATIONAL NEW DRUGS.—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

"(l) RELATION TO OTHER PROVISIONS.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization —

"(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

"(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

"(m) DISCRETION REGARDING USE OF AUTHORIZATION.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

"(n) ENFORCEMENT.—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.".

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) ANNUAL REPORTS ON PARTICULAR EXERCISES OF AUTHORITY.—

(A) RELEVANT AUTHORITIES.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to procedures other than full and open competition).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to procedures other than full and open competition).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS.—The Secretary shall annually submit to the designated congressional committees a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities; and

(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6) of the Public Health Service Act (as added by section 3 of this Act), a contract was entered into within one year after such approval by the President.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY.—The Secretary shall annually submit to the designated congressional committees a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW.—

(1) IN GENERAL.—Not later than four years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that the results of the study are submitted to the designated congressional committees not later than five years after such date of enactment.

(2) CERTAIN CONTENTS.—The report under paragraph (1) shall include—

(A) a summary of the most recent analysis by the Department of Homeland Security and the intelligence community of the domestic threat from chemical, biological, radiological, and nuclear agents;

(B) the Academy's assessment of the current availability of countermeasures to address such threats;

(C) the Academy's assessment of the extent to which programs and activities under this Act will reduce any gap between the threat and the availability of countermeasures to an acceptable level of risk; and

(D)(i) the Academy's assessment of threats to national security that are posed by technology that will enable, during the 10-year period beginning on the date of the enactment of this Act, the development of antibiotic resistant, mutated, or bioengineered strains of biological agents; and

(ii) recommendations on short-term and long-term governmental strategies for addressing such threats, including recommendations for Federal policies regarding research priorities, the development of countermeasures, and investments in technology.

(c) GENERAL ACCOUNTING OFFICE REVIEW.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, procedures other than full and open competition, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the designated congressional committees not later than five years after the date of the enactment of this Act.

(d) REPORT REGARDING BARRIERS TO PROCUREMENT OF SECURITY COUNTERMEASURES.—

(1) BIOCONTAINMENT FACILITIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall jointly report to the designated congressional committees whether there is a lack of adequate large-scale biocontainment facilities necessary for the testing of security countermeasures in accordance with Food and Drug Administration requirements.

(2) ADDITIONAL BARRIERS.—Not later than one year after the date of enactment of this Act, such Secretaries shall jointly report to the designated congressional committees any other potential barriers to the procurement of security countermeasures that have not been addressed by this Act.

(e) STATUS OF PROGRAM FOR CHEMICAL TERRORISM PREPAREDNESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the designated congressional committees a report describing the status of the program carried out by the Secretary to enhance the preparedness of the United States to respond to terrorist attacks involving chemical agents.

(f) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "designated congressional committees" means the following committees of the Congress:

(1) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

(2) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations, are meaningfully aware of available research and development grants, contracts, cooperative agreements, and procurements conducted under sections 2 and 3 of this Act.

SEC. 7. RECOMMENDATION FOR EXPORT CONTROLS ON CERTAIN BIOMEDICAL COUNTERMEASURES.

Upon the award of any grant, contract, or cooperative agreement under section 2 or 3 of this Act for the research, development, or procurement of a qualified countermeasure or a security countermeasure (as those terms are defined in this Act), the Secretary of Health and Human Services shall, in consultation with the heads of other appropriate Federal agencies, determine whether the countermeasure involved in such grant, contract, or cooperative agreement is subject to existing export-related controls and, if not, may make a recommendation to the appropriate Federal agency or agencies that such countermeasure should be included on the list of controlled items subject to such controls.

SEC. 8. ENSURING COORDINATION, COOPERATION AND THE ELIMINATION OF UNNECESSARY DUPLICATION IN PROGRAMS DESIGNED TO PROTECT THE HOMELAND FROM BIOLOGICAL, CHEMICAL, RADIOLOGICAL, AND NUCLEAR AGENTS.

(a) ENSURING COORDINATION OF PROGRAMS.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall ensure that the activities of their respective Departments coordinate, complement, and do not unnecessarily duplicate programs to identify potential domestic threats from biological, chemical, radiological or nuclear agents, detect domestic incidents involving such agents, analyze such incidents, and develop necessary countermeasures. The aforementioned Secretaries shall further ensure that information and technology possessed by the Departments relevant to these activities are shared with the other Departments.

(b) DESIGNATION OF AGENCY COORDINATION OFFICER.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall each designate an officer or employee of their respective Departments who shall coordinate, through regular meetings and communications, with the other aforementioned Departments such programs and activities carried out by their Departments.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes. The gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) each will control 7½ minutes. The gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) each will control 7½ minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2122.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 4 minutes.

Today, Mr. Speaker, the House will address one of President Bush's top initiatives in the war against terror, Project Bioshield.

Mr. Speaker, it is absolutely critical that America's public health emergency system be prepared to respond to new and emerging threats, and we are here today to take care of that job. This bipartisan legislation is about the safety and security of American families and of our country. America is stepping up to the profound threat of terrorism and other public health emergencies, and I am proud to report that H.R. 2122 combines smart policy and provides additional resources to prepare the Nation for bioterrorism threats and for other public health emergencies.

The chairman and ranking member of both the committees of jurisdiction and the Select Committee of Homeland Security have arrived at this consensus product that is before us today. I would like to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from California (Mr. WAXMAN), the gentleman from California (Mr. COX), the gentleman from Texas (Mr. TURNER) for their cooperation and hard work on this bill. This bipartisan spirit is similar to last year's effort on the Public Health Security and Bioterrorism Preparedness and Response Act that Senator KENNEDY and I had the privilege to move through the Congress last year.

Project Bioshield will spur the research and development of new vaccines, drugs, and other countermeasures to deal with these biological, chemical, nuclear or radiological agents that pose a material threat to our Nation's security. The list includes, among other dangerous agents, such things as anthrax, botulinum toxin, the plague, ebola, and other similar viruses, many of which lack any effective treatment or antidote today.

The bill before us accomplishes this goal by doing two important things. First, it provides the needed flexibility in a range of areas from government contracting rules to peer review to personnel matters in order to speed up government-sponsored research and development into these deadly agents. Second, it creates a special reserve fund of money for the government to purchase these countermeasures that may ultimately be developed in response to the President's call. Without this clear commitment of funding in future years, private sector companies that are capable of such development simply will not undertake the heavy investment and risk associated with developing products to deal with agents that do not affect significant populations today and hopefully never will.

At our urging, the House has already provided an advanced appropriations of $5.6 billion over the next 10 years for this purpose, and this is all consistent with our authorization in the House budget resolution.

The bill also provides new authority to the Secretary of Health and Human Services to authorize in times of emergency the use of unapproved products whose benefits in treating or preventing infection outweigh the risk. Under current law, the only way an individual can receive an unapproved product is pursuant to a clinical investigation. But in time of national emergency, when this Nation is under attack, it may be necessary to give such investigational drugs on a large scale basis to millions of Americans. H.R. 2122 provides that if there is such an emergency, and if no adequate alternative therapy is available, the Secretary can authorize the use of a drug, device, or vaccine in such a flexible manner.

While we have made improvements to the administration's initial proposal in certain areas, our bill stays close to that original proposal, granting all the additional flexibilities and authorities requested by the President and even expanding them in some cases to further encourage companies to heed our call for innovation.

Once again, I want to applaud the leadership of President Bush and the truly bipartisan work of this body across multiple committees of jurisdiction to protect our country and to promote public health security from the many new dangers that we face today.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, this legislation is the product of a good-faith bipartisan process. I want to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), as well as the ranking member, the gentleman from Michigan (Mr. DINGELL), for their work on this bill.

The United States and the global community of which we are part can only benefit from the development of bioterrorism countermeasures. Because the very existence of countermeasures renders bioterrorism less lethal and, therefore, less attractive to would-be terrorists, new countermeasures, therefore, serve a dual purpose. They are both an antidote and a deterrent to future attacks.

For the sake of national and international security, it makes sense to invest in both basic and advanced research aimed at producing new bioterrorism countermeasures. When an opportunity to produce one of these countermeasures presents itself, it makes sense to capitalize quickly on that opportunity. That is the logic behind this legislation.

The bill establishes an expedited process for Federal support of countermeasure research and a procurement process to encourage private sector investment in this research. At the same time, Mr. Speaker, the legislation is not a blank check. Congress has a responsibility to weigh competing funding priorities and set funding levels appropriately.

In that context, it is appropriate to reiterate a concern that I raised last week while we debated the Labor, Health and Human Services appropriations bill. Bioterrorism funding is essential and important. The legislation before us is essential and important, but our investment in bioterrorism should not and must not come at the expense of research focusing on cancer and other health threats.

Let me repeat that. Our investment in bioterrorism should not and must not come at the expense of research focusing on cancer and other health threats. The appropriations bill we passed last week here funds the National Institutes of Health at a level barely sufficient to support existing research projects, much less new research. That is a direct outgrowth from the tax cut that this Congress passed recently and the tax cuts for the wealthiest, most privileged citizens this Congress passed 2 years ago. It means we have not had enough money to appropriate for basic research, for medical research for the National Institutes of Health. It means it may be difficult for us in the future to deal with bioterrorism funding as fully as we should.

This Congress has made choices by giving tax cuts to the wealthiest, most privileged citizens, and as a result has made far too many cuts in health care; and health care is clearly inadequately funded, as our committee has discussed over and over again.

Mr. Speaker, finding ways to prevent and to treat and to cure disease is an enduring national priority. Interest in it does not wax, does not wane. Our investment in it should not either. We need to make these decisions in a way that serves the public and serves the interest of more medical research. We have a responsibility to balance priorities to provide adequate resources to prepare the country for a possible bioterrorist attack while maintaining strong support for other medical research priorities.

Mr. Speaker, I hope we can work on a bipartisan basis to restore the momentum that we once had behind groundbreaking medical research while continuing to move forward in the area of bioterrorism preparedness. This legislation before us today promotes the latter goal, and I urge my colleagues to support it. I thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY), and others who worked on this legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY), my good friend.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me time.

I rise for the purpose of entering into a colloquy with the gentleman from Louisiana (Mr. TAUZIN).

I want to commend the chairman and his staff along with the gentleman from California (Mr. COX); the ranking member, the gentleman from Michigan (Mr. DINGELL); and the gentleman from Ohio (Mr. BROWN); and the ranking member, the gentleman from Texas (Mr. TURNER) for all of their hard work and for working with me and my staff in a bipartisan fashion that ultimately led to a resolution of all of the concerns which I raised with the legislation.

I do have, however, two outstanding issues that I wish to clarify at this time. Mr. Speaker, I have concerns that relate to the emergency use section of Project Bioshield. Specifically, I want to be sure that once a declaration of an emergency is terminated or revoked, that current law applies and it will then be impermissible for anyone to move such drugs, devices or biologics in interstate commerce without going through the proper approval process. Is this the case under the legislation?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman is correct. Like you, I too want to ensure that unapproved products are available in times of emergency. And while we allow the FDA to make products available during such time of emergency, absent such emergency, current law applies. We do allow for the shipments of such therapies in limited circumstances, namely, where a physician authorizes the continued treatment of an individual who initially received the drug during an emergency. However, this is the only exception. Absent that, present law applies to these unapproved products.

Mr. MARKEY. I thank the gentleman.

Secondly, I very much appreciate the gentleman's work on crafting language to ensure that the countermeasures developed under this legislation are, where necessary, subject to the same export control laws and regulations as other chemical and biological agents and their associated countermeasures. One of the new responsibilities the Secretary of HHS is directed to assume is to review new countermeasures both in the R&D phase as well as in the procurement phase of the Bioshield Program. The Secretary is encouraged to consult with other Federal agencies who play a role in setting export control policy and to recommend whether the new countermeasure or countermeasure R&D should be added to the various lists of controlled technologies that cannot be transferred to other countries without prior permission.

Is it your understanding that the Secretary should do this as expeditiously as possible, and that each beneficiary of Bioshield funds be directed as part of the contract or grant to abide by all applicable U.S. export laws governing the transfer of technology and R&D?

Mr. TAUZIN. The gentleman is absolutely correct. The Secretary should perform these reviews as expeditiously as possible once the R&D or procurement has started so as to prevent any exports of countermeasures or countermeasure R&D that could harm our U.S. national security.

Mr. MARKEY. I just want to thank the chairman. He has worked very hard and long on this legislation. I want to thank the gentleman's staff and Kendra Bodner from my staff for working out this language.

Mr. TAUZIN. Let me thank the gentleman from Massachusetts (Mr. MARKEY). He raised a great number of concerns as we went true this process. I want to thank the gentleman for the way in which he worked with Members on both sides of the aisle so we cannot only take care of those concerns but produce a great product for the security of our country, and he has added immeasurably to that effort.

Mr. MARKEY. Good job, Mr. Chairman, and good job to everyone who has worked on this bill on both sides of the aisle.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the chairman for yielding to me for the purpose of a colloquy in order to clarify the intent of two provisions.

This legislation authorizes the director of the National Institute of Allergies and Infectious Diseases to issue grants to non-Federal entities for the construction and operation of specialized research facilities. A second provision of the bill authorizes the Secretary of HHS to take control of these facilities in the event or threat of bioterror emergency.

As you know, the Public Buildings Act of 1959, which is under the exclusive jurisdiction of the Committee on Transportation and Infrastructure, governs the construction, acquisitions, repair and alteration of public buildings, including many laboratories and research facilities.

Mr. Chairman, am I correct that nothing in this legislation exempts the

Secretary of HHS or the director of the institute from the requirements of the Public Buildings Act?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman is absolutely correct. These provisions do not preempt the Public Buildings Act to the extent that it would otherwise apply to such activities.

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Mr. LATOURETTE. Mr. Speaker, it is also my understanding that the facilities authority granted to the Secretary of HHS and the Director of the Institute of Diseases is intended only for special use facilities, which do not meet the definition of a public building under the Public Buildings Act. Is that also correct?

Mr. TAUZIN. Mr. Speaker, if the gentleman will continue to yield, that is also correct. The Project Bioshield Act authorizes the construction of highly specialized laboratories, all of which I would expect to be biosafety level 3 or 4 laboratories unsuitable for general purpose use. Project Bioshield does not authorize the construction of "public buildings" as defined by the Public Buildings Act of 1959.

Mr. LATOURETTE. Mr. Speaker, lastly, it is my understanding that the march in authority granted the Secretary of HHS is intended to give the Secretary control of these facilities for a limited period of time only. Is that also correct?

Mr. TAUZIN. If the gentleman would continue to yield, that is also correct. The authority allows the Secretary to take control of these facilities only during, and as necessary to respond to, public health emergencies affecting national security. Under the Bioterrorism Response Act passed last year, a public health emergency can be declared by the Secretary for up to 90 days at a time; and although the Secretary may extend the designation for multiple 90-day periods, it is not the intention of this legislation to allow the Secretary to control a facility for the useful life of that facility.

Mr. LATOURETTE. Mr. Speaker, I thank the chairman for the clarification.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. TAUZIN. Mr. Speaker, I think we have a couple of other Members who need to do colloquies.

While we are waiting, I wanted to take this time, Mr. Speaker, to refer to a letter received today from the Secretary of Health and Human Services, Secretary Tommy Thompson, dated July 16, 2003; and I want to place the letter in the RECORD at this point.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, July 16, 2003.

Hon. BILLY TAUZIN,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your leadership on H.R. 2122, the Project BioShield Act of 2003. This legislation is a critical step toward strengthening our ability to protect Americans against chemical, biological, radiological and nuclear threats.

H.R. 2122 would: (1) speed the Government's ability to turn promising scientific discoveries into necessary countermeasures by one-third or more; (2) authorize funding to purchase critical new countermeasures targeted against the most worrisome threats; and (3) allow the Food and Drug Administration to make promising treatments quickly available to Americans in emergency situations.

I would like to address two issues that have arisen as the House takes up this vital priority. First, I share Representative Wamp's interest in building domestic capacity to produce countermeasures. In implementing Project BioShield, I will do everything in my power to purchase from domestic sources. To have a secure supply, we must build capacity within the United States and my department is committed to achieving that objective. The essential purpose of Project BioShield is to ensure we have necessary and timely countermeasures. We cannot achieve this goal by relying on foreign sources. Building a robust domestic capacity to produce countermeasures is, therefore, at the very heart of Project BioShield.

Second, I agree with Representative Jackson-Lee that the Strategic National Stockpile must serve all areas of the Nation, including rural areas. The Centers for Disease Control and Prevention has positioned stockpile assets to deliver needed medical supplies anywhere in the country within 12 hours. I have a personal understanding of the challenges that rural areas face and share Representative Jackson-Lee's interest in rural America. My department is pro-actively working with state and local health departments to ensure the effective and timely delivery of stockpile assets to both rural and urban parts our Nation.

If I can provide you or the members of the Committee with any further information or if I can otherwise be of assistance, please do not hesitate to contact me.

Sincerely,

TOMMY G. THOMPSON.

Mr. Speaker, I wanted to refer to it because the Secretary refers to several concerns raised by other Members of the House, of which I also share with him, and I think we will have a colloquy on one of those.

The first is a concern by the gentleman from Tennessee (Mr. WAMP) whose interest is in building domestic capacity to produce countermeasures; and, indeed, the Secretary indicates in his letter that it is indeed his desire to make sure those countermeasures are developed within this country. We cannot achieve the goal of securing our country if indeed we rely upon foreign sources for these measures; and, therefore, the building of robust domestic capacity to produce these countermeasures is at the very heart of the Bioshield Project.

I wanted to assure my friend, the gentleman from Tennessee (Mr. WAMP), that I share the Secretary's comments and his intentions in that regard.

Secondly, the gentlewoman from Texas (Ms. JACKSON-LEE) was concerned that strategic national stockpile must be developed in such a way as to serve rural areas of the country, not simply the urban areas of our country, because rural areas can be affected by these bioterrorism threats just as easily, obviously, as urban areas. The Secretary indicates that the Centers for Disease Control and Prevention has positioned stockpile assets anywhere in the country, delivery within 12 hours, in effect making sure that rural areas are not left out of the protection of this bill and the other bioterrorism bills that have passed the House and are part of the Centers for Disease Control stockpiles and distribution system.

So that those two concerns by our colleagues are addressed in this letter, and I wanted to share with those colleagues my agreement with the Secretary on both of those points.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I share the comments both of the chairman of the committee and Secretary Thompson in his letter that the chairman just mentioned.

I applaud the gentleman from Tennessee's (Mr. WAMP) interest in building domestic capacity; and in terms of purchasing from domestic sources, I think that is an important thing that this Congress too often forgets. When we look at our trade policy, often that tends to favor investors and tends often to hurt workers, both in this country and internationally, whether it is the Singapore-Chile agreement coming up or whether it is the fast track authority that this Congress I think wrongly gave the President fairly recently.

I also support the efforts of the gentlewoman from Texas (Ms. JACKSON-LEE) from Houston in terms of serving all the Nation, including rural areas. I think that our ability to deliver all kinds of health care, all kinds of public health care, especially in rural areas and urban areas alike, is especially important.

And I want to reiterate from my opening comments, Mr. Speaker, that while Bioshield is so very, very, very important and it gives us great opportunity to further develop our public health system, it is important that we keep in mind our long-standing, day-to-day public health system.

Bioshield can serve some synergism with the public health system as long as we keep focussed on the Centers for Disease Control, as long as we keep focused on local public health departments, because that has served the public very well, this public health system. It is too often starved, too often woefully, inadequately funded. I would hope that the synergism we can create with Bioshield and with public health will serve this country well, both in terms of deterring as an antidote and as a deterrence for bioterrorism attacks and in terms of the day-to-day issue of public health, whether it is lead-based paints, whether it is eliminating the discrepancy between rich and poor and the health care they get, whether it is providing safe drinking water and clean air and all the things that public health provide to us.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time again as I may consume.

Mr. Speaker, I insert at this point into the RECORD of these proceedings a statement of administration policy in strong support of this bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 16, 2003.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports House passage of H.R. 2122, Project BioShield Act of 2003. This bill would implement a Presidential initiative to help spur the development and availability of next generation countermeasures against biological, chemical, nuclear, and radiological weapons. Specifically, H.R. 2122 would: (1) speed the Government's ability to turn promising scientific discoveries into necessary countermeasures by one-third or more; (2) authorize funding to purchase critical new countermeasures targeted against the most worrisome threats; and (3) allow the Food and Drug Administration to make promising treatments quickly available to Americans in emergency situations. Project BioShield is critical for strengthening our ability to protect Americans against biological, chemical, radiological, and nuclear terrorist threats.

The Administration notes that provisions on submission of legislative proposals, and of reports on options considered and rejected, should reflect Constitutional principles regarding Executive-originated legislative proposals and protecting Executive deliberations.

Mr. Speaker, I again center Congress's attention on the concerns that our colleague from Tennessee (Mr. WAMP) raises regarding the lack of domestic capacity to develop and produce new vaccines and countermeasures, indeed the concern he has that we might end up relying upon foreign sources for these critical supplies.

Let me first say that I share that concern about our lack of a robust domestic vaccine industry. I know that the Secretary of Health and Human Services shares that concern.

I also know that one of the primary purposes behind Project Bioshield is to help the Nation address this important problem by giving incentives to all companies, but especially our domestic pharmaceutical companies, to invest in this capacity, in this vaccine antidote producing capacity so that we have domestic supplies and domestic countermeasures available without relying upon foreign sources to protect this country in case of a domestic attack.

I just read from the Secretary's letter his commitment to do exactly that, to use this Act to make sure that we incentivize the capacity of our country to produce those vaccines and those countermeasures, those antidotes, whatever may be required, in case of the unbelievable attack upon our country with some of these awful agents, and I am confident the Secretary will implement the Act with that goal in mind.

We obviously on the Committee on Energy and Commerce will aggressively oversight the implementation of this Act so that we are satisfied that we are, in fact, encouraging domestic corporations to compete for these contracts.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I have no other speakers, and I am willing to yield back if the gentleman from Louisiana (Mr. TAUZIN) is.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), a distinguished member of our committee.

Mr. NORWOOD. Mr. Speaker, I rise out of breath simply to urge my colleagues to vote for this. This is an enormous undertaking. The Secretary has done a great job for us. I think all Americans I know are as concerned about bioterrorism as any part of terrorism out there.

I thank the chairman for bringing this bill, and hopefully everybody here will help him and help the Secretary move this thing forward.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

I have had the opportunity to review this legislation from the prospect of two committees, as a member of the Committee on Energy and Commerce, which looks at the health impact of the threat of bioterrorism, as well as the Committee on Government Reform; and given the serious threat of bioterrorism, the development of effective countermeasures is vital to our national security.

Project Bioshield represents the administration's proposal to encourage the development of these products, and I fully support the intent of this legislation. I also agree with its premise that when the market cannot foster the development of critical products by itself, the government must rise to the challenge.

This bill is the product of collaboration between the majority and minority of three separate committees. Although the final bill may not be perfect, I believe the end product is one that all Members should support.

The bill before us today includes several significant improvements from earlier proposals. For example, it includes important protections against waste and abuse that are standard for government contracts, such as preserving the government's rights to review contractors' books and records.

The bill also permits the use of certain streamlined procurement procedures but only if the Secretary determines that there is a pressing need to do so. In emergency situations, we should not impede the development of necessary products. However, any exception from the standard procurement procedures should be made only when necessary and should be subject to review. This proposal preserves that standard.

The provisions of Bioshield authorizing the emergency distribution of unapproved drugs and devices, whose risks and benefits are not fully tested, impose an unprecedented responsibility on the government. The FDA must be vigilant in protecting the public against unnecessary risks from these products.

In part because of these concerns, the bill has been modified to require that health care providers and patients be informed that the products have not been approved and of their risks. The bill also has been modified to require that manufacturers monitor and report adverse reactions to the products and keep other appropriate records about the use of the products.

These conditions are essential for the safe use of unapproved products, and they should be imposed in all cases, except in truly extraordinary circumstances.

In addition, the Secretary is authorized to limit the distribution of the products, to limit who may administer the products, to waive good manufacturing practice requirements only when absolutely necessary, and to require recordkeeping by others in the chain of distribution.

We expect the Secretary to consider the need for these additional conditions in each case and to impose them to the full extent necessary to protect the public from the risks of these products.

The bill before us today is an improvement over the original proposal, and it deserves our support.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the distinguished chairman of the Subcommittee on Health of the Committee on Energy and Commerce, who celebrates his birthday today.

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentleman, my good friend, the chairman for recognizing me, and I speak in support of the Project Bioshield Act of 2003.

Mr. Speaker, in 2001, we really learned about the real threat of terrorism and the importance of being adequately prepared for an attack. The possibility that our enemies might attack us with biological, chemical or radiological weapons still remains, unfortunately, a significant threat.

During the last Congress, the Committee on Energy and Commerce worked together in a bipartisan fashion to produce the Public Health Security and Bioterrorism Response Act which became law in June of 2002. I was proud to have been a small part of this important effort. However, while our legislation has helped get critical resources out to the States and moved us closer to the reality of a more comprehensive strategic national stockpile, more still needs to be done.

I am pleased to have worked with my colleagues and the Bush administration to develop legislation that would help make the vision of Project Bioshield a reality. As we have heard, this initiative is designed to speed the development and availability of medical countermeasures that will help us respond to any future terrorist attacks. The bill will also provide the Federal Government with tools to help encourage our research-driven pharmaceutical, biotechnology and medical technology to develop new countermeasures where none exists today.

It remains our responsibility to do what we can to ensure that the United States is ready for whatever biological, chemical or radiological threat we might face.

□ 1430

It is for that reason that I join the others in urging my colleagues to join us in supporting the Project BioShield Act of 2003.

Mr. WAXMAN. Mr. Speaker, I control the time on behalf of the Democrats on the Committee on Government Reform, and I ask unanimous consent to yield the time that we have to the gentleman from Ohio (Mr. BROWN) to control that time.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) will be recognized for an additional 7½ minutes.

Mr. BROWN of Ohio. Mr. Speaker, could you tell us how much time I have, the Committee on Energy and Commerce and the Committee on Government Reform, and how much time the gentleman from Louisiana (Mr. TAUZIN) has?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) has 24½ minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 16½ minutes remaining.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I rise to engage the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN), in a colloquy.

Mr. Speaker, I am concerned that certain provisions of section 4 of the bill will unfairly treat the men and women of our armed services. Specifically, the bill would create a new section 564 of the Federal Food, Drug and Cosmetic Act that would allow the application of medical products to the general population in emergencies, but only with appropriate safeguards. New subsection (k) of the act, however, seems to allow the President to waive or the Secretary of HHS to modify the application of these safeguards for military personnel. Can the chairman enlighten me as to his intent in this provision?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I will be happy to speak to that.

New subsection (k) permits the President to waive, in writing, only the consent portion of the conditions of authorization set forth in section 564(e) with respect to armed services personnel, and only to the extent that complying with the requirement is not feasible, is contrary to the best interests of the personnel, or is not in the interest of national security.

It is not my intent that the President may ever waive pursuant to subsection (k) the other conditions. They are that the individual to whom the product is to be administered is informed, one, that the Secretary has authorized the emergency use of a product, and, two, about the significant known and potential benefits and risks of the use of the product. The committee intends, absent extraordinary circumstances, that such information be provided to individuals prior to receiving the unapproved product.

After the gentleman raised these issues with us, we took a closer look at the language, and I acknowledge that there is a crossreference in new section 564(k)(2) that could be confusing. I want to continue to work with the gentleman and the gentleman from New York (Mr. TOWNS), who I know cares deeply about this issue, along with you and many of us, to make sure that the final version of this bill from the conference that we will have with the Senate, I am sure, provides that our military are informed of the drugs that are given before these drugs are administered.

Let me also assure the gentleman from Connecticut that we understand the importance of the protections for military personnel receiving unapproved countermeasures contained in current law, title X, section 1107; and we intend the waiver authority in this bill to be used only in the very extraordinary circumstances that we describe in the bill.

Mr. SHAYS. Mr. Speaker, reclaiming my time, I thank the gentleman for his explanation, and I look forward to working with him to make sure that we clear this matter up in conference with the Senate.

Mr. TAUZIN. Mr. Speaker, if the gentleman will continue to yield, I thank my friend and give him that assurance.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to thank my friend, the chairman, for yielding me this time. I rise in support of Project BioShield. It is a very important step for the Department of Homeland Security.

Project BioShield aims to rapidly transfer technology into products that can be used to protect individuals against biological and chemical agents used as weapons of terrorism or mass destruction. The emphasis is on rapid introduction of new countermeasures into actual use, as many technologies currently under development need to be transitioned through regulatory commercial or regulatory cycles.

The Homeland Security Act gave the Department of Homeland Security responsibility for integrating intelligence information and assessing terrorist threats and vulnerabilities. This information makes full use of the Department's capabilities. Identifying the most urgent threats and setting research priorities will be vital to meeting the bioterror threat.

Obtaining the best intelligence and performing accurate threat assessment is absolutely critical. By properly understanding the threats that confront us, we can allocate our resources and focus our efforts where they are most needed, on agents for which the risk and potential consequence of attack are greatest.

BioShield tasks the Secretary of the Department of Homeland Security with using the best information available to identify the greatest threats to the national security. Incorporated into the bill are several provisions that will strengthen the Secretary's threat assessment capabilities.

This legislation, Mr. Speaker, provides the Secretary of the Department of Homeland Security the authority and resources needed to quickly hire the necessary bioterror analysts and rapidly build a bioterror intelligence infrastructure.

I urge all my colleagues to support H.R. 2122, the Project BioShield Act of 2003.

Mr. BROWN of Ohio. Mr. Speaker, I rise again in support of this bill, and I ask unanimous consent that I be allowed to yield my remaining 24½ minutes to the gentleman from New Jersey (Mr. ANDREWS) with permission that he be allowed to yield said time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. ANDREWS) is recognized for the remaining time.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume; and I thank my friend, the gentleman from Ohio (Mr. BROWN), for yielding me this time. I assure my colleagues I will not personally take all 24 minutes; I will reserve the right to yield to other Members, and the gentleman from Texas (Mr. TURNER) should be here forthrightly and he will be yielding.

Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the leadership of the gentleman from Michigan (Mr. DINGELL) on our side of the aisle, the other committees of jurisdiction, the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. TURNER) for bringing this very important legislation to the floor.

Mr. Speaker, I think that history will reflect that this is our generation's version of the Manhattan Project. These are uncharted scientific waters. It is a world that we have not yet become accustomed to navigating. It is the world of massive biological attack against the United States of America. I have supreme confidence that we will be able to meet and deter such an attack, but only if we are able to engage the machinery of the best minds in our universities and our companies, in our government, and throughout society.

I believe that is exactly what this legislation does. It brings to the forefront the abilities of our researchers, of our scientists, of our entrepreneurs, of our public officials to systematically identify the biological risks that our country faces, to methodically analyze the best opportunities for addressing those biological risks, and to use a process that will effectively meet those risks.

I commend the authors for properly balancing the mechanisms of money, market, and exclusivity. It is very important there be adequate resources for the companies who we are asking to engage in this so that they will in fact engage in it. It is important that we create a market, because it is our fervent wish that there will never be a market for these products. We hope they are never needed. But in the absence of that market, it is important the law contain a specific guarantee to move forward.

Finally, with respect to exclusivity and insulation from antitrust considerations, it is very important that those who are willing to risk their capital and their energy to come up with these agents are afforded the protection of the law.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman and will be happy to enter into a discussion with him.

Let me first thank him for the excellent statement he has made. I think the gentleman is correct. I think it is as important to our country as perhaps the Manhattan Project was. I remember when Speaker O'Neill used to remind this House that partisanship ended at the water's edge. He meant to tell us that when it came to protecting our country, we were not Democrats or Republicans, we were Americans. And where the water's edge used to be the boundary of the threats against our country, because of 9–11, we now understand the water's edge is no longer the boundary. Within our country we now face these potential threats.

So I thank the gentleman. And, indeed, the bill is designed to do exactly that, to balance those important elements of the equation and to make sure we incentivize the private marketplace, but also provide the public monies, $5.6 billion over 10 years, to make sure we have the available money in a trust fund, through our budget resolution, appropriated through our process, to make sure we can acquire those countermeasures, stockpile them, distribute them around the country, as the Secretary is prepared to do, to make sure that those countermeasures are available.

It also balances the need to build in our own country the capability of building those vaccines and countermeasures that otherwise would never be built. Because who would, in the private sector, want to build a vaccine for the plague today, without this particular legislation? So I thank the gentleman.

Mr. ANDREWS. Mr. Speaker, reclaiming my time, I agree with the chairman. I think he is correct that bipartisanship cannot simply begin at the water's edge in a world where the battlefield is here. And there is a virtual battlefield that we are all, unfortunately, living in.

I would like to make two other points before I stop. The first is that I very much appreciate the inclusion into this bill, with the help of the gentleman from California (Mr. COX), language that I suggested with respect to making it clear that when there is a termination for reason of convenience by the government, that all of the normal cost recovery rights that would accrue to the vendor in fact accrue under this bill. I very much appreciate that inclusion.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman for that language. The neat thing about the way this bill has been processed is that all through the process Democrats and Republicans have assisted in building it into a much better bill. And the language the gentleman has added to the bill is an extraordinary addition to the bill, and I thank him for it.

Mr. ANDREWS. Reclaiming my time once again, Mr. Speaker, I appreciate the chairman's cooperation in that regard.

Second, I would like to say it is very important that the chairman has very skillfully, along with the ranking member, assured that there will be continuing oversight by the Congress of the activities under this bill. We had to strike the proper balance here between a guaranteed funding stream so that the companies involved in this would know that their investment would in fact be recovered, but at the same time not yielding the important oversight function that this Congress should exercise. And I commend the chairman and the ranking member and all the authors for making that the case.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I would ask how much time is available on both sides at this point.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) has 11½ minutes remaining, and the gentleman from New Jersey (Mr. ANDREWS) has 19½ minutes remaining.

Mr. TAUZIN. Mr. Speaker, I commended the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. COX) previously, along with the ranking members for their extraordinary work we did together; and I now ask unanimous consent to yield the balance of my time to the gentleman from Virginia (Mr. TOM DAVIS) so that Chairman Davis can control the balance of that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, as I understand it, I would have the time yielded to the Committee on Government Reform in addition to the time yielded to me by the Committee on Energy and Commerce?

The SPEAKER pro tempore. The gentleman is correct.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, we live in a different world than we did 2 years ago, a world where the threat of attack from biological and chemical agents remains high. Here on Capitol Hill we know this all too well. We were all victims of a vicious attack using anthrax and poisoning our own postal system. The attack shut down half of an entire branch of our government and lives were lost. A very real threat became a sad reality.

Project BioShield will take the necessary steps to provide greater protection for Americans from those malicious attacks, to research, develop, manufacture and stockpile effective drugs and vaccines. In order to make this plan a reality, the Department of Health and Human Services and the National Institutes of Health must have a strong infrastructure of laboratories and facilities designed for research on the most dangerous of pathogens.

The research stage of this process is the most important part of developing a broad and effective basis for this project. In my own district, there is an effort underway to build a national biocontainment laboratory to be administered by the National Institute of Allergy and Infectious Diseases. This state-of-the-art facility would take on the daunting task of testing these dangerous agents that could threaten our communities, and they have got the charge to come up with the vaccines and drugs necessary to effectively deal with them. I am fully supportive of this plan and hope this critical facility will soon call upstate New York home.

Development of these vital medical countermeasures to biological and chemical agents can take years. With the building of new facilities to do the research and expedite the development of vaccines, more diseases may one day be eradicated or at least treatable to avoid mass casualty from any type of attack.

I am pleased that Project BioShield may offer assistance to enterprising companies like Viral Therapeutics of Ithaca, New York, that are currently producing needed vaccines and is interested in answering the call to expand research and development as well as production.

□ 1445

Mr. Speaker, I am proud of my service on the Select Committee on Homeland Security and our determined effort to give the American people what they desire and deserve, a comprehensive and balanced effort to protect them from the evils of biological and chemical weapons. This legislation is designed to do exactly that. I commend all those involved with the formulation of this bipartisan product for the American good.

Mr. ANDREWS. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who has had experience in State government with homeland security, who has had experience here on the Committee on Armed Services and now on the Select Committee on Homeland Security.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding me this time on this incredibly important issue.

Mr. Speaker, I rise today in strong support of the Project BioShield Act. Bioterrorism is a national threat to our national security, and I believe it is our job as the Members of the United States Congress to instill confidence in the American people that a coordinated, concerted effort is being made to combat this threat.

We have some incredibly talented people in this country in the public and in the private sector, and this joint partnership will ensure that we are moving ahead to effectively protect the American people from the potential of a bioterrorism attack.

While Project BioShield is not the only answer, it is certainly an important step toward that goal, and I hope Congress will continue to provide the funding and the oversight that the project needs to be effective.

However, I must mention my ongoing concern with the operation of Department of Homeland Security's information analysis and infrastructure protection directorate. This is truly a life-and-death issue. If this unit is not running effectively, then the rest of DHS is at a tremendous disadvantage in determining how to allocate resources and where to focus energies.

The proper implementation of Project BioShield requires a reliable and comprehensive threat assessment from the information analysis team, a team that should include bioterror experts, while working closely with their peers at CDC and NIH to identify the most pressing dangers.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. LANGEVIN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I very much appreciate the point the gentleman is making. The BioShield Project is built on a foundation of accurate assessment of the threats that we face. For example, if there is an assessment that we face a significant threat from botulism, the full resources of this bill are applied to finding an antidote to botulism.

The gentleman's point is very well taken. If the threat assessment is flawed, then we run the risk of either spending money on a threat that is not very viable, or failing to spend energy and money on a threat that is viable that we have failed to detect.

So we can employ the very best resources of our scientists, our engineers, our researchers, our entrepreneurs, but have them working on the wrong problem if there is not an adequate intelligence-gathering capability and then an adequate response to that intelligence-gathering capability shared with the Department of Homeland Security. I think the gentleman's point is very well taken.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. ANDREWS) for interjecting that point, and I wholeheartedly concur.

The proper implementation of Project BioShield requires a reliable and comprehensive threat assessment from the information analysis team, a team that should include bioterror experts working closely with their peers at agencies like CDC and NIH to identify the most pressing dangers and develop a plan to combat them.

Mr. Speaker, I urge my colleagues to support this legislation and hope that DHS will do its part to make Project BioShield as effective as possible.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2122, the Project BioShield Act. This bill provides the government with the necessary tools to develop and purchase vaccines and other drugs to protect Americans in the event of a bioterrorist attack.

The President first announced this proposal during his 2003 State of the Union address. It is the cornerstone of the administration's strategy to prepare our Nation against the possibility of a bioterrorist attack. The bill we are considering today was introduced by the gentleman from Louisiana (Mr. TAUZIN), chairman of the Committee on Energy and Commerce, and was referred to the committee, as well as the Committee on Government Reform which I chair, and the Select Committee on Homeland Security. It is a good bill which serves a compelling national interest.

As we tragically learned during the fall of 2001, our Nation is vulnerable to biological terrorism. Letters laced with anthrax caused the deaths of five individuals and thousands more had to be treated. The death toll could have been higher if there had not been an effective countermeasure to treat that form of anthrax. Unfortunately, there has been little progress in treatment for other deadly diseases, like smallpox, Ebola and plague, which effect few, if any, Americans.

The reality is that there is little manufacturer interest in developing necessary treatments for these diseases because there is no significant commercial market existing outside of government. The absence of financial incentives has provided drug companies with little reason to make the substantial investment that would be required to develop treatments for these deadly diseases.

Should the United States be attacked with any of these deadly pathogens, the needs for vaccines, tests and treatments would be great, and it would be immediate. H.R. 2122 is designed to ensure that our country is prepared. The bill provides the Secretary of Health and Human Services with a number of flexible acquisition tools based on existing streamlined procedures to promote research and development and procurement of necessary drugs and vaccines. These tools are instrumental to the success of the BioShield program.

For example, the bill increases the simplified acquisition threshold for research and development projects from the current level of $100,000 to $25 million. This increase will help the Secretary promote sophisticated research and development projects by streamlining the acquisition process. The bill also authorizes the procurement of biomedical countermeasures, again using tailored, flexible acquisition tools for inclusion in the Nation's stockpile using a special reserve fund.

The Secretary would also have expedited authorities to award research grants and hire technical experts and consultants. During national emergencies, the bill would permit the government to make available new and promising treatments prior to approval by the Food and Drug Administration. The Committee on Government Reform, which I chair, held a hearing to examine the BioShield proposal on April 4, 2003. Witnesses from the government, academia, and pharmaceutical and biotech companies were supportive of the bill. They all recognize the need to create incentives for manufacturers to develop biomedical countermeasures.

Our committee favorably reported the bill on May 22. Working in a bipartisan fashion with the gentleman from California (Mr. WAXMAN), we unanimously adopted some amendments to ensure greater accountability in the acquisition process and to clarify the circumstances when biocountermeasures can be processed.

Specifically, the amendments we approved permit the use of simplified acquisition procedures only when the Secretary of Health and Human Services determines there is a pressing need for the procurement of specific countermeasures. The bill commits decisions about research and development projects to the discretion of the Secretary of Health and Human Services. However, we approved an amendment which preserves a limited right for companies to appeal to the General Accounting Office contracting decisions made by the Secretary, but appeals could not be used to stall the research and development procurement process.

We also made some technical changes that seek to clarify the circumstances when the Secretary could use other than fully competitive procedures for research and development and production contracts.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I would like to thank the chairman for working with the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) on the issue of termination for convenience. We think it is a very important clarification that if there is a termination by the government for reasons of convenience, the companies involved in the project can recover their costs under the normal rules for that. I know that the gentleman's committee was involved in making that possible, and I wanted to thank him for his cooperation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, the gentleman is correct, and it makes them more likely to be involved in this process.

We think that all of these amendments, and I thank the gentleman from California (Mr. WAXMAN) for working with us as well, have been agreed to by the majority and the minority on the various committees; and they are part of the bill that we are considering today.

Since our markup, we have continued to work on this bill in a bipartisan fashion. This issue is really too important to play party politics with. We have worked out language to ensure that the rights of contractors with respect to payment are protected in the event they are terminated for convenience. This is a good bill and deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Texas (Mr. TURNER) and that he may further allocate that time.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

To win the war on terror, we must do everything we can to protect the American people from the threat posed by terrorists using weapons of mass destruction. We know that our forces in Afghanistan uncovered plans by al Qaeda to engage in bioterrorism. We know from recent arrests in Europe that terrorist groups have the means and the will to carry out such attacks. It is without question that bioterrorism is a clear and present danger to the American people, perhaps one of our greatest threats.

In response to this threat, the administration is proposing this legislation, commonly known as Project BioShield. This bill is a first step toward ensuring that we protect Americans from the horror of bioterrorism. The purpose of the BioShield legislation is to provide incentives to private companies to produce the medicines, the vaccines, the antidotes we need to counter a biological attack.

Quite frankly, this concept is an experiment, a grand experiment, but no less an experiment. We do not know if the incentives will drive our pharmaceutical industry to invest the resources needed to truly prepare our country for the full range of possible biological attacks. If we do, we will have been successful and our country will be better off. If they do not, our country will remain dangerously vulnerable.

I support Project BioShield because I believe this is an experiment worth conducting; but from the beginning of this process, I have been working to build mechanisms into the legislation that would monitor whether the legislation is truly making our Nation safer.

For example, the Select Committee on Homeland Security added a requirement that the Secretary of Health and Human Services report annually if the President has identified biological agents that are threats to the United States, but no private company has contracted to produce a countermeasure. Thus, if there is a bioterrorist threat to the American people and private industry will not rise to the challenge of searching for a cure, we have the right to know about it.

These concerns were shared by the gentleman from California (Mr. COX), chairman of the Select Committee on Homeland Security. They were also shared by the gentleman from Louisiana (Chairman TAUZIN) of the Committee on Energy and Commerce and the ranking member, the gentleman from Michigan (Mr. DINGELL).

If BioShield does not work as we hope it will, we will need plan B. Thus, I am very pleased that the legislation contains clear authority that allows the government to operate an emergency program to develop and produce vaccines. In my view, this is so very important because protecting our population is our first responsibility. If the private sector is not producing the medicines we need and we find ourselves under the threat of biological attack, then the government needs to have the authority to do the job directly.

The language that has been inserted in the legislation gives the President, the Secretary of Health and Human Services, the Secretary of Homeland Security the necessary authority to take action in the event that this experiment with the private sector fails to produce the results we all hope it will produce.

□ 1500

My final concern, Mr. Speaker, is that Project BioShield, despite its creative name, is really a fairly modest proposal. If we are lucky at the end of 10 years, we will have some vaccines to address a few of the possible pathogens that terrorists could use during a bioterror attack. But the potential problems are much more expansive. Terrorists may soon be able to genetically manipulate biological agents so they are resistant to our current stockpile of antibodies and perhaps to the vaccines we develop.

This possibility presents a daunting threat to our Nation. That is why I would like to see a much more robust proposal than the one before us today, an approach that moves us faster and stronger toward creating a comprehensive defense to the full range of threats we face from bioterrorism. Based on the information that we all know about, we clearly need a Manhattan Project to prepare this country to deal with the vast array and the diverse types of biological threats that we may face in the years ahead.

Time and time again when faced with such a great challenge, the government has played a central role in organizing a massive response. When war threatened to consume the world, we put an end to it through the success of the original Manhattan Project. When we raced the Russians to the stars, the Apollo Project put a man on the Moon. It will take these kinds of bold actions, this kind of bold leadership and deep resolve to prevail in the war on terror.

Mr. Speaker, I wholeheartedly support this current legislation, but I also believe that our Nation must take even stronger steps much sooner in order to protect us and to secure us in the days ahead.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. SHAYS), the distinguished vice chairman of the Committee on Government Reform.

Mr. SHAYS. Mr. Speaker, I appreciate my chairman yielding me this time.

Throughout committee consideration of H.R. 2122, I expressed some skepticism about both the short- and long-term impact of the proposed approach on our ability to develop, procure, and use new medical countermeasures against chemical, biological, or radiological weapons. Thanks to the work of the Committee on Energy and Commerce, the Committee on Government Reform and the Select Committee on Homeland Security, the bill before us today represents a substantial improvement over the original proposal. This bill would create agile, proactive capabilities in meeting the threat of unconventional weapons, capabilities we do not have today.

Part of the value of Project BioShield would be purely deterrent. Just having the ability to develop and stockpile vaccines and antidotes decreases the likelihood, or the lethality, of a biological attack.

However, as I indicated in my earlier colloquy with Chairman TAUZIN, any authority to actually use experimental drugs or medical devices in emergency situations has to be defined and wielded with nothing less than surgical precision. Prior informed consent in connection with the administration of experimental therapy is a basic human right, a right no one should be asked to surrender except under the most extraordinary of circumstances. For example, if a patient is unconscious and cannot give consent or be informed before onset of a life-threatening disease or event, medical ethics allow use of an experimental therapy.

Mere military inconvenience can never justify waiving consent or failing to inform service members about medical countermeasures. No loosely defined concept of feasibility should allow the Secretary of HHS to waive or delay the requirement to provide essential information on medical risks and benefits prior to administration of a drug or vaccine, as could happen under the language in this bill Chairman TAUZIN has agreed to revisit. If the medicine can get to the front, there should always be room in the transport for the leaflet describing its dosage, interactions and contraindications.

In the 1991 Persian Gulf War, soldiers, sailors, aircrews and Marines were ordered to take experimental drugs and vaccines. Despite Pentagon promises to provide critical medical information and keep accurate medical records, very little information was provided and very few records survived the trip home. That cannot happen again. In the course of 14 hearings on the subsequent health problems of Gulf War veterans, the Government Reform subcommittee I chair reached this stark conclusion: "Unless providing medical information to service members is mandatory, it's just too easy for the military, in the heat of battle, to decide it's just not feasible."

In the war against terrorism, we are all on the front lines. The citizen-soldiers of our all-voluntary Armed Forces fight and die to protect our rights and freedoms. They should not be asked to surrender those fundamental rights under different, less rigorous, circumstances than those they left behind.

Again, I appreciate the very good work of Chairman TAUZIN, Chairman DAVIS and Chairman COX and their respective ranking members; and I look forward to a conference agreement that relies on the protections of current law and requires prior notification of service members whenever an unapproved drug or device has to be used.

Mr. TURNER of Texas. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise today as a member of the Select Committee on Homeland Security and also of the Subcommittee on Emergency Preparedness and Response in qualified support of the Project BioShield Act of 2003, the purpose of which is to increase the development of countermeasures to bioterrorism and facilitate their approval for use in mass production so that they would be readily available when needed.

While research and development of such products is extremely important, I remain very concerned that a commensurate amount of time and effort has not been devoted to furthering our public health security, a broader, more basic and more immediate issue.

Through the four or five hearings on Project BioShield, I joined several other of my colleagues in calling attention to the inadequacies and deficiencies that exist throughout the public health system in this country, especially in rural and minority communities.

With the focus on cost containment rather than care, our lack of focus on prevention and our failure to insure everyone's equal access to quality health care, added to the system's continued deterioration because of repeated funding cuts and misguided departmental policies, our Nation's public health infrastructure today is in worse shape than ever.

Project BioShield, though, is important because it will help to make sure that we have the vaccines and other countermeasures as quickly as possible in the case of a bioterrorism attack. But all of those fancy medicines and other agents will be worthless to you and me and to the people we serve without an intact public health system.

The recent bipartisan commission's report, "First Responders Underfunded and Unprepared," documents the dire need of our public health and other responders in stark and frightening terms. I am still waiting for a formal hearing on their findings, and we should not be afraid to have the report aired. We should really be more afraid not to pay attention to its findings and its recommendations.

Mr. Speaker, I am happy that the gentlewoman from Texas (Ms. JACKSON-LEE) and I were able to amend the bill in committee to ensure that the historically black colleges and universities and other minority-serving institutions of higher learning will be provided with special outreach to ensure their participation in this program to the fullest extent possible. This is an extremely important provision, and I thank our chair and ranking member and Chairman TAUZIN for working with us to include it in the bill.

Mr. Speaker, today I know that we will pass this bill, but what I and other health providers, public health experts and officials and the people of this country want to know is that we will always move just as determinedly and expeditiously to fully fund the strengthening of our public health system, the training of our first responders and provide them with the tools and facilities they need to protect us in those first critical hours where lives can and must be saved.

I want to take this opportunity to thank and commend Chairman Cox and Ranking Member TURNER for their guiding what is often not an easy committee to guide and for their shepherding of this bill through that committee.

I ask the support of my colleagues for Project BioShield, but I also ask that when this is passed that we move on from here to soon pass "Project Public Health."

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I want to thank the chairman not only for yielding time but for the exceptional work that the Committee on Government Reform has done both on the majority and minority sides to bring us to this point; likewise, the Committee on Energy and Commerce, of which I am a member, and Chairman TAUZIN and Chairman DINGELL for their extraordinary leadership and commitment to bringing this bill to the floor; and my ranking member on the Select Committee on Homeland Security, which I chair, the gentleman from Texas (Mr. TURNER), who is with me on the floor now.

This has been a bipartisan effort for one simple reason. The terrorists do not discriminate between Democrats and Republicans. They certainly are not going to protect us because we are on one or another side of this debate. We are all in their sights. The committees of jurisdiction working closely together have managed to create a process in bringing this bill to the floor that has been focused on producing the best possible policy and thus the best possible security for our country. It is not focused on Capitol Hill turf battles. This type of cooperation serves as a model for our efforts to make America more secure against terrorist attack.

In the fall of 2001, we caught a glimpse of the terrible potential of a bioterror attack when anthrax attacks were loosed on the Nation's capital. A broader attack on the American population, on our armed services involving one of the many biologic agents for which we have no antidote could be devastating. The potential toll in lives would far exceed what happened on September 11, 2001. We must, of course, do all we can to prevent such attacks, but ultimately we must be prepared. Because no scheme of prevention, no matter how expert and reliable our intelligence collection and analysis, is going to be perfect. We must be prepared.

This legislation, the BioShield Project launched in this bill, will provide the resources and authorities we need to develop the next generation of biological countermeasures. It will help to ensure that we avoid the kind of catastrophe we are contemplating here on the floor today in the future.

The ability of the Secretary of Homeland Security to identify from around the world the most serious potential biological threats to our population is key to making Project BioShield effective, and it is key to the vital task that we have of meeting this threat. To do that, Secretary Ridge will have to get the very best intelligence available. By learning everything we can about the biological weapon threats that confront us, we can allocate our resources and focus our efforts where they will be most effective. By identifying the bioterror agents for which the risks and potential consequences of attacks are greatest, we can use these substantial new first responder resources most wisely.

That brings us, therefore, to the creation of Project BioShield in fulfillment of President Bush's charge to this Congress in his State of the Union message. Both President Bush and Vice President CHENEY have made this a priority, and we are responding in this Congress.

The BioShield Project is by far the most expansive, broadest, largest first responder program initiated in the history of our country. It is budgeted for $5.6 billion, but we have made it very plain that, through the appropriations process and through the budget process, we will put the resources behind this program that are needed to develop the antidotes and, if a presidential decision on a recommendation of both the Secretary of Health and Human Services and the Secretary of Homeland Security is made, if the President decides to stockpile enough antidotes, vaccines to immunize the entire American population in the event of a catastrophe.

The Secretary of Homeland Security as part of this process is charged with identifying the most significant biological, chemical and nuclear agents that threaten the American population. Because our ability to collect, analyze and put to use timely and accurate intelligence information is at the very heart of doing this job, certainly in preventing a biological attack but also of being prepared to respond to it, in this legislation we have given the Secretary of Homeland Security the information analysis tools that he needs.

□ 1515

This bill is very important to the Select Committee on Homeland Security. We worked hard to get it right. We have held extensive hearings and nearly 3 months of work in three of our subcommittees and twice in the full committee. We conducted a series of oversight hearings which examined the new Department's ability to carry out its threat assessment function; and as a result, we have incorporated into the bill several provisions designed to strengthen the Secretary's threat assessment capabilities. We have given the Secretary the authority and the resources he needs to quickly hire the necessary bioterror analysts and to rapidly build a bioterror intelligence infrastructure. The Select Committee on Homeland Security added these provisions to this bill.

This legislation greatly increases our ability to conduct bioterror research against the most urgent threats identified by the Department of Homeland Security. But most importantly, rather than trying to create a parallel government bioterror industry, or I should say bioterror response industry, BioShield will draw on the expertise and resources of the private sector.

Our American industries lead the world in these categories. And our health care innovation, our free markets, our strong patent protections have led American industry to spend more on research and development on new products and treatments than all of Europe and Japan combined. To make the progress that is necessary in these noncommercial areas that are so essential to national security, it is essential we tap into this strength in the private sector. To accomplish this, the legislation establishes a reserve fund that will be available to stockpile security countermeasures that are produced against government requirements, even though these countermeasures do not presently exist.

We want to stimulate the invention, the productivity, the research that is necessary to find these antidotes, these vaccines to bioweapons that exist but for which countermeasures do not presently exist. The gentleman from Louisiana (Chairman TAUZIN) and I worked with the gentleman from Kentucky (Chairman ROGERS) of the new Appropriations Homeland Security Subcommittee to provide this funding in a 10-year advance appropriation. This money will remain available for a full decade, creating, in essence, a homeland security market for the development of critical security countermeasures for which no commercial market exists. The knowledge that funding will be available for a full decade and not be subject to the annual appropriations process will encourage the biotech industry to devote resources to develop and produce the next generation of treatments for bioterror agents.

So once again I want to thank the Members on both sides who have worked so hard on this legislation for their spirit of cooperation, of bipartisan cooperation; and I strongly urge my colleagues to support this very important legislation.

Mr. Speaker, I reserve the balance of my time.

I inquire how much time I have remaining.

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from California (Mr. COX) has 6 minutes remaining.

Mr. COX. Mr. Speaker, is that 6 minutes the time that was earlier yielded to me by the gentleman from Virginia (Mr. TOM DAVIS)?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. TOM DAVIS) yielded 7 minutes, with a total of 14½ minutes.

Mr. COX. So the time that we are speaking of, Mr. Speaker, comprises also the time allotted for purposes of debate to the Select Committee on Homeland Security?

The SPEAKER pro tempore. That is correct.

Mr. TURNER of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the most vigorous advocates for equipping and training first responders to protect America.

Mr. PASCRELL. Mr. Speaker, the tragic events of September 11, and the anthrax attacks shortly thereafter, reinforced the possibility of a widespread bioterrorist strike on America; and that is very real. There was a report submitted to us by Warren Rudman, who was the chairman of the Independent Task Force on Emergency Responders dealing with this subject very recently, and in that report it says the following: public health labs in most States still lack basic equipment and expertise to adequately respond to a chemical or a biological attack, and 75 percent of State laboratories report being overwhelmed by too many testing requests.

In fact, Mr. Speaker, we were told of this threat well before 9–11. In January of 2001, a report submitted by the National Intelligence Council stated that the number of players, that is, state players and nonstate players, bioterrorism sponsored by state governments, bioterrorism sponsored by nonstate terrorist organizations throughout the world possessing or seeking to acquire a biological weapon, that group is growing despite the fact that biological weapons are banned by international treaty.

We were warned of this in January, 2001. While Congress has made progress over the last 18 months on expanding our vaccine stockpile, an enormous amount of work still remains. The Project BioShield Act of 2003 is so important because it encourages the development for new countermeasures against a bioterror attack in a comprehensive manner. This committee, the Select Committee on Homeland Security, was given a rude awakening upon hearing the testimony of Mr. Paul Redmond, the assistant secretary for information analysis at the Department of Homeland Security. We learned that Mr. Redmond's office had only one person working under him on the bioterror threat and that Mr. Redmond had limited access to the intelligence himself. Imagine, we are asking two people to protect 290 million Americans about a possible biological threat they do not know about.

The Cox-Turner amendment, approved by our committee, correctly concentrates on increasing not only access to intelligence but an increase in the staff of those folks who collect intelligence. Specifically, it requires that the Secretary of the Department of Health and Human Services be provided all intelligence information from all other agencies relating to the threats regardless of classification and regardless of whether the Secretary has requested the information.

This bill is not just about creating a significant stockpile of vaccines and medical devices. It is about making sure that our first responders do have the tools to effectively operate their attack. Mr. Speaker, they will be the first ones there, be it a firefighter, be it a cop, be it someone working in emergency services. They will be the first one there; and if they do not know what they are doing, if we do not train them, if we do not provide the training, we are doing a disservice to them and we are certainly putting them in harm's way. A nurse or a doctor will be able to immediately provide a vaccine and prevent the spread. A fireman will have a mask to breathe purified air while a building with biological agents burns.

This bill will make those and other lifesaving tools available so we can begin to protect ourselves, protect our children and our grandchildren from the threats of today and the unfathomable biological threat of tomorrow. This is just the beginning, Mr. Speaker. There is a great deal that we still do not know. When one reads the report of the National Intelligence Council on biological warfare, one understands what scale we are talking about and what a delayed onset is and what a delayed response will lead to. Most biological agents cause symptoms that have a delayed onset ranging from a few hours to many days. This is serious business. The fact that an attack has taken place can be masked, and the identification of the perpetrators would be extremely difficult to find out. I am confident, Mr. Speaker, that H.R. 2122 will help, will help protect every American against the unimaginable.

The importance of Project BioShield cannot be overstated, and I congratulate the leadership of both parties for bringing it to the floor today.

Mr. COX. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the State of Washington (Ms. DUNN), the vice chairman of the full Select Committee on Homeland Security.

Ms. DUNN. Mr. Speaker, I rise today in support of the Project BioShield Act of 2003. As the Members have heard today, Mr. Speaker, from the debate we have had on the floor, this is truly bipartisan legislation. It is also a major step towards giving Americans necessary protections to address the biological and the chemical threats that exist today. H.R. 2122 will provide for private companies the incentives they need to develop vaccines for biological agents. It also will increase our national pharmaceutical stockpile, and it will provide DHS, the Department of Homeland Security, better intelligence capabilities so that they can protect against biological and chemical attacks.

Earlier this year, President Bush announced his intentions to develop a vaccination program that would protect against an attack involving biological and chemical weapons. For months, three committees, including my committee, the Select Committee on Homeland Security, have held numerous hearings to consider the best ways to protect our constituents. I believe it is time to pass this legislation. Mr. Speaker, this bill will provide $5.6 billion over a 10-year period to develop vaccines to protect against some of the most dangerous biological agents that this country and this world has ever known. These funds are necessary to create an incentive for private companies to do research and development on drugs that might not normally be in demand in the marketplace. I believe this investment is worthwhile, considering the possible effects of a large-scale biological attack.

In addition to authorizing funds for this program, the BioShield program also addresses the sharing of intelligence. In order to develop an effective vaccination program, the Department of Homeland Security must have the intelligence capabilities to predict what the real threats are thought to be. By understanding the threats, DHS can focus its resources on those areas of highest vulnerability to the people who live in this country.

This legislation will authorize specific funds to be used by DHS for terror threat assessment. In addition, it will require other intelligence agencies such as the CIA to share timely information and threat analyses with the Department of Homeland Security.

One of the lessons we learned from the anthrax attacks during the fall of 2001 is the importance of responding to a biological attack quickly in order to minimize the damage it causes. While it is indeed tragic that during those attacks five people died, we all have to appreciate that. It could have been far worse if the vaccine had not immediately been available. H.R. 2122 will help us be prepared to respond quickly to agents such as ebola, plague and smallpox. I ask that we answer the President's call to develop the BioShield Project and that people support and that we pass H.R. 2122.

Mr. TURNER of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), one of the foremost leaders in trying to prepare her city and this country to protect us against the threat of bioterrorism.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding me this time.

This is an important statement, if you will, an actuality of the work that the Select Committee on Homeland Security has done along with collaborative efforts of our respective committees of jurisdiction.

□ 1530

Let me again thank the gentleman from Texas (Mr. TURNER) for his work and the chairman for his work and realize that, as we begin this debate or as we engage in this debate, we need to do much more.

I rise to support this legislation because it takes America one step closer to being prepared in dealing with a biochemical terrorist attack. But as we consider this legislation, Mr. Speaker, I think it is important to note that, while America is on the trail, on the pathway, on the journey toward being safe, we are still not safe. We remain vulnerable. Our ports are not secure, our critical infrastructures are not secure, our communities are not protected from biochemical agents, but H.R. 2122 will help to make America safer.

The purpose of this Act is to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security and for other purposes. What it begins to do, Mr. Speaker, is to focus our attention narrowly on the question of what do we do if we are subjected to a bioterrorist attack. What kind of chemicals, if you will, will thwart the attack? What kind of research needs to be done in advance of the diabolical thoughts of anyone who would want to perpetrate a terrorist act with some chemical yet unknown?

We already have had the experience of the fear and the intimidation of anthrax. We have already had the terrible situation of people who had nothing better to do or wanted to intimidate or scare or frighten, use anything from salt to sugar to powder to suggest that they were utilizing anthrax. We know what can be done through a bioterrorist attack or the suggestion that there would be an attack by some sort of chemical.

Biological weapons pose a particularly dangerous threat. Biological weapons are highly portable and difficult to detect. So this concept of BioShield is more than overdue. Its time has come. Bioterrorism attacks not only pose a danger to human lives, they also have the ability to cripple the operation of our society and severely harm our economy.

After 9/11, when we were allowed to fly home from Washington, I held one of the first town hall meetings with over 400 people on September 14, 2001, on a Sunday, in fact, to be able to bring some sort of order to people's thoughts, the fear that was going on, the actual intimidation as far away as Houston. There were all kinds of suggestions that Houston was next in line, that Houston was about to be attacked.

But, shortly thereafter, I also held a meeting with my first responders. As we were having a meeting, my hazardous materials team had to run out to a hospital about 50 miles down from where our meeting was being held because a woman drove to the hospital saying that she had anthrax; someone had put anthrax in her apartment or in her home. And without the understanding of what anthrax represents and the hospital officials not yet experienced, took whatever she had through the hospital, up the stairs, or wherever, up the elevator and, by its very exposure, caused the hazardous materials team to have to run out and shut down the hospital. A crippling effect, maybe just one hospital, but it shows the magnitude of what can happen if we are dealing with bioterrorism.

We all recall the primary and secondary impact of the anthrax attacks in 2001. The attacks involved a series of letters mailed in pre-stamped envelopes to places like Florida and New York and to the offices of Senator TOM DASCHLE and PATRICK LEAHY. Those kinds of incidences prove that it is vital that we focus on the research aspect. I am gratified that my colleagues saw the importance of spreading the knowledge, the research, the input, the collaboration throughout our Nation.

Therefore, we have included language to make sure that we include historically black, Hispanic-serving, Native American, and Pacific Islander institutions, that they are able to be exposed, if you will, to the various opportunities to engage in high-level research so that, as they are able to relate to different cultures and different communities, they, too, can be a part of securing the homeland.

It is important as well, as I noted in an amendment that I was going to propose, that the stockpiles of chemicals that will thwart bioterrorist attacks that are in this country should be strategically placed, that they can reach any urban center and any rural area, any hamlet, any town, any village. I am glad to note by a letter that has been submitted into the RECORD dated July 16, 2003, that the Secretary of Health and Human Services recognizes that my letter had merit and that he will continue to monitor and be astutely aware of whether or not the stockpiles we have are sufficient, whether they are within the sufficient depth, and whether they will be able to protect all of America.

Let me conclude, Mr. Speaker, by simply saying that I rise to support this legislation with the knowledge that we will be inclusive and that the idea is not only to secure the places we know and that are renowned but to secure the places where people live and to make sure that the home front and the home neighborhoods are secure in our country.

I ask my colleagues to support this legislation.

Mr. Speaker, I rise today in support of H.R. 2122, the "Project Bioshield Act of 2003." I support this important legislation because it takes America one-step closer to being prepared to deal with a biochemical terrorist attack. As we consider this legislation, Mr. Speaker, America is still not safe. We remain vulnerable. Our ports are not secure. Our critical infrastructure is not secure. Our communities are not protected from biochemical agents. H.R. 2122, will help to make America safer.

The purpose of the Project BioShield Act of 2003 is to "enhance the research, development, procurement and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes." The stated purpose of H.R. 2122 is a noble one given the danger posed by biochemical weapons.

The threat of bioterrorism is substantial, and protecting America from biochemical agents and terrorist attacks must be one of our chief concerns as we continue our work of protecting our homelands. Biological weapons pose a particularly dangerous threat. Biological weapons are highly portable and difficult to detect.

Bioterrorism attacks not only pose a danger to human lives, they also have the ability to cripple the operation of our society and severely harm our economy. We all recall the primary and secondary impact of the anthrax attacks in 2001. The attacks involved a series of letters mailed in pre-stamped envelopes to media outlets in Florida and New York and to the offices of Senators THOMAS DASCHLE and PATRICK J. LEAHY (D–VT). The anthrax attacks killed five Americans and left 13 others severely ill. The five people who died from inhalation anthrax included two postal workers at the Brentwood postal facility in Washington, a Florida photojournalist, a New York hospital worker and a 94-year-old woman in Connecticut. Thousands more were exposed to the lethal bacteria. The letters passed through various post offices and postal distribution centers along the East Coast leaving a trail of contamination. Buildings from the Brentwood mail facility, to the Congressional office buildings, to NBC headquarters had to cease operations.

The threat of bioterrorism did not end in September of 2001. As recently as April 22nd of this year in Tacoma, WA, we had a bioterrorism scare. A white powder was found in two envelopes, and 94 people had to be evacuated from a mail distribution facility. Initial tests of the powder tested positive for biotoxins that cause bubonic plague or botulism. Four people at the facility had to be decontaminated. The same day, a suspicious powder was found in a Federal Express cargo area at Southwest Florida International Airport, in Fort Myers, FL. Six people were taken to a hospital for possible decontamination, including one who suffered burning eyes and nose.

We are presently faced with the threat of a worldwide SARS outbreak. The inability of many foreign countries to adequately deal with that outbreak raises questions about our own preparedness. What about other infectious diseases like tuberculosis? There are many ailments that our medical professionals are struggling to control. We must do better in the ares of biological weapons.

The ease with which biological weapons can be manufactured is also a danger. The equipment and ingredients needed to manufacture many biological agents can be purchased over the Internet. Additionally, as our failure to apprehend those responsible for the 2001 anthrax attacks illustrates, biological terrorists can operate with more secrecy than traditional terrorists.

Positive strides have been made in the various biochemical fields. We have improved our ability to secure our borders and prevent deadly materials from entering our country. However, it is unrealistic to expect no biological weapons to enter the United States. Last year alone 30 million tons of cocaine was smuggled into the United States. If we can't stop 30 million tons of cocaine from crossing our borders, how can we expect to stop a vial filled with anthrax, botulism, or smallpox? A vial that could kill hundreds or possibly thousands.

To adequately protect our homeland from bioterrorist attacks we must address these and many other concerns in the Project Bioshield bill. The provisions of Project Bioshield provide a good start to protecting Americans from a bioterrorist attack but work remains. Presently Project Bioshield's provisions grant the National Institutes of Health new powers, through grants and contract awards, to speed effective research and development efforts on bioterrorism countermeasures. Project Bioshield also creates a long-term funding mechanism for the development of medical countermeasures, and empowers the government to purchase safe and effective vaccines. Finally, Project Bioshield authorizes the Food and Drug Administration use promising, yet uncertified, biological treatments in the case of emergencies.

The research, development, and procurement provisions of the Project Bioshield bill are instrumental to the development of countermeasures for protecting our communities. The development of effective vaccines will mean the difference between life and death. There needs to be research and development participation from diverse institutions nationwide, so that the expertise of as many biological and chemical industry leaders can be utilized. During markup of this legislation in the Select Committee on Homeland Security, I negotiated the inclusion of language to ensure that Historically Black Colleges and Universities, and institutions serving large populations of Native Americans, Hispanic Americans, and Asian Pacific Americans are meaningfully aware of research and development grants. Provisions such as this not only include diverse scientists in the research and development process, they facilitate dispersal of information to all communities.

Protecting our communities is the most challenging and most important responsibility of the federal Department of Homeland Security, the House and Senate Select Committees on Homeland Security, and all Members of this Congress. An ongoing failure of all agencies responsible for homeland security is our inability to equip our local communities with the funds and supplies needed to counter a terrorist attack now. During recent on-site reviews in Colorado and California, I spoke with first responders and individuals responsible for securing our ports. I also organized a briefing with testimony on the issue of homeland security in Houston, TX, in April. During each of these events, America's first responders echoed the same sentiment: they lack the funding and equipment to deal with a terrorist attack.

The Project Bioshield bill is an opportunity to correct this continuing failure. If is insufficient to simply research and develop bioterrorism countermeasures. We must also get those countermeasures into the hands of the health professionals and other first responders responsible for administering vaccines to the victims of bioterror attacks. We must not delay. First responders need these supplies immediately.

Mr. Speaker, I believe the provision of H.R. 2122, the Project Bioshield bill, are good first steps in protecting Americans from biological attacks. However, I feel that our country is still not safe and that many protections need to be established to fully protect our communities from biochemical attacks.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Subcommittee on Emergency Preparedness and Response.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

As a member of both the Select Committee on Homeland Security and the Committee on Energy Commerce, I rise in strong support of H.R. 2122, the Project BioShield Act.

Mr. Speaker, today, the House takes an important step toward preparing our Nation for the threat of bioterrorism. Clearly, we are living in a transformational era. Thirty years ago, none of us knew what biotechnology or genomics were, but, today, combined with our country's unparalleled leadership in semiconductors and computing power, we are on the verge of breathtaking breakthroughs in the field of bioscience.

Congress has played an important role not only by doubling the funding for the National Institutes of Health, but also by committing $6 billion in fiscal year 2003 to develop strategies and countermeasures to protect the American public from bioterror attacks.

Even though we are in a better position in terms of preparedness than we were just a few months ago prior to the anthrax attacks here on Capitol Hill, we have much more to do. Project BioShield is a critically important step in that process. In many ways, it will serve as our Nation's primary response to bioterror.

Mr. Speaker, the Subcommittee on Emergency Preparedness and Response of the Select Committee on Homeland Security, which I chair, held several hearings on this issue; and, during that process, we learned that having measures to counter bioterror threats will actually serve as a deterrent to those threats, as would-be terrorists see that America can be protected against bioagents which al Qaeda or other terrorists would use against us.

By providing a steady stream of funding for countermeasures, increased research capability at NIH, and expedited distribution during emergencies, project BioShield is a forward-thinking solution to bioterrorism.

Mr. Speaker, our subcommittee worked hard on this legislation. I believe it takes an important step in the right direction. I commend the full committee chairman and the other committees for their work on it, and I urge my colleagues to support the Project BioShield Act and to support H.R. 2122.

Mr. COX. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the chairman of the Select Committee on Homeland Security Subcommittee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

For years the National Institutes of Health have served as our Pentagon in the war against disease. I think Americans, as well as people around the world, have benefited. Now, we must call upon, and we do so in this important piece of legislation, for the NIH to utilize its expertise and innovation, the expertise and innovation of all of its scientists to guard this Nation against the horrors that a serious biological attack would mean.

We have already seen, Mr. Speaker, a biological attack on this country. We know the great damage that it can cause. So what this legislation is doing is taking another important step, taking another important step by this Congress to protect the Nation from the great damage that a biological attack would cause.

I thank the gentleman from California (Chairman Cox) and the entire committee for its hard work in bringing forth this important piece of legislation today.

Mr. TURNER of Texas. Mr. Speaker, may I inquire of the time remaining on both sides?

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Texas (Mr. TURNER) has 3 minutes remaining. The time of the gentleman from California (Mr. COX) has expired.

Mr. TURNER of Texas. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, let me first commend the gentleman from California (Chairman COX), along with the gentleman from Michigan (Mr. DINGELL), the ranking member, and the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Virginia (Chairman DAVIS), and the gentleman from California (Mr. WAXMAN) for their excellent work on putting together this legislation in a bipartisan way. I know we all appreciate the work that Secretary Thompson and Secretary Ridge did on behalf of the President on this very important initiative.

I hope that we are successful with this legislation, and I hope that the desired result can be accomplished. But I also want to end with a caution that the ability of our enemies in the years ahead to develop, alter, and modify biological pathogens will be at a level unknown to us today. I urge all of us to commit ourselves to the task of developing the agility and the responsiveness that we need to address those threats that we inevitably will face in the future.

The Washington Post today spoke in an editorial entitled "New Bugs" that it is important for us to shorten the time frame from the identification of a dangerous pathogen to the development of a drug or antidote. The shortening of this time span will require a tremendous commitment on the part of the American people and our government, and I hope this step that we take today will be but a first step in ensuring that we can adequately meet the biological threat that this Nation will face in the future.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I thank the gentleman from Texas for yielding me the remaining time.

I want to take a moment to say not only how productive it was to work with the gentleman from Texas but what a pleasure it has been, because both sides of the aisle, the Republicans and the Democrats, have worked together, as we should, after September 11 to put our Nation's security first.

I hope that our Nation never sees the kind of bioterror attack that we have been discussing on the floor here today. It is our job to be prepared against that eventuality. The legislative steps that we are taking today, the resources that we are providing, the intelligence infrastructure that we are building, the stockpile of vaccines and antidotes that we may requisition under Project BioShield are all intended to protect against mass casualties that would result in the event of a terrorist attack that we hope to prevent and we hope never to see in this country.

After September 11, I daresay every Member of this body determined that we will win this war against these terrorists. They are not superhuman. They are individuals. They do not have infinite capabilities. They have finite resources. We can find them, we can defeat them, and we shall. And we will be prepared. That is the purpose of this legislation today. I strongly urge a vote in support.

Mrs. LOWEY. Mr. Speaker, I support Project BioShield.

Over the last few months. I have been having meetings with local officials, first responders, hospitals, and school superintendents, to talk about how we can better prepare for the unimaginable, improve emergency planning, implement 21st century communication systems, and foster better cooperation among local, state, and federal public health and safety officials.

But all of these efforts won't amount to much if we do not have the right tools to counteract biological, chemical, radiological, or nuclear agents, and the diseases caused by such agents. And that's the crux of this legislation.

With that said, I continue to have some concerns about whether this bill will be enough of an engine to spur research within the pharmaceutical industry and if our public health system is prepared and ready to assume the new products developed by BioShield.

During the drafting process of this bill, a number of expert witnesses stated that Project BioShield might not be tempting enough bait to entice the pharmaceutical industry to bite. These fears are legitimate. And that is why I am pleased that the bill includes a provision allowing the federal government to assume this work in-hours if private industry does not or cannot produce countermeasures fast enough.

On the other hand, if BioShield is successful, which I know we all hope it will be, and new countermeasures are developed, the success of these products depend on our public health systems' ability to distribute and deliver these serums to the general public in a timely, safe, and orderly fashion. In the case of smallpox, the cost of vaccinating—roughly $200 per vaccination because of screening, testing, post vaccination surveillance, and treatment of adverse reactions—has been a significant impediment to the program. Thus, the key to effective countermeasures depends on a lot of factors and costs other than buying countermeasures and putting them in the Strategic National Stockpile.

As I have discussed with my colleagues and Administration officials during both Homeland Security Committee and Labor HHS Appropriations Subcommittee hearings, the bioterrorism grants provided through the Centers for Disease Control and Prevention and Health Resources Services Administration have not been adequate, particularly in the context of the current economy and failing state budgets. Basic health care programs are starved for cash for their core public health missions while also trying to take on greater responsibilities in the terrorism preparedness arena.

So today, I want to go on record with my colleagues that we must be prepared to better invest in our public health network if we truly want a sound and secure homeland.

Despite these criticisms, the BioShield proposal is a well-intended one, and a vitally important component in the fight against terrorism. The reality is: the more countermeasures we have, the less capable terrorists will be. And one way or another Project BioShield is going to make that happen.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of the BioShield legislation, and commend the committees for their diligence in meeting the challenge of bioterrorism.

While this bill is an important step in ensuring our nation's preparedness for bioterrorism, I am concerned that it does not fully meet our needs. This act does well in raising our defenses against the "bio," but does nothing to defend against the "terror."

Mr. Speaker, the point of all terrorism, including bioterrorism, is not primarily to inflict physical damage, but to undermine our social, political, and economic vibrancy. Whether terrorists succeed depends not only on our ability to prevent or mitigate the physical impact of their acts, but whether we can prevent or mitigate the paralysis, panic, and demoralization they seek to create.

Tom Kean, Rudolph Giuliani, the National Academy of Sciences, first responders, and others have talked about the need to build resilience in our communities. Our preparedness efforts must include plans to ensure that officials' communications calm instead of panic. We need to make sure that the public, first responders, teachers, and others have the proper information delivered in an appropriate way about threats, safety measures, and emergency plans. If we do not specifically address the social and behavioral impacts of terrorism and the threat of terrorism, the measure we debate today and our other preparations will not be as effective as they could be.

I support this bill as component of our defense against biological terrorism, and hope that we can take the important next step as well.

Mr. DINGELL. Mr. Speaker, I rise in support of the Project Bioshield Act of 2003. This legislation reflects bipartisan negotiations that have significantly improved the language submitted to us by the Administration. That is a credit to the Committee on Energy and Commerce and to other committees and colleagues. I commend the good work of all who participated in this endeavor.

Project Bioshield is unfortunately a necessary measure in view of the increased risk of harm to Americans in this era of heightened threats to our national security. There are no effective therapies for many of the "select agents" that have been identified as potential instrumentalities of terrorism. The basic purpose of Project Bioshield is to support research that will lead to the development and availability in the Strategic National Stockpile of "countermeasures" to combat public health emergencies that threaten our national security.

The bill has three basic features: enhanced countermeasure research; procurement of countermeasures; and emergency regulatory authority for approval and use of drugs, biologics, and devices that are qualified countermeasures. The Committees' work clarified, modified, and otherwise improved on the Administration's proposal in each of these areas.

Significantly, the bill before us contains an additional section that enhances accountability for actions taken pursuant to Project Bioshield. Congress will receive comprehensive information, not less than annually, on the major activities authorized by this act. In addition, the General Accounting Office and the National Academy of Sciences will provide reports on key economic and scientific elements of this program after it has been in effect for several years.

Finally, I commend Chairman TAUZIN of the Committee on Energy and Commerce and my other colleagues for deciding to proceed with an authorization for funding, rather than with the mandatory appropriation sought by the Administration. Bioshield should not automatically be given a higher priority over other national security or public health matters.

This is a good bill, and is a worthy continuation of our important, and bipartisan work on bioterrorism preparedness. I urge all of my colleagues to vote for this bill.

Mr. NUSSLE. Mr. Speaker, I rise today to speak on H.R. 2122, the Project BioShield Act of 2003. This Act would amend the Public Health Service Act to authorize appropriations to procure security countermeasures to treat, identify, and prevent the public health consequences of bio-terrorism.

Project BioShield has been described by President Bush as "a key part of our all-out effort to prepare for the threat of bio-terror." So I am pleased that the Project BioShield Act of 2003 will be voted on today in this House.

The framework for this bill was initially established in the FY 04 Budget Resolution that was adopted in April. The budget resolution set aside $5.593 billion over ten years to establish a program to accelerate the research, development and acquisition of biomedical threat countermeasures. Recognizing the importance of this legislation, it took the somewhat usual step of establishing firewalls around these funds to ensure they are not used for any other purpose.

I am very pleased that the bill we are considering today is consistent with the budget resolution. It would authorize appropriations of $5.6 billion for fiscal years 2004 through 2013. As some of my colleagues may be aware, the House already passed appropriations for this bill as part of the Appropriations bill for Energy and Water. Accordingly, as provided by the budget resolution, I adjusted the 302(a) allocation to the Appropriations Committee to accommodate the appropriations for this important bill.

I would also like to comment on the funding mechanism for BioShield. At the time the budget resolution was adopted, it was unclear whether this program would be funded through annual appropriations or with a permanent indefinite appropriation. Both the Budget and Appropriations Committees expressed a preference for subjecting the program to periodic review of the annual appropriation process. The Administration preferred a new entitlement that would be automatically funded without further legislative action.

I believe the funding mechanism in this bill strikes the right balance. It would fund Project BioShield through what is effectively a multiyear appropriation that would give the Administration flexibility in the amount that is obligated in each year. It subjects the program to periodic Congressional review through the appropriations process but provides the pharmaceutical companies that develop the countermeasures the assurance of future funding.

In conclusion, speaking for myself, and my colleagues, H.R. 2122 reflects our strongest support for those necessary efforts to protect our people and our way of life.

Mr. VAN HOLLEN. Mr. Speaker, I rise today as the Representative of the Congressional District that is the intended home of a key component of the Project Bioshield Act, a $186 million bio-defense laboratory that is planned to be built on the northeast corner of the National Institutes of Health campus in Bethesda, Maryland. While I support the Bioshield initiative, I have serious concerns about the proposed location of the bio-defense laboratory.

Many of my constituents have expressed to me their concerns about the potential safety risks that the location of this laboratory poses to our community, and the possibility that it could become a target for terrorist attacks. Given that our government determined—even before this new laboratory was proposed—that a perimeter fence is required to safeguard the buildings and employees at the National Institutes of Health. I believe a number of questions must be answered before we proceed further with the plan to locate the laboratory on the NIH campus.

I have written to the Director of the National Institutes of Health and asked him to address the following issues:

(1) The property of locating this laboratory in an urban setting like Bethesda, as opposed to at Fort Detrick, where a bio-safety level 3 laboratory is already under construction;

(2) if located on the Bethesda campus, whether it can be located centrally on the campus, either in a new building or by renovating an existing building and relocating the offices and laboratories of that building to a building in the location chosen for Building 33; and

(3) the precautions that will be taken to ensure that, in the event of a terrorist attack or human error, that any potential risk to our community presented by the presence of this laboratory on the Bethesda campus is minimized or eliminated.

Mr. Speaker, I know that all of my colleagues in this House are united in our common effort to combat terrorism. But we owe it to our constituents to approach this endeavor carefully. I urge my colleagues and the Administration to consider all options so that we do right by all Americans.

Mr. COX. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, July 15, 2003, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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PROVIDING FOR CONSIDERATION OF H.R. 2691, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 319

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 84, line 21, through page 89; page 90, line 4 through line 9. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 319 is an open rule providing for the consideration of H.R. 2691, the Department of Interior and Related Agencies Appropriations Act of 2004. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration; and under the rules of House, the bill shall be read for amendment by paragraph.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

The rule further waives points of order against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting designated emergencies in reported appropriations bills.

Finally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2691 provides funding for the Department of Interior as well as various agencies and programs and Departments of Agriculture, Energy, Health and Human Services. H.R. 2691 appropriates $19.6 billion in new budget authority, which is $186 million less than last year's enacted level and $110 million more than the President's request. Almost half of the bill's funding finances the Interior Department's programs to manage and study the Nation's animal, plant and mineral resources and support programs benefiting Native Americans.

Among the bill's many provisions are several of special interest to residents of central Washington and my district, including $2.5 billion for Wildland Fire Fighting and the National Fire Plan. This funding will increase firefighting readiness, hazardous fuels reduction, and forest health restoration activities.

As a Member whose district includes significant Federal land holdings, I am particularly pleased that payment in lieu of taxes, or PILT, is funded at $225 million, which is $5 million above the current enacted level and $25 million above the administration's request.

In the area of fisheries management, the committee is to be commended for providing $113 million for fisheries, an increase of nearly $10 million over the administration's request, which includes an increase of $3 million for the Washington State Hatchery Improvement Project.

It should also be noted that the bill includes $4.6 million for the Partners of Fish and Wildlife Program, of which $1.4 million goes to the Washington Regional Fisheries Enhancement programs.

Finally, Mr. Speaker, I commend the gentleman from North Carolina (Mr. TAYLOR) for his efforts to focus attention to the critically important task of maintaining our national parks.

The bill includes $682 million to attack the enormous backlog of badly needed maintenance at our national park facilities.

Mr. Speaker, this bill is a bill which carefully balances a number of important objectives, including natural resources protections and providing access for the public to our Nation's many significant parks and refuges. It makes real progress in management of forests, fisheries. And rangeland; and it does so in a cost-effective way in these challenging budgetary times.

Accordingly, Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Washington for yielding me the customary 30 minutes.

Mr. Speaker, former President Theodore Roosevelt, one of the fathers of American conservation, said, "In utilizing and conserving the national resources of the Nation, the one characteristic more central than any other is foresight."

Unfortunately, in many areas H.R. 2691 is a myopic bill, lacking this essential foresight. H.R. 2691 does not protect our natural resources, America's lands and its native animals. This appropriations bill breaks promises of funds for conservation, and the bill abandons the conservation trust agreement reached and enacted into law in response to the 315 Members of the House who voted for the Conservation and Reinvestment Act.

The agreement provided for adequate funding for conservation programs that protect public lands and cultural artifacts and preserve endangered and threatened species and that assist States in their own conservation and recreation programs.

Unfortunately, this bill breaks that promise by underfunding the conservation efforts by approximately $569 million less than funding levels promised in the conservation trust agreement. Funding levels for conservation are an even $208 million less than the appropriations for fiscal year 2003. This seriously jeopardizes conservation programs like the Federal Land Acquisition, which is funded at its lowest level in 20 years. City parks are the anchors of our neighborhoods. They provide a variety of activities for youth, and the city of Rochester wrote to me requesting that Congress fund the Urban Parks Program at $50 million. The program provides supplemental funding needed by city parks and recreation departments to strengthen the recreation opportunities. But, unfortunately, the Urban Parks Program gets no funding, despite the request by 104 Members that it be restored.

We have heard a lot about the terrible plight of our national parks. This bill will do nothing to ease that. H.R. 2691 does not protect our seniors and low-income families with children. The Department of Energy's Weatherization Assistance Program reduces the energy costs for low-income families, seniors, and people with disabilities. These savings are gone and they are critical because low-income households spend 14 percent of their total income on energy compared with 33.5 percent for other households.

Since the creation of the weatherization program, 395,000 homes in the State of New York have been weatherized, but 1.5 million more are eligible and waiting for assistance. I have spent more than a few winters in New York, and I know the importance of weatherizing your house against the icy gales of winter. With the weatherization program funded at $63 million below the level requested by the President, millions of Americans will literally be left in the cold.

H.R. 2691 does not protect our American culture and history. Back in 1992, funding for the National Endowment for the Humanities and for the National Endowment for the Arts reached its funding zenith, $176 million for each agency.

Over the years the NEA and NEH budgets have been slashed again and again, and for several years the body has voted to increase the funding for the arts and humanities; but, unfortunately, the strong statement of the will of the body has been ignored. Even the President requested $152 million for the National Endowment for the Humanities, but the allocation in this bill is $15 million dollars less than the President's request.

The funding for NEA is only minimally increased and this insubstantial sum will pay for administrative overhead costs; no new grants will be created. The National Endowment for the Arts enriches our Nation and establishes cultural heritage by supporting the works of artistic excellence, advancing learning in the arts, and, importantly, strengthening the arts in communities throughout the country. They benefit our children and over and over the education given in art has proven to increase academic performance, regardless of socio-economic background.

The NEA provides grants for local arts activities in every State and every congressional district. In Buffalo, New York, the NEA provided a small $10,000 grant to a community arts group to support a program to offer weekend classes in visual arts and jazz music for African American children in Buffalo's low-income inner-city east side. Another small community grant to a group in Buffalo provided weekly workshops in media literacy and digital arts for girls ages 9 to 15.

In my colleague's home State of Washington, an 8-week summer residency program that provided psychiatrically and emotionally impaired children with instruction in creative writing, mask-making, and theatrical improvisation received a community arts grant from the NEA.

Investing in the arts is also smart business. The nonprofit arts industry alone generates $134 billion annually in economic activity and $24.4 billion in Federal, State, and local tax revenues. Every dollar the NEA invests in local theater groups, orchestras, or exhibitions generates $7 for the arts organization by attracting other grants, private donations, and ticket sales which in turn help support communities.

The National Endowment for the Humanities is at the forefront of preserving the American culture and our history. This database of knowledge is the lifeblood essential for a living, thriving democracy.

Bruce Cole, the chairman of the National Endowment for the Humanities, warns us that "we face a serious challenge to our country that lies within our borders, and within our schools, and that is the threat of American amnesia. We are in danger of having our view of the future obscured by our ignorance of the past. We cannot see clearly ahead if we are blind to history. And a Nation that does not know why it exists or what it stands for cannot be expected to long endure."

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, in 1964 when this country decided to allow oil drilling in the offshore oil lands, the decision was made to dedicate about $900 million a year from those receipts to what was called the Land and Water Conservation Fund. And the problem is that through the years Congress then decided not to keep that commitment. And so by about 3 years ago, we had had about a $13 billion surplus built up in that fund. So about 3 years ago, 315 Members of this House, over my objection, 315 Members of this House voted for what was known as CARA. It was a proposal to take programs for Federal lands acquisition, for State wildlife grants, forests legacy historic preservation, urban parks, you name it, and turn those programs into entitlements which means that regardless of the budget conditions, they would have been funded at a specific level.

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I opposed that. I thought we ought to be able to make conservation programs a priority without making them an entitlement. In the end, I won the argument; and we had an agreement that was entered into by the gentleman from Ohio (Mr. REGULA), who then chaired the Subcommittee on Interior and Related Agencies; by the gentleman from Washington (Mr. DICKS), who is the ranking Democrat on the Subcommittee on Interior and Related Agencies; myself and several others which said, okay, we are not going to make it an entitlement, but over the next 6 years we are going to first double the amount of money that we were providing for these activities and then provide regularly scheduled increases until that program could go up from $1.6 billion to $2.4 billion.

For the first 2 years Congress kept the agreement. In the omnibus appropriation bill last year, however, the Committee on Appropriations broke its word; and it walked away from that agreement; and this bill is now $570 million below where it would be if the committee had kept its word.

At the time that we established that agreement 3 years ago, I told the House, I promised the House that if the day ever came that the Committee on Appropriations welched on the deal that I would then, as a point of honor, change my position and support making these programs entitlements because the Committee on Appropriations would have demonstrated that you could not trust it because they would not keep their word; and I am sorry to say that that is where I am at today.

So what I am going to ask the House to do today is to turn down this rule, to vote against the previous question on the rule, so that I may be allowed to offer an amendment which will see to it that Congress keeps its promise and would provide $570 million in additional funds into those programs.

We would pay for it by reducing the size of the tax cuts for people who have incomes of over $1 million a year. We would reduce the size of those tax cuts from the $88,000 those folks are supposed to get to $85,000. So for a $3,000 reduction in the size of the tax cut that people who are earning more than $1 million a year would get, we could have Congress keep its promise on this critical national program.

This is more than just a theoretical debate about programs. This deals with real problems. It deals with the fact, for instance, that there are nine acres in Valley Forge that will be developed and lost forever unless we do something to acquire that land this year; and it means similar problems will be faced in Yellowstone, in Grand Teton, and in a number of our other national parks. It also means that we will not be keeping our word in terms of dealing with the maintenance backlog of our national parks.

So I would ask the House very simply to follow the advice of then candidate George W. Bush who said in the Presidential debate just a few months ago, "We ought to fully fund the Land and Water Conservation Fund and provide half of that money to the States." The President of the United States recognized the need to do this. The Congress itself recognized the need to do it when it signed on to the compromise agreement 3 years ago. We ought to keep our word. We especially ought to keep our word to each other.

So I would urge the House to vote against the previous question on the rule so that we can endeavor to do just that.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, sadly, this fiscal year 2004 Interior appropriation bill marks yet another broken promise to the American people and a further betrayal of our country's environment. In 2000, this body adopted the historic CARA-Light Agreement, which authorized $12 million over 6 years for a number of vitally important land acquisition and conservation programs. That was truly an important day for this House and an important victory for the environment.

Mr. Speaker, I am proud to have played a part in building the support for that victory by sponsoring the amendment that restored funding for the stateside Land and Water Conservation Fund program for the first time in 5 years, but Mr. Speaker, I am not proud today of this Interior appropriations bill. In fact, this House should be embarrassed and ashamed that we would so cavalierly break our promise to the environment because it is more important to give tax breaks to millionaires. It is appalling.

The Subcommittee on Interior and Related Agencies of the Committee on Appropriations is authorized to spend almost $1.6 billion on conservation programs in fiscal year 2004. This bill, however, only appropriates $990 million for these programs, which is $570 million less than the CARA-Light agreement requires. Meanwhile, the demand for funding of these conservation programs continues to grow and grow.

The National Park Service conducted a survey in 2002 that asked every State to estimate the total request they have received for land and water conservation funds over the past 3 fiscal years and then compared those requests to the funding each State has received. The results of this survey demonstrated a shocking nationwide unmet need of 92 percent. These are cities and towns in each of our district and in every one of our States that go wanting year after year for their neighborhood park to be improved or their open space to be saved from development.

Since 1964, the Land and Water Conservation Fund has been responsible for the acquisition of nearly 7 million acres of protected land and open space and the development of more than 38,000 State and local parks and recreation areas. The LWCF is a widely popular and very effective program. This bill does not do this program justice.

The Interior bill provides less than half of the documented need for the full funding of the stateside Land and Water Conservation Fund, less than half. In my home State of Massachusetts, the Executive Office of Environmental Affairs will receive a little more than $2 million in fiscal year 2004 to help address the open space and recreation needs of 351 cities and towns. It is simply not enough.

Our open space is disappearing every day. If we do not preserve this land now, we will lose it forever; and the need for safe parks and recreation areas continues to grow.

Mr. Speaker, this bill continues to systematically dismantle the structure of the Title VII Conservation Trust Fund piece by piece, program by program. It reduces the much-celebrated CARA-Light agreement to a terrible hoax and an empty gesture.

I would urge my colleagues to support the amendments that will restore funding to these conservation programs. We must live up to our obligation. We must meet our promises.

The gentleman from Wisconsin (Mr. OBEY) had an amendment that would fix all of this by taking a tiny, tiny amount of the overly generous Republican tax cut for millionaires and put it toward conservation programs. Unfortunately, Mr. Speaker, the Committee on Rules stayed true to form and said no.

I urge a no vote on the previous question and a no vote on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I rise in strong opposition to this rule, and I would ask Members to vote against the previous question so that we could have an opportunity to vote on the Obey-Dicks amendment which would restore the $570 million that has been cut from conservation spending in this country.

I also rise to say that I would oppose the Boehlert amendment that would restore $95 million to these programs. The Boehlert amendment simply is an endorsement of these cuts. It simply is an endorsement of the cuts. We were spending $450 million on Federal land and water conservation programs per a bipartisan agreement and the support of this President of the United States. If my colleagues vote for the Boehlert amendment, we are down to $130 million on State land and water conservation, a primary driver of open space and conservation programs and habitat protection and the protections of the community values, $450 million after these cuts. Even with the Boehlert amendment, that is only $118 million.

We are talking about a massive loss of opportunities for local communities to protect and provide for the conservation of land around those communities for public use, for the use of their citizens, because these dollars are matched by private dollars, by local dollars, and they drive these acquisitions.

The Boehlert amendment is simply an endorsement of a policy that is now just wreaking havoc with that bipartisan agreement, with that promise made by this Congress that we would once again start using those moneys coming into the Land and Water Conservation Fund from offshore oil drilling to protect the natural assets of this country and our local communities.

That is why we have got to vote against the previous question and the rule. Because if we voted for the Obey-Dicks amendment, then we would keep the promise that we have made. We have made that with business organizations, we have made that with conservation organizations, we have made that with restoration organizations, we have made that with communities, that these were community values where the Federal Government would help out. All of that is devastated by this legislation, and we cannot buy into an endorsement of that by buying an amendment that simply puts just a few dollars back into these accounts while these accounts initially in this bill get slaughtered by the appropriations provided in this committee.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the American people have been misled. Just like the telephone salesman who interrupts our dinner hour with an offer that is too good to be true, the Bush administration has sold the American people a tax cut by withholding some very important facts.

One of those facts is that, in order to subsidize rebate checks for people who live on estates which cover vast stretches of private land, the Bush administration now has to slash funding that would have gone to protect vast stretches of public land.

Spending on Land and Water Conservation Fund programs, which is authorized at the level of $900 million, totals less than $200 million in the bill that is currently before us. Funding that would improve and expand wildlife refuges, national parks and national forests is all being sacrificed at the altar of tax relief for the rich. What is more, the Bush administration, along with the majority here in this House, fails to provide these funds even though half the money goes directly to States for conservation and recreation purposes.

Gutting these conservation programs shatters an agreement made by this Congress just 3 short years ago when the Land Conservation, Preservation and Infrastructure Trust Fund was created as part of the Interior bill.

It should be noted that there is one exception in this bill to the majority's desire to slash and burn conservation funding. This appropriation bill would authorize a new national heritage area. This new heritage area has not even been studied by the National Park Service. It would simply be designated, and it is by no means a small designation as it would stretch over 25 counties in North Carolina and be authorized to receive $10 million in Federal funding over 10 years.

It had been my understanding that some in the majority, including the Committee on Resources chairman, opposed creation of any new heritage areas based on private property concerns; and, indeed, there are scores of Members, Republicans and Democrats alike, who are asking the Committee on Resources to consider heritage area legislation.

As such, I can only come to the conclusion, Mr. Speaker, that the inclusion of this new heritage area in this new Interior appropriations bill means that those concerns over private property rights have been addressed, and we look forward to the timely consideration of all of the heritage proposals that are now pending before this Congress.

Except for this one bright spot, however, the cuts of conservation spending contained in this bill are unacceptable. The American people should know that the national park they visit this summer is not being protected because there will be no funds to conserve park lands, and the American people should know that the conservation and recreation programs planned by their governor will have to be abandoned because the Federal Government would not come through with the matching funds.

I urge a no vote on the rule and a no on the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON) a member of the committee.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me the time.

I just wanted to point out, Mr. Speaker, that when we hear about the bill having more money for acquiring more land, it is important to keep in perspective how much land is actually owned by the United States, which is approximately one-third. Thirty-three percent of the land in America is owned by the Federal Government; and that does not include military bases, it does not include easements for interstate highways, it does not include State and local parks and recreation areas. So if we put in all that, it may be as high as 40 percent.

I am not on the Subcommittee on Interior and Related Agencies of the Committee on Appropriations anymore, but I had the honor of serving on it for 6 years, and I would often ask the director of the National Park Service or Fish and Wildlife or the Bureau of Land Management, how much land is enough?

We know politically 435 Members of Congress can always go home as heroes, session after session, saying I bought more land, I protected the environment, and yet nobody knows how much is good. Should the Federal Government own 90 percent of the land in America? Should it be a smaller percentage?

I think, if my memory serves correctly, in the East, it is a lot smaller percentage. In fact, I think in Georgia it is probably less than 10 percent. Massachusetts, I believe it is 14 percent. California, it is 60 percent. In Nevada, it is about 90 percent. But we have no national policy on it whatsoever.

I asked these questions to the Bush administration. I asked these questions to the Clinton administration. How much land should it be? Should it be 15 percent? Should it be 75 percent? What is the magic number?

I want my colleagues to think about this in terms of appropriations and so forth.

We had this week, most of us were visited by people from the education community on IDEA, the Individuals with Disabilities Education Act.

□ 1615

We passed our Labor, Health and Human Services, and Education bill this week; and we funded IDEA at 18 percent. We should be funding it at about 40 percent, but we have something to discuss because we have a specific vision of what funding level is adequate.

Here we are, when it comes to land acquisition, already again up to a third of the land in America owned by the Federal Government, and we do not have a top end to it. We do not have a policy. Meanwhile, not only do we not have a policy, we have a tremendous backlog.

Now, the Republicans, since 1997, have spent $2.1 billion on backlog for our public lands, maintenance and so forth. But here we still have billions of dollars in backlog, and we do not seem to be worried about that.

So I think that this subcommittee has done the right thing by going very cautiously in terms of not just funding everybody who wants a new land acquisition reelection plan, but they are trying to go at it with a little more science, a little more balance; and I think that that is a far better approach than the so-called CARA approach or some of these other plans that are out there.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise to urge my colleagues on both sides of the aisle to support the removal of section 137 of the Interior appropriations bill which seeks to reach a settlement of the Indian trust reform issue. This section does not belong in this bill, and any legislation dealing with settlement should be vetted through the Committee on Resources which has jurisdiction over this issue.

Mr. Speaker, for more than a century, the Federal Government has been the trustee of funds for Indian tribes and individual Indians. These funds are generated from rights and leases on lands held in trust by the Federal Government. Presently, there are approximately 300,000 Native Americans who are supposed to receive funds from the 56 million acres being held in trust for them by the Federal Government. Unfortunately, the Department of the Interior has been unable to fully and accurately account for the trust fund money.

Both Secretaries of Interior for the past two administrations have been held in contempt of court for failing to fulfill their fiduciary responsibility to Native Americans. In order to force the government to account for the money believed to be owed them, a group of Native Americans filed a class action lawsuit against the Secretary of the Interior.

Now, recently, Mr. Speaker, the House Subcommittee on Interior of the Committee on Appropriations offered language in section 137 of its bill in an attempt to settle this dispute. If this language were allowed to advance, it would give the Secretary of the Interior the authority to unilaterally settle any claim related to the balance of the individual Indian accounts currently held in trust.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Washington.

Mr. DICKS. On a voluntary basis in the first year. The gentleman did not use the word voluntary. In the second year, then they have to work it out if there has not been a voluntary agreement in the first year.

I just wanted to clarify that point.

Mr. PALLONE. Reclaiming my time, Mr. Speaker, I appreciate the ranking member's comments.

The same Department of Interior that has consistently failed to manage the trust accounts would have complete authority to end all of the claims by individual Indian account holders.

Now, while I appreciate, and I want to tell the gentleman from Washington I do appreciate the attention that is being given to this issue by my colleagues on the Committee on Appropriations, but I do not feel that a fair resolution can be reached without having all the major players at the table. To that end, I urge my colleagues once again to support the removal of section 137 from the Interior appropriations bill and allow the Committee on Resources to try to reach a fair and equitable solution that both tribal leaders and the Department of the Interior can agree upon.

If I can say to the gentleman from Washington and also the chairman of the subcommittee, I do appreciate the fact that they have been willing to allow us to take this section out and have the Committee on Resources try to come up with a fair and equitable solution; and I really understand the gentleman's frustration with the fact that, for several years now, that this issue is still outstanding and has a major impact in terms of funding and the level of appropriations. But we really feel on the committee that we can deal with this effectively and appreciate the opportunity to be allowed to do so.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in opposition to the rule for the consideration of the fiscal year 2004 Interior Appropriations Act. I oppose the rule because it did not allow an important amendment to be offered by the ranking Democratic member of the full Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY). The Obey-Dicks amendment, which I strongly supported, would have added $569 million to the bill to restore the Conservation Trust Fund.

I regret the Obey amendment was not allowed, because I believe it was the only real way that we could have addressed the shortfall of over half a billion dollars in the Interior bill. Obviously, we could never find the offsets within our allocation to fully fund the trust fund, and we should not have to. The conservation agreement provided for an additional allocation to our subcommittee and was never intended to come at the expense of other programs in the bill.

The bill under consideration today shortchanges the Conservation Trust Fund by $569 million, providing only $1 billion of the authorized $1.56 billion. In fact, the fund is $208 million below last year, despite built-in increases under the program through 2066.

Nobody wants to see increases in this area more than I do, but we must be honest that we cannot find the money from within our bill. The Conservation Trust Fund that was established in 2000 called for a separate allocation to our subcommittee and to the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies to be used specifically for these purposes. It was never intended to come from within our 302(b) allocation to the Subcommittee on Interior.

The gentleman from Wisconsin (Mr. Obey) should have been allowed to offer his amendment, and we should have been able to have a real debate on a real amendment to restore this important program.

And I want to reiterate what was said earlier, that the President, when he was campaigning for President, said he was going to fully fund the Land and Water Conservation Fund. That is $450 million Federal and $450 million for State-side programs. That budget request has not gotten up here. They tried to change certain things and call them land and water conservation, but in fact it was not the bill as enacted.

I would also point out that over the years a surplus has accrued under the title of the Land and Water Conservation Fund of about $13 billion, and that is why the CARA movement was so powerful a few years ago. I think over 315 or 320 Members of the House voted for CARA, which would have created mandatory spending of $3 billion for the next 15 years. Some of the most senior and influential Members on conservation issues in this body strongly supported it and advocated it; and we in the Committee on Appropriations came up with this alternative, which the gentleman from Wisconsin (Mr. Obey) and I sponsored, along with the gentleman from Ohio (Mr. Regula). That is why there is such concern out there in the conservation community that we have not kept this commitment.

So I regretfully urge people to vote against the rule. There are other issues in this bill, but we will have a chance to discuss them once we get into general debate.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DeFazio).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I would like to speak in opposition to the rule because the rule would violate the rules of the House. It would allow, for the fourth time, the authorization of a tax on average Americans who choose to recreate on our Federal lands.

Now, I have no problem with charging for use of developed sites, I have no problem with special use areas, and certainly no problem for the parks. We have already heard how the parks are underfunded. But to charge Americans who live in remote rural communities in my district and elsewhere throughout the West in the United States to drive and park their car for dispersed recreation in an undeveloped area, whether it is hunting or fishing or just taking the grandkids for a walk, as a grandma in Oak Ridge might do, they have to pay a large annual fee, $35, to drive out of this poor community which is completely surrounded by national forestlands. They have to pay that fee.

Yet the authorizing committee in the House, the committee which should authorize such a tax, because there is a tax, and this is the party that does not want new taxes, and this would be a new tax because it is going to extend it without an authorization, without hearings, without any appropriate action for another 2 years in this bill, and that violates the rules of the House. But that is protected under this rule from my raising a point of order against it. This is not the proper way to move forward on this issue.

There is a legislation introduced by Senator Thomas of Wyoming that would make this program permanent for the parks, and I would be happy to support that, and the House would. We have Members of the majority party here who are working on legislation, the gentleman from California (Mr. Pombo) and the gentleman from Colorado (Mr. McInnis), that would change the program a little bit, because they feel parts of it are inappropriate and are restricting the public's right to access their lands without charge in areas where there is no discernible investment or need for such a barrier charge.

And the program itself is problematic. For the $36 million that were raised by the Forest Service, $13 million of it got to the ground. So it is not only an oppressive tax on average Americans, it is an unbelievably inefficient tax when you begin to look at the collection costs and all the other problems that arise from this particular program. I mean, that is about a one-third efficiency rate. I do not think many of us would support any other tax that would only provide about a third of the revenues which it assesses against people to the purpose which it purports to fulfill.

So I urge my colleagues to oppose the rule for this reason and for others articulated by my friend and colleague from Washington State so that we can more fairly debate this bill and more fairly and properly address issues such as this rec fee demo tax on Americans.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, shortly I will ask Members to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order the Obey amendment to restore funding for the conservation programs that have been shortchanged in the bill.

This amendment would add $569 million to the bill's conservation programs in order to bring them up to their authorized spending levels. The Obey amendment offsets this spending increase with a 3.21 percent reduction in the tax breaks received by taxpayers earning more than $1 million a year. This amendment was submitted to the Committee on Rules last night and rejected by the majority.

The cost of this amendment is fully paid for. The money would come by slightly reducing the 2004 tax cut for those with incomes in excess of $1 million. It seems to me these millionaires could easily spare a small part of their very large tax breaks to help protect our precious national resources.

So I will urge Members on both sides of the aisle to vote no on the previous question. A no vote will not stop the House from taking up the Interior appropriations bill. However, a yes vote will prevent the House from considering the Obey amendment.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. Simpson). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to vote for the previous question and for the rule.

I just might add that this is an open rule. The subcommittee and the full committee made some difficult decisions at prioritizing needs to fund particularly the Department of the Interior. Of course, there are differences of opinion on how those priorities should be, but this open rule allows for a restructuring, if this body decides that is the correct way to go, to restructure those priorities.

So I think it is a good rule. It is an open rule. I urge my colleagues to vote for the previous question and for the rule.

The material previously referred to by Ms. Slaughter is as follows:

Previous Question for H. Res. 319—Rule on H.R. 2691, Fiscal Year 2004 Interior Appropriations

At the end of the resolution, add the following:

Sec. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT NO. 2 BY REPRESENTATIVE OBEY

AMENDMENT TO H.R. 2691, AS REPORTED

OFFERED BY: MR. OBEY OF WISCONSIN

On page 7, line 13, strike "$14,000,000" and insert "$49,920,000".

On page 14, line 8, strike "$23,058,000" and insert "$99,135,000".

On page 25, line 24, strike "$131,154,000" and insert "$330,117,000".

On page 97, line 17, strike "$29,288,000" and insert "$149,742,000".

On page 17, line 12, strike "$75,000,000" and insert "$100,000,000".

On page 16, line 11, strike "$24,560,000" and insert "$43,500,000".

On page 91, line 3, strike "$290,758,000" and insert "$335,272,000".

On page 22, line 23, strike "$71,000,000" and insert "$90,000,000".

On page 23, line 1, strike "$30,000,000" and insert "$34,000,000".

On page 22, line 17, strike "$305,000" and insert "$30,000,000".

On page 154, after line 13, add the following:

SEC. ___. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-27) shall be reduced by 3.21 percent.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered; on passage of H.R. 2122; on suspending the rules and adopting H. Con. Res. 6; and, without objection, on authorizing closed meetings of the conferees on H.R. 1588, if a motion to that end is offered immediately after the vote on H. Con. Res. 6.

The vote was taken by electronic device, and there were—yeas 219, nays 199, not voting 16, as follows:

[Roll No. 371]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Berkley
Brown, Corrine
Cole
Deal (GA)
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Johnson (IL)
Kolbe
Lowey
Millender-McDonald
Payne
Royce
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1650

Ms. WATSON, Mr. LARSON of Connecticut and Mr. ISRAEL changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 371 I was in a meeting at the White House with the President. Had I been present, I would have voted "yea."

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 371 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 189, not voting 13, as follows:

[Roll No. 372]

AYES—232

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Fattah
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Berkley
Brown, Corrine
Cox
Deal (GA)
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Payne
Royce
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1700

Mr. CRAMER and Mr. MOLLOHAN changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 372, I was in a meeting at the White House with the President. Had I been present, I would have voted "aye."

Mr. WELLER. Mr. Speaker, on rollcall No. 372, had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to rule XX and the previous order of the House, the remainder of this series will be conducted as 5-minute votes.

PROJECT BIOSHIELD ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on the passage of the bill, H.R. 2122, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 11, as follows:

[Roll No. 373]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)

Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—11

Berkley
Brown, Corrine
Cannon
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Sweeney
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1707

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 6.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 6, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 374]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Berkley
Brown, Corrine
Castle
Emerson
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1715

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1515

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. HUNTER. Mr. Speaker, pursuant to clause 12 of House rule XXII, I move that meetings of the conference between the House and Senate on H.R. 1588 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER). Under the rule, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 23, not voting 13, as follows:

[Roll No. 375]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—23

Blumenauer
Carson (IN)
Clay
Conyers
DeFazio
Delahunt
Farr
Filner
Hinchey
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
McDermott
Miller, George
Owens
Payne
Stark
Tierney
Udall (NM)
Velázquez
Waters
Watson

NOT VOTING—13

Berkley
Brown, Corrine
Camp
Cox
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Kilpatrick
McCollum
Millender-McDonald
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1723

Mr. PAYNE, Ms. VELÁZQUEZ, and Ms. JACKSON-LEE of Texas changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–212) on the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2022

Mr. OWENS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2022.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2691, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2691.

☐ 1725

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring before the House for fiscal year 2004 appropriations a bill for the Department of the Interior and related agencies. This is a good bill that balances many competing needs and stays within the 302(b) allocations for budget authority.

Mr. Chairman, this bill is fiscally responsible, providing about $100 million more than the budget request but nearly $200 million less than the fiscal year 2003 level. The bill takes care of our public lands, the national parks, wildlife refuges, forests, and lands managed by the Bureau of Land Management. It has been increased not as much as some would like; and I pledge that in conference, we will try to increase that as much as possible.

The bill focuses on conservation initiatives, including operation and maintenance of Federal lands, stateside grants for land preservation and recreation, State wildlife grants, habitat improvements on both public and private lands, eradication of invasive species, and protection of endangered species.

We hear arguments that we are not doing enough for the conservation program in this bill. I disagree. There is nearly $1 billion in the bill for programs in the conservation spending category. But more to the point, there are a great number of critically important conservation programs in this bill that have never been included in the conservation spending category but are equally important.

☐ 1730

We provide increases of $73 million for national parks, $30 million for national wildlife refuges, and $93 million for wildlife restoration and forest health. I would argue that most of the funding in this bill is for conservation activities.

Some Members will argue that we need to buy more Federal lands. What we really need is to do a better job of taking care of lands we have and this bill does that.

Fire fighting needs are addressed in this bill. In addition to providing the necessary funding for suppressing wildfires, we continue support for the National Fire Plan with the investment of $2.5 billion. We support preparedness activities so that we have the people and equipment in place to handle wildfires. We provide funding increases for hazardous fuels reduction, State fire assistance, and forest health programs. I am proud of the balance we have achieved in these critical programs that are important to all Americans.

The bill ensures that energy research programs are adequately funded and that we maintain a proper mix between research on improvements to existing technologies and longer-term higher-risk research on new technologies. We need to keep all of our options open and not fall into the trap of picking winners and losers.

When it comes to energy research, ultimately the consumer and not the government will determine what energy technologies will be successful in the marketplace.

The bill provides for the continued construction of critically needed schools and hospitals for the American Indians and Alaskan Natives. It is included in a resolution to the contentious litigation between the United States and the American Indians dealing with the individual Indian trust monies. This bill provides prompt, fair, and reasonable resolution of those long-standing claims. This lawsuit has been diverting scarce resources away from critical programs that benefit the Indian people. We need to stop spending hundreds of millions of dollars, if not billions, on litigation support and redirect those funds to Indian education, health, wildlife, law enforcement and other important Indian programs.

My good friend, the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, will move to strike this provision on jurisdictional grounds. He has committed to resolving this conflict through the authorizing process. Mr. Chairman, if we do not do this, we will literally be spending perhaps $2.4 billion in continuous accounting measures that will do nothing to solve this problem. It will be taken away from Indian health and education.

Finally, the bill takes care of our cultural agencies and provides the funding needed to ensure that the Smithsonian Institution maintains its responsibility for providing quality visitor services and world-renowned research. It provides the administration's request for the National Gallery of Art and for the National Endowment for the Arts.

The Interior and Related Agencies Appropriations bill for fiscal year 2004 is a bill that I believe strikes an appropriate balance among competing funding needs, and I ask for support for the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	820,344	828,079	834,088	+13,744	+6,009
Wildland fire management:					
Preparedness	275,411	282,725	302,725	+27,314	+20,000
Fire suppression operations	159,309	195,310	170,310	+11,001	-25,000
Other operations	215,433	220,690	225,690	+10,257	+5,000
Other appropriations (P.L. 108-7)	189,000	---	---	-189,000	---
Subtotal	839,153	698,725	698,725	-140,428	---
Central hazardous materials fund	9,913	9,978	9,978	+65	---
Construction	11,898	10,976	10,976	-922	---
Land acquisition	33,233	23,686	14,000	-19,233	-9,686
Oregon and California grant lands	104,947	106,672	106,672	+1,725	---
Range improvements (indefinite)	10,000	10,000	10,000	---	---
Service charges, deposits, & forfeitures (indefinite)	7,900	20,490	20,490	+12,590	---
Offsetting fee collections	-7,900	-20,490	-20,490	-12,590	---
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	---	---
Total, Bureau of Land Management	1,841,893	1,700,521	1,696,844	-145,049	-3,677
United States Fish and Wildlife Service					
Resource management	911,464	941,526	959,901	+48,437	+18,375
Construction	54,073	35,393	52,718	-1,355	+17,325
Land acquisition	72,893	40,737	23,058	-49,835	-17,679
Landowner incentive program	39,740	40,000	40,000	+260	---
Rescission	-40,000	---	---	+40,000	---
Subtotal	-260	40,000	40,000	+40,260	---
Private stewardship grants	9,935	10,000	10,000	+65	---
Rescission	-10,000	---	---	+10,000	---
Subtotal	-65	10,000	10,000	+10,065	---
Cooperative encangered species conservation fund	80,473	86,614	86,614	+6,141	---
National wildlife refuge fund	14,320	14,414	14,414	+94	---
North American wetlands conservation fund	38,309	49,560	24,560	-13,749	-25,000
Neotropical migratory birds conservation fund	2,981	---	5,000	+2,019	+5,000
Multinational species conservation fund	4,768	7,000	5,000	+232	-2,000
State wildlife grants	64,577	59,983	75,000	+10,423	+15,017
Total, United States Fish and Wildlife Service	1,243,533	1,285,227	1,296,265	+52,732	+11,038
Appropriations	(1,293,533)	(1,285,227)	(1,296,265)	(+2,732)	(+11,038)
Rescission	(-50,000)	---	---	(+50,000)	---
National Park Service					
Operation of the national park system	1,564,331	1,631,882	1,636,882	+72,551	+5,000
United States Park Police	77,921	78,859	78,859	+938	---
National recreation and preservation	61,268	47,936	54,924	-6,344	+6,988
Urban park and recreation fund	298	305	305	+7	---
Historic preservation fund	68,552	67,000	71,000	+2,448	+4,000
Construction	325,712	327,257	303,199	-22,513	-24,058
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	---	---
Land acquisition and state assistance	171,348	238,634	131,154	-40,194	-107,480
Total, National Park Service (net)	2,239,430	2,361,873	2,246,323	+6,893	-115,550
Appropriations	(2,269,430)	(2,391,873)	(2,276,323)	(+6,893)	(-115,550)
Rescission	(-30,000)	(-30,000)	(-30,000)	---	---
United States Geological Survey					
Surveys, investigations, and research	919,272	895,505	935,660	+16,388	+40,155

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Minerals Management Service					
Royalty and offshore minerals management	264,477	264,446	264,446	-31	---
Use of receipts	-100,230	-100,230	-100,230	---	---
Oil spill research	6,065	7,105	7,105	+1,040	---
Total, Minerals Management Service	170,312	171,321	171,321	+1,009	---
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	104,408	106,424	106,424	+2,016	---
Receipts from performance bond forfeitures (indefinite)	273	275	275	+2	---
Subtotal	104,681	106,699	106,699	+2,018	---
Abandoned mine reclamation fund (definite, trust fund)	190,498	174,469	194,469	+3,971	+20,000
Total, Office of Surface Mining Reclamation and Enforcement	295,179	281,168	301,168	+5,989	+20,000
Bureau of Indian Affairs					
Operation of Indian programs	1,845,246	1,889,735	1,902,106	+56,860	+12,371
Construction	345,988	345,154	345,154	-834	---
Indian land and water claim settlements and miscellaneous payments to Indians	60,552	51,375	55,583	-4,969	+4,208
Indian guaranteed loan program account	5,457	6,497	6,497	+1,040	---
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	(+94,568)	---
Total, Bureau of Indian Affairs	2,257,243	2,292,761	2,309,340	+52,097	+16,579
Departmental Offices					
Insular Affairs:					
Assistance to Territories	48,183	43,623	46,623	-1,560	+3,000
Northern Marianas	27,720	27,720	27,720	---	---
Subtotal	75,903	71,343	74,343	-1,560	+3,000
Compact of Free Association	8,926	4,125	4,354	-4,572	+229
Mandatory payments	12,000	12,000	12,000	---	---
Subtotal	20,926	16,125	16,354	-4,572	+229
Total, Insular Affairs	96,829	87,468	90,697	-6,132	+3,229
Departmental management	71,957	97,140	79,027	+7,070	-18,113
Working capital fund	---	---	-20,000	-20,000	-20,000
Financial management system migration project	---	---	---	---	---
Rescission	---	---	---	---	---
Office of the Solicitor	47,462	50,374	50,374	+2,912	---
Office of Inspector General	36,003	39,049	39,049	+3,046	---
Office of Special Trustee for American Indians					
Federal trust programs	140,359	274,641	219,641	+79,282	-55,000
Indian land consolidation	7,928	20,980	20,980	+13,052	---
Total, Office of Special Trustee for American Indians	148,287	295,621	240,621	+92,334	-55,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Natural resource damage assessment fund	5,501	5,633	5,633	+132	---
Payments in lieu of taxes	218,570	200,000	225,000	+6,430	+25,000
Total, Departmental Offices	624,609	775,285	710,401	+85,792	-64,884
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	9,591,471	9,763,661	9,667,322	+75,851	-96,339
Appropriations	(9,671,471)	(9,793,661)	(9,697,322)	(+25,851)	(-96,339)
Rescissions	(-80,000)	(-30,000)	(-30,000)	(+50,000)	---
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	(+94,568)	---
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	250,049	252,170	267,230	+17,181	+15,060
State and private forestry	284,712	315,823	290,758	+6,046	-25,065
National forest system	1,353,444	1,369,573	1,400,792	+47,348	+31,219
Wildland fire management:					
Preparedness	677,996	609,747	698,000	+20,004	+88,253
Fire suppression operations	351,964	604,580	520,000	+168,036	-84,580
Other operations	341,008	327,448	406,632	+65,624	+79,184
Other appropriations (P.L. 108-7)	636,000	---	---	-636,000	---
Subtotal	2,006,968	1,541,775	1,624,632	-382,336	+82,857
Capital improvement and maintenance	548,450	524,571	560,473	+12,023	+35,902
Land acquisition	132,945	44,130	29,288	-103,657	-14,842
Acquisition of lands for national forests, special acts	1,062	1,069	1,069	+7	---
Acquisition of lands to complete land exchanges (indefinite)	232	234	234	+2	---
Range betterment fund (indefinite)	3,380	3,000	3,000	-380	---
Gifts, donations and bequests for forest and rangeland research	91	92	92	+1	---
Management of national forest lands for subsistence uses	5,506	5,535	5,535	+29	---
Total, Forest Service	4,586,839	4,057,972	4,183,103	-403,736	+125,131
DEPARTMENT OF ENERGY					
Clean coal technology:					
Deferral	-87,000	---	-86,000	+1,000	-86,000
Fossil energy research and development	620,837	514,305	609,290	-11,547	+94,985
SPR petroleum account (by transfer)	---	(5,000)	---	---	(-5,000)
Naval petroleum and oil shale reserves	17,715	16,500	20,500	+2,785	+4,000
Elk Hills School lands fund	---	36,000	---	---	-36,000
Advance appropriations, FY 2005	36,000	---	36,000	---	+36,000
Energy conservation	891,769	875,793	879,487	-12,282	+3,694
Economic regulation	1,477	1,047	1,047	-430	---
Strategic petroleum reserve	171,732	175,081	175,081	+3,349	---
SPR petroleum account	6,954	---	---	-6,954	---
Rescission	-5,000	---	---	+5,000	---
(Transfer out)	---	(-5,000)	---	---	(+5,000)
Subtotal	1,954	---	---	-1,954	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Northeast home heating oil reserve	5,961	5,000	5,000	-961	---
Energy Information Administration	80,087	80,111	82,111	+2,024	+2,000
Total, Department of Energy:					
New budget (obligational) authority (net)	1,740,532	1,703,837	1,722,516	-18,016	+18,679
Appropriations	(1,796,532)	(1,703,837)	(1,772,516)	(-24,016)	(+68,679)
Advance appropriations	(36,000)	---	(36,000)	---	(+36,000)
Rescissions	(-5,000)	---	---	(+5,000)	---
Deferral	(-87,000)	---	(-86,000)	(+1,000)	(-86,000)
(Transfer out)	---	(-5,000)	---	---	(+5,000)
(By transfer)	---	(5,000)	---	---	(-5,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	2,475,916	2,502,393	2,556,082	+80,166	+53,689
Indian health facilities	373,745	387,269	392,560	+18,815	+5,291
Total, Indian Health Service	2,849,661	2,889,662	2,948,642	+98,981	+58,980
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	14,397	13,532	13,532	-865	---
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	5,454	5,250	5,250	-204	---
Smithsonian Institution					
Salaries and expenses	460,196	476,553	489,748	+29,552	+13,195
Rescission	-14,100	---	---	+14,100	---
Subtotal	446,096	476,553	489,748	+43,652	+13,195
Repair, restoration and alteration of facilities	82,883	---	---	-82,883	---
Construction	15,896	---	---	-15,896	---
Facilities capital	---	89,970	93,970	+93,970	+4,000
Total, Smithsonian Institution	544,875	566,523	583,718	+38,843	+17,195
National Gallery of Art					
Salaries and expenses	76,717	88,849	88,849	+12,132	---
Repair, restoration and renovation of buildings	16,125	11,600	11,600	-4,525	---
Total, National Gallery of Art	92,842	100,449	100,449	+7,607	---
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	16,204	16,560	16,560	+356	---
Construction	17,486	16,000	16,000	-1,486	---
Total, John F. Kennedy Center for the Performing Arts	33,690	32,560	32,560	-1,130	---
Woodrow Wilson International Center for Scholars					
Salaries and expenses	8,433	8,604	8,604	+171	---
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration 1/	115,732	117,480	117,480	+1,748	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Endowment for the Humanities					
Grants and administration	108,919	135,878	120,878	+11,959	-15,000
Matching grants	16,017	16,122	16,122	+105	---
Total, National Endowment for the Humanities	124,936	152,000	137,000	+12,064	-15,000
Total, National Foundation on the Arts and the Humanities	240,668	269,480	254,480	+13,812	-15,000
Commission of Fine Arts					
Salaries and expenses	1,216	1,422	1,422	+206	---
National Capital Arts and Cultural Affairs					
Grants	6,954	5,000	7,000	+46	+2,000
Advisory Council on Historic Preservation					
Salaries and expenses	3,643	4,100	4,100	+457	---
National Capital Planning Commission					
Salaries and expenses	7,206	8,230	7,730	+524	-500
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	38,412	39,997	39,997	+1,585	---
Presidio Trust					
Presidio trust fund	21,188	20,700	20,700	-488	---
Total, title II, related agencies:					
New budget (obligational) authority (net)	10,196,010	9,727,318	9,933,803	-262,207	+206,485
Appropriations	(10,266,110)	(9,727,318)	(9,983,803)	(-282,307)	(+256,485)
Advance appropriations	(36,000)	---	(36,000)	---	(+36,000)
Rescissions	(-19,100)	---	---	(+19,100)	---
Deferral	(-87,000)	---	(-86,000)	(+1,000)	(-86,000)
(Transfer out)	---	(-5,000)	---	---	(+5,000)
(By transfer)	---	(5,000)	---	---	(-5,000)
Grand total:					
New budget (obligational) authority (net)	19,787,481	19,490,979	19,601,125	-186,356	+110,146
Appropriations	(19,937,581)	(19,520,979)	(19,681,125)	(-256,456)	(+160,146)
Advance appropriations	(36,000)	---	(36,000)	---	(+36,000)
Rescissions	(-99,100)	(-30,000)	(-30,000)	(+69,100)	---
Deferral	(-87,000)	---	(-86,000)	(+1,000)	(-86,000)
(Transfer out)	---	(-5,000)	---	---	(+5,000)
(By transfer)	---	(5,000)	---	---	(-5,000)
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	(+94,568)	---

1/ Challenge America Arts Fund was requested by the President as a separate account.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to again thank our new chairman, the gentleman from North Carolina (Mr. TAYLOR), for the way he has approached the process this year. He and the staff have worked with us and tried to craft a balanced bill within a limited allocation. And I want to also commend the staff of the committee, Debbie Weatherly, Chris Topic, Loretta Bowman, Joel Kaplan, Greg Kanadle, Mike Stevens and Lesley Turner. We have a very collegial working relationship, and it is something that, I think, the House would be proud of.

During committee consideration, I offered two important amendments that I felt would have significantly improved this bill. The first amendment sought to add money for wildland fire accounts in an attempt to lessen the massive borrowing to fight forest fires. I was extremely pleased that the administration came forward last week with a $289 million request as part of an emergency supplemental, and I plan to strongly support those funds being provided as quickly as possible.

The second amendment that I offered related to the conservation funding and the shortfall in the Conservation Trust Fund. The amendment was not adopted, and the Committee on Rules would not allow a similar amendment to be offered by the gentleman from Wisconsin (Mr. OBEY) on the House floor today. I find that unfortunate because the issue of the Conservation Trust Fund is enormously important to the gentleman from Wisconsin (Mr. OBEY) and I, as co-authors of the trust fund with the former chairman, the gentleman from Ohio (Mr. REGULA).

We reached a deal in 2000 as a compromise to the CARA legislation that would have created a new $3 billion mandatory program and instead created this trust fund to elevate funding levels for critical programs without a new entitlement.

The new trust fund raised conservation spending for key programs in this bill from $514 million up to $1.2 billion and added built-in increases that would have brought conservation spending in this bill to $2 billion in 2006. I was pleased that the committee stuck to its word for the first 2 years of the agreement.

This year, however, the interior bill falls $569 million short. The shortfall impacts each and every program under the trust fund: both Federal and State programs under Land and Water Conservation Fund; the Forest Legacy Program; Cooperative Endangered Species; the North American Wetlands Conservation Fund; State Wildlife Grants, Historic Preservation, Payments in Lieu of Taxes; and the Urban Parks Program.

Most of these programs are either below the President's request or below last year, despite the fact that the trust funds provided for increases. And while I am deeply disappointed in the funding levels for conservation programs, there are other aspects of this bill that I strongly support.

The bill provides $115 million above the President's request for the National Fire Plan, which I strongly support. It includes money to continue two national environmental restoration projects by the National Park Service, the Everglades Restoration Project in Florida and the Elwha River Recovery Project in the State of Washington.

Additionally, the bill contains important language related to the Everglades that protects the Federal interest and ensures that the State of Florida is meeting its obligations to improve the quality of water entering the Everglades.

The bill also contains language relating to competitive sourcing that I believe is necessary to ensure that Congress has a clear understanding of what the administration's intentions are in this area. This committee recently learned that both the National Park Service and the U.S. Forest Service had plans to spend several million dollars on these activities without following standard reprogramming guidelines and without clear direction from Congress.

I consider this bill a work in progress and am hopeful that we can work together on areas of this bill that I believe still need improvement.

At the appropriate time, I intend to offer an amendment with my colleague, the gentlewoman from New York (Ms. SLAUGHTER), to increase money for the National Endowment for the Arts and the National Endowment for the Humanities. We were successful with a similar amendment last year, and I hope this year we can again come together and show the full support of the House for the two endowments.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), a valued member of the committee.

Mr. SHERWOOD. Mr. Chairman, I rise in strong support of the interior appropriations bill, and I want to commend the gentleman from North Carolina (Chairman TAYLOR) for putting together a balanced and fiscally responsible bill that meets the natural resources, recreational, energy and cultural needs of all Americans.

This bill does its part to contain Federal spending in that it adheres to the 302(b) budget allocation and provides nearly $200 million less than what was contained in the FY 2003 bill. At the same time, it sets priorities with increases in national parks operations and backlog maintenance, the national wildlife refuges and the national forest system. It provides funds for the weatherization program and increases the administration's request for the abandoned landmines program that is so important to Pennsylvania.

The bill provides $2.5 billion, with a B, for the National Fire Plan and includes substantial increases for fire fighting readiness, hazardous fuels reduction and State and community assistance.

I am particularly pleased that the bill provides $33 million dollars for Forest Service forest health initiatives, including funds to control and manage adelgids in the East.

The bill also contains language I support regarding the operation of the Northeast Home Heating Oil Reserve. I feel that the reserve has not been responsive enough to winter heating needs in the Northeast and may too narrowly define supply disruptions. The bill's report language will direct the committee on the circumstances and the various scenarios on which the reserve will be used.

To those who say the bill does not contain enough money for conservation and land acquisition, I would point out that the bill contains $1 billion for programs funded under the conservation spending category as well as other programs in the National Parks Wildlife Refuges, Federal forests and other areas that are important conservation efforts but do not technically fall under the conservation category.

In regard to land acquisition, we already own one-third of the United States. We need to manage that better before we buy new things. This is a balanced and responsible bill, and I commend the chairman for his leadership and urge my colleagues to give it their full support.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democratic member of the full committee.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am simply going to repeat most of what I said about 40 minutes ago with the sure understanding that almost nobody was listening the first time and perhaps I might catch some more ears this time.

I would very much like to vote for this bill. It has, through the years, been one of my favorite bills in this place; but I am not able to and still keep my word to this institution.

As I said earlier to the House, in 1964 when the country decided that we were going to begin offshore oil drilling, an agreement was made to put about $900 million dollars a year of that revenue into preservation of key pieces of land around the country with the Federal Government and the States both participating in protecting that land.

The problem is over the years that commitment was not kept and gradually about a $13 billion surplus was built up in that funds. That is why 3 years ago 315 Members of this House passed what was known as the CARA legislation. And what that was was an attempt to make that prior understanding finally a reality by turning funding for a number of those conservation programs into entitlements.

I opposed that. I thought we ought to be able to make conservation a high priority without turning it into an entitlement superior on claims to the Treasury on items like education or health care for that matter. I did not think they were superior. I thought they should be considered equal. And folks who had those beliefs, folks who had my beliefs essentially won the debate or at least we won the argument, and we shook hands on an agreement. And under that agreement, the gentleman from Washington (Mr. DICKS), myself, and the gentleman from Ohio (Mr. REGULA) on the minority side of the aisle, at that time serving as chairman of this subcommittee, agreed that we would double funding for those conservation programs and then over time have increments that would raise funding to $2.4 billion.

We did that in order to stave off an entitlement; and for the first 2 years this committee stuck to the agreement. But in the omnibus appropriations bill last year, the committee backed away from that agreement; and this bill takes us some $570 million below that agreement; and that is why I cannot support the bill as it stands.

We tried in the rule to have the rule defeated so that we would have an opportunity to add that $570 million to the bill and to pay for it by reducing by $3,000 the tax cut that is scheduled to go to people who make over a million dollars a year in this country. We would have reduced that tax cut from $88,000 to $85,000, making hardly a dent in it. I think most people in that bracket would have gladly said, look, the national parks and national forests are a high priority. By all means, make those changes. But the House did not do it; and so in my view at this point, this bill cannot be repaired as far as I am concerned because I believe, above all else, in keeping my word.

□ 1745

I promised people on the other side of the debate 3 years ago that if the Committee on Appropriations did not stick to the deal that I would change my position and instead support making these programs an entitlement, and so from this point on that is where I stand on this issue.

I must say I am deeply distressed that my committee saw fit not to keep the agreement they entered into 3 years ago. That was not an authorization agreement that was entered into 3 years ago. That was an appropriations agreement. And the Committee on Appropriations, as one of the great committees of this House, ought to keep its word. It has not on this bill, and that is why, regardless of other changes in the bill, I cannot vote for this bill as it presently stands.

I recognize some people have other considerations, but I believe it is important that we keep our word to each other and that we keep our word to the American people. This bill is going to be seriously short; and, as a result, we will lose our ability to preserve and set aside forever key pieces of land in places such as Yellowstone, Grand Teton, nine key acres in Valley Forge. It is a shame, but that is what this House has come to on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in support of this bill. Overall, this is a reasonable bill, given the budgetary constraints. It could have been an even better bill if my colleagues on the other side of the aisle had not decided that it was more important to make a political statement, to score political points than to make progress.

As was mentioned earlier in the debate on the rule, I was prepared to offer an amendment that would have moved $95 million from fossil fuel research and development, money that the administration did not request, into a range of conservation accounts.

The impact of my amendment would have been to free up more money for such popular and important programs as the Federal and State Land and Water Conservation Fund, State wildlife conservation programs, historic preservation, forest legacy, and urban parks and recreation. This money is desperately needed for these important programs, and the amendment was backed by just about every single environmental and sportsmen's group. So this was an amendment that would have done some real good for the American people, real people.

But my colleagues on the other side of the aisle decided they did not want the amendment to pass. Why not? Was it because they opposed putting more money into conservation programs? No. Was it because they thought the amendment would cause any harm to the public? No. Was it because they thought the amendment was bad for the environment? No.

The only reason this amendment was being vociferously opposed is because that seemed like a way to score political points. They did not want anything to pass that would demonstrate Republican support for conservation and the environment. What a sad commentary on the state of American politics.

So, instead of a good debate on conservation that would have led to an increase in spending for programs that benefit the American people, we are going to have a pathetic and pointless debate about a make-believe proposal that would reduce the tax cut. My colleagues know and I know that is going nowhere.

I hasten to remind my friends on the other side of the aisle that the tax cut battle is over. The bill was passed by the Congress, signed by the President.

Here are the choices we face. Either go with the Boehlert amendment, adding $95 million to very important programs in the area of conservation and protecting the environment, or do nothing. The other side opted to do nothing because they wanted to have a political advertisement. We all know about the obscene cost of political advertising, but $95 million per statement is pretty darn expensive, and the American people are the losers. Sad day.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY), a member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, I am a bit mystified by the statement that was just made by my friend and colleague from New York. The Democrat party is not in the majority in this House. We do not control the agenda. That is controlled by the Republican party, and there is no reason why an amendment that a Republican Member wants to bring forward should not be brought forward and everybody has an opportunity to vote on it. I am sure I would have voted for it if the gentleman had brought it out here.

It is not too late. Let us bring the amendment out here, discuss it. If the amendment has merit, then it will pass. I do not see any reason why it is not going to be brought forward. It is your amendment. You are in control of the House. You bring it forward.

I want to thank the gentleman from Washington (Mr. DICKS), the ranking member, for yielding me the time; and I appreciate his leadership and hard work on this bill.

I also want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR), our chairman, for his hard work. I have enjoyed working with our chairman on the process that put this bill together. We had a good series of hearings earlier this year that led to some spirited discussions among the members of the subcommittee, and I want to thank the professional staff on both sides for all the good work that they have done.

There are some very good initiatives in this bill. Very importantly, the subcommittee's vigorous oversight of Everglades restoration is reflected here.

Despite admonishments from me and several subcommittee members, including the chairman and the chairman of the full committee, the State of Florida enacted legislation earlier this year that casts considerable doubt on the commitment to Everglades restoration. The provisions contained in this bill will ensure that the Federal interest in restoration is maintained by protecting the water quality that is crucial to the healthy functioning of the Everglades ecosystem.

The increased funding for Indian health and education in the bill is commendable, as is the subcommittee's concern with the administration's rush to contract out jobs within the Park Service and the Forest Service. A good job was done there.

Again, to the gentleman from North Carolina's (Mr. TAYLOR) credit, the bill restores some of the most egregious cuts proposed by the administration, such as those that would have crippled the important scientific research at both the Forest Service and the Geological Survey.

I recognize that the gentleman from North Carolina (Mr. TAYLOR) is working with an insufficient allocation that is the direct result of the Republican tax cuts, and that is a problem that has devilled this process throughout. My colleagues cannot take $3 trillion out of the Treasury and then expect to have enough money to meet the needs of the country, and this is what we are facing throughout this appropriations process, and it is unfortunately reflected in this bill as well.

Arts funding is still frozen at 30 percent below what it was 10 years ago, and energy research lacks the necessary resource and vision to put us on a path to energy independence. But beyond the low allocation, even more troubling is the ideologically driven opposition to conservation funding that permeates the bill, particularly land acquisition. This bill completely walks away from our responsibilities to protect and conserve lands.

The tilt of this bill towards the notion that the Federal Government somehow owns too much land runs counter to the desire of the American people to preserve open space and natural resources. While I certainly agree that we should take care of what we already own, we have got an obligation to protect the best of what remains, sensitive and threatened forests, coastal lands, mountains, plains and wetlands that provide ecological, scenic and recreational values of national significance.

Federal land acquisition programs in this bill are funded at $100 million. This is $213 million below last year's level, more than a 50 percent cut, and even $87 million below the President's request. The lack of land acquisition funding in this bill means lands that could otherwise be protected may now be lost forever.

These cuts are incredibly shortsighted. The demand for open space and protected areas will only continue to grow as our population swells and land development pressures increase.

So the bill contains a number of important provisions, but so far as the land acquisition and conservation measures are concerned it is inadequate.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, the gentleman in the aisle makes a good point. We have worked well together across the center aisle, Republicans and Democrats. We have to work across the center aisle. We have worked well over the years. This time that cooperation stopped at the center aisle because a conscious decision was made not to go forward with a $95 million add-on which we could embrace warmly but rather to go forward with nothing because they want a partisan statement.

Mr. HINCHEY. Mr. Chairman, if the gentleman would yield, that would be a mistake; and I urge my colleague to bring that amendment out here so we could debate it. Bring it out.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA) former chairman and valued member of the subcommittee.

Mr. REGULA. Mr. Chairman, I thank the chairman of the subcommittee for yielding me the time.

I want to express my strong support for the fiscal year 2004 Interior appropriations bill. As a member of the Subcommittee on Interior and Related Agencies, I believe this is a balanced bill that addresses many of our most urgent needs. I want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR) and his staff for their hard work in putting together a good bill under very tight budget constraints.

Mr. Chairman, this bill addresses a number of important national priorities. It provides funding increases for our four land management agencies, the National Park Service, the Fish and Wildlife Service, the Forest Service and the Bureau of Land Management, which provide wonderful recreation opportunities for the American people.

To improve the visitor experience, the bill provides focused funding to address the continuing backlog of maintenance on these public lands, including $682 million for our national parks and a restoration of $47 million for our national forests.

During my past tenure as chairman of the committee, I made reducing of the maintenance backlog a top priority. We created the Recreational Fee Demonstration Program, which allows the land management agencies to raise additional revenues to further address their maintenance needs. Most of the fee stays at the site where it is collected and is used for maintenance and other enhancements to the visitor's experience.

This demo program, which would be extended under this bill, continues to be a success. We have collected over $1 billion thus far, which was put most largely into maintenance and enhancing the visitor's experience. It has provided a real benefit for those Americans who have visited our parks, forests and other public lands.

The bill restores deep cuts made in the President's budget to the U.S. Geological Survey and further provides a $16 million increase over the fiscal year 2003 level. This funding will enable USGS scientists to better understand the Earth's processes and allow them to provide first-rate scientific data to those responsible for managing and conserving our natural resources.

In particular, I want to highlight funding included for the America View program which allows universities to collect remote sensing data and analyze it for both educational and land planning purposes.

This bill continues our strong support in Congress for the restoration of the Everglades, providing $68 million toward this project. However, I remain concerned that recent actions taken by the Florida legislature undermine the Federal-State commitment, and it is a Federal-State commitment, to restoration. It is my understanding that we will consider an amendment to condition Federal funding on assurances that the State of Florida is meeting its prior commitments to improve water quality. I ask my colleagues to support this amendment when it is considered.

I am pleased that the committee has worked to restore a number of serious cuts in the President's budget for important programs at the Department of Energy. The bill specifically restores funding for fuel cell research in fossil energy to current enacted levels. This will allow the Solid State Energy Conversion Alliance initiative, which is developing standardized fuel cell components that would be used in many different types of fuel cell applications, to continue to move forward.

I also appreciate the committee's efforts to restore cuts in the President's budget to the Industries of the Future program within Energy Conservation, particularly those relating to steel and metal-casting.

□ 1800

These programs support technological advances that make our domestic industries more energy efficient and, as a result, more competitive in the global marketplace.

The bill continues our commitment in Congress to implement the National Fire Plan, which is very timely given the serious situation in the West. It provides $115 million above the President's request, including substantive increases for readiness, hazard fuels reduction and forest health. These are commonsense measures that will help us both prevent and more adequately contain wildfires.

Lastly, I am encouraged by the committee's work to develop a coordinated national plan for the acquisition of Federal lands. I believe the Federal Government needs to focus less on acquiring new lands and more on taking care of the property and facilities it already has. Under this bill, the Secretaries of Interior and Agriculture would develop a plan outlining clear acreage goals and conservation objectives for lands acquisition. I believe this reevaluation will provide for better and more focused use of limited funding resources.

Mr. Chairman, this is a very balanced bill that Chairman TAYLOR has produced in the subcommittee, and it funds many important national priorities. I urge its expeditious consideration and passage.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a valued member of the House and a person who is very interested in environmental issues in the Pacific Northwest.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's yielding me this time. I have great sympathy for the hard work that the subcommittee has done, both the chairman and ranking member; but I appreciate also what the gentleman from Washington (Mr. DICKS) said about this being a work in progress, and I sincerely hope that it will be.

I heard the gentleman from New York (Mr. BOEHLERT) talk about his concern that there was not great enthusiasm for an amendment that would restore approximately $90 million for Conservation Trust Fund activities. Mr. Chairman, I can understand the reticence on behalf of a number of Members of this Chamber to embrace that, but we had an agreement.

A bill passed overwhelmingly under the leadership of the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) that passed by a veto-proof margin through the House and had tremendous momentum in the Senate. There was an agreement. The gentleman from Ohio (Mr. REGULA), I was pleased to see here, was part of this artful effort to put together an agreement that solved the problem in the short term. Now we have seen this agreement shattered.

Because of the continuing resolution and what is in the bill that is before us today, we would shortchange what that agreement was overwhelmingly supported by this Chamber by almost $1 billion. I do not think that there are very many people here who are going to embrace with great enthusiasm a 10 percent solution when we have massive unfunded commitments to the stateside portion of that.

In my community, where the committee has visited the Columbia River Gorge, there is priceless land in a conservation area where there are willing sellers that want to complete the deal, but there is not money available. There is underfunding in the arts. And I am convinced that there will be action in this work in progress that will bring people together and the will of this body will be heard, I think in a bipartisan majority, that hopefully will restore that funding for the arts.

Mr. Chairman, it is not any lack of interest in true bipartisanship. I think the agreement that the gentleman from Ohio (Mr. REGULA), the gentleman from Washington (Mr. DICKS), the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) were a part of was a classic example of that bipartisanship. It is time to reach back, restore it in this work in progress.

Now, one specific that I would make reference to. I will be offering in the course of the debate on this bill an amendment that would reduce water-intensive agriculture in the one wildlife refuge in the United States where there is unregulated agriculture practicing on leased land dealing with the Klamath basin. I hope we will be able as a Chamber to come forward to solve that problem. But in the meantime, I commend the subcommittee for its hard work and look forward to this work in progress solving the CARA problem.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself 1 minute to enter into a colloquy with the gentleman from Pennsylvania.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. SHERWOOD. Mr. Chairman, regarding funding for the U.S. Geological Survey's Minerals Assessment Team, there was confusion regarding whether this important activity was included in the bill. I have been informed that when the gentleman restored the mineral program, it also included the restoration of the Mineral Information Team Commodity reports.

Minerals and mineral products accounted for over $370 billion to the economy in 2002. This survey is the only institution, either public or private, that provides these important resource assessments, and I would ask the chairman if this is his understanding regarding the restoration of this important program.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, the gentleman, as usual, is correct in his assessment of the situation. It has been restored.

Mr. DICKS. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. ROTHMAN), a valued member of the Committee on Appropriations to engage in a colloquy with the chairman of the subcommittee.

Mr. ROTHMAN. Mr. Chairman, I thank the ranking member for yielding me this time, and I would like to address my remarks to the distinguished chairman of the subcommittee.

Mr. Chairman, I rise to discuss an important issue regarding the Fish and Wildlife Service's ongoing work in the Hackensack Meadowlands area of New Jersey. The Fish and Wildlife Service has termed the 8,400-acre Hackensack Meadowlands an "aquatic resource of national importance," an area 10 times the size of Central Park in New York City, located in the most densely populated area of the most densely populated State in the Nation, New Jersey, just a handful of miles from the Empire State Building. The Meadowlands is home to 65 species of nesting birds and 50 species of fish and shellfish.

During the last 2 fiscal years, Mr. Chairman, Congress has directed the service to assist the U.S. Army Corps of Engineers in its ongoing feasibility study of preparing alternative approaches to preserving the meadowlands. In fiscal year 2003, the committee provided $180,000 for the service's New Jersey field office for such purposes. I want to thank both Chairman TAYLOR and Ranking Member DICKS for their past and continuing support of this important project.

To continue the service's coordination with the Army Corps as well as its development of a comprehensive restoration plan that will recommend long-term management options for the Hackensack Meadowlands, an additional $50,000 is needed in fiscal year 2004 so that the New Jersey field office can complete the hiring of a field biologist and an environmental toxicologist.

As the interior bill moves to conference with the Senate, I ask that the distinguished chairman consider the funding requirement for this important effort.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman from New Jersey for his leadership on this program. The Hackensack Meadowlands are indeed an important resource and a reasonable priority for the service.

I am advised that the unanticipated budgetary delays have hindered the prompt hiring of the personnel the gentleman mentioned. I will look forward to working with the gentleman as we move forward towards conference to ensure that the service has the resources it needs to continue its consultative role on the Army Corps' meadowlands ecosystem restoration study.

Mr. ROTHMAN. Reclaiming my time, Mr. Chairman, I want to thank the gentleman from North Carolina (Mr. TAYLOR) and my distinguished ranking member for all their help on this issue and look forward to their continuing support on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I want to enter into a colloquy with the chairman of the subcommittee.

Mr. Chairman, UPS's primary hub is located in my district. The United Parcel Service, known as UPS around the world, employs 22,000 people in my district. It just completed a $1 billion expansion and is the largest taxpayer in the State of Kentucky. In 2001, UPS supported approximately 7.1 million packages from overseas and exported 11.4 million packages going overseas. A significant portion of this volume is under the jurisdiction of the U.S. Fish and Wildlife Service.

Considering the volume of products under their jurisdiction, it is only logical to designate Louisville, Kentucky, as the port of entry for international trade in Fish and Wildlife resources in the coming year. That designation only reflects the fact that in modern day Fish and Wildlife jurisdiction has to be not only at our ports but also at the primary designations at our airports.

Mr. Chairman, I know that right now there is $700,000 in the budget that is for Atlanta; but I am eager to see that moved, as the Senate has done, to Louisville.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would say to the gentlewoman from Kentucky that I know she has worked long and hard on this project, and it will be my intent to see that it is funded, working with her and the Senate.

Mrs. NORTHUP. Reclaiming my time, Mr. Chairman, I thank the chairman very much.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank the ranking member for yielding me this time, and I rise to engage the chairman of the subcommittee in a colloquy regarding American Indians and homeland security.

Mr. Chairman, I am concerned that as we move forward with the interior appropriations bill it is important to highlight the fact that no funds have been appropriated for tribal homeland security initiatives. Since the September 11 attacks, we have had allocated significant funds to secure the homeland against future terrorist attacks; however, Indian country has been excluded from all homeland security plans.

I would ask that my colleagues recognize that tribes need to be included in the national strategy for homeland security. This is of particular importance for those tribes that are required to help protect the Nation's borders.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I wish to assure the gentleman that I agree with his assessment of the situation. I am not sure that the interior bill is the appropriate place to provide this funding, but I will work with the gentleman to address these needs in future appropriations bills.

Mr. PALLONE. Reclaiming my time, Mr. Chairman, I want to thank the chairman for his consideration.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER), our distinguished colleague and member of the Committee on Appropriations.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time.

First of all, I want to thank the chairman, the gentleman from North Carolina (Mr. TAYLOR), and the ranking member, the gentleman from Washington (Mr. DICKS), for their very hard work in bringing forward this bill. And I particularly thank both the staffs, the majority led by Deb Weatherly and the minority led by Mike Stephens, because the work of bringing forward the bill, the difficult work, is really done by them.

I appreciate very much that the bill includes important increases in many areas. For instance, there is a $335 million increase over the fiscal 2003 base funding for the National Fire Plan, which is critically important to the Nation's ability to both fight and prevent catastrophic forest fires. And I think it is very commendable that we have a $240-some million increase for Indian health education and trust reform, while that still is probably a good deal less than is needed.

Unfortunately, despite the positive aspects, and those are only a couple of them, the 2004 appropriations bill remains flawed in key areas. These failings include, first, a continuing policy of freezing funding for the National Endowment for the Arts at levels 30 percent less than provided a decade ago, despite repeated votes on the floor of the House in support of increased funding. Second, the rejection of the President's request to increase funding for the Department of Energy's weatherization program, which is critical in helping poor families reduce their energy costs and is funded at a level $63 million below the President's request.

□ 1815

But most particularly, I regret the retreat from the committee's previous commitment to adequately fund conservation programs to protect public lands and cultural artifacts, to preserve endangered and threatened species, and to assist States in their own conservation and recreation programs.

These conservation programs are funded at a level which is $208 million below the current year and $569 million below the level authorized in the Conservation Trust Agreement reached less than 3 years ago. These conservation programs include, and I will just mention a couple, the Forest Legacy Program, where 93 Members of the House wrote the committee in support of the Forest Legacy Program. These 93 Members asked for an increase from $68 million to $158 million. Instead, this bill funds Forest Legacy grants to the States at $45 million, which is a level 30 percent less, lower, than last year.

Secondly, the North American Wetlands Conservation Fund where 225 Members of the House wrote the committee and encouraged us to increase funding for the Wetlands Conservation Program. Instead, that level is less than half the President's request. Instead of increasing the program modestly, we have in fact cut it by a third.

The Stateside Assistance Program which is funded at $98 million, about a 40 percent reduction from the President's request, and the Urban Parks Program where no funding is provided. The Urban Parks Program has been in place for 30 years, and it was zeroed out. It was part of the same CARA agreement made 3 years ago which is not being maintained under this bill.

I certainly hope I will be able to vote for this legislation after the final conference report. It is my intent to do so if some of these failings have been corrected along the way.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), one of the leading environmental advocates in the House of Representatives.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for all of his work on this bill and to the chairman of the committee for all of their time and effort to bring this bill to the floor.

But I do want to say how disappointed I am with this legislation in terms of its treatment of the conservation spending and the conservation accounts. As previous speakers have noted, these accounts were created based upon a bipartisan agreement and an agreement to fund them when we had under consideration the CARA legislation, which was really designed to redeem the promise that this government made to the people of this country that, in exchange for offshore oil drilling, we would create an account, the Land and Water Conservation Account, and those monies would be used for the acquisition and protection of public and local lands, stateside land and water conservation for State and local governments to acquire land and communities to acquire land, and the Federal account for Federal lands.

That was the agreement. There were overwhelming votes in the committee on a bipartisan basis; there were overwhelming votes on the floor of the House. The Committee on Appropriations responded with the funding of these accounts, and now we see that those accounts were savaged. This was a promise. This was an account that was created for the acquisition of these lands, both federally and locally. That account has several billion dollars in it in surplus, and yet we see what happens; those accounts were taken down from $450 million on the Federal side and $450 million on the state side.

It is just unacceptable, because what do these Federal dollars do at the local level? They attract corporate money, they attract foundation money, local people make contributions. The fastest-growing organizations in the environmental movement are land trusts where communities come together to try to protect the natural assets of their communities, to protect the values in their communities, to create open space so that people can enjoy a quality of life. That is what those Federal dollars do. They are all matched at the local level.

Now we see instead of $450 million, we are going to have around $100 million. It is breaking a promise. It is breaking a promise with the people of this country. We tried to offer, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS) were going to offer an amendment; but it would not be made in order to restore the funding for those accounts. And those accounts should be restored in toto.

Maybe what we should do is we should object to every suspension bill where a Member of the Republican Party is asking to acquire additional land. I sit on the Committee on Resources; and we pass bill after bill where Members of the other party want to acquire land, another 10 acres, another 20 acres, move the boundary east, west, add to this national park, add to this wilderness area. Why do they do that? Because the communities they represent want this done. They are responding to the desires of their constituents. And now instead of $450 million being available, there will be $100 million. If the Republicans dislike the program this much, they should not put in any more requests. There should at least be enough money in this bill to fund the Republican requests for land acquisition. That ought to be the minimum.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I ask the gentleman if it is true that the President of the United States when he ran for President said we were going to have full funding of the Land and Water Conservation Fund, $450 million for Federal, $450 million for state-side, and now we are down at $197 million for both programs?

Mr. GEORGE MILLER of California. Mr. Chairman, that was his promise during the campaign, and it was his promise after he was elected. He was asked by the supporters of CARA in the campaign. I hate to say this, but he endorsed the bill and the concept and the money before the Democratic nominee did. He was out there saying this is important. Why? Because he understands this is community-driven. This is the best in our Federal system. Local people have these needs; they have raised local money. The Federal Government provides a catalyst from an account that was set aside specifically for that purpose. The gentleman has done an incredible job on these conservation accounts over the last several years, but now all of a sudden it looks like they just got in the car and drove over the cliff on this one.

We will see who puts in the requests for the dollars. So no more Federal land, and yet bill after bill is passed out of the Committee on Resources, and then the Committee on Appropriations is supposed to fund it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was a member of the Subcommittee on the Interior, was not a member of this agreement that Members are talking about being made. No Congress can bind another Congress to an agreement because each Congress changes.

I would point out that given our funds, we have done a great deal in the area of conservation spending. We are putting in more than $1 billion in this program. In addition, we have spending categories that were not even established in 2001, and there are many billions of dollars in this bill that address conservation. Neither this administration nor this committee has failed in our effort to address the question of conservation. We have, however, tried to balance the bill given the fact that we have a deficit this year.

I am sure the gentleman will soon be addressing us and criticizing us in a few months about the deficit. This is the only time we can address it in our appropriations area.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST) for a colloquy.

Mr. GILCHREST. Mr. Chairman, I rise to engage the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee, in a colloquy regarding the eradication and control of exotic, invasive nutria through a partnership of Federal and State agencies and private organizations in Maryland.

I would like to thank the chairman for including funding for the Maryland Nutria Eradication and Control Act within the national wildlife refuge operations and maintenance budget. In the Chesapeake Bay, both the Blackwater National Wildlife Refuge and the Chesapeake Bay field office are partners in the Nutria Eradication and Control Project management team with other Federal agencies, the State of Maryland, and private landowners around the refuge. It covers over 60,000 acres of marsh, and it has been a 5-year program.

Funds made available for this project have been authorized by Public Laws 105–322 and 108–16, which specify that, "In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds,'" dated March 2002.

This strategy describes a comprehensive approach to nutria eradication on the Blackwater National Wildlife Refuge and the surrounding areas. We have lost over 7,000 acres of marshland up to this point from this invasive species.

In the past few years, Maryland nutria eradication funds were appropriated and administered through the Partners for Fish and Wildlife Program, and this ensured that the project funding was not limited to use on the refuge. The refuge receives separate funds directly for use on the refuge system.

The interior appropriations bill we are considering today includes generous funds for the current nutria project for this year, but the funds are entirely within the budget of the Blackwater National Wildlife Refuge. It is vital that funds be applied to the entire project so that USDA trappers can be compensated and the Fish and Wildlife Service can procure and maintain the necessary equipment and facilities on the refuge and continue to support the Nutria Eradication and Control Project.

Is it the understanding of the chairman that the service, through the Blackwater National Wildlife Refuge, should continue to support the Nutria Eradication and Control Project in Maryland, as authorized, throughout the 60,000 acres impacted by nutria as well as on the refuge itself?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for his interest in the Chesapeake Bay and his leadership in addressing the threat posed by invasive species to our public. The committee intends that the funds appropriated for the Nutria Eradication and Control Project in Maryland be applied to the eradication strategy, as authorized, and not to be limited to activities within the boundaries of the refuge.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for his attention to this issue.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, with the House scheduled to consider the interior appropriations bill for 2004, I wanted to take a minute to urge my colleagues to consider for a moment the important research and development programs administered by the Department of Energy that are funded in this bill.

R&D in areas such as clean coal technology, fuel cells, highly-efficient gas turbines, and integrated gasification combined cycle power plants ensure that power plants can run cleaner and more efficiently, allowing us to meet ever-increasing demands on power generators. Equally important are enhanced recovery technologies for oil and natural gas which enable us to continue to fuel our cars and heat our homes.

Mr. Chairman, I believe that dollar for dollar, these programs may be the very best investment this country can make to sustain and strengthen our Nation's economy, bar none. As the ranking member of the Committee on Science, I congratulate the Subcommittee on the Interior and Related Agencies for increasing the fossil energy funding by $99 million over the President's request. However, as much as this increase is, it is still below the levels appropriated last year. I remain concerned about the folks at OMB. I urge my colleagues to support the bill as reported out of the Committee on Appropriations.

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Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I would like to engage the gentleman from North Carolina in a colloquy regarding the Steens Mountain Cooperative Management Protection Act of 2000 as it relates to access to private inholdings.

Mr. Chairman, I am concerned that the Bureau of Land Management needs to be reminded of its responsibilities to provide for the continuation of normal and generally used modes of access to private inholdings. This is especially important now because the Bureau of Land Management is in the process of finalizing its land management plans for the Steens Mountain Cooperative Management and Protection Area. I ask for the gentleman's assistance in this matter.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Let me assure the gentleman that I will convey his concerns to the Department of the Interior. I agree with his assessment of the situation relating to access to private inholdings.

Mr. WALDEN of Oregon. Mr. Chairman, I believe that management concerns should be addressed through acquisition exchanges and ask for the gentleman's help in this area as well.

Mr. TAYLOR of North Carolina. Within the current budget constraints we will do our best to address the gentleman's concerns.

Mr. WALDEN of Oregon. Mr. Chairman, I appreciate that and thank the gentleman for his work.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

We have a lot of concerns about all legislation that comes before Congress. There is never enough money, we feel, to spend all the money for all the needs that we have. This year we have a deficit. We have a balanced bill in this Interior bill. We think it addresses adequately all concerns within our ability to spend. I want to thank the gentleman from Washington (Mr. DICKS) and the committee, both the majority and the minority, for the work that they have done on this.

I urge my colleagues to support this bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in support of H.R. 2691, the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2004 and at this time I want to thank the Chairman of the Subcommittee on Interior Appropriations and the Ranking Member for bringing this bill to the floor. I also want to thank Chairman BILL YOUNG and Ranking Member DAVID OBEY of the full committee for their leadership and support.

H.R. 2691 appropriates funding for the Department of the Interior and other related agencies including the Office of Insular Affairs. The Office of Insular Affairs (OIA) was established on August 4, 1995 through Secretarial Order No. 3191. In part, the OIA was established to help the U.S. government fulfill its responsibilities to the four U.S. territories (American Samoa, Guam, the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands) and the three freely associated states (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

Territorial assistance provided by the OIA as appropriated through Congress provides substantial financial resources to these governments, including the government of American Samoa. Once again, I am pleased that my colleagues have supported my efforts to make sure that American Samoa's funding remains in place despite the budget cuts this country is facing and despite our nation's need to increase funding for the war on terrorism.

More than 100 years ago, the traditional leaders of American Samoa ceded their islands to the United States and our sons and daughters have served in record numbers in every U.S. military engagement from WWII to present operations in our war against terrorists. The people of American Samoa have stood by the United States in good times and bad and to this day American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

While I understand the need for budget cuts, I want to thank my colleagues for also understanding and supporting the needs of American Samoa. I thank my colleagues, both Republican and Democrat, for favorably supporting my efforts to keep American Samoa's funding in place. This funding will help American Samoa improve its infrastructure and address its critical education, health care and transportation needs. I urge my colleagues to support this bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $834,088,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,222,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation

Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $834,088,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $698,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this heading on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this heading to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $10,976,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $14,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended.

AMENDMENTS OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendments.

The CHAIRMAN. The Chair notes that the amendments address a portion of the bill not yet read for amendment and appear not to invoke clause 2(f) of rule XXI. Does the gentleman ask unanimous consent for their consideration at this point in the reading?

Mr. OBEY. Yes, Mr. Chairman, I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. OBEY:

On page 7, line 13, strike $14,000,000 and insert $49,920,000.

On page 14, line 8, strike $23,058,000 and insert $99,135,000.

On page 25, line 24, strike $131,154,000 and insert $330,117,000.

On page 97, line 17, strike $29,288,000 and insert $149,742,000.

On page 17, line 12, strike $75,000,000 and insert $100,000,000.

On page 16, line 11, strike $24,560,000 and insert $43,500,000.

On page 91, line 3, strike $290,758,000 and insert $335,272,000.

On page 22, line 23, strike $71,000,000 and insert $90,000,000.

On page 23, line 1, strike $30,000,000 and insert $34,000,000.

On page 22, line 17, strike $305,000,000 and insert $30,000,000.

On page 90, after line 9, add a new General Provision as follows:

SEC. ____. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 3.21 percent.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Points of order are reserved.

Mr. OBEY. Mr. Chairman, I have already described in my previous remarks the content of this amendment. This amendment seeks to restore funding consistent with the agreement that the Congress entered into 3 years ago with respect to the conservation programs that I cited earlier. The rule that was adopted for consideration of this bill did not protect this amendment from a point of order. Nonetheless, I would like to proceed.

It is up to the majority to decide whether they want to exercise their ability under the rule to preclude the consideration of this amendment by objecting. I would hope they would not because I think that it is in the interest of this House to keep its word and I think it is in the interest of this country to fund these conservation programs. But if the gentleman does lodge a point of order against the amendment, I will have to readily concede the point of order.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina insist on his point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I regret that the point of order has been lodged because I think the committee ought to live up to its word, but I concede the point of order in light of the rule adopted by the House.

The CHAIRMAN. The point of order is conceded and, therefore, sustained.

The Clerk will read.

The Clerk read as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000 to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 92, line 14, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the bill from page 8, line 23, through page 92, line 14, is as follows:

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking "for years 2002 through 2003" and inserting in lieu thereof "for years 2004 through 2008"; and (2) in section 28g, by striking "and before September 30, 2003" and inserting in lieu thereof "and before September 30, 2008".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $959,901,000, to remain available until September 30, 2005, except as otherwise provided herein: *Provided*, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $52,718,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $23,058,000, to be derived from the Land and Water Conservation

Fund, and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $86,614,000, of which $36,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $24,560,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the House Report accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,636,882,000 of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $98,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,859,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $54,924,000: *Provided*, That none of the funds in this or previous Acts for the Rivers, Trails and Conservation Assistance Program may be used for cooperative agreements or any other form of cash grant.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $71,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: *Provided*, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $303,199,000, to remain available until expended: *Provided*, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects: *Provided further*, That no funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General file a joint report by September 30, 2003, and every six months thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicating that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park meets all applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing to the report indicating that the funds are available for expenditure.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $131,154,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $97,500,000 is for the State assistance program including $2,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer $5,000,000 to the United States Fish and Wildlife Service "Resource Management" account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed species in the South Florida ecosystem, and may transfer such sums as may be determined necessary by the Secretary of the Interior to the U.S. Army Corps of Engineers "Construction, General" account for the purpose of modifying the construction of Storm Water Treatment Area 1 East to include additional water quality improvement measures, such as additional compartmentalization, improved flow control, vegetation management, and other additional technologies based upon the recommendations of the Secretary of the Interior and the South Florida Water Management District, to maximize the treatment effectiveness of Storm Water Treatment Area 1 East so that water delivered by Storm Water Treatment Area 1 East to A.R.M. Loxahatchee National Wildlife Refuge achieves State water quality standards, including the numeric criterion for phosphorus, and that the cost sharing provisions of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769) shall apply to any funds provided by the Secretary of the Interior to the U.S. Army Corps of Engineers for this purpose: *Provided further*, That, subsequent to the transfer of the $5,000,000 to the U.S. Fish and Wildlife Service and the transfer of funds, if any, to the U.S. Army Corps of Engineers to carry out water quality improvement measures for Storm Water Treatment Area 1 East, if any funds remain to be expended after the requirements of these provisions have been met, then the Secretary of the Interior may transfer, as appropriate, and use the remaining funds for Everglades restoration activities benefiting the lands and resources managed by the Department of the Interior in South Florida, subject to the approval by the House and Senate Committees on Appropriations of a reprogramming request by the Secretary detailing how the remaining funds will be expended for this purpose.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $935,660,000, of which $64,536,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which

$15,227,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $24,190,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; and of which $173,349,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That notwithstanding the provisions of the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), the U.S. Geological Survey is authorized to continue existing, and hereafter, to enter into new cooperative agreements directed towards a particular cooperator, in support of joint research and data collection activities with Federal, State, and academic partners funded by appropriations herein, including those that provide for space in cooperator facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $164,216,000, of which $80,396,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, *and* to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $106,424,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $194,469,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,902,106,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $85,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,374,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $49,297,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $345,154,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

(INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,551,000, to remain available until expended; of which $31,610,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554; and of which $9,968,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation: *Provided*, That of the payment to the Quinault Indian Nation, $4,968,000 shall be derived from amounts provided under the heading "United States Fish and Wildlife Service, Land Acquisition" in Public Law 108–7.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Departmental Offices

Insular Affairs

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $74,343,000, of which: (1) $68,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 221(a)(3), 221(b), 223, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association, $16,354,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $79,027,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

Working Capital Fund

From unobligated balances under this heading, $20,000,000 are hereby cancelled.

Payments in Lieu of Taxes

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $225,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

Office of the Solicitor

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,374,000.

Office of Inspector General

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $39,049,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

Office of Special Trustee for American Indians

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $219,641,000, of which $75,000,000 shall be available for historical accounting, to remain available until expended: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $20,980,000, to remain available until expended.

Natural Resource Damage Assessment and Restoration

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 114. A grazing permit or lease that expires (or is transferred) during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority: Provided, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 118. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 119. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 122. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 123. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 124. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 125. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 126. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 127. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 128. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 129. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 130. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 131. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 132. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 133. Section 122 of division F of Public Law 108–7 is amended as follows:

(a) Paragraph 122(a)(4) is amended to read—

"(4) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school that currently receives a grant under the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2501 et seq.) or is determined by the Secretary to meet the eligibility criteria of section 5205 of the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2504).".

(b) Paragraph 122(b)(1) is amended by striking the second sentence and inserting: "The Secretary shall ensure that applications for funding to replace schools currently receiving funding for facility operation and maintenance from the Bureau of Indian Affairs receive the highest priority for grants under this section. Among such applications, the Secretary shall give priority to applications of Indian tribes that agree to fund all future facility operation and maintenance costs of the tribally controlled school funded under the demonstration program from other than Federal funds.".

(c) Subsection (c) is amended by inserting after "EFFECT OF GRANT.—" the following: "(1) Except as provided in paragraph (2) of this subsection," and is further amended by adding the following new paragraph:

"(2) A tribe receiving a grant for construction of a tribally controlled school under this section shall not be eligible to receive funding from the Bureau of Indian Affairs for that school for education operations or facility operation and maintenance if the school that was not at the time of the grant: (i) a school receiving funding for education operations or facility operation and maintenance under the Tribally Controlled Schools Act or the Indian Self-Determination and Education Assistance Act or (ii) a school operated by the Bureau of Indian Affairs.".

SEC. 134. The Secretary of the Interior shall within 180 days of the enactment of this Act submit to the House and Senate Committees on Appropriations a report that describes the condition and adequacy of educational facilities available to the Eastern Band of Cherokee Indians, the availability of lands necessary for the construction of any necessary new or replacement education facilities, and the impacts that construction of such facilities might have on natural, cultural, and other resources present within the Great Smoky Mountains National Park and the Blue Ridge Parkway. The report shall specifically address the resource implications of the land exchange described in H.R. 1409, "The Eastern Band of Cherokee Indians Land Exchange Act of 2002" as introduced in the 108th Congress. The Secretary shall consult with the Eastern Band of Cherokee Indians in preparing the report.

LAND EXCHANGE, WORLD WAR I NATIONAL MEMORIAL, MOJAVE NATIONAL PRESERVE

SEC. 135. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California-Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the "recipient"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 101–117; 115 Stat. 2278)) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569–051–44, and located in the west ½ of the northeast ¼ of the northwest ¼ of the northwest ¼ of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

BLUE RIDGE NATIONAL HERITAGE AREA

SEC. 136. (a) SHORT TITLE.—This section may be cited as the "Blue Ridge National Heritage Area Act of 2003".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(bb) authentic tradition bearers;

(cc) historic sites; and

(dd) historically important collections of Cherokee artifacts; and

(iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.

(D) The artifacts and structures associated with those legacies are unusually well-preserved.

(E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.

(F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.

(G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.

(H) according to the 2002 reports entitled "The Blue Ridge Heritage and Cultural Partnership" and "Western North Carolina National Heritage Area Feasibility Study and Plan", the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

(c) DEFINITIONS.—

(1) In this section:

(A) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under subsection (e).

(D) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(E) STATE.—The term "State" means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of 9 members, of whom—

(I) 2 members shall be appointed by AdvantageWest;

(II) 2 members shall be appointed by HandMade In America, Inc.;

(III) 1 member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) 3 members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this section.

EXPEDITED PROCEDURES FOR INDIAN TRUST ACCOUNTING

SEC. 137. (a) IN GENERAL.—Notwithstanding any other provision of law, any claim against the United States arising out of any obligation of the United States or any of its agencies or officials relating to the conduct of an accounting, or the balance of, any individual Indian money account arising prior to December 31, 2000 shall be governed by the provisions of this section.

(b) STATISTICAL SAMPLING.—Not later than one year following the date of enactment of this Act, the Secretary shall formulate a statistical sampling evaluation to assess the administration of individual Indian money accounts for those accounts that were open as of December 31, 2000, and all individual Indian money accounts that were open as of October 25, 1994, or opened thereafter but closed as of December 31, 2000. The statistical sampling evaluation described in this subsection shall be conducted in a manner the Secretary deems feasible and appropriate given the availability of records, data, and other historic information, and shall estimate, so as to achieve a ninety-eight percent confidence level, the rate of past accounting error, if any, for each group or categories of individual Indian money accounts. The Secretary shall complete a statistical sampling evaluation covering all subject accounts within four years of the date of enactment of this Act.

(c) CERTIFICATION.—Upon completion of a statistical sampling evaluation for a category or group of individual Indian money accounts, the Secretary shall certify completion of the evaluation and publish such certification in the Federal Register.

(d) ADJUSTMENT OF ACCOUNTS.—

(1) Within 180 days following any certification under subsection (c), the Secretary shall adjust any individual Indian money accounts covered by that certification. The Secretary shall base such adjustment on application of the error rate, if any, determined by the statistical sampling to the average transaction amount for transactions in an account. In addition, the Secretary may also consider any factual information regarding the particular account at issue in adjusting the account.

(2) Amounts necessary for adjustments to individual Indian money accounts shall be derived from the claims and judgment appropriation provided by 31 U.S.C. 1304 in the same manner as payment of judgments received by the Court of Federal Claims under 28 U.S.C. 2414.

(e) NO DOWNWARD ADJUSTMENT.—The Secretary may consider both positive and negative errors in estimating a rate of past accounting error, but in no event shall the Secretary adjust the balance of an account downward under this Act. In the event that the Secretary determines that the rate of past accounting error for an account is zero or negative, the Secretary shall make an adjustment of zero to that account. Such a zero adjustment shall constitute an "adjustment" as defined in this section.

(f) JUDICIAL REVIEW.—

(1) Notwithstanding any other provision of law, judicial review of, or judicial relief with respect to, any action of the United States or any of its agencies or officials in carrying out the provisions of this section shall be made solely in accordance with this subsection.

(2) Judicial review of any agency action related to an individual Indian money account performed pursuant to this section may be had only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia no later than 60 days after the Secretary's adjustment of an account. Such review shall be conducted in accordance with chapter 7 of part I of title 5, United States Code (5 U.S.C. 701, et seq.).

(3) Except to the extent, if any, that review may be required by the Constitution of the United States, no court shall have jurisdiction to review, grant, or enforce any relief with respect to any action of the United States or any of its agencies or officials in carrying out any obligation described in subsection (a) other than pursuant to paragraph (2). The provisions of this paragraph shall apply to any litigation filed before, on, or after the date of enactment of this section.

(g) ACCOUNT BALANCES.—The balance of any account as determined under this Act, including judicial review in accordance with subsection (f), shall conclusively constitute the new balance of the account as of December 31, 2000, and shall not be subject to any further adjustment based upon events or occurrences prior to that date.

(h) VOLUNTARY SETTLEMENT OF CLAIMS.—Prior to commencing the statistical evaluation provided in subsection (b), the Secretary may, at the Secretary's discretion, resolve any claim or group of claims described in subsection (a) through voluntary settlement with any holder or holders of individual Indian money accounts. Such voluntary settlement shall be paid from the claims and judgment appropriation as provided in subsection (d) and shall conclusively resolve claims under subsection (a). The holder of the account who settles shall not be entitled to any further adjustment under this section.

(i) REGULATIONS.—The Secretary may adopt such regulations, as the Secretary deems necessary to implement this section.

(j) REPORT TO CONGRESS.—The Secretary shall report to the House and Senate Committees on Appropriations, the House Committee on Resources, and the Senate Committee on Indian Affairs regarding the progress of statistical sampling evaluations at least once every calendar year until the Secretary has adjusted all accounts covered by this Act.

(k) DEFINITIONS.—As used in this Act:

(1) The term "statistical sampling evaluation" means an analysis of a selected statistically appropriate sample drawn from a

group or groups of transactions or other data.

(2) The term "individual Indian money accounts" means account balances for funds held in trust by the United States for the benefit of an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a), but shall not include accounts classified by the Secretary as Special Deposit, Judgment, or Per Capita accounts.

(3) The term "adjust" means to revise the balance of the account pursuant to this Act.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 138. None of the funds in this or any other Act may be used by the Department of the Interior to support the Klamath Fishery Management Council.

SEC. 139. Notwithstanding any other provision of law, the United States Fish and Wildlife Service, heretofore and hereafter, may use funds for incidental expenses related to encouraging public participation in Service programs, and may use up to $2,000,000 per year for contracts for employment-related legal services.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $267,230,000, to remain available until expended: *Provided*, That of the funds provided, $49,428,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $290,758,000, to remain available until expended, as authorized by law: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: *Provided further*, That each forest legacy grant shall be for a specific project or set of specific tasks: *Provided further*, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,400,792,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

POINTS OF ORDER

The CHAIRMAN. Are there any points of order?

Mr. POMBO. Mr. Chairman, I make a point of order against section 139 of the bill found on page 90, lines 4 through 9. This section clearly violates clause 2(b) of rule XXI as it constitutes legislation on an appropriations bill by changing existing law.

Section 139 permanently establishes an unlimited U.S. Fish and Wildlife Service "slush fund" for expenses related to encouraging public participation in Fish and Wildlife Service programs. The very first sentence waives existing law regarding any current limitations that the Service may have regarding these activities. For example, existing volunteer and public participation in the National Wildlife Refuge System is governed by the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998.

The Service's use of administrative funds from other programs, such as those authorized under the Pittman-Robertson Act, the African Elephant Conservation Act, the Neo-Tropical Migratory Bird Conservation Act, the Great Ape Conservation Act, and the Rhinoceros and Tiger Conservation Act are also circumscribed in scope and funding levels. Section 139 waives these limits and expands the uses of these funds. Therefore, this language constitutes legislation on an appropriations bill.

This fact was recognized by the Committee on Appropriations, which lists this section in the report accompanying this bill under "Changes in Application of Existing Law" on page 153. Therefore, I ask that the Chair sustain my point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and accordingly section 139 is stricken from the bill.

Does the gentleman from California have another point of order?

Mr. POMBO. Mr. Chairman, I make a point of order against section 137 of the bill, found at page 84, line 21, through page 89, line 24.

This section clearly violates clause 2(b) of rule XXI, as it constitutes legislation on an appropriations bill. This six-page section establishes a separate legal mechanism for the determination and settlement of claims regarding individual Indian money accounts maintained by the Department of the Interior as part of the Secretary of the Interior's trust responsibilities for Native Americans. The section requires the Secretary to formulate a statistical sampling evaluation for individual Indian accounts opened during a certain time frame.

This evaluation is to take place over 4 years, and the Secretary is then required to publish a notice in the Federal Register certifying the evaluation. The Secretary must then adjust certified accounts but only for increases as a result of the evaluation. The Secretary is also authorized to issue regulations to implement the section.

Finally, the section provides a judicial review mechanism for the Secretary's actions taken under this section.

These are all new substantial duties on the part of the Secretary of the Interior. The section mandates new expenditures to adjust individual Indian accounts upwards.

In addition, the very first sentence of section 137 explicitly waives existing law and regulations regarding these accounts. Therefore, the section fails at least three tests for determining whether the language constitutes legislation on an appropriations bill. This fact was recognized by the Committee on Appropriations, which lists this section in the report accompanying this bill under "Changes in Application of Existing Law" on page 153.

I ask that the Chair sustain my point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman raises a legitimate point. The Indian trust settlement language is an authorizing issue, but before I concede the point of order, let me point out the rationale behind this important provision.

Last year, this House debated a provision limiting funding for the historical accounting of the individual Indian money accounts. During debate over this provision, both the majority and the minority members of the authorizing committee assured us that legislation would be developed forthwith to address the Indian trust issues. This did not happen.

However, this year, the new chairman of the Committee on Resources, which is the legislative committee of jurisdiction for Native American issues, has held a hearing on this critical issue and has informed me of his intention to develop legislation to resolve the Indian trust issue this year. I am convinced that, without intervention by the Congress, this issue will continue to drag on for years at the expense of other important programs in the Interior bill.

The committee proposed what I believe is a prompt, fair and reasonable resolution of these long-standing claims. To date, hundreds of millions of dollars have been spent on lawyers and accountants and not a single dollar has gone to Indian country.

Mr. Chairman, if this contentious litigation continues, we will be forced to redirect resources away from Indian education, health, wildlife, law enforcement and other important Indian programs.

Let me point out a few facts for Members to keep in mind as legislation is developed to resolve this litigation. Of the approximately 260,000 individual Indian accounts, 68 percent have balances of less than $100. Thousands of accounts have less than $1 and often less than one penny. Since 1909, a total of $13 billion has flowed through these accounts, with the majority of the money deposited after 1970. This is a far cry from the $137 billion claimed by the litigants.

Today, there are 4 million different owners of the 10 million acres of individually-owned trust lands, which makes the management of trust assets very difficult. It is important that we finally tackle this issue. I pledge my help in crafting a legislative solution.

The CHAIRMAN. Does the gentleman from Washington wish to be heard on the point of order?

Mr. DICKS. Mr. Chairman, I want to be heard on the point of order.

I would just say that I, first of all, want to associate myself with the remarks of the chairman. I think he has made very clear why the committee felt it must do what it did do. I would also say to the new chairman of the authorizing committee, it is time for action on this issue. We can no longer let this slide or neglect or not bring this to attention, because millions and millions of dollars are being wasted on lawyers and accountants instead of going out for Indian health service and all the other issues.

I concur with the chairman. We have to concede the point of order, but I would urge the chairman, please do not let us down again this year. We need action on this issue. I know the gentleman has taken over, and I urge him to take action and get a settlement. We cannot let this thing go on and on and on. I concede the point of order.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. PALLONE. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. PALLONE. I spoke on this earlier on the rule.

I just wanted to say, first of all, I do commend the appropriations chair and the ranking member for their concern about this issue. I know that they are very concerned about it. I know they are legitimately concerned about the cost if something is not done.

I also want to commend my chairman and indicate on a bipartisan basis that Democrats as well as Republicans on the Committee on Resources are very concerned about this issue and realize that it must be addressed.

To his credit, our new chairman, relatively new chairman, has indicated very strongly as a result of the hearing that took place in the Committee on Resources, I believe, last week that he is going to take this up, that we are already looking at language to try to deal with the issue and come up with legislation; and I think that members of the Committee on Resources on a bipartisan basis are very much aware of the fact that we must deal with it.

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And we will take that responsibility seriously. I know through the Chair, and I just want to say on the part of the Democrats on the committee, that if we agree with our chairman, it needs to be addressed and also understand and appreciate the fact that the appropriators are willing to let go on this at least for a while.

The CHAIRMAN. The point of order as conceded is sustained and accordingly section 137 is stricken from the bill.

Are there any amendments to that portion of the bill that is open for amendment?

AMENDMENT OFFERED BY MR. MARIO DIAZ-BALART OF FLORIDA

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARIO DIAZ-BALART of Florida:

Page 24, line 14, strike the colon and all that follows through page 25, line 12, and insert the following:

Provided further, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General file a joint report by September 30, 2003, and each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicating that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet all applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds.

Mr. MARIO DIAZ-BALART of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, this amendment brings funding authority back to Congress and ensures that major decisions about funding Everglades restoration, which by the way happens to be within the congressional district that I represent, that those decisions are made by Congress and not by government bureaucracies.

Everglades National Park is one of our great Nation's greatest national treasures, and current funding is critical to the future restoration of that treasure. The current bill language, Mr. Chairman, provides for a mandatory stoppage of funding based on water quality reports issued by the Department of the Interior, the Environmental Protection Agency, the Army Corps of Engineers, and the Attorney General. This would empower Federal agencies to eliminate critical funding without congressional review, Mr. Chairman.

Therefore I have offered this amendment with the gentleman from Florida (Mr. GOSS) to ensure that any possible changing of the funding levels occurs through the constitutionally appropriate body,. the House Committee on Appropriations and the Senate Appropriations Committee, not solely Federal agencies. This amendment eliminates the provision that provided Federal agencies with that authority to automatically cut funding based on their reports again without the legislative having any input.

Mr. Chairman, I will continue to fight along with my other colleagues for adequate funding for Everglades restoration, and we will work with the State of Florida and the appropriate State and Federal agencies to ensure that this critical restoration project receives the necessary funds now and also in the future.

I would, Mr. Chairman, though, want to thank some people that have worked with me on this: the gentleman from California (Chairman DREIER); the gentleman from Florida (Mr. GOSS), whom I already mentioned; the gentleman from Florida (Mr. LINCOLN DIAZ-BALART); and the gentleman from Florida (Chairman YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think all of the House knows that this has been a major issue for the State of Florida, for the United States of America. The Everglades is a very unique ecological system that is not equal to anywhere else in the world. It is important that we continue on the agreements that were not easy to come by; but the partnership with the State of Florida, the partnership with the Federal Government, and the partnership with the courts, we have one responsibility, to provide for the hydrological issues, the plumbing in effect, the flow of the water. The State of Florida has a responsibility for the quality of the water.

We had a little setback. This might be mentioned later, a little setback when the legislature changed some of their agreement, but nevertheless I am prepared to accept this amendment and compliment the gentleman for working very hard not only to support and protect the Everglades program but to do it in such a way that Congress is definitely more involved, and I think he has done a really good job. This was not the original proposal that we had in the bill, but I think this is an improvement.

I want to clarify for the record that we expect these Federal agencies to submit a joint report every year on the extent to which the State is or is not meeting all applicable State water quality standards and numeric criteria adopted for phosphorus throughout Loxahatchee National Wildlife Refuge and the Everglades National Park, as well as water quality requirements set forth in the consent decree entered in the United States v. South Florida Water Management District. The submission of this report is not an option and must be done. And, again, I compliment the gentleman. I support his amendment. We are prepared to accept the amendment for the committee.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

I am pleased to associate myself with the remarks of the distinguished gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the remarks of the gentleman from Florida (Mr. MARIO DIAZ-BALART), who is the author of this particular amendment. And I want to thank them and so many other appropriators who have assisted us in making this partnership stronger and better that exists between the Federal Government and the State for a very wonderful and unique purpose of restoration of our Everglades.

The gentleman from Florida (Mr. MARIO DIAZ-BALART) correctly said that his district encompasses virtually all of the Everglades, and it is clear the national interest of all of us is in the Everglades as well. So it brought some interest together in what I think is a very workable program by this amendment that will provide for the necessary accountability, because the appropriators do have a responsibility for how those dollars are spent and the State of course has responsibility for their part of the partnership as well. We have had a good partnership. It has been almost a decade. It has worked exceedingly well, and I think it will continue to work well in the future.

As the gentleman from Florida (Chairman YOUNG) said, there was a little hiccup earlier this year when the Florida legislature, for reasons that made sense to them at the time, took unilateral action. After we reviewed the action, we felt that we needed to change the way the partnership worked a little bit, and I believe the language herein accomplishes that.

This language did just not happen overnight, as was suggested. The gentleman from North Carolina (Chairman TAYLOR), the gentleman from Ohio (Chairman REGULA), another of the cardinals, the appropriators; the gentleman from Florida (Chairman YOUNG), the overall chairman of the committee, dean of our delegation; the gentleman from Ohio (Chairman HOBSON) helped us; and the gentleman from Florida (Mr. SHAW), chairman of our delegation. That is an awful lot of horsepower to bring together, and this deserves that kind of horsepower. It is the right answer. We are where we need to be, and I urge support for this amendment.

Mr. DICKS. Mr. Chairman, I rise in support of the amendment.

I want to commend the delegation from Florida for working on this issue. This has been something that I have personally taken an interest in, gone down to Florida, seen the work on this incredible project, the work of the Park Service and all of the Federal agencies. This is truly a national environmental restoration objective, and many of us were concerned who followed this issue about the actions of the Florida legislature earlier this year; but I want to commend the gentleman from Florida (Chairman YOUNG) and the gentleman from Florida (Mr. GOSS) and the gentleman from Florida (Mr. SHAW) and the gentleman from Florida (Mr. MARIO DIAZ-BALART), our new Member, for the work they have done in crafting this legislation. We even out in the West are concerned about the Everglades, and we want to see them restored; and we want to see the commitments kept between the State and Federal Government. We need to go year by year, and I think the funding for this project depends on moving the ball forward and keeping things moving in the right direction. So I commend all of the work that has been done to straighten this out, and we look forward to the first report.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this compromise amendment, which I believe will help ensure that the efforts of Congress to restore the Everglades will be successful. In agreeing to the Comprehensive Everglades Restoration Plan, the Federal Government and the State of Florida made an $8 billion commitment, equally cost shared, to restore this national treasure. Congress, on behalf of the American people, has already committed $1 billion over the last 9 years toward this effort, and throughout this process the subcommittee has maintained strong oversight of the project to ensure that these funds are spent wisely and true environmental restoration will be achieved.

Mr. Chairman, water quality is an absolute key to the success of this restoration. If we fail to address water quality issues upfront, we could potentially invest $20 billion of the taxpayers' dollars on a new plumbing system that pours tainted water into the Everglades, and that is of course why this compromise is vitally important.

This amendment was crafted in response to the passage of a law in Florida. It seeks to ensure that the State of Florida will not fail to meet its water quality goals. It will put a string on the Federal dollars that Congress has approved, tying them to compliance with agreements the State has already made. Every year the Secretary of the Interior, the Secretary of the Army, the Attorney General, and the EPA administrator will have to file a joint report certifying that the State of Florida is meeting its prior commitments to improve water quality. If the report indicates that the State is failing to work toward that goal, they have to take another look at the funding issue.

It is unfortunate that Congress has been put into a place that they are requiring these new assurances. However, in order to ensure that Federal funds are truly going towards our shared goal, and this is the money of all the people in these United States and this is a treasure that belongs to all the people, that the environmental restoration, we have to condition their release on assurances that the State of Florida is living up to agreements it has already made. Otherwise, we risk not only wasting billions of taxpayer dollars but also further polluting the Everglades. And I commend the gentleman from Florida for agreeing to this amendment. I realize this is his district, but it is a treasure of all the American people, and I would urge support of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MARIO DIAZ-BALART).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. SLAUGHTER:

Page 21, line 3, after the first dollar amount, insert "(reduced by $6,000,000)".

Page 47, line 6, after the dollar amount, insert "(reduced by $3,000,000)".

Page 91, line 22, after the dollar amount, insert "(reduced by $6,000,000)".

Page 128, line 7, after the dollar amount, insert "(increased by $10,000,000)".

Page 128, line 11, after the dollar amount, insert "(increased $10,000,000)".

Page 128, line 23, after the dollar amount, insert "(increased by $5,000,000)".

Ms. SLAUGHTER. Mr. Chairman, I rise to offer an amendment that by all rights should provoke no argument from the body. Last year a strong bipartisan majority voted for a modest increase for two Federal agencies that provide critical support for the arts organizations and its activities across the country. To keep the arts vibrant and flourishing, 234 Members of Congress agreed that the National Endowment for the Arts should receive a $10 million increase and that the National Endowment for the Humanities should receive an increase of $5 million. It is indeed regrettable that in the fiscal year 2003 Omnibus Appropriations bill, the will of the House was ignored and these increases for both NEA and NEH were rejected.

Now the time has come to rectify that mistake. This amendment simply restores the funding that the House agreed to last year. Meanwhile, I want to remind my colleagues that these agencies remain well below the funding level of a decade ago. As the chart clearly shows, in 1992 both NEA and NEH received $176 million in funding. That is $60 million more than NEA receives today and some $50 million more than NEH receives. Yet a majority of this body also recognizes that the nonprofit, and I emphasize nonprofit, arts industry has become an economic engine that drives $134 billion into our national economy every year.

This chart, which shows a recent economic impact study conducted by the Americans for the Arts, illustrates some very important figures. The nonprofit arts industry is responsible for almost 5 million full-time jobs, $89.4 billion in household income, $7.3 billion in State government tax revenues, and $56.6 billion in local government tax revenues.

□ 1900

Here is the most impressive figure of all: The arts community contributes $10.5 billion in Federal income tax revenues. So for the very small amount of money that we put in, $10.5 billion comes back to the Federal Treasury. The arts mean business. They mean big business for every district in this country.

It is critical to remember that this funding will help build local economies across America. NEA nurtures artistic excellence in every corner of the country, as its grants flow to each of the 50 States and to each of the 435 congressional districts. Because NEA requires State and local arts agencies as well as private organizations to provide matching funds, the process ensures that dollars will continue to flow to the arts even during difficult economic times.

Now, a word about these difficult times, and we know that they are. With our economic recovery stalled and the largest job loss in 20 years, one would think that people responsible for rebuilding State and local economies would put fuel into this enormously successful arts engine. But, unfortunately, that is not so. But the lesson for us is obvious. In the era of declining State funds when corporate and charitable giving is dangerously low, the money we provide will not only safeguard the organizations but help them to spark our local economies back into black ink. In fact, what the House should really do is triple our funding for the arts, considering all of the money that we get back and what it does for local governments. As it is, we are only asking to restore the funding that the fiscal year 2003 conference took away.

Give back the $10 million we voted for last year for NEA. It will be used to expand the Challenge America grants to make the arts more widely available in communities throughout the country.

The program has a special emphasis on extending the arts to the underserved populations, those whose opportunities to experience the arts are limited by geography, ethnicity, economics, or disability.

Give back the $5 million we voted last year for NEH. Along with the $10 million increase provided by the Interior Committee on Appropriations, it will be used to support the We the People initiative which will advance the understanding of America's history, culture, and civics, a thing we sorely need. The President has requested a total of $100 million for We the People over the coming years, and this will be just a small down payment on his request.

Please restore the funds we provided last year, and the rewards will be boundless. I do not mean just economic rewards, although they are incredible. I will not have enough time to talk about how the arts contribute to the lives of every American citizen, how they enrich our lives, spark our imagination, inspire our dreams, and calm our fears. There is not time to discuss how much better our children learn to read and write and add and subtract when the arts are part of the core curriculum.

Let me just remind my colleagues that SAT scores go up some 57 parts, just think of that, when art is part of a student's high school experience. That is a cheap price. If we really want to leave no child behind, we will send them all ahead with the arts leading their way.

Voting for this amendment is the right thing to do, and it is also the smart thing to do. I urge my colleagues to vote for this amendment cosponsored by my good friends, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Iowa (Mr. LEACH), and also by the ranking member of the Committee on Appropriations Subcommittee on Interior and Related Agencies, the gentleman from Washington (Mr. DICKS), who fights very hard every single year. Please, please, vote yes on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the bill maintains the largest increases to NEA and NEH since 2002 and provides small increases for fixed costs this year. We also provide a $10 million increase for the NEH American History initiative.

Mr. Chairman, this bill must take care of our huge responsibilities for managing Federal lands. Now, this amendment reduces administrative costs, and I would remind my colleagues that over the past 10 years we have reduced the number of personnel in departmental management by 40 percent. I would like to cut overhead further, but this amendment would damage the government's ability to properly manage our lands and programs.

This amendment would impair on-the-ground operations for environmental protection and Indian programs. It would reduce the Department's funding, including hearings and appeals in support for Indian trust reform.

My committee is watching carefully the use of funding for travel and other excessive administrative costs, and my colleagues can count on our oversight, but this amendment will not help. The bill strikes a fair balance between the needs of the arts and humanities programs and our responsibility to land management, Indian programs, and industry bills. I ask my colleagues to join me in opposition to the amendment.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this much-deserved and long-overdue increase for the National Endowment for the Arts and the National Endowment for the Humanities.

For years, Mr. Chairman, we have been told by opponents of government funding for the arts that the private sector could easily step in if government funds were cut or flat-funded. That may have sounded reasonable during the flush economy of the 1990s, but now, with the economy mired in recession, we are seeing private sector support drying up and nonprofit arts companies withering away.

Cities and States across the country faced with deep budget deficits are being forced to cut their support for the arts as well, and it is having real consequences for the arts organizations that rely on these funds for their survival. That makes it even more critical that we increase the Federal commitment to the arts today.

Funding for the arts is one of the best investments our government makes. In purely economic terms, it generates a return that would make any Wall Street investor jealous. For just a fraction of 1 percent of the entire Federal budget, the NEA supports a thriving nonprofit arts industry which generates more than $134 billion annually, nearly 5 million full-time jobs, and returns $10.5 billion in Federal taxes each year.

With grants that touch every congressional district in the country, the NEA supports educational programs that teach children valuable lifelong skills, allows new and innovative art to find an audience, helps bring the arts to underserved communities, enables organizations to share their exhibitions and performances with the rest of the Nation through national tours and, most important, provides crucial seed money for organizations to leverage private donations.

Yet the NEA continues to suffer from the shortsighted decision by this Congress to slash its funding back in 1996 after an attempt at its outright elimination. The NEA has been forced to do more with far, far less; and, despite consistent underfunding, it has been an efficient and a productive agency. But we should at least restore the NEA to its pre-1996 levels; and we should, in fact, be considering an increase over that level, not simply the paltry funding it has had since then. Only through increased public support can the arts continue to be as vibrant as they are through the Nation.

The NEH, too, is a vital industry, but without additional funding the important work of interpreting and preserving our Nation's heritage will go unrealized. The NEH is at the forefront of preserving endangered recordings of folk music, jazz and blues; bringing Shakespeare to inner-city youth; promoting research into immigrant life and culture; and helping disseminate this information into our communities through technologies such as the Internet and CD–ROM.

The arts inspire us, challenge us, spark our creativity. They make us think, laugh, and cry. The humanities teach us about ourselves and our history and foster cultural understanding. We should be ashamed at the tiny investment we make in such important activities.

Mr. Chairman, this amendment asks only to restore the funding level that the House supported last year without any increase for inflation. The level that we supported last year, but that was unfortunately stripped during the conference. This is the very least we should do today. I urge my colleagues to support this amendment and to vote against any attempts to slash NEA funding that may be made by others.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the past we were upset by the actions of the NEA, but that has changed completely to a very positive program, and with congressional oversight.

Last year, the Congressional Arts Caucus sponsored an amendment to increase funding of the NEA and the NEH. Even though the amendment was bipartisan, it was dropped during conference. This year, the Congressional Arts Caucus again wants to stress the importance of the arts to our districts and call upon the House to increase the funding for the National Endowment for the Arts by $10 million and the National Endowment of the Humanities by $5 million.

According to a 2002 study of 3,000 local arts organizations across America, the nonprofit arts industry generates $134 billion in economic activity. That is for last year. This includes $24.4 billion in tax revenue, which covers the costs many times over. Not only do governments gain economically from the arts, but almost 5 million Americans have full-time jobs in the arts industry.

In 2002, my congressional district received grants for NEA for both the Penland School of Crafts and Lenoir-Rhyne College, contributing greatly to the local communities in our lives.

Both the NEA and NEH have new programs with strong bipartisan support that will not only enhance the two agencies but will also bring a new understanding of American history and culture. Challenge America, sponsored by the NEA, and We the People, sponsored by the NEH, will both focus on educational outreach and promoting the best in arts and art education that our communities have to offer.

We owe it to ourselves and to our neighbors to support this amendment, and I urge my colleagues to vote yes on the Slaughter-Shays-Dicks-Leach amendment.

Mrs. DAVIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join my distinguished colleagues once again in making a strong plea for the high value that the arts and humanities bring to the quality of our lives. Indeed, we must provide the level of support contained in this amendment.

In San Diego, these funds have made significant contributions to a whole range of small and large arts organizations, dance companies, and museums, museums like the Museum of Photographic Arts, theater companies like the San Diego Repertory Theater, as well as the Playwrights Project, which supports budding writers.

Importantly, many grants have gone to provide outreach to new audiences organized by the San Diego Opera Association and the San Diego Performing Arts League.

Two humanity projects in San Diego are giving the opportunity to young people to develop their oral history interviewing skills by developing a record of some of our recent immigrant groups.

While we are a city proud of our existing museums, theaters, and music and dance organizations, funds from the National Endowment for the Arts and the National Endowment for the Humanities are essential to extend the availability of these institutions to our young people. Indeed, a review of recent grants reveals that the efforts emanating from these resources enable the kinds of experiences that are so important for an enlightened citizenry.

Mr. Chairman, we all join today to say how important these grants are to our communities, and each and every one of us I know can point to a number of projects, a number of opportunities that have been available that would not be there were these grants not part of the NEH and the NEA. So, today, I think all of us join in saying, let us do what we can. Let us provide the funding that is essential to creating the kind of environment and the kind of community that we all believe in so dearly today.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate about public funding of the arts is about democracy, about the type of society we aspire to be and become. It is about opportunity: the opportunity to witness artistic expression and to create for oneself.

America today is a prosperous country. Poignantly, 70 years ago, when we became enmeshed in the deepest depression in our history, the Federal Government created a jobs program called the Works Project Administration. My grandfather headed the WPA in Iowa and, as required by statute, hired a Cedar Rapids native by the name of Grant Wood to lead Iowa's WPA arts division. Because of the WPA, artists in Iowa and across the Nation were given an opportunity to work in their chosen fields and to advance their own and society's creative impulse.

I refer back to the WPA era because when our country dissolved into social chaos, the arts brought a perspective of unity and courage. Ironically, perhaps, to some, an American solidarity of spirit was enhanced by artists who frequently highlighted social programs and who just as frequently lampooned institutions of the State, including political leaders.

These are more prosperous times, but just as with the WPA in the 1930s, government involvement in the arts today is designed to take the arts from the grand citadel of the privileged and bring it to the public at large. This democratization of the arts ennobles the American experience.

Franklin Roosevelt once noted that, "The arts cannot thrive except when men are free to be themselves and to be in charge of the discipline of their own energies and ardors."

□ 1915

A corollary to this Rooseveltian precept is self-evident freedom itself is constrained if the arts are shackled. Americans need to be appreciative, rather than fear, artistic expression. We must understand that arts play an increasingly central role, particularly in education. Of all the learning disciplines, they most thoroughly tap and expand the human imagination. Without hesitation, therefore, we should be supportive of the Federal commitment to arts programs.

Arts expression is an unquantifiable, but priceless, facet of our society.

Ms. McCARTHY of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I rise today in support of the Slaughter-Shays-Dicks-Leach Amendment to increase funding for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). These endowment programs are vital to supporting the creation, preservation and presentation of the arts and humanities in America. In my district of Kansas City, Missouri, NEA and NEH grants have brought partnership projects such as the Coterie Theater and the Friends of Alvin Ailey's AileyCamp that help provide collaborative artist and youth activities which have enriched the local economy and educational experiences of our children.

Studies have demonstrated that reading and math scores improve with participation in arts education classes. A U.S. Department of Justice study found that arts education reduced student delinquency in San Antonio by 13 percent and increased the communications skills of students in Atlanta by 57 percent. Test Results from the College Board have shown that college bound students involved in the arts and humanities have higher overall SAT scores than other students.

There is no excuse for funding for the NEA at a level that is 30 percent below the 1994 level. Adopting the amendment before us would increase funding by $10 million for NEA and $5 million for the NEH. This would bring NEA and NEH funding to the level that the House approved last year by a vote of 234–192, but was later stripped from the bill in conference. I urge my colleagues to support this amendment. Investment in the arts and humanities has proven to be an invaluable contribution to American economy and the future success of our children.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to applaud our colleagues, the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS), co-chairs of the Arts Caucus, and their staff for their leadership on this issue of national importance, and I rise today also in strong support of this amendment.

Congress has the responsibility to provide adequate funding to the National Endowment for the Humanities, which is the largest single funder of humanities programs in our country; and the National Endowment for the Arts, the infrastructure for private nonprofit and Federal arts initiatives.

The current state of the economy has stifled private funding which subsidizes many arts and humanities programs nationwide. The economic downturn and our budget crisis is crippling arts initiatives in many, many States, especially in my home State of California. For example, in Oakland, one of the cities in my district, most of the arts education programs are facing real extinction. The result is the gradual disappearance of arts initiatives for people of all ages, ethnic backgrounds, social and economic backgrounds.

In the vibrant, very diverse Ninth Congressional District of California, this strikes a significant blow at the foundation of our community.

It is imperative that we support funding for the NEH, which is at the forefront of preservation of our historical and cultural heritage. For more than 20 years, the NEH has supported efforts to stabilize historical materials such as crumbling books, archives, newspapers, sound recordings, films, photographs, and archeological and ethnographic objects. These are treasures which will be lost forever.

Mr. Chairman, I wish you could listen to the stories of my constituents in the Bay area. Art and music teachers have been laid off. For example, Ms. Bonnie Noble, an art teacher at McClymonds High School in Oakland, explained that students tend to take art courses to escape the harsh reality of violence which has escalated with the downfall of the economy. Already she has difficulty convincing students to pursue arts in their postsecondary studies for fear that it will distract them from securing a good job in an apparently vicious competitive market.

Mr. Chairman, every year Members of Congress proudly exhibit the art work of the winners of the Artistic Discovery Arts Competition from their districts in the halls which provide the foundation of the United States Capitol. It seems contradictory to cut funding to the programs which support creativity in our community. We enjoy the fruits of their works and witness the products of this young talent every time we walk through the tunnel for a vote when we come over to this Capitol. Can you imagine walking through those dreary tunnels with bare walls simply because we refused to adequately fund arts and humanities programs and there were no teachers left to instruct our students?

This amendment also provides funding for the NEA, which is an investment in the economic growth of communities with grants reaching every congressional district in the country. During the last 14 years, the NEA has provided funding for over 123 programs in my district alone, including the Berkley Symphony Orchestra, the Axis Dance Company, and the East Bay Institute for Urban Arts and the Museum of Children's Art.

Clearly, a vote against this amendment, which is endorsed by the bipartisan Arts Caucus, is really an action against the vital thread which sustains the pulse of American culture. I urge all Members to support this amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. I support this very modest amendment and know increased funding would have a positive impact by bringing arts to underserved communities like our innercities and rural areas and by encouraging more support for preserving and promoting our cultural heritage, something all Americans should want to do.

Federal funding helps symphonies, theaters, musical productions, ballet, and educational programs. I grew up in an arts family. My mom and dad, both performing actors, met in the theater and I know the arts make a significant contribution to all of our lives. The arts improve the lives of so many people including children, the elderly and those on limited budgets who might not otherwise have the opportunity to see some very beautiful, spiritual, and enriching performances.

Federal funding helps enable talented individuals to pursue careers in the arts. Besides the obvious cultural benefit, the economic impact of the arts is real and impressive. I urge my colleagues to support this amendment and increase funding for the NEA and NEH.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the Slaughter amendment. I appreciate the gentlewoman offering this bipartisan amendment. One of the highlights for me of the last school year was watching my 10-year-old daughter, Jackie, who took flute lessons for the first time, excel in a school musical. At this hour as we speak, my 8-year-old daughter, Josie, is in a rehearsal for her role in community theater for "Man of La Mancha."

The arts are an important part of our family, and we are a privileged family to have that involvement. But without the NEA and the NEH, there are many families in many corners of America who never experience the delight of the arts. The NEA and the NEH are about the democratization of arts in our country.

Now, I have heard four arguments against amendments like that of my friend, the gentlewoman from New York (Ms. SLAUGHTER). The first is it is too expensive to fund the NEA and the NEH. That is incorrect. The economic loss of withdrawal of support for the arts would be far greater than the modest cost of this amendment. Jobs that are created in tourism, in the hospitality industry, and directly through the arts themselves generate tax revenues that more than offset the very modest costs of this amendment.

The second argument I have heard against the arts is sometimes the NEA or NEH funds a particular work of art that some Members here do not like. Let me say for the record, I hope the NEA and NEH always fund arts that some politicians find objectionable. That is the nature of the artistic process. The power of the NEA and the NEH is its peer-driven mechanism, where decisions are made by people in the arts in consultation with their peers and not through the political process. May it always be that way. I commend the gentlewoman from New York (Ms. SLAUGHTER) for maintaining that tradition.

The third argument that I hear is that this is an elitist segment of the Federal budget, that by funding the arts we are somehow propagating an elitism. The exact opposite is true. There are so many people in urban and rural low-income areas around our country who would never get the chance to experience the delight of a piece of theater by Shakespeare, the grace of a ballet, the innate beauty of a painting or sculpture were it not for the extension of the arts that was provided by NEA and NEH. In my district at Camden, New Jersey, at the Leap Charter School this summer there is a program in the arts in Greek mythology and Greek drama for children, most of whom come from the very lowest echelon on the economic ladder. But they are experiencing the arts in a positive and creative way for the very first time.

Finally, we hear the argument that the amount of money is so modest that it really does not do arts organizations much good and that because there is so much money flowing into the coffers of arts organizations, they do not really need the money. Mr. Chairman, anybody who makes that argument has never been involved in a nonprofit arts organization. They have never known that that extra $10,000 or that extra $15,000 is make or break. It is the seed money that lets the organization get started so it can generate ticket revenues, so it can generate corporate and charitable contributions. It is the seed money that gives rise to the possibility of all the other revenues.

In a country that spends over $2 trillion for its governance, this is frankly an embarrassingly modest commitment to the arts and humanities. It is wise. It is just, and it is one that should enjoy the bipartisan support of this House. I urge the adoption of the amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of increased funding for the National Endowment of Arts and the National Endowment for the Humanities. I represent a district that is rich in diversity, rich in pluralism, rich in people from different walks of life, different backgrounds. The grant provided from the NEA and NEH provides opportunities for people to better understand each other, to know what is going on with other people, to know what is in their thoughts, minds and ideas. We are not really talking about funding a program; we are talking about funding a way of life, to help keep America the diverse, understanding, pluralistic Nation that it is and to know what is happening in all parts of our communities and with people from all walks of life.

As the country becomes more diverse and more pluralistic, it is absolutely essential that we find ways to better acquaint each other with cultural contributions, mores and folkways of different people within our society. Although we recognize the economic plight of our Nation, we know that inordinate resources must be devoted to anti-terrorism and homeland security measures, but we also know that education and the transference of understanding are necessary to maintain and continue growth in our democracy.

Mr. Chairman, the need for understanding is so great that we do not only pay attention to programs but we also have to keep the American Dream alive and the thoughts and ideas continuously moving. We must keep music, art, culture, and hope everpresent in our lives.

The Illinois Humanities Council and others like them throughout the Nation do an outstanding job of dividing and allocating these resources. They spread them around. And we get great mileage from the meager resources that we expend. Therefore, Mr. Chairman, I would urge my colleagues to vote in favor of increased funding for this great program that allows our Nation to flourish within many cultures. Again, it is not a program. It is keeping the doors of communication open and crossfertilizing different ways of life. It is important. I would urge its passage.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentlewoman from New York's (Ms. SLAUGHTER) and the gentleman from Connecticut's (Mr. SHAYS) NEA amendment. Once again, the House of Representatives is considering an interior appropriations bill that does not include such funding for the National Endowment for the Arts and the National Endowment for the Humanities.

Funding for the National Endowment for the Arts was cut drastically in 1995 by more than 40 percent, and it has never returned to adequate levels. This year the NEA and the NEH need our support more than ever before. Private funding for the arts and the humanities has diminished with the economic downturn, leaving valuable programs in jeopardy. We know that the funding we invest in the NEA and the NEH provide a huge economic return on our Federal investment both in dollars and in jobs.

The nonprofit arts industry generates $134 billion in economic activity every year. It creates more than 4 million jobs and $10.5 billion in Federal tax revenue. Let me say that again: $10.5 billion in Federal tax revenues. However, monetary reasons are not the only argument for increasing NEA and NEH funding. In a recent study by the Arts Education Partnership, a direct correlation was found between art education, cognitive capacity, and the motivation to learn.

□ 1930

Participation in the arts and humanities can also be a source of pride and positive self-esteem. I have been a witness to this during my district's congressional art competition. Students of all ages were present and proudly displayed the objects of their hard work. These young people gained more than praise. They gained self-respect, a feeling they will carry in all of their endeavors.

In addition, NEA programs such as Challenge America are using art as a means to bring communities together. Along with the United States Department of Housing and Urban Development and the National Guild of Community Schools, Challenge America has started a program that offers arts instruction to children living in public housing.

When we deprive the NEA and NEH of the funds it needs, we deprive this entire Nation of an active cultural community. We live in the richest nation in the world, Mr. Chairman. We must not be the most culturally impoverished.

The arts teach us to think. They encourage us to feel, to see in a new way and to speak. They help us to grow.

The Slaughter-Shays amendment to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities is a very small investment. It is an investment with a return as vast as the imagination.

I urge my colleagues to support it.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support this bipartisan amendment to add the much-needed funds to the National Endowment for the Arts and the National Endowment for the Humanities. Our funding of the arts and humanities in the United States is meager indeed. It could be much greater. It should be much greater, but I would settle for at least the increase in the gentlewoman from New York's (Ms. SLAUGHTER) amendment.

The National Endowment for the Arts and the National Endowment for the Humanities play crucial roles in American cultural life. We have all heard over and over again of the benefits they bring to individuals and communities, the National Endowment for the Arts and the NEH.

The funding of these institutions provide help to many organizations beyond those that directly receive the NEA and NEH grants. As a former teacher, I can tell my colleagues that arts education helps children be better students and helps them learn critical thinking skills. This is a long overdue and a modest funding increase to build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America.

The arts and humanities are important for our growth and our well-being. The arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly sustenance. They power economic development in regions that are down and out. They tie our diverse society and country together.

The arts represent the future. The arts challenge us. The arts wake us up. The arts help us learn who we are as a society and as individuals.

Will the projects that would be sponsored by this increase in funding help defend our country? Probably not, but they will make our country more worth defending.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today it is my pleasure to join with my colleagues in strong support of this critical amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities; and I thank my colleagues, the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from Connecticut (Mr. SHAYS), the gentleman from Washington (Mr. DICKS) and the gentleman from Iowa (Mr. LEACH), for their leadership on this amendment to the Interior appropriations bill.

The arts are our cultural language. They bring our communities together. They serve to define who we are as a people, as a society, and they help us to link with other communities around the world our cultural heritages and our vast resources of our diversity.

Both the NEA and the NEH broaden public access to the arts and the humanities for all Americans. They improve the quality of our lives, those of ourselves and our children and our families.

I have spent a good deal of my career in our public schools. I have seen firsthand the positive impacts that arts have in our children's education. The arts teach our children rhythm, design, creativity and critical thinking skills. The arts have also been shown to deter delinquent behavior of at-risk youth, to help dramatically improve the academic performance, truancy rates and other critical skills, crucial skills, among our young people.

Today's economy demands a workforce that can think and work innovatively. Arts education provides a crucial part of those skills, skills that are not learned in academics of other kinds, in college, but in the child's elementary school class trip to the museum, art projects, experience with musical instruments and all of the vast array of art opportunities.

In my district on the central coast of California, students have been exposed to the virtues of music, art, poetry and dance as a result of NEA and NEH support through a grant, for example, to Art Resources Transfer in New York. The Distribution to Underserved Communities program places books on art and culture into public schools and libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Laguna Middle School Library in San Luis Obispo receives materials from this program, and they are grateful for them.

A grant to the University of California at Santa Barbara supports a partnership project of artist-led activities that provides positive alternatives for youth. I have seen our young college students interact with our elementary students in Santa Barbara, and it is a wonderful sight to behold.

Through a partnership with the American Architectural Foundation in Washington, D.C., the Mayor's Institute on City Design hosts a series of symposiums attended by mayors, urban designers and developers. The Institute is designed to provide mayors with new perspectives on creative solutions to design issues in their communities. The mayor, Marty Blum of Santa Barbara, participates in this program.

Finally, through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works, for example, Arthur Miller's The Crucible and Zoot Suit by Luis Valdez. L.A. Theatre Works distributes these audio recordings to the Buena High School in Ventura, California.

These examples illustrate to me and to my constituents the value of the dollars we appropriate here that are multiplied as they are extended into partnerships throughout our country. I urge my colleagues to vote for our children, to support the Slaughter-Shays-Dicks-Leach amendment to strengthen both the NEA and the NEH.

I will include a document about the arts programs in my district at this point in the RECORD.

CONGRESSIONAL DISTRICT 22

A partnership grant to the California Arts Council in Sacramento supports statewide programming in arts education, cultural development, artistic preservation, increased access to the arts in underserved areas, and funding for artists and arts organizations throughout the state.

NEW CUYAMA

Through a grant to Art Resources Transfer in New York, the Distribution to Underserved Communities program places books on art and culture into public and school libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Cuyama Valley High School Library in New Cuyama receives materials from this program.

SAN LUIS OBISPO

Through a grant to the Group I Acting Company in New York City, a touring production of Mark Twain's comedy Pudd'nhead Wilson is performed at the Performing Arts Center in San Luis Obispo.

In partnership with regional arts organizations, the NEA Regional Touring Program (RTP) supports high-quality performances and related educational activities in communities across the country. As part of this program, Elizabeth Streb and Company perform contemporary dance at California Polytechnic State University in San Luis Obispo.

Through a grant to Art Resources Transfer in New York, the Distribution to Underserved Communities program places books on art and culture into public and school libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Laguna Middle School Library in San Luis Obispo receives materials from this program.

SANTA BARBARA

A grant to the University of California at Santa Barbara supports the post-production phase of Mary Anthony: A Life in Modern Dance.

A grant to the University of California at Santa Barbara supports a partnership project of artist-led activities that provides positive alternatives for youth.

Through a grant to the Herbert F. Johnson Museum of Art at Cornell University, the touring exhibition Byrdcliffe: An American Arts and Crafts Colony celebrates the centennial of Byrdcliffe, a colony founded as a center for artists and craftsmen in Woodstock, NY, in 1902. The exhibition travels to the Santa Barbara Museum of Art.

Through a grant to New York's Orpheus Chamber Orchestra, the orchestra tours with guest artists Dawn Upshaw and Richard Goode to national venues such as the Arlington Theatre in Santa Barbara.

Through a grant to the Group I Acting Company in New York City, a touring production of Mark Twain's comedy Pudd'nhead Wilson is performed at Campbell Hall at the University of California in Santa Barbara.

Through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works (e.g., Arthur Miller's The Crucible and Zoot Suit by Luis Valdez). L.A. Theatre Works distributes these audio recordings to the Eastside Branch Library in Santa Barbara.

In partnership with regional arts organizations, the NEA Regional Touring Program (RTP) supports high-quality performances and related educational activities in communities across the country. As part of this program, Anoushka Shankar performs Indian sitar music at University of California in Santa Barbara.

Through a grant to the New England Foundation for the Arts in Boston, the National Dance Project supports touring performances of contemporary dance. As part of this project, the Bill T. Jones/Arnie Zane Dance Company and the Orion String Quartet perform at University of California in Santa Barbara.

Through a grant to New York's Meet the Composer for its Commissioning Music/USA program, composer Miles Green and choreographer Elizabeth Streb present their new work Ripped at the University of California in Santa Barbara.

Through a grant to Ballet Hispanico of New York, the company travels on a nationwide tour. Known as the foremost dance interpreter of Latino culture in the United States, Ballet Hispanico's innovative repertory blends ballet and ethnic dance forms into a spirited image of contemporary Hispanic-American culture. The company's tour includes performances at the University of California in Santa Barbara.

Through a grant to L.A. Freewaves in Los Angeles, the experimental media arts festival Appropriate/Appropriated showcases artists working in the medium of film, video, web sites, and multimedia installations. Films screen for the general public in galleries, museums and other venues across Southern California, including the Contemporary Arts Forum in Santa Barbara.

Through a partnership with the American Architectural Foundation in Washington, D.C., the Mayor's Institute on City Design hosts a series of symposiums attended by mayors, urban designers, and developers. The Institute is designed to provide mayors with new perspectives on creative solutions to design issues in their communities. Marty Blum, Mayor of Santa Barbara, participates in this program.

CONGRESSIONAL DISTRICT 23

A partnership grant to the California Arts Council in Sacramento supports statewide programming in arts education, cultural development, artistic preservation, increased access to the arts in underserved areas, and funding for artists and arts organizations throughout the state.

CAMARILLO

Through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works (e.g., Arthur Miller's The Crucible and Zoot Suit by Luis Valdez). L.A. Theatre Works distributes these audio recordings to the Frontier High School in Camarillo.

Through a grant to Ririe-Woodbury Dance in Salt Lake City, the company offers creative movement classes, performance demonstrations and teacher workshops at Camarillo High School.

In partnership with regional arts organizations, the NEA Regional Touring Program (RTP) supports high-quality performances and related educational activities in communities across the country. In Camarillo, the Ventura County Superintendent of Schools presents the Footworks Percussive Dance Company and the Ririe-Woodbury Dance Company.

COALINGA

Through a grant to Art Resources Transfer in New York, the Distribution to Underserved Communities program places books on art and culture into public and school libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Coalinga District Library receives materials from this program.

MALIBU

Through a grant to Inside Out Community Arts in Venice, the School Project program is an after-school theater-based arts program serving middle and high school students. Students participating in the program attend a camping/rehearsal retreat at Grindling Hilltop Camp in Malibu.

OJAI

A grant to the Ojai Festival supports the 2002 Ojai Music Festival and the theme Last Thoughts: Beethoven, Shostakovich and Others.

In partnership with regional arts organizations, the NEA Regional Touring Program (RTP) supports high-quality performances and related educational activities in communities across the country. In Ojai, Performances To Grow On presents the Princely Players, who sing and recite poetry from the earliest sources of African-American music in this country to the civil war and the civil rights movement.

SIMI VALLEY

Through a grant to Jazz at Lincoln Center in New York City, the Essentially Ellington High School Jazz Band Competition and Festival distributes, free of charge, specially arranged compositions of Duke Ellington's music and related educational materials to schools throughout the country, including Santa Susana High School in Simi Valley.

Through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works (e.g., Arthur Miller's The Crucible and Zoot Suit by Luis Valdez). L.A. Theatre Works distributes these audio recordings to the Santa Susana High School in Simi Valley.

VENTURA

Through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works (e.g., Arthur Miller's The Crucible and Zoot Suit by Luis Valdez). L.A. Theatre Works distributes these audio recordings to the Buena High School in Ventura.

Through a grant to Art Resources Transfer in New York, the Distribution to Underserved Communities program places books on art and culture into public and school libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Ventura County Library receives materials from this program.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Slaughter amendment and am proud to be a cosponsor of this amendment.

We have offered this amendment successfully over the last 4 years, and I just want to say to my colleagues that I was on this committee when we were funding the arts and humanities at a much more robust level, and I agree, it is amazing that the endowments do as well as they do with the reduced funding that Congress has given them.

This modest amendment, in my judgment, will do a great deal with the Challenge America program and at the Endowment for Humanities. In fact, the President asked for more money in humanities than we are giving him this year. So I think this is a very modest amendment.

I can tell from my own State of Washington the appreciation of the arts organizations for the grants that they get from the National Endowment for the Arts, the universities, the people, the professors, teachers, all those who apply to the National Endowment for the Humanities, who also does an outstanding job, but at a time when our country needs to support job creation, the charts that were shown earlier, the number of people that are employed by the nonprofits that work in the arts is very substantial.

This is an important part of our economy. This is not just in New York or Chicago or San Francisco. This is also in many of the smaller communities like my hometown of Bremerton, Washington. The Admiral Theater, they are having a group come in from Missoula, Montana.

Arts education was mentioned. I can remember Jane Alexander taking me to Garfield High School in Seattle to see a whole group of African American youth working in an arts program. Dale Chihuly with glass in Tacoma, his hometown, one of the most prolific glass artists in the world.

I think this is such a small part of the budget but such an important part, and I am so pleased that so many of my colleagues stayed this evening after the last vote to express their support. I hope that tomorrow morning we will be able to have another victory, and I urge everyone to be here early and to help work the body and get the same great vote that we had last year when we won by 42 votes, with bipartisan support.

I urge everyone who is watching this back in their offices to be here early to support this amendment tomorrow morning when we will vote on it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of the Slaughter Amendment to increase funding to the National Endowment for the Arts and the National Endowment for the Humanities.

NEA is a great investment in the economic growth of communities. The nonprofit arts industry alone generates $134 billion annually in economic activity and $10.5 billion in federal tax revenue.

NEA's Challenge America program has strong bipartisan support and has helped broaden access to the arts and provide funds to first-time grant recipients in small & rural towns. All forms of support for the arts and humanities—State and local government, foundation, corporate, and individual donations—are down from last year, but needs are greater than ever.

NEA requires state and local arts agencies as well as private organizations to provide matching funds, ensuring that dollars continue to flow to the arts even during difficult economic times. NEA nurtures artistic excellence in every corner of the country, with grants reaching every state and every congressional district, including my own district, in Houston, Texas.

Funding for the arts and humanities is more than making pretty paintings or sculptures. It is now about national security. I serve on the Science Committee and push hard to ensure that America stays on the cutting edge in math and science—fields that we usually think of as being the bedrock upon which a strong economy are built. We spend much time and resources pushing "back to the basics" campaigns in our educational systems, to improve reading, writing, and arithmetic. But perhaps the tragic events of September 11th, and some of the struggles we have been grappling with since, indicate that in our quest to improve the basics, we have under-emphasized other critical areas of intellectual and spiritual growth.

It seems that many of the challenges we are facing overseas are exacerbated by the fact that we, as a nation, tend to be ignorant of other cultures, languages, and religions. In our haste to drive our children and young adults toward technology and mechanical work, we have neglected the importance of helping them understand people. Perhaps, this has contributed to the distance between us and our allies, and perhaps it has increased the hatred felt for us by our enemies.

In the fight against terrorism, it is important that we truly understand the motivations of our enemies, and the cultural needs of our friends. In the aftermath of 9/11, we found that we have a shortage of Americans who speak Arabic, and various dialects, or who could speak persuasively to Afghanis. These things must change.

The NEA and NEH are two of many organizations that raise our cultural competence. I serve on the Select Committee on Homeland Security, and in the scheme of our anti-terrorist efforts, it is an inexpensive part. But it is a critical part. Adding $15 million to budgets of the NEA and NEH is a small but important step in the right direction.

The next generation of Americans needs to be culturally aware. They need to understand the history, art, culture, literature, sociology, archaeology—all of the cultural components that make people what they are and that drive people to do the things they do. As the President has said, this is going to be a different kind of battle, and it will take a long time to win it.

The NEA should be part of that long-term strategy. It would be difficult to overspend on this enriching program.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the amendment offered by my friend from New York and strongly urge its adoption.

Mr. Chairman, throughout the course of history, the greatest civilizations are remembered for their contributions to the arts and humanities. Indeed, public commitment to the arts and humanities, along with dedication to free government, could be described as the benchmarks of a great society. As Americans we should be collectively committed to the documentation of our history and our accomplishments.

The two greatest civilizations of the ancient world, the Greek and Roman Empires, are remembered as much for their dedications to their arts as they are with the creation of the democratic and republican forms of government. The architecture of these civilizations inspired our own Capitol building. The theater of Greece and the mosaics of Rome are timeless and engraved in history alongside the triumphs of Alexander the Great and Julius Caesar. Every child learns the Renaissance and the Reformation were watershed events of European history that revolutionized the Western world. The lesson children learn is that religious and political freedom go hand in hand with greater artistic and rhetorical expression.

In America, our contributions to democracy and free society throughout the world are unquestionable and unparalleled. But centuries from now the people of the world should look back with equal admiration to our commitment to the arts. But will they?

We need not support the arts merely to support history and posterity; the arts also have a vital impact on our economy. In my home county of Westchester, New York, the arts support over two thousand jobs and generate over $11 million in revenue for the state and local government. In Fiscal Year 2000, the arts had a total economic impact of over $92 million in Westchester alone. Nationwide, the figures are even more impressive. The arts are a $134 billion industry sustaining nearly 5 million jobs. While the federal government spends only about $250 million on NEA and NEH annually, it collects over $10 billion in tax revenue related to the arts industry, a ratio of 40 to one.

NEA and NEH dollars are crucial to the arts community, helping them leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is critical not only to our national identify, but also vital to our national economy.

Mr. Chairman, our place in history demands that we act decisively, and commit ourselves to our national heritage and culture. I urge my colleagues to support the $15 million increase for NEA and NEH, to support creativity and expression, to support our economy, and to support the place of our American civilization within the pages of history, a place our nation so richly deserves.

Mr. CASTLE. Mr. Chairman, I rise today in support of the Slaughter-Shays-Dicks-Leach Amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. The arts and humanities are important both socially and economically to our nation as a whole.

Studies have shown students benefit from exposure to both the arts and humanities. I have witnessed firsthand how rewarding arts and humanities programs can be to our nation's youth. For example, the Delaware Institute for the Arts in Education, which is partially funded by grants from the NEA, provides workshops and programs that encourage teachers to enrich classroom education for their students by utilizing the arts. They provide programs for students in dance, art, music, theater, and other skills essential to a well-rounded education. Because of funding by the NEA, the Delaware Institute for the Arts and other Delaware programs help give students lifetime skills of cultural appreciation, communication, critical thinking, and teamwork.

While funding for the NEA encourages Arts education, part of the funds reserved for the NEH will support the important education initiative, We the People. We live in a country with a rich and rewarding history; a country where diversity helps create a uniquely American experience. It is vital that Americans understand our history in order to become more informed and civically minded citizens. Programs like the We the People initiative hope to do just that.

It is important for us to remember, the collective benefits gained by not only our districts but also by the nation as a whole and that is why I rise today in strong support of increased funding for the NEA and the NEH.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Slaughter-Dicks amendment to provide increased funding for the National Endowment for the Arts and the National Endowment for the Humanities. These agencies are charged with bringing the history, the beauty, the creative genius of our culture to the lives of all Americans—young and old, rich and poor, urban and rural. These agencies make sure that the vast wealth that is our national heritage is accessible to all Americans, and that is a goal worthy of our support.

Many years ago, I chaired the Greater New Haven Arts Council in Connecticut. I know first hand that the arts enrich lives, and they also contribute to the economic growth of the community.

It is important to note that our small federal contribution to these agencies is only a tiny percentage of the overall public-private investment that flows into the non-profit arts every year. But these are the most important dollars—the ones that leverage billions of dollars in state, local and private funding and fuel what is a vital non-profit arts industry. This industry creates jobs, increases travel and tourism, and generates billions of dollars in economic activity every year. That means nearly 5 million jobs nationally and more than $24 billion in revenues, more than half of which goes to states and localities. In my state, more than 30,000 Connecticut jobs are connected to the non-profit arts.

In addition, the NEA is an important partner in bringing innovative arts education programs to more American students. Arts education is critical in planting seeds of arts appreciation and in cultivating the talent that may have yet to be discovered in these young minds. The Endowment, in partnership with state arts agencies, provides millions of dollars in annual support for kindergarten through 12th grade arts education projects in communities across the country. It also funds professional development programs for arts specialists, classroom teachers, and artists.

Study after study has shown that the arts have real value in restoring civility to our society and providing our children and communities real alternatives to substance abuse and delinquency. A study published in Business Week 3 years ago cited strong business support for government funding for the arts using empirical data that demonstrated students who participate in arts programs gain self-esteem, learn to cooperate as a team—they show an improved ability to finish tasks, and a more positive attitude toward school. Business understands the value of these programs.

We know that the arts build our economy, enrich our culture, and feed the minds of adults and children alike. The NEA and NEH need this increase to fulfill their missions, and it is time we gave them this support. Vote for this amendment. Preserve our heritage and make it accessible to all.

Mr. MATHESON. Mr. Chairman, as a supporter of the arts and the humanities, I am pleased to support this amendment. During my time in Congress I have had the opportunity to meet with numerous constituents regarding the need for continued arts funding.

In this time of daunting budget deficits, we must spend our collective resources as wisely as possible. Funding for the arts is sometimes construed as a giveaway on the part of the federal government, which does not result in tangible benefits to the nation. I dispute that claim—in my district in Utah, we are fortunate to have a thriving arts and humanities community that generates revenues for the local economy, teaches our children about American cultural traditions, and builds civic spirit through public events.

I believed that our nation should invest in programs that generate benefits such as these and I hope my colleagues will join me in voting to restore funding for the National Endowment for the Arts and the National Endowment for Humanities to last year's levels.

Mrs. MALONEY. Mr. Chairman, I rise today to voice my strong support for the Slaughter-Shays-Dicks amendment. This important amendment increases funding for the National Endowment for the Arts by $10 million and the National Endowment for the Humanities by $5 million. It will continue the process of restoring federal arts funding to appropriate levels by simply providing the funding that the House passed last year.

This money will allow millions of young people and children to be exposed to the arts. In addition to the enjoyment and life-enrichment that each participant in the arts experiences, the exposure of children to the arts has been shown to improve reading and language development, mathematics skills, fundamental cognitive skills, motivation to learn, and social behavior. It is crucial that we provide enough funds for our children to have the best chance to succeed.

Sufficient funding for the arts is particularly important in these years following the tragic events of September 11. In my city of New York and across the nation, the arts have provided important outlets for the host of emotions brought on by the traumatic experiences and tremendous losses that we have all experienced.

But the arts not only help us to heal as individuals, they contribute to the economic health of our nation. The non-profit art industry generates $134 billion in economic activity each year, providing nearly 5 million full-time equivalent jobs and over $24 billion in federal, state, and local tax revenue.

We can improve our economy, aid in the healing of our nation, help our children, and create and enduring cultural legacy—all by passing this necessary amendment.

I support the Slaughter-Shays-Dicks amendment, and I urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) will be postponed.

Are there further amendments to that portion of the bill which is open for amendment?

If not, the Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,624,632,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $246,392,000 is for hazardous fuels reduction activities, $40,000,000 is for rehabilitation and restoration, $22,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $51,000,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, $25,000,000 is for forest health activities on State, private, and Federal lands, and $6,000,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, economic action programs, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the House report accompanying this Act: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $560,473,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $29,288,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURGESS) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

□ 1945

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BELL. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

Five. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees; and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The gentleman's motion will appear in the RECORD.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. MICHAUD. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHAUD moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Maine (Mr. MICHAUD) and a member of the opposing party each will control 30 minutes.

The Chair recognizes the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I am offering a motion to instruct conferees on the child tax credit. I want to thank my good friend, the gentlewoman from Connecticut (Ms. DELAURO), for her leadership in offering the first motion last night.

Mr. Speaker, the recent tax bill neglected 12 million children in America's low-income working families by cutting them out of the child tax credit plan. According to the House Committee on Government Reform and Oversight, in my home district in Maine 21,000 working families were cut out. There were 34,000 children in those families. These are families who work hard, pay taxes, play by the rules and who are still left out in the cold. This is just plain wrong.

It is wrong that the wealthier taxpayers will start getting their checks mailed to them next week, and these families will get nothing. I find it completely ironic that the Congress is going on vacation on the very day that 12 million children will be left behind on this child tax credit. Between the child tax credit and the Head Start bill that the House may consider in the coming weeks, the leadership of the House is delivering a one-two punch to these children and their families, and then they are turning around and skipping town. What a disgrace.

What does the congressional leadership have against working families? Why is it that 34,000 poor children in my district in Maine are not good enough for them? Their tax bill gives $90 billion of tax cuts exclusively to millionaires. It would cost a fraction of that to fix the problem and extend child tax credits, but they cannot seem to find a dime for the people who work and who are poor.

This motion to instruct does a simple few things. It tells the conferees to agree to the Senate language that provides for tax credit checks to be mailed immediately to low-income families. It provides that the tax credit be extended to personnel in combat zones in Iraq, Afghanistan and elsewhere. It provides assistance for the families of those who died in the *Columbia* shuttle disaster, and it ensures that this minimal cost is fully offset. The conferees could easily accomplish these changes and bring us a final bill within 2 days, which is what this motion calls for.

The right thing for Congress to do is to pass this motion to pass a child tax credit and to give working families the tax relief that they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I claim the time in opposition to the motion to instruct, and I yield myself such time as I may consume.

Mr. Speaker, Washington, as most Americans know, is simply not the real world. Here in Washington, budget increases are called cuts, $900 toilet seats are considered a bargain and, under this proposal, those who do not pay Federal income taxes will receive Federal income tax relief. That just does not make sense. The House this afternoon agreed, defeating this motion 220 to 206, yet we are back at this discussion again, unfortunately, for partisan political purposes.

Republicans in this House and across the country care very much about children. We care very much about families. But we think it is important to note that the Democrat motion to instruct, the one we are talking about tonight, would reduce the child tax credit for millions of children in America.

The Democrat motion to instruct allows the child credit to drop from $1,000 to $700 after the 2004 election. As a result, millions of low- and middle-income families will receive a smaller child tax credit right after the elections. Now, that sounds like Washington: Promise tax relief, then take it back after the election.

Well, not in this House. Because the Republican House-passed bill ensures the child tax credit remains at the $1,000 level throughout the decade, which is going to make it easier for families with children to make ends meet.

The Democrat motion to instruct does not eliminate the marriage penalty in the child credit until 2010, nearly 6 years from now, and even then it only goes so far to do it for 1 meager year. Under the Democrat motion, millions of children will be denied the child credit simply because their parents are married. Let me repeat that: Under the Democratic motion, millions of children will be denied the child credit simply because their parents are married. Well, the Republican House-passed bill benefits middle-income families by eliminating the child credit immediately.

The House-passed bill does not deny the child credit to military families. We will probably hear that tonight. Military families, including those who are deployed abroad, such as my brother Matt, MSG Matthew Brady, who serves in Iraq today in the 62nd Medical Brigade, they are already receiving a refundable child credit and will continue to receive a refundable child credit under the Republican House-passed bill.

The Democrat motion, on the other hand, would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit. Well, that is not good enough for our military.

Finally, the House-passed bill provides more tax relief to military families because it includes $806 million, $806 million, of military tax benefits. These provisions have passed this Republican House on numerous occasions and are awaiting action.

Mr. Speaker, because there are, I think, a number of Members who want to speak on the other side, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 4 minutes to the good gentleman from Arkansas (Mr. BERRY) and would just comment that this is not politics. This is the exact same motion that House passed on June 12.

Mr. BERRY. Mr. Speaker, when the economy is falling on its face, unemployment is rampant, and chaos worldwide reigns, it is time for us to return to the bedrock that we built this Nation on, something that I love to read and I love to talk about, the greatest document ever written, with the exception of the holy Bible. It is the Declaration of Independence.

It says in the second paragraph, "All men are created equal."

It does not say rich people are better than poor people. It does not say that Republicans are better than Democrats. It does not say that you are better if you do not have to sweat for a living. It does not say that if you do not have callouses on your hands you should not pay taxes, but, if you do, you should.

It says, "All men are created equal and endowed by their Creator with certain unalienable rights, and among those are life, liberty and the pursuit of happiness."

I think it is time that this Congress and this country remind themselves what built this great Nation. It was the blood, sweat and tears from working people, the kind of people we are talking about helping with this bill.

Now, I do not hardly ever vote for a tax cut. I do not like to pay taxes any better than anybody else does, but we cannot afford it. We cut taxes and increased spending five times in this administration in 2 years, more than the Clinton administration did in 8 years, and built up a debt. My grandchildren are sitting right there, and we are dumping debt on them at a rate that they are not going to be able to carry. That is the reason I do not vote for tax cuts.

But, Mr. Speaker, this tax cut is meager; and it is paid for. To deny the working people of this country the ability to have a piddling $3.5 billion tax cut when we have passed trillions of dollars in tax cuts for the richest people in this country is patently ridiculous.

Now, I know my colleague on the other side of the aisle means well and has got a good heart and thinks he is doing the right thing. But this is not about partisan politics. It is about America. It is about giving working people an even break. We are talking about benefiting 12 million of the poorest children in this country.

□ 2000

How in this wide world can we possibly deny that small benefit to working people? Throughout American history, the greatest industrialists, the richest people in this Nation recognized that working people have to be successful. We cannot all sit back and draw dividends off our stocks. Somebody has to work. That is what has made this country so powerful. Working people were allowed to be successful.

But in the last 2 years, we have seen an assault on working families in this country that is unprecedented, that continues day after day after day on the floor of this House, and it is time to bring it to an end. It is time to be fair. It is time to be honest. It is time to admit to the American people this just simply will not work. Give working people a chance. I urge my colleagues to vote for the child tax credit and do the right thing and stand up and be Americans.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me thank the gentleman from Maine (Mr. MICHAUD) and the gentleman from Arkansas (Mr. BERRY) for their eloquence and the insight they bring to so many Americans who are outside this Chamber tonight, and for being consistent and direct voices for so many people in this country who do not have a voice.

The gentleman from Maine (Mr. MICHAUD) pointed out that 1 week from now a large number of people in this country will receive the first installment on the child tax credit. They will go to their mailboxes as we prepare to go to recess; they will reach in and find a check that they can use in August. But in the Seventh Congressional District of Alabama, a significant number of people will reach into that mailbox and they will not find anything. 40,000 families in my district have heard something about a child tax credit. They do not necessarily know what we are debating about and who is supposed to get it, but they have heard something about a child tax credit. They are going to reach in their mailboxes next week and they will not see it. These 40,000 families in my district and their counterparts all around this country of ours will wonder just why it is that when we are cutting taxes in this country, when we are saying that it is imperative that we cut taxes in this country, they will not understand why they have been left out.

We stand here tonight on behalf of those 40,000 people who live in my district and their counterparts all around this country, and I think we should ask ourselves some very basic questions. When we lose touch with the people who do the work in this country, when we lose touch with the people who use their hands to earn a living, we have changed the kind of America that we are.

Whether Members fully understand it or not, and I think most do, this is a country that was built on the sweat and tears of people who do not have a lot of resources and who have needs. I will tell Members that so many economists agree that the recovery that we hope for, if it is to happen, will be built on the backs of the people who use their hands. They are the ones that we advocate for tonight.

A lot of people as they come home listen to these debates and listen to these arguments; and, frankly, they do not understand a lot of the technical terms that we use. They do not know what a motion to recommit is or what a suspension is, but they do understand what it means to be ignored. They understand what it means to be left out.

We believe on this side of the aisle, just as those Members on the other side of the aisle believe, in this democracy of ours; and we believe that this is a very special, God-blessed experiment that we have built in this country, but we will not be all that we can be when we leave out some of our people.

Sometimes back in my district I quote someone whose name is not very well-remembered now, an Italian poet called Dante, and he said something that I think speaks as well as anything I have ever heard as to what separates this side of the aisle from the other side: "The Lord does not weigh the sins of the kind and the cruel-hearted on the same scale. I would rather have the occasional errors of a government acting in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference."

It may very well be that this tax cut that we seek, if it is passed, will give somebody somewhere who does not deserve this credit some money. It may very well be. It may very well be that some person who is not a hard-working person will benefit from this credit; but I will tell Members that I, and so many other Americans, would rather do a little too much if we have to than be indifferent towards people who face a lot of indifference in their lives.

I know from the gentleman from Maine's background, as much as anyone in this Chamber, that he knows what it means to work for a living. I come from, as do you, the wrong side of the tracks. I was literally born next to the railroad tracks in Montgomery, Alabama. So many people who come from the neighborhoods that we lived in are the ones who would benefit from this credit. They are the ones who feel that we are turning a deaf ear to them when they see us sit here day after day dealing with this obscure issue and that obscure issue, but they cannot see us coming to grips with the real problems in their lives.

So as I prepare to close tonight, I hope that this whole Chamber will appreciate that when you leave out a significant chunk of the people in your country, when Members turn a deaf ear to them, we cannot expect them to fully believe in the American Dream. I am troubled when a significant number of people in this country are told that the American Dream is not there for them. We would do well to remember the impact of what we do. We would do well to recognize that when we leave people out, we tell them, in effect, that they do not matter; you tell them, in effect, that they do not have value. That is not the kind of democracy that we have built. It is not the kind of country that we have built, and we ought to rise up in a bipartisan way and pass this motion. We should do what the Senate has done, do what the President says we ought to do, and give relief to the families that need it.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, working families in America matter, so much so that this Congress has repeatedly not only provided tax relief to help them balance their budget and to help them make ends meet, to help them raise their children and plan for their retirement and help them take care of their elderly parents and grandparents. I think the best thing we can do for working families is to make sure that they continue to work, and for those who have been laid off, to get them back into the type of job that they can raise a family on.

I think that is what is so important about President Bush and this recent tax relief; we are boosting this economy and putting more than a million Americans back to work within the next few years. We are encouraging our businesses to invest more right now to hire summer workers, to hire new people into their small businesses.

For me, I understand when you are not working, you are not paying Social Security, Federal income tax, or paying into Medicare. The best way we can balance the budget and start paying down our debt is to get this economy moving. That is what the President's tax relief and job bill is all about.

In Texas, for example, because of this tax relief for working families, we have the equivalent of new jobs that will be created, enough that we could build two new Pentagons each year in Texas and fill every office with a new Texas worker. That is real jobs for working families, and that is what tax relief is all about.

Members have heard tonight that the President's bill deprives millions of low-income families of a tax break for children. Nothing could be further from the truth. The only ways in which these families could be denied tax relief is if they had an income tax liability in the first place, and they do not. On the contrary, low-income families, those who are working hard not only do not have an income tax liability, but they receive generous checks from their neighbors through the government as a result of the refundable portion of the child credit and the earned income tax credit.

While most Americans think of a refund as getting money back because you overpaid your taxes, in this case refundability means you get a check back even though you did not pay taxes into the Federal Government. Here is an example. For a single mom with two children under the current child tax credit, this mom works, makes $25,000 a year, her tax liability before the credit is pretty small, $800. We provide today a child tax credit of almost $600. We send her a refundable earned income tax credit, a check from her neighbors, from their taxes, of almost $1,700. So we send her $2,282 not only to pay her part of the Federal Government, but to pay her part of payroll taxes as well, the ones that go to Social Security and Medicare, perhaps unemployment, all of which she and her family will use in her lifetime.

America cares about working families, so much so that we take from our own paychecks to help people who do not have enough to make ends meet. One thing we do not hear tonight is that the most recent tax relief increased the number of people who do not have to pay at all by almost 4 million people.

Since 2002, nearly 10 million tax filers have been taken off the tax rolls, working families who no longer have to pay any Federal income tax whatsoever, and now in America nearly 30 percent of all our taxpayers pay no Federal income taxes whatsoever. The remaining 70 percent pay their share for them and then their share of government. We care so much about working families who have high Federal income tax rates that we want to provide relief to shoulder that burden.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, I rise in support of the motion for the child tax credit plan. I made a promise to the people when I was campaigning that I would be their voice in Washington and I would listen to them. I told them I would take my marching orders from them. I would be listening and I would be the voice for them here. Whether I am here in Washington or whether I am back in my district, people are telling me to address the child tax credit issue. They say, What is wrong with the folks in Washington? Why are they not addressing that issue? That is what we sent you there for.

Mr. Speaker, that is why I came here today, that is why I am speaking tonight. This House has passed tax cut after tax cut for the wealthiest people in America, but we simply refuse to look at the lowest-income individuals who live in our country. I will talk about some of those in a few minutes. I am here today to stand up for them, to talk for them.

Let me say, originally I voted for the tax credit that was passed. A few Democrats voted for it. I did for a reason. I represent a district that has 58 percent of the people living in households that earn less than $40,000 a year. I am in their homes many times because many of them are my neighbors in the small farming community of Pall Mall where I live. I see them and I talk to them. They do not understand why this Congress would be willing to give the tax cuts that we have given and ignore them.

Members say they really have not paid any tax. Yes, they do. We pay 15.3 percent. The employer pays half of that, the employee pays the other half. So a family earning $40,000 a year pays roughly $3,000 a year in withholding tax, in payroll tax. It is a retirement system, but we are borrowing from that; and when they get ready to retire, the money probably will not be there.

But in my State, it is a 9¾ percent sales tax. They spend every penny they earn buying groceries, clothing, and used tires, in many cases, for their automobiles.

□ 2015

They certainly have a used automobile, not a new one, and it is certainly not a Mercedes or a Rolls Royce. It is probably a pickup truck where they can use it both to go to church on Sunday and to haul farm products from their farm.

So do not tell me that these folks are not paying taxes. Because the studies that we showed in Tennessee, the ones who earn less than $40,000 a year spend all of it virtually on taxable items, which means they are spending almost another $3,000 or better in sales tax. That is $6,000 of the $40,000 that they are paying before we take anything else out.

I do not like it being heard from this Chamber that these folks are paying no taxes, because they certainly are; and they are a major part, the backbone of our country. They are the ones that get minimum wage at their jobs that they are working at. They are the ones who get laid off first, who get an employment check with no insurance benefits. But we are not willing to give them an earned income tax credit.

Let me give Members an example of one, a family that I know. In my district, there are 109,000 people who meet the criteria of earning between $12,000 and $25,000 a year. Thirty-three thousand of those families, some 50,000 children, receive no tax credit at all. These folks own a home. They drive a used automobile. They buy clothing for their children. They go to church on Sunday. They go to work on Monday morning. In many cases an older child takes care of the child care in that family because we are stripping away in many cases the opportunity for them to have child care at home so we can give a tax break to the wealthiest.

A family I know, the father, the mother both have a college education. Both of them were teachers 8 years ago until their young son came along. They decided that the mother should stay home and raise a family as we all feel family values are extremely important. You can say we are God-fearing, flag-waving, freedom-loving Americans. This young family decided that the mother ought to stay home, and she did. They now have three children.

The father, to earn extra money, drives a school bus, earning a few thousand dollars. He takes extra time, an extra supplement because he coaches, which keeps him away from his family. Every time there is a bus trip, he volunteers to drive the bus for the extra $40 or $50 that he gets so he can again take care of his family.

They have an 8-year-old son, will be soon, 6-year-old daughter, will be soon, and soon a 2-year-old son. I know the family exceptionally well. This father works hard to be sure that those children have a home to live in, because he has a mortgage to pay, he has a car payment to pay, he has tires to put on that automobile, insurance to pay for the family and take care of their health care as well as taking care of their food that they may have.

So when we say that these folks, and I heard the other side stand up and say, it is nothing but welfare, it is a handout. I resent those statements being made on this House floor. It is not a handout to the hard-working families who make the tough choices, who either the mother or the father one will stay home and raise and nurture that child in the values that they have been taught.

So when we say that we are handing welfare to the 58 percent of the people who live in my district by giving them a child tax credit because they are working and earning less than the wealthiest in this country and we are willing to give $88,000 per year for the people who earn a million dollars a year or more, we have a conscience problem. I would ask that our heart be our conscience and that it give wisdom to our head to where we will make the right decisions.

My hopes are that we will pass the child tax credit bill now so that families who need it most can get it. We need to stop the political games and help those hard-working families who deserve the tax credits we can give them, the families who live in my district and in your district. They deserve it.

Mr. MICHAUD. Mr. Speaker, I yield 6 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise this evening on behalf of 13,000 families that I represent in North Dakota representing 25,000 children in those families. It is my plea this evening that we would pass the motion to recommit, get the House in line with the Senate and put in place the necessary statutory changes we must make so that those households earning $10,000 to $26,000, the working poor of this country, the working modest-income families of this country, that they and their children will be able to receive the same kind of support for their children that we will be mailing to households in the $26,000 to $110,000 income ranges just in the weeks ahead.

It is important we pass this motion so that this might be done immediately. Otherwise, we will have made a terrible and embarrassing mistake.

This Congress will leave town in a little more than a week. The Members of this Chamber will scatter to their districts all across the country. Many will board airplanes for fancy congressional trips to the far reaches of the world.

We do not want to be taking this departure from our duties here in Washington without responding to the need of this group, again in my State 25,000 children that ought to be getting the same kind of support that families in the $26,000 to $110,000 income range will be getting.

To suggest, as has been suggested on the other side, that these families do not pay taxes is flat-out wrong. Every dollar of this modest-income group is subject to those payroll taxes. Every month when they look at that pay stub that does not cover what they hoped it was covering, they will see the painful withholding for the payroll tax. We can help them with a check amounting to $400 per child, just like those other families are going to be getting.

And you do not think that is meaningful to this group? This could make all the difference in the world. This could be food and shelter, maybe something a little more frivolous, maybe a new bicycle. Maybe some of these children would actually be able to get new school clothes for the coming school year.

So we do not want to be flying out of town across the country and across the world leaving these families without the opportunity to get this kind of help. We have to take this action.

The Senate in realizing or having exposed, one way or the other, that we passed this massive tax cut, massive tax cut, on top of an earlier massive tax cut amounting to nearly $2 trillion worth of tax cuts, they realized that it just was untenable to not take this $3.5 billion and add it for these working poor families. So with a vote that had but two dissenting votes on the floor of the Senate, they passed a measure to fix this problem.

The House needs to take the same action. The House passed a different version. We put some other stuff in that cost $80 billion. I believe that we needed to fast track and vote there for the Senate bill. The House did not do that. It went to conference committee.

What has happened in the weeks since? Nothing. Nothing has happened. And nothing will happen before we leave town. That is why we need to revisit this issue. We need to pass the version that aligns perfectly with what the Senate passed so we get this bill to the President where he has said he will sign it and get these working families the relief they need with this child tax credit.

There is one other group we desperately need to attend to, and I do not think any of us could look our constituents in the eye if we do not attend to this one. This is another aspect of the problem that I really want to talk about. It involves the combatants on our behalf in harm's way tonight in Iraq and other combat zones in the country.

Believe it or not, the way this works is that combat pay, pay in a combat zone, is not subject to tax. By virtue of that, all enlisted people in Iraq getting shot at this afternoon are not going to qualify because their incomes are going to fall in this $10,000 to $26,000 category. Can you imagine that?

I looked at this week's Newsweek, and right across the top of the story line on what is going on in Iraq is picture after picture of a beautiful young American person killed since peace was declared, since the war was successfully concluded in Iraq. This is a very dangerous place, and our people are serving in harm's way, thousands of miles from their families, on our behalf today.

Are we, as Members of Congress, comfortable in this air-conditioned Chamber, prepared to look them in the eye and say, you don't get the child tax credit because the House of Representatives was too balled up in partisan nonsense to pass what the Senate passed almost unanimously, fixing this problem so your children can qualify for the tax credit? This would be a disgrace on this Chamber and a shame on every Member in it if we do not respond to the families of the combatants on our behalf in Iraq today.

Let me just give you the particulars. An E–5 or E–6 sergeant, 6 years of service, two children, paid $29,000 a year. If he does not serve in combat, both of his children qualify for the credit, get the $1,000 credit. If he is in combat for 6 months, his credit would drop to $450, and the Senate bill helps these people.

This is a terrible problem. We have got to fix it. The Senate bill fixes it. The House bill does not. For these families I represent and for the families of our combatants, pass the motion to recommit, fix this problem, and go home with our heads up for the August recess, not our heads down in shame.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 1 minute just to make the point that I think it is shameful to use our Armed Forces, our men and women over in Iraq today, which includes my little brother who is in harm's way each day. I think it is shameful to use them for petty partisan politics, especially when the House bill that passed provided $806 million of relief for our military that our colleagues across the aisle cheerfully voted against.

What bothers me is that this Republican House has worked so hard to increase the pay, the housing, the readiness of our military men and women, including my little brother, and as he told me the other day in an e-mail from Iraq, he and his colleagues find it very disturbing that they are used for these petty partisan politics when in fact we should be providing them the relief that we can.

I should point out as well that under this Democrat motion to instruct not only does this child tax credit end quickly but we dangle it in front of our military for 2 years and then yank it out right after the elections, which definitely qualifies for petty partisan politics at a time this country cannot afford.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentleman from North Dakota.

Mr. POMEROY. I thank the gentleman for yielding.

The simple fact of the matter is the military tax fairness bill is held at the desk. We are ready to vote on it. It is being held up. I do not know why.

Secondly, this bill, if we pass a motion to recommit, will get the families of these soldiers qualification for the child tax credit. Failure to take this action does not get them that relief.

Mr. BRADY of Texas. Reclaiming my time, I would make the point that not only this afternoon did this House vote down this motion to instruct, but we had ample opportunity to pass tax breaks for our military. In fact, we as Republicans in the House did in the President's tax relief and our Democratic colleagues, and I know they have good hearts and the fact of the matter is they are patriotic, they care about our military, but they voted almost unanimously to deny this help for our military.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a proven fighter for working families and has been a leader in the whole health care area as well.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine for those comments and also mention the fact that he is here this evening bringing this motion up, and I commend him for that. I know that the hour is getting late around here and a lot of us have left, but it is great that he is doing this.

I have to say, it just upsets me so much that we are once again this evening talking about the exclusion of these 12 million children from the child tax credit. The partisanship, and I know the gentleman from Texas talked about pettiness. I do not think it is petty.

I am a father of three. I have a daughter who is 9, a son who just turned 8, and another little daughter who is 5. Obviously, with our salary, there is no problem taking care of them. But I watch the people in my district, and there are many even in New Jersey which tends to be higher income, higher cost of living as well, there are many families that are impacted by this and that would benefit if you were willing to adopt this motion to instruct and go to conference and include this child tax credit for these 12 million children.

□ 2030

And it really pains me because I know how difficult it is. Times are tough. A lot of people are unemployed. A lot of people are not making what they used to make. Talk about taxes, in my home State property taxes are so high. These people pay payroll tax. They pay high property tax. The suggestion that somehow they are not paying taxes is absurd. When the average person goes home at night, they do not worry about whether it is an income tax to the Federal Government or a tax to the State or property tax to local government. They are paying taxes, and they deserve a break, particularly in these tough economic times; and what I understand is that the conference has not even met. There was supposedly going to be a conference on this to try to include these 12 million kids, and the conference has not even met.

So what I am hearing from the other side of the aisle, from the Republicans, is they just do not care. They are not going to address this at all. I know that it may sound petty to some on the Republican side to hear us talk about how this impacts the military, but the fact of the matter is that if I was in Iraq and I was worried about my kids back at home and how much they have and whether they are going to make ends meet, I would be looking for some break like this; and I would like to see those kids included and the parents of those kids who happen to be in combat in Iraq or in other places around the world as part of the active military. They should be included. I know the gentleman talked about this military tax fairness bill. My understanding is it is right here at the desk. You are in the majority. The Republicans are the leaders, in the majority around here. Take up the bill. Do not look at us to blame us about whether or not this bill has passed. You can take it up tonight or tomorrow at any time. But the bottom line is there is absolutely no justification, I have not heard a single justification for not including these kids and this child tax credit.

Think about the fact that the House and Senate Republicans who took less than a week to reconcile differences between two giant $500 billion tax bills that are now causing this huge deficit cannot seem to come to an agreement on a much smaller bill to expand the child tax credit to the children's parents earning between $10,000 and $26,000 a year. You were able to do it for the big tax bill, but the conference cannot meet on this much smaller bill. I do not know what the holdup is.

I think our colleagues are just content to leave Washington this week without correcting the situation. And I am particularly upset with President Bush who last month advised House Republicans to pass this child tax credit legislation and send it to him so he could sign it, big brouhaha, send it to me, I will sign it. Now he sits silently as the congressional Republicans do nothing. I think that silence is an indication of the President's true intentions. Otherwise, I do not know where he is. He disappeared. He does not seem to care about it anymore.

I do not hear anybody on the Republican side talking about this anymore. A couple of them were talking about it a few weeks ago, but now nobody talks about it.

How many times do we have to, as Democrats, come to the floor and point out the unfair treatment that these hard-working American families receive with the passage of the Republican tax bill and yet they do not want to do anything for them? This is simply a question of fairness. How can Republicans say it is fair to give a millionaire a tax break of more than $90,000 while giving nothing to millions of working families. We should not leave here today, this week, or certainly next week until this injustice is corrected. And I see that one of my colleagues is here.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 15 seconds.

I make the point again this House has already provided record tax relief for our military families including those deployed abroad. There is not a need to pick up another tax relief bill for the military. We have done so, and our Democratic colleagues voted strongly against it.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), a man who stands very strongly for working families and for tax relief.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time.

I did not plan to come here and speak tonight on this subject. I wanted to speak a little later, but I could not let this pass. I want to commend the gentleman from Texas for standing up to this tonight.

To hear the rhetoric from the other side of the aisle, it is just surreal. We are talking here and I keep hearing tax credit. Tax credit, tax credit, tax credit. Tax credit to me, and I think to most Americans, implies some sort of tax liability. If an individual does not have that amount of tax liability, how could it be a tax credit? I understand we may want to have a debate around here about ways to aid families who are in need. If we are going to have that debate, let us have it on the right terms. Let us call it something different. Let us not call it a tax credit if there is no tax liability there. Let us call it whatever, something else. But let us take it for what it is. It is a redistribution of income from some people to other people. Let us not call it a tax credit.

And as for the claim that individuals do pay other taxes, property taxes, sales taxes, surely they do. Surely they do. But this is the Federal Government, and we are stewards of money that comes here to the Federal Government, and we should not try to distribute money based on what individuals pay in their home States. If we did that, then we would be in a world of hurt here. We are stewards of money that comes to the Federal Government, and we ought to give tax credit where it is due and where it is deserved, and that is for those who pay taxes. I think that is a principle that we should not violate. There are other programs, and we have talked about them and debated them; but let us have that debate on the right terms and call it something different than a tax credit.

And again I commend the gentleman from Texas for saying what he has said and for doing it so articulately.

Mr. MICHAUD. Mr. Speaker, parliamentary inquiry. Who gets to close?

The SPEAKER pro tempore (Mr. GINGREY). The gentleman from Maine (Mr. MICHAUD) has the right to close and has 1 minute remaining.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me close our portion of this. And I appreciate the gentleman from Maine's direction on this issue. While we may disagree and the parties may disagree on the policy issues, let me tell the Members I think we both have a love for this country, both are trying to do the right thing. We may have different approaches to it, but I know he has a good heart; and I appreciate his service here in Congress.

Let me point out that we care very much about working families and their children, so much so that in the last few years we have taken nearly 4 million families on the lower-income level and completely absolved them from the Federal income taxes, just said they do not have to pay Federal income taxes at all; so much so that now almost 30 percent of Americans fall into that category, which is a record high for those who do not have and do not owe Federal income tax. And in the tax relief plan for families that do pay Federal income taxes, we gave them a credit, helped them pay for raising children because things are so expensive. We reduced the marriage penalty because it simply was wrong to tax people more simply because they were married. This has been a great help for working families with children.

For those who pay income taxes, we said we want less of them to pay these taxes. So we expanded the 10 percent, the very lowest tax rate so more and more people would pay less of their Federal income taxes. And then for all the other working families, we said, look, Washington takes too much their money to pay for those $900 toilet seats and those $300 hammers and for those hundreds of programs that duplicate each other. We think the best way to get this economy going is to leave the money in their pockets, the best way to help small business hire new workers and keep them on is to put more money back into those small businesses. We knew that the best way to pay off this debt and get this budget balanced again is to get people back to work again by giving them the power of their own paycheck. So this Republican House and this President have bent over backward in record ways to make sure that working families with children can make ends meet better.

But make no mistake about our policy and principle. Our principle is income tax relief should go to those who pay income taxes. So the child tax credit is targeted to those who owe Federal income taxes. So much do we provide relief that for those who do not owe any Federal income taxes whatsoever, we already provide them tax credits, help, checks from their neighbors, from their paycheck to help them. We call it the earned income tax credit. We even provide some refundability, some more checks from their neighbors to help them with their children. So not only for those working families do we say they do not owe Federal income taxes but other neighbors say we will pay their payroll taxes, we will pay their share of Social Security, we will pay their share of Medicare, we will pay their share of unemployment, we will pay for reduced and free school lunches because their kids do need to eat. We will pay for free health care. We think it is important that their children are healthy. We will pay for free public transportation because we want their children to have opportunities.

This is a very caring America. We care for families who are low income, but we care for working families who make a little more than that. For the cafeteria worker who provides the free school lunch, we care about their taxes. For the bus driver who helps provide the free public transportation, we care about their tax burden. For the nurse who provides the free health care, we care about their tax burden as well. So this child tax credit is for those who pay Federal income taxes.

This Democratic motion to instruct yanks that child tax credit, that steps away from these working families as soon as the next election is over. That is flat wrong. And on behalf of this Republican conference, we oppose this Democratic motion to instruct. It would reduce the child tax credit for millions of children, and that is not right.

Mr. Speaker, I yield back the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

As I mentioned earlier, the right thing for Congress to do is to pass this motion, to pass the child tax credit, and to give the working families a tax relief that they deserve. A lot of people out there are hurting. There are certain areas actually in the State of Maine, labor market areas, where the unemployment rate is over 38 percent. When we look at other labor market areas, they are in double-digit numbers. Working families do need this tax relief. So I hope this body would support the motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MICHAUD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 2045

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENHANCING THE WAR ON TERRORISM BY REDUCING ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I rise today to continue a series of discussions I am having on the unforeseen and undesirable effects resulting from our Nation's current immigration policies.

There has been much talk in recent years about "holding the line" against the flood of illegal immigrants flowing across our Nation's borders. Unfortunately, as I mentioned in my comments last week, our recent attempts to control the border have not been a resounding success. I certainly do not believe that our Nation's borders should be left wide open. Especially today, in light of terrorist threats, we must know who is entering the country and leaving the country.

Unfortunately, Mr. Speaker, we currently have very little idea who is entering the country outside of the legal ports of entry on the border. Some have estimated that 700,000 illegal immigrants breach our borders every year.

We can try to tighten our border enforcement even more than we already have, but as long as the U.S. offers Mexicans more opportunity for work than Mexico does, for example, people risk their lives to cross the border.

According to Steven Camarota of the Center for Immigration Studies, "A real effort to control the border with Mexico would require perhaps 20,000 agents and the development of a system of formidable fences and other barriers along the parts of the borders used for illegal crossings."

I believe the wisdom of embarking on such a project is questionable, at best. Rather, I would submit that a program that allows these workers to enter the country legally is a smarter national security strategy.

Regularizing the flow of workers across the U.S.-Mexico border will give the Federal Government the opportunity to get a handle on who is present in the United States. It will also free up resources for border security and the war on terrorism.

While there are border crossers who have malicious intentions, locating them among the throngs of illegal immigrants is akin to finding a needle in a haystack. By drastically reducing the number of illegal immigrants crossing the U.S.-Mexico border, we can shrink that haystack and more easily target those entering the U.S. who wish to do us harm.

We in Arizona recently saw an example of the troubling violence that can occur when criminal aliens are not apprehended. A United States Park Ranger at Organ Pipe Cactus National Monument, Kris Eggle, was shot and killed while chasing Mexican drug smugglers last summer. Eliminating the majority of illegal border traffic would make it easier to track down and prosecute criminals like Chris Eggle's killer.

The vast majority of those entering the country illegally are looking for the opportunity to work hard and improve their lot in life, not to commit terrorist acts. According to statistics provided by the Border Patrol, only 1 percent of those apprehended on the southwest border are come into the U.S. to commit crimes.

Permitting those already present in the United States to participate in the program would also encourage millions of currently undocumented workers to register with the government. Shrinking the undocumented population would provide less cover for terrorists who do enter the country and attempt to blend in.

A temporary worker program would deal a severe blow to the black market that currently supports illegal immigrants as well. The demand for people smugglers, fraudulent documents, and other enterprises that facilitate illegal immigration would be greatly reduced.

Mr. Speaker, regularizing the flow of undocumented migrants entering the country will greatly improve our Nation's border security, help us fight the war on terrorism, and redirect resources that have not been used effectively through our current immigration policy.

EXCHANGE OF SPECIAL ORDER TIME

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from New York (Mr. HINCHEY).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

CONGRESS SHOULD SUPPORT AN INDEPENDENT COMMISSION TO INVESTIGATE THE BUSH ADMINISTRATION'S DISTORTION OF EVIDENCE OF IRAQ'S WMD PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, a grass-roots organization called moveon.org has an online petition right now seeking an independent commission to investigate the Bush administration. I will read it. "Congress should support an independent commission to investigate the Bush administration's distorting of evidence of Iraq's weapons of mass destruction program."

They are supporting H.R. 2625, a bill sponsored by the gentleman from California (Mr. WAXMAN), that would create an independent commission that would look into the intelligence that led up to certain representations that the Bush administration has made.

People want answers to questions. So what we are doing for the next several nights, some of us, is reading some of these letters and comments that have come as a result of this on-line petition.

These are the ones that have come from Illinois. Out of 320,000 people who signed the petition, there were thousands of comments. These are the ones from Illinois, and I would like to read just a few of them.

I think my colleagues will find that what these letters do is question the intelligence that was provided, or question the representations that were made, but do not question the integrity. I think my colleagues will agree with that.

I am reading now. "My son is a reservist who has been called into active duty on account of the war on Iraq. This is the second time since 9/11 that he has had to put aside his college studies and go on the front line to serve our country. Considering his sacrifice alone, he and I need to know the truth about why he assisted in the war effort." That is from Patricia from Woodridge, Illinois.

"Two of my sons are in the military. They told me, "Mom, we have to do what we are commanded. It is your responsibility to help make sure we are only asked to do what is morally and ethically right.' That is why I urge Congress to thoroughly investigate the events leading to the war in Iraq." That is from Marge in DeKalb, Illinois.

"Two of my best friends are sergeants in the U.S. Army. They signed up and put their lives on the line to protect and defend our country for people like me. We owe it to them to make sure that when we ask them to put their lives in danger the reasons are just, valid, and truthful. I cannot imagine how the families of the servicemen and women who died in Iraq must feel now, knowing that, perhaps, their sons, daughters, spouses, moms and dads died not because they were defending us against a true threat but because of political or financial reasons. Let us investigate this fully and give our service members the dignity they deserve,' says Jennifer from Chicago.

"As the mother and mother-in-law of a son and son-in-law sent to Iraq to risk their lives, it is important to me that an independent commission investigate our actions in Iraq and the reasons presented for doing so. We may be the most powerful Nation the world has ever known, but we have acted like cowards and weaklings. We have an obligation to be an uplifting role model to other nations. Instead, this government has chosen to reiterate the bully mentality. We raise our children to find positive ways to resolve disagreements and conflicts. Why? This government says that being the biggest and toughest guys gives you the right to stomp on whoever you want. Who will our children listen to?" From Marlena in Chicago.

"My father is a veteran," says Trisha from McHenry Illinois, "like his brother, his father, and his uncles. My mother's brothers are veterans, like their uncles. While many prominent members of this administration can claim no legitimate military service, it is terrible to think that they may have sent our men and women to Iraq for false reasons and that you would let them get away with it. Our servicemen and women are risking their lives for us, and it is our duty to make sure it is not for reasons other than what this administration has led us to believe. Your duty in this matter is not to your political party. Your duty is to the American people and to the Armed Forces who serve this country. An independent, bipartisan commission is warranted in this matter."

And Trisha adds, "Also, if you are going to keep passing resolutions supporting our Armed Forces, please stop cutting their benefits, give them a raise, and be nicer to veterans."

"My brother is a member of the Illinois National Guard," says Penny from Freeport, "and is currently serving our country in Iraq. I fear that he is risking his life under false pretenses. It is not only our right but our responsibility as American citizens to hold someone liable and seek the truth. We need to establish an investigative commission as soon as possible."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MISAPPROPRIATIONS OF TAXPAYER FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

Mr. FEENEY. Mr. Speaker, there are several gentlemen from Florida here tonight, including my cohort and friend MARIO DIAZ-BALART, along with the gentleman from Texas (Mr. HENSARLING) and a lot of the Republican freshman class. We have been very concerned, as we review the last 5 or 6 or 8 years' worth of Federal spending, about some, really, misappropriations that are going on. It is very bothersome.

I will tell my colleagues that Ronald Reagan once defined the American taxpayer as somebody that worked for the Federal Government but did not have to take the civil service exam. Unfortunately, that is all too often too true.

The Americans for Tax Reform group actually estimates, based on economic estimates, that the average American has to work this year 193 days, well into July, just to pay their cost of Federal, State, and local taxes and regulations. That is obscene. It is a big problem.

I will tell my colleagues that P.J. O'Rourke once said that trusting your money to government bureaucrats and politicians was a little bit like giving whiskey and car keys to teenage boys. It is just a bad idea.

So I am delighted to join the gentleman from Texas (Mr. HENSARLING), the gentleman from Florida (Mr. MARIO DIAZ-BALART) and most of the Republican freshman class who enthusiastically have said we are going to come down here to the well on a regular basis every week and we are going to talk about some of the outrageous misexpenditures of our constituents' money that offend us so badly.

We are grateful for the fact that we can stand here and talk to people around the country about the fact that we want every politician that serves with us and every bureaucrat and administrator that serves with us to know one thing: They do not want to be the victim of next week's most outrageous expenditure. They do not want to be, if you are the procurement officer in a specific government agency, the topic of the major speech that week. We intend to, for example, have some awards for the most outrageous abuse of taxpayers' dollars.

Now, I will tell my colleagues that 2 years ago there was at least $17 billion worth of expenditures for which there was no accountability. The agencies that spent the money could not tell us what happened to the money.

Aside from misexpenditures, there is the problem of duplication. We have a homeless problem in America, but there is something wrong when there are over 50 different Federal agencies dealing with the issue of the homeless. The duplication of services is a big problem.

We will regularly be coming and talking to our colleagues about the Washington Waste Watchers led by the gentleman from Florida (Mr. MARIO DIAZ-BALART), led by the gentleman from Texas (Mr. HENSARLING), led by the Republican freshman class in 2003 to talk about how we can make government more accountable to all of our taxpayers.

□ 2100

I will tell you that, finally, there is something fundamentally wrong when, for example, the National Parks Service 4 years ago purchased an outhouse, a place where people could relieve themselves, and spent more than $800,000. Imagine that. Think for a second about what the bears did in that park, in that forest; but we spent $800,000 for people to relieve themselves.

We want everybody in charge of government dollars to know we will be here on a daily basis, on a weekly basis reminding them that we know spending other people's money is an intoxicating experience, but we intend to hold you accountable.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

INVESTIGATE IRAQ'S WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, my constituents in Marin and Sonoma counties in California are as deeply concerned as the gentlewoman from Illinois' (Ms. SCHAKOWSKY) constituents are about their sons and their daughters dying in Iraq and the rationale the Republican administration has used to put them there.

Americans are willing to sacrifice, Mr. Speaker, but only when those sacrifices are clearly justified. The lack of confidence my constituents show in our current White House results in the American people being unsure that their sacrifice in Iraq is justified.

One of my constituents, Nina, from Sausalito writes, "I believe the majority of Americans are good-hearted people who would not have supported the war on Iraq had they understood the true motivations for it. I believe that the administration knew this, and actively distorted information it gave the people in order to gain public support. We are supposed to live in a democracy, but how can we truly be a nation run by the people and for the people if our government is not open and honest in its communications with us?"

Some people think that Nina's suspicions, Mr. Speaker, are ridiculous. They cannot imagine how anyone could mistrust their leadership.

I understand that. After 9–11 we all wanted to trust our Nation's leaders completely, but now our complacency is being shaken. A Walter Pincus article in today's Washington Post reads: "Between October 7, when President Bush made a speech laying out the case for military action against Hussein, and January 28, when he gave his State of the Union address, almost all the other evidence had either been undercut or disproved by U.N. inspectors."

The issue, Mr. Speaker, is that people like Nina believe that when you are talking about war, it is not morally acceptable to send soldiers to early graves unless the evidence is absolutely overwhelming.

People who supported war in Iraq argue that the evidence was overwhelming, but that begs the question. If the evidence was so overwhelming, why was the indisputable evidence kept secret while citing disputed evidence over and over again?

My constituents do not think that adds up.

Paul from Mill Valley says it very simply: "We, the people, deserve to know if the principal justification that was used to commit this country to war in Iraq was true or a fabrication to manipulate public opinion."

And James from Greenbrae writes that the disgust is bipartisan: "As a registered Republican, I too have had it." That is a very serious statement, and that is why we need a thorough bipartisan investigation into Iraq's weapons of mass destruction.

Stephanie from Sonoma had some instructions for me also: "Support an independent commission to investigate the Bush administration's distortion of evidence. The facts that have begun to come out are so alarming it would be a travesty to let this go without investigation."

Graham from Santa Rosa also had some advice about an investigation: "If there was no wrong doing, then the Bush administration should have nothing to worry about."

Mr. Speaker, it is time to get the facts. I urge all of my colleagues to support the Waxman bill, H.R. 2625, for an independent bipartisan commission to investigate Iraq's weapons of mass destruction. We should not be afraid of the truth.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise today as a co-founder of the Washington Waste Watchers, a project of Republican freshmen dealing not with calorie counting but with counting all of the different wasteful programs of the Federal Government. We are dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. From this point forward we will be highlighting a myriad of examples of how the Federal Government routinely squanders the hard-earned money of the American families, and we will offer reforms to end these long-held Washington wasteful practices.

Why is this initiative important now? Although we have heard some good economic news, positive economic growth, a growing stock market, a strong housing market, we have also heard some not-so-good economic news. The budget deficit is still too high.

Now, Democrats say the only way to cut deficits is to raise taxes on the American family. Does that sound familiar? It is the same refrain we have heard from them for years. We have a deficit, but it is not because we are taxed too little. It is because Washington spends too much. And in Washington we have a spending problem, not a taxing problem; and much of this Washington spending, Mr. Speaker, is pure waste, fraud, and abuse.

Recently, we passed a budget resolution in Congress asking every authorizing committee to make recommendations for eliminating waste, fraud, and abuse in their jurisdictional areas. We asked them to find savings equivalent to one percent of their budget. Something nobody ever does around here, find savings. We asked for only 1 percent and the Democrats fought us every step of the way, saying it is impossible to save money in Washington without gutting Federal programs.

Mr. Speaker, they are wrong.

Let me cite just a few examples. The Department of Housing and Urban Development made $2.6 billion in section 8 overpayments. Almost 10 percent of their entire budget just disappeared into thin air. That is enough money to pay the down payment for 300,000 people to get into their first homes. Now, instead of using it to help families, the Washington bureaucracy just wasted it. And Democrats want to raise our taxes to pay for more of this?

The Medicare program paid out $13.3 billion last year to people who did not even qualify for the program. That is enough money to pay one-third of the cost of a prescription drug benefit program for our seniors this year. But instead of using the money to help seniors, the Washington bureaucracy just wasted it. And Democrats want to pay our taxes to pay for more of this?

In another example, as you heard my colleague, the gentleman from Florida (Mr. FEENEY) say, the National Parks Service spent $800,000 on an outhouse and it does not even work. The only thing it flushes is the money of the hard-working American family down the drain. And Democrats want to raise our taxes to pay for more of this?

The list goes on. Social Security pays benefits to dead people. Over the past 5 years, law enforcement has arrested over 7,000 fugitives who were illegally receiving food stamps. They include 1,500 accused drug offenders, 31 murderers, 45 sex offenders and child molesters, and hundreds wanted for assault and robbery. Over a 3-year period, the illegal food stamp practice known as trafficking has cost taxpayers $660 million. And Democrats want to raise our taxes to pay for more of this?

Twenty-three percent of the people having their student loans discharged due to disability actually hold down full-time jobs, costing the Federal Government $40 million a year. And Democrats want to raise our taxes to pay for this?

Medicare pays five times as much for a wheelchair as the Veterans Administration does. Five times as much for the same wheel chair? Why? Because the Veterans Administration will competitively bid the wheelchair and Medicare will not.

Fortunately, the Republicans in the House just fixed this one without any help from the Democrats.

Mr. Speaker, these are just a few examples of the Washington waste, and we are just scratching the surface. One can see that many Federal programs routinely waste 10, 20, even 30 percent of their taxpayer-funded budgets and have for years.

Mr. Speaker, in the real world if you lose that much money, you will go broke or you will go to jail; but in Washington it is just an excuse to ask for even more money from the taxpayer next year. Mr. Speaker, this has got to stop. There are a thousand different ways we can save money in Washington without cutting any needed services and without raising taxes on the hard-working American families. When it comes to Federal programs, it is not how much money Washington spends; it is how Washington spends our money. And that is what the Washington Waste Watchers is about.

BE HONEST WITH AMERICAN TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week U.S. deaths in the war in Iraq surpassed the number of lives lost in the first Persian Gulf War, 220 Americans have died, another today, with over 740 wounded. If you recall back in February, Army Chief of Staff Eric Shinseki, a soldier's soldier, testified to this Congress that several hundred thousand soldiers might be necessary for the occupation of Iraq.

He was immediately attacked by Deputy Secretary of Defense Paul Wolfowitz, who termed General Shinseki's assessments as wildly off the mark. Wolfowitz said, "I am reasonably certain that the Iraqi people will greet us as liberators, and that will help us to keep requirements down."

Secretary of the Army Thomas White sided with Shinseki, not Wolfowitz, sealing his own fate. White announced his resignation 2 months later. General

Shinseki himself stepped down as Army Chief of Staff and retired from the military about 5 weeks ago, June 11; and neither Secretary Rumsfeld nor Mr. Wolfowitz attended the ceremonies honoring General Shinseki for his lifetime of service to our country. Then last week, Secretary Rumsfeld admitted that the Bush administration does not know how long the occupation of Iraq will last. Secretary Rumsfeld also was forced to admit he does not know how much the occupation will cost. Indeed, the costs have doubled from $2 billion a month now to $4 billion a month, and the costs are rising daily.

There are approximately 150,000 U.S. troops in Iraq. Secretary Rumsfeld would say only that they may be there for the foreseeable future and the number could be increased if necessary. Mr. Wolfowitz has not been heard to say that Secretary Rumsfeld's estimate is not wildly off the mark, even though it is very close to what General Shinseki predicted.

As far as the Wolfowitz prediction that Americans would be greeted as liberators and that would keep the force level low, it bears noting that more than 30 Americans have been killed in Iraq, with more casualties every day, since President Bush landed on that flight deck and said that peace was at hand.

A close look at the record will reveal that Secretary Rumsfeld's predictions about U.S. force levels in Iraq are skyrocketing. As recently as 2 months ago, he was predicting that our force levels could be reduced by 30,000 by the end of the year; but a Time Magazine article I will include in the RECORD tonight shows that the idea appears to be shifting closer to what General Shinseki told us initially, and today General Wesley Clark warned that our U.S. Armed Forces are overstretched because of Iraq and we need to take measures to take care of our men and women in uniform. Reserves need to be called up and we need a rotation plan because, let us face it, we are going to have to sustain the force in Iraq for some time. And I would add, sending Marines trained for aggressive combat to do policing is an absolutely inappropriate deployment.

We can look back to the date of May 1 when our soldiers were led to believe that they would be coming home in June. Then they were told on May 24 that maybe they would come home in August. And then Secretary Rumsfeld said last week they would be home by September. And then Major General Buford Blount said today that troop levels must remain at the current level and all bets are off.

This is not the way to treat the men and women who are giving their lives in the interest of this country. I have a very simple statement and that is: stop jerking our forces around. Treat them with the respect that they are due.

It is very odd to me that General Tommy Franks announced his retirement with 160,000 men and women under his command in the field.

□ 2115

I can remember back to Vietnam, when General Abrams stayed the course right to the very end; in World War II, when our generals stuck it out through thick and thin.

Strange things are happening. Maybe we do not know all the facts, but I want to voice my concerns tonight about the safety of our men and women in uniform and the importance of rotation and a definite time when they can take a break. They deserve it. If that requires a draft in our country, so be it, but no General or any President or any Secretary of Defense or any Under Secretary of Defense should have our men and women in harm's way without the rotation that they are due for the absolutely incredible job that they have done for us.

In the RECORD tonight I would like to place several articles that document the statements of many of our soldiers who are in Iraq today, and I would commend them to my colleagues and say God bless those who are in the field for us. We are thinking of you every minute that we hold these positions here in Washington. We want to bring you home as quickly as possible. We want to meet our worldwide obligations, but, absolutely, you deserve a break, especially those who have been there in the Persian Gulf for over a year now. It is long overdue.

[From Reuters.com, July 16, 2003]

U.S. SOLDIERS COMPLAIN OF LOW MORALE IN IRAQ

(By Sue Pleming)

WASHINGTON.—Fed up with being in Iraq and demoralized by their role as peacekeepers in a risky place, a group of U.S. soldiers aired their plight on U.S. television on Wednesday and said they had lost faith in the Army.

Told several times they would be going home only to have their hopes dashed this week, a small group of soldiers from the 3rd Infantry Division in Iraq spoke of poor morale and disillusionment with Defense Secretary Donald Rumsfeld.

"If Donald Rumsfeld were here, I'd ask him for his resignation," one disgruntled soldier told ABC's "Good Morning America" show.

Asked by a reporter what his message would be for Rumsfeld, one said: "I would ask him why we are still here. I don't have any clue as to why we are still in Iraq."

About 146,000 U.S. troops are serving amid mounting security threats in postwar Iraq. The death toll has now equaled the number killed in the 1991 Gulf War.

Sgt. Filipe Vega said they had expected to return home soon after the fall of Baghdad on April 9. "We were told the fastest way back home is through Baghdad and that's what we did. Now we are still here," he complained.

The 3rd Infantry Division was the first U.S. unit to enter Baghdad after driving through southern Iraq through Kuwait.

Sgt. Terry Gilmore described a phone call with his wife Stacey when he told her he would not be coming home soon.

"When I told her she started crying and I almost started crying. I just felt like my heart was broken. I could not figure out . . . how they could keep us here after they told us we were coming home."

In Washington, a Pentagon spokeswoman said she understood the frustration, but said morale was still high. "It's obviously a frustrating situation for some of them, but it does not represent the entire 3rd Division."

She added: "When you get down to the individual soldier level, you can clearly see the dedication."

The wives of two of the soldiers appeared on the same show. "Just send my husband home—send all the soldiers home. They have done the job they were supposed to do," said Rhonda Vega from Hinesville, Georgia.

Stacey Gilmore said U.S. troops were ill-prepared for the post-war phase. "They were told after the fighting ended they were coming home. All I know is that morale is low and they are just hanging in there, sticking through it."

[From Time Magazine, June 26, 2003]

IRAQ: WHEN CAN WE GO HOME?

(By Tony Karon)

President Bush faced a call this week from a senior member of his own party's foreign policy establishment to "level" with the American people about Iraq. Senate Foreign Relations Committee Chairman Richard Lugar was not harping on the whereabouts of Saddam Hussein's alleged weapons of mass destruction; he was urging the president to give the electorate a more realistic picture of the scale and duration of the U.S. occupation mission in Iraq, and to impress on them the importance of staying the course. Fresh from a visit to Baghdad, Lugar warned: "The idea that we will be, in just as long as we need to and not a day more—we've got to get over that rhetoric. It is rubbish! We're going to be there a long time."

A similar warning came from Thomas Pickering, who had served the first President Bush as UN ambassador and had headed up a Council on Foreign Relations study on Iraq which concluded that the U.S. mission had lacked "vision and strategy." Pickering, too, urged Bush to make clear that the current U.S. deployment of some 200,000 troops in and around Iraq would have to be maintained for a long time to come. Or, as General John Abizaid, who will assume command of the Iraq mission from the retiring General Tommy Franks next month, put it in congressional testimony this week, "for the foreseeable future."

For obvious domestic political reasons, the Bush Administration going into the war had downplayed the scale and duration of a post-war occupation mission. When then-Army Chief of Staff General Eric Shinseki told legislators that such a mission would require several hundred thousand U.S. troops, his assessment had been immediately dismissed by Deputy Defense Secretary Paul Wolfowitz as "wildly off the mark." Wolfowitz explained that "I am reasonably certain that (the Iraqi people) will greet us as liberators, and that will help us to keep requirements down." Six weeks ago, Defense Secretary Rumsfeld was still suggesting the U.S. force in Iraq could be reduced to 30,000 by the end of the year. But the prevailing assessment in Washington appears to be shifting to the idea of a figure closer to Shinseki's.

The changing assessment in Washington is being spurred by the realization that the security problem confronting U.S. and British troops in Iraq is not simply maintaining order in the face of looting and lawlessness, but instead that coalition forces are facing what appears to be an escalating guerrilla insurgency. And that means the occupation mission is costing not only American treasure—currently an estimated $3 billion a month—but also American lives. U.S. forces come under attack every day in Iraq, and they have suffered combat casualties at a rate upward of one death every other day. Six British MPs were killed near Basra on Tuesday and eight were wounded in a second incident; a U.S. Marine was killed en route to help ambushed comrades Wednesday; two U.S. troops were reported missing overnight Thursday in Baghdad, and later in the day Centcom announced that a Special Operations soldier had been killed and eight wounded by hostile fire during an operation southwest of Baghdad. Two Iraqis employed to help restore Baghdad's electricity supply were among those killed in a rocket attack on a U.S. convoy Thursday, while saboteurs blew up two important oil pipelines earlier in the week, apparently recognizing their ability to disrupt power supplies by targeting some of the country's 4,000 miles of oil and gas pipelines.

The coalition body count is mounting steadily in the postwar insurgency, despite two large sweep operations north of Baghdad last weekend designed to eliminate resistance. U.S. commanders have begun to acknowledge that they're facing an organized insurgency, blaming remnants of the old regime and jihadists from other Arab countries who had come to Iraq to fight the U.S. More worrying are the attacks that have occurred this week south of Baghdad, in predominantly Shiite areas. An insurgency confined to the Sunni minority is more easily contained than one whose base extends to the Shiite majority.

Average daily temperatures in Baghdad now are upward of 110 degrees, and U.S. troops who had hoped to be home in time for July 4th cookouts instead find themselves facing an enemy indistinguishable from the (often hostile) civilian population. And the enemy's strategy is to avoid ever presenting himself as a visible target, hoping to sap American morale and alienate the U.S. from the local population through hit and run attacks, and sabotage of reconstruction efforts.

Washington is hoping to lighten the load with an infusion of some 20,000 troops slated to be sent—in small contingents, mostly at U.S. expense—from those NATO countries that supported the war. But the number that actually arrive in Iraq may shrink somewhat if it turns out they're headed into a counterinsurgency mission rather than a more pedestrian peacekeeping affair. This week's British casualties, in what had ostensibly been the most tranquil part of Iraq, won't help Washington's recruitment efforts. Britain's own force levels in Iraq had been reduced from 45,000 during the war to around 15,000, although following the latest incident the government faces conflicting pressures to both increase and reduce its exposure in Iraq.

More robust contributions have been asked of India and Pakistan, but while the leaders of both countries are inclined to comply, both face strong domestic opposition. The U.S. is also embarking on a plan to train and equip a new Iraqi national army comprising some 60,000 men, although that project will likely take years to complete. In the short term, despite local recruitment and the planned deployment of more foreign troops, most, if not all of the heavy lifting will remain the preserve of the U.S. and British forces.

Iraq, of course, is not the only peacekeeping mission requiring the attention of the U.S. and its allies. Some 11,000 coalition troops remain deployed in Afghanistan against the Taliban and al-Qaeda, while peacekeeping duties are the preserve of the 4,800 foreign troops grouped under the banner of the International Security Assistance Force, whose small numbers confine its work to the capital, Kabul. A number of U.S. legislators and South Asia experts are quietly warning that the security situation there is in danger of unraveling in the face of Taliban resurgence and internecine warlord conflicts, and that turning the situation around requires either expanding the terms of the U.S. deployment to stabilizing Afghanistan, or else significantly expanding ISAF. (ISAF has one advantage in that it has drawn on major troop contributions from NATO members that had opposed the Iraq war—Turkey, France and Germany.)

The U.S. exit strategy from Iraq has always been to install a stable, friendly Iraqi government whose oil revenues would give it financial independence and withdraw the bulk of the force that had overthrown Saddam's regime. But the scale of the challenge of remaking Iraq forced Washington to adapt its plans. When U.S. viceroy Paul Bremer arrived to take the reins from the hapless Jay Garner he chose to keep political authority in U.S. hands rather than betting prematurely on any Iraqi group. To the chagrin of most of Iraq's many political factions, Bremer has put talk of a transitional government in the deep freeze, and instead plans to draw Iraqis into a much slower process of consultation over a new constitution. That, of course, leaves the occupation authority without an Iraqi face, which further inflames nationalist passions—but managing an occupation mission such as Iraq invariably throws up mostly lesser-evil choices.

It was clear from the moment Bremer took over that the process of achieving the Bush administration's political objectives in post-Saddam Iraq might take years of patient nation-building. But what has become equally clear, in recent weeks, is that it may also require winning a second war, of counterinsurgency.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY). The Chair reminds all Members to address their remarks to the Chair.

WASTE, FRAUD AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to speak about our efforts towards reducing waste, fraud and abuse in the Federal Government. It is a problem that has been plaguing the American taxpayers for far too long. With so little accountability on the Federal level, our government has grown like an unchecked cancer, basically ransacking and pickpocketing the taxpayers pocket, wasting taxpayer dollars so the Federal Government does not have the dollars it needs to get the job done.

How does this happen? It happens by disregarding erroneous tax returns; by Medicare making thousands of overpayments, refusing to improve their bookkeeping system; in effect having the government waste, fraud and abuse occurring so that we do not have the taxpayer dollars necessary in those areas we want to have it.

Before I begin, allow me to address some specific areas that are of interest to me so we can begin the process to start to reform the Federal Government to address the issue of the deficit and hopefully bring our budget back in line to balance.

Go back, if you will, and imagine if the Federal Government was actually able to account for that $17.3 billion back in 2001 or that $20 billion in overpayments that they made in that same year. If we were able to do that, we would be able to bring our Federal deficit that year within eight points better than we did that year. Eight points, eight percent, it is not that much, but at least it is a step in the right direction.

Today we have already heard of the creation of a new organization of dedicated freshmen members of Washington's Waste Watchers. This is a group that is dedicated to literally cut the fat to address the issue of waste, fraud and abuse, to try to reverse the years of neglect on the Federal level when it comes to Federal spending.

When I go back to the folks back in the 5th Congressional District in New Jersey where I represent, I hear countless times from those people of how hard it is to send in their tax dollars from their hard-earned paychecks that they make each week, to send it down to Washington only to hear all the stories in the press of how we spend the money down here. When they hear that money is being misspent, wasted, their response is shock and disappointment.

Mr. Speaker, Americans did not send us to Washington just to spend their money. They sent us here to spend their money in the right way, not to waste their money, not to abuse their money, not to lose their money, but to spend it to help those needed recipients, as we intended to.

It is time that we in Congress start putting some pressure on those Federal agencies to get their books in order, to crack down on fraud and abuse, to cut the waste.

I sit on the Committee on the Budget, and we had the Inspector General folks from the Department of Education come in, and they spoke of improper loan forgiveness for false death and disability claims and questionable handling of student loan funds. What this means is that there is less dollars to go into the classroom for the textbooks and overcrowded classrooms because we sent the Federal dollars we want to there.

But this is just one example. There are so many more that we are going to hear as we go on in this program.

Examples on the Medicare program, which pays as much as eight times the cost of other Federal agencies for drugs and programs, Medicare that when you compare it to programs like the VA, the VA spends $130 for a wheelchair, Medicare $571. Medicare versus the VA, VA spends 700 bucks for a bed. Medicare spends around 1,700 bucks, a 230 percent increase for the same program. Medicare from 1996 to 2002 spent $83 billion in improper payments.

We also had some testimony from some other people, people from the Inspector General's office in the Department of Health and Human Services. They told us that upwards to 5 percent or more of all funding that goes into Medicare is misused and wasted. This House just voted on a $400 billion package for prescription drugs. Five percent of $400 billion comes to a potential $20 billion of more waste, fraud and abuse.

How do we avoid this problem in that area? There is a couple of recommendations. One is to have accounting mechanisms in place for all the money that is spent. It is not there. Secondly is to have verification mechanisms for the employees and have those employees be held responsible and accountable and, thirdly, have more resources for the Inspector Generals to conduct the audits to find that waste, fraud and abuse that we are talking about here. That is just another example that our constituents back home hear about of waste, fraud and abuse on the Federal level.

Mr. Speaker, I remind my colleagues that the American people did not send us to Washington, the American people did not elect us to be Members of Congress to spend their money ineffectively. They sent us here to make sure that the money is spent efficiently and effectively. They sent us here to make sure that there is not that waste, fraud and abuse.

U.S. FOREIGN POLICY AND POST-WAR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, as one of the cochairs of the Democratic Study Group on National Security, along with the gentleman from California (Mr. SCHIFF) and the gentleman from New York (Mr. ISRAEL), I am very delighted to stand on the floor this evening to talk about American foreign policy and post-war Iraq.

I certainly want to extend appreciation to our leader, the gentlewoman from California (Ms. PELOSI), for having the foresight and vision to establish our Democratic Study Group on National Security.

I supported the President's decision to go to war against Iraq and remove Saddam Hussein from power. I am also pleased that this regime can no longer victimize the Iraqi people. The United States military has done very well, a superb job, and I am very proud of our soldiers, our sailors, our airmen, but we cannot let go of Iraq just yet.

As the world's only remaining superpower, we must recommit ourselves to peace, diplomacy and nation building now that the war is winding down.

The United States of America is a strong Nation, with the strongest military in the world, but with that force must exist a strong diplomatic strategy. The situation in Iraq teaches us that we cannot simply overwhelm a regime with force and then disengage from the area. If we do not back our strength of action with strength of diplomacy, then we will fail in our goal to provide a rebuilt, free democracy in Iraq.

I am concerned that there is a lot more that still needs to be done to make Iraq a safe and secure country, more than the United States can achieve on its own. This task is so monumental that we must be open to accepting all types of assistance from other countries. Increased multilateralism reduces our financial burden, reduces our exposure of our troops, helps repair our international alliances and diffuses the international and regional criticisms that we are receiving about our presence in Iraq today.

The United States currently has approximately 150,000 military personnel in Iraq, and between 12,000 and 15,000 allied forces are also in Iraq. In order to avoid the financial burden and criticism that the United States is an adversarial occupation force in Iraq, it is important to involve more international forces. And given the current level of deadly guerrilla attacks on our American soldiers, 34 American soldiers have died since the President declared major combat operations over on May 1, and the growing strength of Saddam Hussein's loyalists, it is very clear that this war is very far from being over.

We need additional forces and particularly an international force of police officers and civilians that can keep the peace in Iraq so that rebuilding can take place. There can be no building in Iraq if Iraq is not secure and safe.

We must involve the United Nations. We must involve NATO and other nations in rebuilding Iraq's infrastructure. And most importantly, as a fundamental prerequisite to economic redevelopment, the United States and the international community must reestablish Iraq's banking system. You cannot move to rebuild anything if your banking system is out of repair. We must create a uniform currency, and we must develop a plan for an electronic system of financial transactions that includes lines of credit, capital requirements and prudential oversight.

In addition, Iraq needs that uniform currency. Because, right now, there are four different forms of currency being in operation in Iraq. An economy cannot be developed if there are four pieces of different moneys. We have got to have a medium of exchange and a store of value in order to revive its economy and in order to encourage foreign investors and, most importantly, to develop Iraqi-owned businesses.

Furthermore, the United States and its allies need to help Iraq quickly increase its current oil production from 800,000 barrels per day as of now, of which 500,000 barrels per day are needed for domestic consumption, to increase to its pre-war production of 3 million barrels per day. It is vitally important that Iraq's oil industry be reestablished so that it can help pay to rebuild the country's infrastructure since it is the country's largest exporter and foreign currency earner, largest industry and one of their largest employers.

All of this requires that the United States establish a long-term plan for our military presence in Iraq, a strong long-term diplomatic strategy in Iraq to involve more nations and a blueprint with specific benchmarks and timetables for turning over the reins to the Iraqi people as soon as it is practical.

Often our parties, Democrat and Republican, we oftentimes divide on which is the more important component, foreign policy, military or diplomacy, and for some reason, too often it is assumed that to support one of these is to reject the other. I disagree. Diplomacy is nothing if not backed with strength and force. At the same time, strong force may end the immediate threat, but without diplomatic action such a victory will be short-lived and will create new instabilities.

That is where we are right now in Iraq. Indeed, our military force has won the war, but we are weak in having a strong diplomatic presence that is credible in the region to bring about a lasting peace, curb the violence and the guerrilla warfare so that rebuilding can take place.

We must have both. We must maintain a strong military to give weight to our words, both with our allies and with our enemies. And yet if the current post-war situation in Iraq teaches us anything, it is that force alone will not create stability or democracy. Diplomacy must be aggressively valued and pursued to maintain a lasting peace and to ensure our soldiers did not die in vain. Strong military and strong diplomacy must go hand in hand if we are to be successful in Iraq and successful with our foreign policy.

☐ 2130

FREE-MARKET ACCESS FOR PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, Ronald Reagan used to say that, "If you say something that's not true, and you don't know it's not true, well, that's a mistake. But when you say something that's not true and you know it's not true, well, that's a lie."

We have had an awful lot of things that have been said in the last couple of weeks about a bill that I am very involved with in terms of opening up markets so that Americans can have access to world-class drugs at world market prices, and some of the groups have gone over the edge, especially as it relates to tying the issue of abortion to the issue of allowing Americans to have access to cheaper drugs around the world.

I want to read from a letter from one of my heroes, and he is a fellow who served in this House admirably for 6 years. I was privileged to serve with him, Mr. Speaker. Dr. Tom Coburn is an OB–GYN, and he served in Congress for 6 years. He sent a letter to Members of Congress when he heard that the pharmaceutical industry is somehow tying RU–486 to the debate about reimportation of drugs.

Now, Dr. Coburn was one of the most militant advocates and defenders of the sanctity of human life that the Congress has ever seen. He was also a supporter and an author of the bill to open up markets so that Americans could have access to those drugs at fairer prices. He says in his letter, and I will submit the entire letter for the RECORD, but he says in his letter, and I quote: "As a pro-life practicing physician who earned a 100 percent pro-life voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality."

He goes on, and it is a very strong letter. I also want to submit for the RECORD a letter from our colleagues, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. SMITH), who are very active and co-chairmen of the House Pro-Life Caucus, and they say in their letter, and I will submit it for the RECORD: "While we both wish RU–486 were not legal, this debate is not about abortion."

I want to come back to my original point, that when you say something that is not true and you know it is not true, well, that is a lie. If anyone should know the rules about RU–486, one would think that the people who make the drug would know the rules here in the United States. RU–486 cannot be purchased in the United States of America with a prescription. It cannot be purchased without a prescription. It can only be administered in a doctor's office by a doctor.

In other words, no one can go to a doctor's office and have the doctor write out a prescription to take to the pharmacy and buy the drug. Therefore, nothing that we are talking about in terms of importation of legal FDA-approved drugs from FDA-approved facilities around the world, nothing in that legislation could be impacted by RU–486 because it cannot be obtained without a prescription. It cannot be obtained with a prescription. More importantly, RU–486 is completely illegal in Canada and Mexico.

So when you say something that is not true and you know it is not true, well, that is a lie. And that is the kind of thing that we have had to deal with in the last several weeks. Now, we in politics are used to puffery. We are used to distortions. We are used to people sometimes saying things that are not completely truthful. We have half-truths. But this is a bald-face lie.

So I come to the floor today to say that people can disagree about whether or not Americans should have to pay the highest prices in the world for prescription drugs, but these groups that oppose this do so for what I believe is clearly a profit motive. In other words, it is the pharmaceutical companies who understand that if we pass this bill, prescription drug prices in the United States are going to drop dramatically.

I have used examples and I have my charts, and people can argue with my charts, although no one does. The pharmaceutical industry can come in and say, well, it is not true that Americans really have to pay $360 for Tamoxifen while they can buy it for $60 in Germany. Maybe that is true, maybe it is not true; but that is what we found out in the research we did. We bought the drug in Munich, Germany, for $59.05. We called pharmacies here in Washington, D.C. and asked them how much does this particular drug in this particular milligrams, this number of tablets, what does it sell for, and they said it is $360.

Now, maybe we are wrong, but that is an honest mistake. But we believe we are telling the truth, and in everything we have done we have cited our sources. Now, some people have questioned our sources, but they are making up facts that they know are not true. This is not about abortion. It is not about RU–486. The question that we are going to be asked, hopefully next week, is will we stand with American consumers, or will we stand with the giant pharmaceutical industry. I hope we will get the right answer.

Mr. Speaker, I submit for the RECORD the letters I referred to above:

JULY 10, 2003.

HON. GIL GUTKNECHT,
Cannon House Office Building,
Washington, DC.

DEAR GIL. I was shocked to learn that some opponents of free-market access for prescription drugs have begun arguing that your legislation, H.R. 2427, the "Pharmaceutical Market Access Act of 2003" somehow promotes abortion and, more specifically, the availability of abortion drugs such as RU–486.

As you may recall, while in the House I was the author of not only provisions to permit the reimportation of FDA-approved drugs, but also the author of the House-approved proposal to block FDA-approval of RU–486. As a pro-life practicing physician who earned a 100 percent pro-life voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality.

I can state unequivocally that your legislation in no way, shape, or form promotes abortion. Many pro-life members are original cosponsors of your legislation and, quite obviously, do not believe your bill violates their deeply held convictions about the sanctity of life. Those who argue that your legislation makes abortion drugs more accessible by lowering overall drug prices necessitate the conclusion that in order to be pro-life one must be in favor of increasing all drug costs. I suppose the argument would be the higher the drug costs the more fervent your pro-life beliefs.

In Washington, it was always sad to see organizations drift from their core principles and take positions that defined common sense and logic. Any organization that links your legislation with the abortion debate will, in the long-term undermine their credibility and relevancy in Washington. While the pharmaceutical industry has provided many wonderful saving drugs, it would be unwise for anyone to believe that the industry that developed and fought for FDA approval of RU–486 is now motivated by a passion for the pro-life cause.

The fact that opponents of your legislation have resorted to these attacks is shameful, yet the obtuseness of their logic ultimately serves to highlight the soundness of your argument.

Sincerely yours,
TOM A. COBURN, M.D.
Former Member of Congress.

JULY 16, 2003.

DEAR COLLEAGUE. While we do not agree on the reimportation of prescription drugs, we both have devoted our careers to defending the sanctity of human life. We are disheartened by recent ads and targeted mailings that attack Members' pro-life credential even in cases where Members have 10 percent pro-life voting records.

While we both wish the RU–486 were not legal, this debate is not about abortion. Many pro-life Members are original cosponsors of legislation that would allow the reimportation of prescription drugs, and many pro-life Members staunchly oppose this proposal.

Any effort to tangle this issue with abortion is misleading. We must not confuse the fight to defend the innocent life with a dispute over whether or not to import drugs from foreign countries.

Sincerely,
JOSEPH R. PITTS,
Chairman, House Values Action Team.
CHRIS SMITH,
Co-Chairman, House Pro-Life Caucus.

DEMOCRATIC STUDY GROUP ON NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, tonight I am proud to join my colleague, the gentleman from Georgia (Mr. SCOTT), as well as our other colleague, the gentleman from New York (Mr. ISRAEL), as Chairs of the Democratic Study Group on National Security.

Mr. Speaker, we founded this group to advance principles and policies of national security which will strengthen America. We have been meeting with nations, top national security experts, and we have been taking to the House floor to respond to world events. We will also be introducing legislative matters to improve our safety here and around the world. I hope to address one of those tonight, that of the intelligence on Iraq's weapons of mass destruction.

But, first, I would like to articulate 10 principles of national security which I believe unite those that have come to associate themselves with the Democratic Study Group on National Security.

First, our soldiers. We support our men and women in uniform, our soldiers, our sailors, our marines, our airmen and -women, our veterans, our reservists, our National Guard, completely and unequivocally. Our soldiers are the foundation of our Nation's security.

Second, military strength. We believe that America's military strength is superior in every respect, and we are committed to making sure it remains that way. The supremacy of America's military capability is the cornerstone of our security.

Number three, military transformation. We believe that America's military must be transformed to one that is more versatile, more agile, more capable of responding to multiple crises in far-away places and even more technologically powerful.

Number four, troop levels. We believe America's Armed Forces must not be overextended; that our reserves must not be stretched too thin; that the number of our troops must reflect the number of our military commitments we are likely to face and the severity of those commitments. We must either reduce the number of our commitments or increase the number of our troops. As General Shinseki recently said, "Beware the 12-division strategy for a 10-division army."

Number five, intelligence. We believe that in the war on terrorism, top-quality human and technological sources of intelligence are essential and that the reporting of intelligence must be accurate, timely, and properly weighted. The assimilation of that intelligence will be essential if we are to avoid another September 11.

Six, vision. We believe that America cannot make itself secure by virtue of its military power alone; that moral authority, integrity, generosity, and vision are vital to our peace and prosperity. An America that inspires hope in its ideals must complement an America that inspires awe in its strength. We are a more secure America when we rally the world to our side in a great cause.

Seven, democracy. We believe that the best hope for a secure America rests in the propagation of democracy around the world and that every instrument of American influence, diplomatic, military and economic, should advance the cause of democracy abroad. Democracies are poor breeding grounds for terrorism and war.

Eight, civil rights. We believe that America must be confident in its strength, vigilant in the defense of the homeland, supportive of police and firefighters on the front line, and jealously protective of the rights of all Americans. We will not let terrorists change our way of life, we will not live in fear, and we will not undermine the civil rights which characterize our democracy.

Nine, commerce. We believe that the free and fair flow of goods and commerce has the capability of lifting countries out of the despair of poverty and that we must act resolutely to eradicate the economic deprivation which allows the germ of terrorism to spread. Americans are blessed with great plenty. We are a generous people, and we have a moral obligation to assist those who are suffering from poverty, disease, war, and famine.

Finally, number ten, world community. We believe that America lives in an interdependent world, made smaller by travel, technology, and the demands of a burgeoning population. America has a critical role to play as the most powerful member of the world community. And in this community, as in all others, the golden rule still applies: we must act toward other nations as we would have them act towards America.

Tonight, let me address very quickly, in the remaining time that I have, one of these 10 commandments of national security, and that is sound intelligence.

I believe we ought to have an independent commission investigate the intelligence on Iraq's weapons of mass destruction. I supported the authorization of force, as did many of my colleagues, in a bipartisan manner, on the basis of intelligence that showed that Iraq possessed chemical, biological, and nuclear programs. We must determine whether that intelligence was accurate. We must determine whether that intelligence was weighted properly. We must determine whether that intelligence was presented to this Congress and the American people in an accurate manner.

This is essential, number one, because this Congress made the most important determination it can make, and that is the determination authorizing the use of force on the basis of that intelligence; and, number two, if we are to avoid another September 11, we must ensure we have a sound intelligence process. And, finally, our standing in the world, the willingness of other nations to cooperate with America in the future will be dependent on how we resolve this issue.

INCREASED EFFICIENCY IN THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, tonight I want to add my voice to those of my fellow Representatives who are calling for increased efficiency in our Federal Government. Our group has taken the charge to protect precious taxpayer dollars by streamlining and improving our Federal Government. There are many important programs that are being hurt. There are expenditures which could have been handled with much greater care. With wise stewardship, we can ensure that public servants have more prudent oversight when allocating American taxpayer dollars for Federal programs.

Mr. Speaker, in my previous life I was a simple country doctor. I want to share with my colleagues some astonishing examples of some of the extreme expenditures in the Medicare program.

Over 90 percent of Medicare payments to community medical health centers in five States, $229 million, were "unallowable or highly questionable."

Medicare paid roughly $20 million to dead beneficiaries between 1999 and 2000. Some of these benefits were distributed despite the fact that the Departments's database had the dates of death already logged in.

Mr. Speaker, since coming to Congress, I have been appointed a member of the House Committee on Transportation and Infrastructure. On that committee, I wanted to make certain that the United States Department of Transportation was ensuring the most efficient business practices within the agency. On March 19, 2003, I met with the Department of Transportation Inspector General, Kenneth Mead, to discuss the business practices of the agency and how the Congress can better facilitate the decrease of inappropriate expenditures in relation to transportation's spending. Inspector General Mead and I discussed the need for greater stewardship and oversight in all of the Department of Transportation's programs.

The Department of Transportation has not changed the way the agency disburses transportation funding to State and local entities since President Eisenhower was in office. We talked some tonight about trying to achieve one penny in savings for every dollar that we spend. The Inspector General of the Department of Transportation pointed out that if 1 percent of the $500 billion spent over the last 10 years on transportation programs was set-asides, the Department of Transportation would have an extra $5 billion to spend. That $5 billion, incidentally, would fund four of the current top 11 transportation building programs going on in the country today. I believe this practice could better assist the Department of Transportation in spending the taxpayers' dollars more wisely.

There are several successful transportation projects that can be used as examples for greater government efficiency. For example, Interstate Highway 15 in the State of Utah was rehabilitated ahead of schedule and under budget. Today, from my district, I met with representatives of the Dallas Area Rapid Transit and those officials reported to me that they are currently within their budget, and DART intends to return some transit funding to the Federal Government.

And, of course, we all know there are examples that are not so good of transportation projects that are overbudget and behind schedule: the Springfield Interchange, not far from here in Virginia; and perhaps the poster child of government inefficiency, the Central Artery Project in Boston, Massachusetts, the Ted Williams Tunnel, we all know down in Texas as the Big Dig.

□ 2145

We need to address the misuse of Federal transportation expenditures as soon as possible.

Members may also be interested to know the House Committee on Transportation and Infrastructure believes government efficiency is important because next week on July 22 the committee will hold a hearing on the elimination of waste, fraud, and abuse in mandatory transportation programs as required by the fiscal year 2004 budget resolution instructions. I look forward to participating in the hearing, as well as working with the Inspector General, Mr. Mead, to further address this issue within the U.S. Department of Transportation.

We are dedicated to protecting taxpayers' hard-earned dollars from being spent on inappropriate expenditures. We need to work together to ensure that our Federal Government is more effective and more efficient for the American taxpayer.

STALLED NORTHERN IRELAND PEACE PROCESS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, tomorrow afternoon British Prime Minister Tony Blair is scheduled to address a joint session of Congress in this Chamber. Mr. Blair will likely spend much of his speech discussing both the U.S. and U.K. victory in Iraq and our efforts to bring democracy to the Iraqi people. He can certainly tout the fact that the Iraqi people are now free of oppression and finally afforded the basic human rights that were denied under the regime of Saddam Hussein.

But, Mr. Speaker, I cannot help finding it hypocritical for Prime Minister Blair to discuss freeing the Iraqis given the nature of his policies in Northern Ireland. Prime Minister Blair sent tens of thousands of British troops thousands of miles to bring democracy to a region at the same time he was denying the basic right of democracy to people only miles from the British seat of government.

Mr. Speaker, as you may know, in May Prime Minister Blair announced the indefinite postponement of the elections in Northern Ireland, which were scheduled to be held on May 29. Since his announcement, Prime Minister Blair has made little progress towards reinstating the stalled Irish peace process and providing basic human rights to the people of Northern Ireland.

Five years ago under the guidance of former Senator George Mitchell, all of the major parties, both Catholic and Protestant, signed onto an agreement that was to govern the future of Northern Ireland. The Good Friday Accords were touted near and far by human rights groups and media outlets as an agreement which would finally bring an end to the sectarian violence in Northern Ireland.

Now, just when the agreement seemed to be bearing a fruitful peace, Prime Minister Blair and his Protestant allies have decided it is time to derail the process to ensure that the citizens of Northern Ireland continue under the control of the British Crown and be continually denied their basic human rights.

Mr. Speaker, I call on Prime Minister Blair to announce in his speech here tomorrow a specific date when elections will be held in Northern Ireland. He must indicate to this body his support for bringing democracy and home rule to the people of Northern Ireland. I also call on him to again begin the process of putting the Good Friday Accords back together. Prime Minister Blair must use his leadership to bring all of the parties back to the table and begin discussing ways to reinstate the Belfast Assembly.

Finally, I hope Prime Minister Blair will use this opportunity to address several of the concerns that I have raised on this floor several times in the past. Mr. Blair must address the issue of policing and military presence in the North. For people to feel safe and secure, they must be assured that there is a police force that is representative of the local population.

Mr. Blair should enact the Patten Commission's recommendation on police reform. The North must provide its citizens with a full, fair, and just reform of their police service. And the police service of Northern Ireland must be representative of all ethnic, religious, and political groups in Northern Ireland.

Mr. Speaker, I hope my colleagues in this body will join me in urging Prime Minister Blair tomorrow to immediately address many of the human rights concerns in Northern Ireland. It is time we bring true electoral democracy to the people of Northern Ireland.

PAYING TRIBUTE TO ROY JONES, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the achievements of one of my constituents, the World Boxing Association's heavyweight champion of the world, Roy Jones, Jr.

Roy began his rise to greatness when he was awarded the Silver Medal in the 1988 Olympics and was voted the outstanding boxer of the Games. Roy has since compiled a record of 48 wins and 1 loss with 38 of his wins being by knockouts over the period of his career. Roy Jones, Jr., earned his first title by beating IBF middleweight champion Bernard Hopkins in 1993. He quickly moved up to the super middleweight division and dominated the weight class by beating James Toney in 1994.

Roy's next move to the super light heavyweight division produced even more success by winning the welterweight boxing champion 1997, WBA 1998, and IBF titles in 1999. His only loss was due to a disqualification to Montel Griffin, which he avenged with a first-round knockout 5 months later.

Roy is widely considered the best pound-for-pound boxer of this era. He became the first boxer in over a century to win both a world middleweight title and a world heavyweight title.

Roy is one of the boxing world's best ring technicians by finding ways to beat his opponents who are often bigger than he is. He attributes much of his success in the ring to watching tapes and finding his opponents' weaknesses and then exploiting them.

On March 1, 2003, he squared off against the WBA champion, John Ruis, who had a 50-pound weight advantage over him. He won the title from Ruis, proving that only one fighter, Roy Jones, Jr., can make history and overcome such an enormous disadvantage.

Roy has always given back to his communities through mentoring of amateur boxers, encouraging locals to get involved with African American community issues through his music, and his vast philanthropic work. Roy has not forgotten his roots and always shows the pride of his hometown when he thrusts his arms in the air and screams "Pensacola" after each victory in the ring.

Roy is constantly distinguishing himself with achievements that are unmatched by any boxer in history. Northwest Florida is recognizing this great man by designating July 19, 2003, as Roy Jones, Jr., day.

And on behalf of the United States Congress, I would like to recognize this very special person, Roy Jones, Jr., for the example he has set in the sports world, in his country, and in northwest Florida. I offer my sincere thanks for all that he has done for northwest Florida and the United States of America.

FEDERAL DEBT AND THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I come to the floor tonight to talk about something that apparently no one else wants to talk about: the Federal debt and the deficit. We are about to see record deficits, nothing like this country has ever seen. This year $615 billion we will borrow. Next year, $639 billion we will borrow.

The mid-session review just came out. The Office of Management and Budget tends to explain it away that it is really not the largest that has ever been before as a percent of GDP; it is less. But every time the deficit has been larger in the past, the Congress and the President have come in with a proposal of how to do something about it. This time for some strange reason no one on the majority side chooses to talk about what we are going to do to reduce the deficit.

We will hear that the tax cuts are in place and that will turn the economy around. We were told that in 2001. We were told it again in 2002, and we were told it again this year. As I have said from this floor many times, I hope Members are right, and I hope I get to eat the biggest plate of crow in town, and I see some colleagues on the floor tonight that would love to serve it up to me. But that is not what I am here tonight about. Finger-pointing does not do any good, and it darn sure is not going to do our grandchildren any good.

It is time for us to start looking at what can we do to turn this around other than talk about platitudes. We keep hearing if we just reduce spending. And the chairman of the Committee on the Budget said in his presentation today, if we just control spending. Well, let me remind Members we are at war. We are at war on the homeland front, we are at war in Iraq in which we are losing a soldier or two or three every day. The cost of that war is estimated at $4 billion per month. At no time in the history since 1812 of this country have we ever gone to war and not had a sacrifice demanded of those of us fortunate enough to stay back home. But this time some way we are looking at it differently. I guess it is not going to change because the minority party cannot change the direction that we are going.

I suppose that we can continue to talk about the deficit. We can continue to explain it. No matter how Members attempt to describe it, in the last 2 years we borrowed a trillion dollars. In the next 2 years, we will borrow in excess of $1.2 trillion. That is trillion. When we consider it took us over 200 years to borrow the first trillion dollars, that should mean something to somebody.

OMB Director Mitch Daniels has left, but where has he been over the last year or two? Usually OMB directors come up and proudly defend the economic game plan we are under, but that is not to happen.

The economy has lost 2.5 million jobs and employment has increased from 4.1 to 6.4 percent. The number of workers unemployed for more than 6 months has tripled to 2 million. That is where we are. Yet there is a curious silence of what are we going to do about it, or does it not matter? Do deficits not matter?

I have been told that now so many times. I have been here too long. During the 25 years that I have been here, I remember standing with my friends on the other side of the aisle decrying deficits. I remember voting five or six times in the last 3 years to lock up the Social Security surplus and not touch it because that is money that is reserved for the baby boomers about to begin retiring in 2011. The same folks that voted for locking it up today, just curious silence, or having some platitude, do not bother.

I remember when we passed the balanced budget constitutional amendment, which was one of the happiest days of my life here because I believed finally we were about to put something into the Constitution to demand what we would do and not be able to do what we have now done in 2001, 2002 and 2003. Tax cuts with borrowed money, no reputable economist today believes that is good economic policy. Tax cuts with money that is surplus that should not be spent, that is a different argument. That is one I would gladly join with my friends on the other side of the aisle, but we are borrowing $639 billion next year, $615 billion this year; and we keep hearing we are just giving the money back to you because it is your money.

It is not your money. It is our children and grandchildren's money that we are giving back. The result of the supply side economic theory folks is not working.

□ 2200

It is kind of like we heard some speakers earlier today, we have got a problem in Iraq, and our plan for peace is not working as I had hoped it would, as I had been supportive and still support certainly the troops and my President regarding that endeavor. But we have got a problem, and we will continue to be on this floor talking about it. We look forward to joining with our colleagues on the other side very soon and hopefully coming up with a bipartisan solution and no finger-pointing.

FORMATION OF GROUP AIMED AT ELIMINATING WASTE, FRAUD AND ABUSE IN GOVERNMENT

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, we have already heard from a number of my colleagues here regarding this new working group, the Washington Waste Watchers Group, to expose and to help root out waste, fraud, abuse, the double-talk that is so rampant up here in the Federal Government.

Mr. Speaker, I am relatively new here, as you well know. This is my first term. What I have found when I got here is a number of interesting things. Number one is how here in Washington when you see huge increases in government spending, some on the Democratic side call that cuts. How we have found in a very short period of time, millions? No, Mr. Speaker, not millions, billions of dollars of wasted, of lost taxpayers' money, money that is being robbed from the taxpayer. And also, Mr. Speaker, that money is also being robbed from the people that are dependent on the services of government. It is money that is being robbed from the students, money that is being robbed from the teachers, from the law enforcement officers, from our brave men and women in uniform.

While we heard some of my colleagues specifically mention some of those billions of dollars worth of overpayments, our dear friends in the minority party propose as a solution this year on this floor $890 billion in more government spending. Mr. Speaker, while my colleagues here mention billions of dollars of lost money, money that has evaporated with zero accountability, our good friends in the minority party propose as a solution to spend another $890 billion of the hard-working American people. Take it from them, Mr. Speaker, and bring it up here so we can waste, we can misspend, we can lose and we can hire more bureaucracy.

Mr. Speaker, while we heard from some of my colleagues, Republican colleagues, about improper payments, billions of dollars of improper payments, some going for dead people that did not then go to serve, for example, our seniors, our friends in the minority party still propose increasing taxes to do more of that? Mr. Speaker, this group is a group of young, when I say young, some are younger than others, but new Members of this Chamber; and we want to see if we can change the culture a little bit here in Washington, D.C. We commend the President for trying to do the same thing, to change the culture from a culture of irresponsibility, of lack of accountability, of it doesn't matter because we will take more money from the hard-working American people to bring it up here. So it doesn't matter if we lose money, it doesn't matter if nobody is held accountable, it doesn't matter if nobody is indicted, it doesn't matter if nobody is imprisoned, it doesn't matter because we will just raise taxes on the American people, on those hard-working American people that are struggling to pay their bills.

Mr. Speaker, again, we are here to announce that, with a number of colleagues, we are not going to sit by idly and watch as money is wasted, is thrown away, evaporates, is lost. We are here to come up with solutions, to first highlight the problem and then come up with solutions, specific solutions so that the American people can know that when they send us their valuable, hard-earned tax money, that money is going to be well spent on essential services for those that truly need it and not on more bureaucracy, on more misspending, on more evaporated dollars that nobody can find.

THE GROWING FEDERAL DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, if only what the previous speaker said were true. If only he really cared about a balanced budget. There is an amendment that would require Congress to spend no more money than it collects in taxes, and it has been languishing in this House for 1,560 days. Every day that DENNIS HASTERT has been Speaker, we have not had one opportunity to vote on a balanced budget amendment. It was written by a Republican, a nice guy by the name of ERNIE ISTOOK. His own Speaker will not let us vote on it.

But if you guys are as serious as you say you are about a balanced budget, you can walk right over here, you can sign discharge petition number three, and it would force a vote not on my balanced budget amendment, not on Congressman STENHOLM's balanced budget amendment but on your colleague ERNEST ISTOOK's amendment to balance the budget. Your own guy. Tell your own Speaker you want to vote on your own guy to balance the budget.

Let me remind you why you need to do that. Two years ago, May 9, we passed the President's spending plan. The President's tax cuts passed with almost every Republican vote, passed with a couple of Democratic votes. I voted against it. I did not think it would work. It turns out this time I was right. In just over 2 years under that budget passed by you guys, you have increased the national debt by $1 trillion.

Let us put that in reference. If you went all the way from the Revolutionary War to 1979, the Revolutionary War, the War of 1812, the Mexican-American War, the Civil War, the Spanish-American War, World War I, World War II, Korea and Vietnam, built the interstate highway system, built the Golden Gate Bridge, the intercoastal waterway, we borrowed less than $1 trillion. In 25 months, you guys have borrowed $1 trillion.

The Speaker in the chair knows what a $1,000 check looks like. It is what a lot of us write for rent checks up here in Washington. If you wrote that $1,000 rent check a thousand times, you have spent a million. If you wrote a $1 million check a thousand times, you have spent a billion. If you wrote a $1 billion check a thousand times, you have spent a trillion. That is how much money a trillion is.

In just the past 12 months, you have increased the national debt by $544 billion. More importantly, you have stolen $371 billion from the Social Security trust fund. Mr. Speaker, the reason I say stolen is if you take it back and you do not have a plan to repay it, it is stealing. If someone pays on their payroll taxes toward Social Security, they fully expect it to be put in a trust fund just for Social Security and that it is going to be sitting there for when they need it.

That is not the plan, Mr. Speaker. I would encourage you or any of my colleagues to tell me the name of the bank account that the Social Security trust fund is put in. Because you know and I know there is not a dime in it. It is nothing but IOUs, government securities.

You have borrowed $167 billion from Medicare, the same thing. Hard-working Americans pay payroll taxes. On that payroll tax is a line item that goes to Medicare with the promise that it would be set aside just for their retirement. There is not a penny there.

Military retirement, the Federal employees' retirement, we owe the Federal employees' retirement system, Mr. Speaker, over $500 billion. There are laws that would have prevented you back when you were in your medical practice from dipping into your employees' retirement fund for any reason, good or bad. If you had done so, you would have gone to jail. There is not a penny in the Federal employees' retirement fund. Yet you continue to borrow against it to disguise the true nature of the American debt.

You borrowed $314 billion from foreign investors, and my buddy from Cuba will love this one, because you have borrowed $52.5 billion from Communist China. You have borrowed $122 billion from Japan. We now owe $1.3 trillion to foreign nations and investors, including $122 billion to Communist China. Tell me you are proud of that. Tell me the Republican majority is proud that we owe $122 billion to China and that $50 billion a year of American tax dollars go to pay interest on what we owe just to foreigners like the Communist Chinese. Our children will have to pay back China, Japan, our foreign creditors before they can even get back to paying what we should have paid all along to Social Security, Medicare and the retirement funds. They have to repay our debts before they ever repay theirs.

This is the Republican place in history. You are responsible for more deficit spending this year than in any year in American history. Tell me you are proud of that. You are responsible for the largest increase in the national debt in American history. Tell me you are proud of that.

Mr. GARRETT of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. When the gentleman walks down there and signs the discharge petition for the balanced budget amendment, I will yield to him all night long. Until then, if he does not believe in a balanced budget, do not come down here and tell me, gee, we found $17 billion we were missing. Because the truth is, and you probably do not even know this, you could cancel all of the discretionary spending in the United States budget right now and you still will not balance the budget.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, on September 10 and 11, we are going to be holding an event here in Washington, D.C. We call it the Day of Remembrance Event. The Congressional Immigration Reform Caucus is sponsoring this day of remembrance for victims of open borders on those days, September 11, in Washington, D.C.

Mr. Speaker, information about that is available if one were to go to the Web site, victimsvoice.org. Activities on that day will include press availability for dozens of victims who are willing to tell their stories, a news conference at 11 a.m. for victims identified and introduced by Members of Congress who are members of the Immigration Reform Caucus. There will be a photo display illustrating dozens of victims' stories, later a dinner program to honor victims and present the first annual Kris Eggle award for heroism in immigration law enforcement.

The purpose of the day of remembrance is to expand public awareness and understanding of the immense harm done to our Nation and our citizens by our open borders policy and lax enforcement of our immigration laws. For too long we have talked about these problems in terms only related to numbers. We have used lots of statistics to try and bring home the point that our Nation's immigration policy, or lack thereof, our Nation's open borders policy, which is really what it is, has done enormous harm to the Nation and promises to even do greater harm to the Nation.

But what we want to do on September 10 and 11, Mr. Speaker, is to actually identify the people, to put faces with the statistics, to see how these things, open borders especially and our Nation's policies toward immigration, have wreaked havoc on our population and has the potential of doing great harm to the Nation.

Over a million illegal aliens enter our country each year by coming across our porous borders. Immigration authorities do not know who they are or where they are going.

There are over 80,000 convicted felons on immigration agencies' absconders lists. They have been ordered deported but remain at large in the United States.

There are over 100,000 additional convicted felons released from jails and prisons every year and not deported, even though the laws of the United States have been broken by these people.

Over 1 million foreign workers have been allowed to come to this country to replace American workers through the H–1B and L–1 visa programs. Many of them have overstayed, hundreds of thousands of them have overstayed their visas and in fact are living here illegally but are employed in various industries, taking jobs away from Americans, forcing American citizens to change their life-style dramatically, all because American industry, American corporations have embarked upon a policy of cheap labor and they have done so with the agreement of this government and the acquiescence of the government to this policy of cheap labor.

□ 2215

These people, the folks who have been displaced by foreign workers, the folks who have had family members killed, folks who have had family members attacked, beaten, robbed, raped, all these people are victims, as well, of course, as those who have paid the ultimate price and have died as a result of the crimes committed by people who are here illegally. These people need to be recognized, and maybe, just maybe, by bringing them to the attention of the public, by bringing them to the attention of the Congress, we will be able to move one step closer to actually gaining control of our borders.

A simple request that all of them have. That is the one thing that most, in fact all of the folks who will be here, I think, have in common, a request that our borders be secured. Many of them will be asking that our relationship, especially with countries like Mexico and other countries in Latin America, be addressed so that extradition can be achieved so that when people have fled the United States after committing these heinous crimes, fled the United States from Mexico and other places that refuse to extradite criminals back to the United States, what these victims are pleading for and the families of victims are pleading for is that we negotiate with Mexico and other countries to get these people back to face justice. That is what they will be asking for.

As I said, we will be giving out an award at that time, the Kris Eggle Award for Heroism and Immigration Law Enforcement. It will be presented at a dinner sponsored by the Congressional Immigration Reform Caucus and the National Center for Citizenship and Immigration. Kris Eggle is someone I will talk about in just a moment or two because I am going to go through quite a list this evening. I am going to go through a list of people who have been harmed by our immigration policy, personally affected.

Not too long ago, Mr. Speaker, someone came up to me and said, You know why you really cannot gain a foothold on this issue? You know why you cannot get the Congress of the United States to respond to you when you go on the floor night after night, when you offer all the amendments that you offer dealing with this issue of immigration reform? Do you know why you cannot get people to support you? It is because, frankly, when you think about it, to whom does this matter, to whom does the issue of immigration and immigration reform matter? To people coming across the border, of course, it matters a great deal. They do not want any sort of reform. They do not want anybody to stop them from coming across. For people who are bringing them across, the coyotes, the people who make money by bringing people across into this country illegally, they certainly do not want anybody to interfere. It is a big deal to them. They care a great deal about this whole issue.

To the people who are affected like the individuals that I am going to bring up here tonight, they care a great deal because they have been personally affected and maybe to the point in time when that happened, up to that point in time, they were not really concerned. They were like most Americans, and that is when this friend of mine said to me: you have got a lot of people who are concerned because they are benefiting from open borders. But to most Americans it is a little concern. It is not a big one.

And to most Americans, frankly, there is possibly the feeling that they too somehow, some way, maybe in a small way, but they also benefit from people who come across our borders illegally. They get their lawn mowed more inexpensively. They get their house painted, a variety of other things that we all know many people who are here illegally are employed doing. And to them they want to sort of look away. If one pressed individuals, they might say, yes, there is a problem. We really should do something about our borders. But down deep they think, I kind of benefit from it. I mean, maybe when I go to the grocery store and buy a head of lettuce, I am paying a few cents less for that head of lettuce. So maybe I should not care all that much and I am not going to really press it. I want to try to impress upon those people so that they can impress upon their Representatives in this body that it is important, that these things do matter, and that they too can be affected in the most severe fashion.

So I am going to talk tonight about a lot of folks who have been affected in the most dramatic way imaginable. They have had their lives turned inside out, essentially. They have had their family members, as I say, murdered. They have lost family members. They have many times been affected by our open borders. And many of the folks are people that have been affected because they have lost their jobs.

Let me say there are some, I do not know, 11 to 13 million people who are living here in the United States illegally. No one knows the exact number, of course. But that is a pretty good guess, 11 to 13 million people. And for the most part, the people who are here illegally are doing jobs that, I am told, I hear this often enough, Americans, other Americans, will not take. I challenge that, Mr. Speaker.

I challenge that notion that there are all these people here taking jobs that no other American would take. And just as an example, we will talk for just a minute about the people who are dramatically affected by massive immigration of low-skilled, low-wage workers into the United States. And these are people at the lowest economic level in our society. They are more often than not low-skilled, low-wage workers who have time and again found themselves either out of jobs or only able to obtain jobs paying very little money, and these people are affected negatively. Many of them are American citizens, many of them whose families have been here for generations, longer than my family has been here; but they find themselves unable to break out of a cycle of poverty, always stuck in low-wage jobs, and the pay for those jobs does not increase as it should in a market like ours, if in fact that market were allowed to adjust because of supply and demand.

But what happens when we allow 11 to 13 million people into this country illegally, many of them low-skilled, low-wage workers, is we depress the wage rates for people in that category. And simply because there are so many people seeking those jobs. In America today we know that we have changed dramatically from an industrial and agricultural society, a society that relied heavily on brawn as opposed to brains for the production of goods and services to now a technological society, an information-based society that relies heavily on the acquisition of knowledge and certain very important skills.

So, therefore, folks at the lower range are already at an economic disadvantage, but we put them at an even worse economic disadvantage by importing labor, by allowing the importation of labor even in illegal fashion where millions of people come here seeking jobs that require very little skill and, therefore, are paid very little. Certain employers benefit from that arrangement. That is undeniably true. And even one can say that a lot of people are coming here and bettering their lives even though they are making very little money because where they came from, it was even worse.

There is a fascinating book that has just been written; and, Mr. Speaker, I would certainly encourage anyone to get ahold of this particular book. It is called "Mexifornia." "Mexifornia." And it is written by a professor of the classics at an institution of higher education in California, who is also a farmer, and I believe it is Selma, California; and he is third or fourth generation on this farm, and he takes an interesting look at this phenomena. And what he describes is fascinating in a number of ways. As I said, I really do suggest people obtain this book and read it carefully because, for one thing, it is really well written. This gentleman's style of writing is great and very compelling. But it also describes a phenomenon that we do not really hear about very often, we have not read about, and that is what happens to the people who do come here as low-wage, low-skilled workers in their late teens or early 20's.

What happens to them after, I do not know, 20 or 30 years at most of hard labor in the United States, 20 or 30 years where they are making minimum wage and at first it looks alluring to them? At first it looks like they can buy things that they would not have been able to buy had they stayed in the country of their birth. A material world almost immediately appeals to them and seems within reach and within their grasp, and they begin what they think is a new life in a new world that is going to be prosperous and better for them and their family, and what they find out is that after 20 or 30 years of hard labor, they are physically incapable of doing the work anymore, but there is nothing else out there for them, that they have not achieved the "American Dream."

They have stayed at that same level of both income and of poverty for lo these many years, and now there is nowhere left to go. There is no upward mobility left. They are just physically not able to actually pursue that dream anymore, and they become a ward of the state for all intents and purposes. They become unemployed and disillusioned, and so are their children. And what he points out in this book is that contrary to what has happened in the United States in the past in our history where immigrant families have come, labored hard, their children have then gone on to the next stage, that is to say, gotten an education, moved up the economic ladder and become part of the middle class, second or third generation, it is not happening for many of the people who are coming here today, especially from Mexico, and again for a wide variety of reasons, but it not happening.

That second generation is not achieving, is not moving ahead, is not getting the education. In fact, what we see is that those kids are dropping out of high school, never getting to college, and Hispanic Americans, unfortunately, Hispanics living in this country legally or illegally, and their children are not moving ahead and achieving the same sorts of goals as immigrants of the past. And as I say, there are many reasons why this may be occurring, but it is the phenomenon.

It is an interesting one, and it is one that I think should be discussed because in a way it is almost like we are importing throwaway people. We are using them for the skills that they have for the labor that they can provide, the cheap labor that they can provide for a few years and then they are discarded, and they become certainly an expense for the taxpayers of the Nation, and that is why often we hear the phrase "cheap labor is not cheap."

Cheap labor costs us a great deal. It costs us in terms of the depressed wage rates that it imposes upon low-skilled, low-wage workers in the United States and, therefore, essentially a drag on the economy. It costs us in terms of the infrastructure that has to be created to support the basic needs of the people who come here and of their children who do not get out of this cycle of poverty. It is a fact, an empirically provable fact, that these folks unfortunately access the welfare system far more than nonimmigrants. It is also a fact that our schools are inundated with children with great difficulties, especially language difficulties, therefore creating an expense, a significant expense, to try to teach. All these things are happening in the pursuit of cheap labor, cheap labor at the low-skill level.

By the way, the book I mentioned earlier, "Mexifornia," it is written by a gentleman by the name of Victor Davis Hanson.

□ 2230

It is called "Mexifornia: A State of Becoming." And in the small critique of the book the author says, "Massive illegal immigration from Mexico into California, Victor Davis Hanson writes, "coupled with the loss of confidence and the old melting pot model of transforming newcomers into Americans is changing the very nature of the State." He says, "Yet we Californians have been inadequate in meeting this challenge, both failing to control our borders with Mexico and to integrate the new alien population into our mainstream."

The critique says, "Noted for his military histories and especially his social commentary of post-9/11 American life, Hanson is a fifth-generation Californian who teaches college classics courses and runs a family farm. "Mexifornia" is part history, part political analysis, part memoir. It is an intensely personal book about what has changed in California over the last quarter century and how the real losers in the chaos caused by hemorrhaging borders are the Mexican immigrants themselves.

"A large part of the problem, Hanson believes, comes from the opportunistic coalition that stymies immigration reform and, even worse, stifles an honest discussion of this growing problem." And how true that statement is. How desperately we try to avoid the discussion of this problem, yet how desperately we need to discuss the problem.

"Corporations," he says, "contractors, and agribusiness demand cheap wage labor from Mexico, whatever the social consequences. Meanwhile, academics, journalists, government bureaucrats, and La Raza advocates envision illegal aliens as a vast new political constituency for those committed to the notion that victimhood, not citizenship, is the key to advancement."

Again, how powerful those words. Mr. Speaker, I just cannot emphasize how important they are to understand.

"Advocates envision legal aliens as a vast new political constituency for those committed to the notion that victimhood, not citizenship, is the key to advancement."

How many times I have come to this floor and explained that the problem I have is the problem that occurs in both political parties, on the one hand, the Republican Party that seeks this cheap labor and, on the other hand, the Democratic Party that seeks, as it is pointed out here, a political constituency "committed to the notion that victimhood, not citizenship, is the key to advancement." Oh, how well that is put.

"Mexifornia" is an indictment of the policies that got California into its present mess. But this beautifully written book also reflects Hanson's strong belief that our traditions of assimilation, integration, and inter-marriage may yet remedy a problem that the politicians and ideologues have allowed to get out of hand; and I certainly hope that that is possible. But I guarantee my colleagues this, and I think that Mr. Hanson agrees, if I remember correctly in the book, that unless we begin to control our borders, unless we begin to actually get a handle on our borders, to be able to say that they are even somewhat secure, we can never, and I mean never, begin to think about a solution.

Because although America is, of course, as has been stated many times, a nation of immigrants. It is a nation of immigration that has occurred at peaks and valleys where we have had significant increases over time in immigration and significant decreases. We have had periods of high immigration and periods of very low immigration, and usually those periods of high immigration are followed by periods of low immigration that give us enough time to actually integrate the people who have come here in the wave of immigration.

That is not happening today, and that is desperately needed. We need a time out, Mr. Speaker. We need time as a Nation to integrate the people who have come here, to encourage them to become part of this American mosaic. But there are so many forces arrayed against that integration, against that process that I worry about our being able to accomplish it.

I have stated on many occasions that we have something called a cult of multiculturalism that pervades our society, that encourages separation of groups in the country, again, the victimized classes. It encourages people to keep separate their language, keep separate their culture, even their political allegiances. It encourages them to keep citizenship of a country from which they came.

So now we have 6 to 8 to 10 million, we are not sure how many, people who are living here with dual citizenship, with something that has never, ever been the case in the past. We have had 100,000 at any given time in the Nation, but in the last several years it has grown into the millions and maybe close to 10 million people. Again, we are not positive, but we know there are at least 6 million, which again is far more than we have ever had in the past, people who are claiming dual citizenship.

Why is this happening, and what are the implications of that kind of a phenomenon? What does that mean for America?

I suggest that the problems are significant and that they are real and they are problems that we must discuss on this floor and we must discuss in this body and in the other body and in the White House, even though they are distressing to some, even though they are certainly politically unpopular to talk about, even though we risk the epithets that are always attached and thrown at people who do try to discuss these issues.

No one, no one, Mr. Speaker, enjoys being called names because they are committed to the concept of immigration reform. No one enjoys getting the kind of mail that we get and getting the kind of calls that I get. No one thinks that that is pleasurable. No one wants to be at odds with their own party, their own President over issues like this. Certainly I do not.

But I assure my colleagues that the problem is so severe, at least I believe it to be so severe, that one must endure those things if they are to live up to the commitment they made when they took an oath of office to serve in this body.

So tonight, as I say, among other things, I wanted to talk about individuals. I wanted to give my colleagues faces and names to go with the statistics that I oftentimes come to this body and present.

There is another Web site that I might mention. It is called ImmigrationsHumanCost.org, from which I have taken a number of individual cases that I want to share with my colleagues tonight.

As this site identifies, there are an enormous number of Americans who have been harmed by the criminals who pass through the Nation's open borders. For that reason, this section can only provide a symbolic tribute to the many unnamed victims who have been killed, raped, robbed, crippled, and otherwise personally violated.

Remember, I mentioned earlier that there are really two categories of individuals who have been harmed by our country's immigration policy: the low-wage worker and the higher-skilled workers, and I will talk about them later also, those people who have been displaced in their jobs, thrown out of their jobs or are now underemployed because we have imported what is called H–1B or L–1 workers into this country by the hundreds of thousands, now reaching I think into the millions. These people have come over from India, primarily, but from all over the world, really, and taken jobs from American workers; and, again, we will talk about that. But those people are also victims of our open borders policy, and their lives deserve to be critiqued, and their problems deserve to be identified, especially in this body that allows this kind of a thing to go on.

But first we are going to talk a little bit about the people who have been victimized by violent crime perpetrated by people who have come here illegally or have fled this country for the safe haven of Mexico and other countries that will not extradite them to the United States.

The first one I might mention is a gentleman by the name of Kris Eggle. I mentioned him before. I told my colleagues that we are going to have, on September 10 and 11 that week, we are going to be holding a series of events; and on that evening of September 10 we will be holding a dinner honoring Mr. Eggle. We are handing out an award in his name. This will be an award given to someone who has served this Nation faithfully in a law enforcement capacity and who has either given his or her life in that quest or has done something extraordinary to help defend the Nation's borders.

The murder of Kris Eggle. He was a park ranger in Organ Pipe Cactus National Monument in southern Arizona. It happened on August 9, 2002. It was very little noted by the media. We brought it to the attention of this body, this particular crime. I tried over and over again; and, finally, we did get some attention paid to it.

I went to Mr. Eggle's funeral. He was 28 years old. I went to his funeral in Arizona, and I saw his family. I saw their tears, and I saw the tears of his colleagues, and I wept with them. He was a young man cut down in his prime, killed by an illegal alien who crossed the border for the purpose of evading the law in Mexico after they had committed several murders there in some sort of drug-related deal.

Mr. Eggle was a valedictorian and an Eagle Scout who joined the National Park Service because he loved the outdoors. Organ Pipe, by the way, is considered to be the most dangerous of the national park system. Mr. Speaker, 200,000 illegal aliens and 700,000 pounds of drugs were intercepted in the park in 2001. Now that just gives us a hint of the volume of both the traffic in drugs and the traffic in people through that area, just that one area of our border. Mr. Speaker, 200,000 interdicted, 700,000 pounds of drugs. Can we imagine how much got by? I mean, they always estimate that at least five get by of every one person that gets intercepted at the border. A million people just through this area in one year. God knows how much illegal drugs were also moved through that particular area.

Remember, just a tiny little area on our southern border. Imagine what that means across the whole border and across the northern border, 5,000 miles of border.

The Eggle family is determined that the death will not be forgotten by working for real border control. Well, I commit myself and have committed myself to help the Eggles to do everything I possibly can to keep this young man's memory alive.

Let us go on. There are others. There are many others. I am going to go through quite a few this evening. Because I want their memories to remain alive, and I want their families to know that somebody does care, and that somebody, many people in this body, hopefully, are going to join me to try to do something about this, to stop it, to make sure it does not happen to other Americans.

David Nadel, a familiar community activist in Berkeley, California, owned the popular Ashkenaz dance club that featured eclectic music such as zydeco, cajun, klezmer and the blues. In 1996 he was murdered in the club by an apparent illegal alien Mexican named Juan Rivera Perez, whom Nadel had earlier ejected for harassing other patrons. Perez was in Ashkenaz as part of an English as a Second Language program graduation party. Police believe Perez escaped to Mexico, which is famously unhelpful in extraditing violent criminals.

Despite the outcry from law enforcement and from victims and the press, our government does not insist on normal compliance in law enforcement from Mexican authorities. This is a theme we are going to revisit over and over in the lives of the people I am going to talk about here and in the crimes. They have gone to Mexico. They will not send them back here.

Mexico first started out saying that if they faced the death penalty in the United States, they would not send them back because that was cruel and unusual punishment. They have now decided that even life imprisonment in the United States is cruel and unusual punishment.

Let me say clearly that it presents this picture of Mexico with this benevolent society with a very sort of progressive, if you will, attitude about criminal justice. I will tell my colleagues this, Mr. Speaker. It is not uncommon at all that people get executed in Mexico for committing certain crimes. The difference is oftentimes the police do not wait for a trial to execute the perpetrator or even the alleged perpetrator. So it is not that they have this sort of attitude that, again, we have to be much more liberal in the way we treat criminals than in the United States.

□ 2245

They could not care less how we treat criminals. Frankly, what they are doing, Mr. Speaker, is trying to use this as a way to leverage the United States into coming up with a "migration accord," something that many people in this body care about a great deal, have tried many times, as a matter of fact, to get past a migration accord.

Now, what is this migration accord? It is simply an agreement between the United States and Mexico that certain people are hoping for that will, in fact, eventually create amnesty for all the people living here illegally, and the government of Mexico wants that so they use every kind of trick they can imagine to get us to do it, including the use of the extradition treaty with the United States and making it more difficult to get people back here to actually serve for their crimes.

Another case of justice denied, the murderer of a Phoenix high school student, Tanee Natividad, merely crossed the border into Mexico to escape law enforcement, her murder. A local television station was able to track down the murderer in a bar just a few miles across the border without much effort. Max LaMadrid had no reason to hide because the Mexican Government actually helps violent criminals escape American justice.

According to Arizona Attorney General Janet Napolitano, action by the Mexican Supreme Court making it more difficult to extradite criminals has "created an incentive for people to flee into Mexico as a safe harbor." True, Attorney General Napolitano, you have done absolutely nothing to help us change this situation, to help us address the problem. You are part of the problem.

At one time Mexico would not extradite criminals who might be subject to the death penalty. Therefore, they have given a free pass to rapists, kidnappers and child-molesters. In fact, the investigating reporter in this case found 100 cases of violent criminals from the Phoenix area escaping into Mexico in just a few years. Meanwhile, the grieving family of a 16-year-old Tanee gets no justice, like thousands of others in the Southwest.

I want you to understand, Mr. Speaker, that for every single person I identify here, for every person whose name I bring to the attention of this body, there are literally hundreds, in fact, there are thousands and thousands of others who suffer the same sort of plight but whose names will not be brought to our attention, because for one thing, there simply is not time. We could be here for months, never once stopping in just identifying the names of the victims. But that is again what we hope to do, some of the things we hope to do on September 10 and 11 when we invite all people who have been victimized by our open borders to come to Washington, come to the Nation's Capital and express their concern, tell their story to their Representatives and to their Senators. That will be the next day's activities. On the 11th they will be visiting their Congressmen, their Senators, telling them about how they have been victimized by open borders.

Mr. Speaker, we, of course, encourage everyone to go to that Web site and sign up, victimsvoice.org.

Let us go on to Darlene Squires, the distraught mother of a disabled teenager, one of two girls who were raped on October 24, is pictured here on this page. Her daughter was one of two who were raped on October 21, 2002, by three members of a Salvadoran street gang located in Somerville, Massachusetts. Age 17 and 14, both victims are deaf and one has cerebral palsy. Miss Squires believed that the attacks were a retaliation against her family because her husband confronted the young men after they had harassed the Squires' son. Later reports indicated the men arrested for the crime were illegal aliens. Law enforcement officials who were concerned about increased violence from this, it is called MS–13 Gang, which was believed to have originated in part with soldiers and their families who left El Salvador.

Local residents estimate the gang has more than 100 members in their community. An update a few months after the Squires crime showed that gang problem in the community has only gotten worse.

The lives of many law enforcement officers have been lost at the hands of criminal and violent aliens. One such officer is David March. This is a gentleman I will talk about at some length. He was a Los Angeles County Sheriff. He was killed when he pulled over a car for a routine traffic stop. The driver was a dangerous Mexican drug dealer, Armando Garcia, which I have a picture here.

Mr. Garcia had been deported twice, get that, he had been deported twice and had a long history of violent crimes. After shooting Sheriff March twice in the head, Garcia was able to escape and is believed to be in Mexico where officials refuse to send him back for trial. Garcia is also wanted for two attempted murders.

The Attorneys General of all 50 States wrote to Attorney General Ashcroft and Secretary of State Colin Powell to demand action on the extradition issue. Now, I want to go back and explain, deported twice. This means he simply came back across the border each time, and time and again this happens. This is not unique. This is not an aberration. That is my point in bringing this out. If this were something that happened, a horrible, tragic situation that we can say, well, gee, goodness knows that does not happen a lot. It happens all the time. It happens literally thousands of times across this country. This is the gentleman, Armando Garcia, who shot Sheriff March when he walked up to the car, then got out and shot him twice more in the head.

I visited with Mrs. March not too long ago. I went to the memorial that is on a rather nondescript street in an industrial area in Los Angeles. Hundreds of thousands of cars traveling by all the time, every month or so and thousands of cars a day; and I do not know how many even notice this small memorial that is on the side of the street. But Mrs. March goes by all the time. And she stops and she gets out and she kneels down, and she says a prayer for her husband and the father of her child. And she says a prayer that her husband's killer will be extradited back to the United States and face justice so she can begin to put her life in order and put this event behind her, if you ever can, of course.

I visited that place with her and she shed tears and I shed tears. And these incidents, as I say, point out that the statistics need to be reinforced with real names and real faces so that people understand they are not just numbers. And that these people have actually experienced what they have experienced as a result of policies either adopted by this body and this government or policies we refuse to adopt, policies that would actually begin to secure the border.

It is certainly true, Mr. Speaker, that even if we did everything possible to secure our borders, even if we did everything we could possibly do, that things like this still may happen. Certainly they will. People may still be able to get across the border. Surely that is true. We will never be able to secure it 100 percent, but I guarantee you this, at least we will be able to say to Mrs. March and all of the other families of all of the other victims that we have tried everything we can do to protect them and their loved ones. We cannot say that today. In all good conscience we cannot say that today.

Now, compared with many others we have identified who suffered violent crime, Barbara Vidlak got off easy and was just a victim of identity theft. Still you would not want her problems. The rip-off of her Social Security number by an illegal immigrant has caused Barbara's phone to be turned off, loss of health insurance for her two children, as well as extra money out of her pocket for credit checks and expenses such as lost time at work. She has also had to act as a detective to track down the culprit who filled her life with turmoil and stress.

The reporting on this crime is notable for its relentless sympathy for the perpetrator, even when the damage to the victim is obvious for all to see. Rather than note how illegal immigration is not a victimless crime, reported Cindy Gonzalez, "an immigrant rights activist" who says that in some ways both women are victims, both Ms. Vidlak and the person who stole her identity. No, I would tell the immigrants rights activist, that is absolutely and patently untrue. Ms. Vidlak is the aggrieved party. She is the victim, not the perpetrator, not the person who stole her identity.

How about 18-year-old Tricia Taylor of Detroit? She was in court in December of 2002 to hear the plea of the illegal alien who caused her to lose both legs above the knees. Jose Carcamo was driving under the influence of alcohol and speeding when he drove over a curb and smashed Taylor into a wall. One report stated that Carcamo had 17 violations since 1995. Another noted he was drag racing at the time of the crash. It was agreed that the car was traveling between 50 and 75 miles per hour on a street posted for 25 miles per hour.

Taylor's companion, Noah Menard, suffered a fractured skull and collar bone, as well as requiring 8 pins to reconstruct her mangled elbow. The INS has twice begun deportation proceedings to return him to El Salvador, but regrettably did not follow through. Carcamo will be out of jail in a few years, but Tricia Taylor faces a lifetime of pain and disability because of another failure of the INS to remove a dangerous alien.

Another American stymied in pursuit of justice for a murder trial is Ron Cornell. His son Joey was killed by Gonzalo Villalobos who escaped to Mexico and like so many others is being protected by the Mexican Government's refusal to extradite. At one point, Gonzalo Villalobos' whereabouts in El Salvador were known precisely, but there is no extradition cooperation with that nation either.

You all remember perhaps that after the devastation of Hurricane Mitch in 1998 the United States sent $110 million in disaster relief to El Salvador, but they will not even talk to us about an extradition treaty.

In June 2002, four residents of Whidbey Island in Washington were the shooting victims of a Jamaican national who was evidently frustrated that his plans had been ruined to get a green card through a marriage to an American woman. Preston Dean Douglas angered his girlfriend Holly Swartz because he sexually abused her 7-year-old daughter. When Holly moved herself and her child into her mother's house, Douglas reacted by shooting Holly, her mother, Marjorie Monnet, the mother of eight children, Marjorie's son Bruce, and Bruce's girlfriend, Sierra Klug. Holly and Marjorie were killed. Bruce and Sierra survived. Douglas shot and killed himself. Reportedly Douglas was in the country illegally, though he was working as a bouncer at a local Chinese restaurant.

One day after New Year's 2003, 6-year-old Jose Soto was riding his bike around the parking lot in his parents' apartment house when he was struck and severely injured by a man backing out in a red truck. Witnesses were shocked when the man stopped and pulled the child from under the truck and roughly threw him aside before speeding off. At this writing, Jose is in critical condition in the Houston hospital and the perpetrator is believed to be on his way to Mexico, if not already there. The man's name was released a few days later, Jose Ines Morales. As noted above, once a criminal has reached Mexico, he has effectively eluded the law permanently.

Sister Helen Chaska was murdered in late September 2002 by being strangled with her rosary beads. The beads were found embedded in her neck. She was also raped, as was another nun who accompanied Sister Helen during walking prayers. Both women were in Klamath Falls, Oregon, doing missionary work when the crimes occurred. Her accused murderer is Maximiliano Esparza, who is in the United States illegally. He was convicted in 1988 of robbery and kidnapping in Los Angeles. He was sentenced to 6 years in prison, and he was released in 1992 and was on probation until 1995.

□ 2300

By law, this man should have been deported to Mexico after his release in 1992. Instead, the INS allowed him to remain in the United States and commit even more heinous crimes.

By the way, I want to harken back a moment to statistics I gave earlier. Right now, there are approximately 400,000 people who have been ordered to be deported; that is to say, they have somehow gotten themselves afoul of the law. They have gotten into the criminal justice system, and they have been found guilty by a court. Usually, this is an immigration court, and they have been ordered deported.

Now they are supposed to leave from the courtroom and go right into the hands of the INS and be deported to their country of origin, but we do not, in fact, deport people very often, and the INS really does not pay an awful lot of attention, so that 400,000 of the millions who have gone through this process are now walking around the United States. Eighty thousand of those, at least 80,000 of those are criminals who are violent criminals, felons, rapists, murderers, robbers, walking around our streets because the INS failed to do their job, committing crimes like the ones I am going through here.

It has been a decade since Oregon State trooper Bret Clodfelter was murdered by an illegal alien, but the crime has not been forgotten. Trooper Clodfelter of Klamath Falls had arrested three Mexican men for being drunk and disorderly, then offered them a ride and was murdered for his generosity. The prosecutor sought the death penalty, but one dissenting juror meant Francisco Manzo-Hernandez got life in prison instead. To add to the tragedy, Clodfelter's widow Rene committed suicide a year after her husband was murdered. The couple had been married just over a month when her husband was murdered.

Officer Sheila Herring was lost to a bullet from an illegal alien in an early morning altercation at a Norfolk bar on January 16. The accused man, Mario Roberto Keen, a citizen of Jamaica, had reportedly shot a man in the bar after the police were called. When several officers arrived, Keen opened fire and shot Officer Herring, who died later in surgery. Keen was shot and killed at the scene.

He had been sentenced to 5 years in prison in 1990 for the selling of cocaine and was later deported but somehow got back into the United States. Imagine that. Keen attempted to reenter the United States again in 1997, was reportedly barred from entering. It is not known when Keen was successful in entering the United States, but he did get back in. He got back in time to kill Sheila Herring.

From all accounts she was an excellent police officer, loved her job. She had been a cop in Detroit for 10 years before moving to Virginia. She was 39, had an 18-year-old daughter.

Angie Morfin of Salinas, California, testified before the House Immigration Subcommittee in June, 1999, about the murder of her 13-year-old son by an illegal alien gangster. Her boy Ruben was simply in the wrong place at the wrong time and was shot down by a Mexican who escaped to Mexico. Her testimony also noted how the Latino community in her town wants immigration laws enforced, particularly to deal with the problem of illegal gangs that are responsible for a lot of violent criminal activity. Since her son's murder, Angie Morfin has spoken out about the need for more border patrol agents and other enforcement to make her community safer so no other mother must suffer the loss she has.

Thirteen-year-old Laura Ayala went missing in March, 2002, taken just a few feet from her home in Houston. At this writing there is no child, no body, although blood identified as being hers was identified in 2002 in the car of a man believed to be connected with her abduction. Because of some evidence that she had been taken to Mexico, part of the search has been there.

One complication was that Houston's policy of sanctuary, now get this, Mr. Speaker, Houston's policy of sanctuary which disallows police from investigating a person's citizenship status is in effect. Illegal alien Walter Alexander Sorto was in police hands for traffic tickets but could not be deported because of the sanctuary policy of the city of Houston. He is believed to be connected in Laura Ayala's disappearance which occurred several months after the ticket problem. Houston police officer John Nickell testified before Congress about how sanctuary laws inhibit the effectiveness of beat cops to deal with criminals and to prevent crime.

Let me talk about this sanctuary policy for just a moment, because we had a fascinating vote on the House floor not too many nights ago. It was in the debate over the first appropriations bill for the Homeland Security Department, and I brought to the floor an amendment. The amendment said simply this, that if any city, like Houston, refuses to cooperate with the INS, has this sanctuary policy, then they could not apply for funds under the Homeland Security Act and any grant from any agency covered by the Homeland Security Department.

Now, I remind my colleagues that any city wishing to obtain the grant, all they have to do, of course, is to change this policy of sanctuary for people who are breaking the law and living here illegally, but this amendment went down. I think we got 102 votes out of 435 votes, amazing, amazing as it was to me certainly that we could not even get a majority of the people in this body to agree that the laws that we have already passed in the United States should be enforced. Amazing.

The danger on the highway from truckloads of illegal aliens in border areas has been increasing drastically. It is not unusual for a van full of aliens to speed down the road in the wrong direction, avoiding American law enforcement, causing death and injury to both American citizens and foreigners.

One of the worst examples took place near San Diego June 25, 2002, where seven people were killed, at least 31 injured when a van tried to avoid a border checkpoint by turning the lights off and speeding against oncoming traffic in the wrong lane. Larry S. Baca of Albuquerque was killed when his Ford was smashed head-on by the immigrant van and knocked airborne.

On March 10, 2003, two men were killed and 20 people injured when a stolen truck loaded with illegal aliens tried to outrun American authorities.

Dana Pevia was kidnapped from her North Carolina school bus stop in 1999 when she was only 11. In March, 2003, she was able to escape her captivity in Mexico and visit the American consulate in Guadalajara. The officials there contacted the National Center for Missing and Exploited Children and, through them, reached Dana's mother Wanda. Wanda returned home a few days later with her two children. The apparent kidnapper Hector Frausto, a Mexican construction worker, was arrested in North Carolina on March 27. Dana was evidently forcibly kept captive by his family in Mexico for much of that time. She was only able to get away because she had the help of a sympathetic neighbor.

The unasked question is why the obvious suspect's family in Mexico was not investigated for 4 years. Was the unhelpful Mexican legal system being obstructionist yet again?

Then there was the Marti family. Sean, just 24 years old, and his daughter Sage, who was 5 months old, were killed February 27 by a drunk driver, illegal alien, who was driving the wrong way on Highway 84 in Idaho. Natalie Marti was in a coma after the head-on crash and returned slowly to waking consciousness over a period of weeks. With coma victims, full mental functioning and memory can take much longer. She had attended college in Boise where she and Sean managed an apartment complex.

Edgar Vasquez Hernandez, who worked as a house framer, was charged with two counts of vehicular manslaughter and one count of aggravated driving. Court records show Hernandez was intoxicated at the time of the crash. That story is repeated over and over and over again.

Maria Suarez was only 16 and living in Los Angeles when she was sold for $200 to a 68-year-old man, Anselmo Covarrubias, who presented himself in the neighborhood as a brujo, a magician. He raped and abused her, utilizing brainwashing where he had said he had powers of the devil, as he had done to many Mexican girls. He held them in virtual slavery. Another woman bludgeoned Mr. Covarrubias to death, and Suarez hid the weapon but was not directly involved in the killing. Still, she served 22 years in prison and is slated to be released within a year.

Phoenix police officer Robert Sitek was shot four times during a traffic stop altercation with an illegal alien that became violent.

□ 2310

He and his partner David Thwing were on routine patrol when a red truck cut off their squad car. When the officers stopped the truck, the driver began shooting. Officer Sitek was in cardiac arrest by the time he reached the hospital and lost a considerable amount of blood.

Shooter Francisco A. Gallardo was a Mexican citizen who had recently completed a 7-year prison term for aggravated assault. He had been deported after his release but had returned to Arizona. He was shot and killed as he tried to escape by Officer Thwing.

David Lazarus, a familiar name to the readers of the San Francisco Chronicle business pages, and the reporter appears occasionally on television news shows like This Week In Northern California on the local PBS affiliate.

Mr. Speaker, I appreciate the time for this evening, and I will return with stories of many, many more people who are victims of our porous borders.

INDEPENDENT COMMISSION TO INVESTIGATE DISTORTION OF EVIDENCE OF IRAQ'S WEAPONS OF MASS DESTRUCTION PROGRAMS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized for 50 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, I will not consume the entire 50 minutes.

Many Members of Congress are receiving hundreds of letters each and aggregately tens of thousands of letters questioning this Congress' refusal to get to the bottom of the misinformation campaign on Iraq. Hundreds of thousands of citizens have signed an on-line petition which states that Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction programs.

Unfortunately, the leadership in this House, the Republican leadership in this body, has refused to allow serious debate on this misinformation campaign, has refused to appoint an independent commission, has refused even to hold congressional hearings on what did the President tell the American people, were the reasons that he stated to the American people justifiable, were they truthful, and/or were they misleading to the American public and as reasons given for the attack on Iraq.

As I think about it, I look at American history and I think of another time when Members of Congress were not given the opportunity to debate a major national issue that affected national security, that affected the way of life of so many Americans, that affected issues of justice. Think back to more than 150 years ago when John Quincy Adams, a former president who came back to this body after he was President, and in those days, in the 1830s and 1840s, this Congress, with a very conservative leadership, actually passed a rule to prohibit the discussion or the debate of the issue of slavery in the House of Representatives. So in the halls of Congress, slavery, one of the great shames of this country, slavery was not even allowed to be discussed on the floor because of the ruling of the legislative leadership in those days.

Today, Members of Congress have been precluded in any kind of legislative vehicle, any kind of investigation from debating this issue of the administration's distortion of evidence of Iraq's weapons of mass destruction. Perhaps the President did nothing wrong, perhaps he did, but we have not really been able to debate that here.

So what John Quincy Adams did in the 1830s and 1840s was collect letters from his constituents, he called them petitions, and he read those petitions, those letters on the House floor. In other words, he let the people of the United States speak for themselves, using his voice. He was the megaphone to allow them to speak.

Many Members of Congress the last two nights, and we will continue in the nights ahead, are doing the same thing. They are taking many of these letters that we have received, people who have signed a petition saying Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program, and simply read those letters and allowed people to speak directly. It really is a night, as it was last night and the night before, for the people to take over the People's House, and Members of Congress, who are elected by 630,000 people, as all of us are, simply the mouthpiece for these constituents.

I would just like to share for 5 or 10 minutes, Mr. Speaker, some of these letters.

Jeff Hutchinson from Cincinnati, Ohio, wrote:

> As a proud citizen of the United States of America, I am deeply concerned about the recent turn of events involving our Nation's foreign policy and our military invasion of Iraq. I have no doubt that the previous regime in Iraq was like many other contemporary governments, corrupt, violent, inhumane. I am concerned about the credibility of the United States before the international community if it is determined that this Nation enters into war based on uncertain evidence.

That was Mr. Hutchinson of Cincinnati. Those are his words, not mine, as all of these will be the words of constituents.

Thomas Gentry, Sr., Akron, Ohio, in my congressional district, wrote, "A president and his administration must be truthful about dangers in our country. Please help form an independent commission to investigate the cloud hanging over the Bush administration for the apparent lying that took place to justify going to war with Iraq. Thank you."

Celine Riedel, from Avon Lake, Ohio. She writes, "Democrats should not be alone in demanding an open, full-scale investigation into the intelligence that helped plummet us into a preemptive war with Iraq. Republican Members of Congress should also be clamoring for the truth. If the American people were presented with a Gordian knot of deception, then now is the time for that knot to be untied."

Natalie Sydorenko, from Akron, Ohio, wrote, "No one is above the law or investigation. The truth will come out one way or another," she writes. "Those who discourage uncovering the truth will appear just as deceptive as those hiding it. Please think about it." Natalie Sydorenko, from Akron, Ohio.

From Columbus, Ohio, Jason Bennett writes, "I am appalled at the apparent lack of concern in Congress at the bold deceptions carried out by the administration in its arguments for the war on Iraq. It has been clear for months to anyone paying attention that the claims regarding Iraq's attempts to buy uranium from Niger were completely baseless. I am afraid this is only the most notorious in a litany of half-truths by which we have been lead to war on and occupation of Iraq. We owe it to the boys who are dying in Iraq to get the truth behind the President's claims," Mr. Bennett writes.

Mark Duckwall of Yellow Springs, southwest Ohio, writes, "It is apparent the Bush administration creatively expanded the real threat from Iraq. We are now mired in a mess that will take years, billions of dollars, and more American lives to get out of. Please show the world that we hold our leaders accountable and are a peace-loving country," writes Mr. Duckwall.

Mr. Brad Steinmetz of Columbus, in central Ohio, the State capital, writes, "The absence of an independent investigation into the serious questions surrounding the basis for our involvement in Iraq gives the impression that this administration has something to hide. It is as important for President Bush to earn the trust of the American people as it is for America to earn the trust of the people of the world," Mr. Steinmetz writes.

Diane Ciekaway, from Athens, Ohio, the district of the gentleman from Ohio (Mr. STRICKLAND), writes, "I feel the American people should hold their leaders to high standards of accountability. This is what we teach in our universities in our Nation and what I teach my students," she writes. "Whatever the results of the inquiry, it will benefit the American public to understand how information is collected and how it is used to support U.S. policies."

Abbey Steele, from Avon, Ohio, just down the street from where I live in Lorraine. Ms. Steele writes, "Please take President Bush and his administration to task for massive distortion of intelligence. The country was deceived into war in order to advance a hegemonic international agenda that eschews principles of justice for those of 'might makes right.' The fact that Bush now refers to those questioning the evidence cited leading to war as 'revisionists of history,'" and those are the President's words as cited by Ms. Steele, "demonstrates how little this administration credits the American public. We can't let this administration continue to treat the public with such cynicism, either in foreign or domestic politics. Please keep our public officials accountable," Ms. Steele writes.

Paul Lubben, from Berea, Ohio, near Cleveland, writes, "The possibility that the President took us into a war based on false information must be investigated by an independent group. In my opinion, this is a most serious charge," Mr. Lubben says.

Ken Harlow of Powell, Ohio, in central Ohio, writes, "The weapons of mass destruction evidence presented to justify the war in Iraq needs to be fully disclosed and investigated. How will Americans otherwise be ever able to trust their government," he asks.

From Ravenna, Ohio, Alan Goldstein writes, "As you know, I have written many times on the subject of the illegal wars created by the administration over the past couple of years. Now it seems that the media and the general public are finally paying attention to the seriousness of this situation. Now is the time to join your colleagues and to correct the wrongs that have been allowed to happen."

□ 2320

Last from Dr. Mary Lou Shaw from Southwest Ohio, "For us to continue to have a democracy, you must fight for the American people to know the truth."

As I stated earlier, that is a sample of the 2,500 letters that constituents from all over Ohio have written to their Members of Congress. I know there were some 6,000 letters from Illinois, some tens of thousands of letters from California, and many more from across the country, people who are concerned, people who are demanding petitioning, asking this Congress to support an independent commission to investigate the Bush administration's distortion of evidence in Iraq's weapons of mass destruction program.

I hope that leaders in this body will listen to those who are petitioning this Congress, will listen to the hundreds of thousands, perhaps even millions of voices in this country who want to know if we were deceived into war and want to get to the bottom of this, to restore the trust in the administration, to restore our trust in the President of the United States, and to restore our trust in the United States Congress, and to restore our trust in our government.

ENOUGH IS ENOUGH

The SPEAKER pro tempore (Mr. GINGREY). The gentleman from Pennsylvania (Mr. WELDON) is recognized for 40 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, enough is enough. I sat in my office last night and listened to Member after Member on the other side rail about President Bush and whether or not we could trust him in the Iraqi situation. I have listened to my colleagues tonight. Enough is enough. Mr. Speaker, this is just outrageous.

So what I have done is I have got a whole file here, and I am going to remind my colleagues on the other side of the aisle about their President for the previous 8 years, and I am going to cite articles and claims and I am going to cite the justification for the invasion of Yugoslavia as outlined by President Clinton.

Where were these voices, where were these petitions, where were these outcries when President Clinton told us about the Balkans mass deaths to justify NATO's invasion into the Balkans? The Clinton administration claimed that ethnic cleansing had killed hundreds of thousands of people, and I will include the articles from the papers in the CONGRESSIONAL RECORD.

The Clinton administration was later criticized, and I have newspaper articles here to back it up by the press for grossly exaggerating the number of victims of ethnic cleansing, the mass graves. President Clinton told us we would find 100,000 people that were murdered and that was his justification for using NATO for the only time ever to invade a non-NATO country in order to justify a war against Slobodan Milosevic where U.S. citizens, where U.S. troops, and where innocent Serbs were killed. That is the first example.

And how about when President Clinton, to justify preservation of the outdated ABM treaty and to resist congressional pressure to deploy national missile defense asserted that the U.S. would not face an ICBM threat from rogue states for decades? In fact, in 1995 the Clinton administration took the unprecedented step of releasing a classified national intelligence estimate in an effort to sway public opinion because he had vetoed the defense bill. The notorious NIE–95–19 was widely criticized by experts, including the Clinton administration's own director of the CIA, Jim Woolsey, because he said that the President was exaggerating the facts. Just 3 years later in August of 1998, North Korea exposed the Clinton administration lie when it tested an ICBM missile, the Taepo Dong-1 missile. But the Clinton administration used the CIA to mislead this Congress. His own CIA director, Jim Woolsey, on the public record said so.

Let us talk about the agreed-upon framework. It was the Clinton administration that credited itself with stopping the emergence of a nuclear-armed North Korea when it concluded the agreed-framework with Pyongyang in 1994. Critics pointed out that North Korea had already built one or two atomic bombs and was continuing its nuclear weapons program, cheating on the agreed framework. Among these critics was the North Korea advisory group of this body and we stated in November 1999 that North Korea was developing atomic weapons despite the agreed framework. And what did the administration do? They said it was not happening.

Recently, North Korea exposed the Clinton administration lie when Pyongyang admitted that for the past several years it had been cheating on the agreed framework.

How about the most famous Clinton administration distortion, the grand lie? On over 100 occasions, including two State of the Union speeches, President Clinton credited himself with making America's children safe from the threat of nuclear war through the Moscow declaration of 1994 that supposedly removed the U.S. as a target from the guidance systems of Russian missiles. Less than 1 month after detargeting was supposed to take effect, during a major Russian strategic forces exercise held on June 22, 1994, Russian missile launches simulated strikes on the U.S., but President Clinton in the State of the Union speech on two occasions said you can sleep well tonight, America, because we have reassured the children of America that there is no fear of an offensive missile attack from Russia because we have detargeted those missiles.

High-ranking Russian officials contradicted the Clinton administration. In fact, Anton Surikov, a senior adviser to the Russian Ministry of Defense, acknowledged in a March 1995 interview, and this is after the State of the Union speech, when it was decided to detarget missiles, the decision was mostly of a political, propaganda character. And yet our President was at that podium telling the American people in two State of the Union speeches, you have nothing to worry about.

Where were my colleagues on the other side? Were they asleep? Where were their petition gatherings? Where were their demands for the honesty of the White House? Where were their outcries for the neck of the President? Where was their righteous indignation that we have been hearing on this floor tonight from my colleagues and last night from my colleagues? The silence is deafening because it is all partisan rhetoric. It is nothing but partisan rhetoric with no basis of substance.

President Clinton's former Director of CIA in testimony before Congress on February 12, 1998, said that the detargeting agreement was unverifiable, quickly reversible, and characterized as misleading.

Mr. Speaker, that was not a Republican talking; that was Jim Woolsey, CIA Director under Bill Clinton, calling his own President, who appointed him, misleading.

Where were the outcries from the other side? Where were the liberal groups across America demanding that President Clinton be held accountable? Where were they? All of a sudden today, this righteous indignation ringing out from our Democratic colleagues is sickening and disgusting.

Let us talk about M–11 missiles in Pakistan. The Clinton administration credited itself with greatly improving relations with China and achieving an understanding with Beijing on nonproliferation of technologies for missiles and weapons of mass destruction. Yet compelling evidence soon emerged that China was exporting M–11 missiles to Pakistan in direct violation of its understanding with the Clinton administration and the Missile Technology Control Regime.

The Clinton administration resisted congressional pressure to impose sanctions on China even though that is what should have been done for violating its commitments because it wanted to protect the administration's foreign policy record and public standing in the polls.

□ 2330

Consequently, despite overwhelming evidence that China was exporting missiles to Pakistan, the Clinton administration pretended that those missiles did not exist.

Mr. Speaker, in one night, in one day, I have listed five times of major significance that the leader of the party of the other side, these righteous, indignant people who have railed and whined and cried on the floor of this body said nothing about lies to the American people.

Mr. Speaker, some would say, well, these did not involve death of American citizens or war, and I would remind my colleagues, the justification that President Clinton used to take this country into war in Yugoslavia was basically a bunch of false information. In fact, it was the USA Today in July of 1999, an article that said, "As the allied forces take control in Kosovo, many of the figures used by the Clinton administration and NATO were greatly exaggerated. Six hundred thousand ethnic Albanian men were not trapped within Kosovo or buried in mass graves, as President Clinton told a veterans group. Instead of 100,000 ethnic Albanian men feared murdered, officials now estimate about 10,000; and we think the confirmed number was 3,000."

Mr. Speaker, that was from USA Today in 1999.

Let us go to the Little Rock newspapers. They did an investigative story on January 16, 2000, after the Clinton administration had made these outrageous claims of ethnic cleansing. Why did they say these things, Mr. Speaker? Because they wanted the Congress and they wanted the American people to support his war to get Milosevic out of power.

Let us read some of the quotes from the Arkansas Democrat Gazette, January 16, 2000:

"Of 500 potential grave sites, 150 have been opened and, no, we have not found the 100,000 missing declared by President Clinton, or the lower but probably equally preposterous figure of 10,000 advanced by British Foreign Secretary Robin Cook and repeated by the BBC."

This was not the Republican Party. This was the Arkansas Democrat Gazette on January 16, 2000, saying that all the justification that Clinton used to go to war in Yugoslavia was false, it was erroneous.

Where was the outcry by these liberal groups in this country? Where was the outcry by the Democrats we have seen running down to the well complaining that this President needs to be investigated? Where was the consistency of the principled position of my colleagues on the other side?

Let us go on, Mr. Speaker, with the Arkansas Democrat Gazette article of January 16, 2000: "We have more than 10,000 photographs of graves, sites and bodies, and more than 300 hours of video, and we share all our evidence with the war crimes tribunal. From survivors who are giving us testimonies, we calculate there were 6,000 Kosovo Albanians killed in the 3 months of the war," not before the war, in the 3 months of the war which President Clinton led, "and perhaps 2,000 still in Serbian prisons."

Listen to this, Mr. Speaker. In the previous 12 months before the war, there were 1,000 killed. So 1,000 were killed in the previous months, 6,000 were killed in the immediate 3 months of the war itself by the bombs of the U.S., France and Germany and the other NATO countries.

"But then the figures become a little vague. The total of dead and missing becomes 7,000 rather than 8,000; the figure of prewar killings rises from 1,000 to 2,000." Mr. Speaker, the information leading up to President Clinton's decision to go to war in Yugoslavia is filled with gross, not just information distorted, gross distortions of fact, lies.

Where are my colleagues? What were they saying?

Let us go on, Mr. Speaker, to some other examples.

Here is an article from the Washington Post, March 26, 2000. The headline, Was It a Mistake? We Were Suckers for the KLA was the headline of this article written by Christopher Layne and Benjamin Schwartz. Let us go through some of the claims.

"Clinton's assertion," and I am quoting here, Mr. Speaker, "at a June 25, 1999, postwar news conference that the bombing was a way to stop, quote, deliberate, systematic efforts at genocide," he called it genocide in Kosovo. It goes on to say, "was either disingenuous or ignorant. Before the start of NATO's bombing on March 24, 1999, almost 2,000 civilians, overwhelmingly ethnic Albanians but also Serbs, had been killed in 15 months of bitter warfare. Up to that point, there had been no genocide or ethnic cleansing." The genocide and ethnic cleansing started when Bill Clinton and Jacques Chirac started the war against Milosevic.

I will go on, Mr. Speaker, this same article, Washington Post, March 26, 2000:

"Not only did the forced removal of civilians result from the NATO bombing, but administration claims of mass killings, made to rally popular support for the war, turn out to have been exaggerated. Clinton defended the intervention on the grounds that the Yugoslavs had slaughtered tens of thousands." President Clinton said tens of thousands, Mr. Speaker. It never turned out to be true. All lies. Secretary of Defense William Cohen termed it a, quote, horrific slaughter. The numbers we now have, according to this article in the Post, disprove those claims. U.N. numbers and U.S. numbers and Allied numbers say the information provided to Congress was wrong.

Let us go on to a story in the Contra Costa Times, March 4, 2000. "We became involved in Kosovo after being bombarded with exorbitant claims of ethnic cleansing, subsequently proven exaggerated and largely committed after NATO started bombing."

Another newspaper, Mr. Speaker. I do not remember my colleagues quoting from these papers. I do not remember my colleagues coming to the floor and demanding an investigation of Bill Clinton for distorting things. Not only were these distortions, they were outright, outright lies.

We will go on with that Contra Costa story of March 4, 2000:

"As a result of false and misleading news reports, Americans were led to believe tens of thousands, if not hundreds of thousands of ethnic Albanians were killed by the Serbs and buried in mass graves. Many are still under that impression.

"According to U.N. investigators who have been scouring the area since the bombing stopped, the total number of ethnic Albanians killed by the Serbs is closer to 2,000, far fewer than the number of civilians killed by NATO bombers."

Let me repeat that statement again, Mr. Speaker. Listen to this, please, quoted from the Contra Costa Times, March 4, 2000: "According to U.N. investigators who scoured the area since the bombing stopped, the total number of ethnic Albanians killed by the Serbs is closer to 2,000, far fewer than the total number of civilians killed by NATO bombers."

Let us go on to some additional articles, Mr. Speaker. Mr. Speaker, the distortions of the other side are outrageous. I did not want to get up and do this. But I, Mr. Speaker, was sick and tired of sitting in my office listening to Members parade down here, 1-hour special orders, talking about how they were misled. What a crock, Mr. Speaker.

First of all, if any Member of Congress was misled by President Bush's State of the Union speech, then there has got to be something wrong with them, because the vote to give the

President the use of force was in October of last year. What did they do, read the speech 3 months before it occurred? The vote did not come after the President's speech. These Members on the other side who voted to give the President the use of force to remove Saddam Hussein voted in the fall of last year, 3 months before President Bush made the State of the Union speech here.

Mr. Speaker, it is all partisan rhetoric, and I am sick of it. I am sick of it because it has no place. It has no place in this body on such a serious issue as our effort to fight the war on terrorism.

We saw the same thing with the agreed-upon framework, the lies about how we had stopped the nuclear program, and we found out just last summer that the North Koreans publicly admitted that they now had a highly enriched uranium program, were building nuclear bombs, reprocessing rods and could have cared less about an agreement signed in 1994. Yet the Clinton administration told us all along, don't worry.

Mr. Speaker, the North Korean advisory committee that issued a report to this body in 1999 had all of that documentation contained inside of it.

And, Mr. Speaker, I mentioned before the President's most famous line in the nineties, President Clinton's most famous line, that he did two times from that podium, was to stand up to the American people, look in the camera and bite his lip and say, you know, tonight the American people can sleep well because their children are protected, because no longer are Russian missiles pointed at America's children.

Mr. Speaker, that was a lie. It was a lie because the leader that I quoted from the Russian media said it, that it was purely for political purposes.

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Jim Woolsey, who was Clinton's CIA Director, repeatedly said he wished the President would stop making those statements because there was no way to verify a detargeting practice. Did I hear my colleagues stand up and say what are they doing? Let us have an investigation of the President? Let us ask for an inquiry about what he is saying? Did I hear one Member on that side besides Jim Woolsey stand up publicly and say that Bill Clinton was misleading the American people? All of a sudden now it is election time, and they are attempting to tear George Bush down.

Mr. Speaker, it is absolutely sickening. It is disgusting, and I am not going to let it stand. If I have to get up here every night and repeat this information and ask my colleagues where they were during the 1990s, then I will do that.

On February 12, 1998, President Clinton's former CIA Director, Jim Woolsey, in testimony before Congress, strongly condemned as "misleading" the President's repeated claims that missile detargeting had reduced the Russian nuclear threat.

Let me read what Jim Woolsey said, Mr. Speaker. This is what Jim Woolsey, Bill Clinton's hand-appointed CIA Director said about the President: "I wish he (President Clinton) would not continue to make that statement (about Russian missile detargeting) because though it may be technically correct . . . it is misleading . . . These missiles, (based upon) everything I have known about them over the years, could be retargeted" in a manner of minutes or seconds. "It is almost like saying . . . if I had a revolver here in my pocket and I took it out and pointed it at the ceiling, saying I am not targeting" it, "it is true. I would not be . . . I am pointing it at the ceiling. But if I lowered it," within a matter of seconds, "I would be. It just takes a few seconds."

In fact, Mr. Speaker, in an article written by Michael Waller for the American Foreign Policy Council about this whole issue of detargeting, it was actually not an article but it was testimony before the House Committee on Armed Services, he said about President Clinton's claim: "This is a very serious claim. Yet technical experts say that the claim is impossible to make truthfully because the detargeting agreement is inherently impossible to verify."

Mr. Speaker, I could go on and on. I did the research in 1 day. I could have gone on and probably spent weeks and weeks getting tons of additional information about the misstatements, about the denial of the missiles that were sent to Pakistan, about the misleading information leading up to the war in Kosovo. Yet we never heard one peep out of the other body. I raise all of these facts, Mr. Speaker, only as a defensive response to my colleagues on the other side. They have made such outrageous claims, and I heard it in 5-minute speeches tonight. I heard it in 1-hour Special Orders last night. I heard it right before I spoke here tonight like somehow this is not going to go refuted and, Mr. Speaker, I cannot do that. George Bush had the decency and honesty to say that when he made the State of the Union speech from that podium, perhaps that information given him, even though today he maintains it is still factually correct, should not have been included in the State of the Union speech. He was honest.

Where was the honesty of the previous President? Where was the other party that was down here railing about Bush and demanding a retraction? Where were these interest groups on the Internet demanding that we have accountability through petition drives? Where were they? They did not exist because they are a part of the Democrat machine that did not care what Bill Clinton said, did not care about distortions, did not care about out-and-out lies.

Mr. Speaker, I cannot put this entire statement in the RECORD because it would not be acceptable. I am going to put the major thrust of it in the RECORD, and I am going to ask that the quotations that I have outlined be highlighted for my colleagues to read tomorrow and for the American people to see.

Mr. Speaker, the vote on supporting the use of force for President Bush was not taken after the President's State of the Union speech. The vote by my colleagues, and they claim they were affected by what he said. I do not know how they could have been affected because that vote was taken last October, 3 months before President Bush spoke here; and what is interesting, Mr. Speaker, is the vote was not close. Colleagues on both sides of the aisle overwhelmingly supported giving the President the use of force to remove Saddam Hussein from power. Why did we do that? Because Saddam Hussein for 10 years had denied the demands of the unified world community. Everyone knew he had weapons of mass destruction. He used them on his own people. In a previous floor speech, I gave the numbers of the amount of innocent Iraqi people and Kurdish people that were killed. But what amazes me, Mr. Speaker, is this rhetoric coming from the other side.

I heard one of my colleagues stand up and say never has a President used force to remove someone from office for human rights violations. And I remember who the speaker was, Mr. Speaker; but I am not going to name him tonight, but I know the gentleman and if I get pressed on it, I will name him and I will pull his comments out of the CONGRESSIONAL RECORD. Where was that gentleman, who happens to be a Democrat, when President Clinton justified the use of our military to remove Slobodan Milosevic from power because of human rights violations? Where are my colleagues? In fact, that is exactly what happened.

I think the administration made some mistakes in leading up to the Iraqi war. I remember being on this floor, Mr. Speaker, when Secretary of State Colin Powell was giving us a briefing, and he was talking about weapons of mass destruction. I had a chance to ask him a question. I said, Mr. Secretary, you need to talk more about the human rights abuses of Saddam Hussein, which the American people can relate to. After all, it was Bill Clinton who justified the use of force to remove Milosevic from power for human rights violations, and everyone in the world from the U.N. to Amnesty International admits publicly that Saddam Hussein is far worse than Milosevic ever was. So why do you not bring out the human rights violations of Saddam Hussein?

Why would my colleagues on the other side think it was okay to support President Clinton in using military force to remove Milosevic from power, and, by the way, they did not go to the U.N. for that vote because France knew Russia would veto a U.N. resolution? How could they support that military action, but then question President Bush when he uses military action to remove the worst human rights violator since Adolph Hitler from power just this year? And that claim of Saddam Hussein's being the worst human rights violator since Adolph Hitler does not come from me. It comes from the U.N. Special Rappateur for human rights when he was comparing the human rights record of Saddam Hussein.

Mr. Speaker, enough is enough. Members of the other side have whined. They have cried. They have screamed. They have been absolutely outrageously loud in saying that George Bush needs to be held accountable. Mr. Speaker, George Bush is accountable. The U.S. Congress supported the President in his actions against Saddam. Almost 50 nations of the world supported George Bush in our actions against Saddam. Many of my colleagues on the other side of the aisle supported George Bush in his actions against Saddam. And they did not do that because of any speech made here. They did it because of the facts. And for my colleagues to run around this city, for the contenders for the Presidency on the Democrat side to go to a national forum and declare that George Bush has misled the American people is garbage. It is poppycock. There has been no misleading. If my colleagues on the other side and if the nine candidates for the Presidential nomination of the other party want to take and look at some misleading statements, I invite them to get the CONGRESSIONAL RECORD from tonight.

Look at the facts, Mr. Speaker. Look at the facts on the Balkan mass death claims, those hundreds of thousands of people that Bill Clinton said were murdered that justified our use of military action. Look at the President's statements about new missile threats and how the national intelligence estimate in 1995 was politicized, the only national intelligence estimate ever changed by the CIA because of the Rumsfeld Commission, 3 years after Bill Clinton vetoed our defense bill based on his misstatements; the agreed-upon framework with North Korea where the Clinton administration, until it left office, said that it was in fact successful in accomplishing the objective of eliminating the North Korean nuclear program. Lies and distortions. The detargeting agreement, President Clinton's famous statement of over 100 times. In fact, we used to have a contract to keep track of him.

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It got up to 135 times, that we could count, that President Clinton's speeches made the same statement he made twice here from this pulpit, distorting the facts to the American people for his political benefit, or the story about the M-11 missiles not being in Pakistan, when everyone knew they were there. These are just a few, Mr. Speaker.

Mr. Speaker, I will make this commitment to my colleagues. If this partisan rhetoric continues on the floor, I will be back here every night and I will refute it, and I will bring out more of the gross Clinton lies and distortions which that side remained silent on year after year after year. I challenge them to end this garbage. Enough is enough, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HAYWORTH (at the request of Mr. DELAY) for today until 1:00 p.m. on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and July 21, 22, and 23.

Mr. FLAKE, for 5 minutes, today.

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, July 17.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 17.

Mr. NORWOOD, for 5 minutes, July 17 and 21.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, July 17.

Ms. ROS-LEHTINEN, for 5 minutes, July 17.

Mr. FEENEY, for 5 minutes, July 23.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, July 17.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. STENHOLM, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 764. An act to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, July 17, 2003, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the second quarter of 2003, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. BRIAN DIFFEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 13 AND APR. 16, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Brian Diffell	4/13	4/16	Colombia		495.00						495.00
Committee total					495.00						495.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BRIAN DIFFELL, May 16, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. YOUNG O. KIM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 13 AND APR. 17, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Young O. Kim	4/13	4/17	South Korea		1,244.00		3,485.92				4,729.92
Committee total					1,244.00		3,485.92				4,729.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

YOUNG O. KIM, May 1, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. NICK J. RAHALL II, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND APR. 21, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Nick J. Rahall II	4/19	4/21	Syria		536.00	2,875.600					
Committee total					536.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NICK J. RAHALL II, May 14, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DARRELL ISSA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND APR. 20, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Darrell Issa	4/19	4/20	Syria		536.00		3,732.93				4,268.93
Committee total					536.00		3,732.93				4,268.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DARRELL ISSA, May 22, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED L. TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 22 AND APR. 26, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Fred L. Turner	4/22	4/26	Denmark	7,774.25	1,128.00					7,774.25	1,128.00
Committee total					1,128.00						1,128.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, May 5, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PAUL WEBSTER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND MAY 29, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Paul C. Webster	5/25	5/28	Uganda	660,000	110.00		8,265.00		80.00	660.00	8,455.00
	5/28	5/28	England		160.00						160.00
Committee total					270.00		8,265.00		80.00		8,615.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAUL C. WEBSTER, June 17, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DAVE WELDON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND MAY 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Dave Weldon	5/25	5/29	Uganda		110.00		8,265.00		80.00		8,615.00
	5/29	5/30	England		160.00						
Committee total					270.00		8,265.00		80.00		8,615.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE WELDON, May 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAVID TEBBE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 1, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Tebbe	5/25	5/27	Egypt		434.00		6,988.77				
	5/27	5/29	Israel		724.00						
	5/29	5/31	Lebanon		244.00						
	5/31	6/01	Syria		268.00						
Committee total					1,670.00		6,988.77				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID TEBBE, June 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PAUL BERKOWITZ, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND JUNE 2, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Paul Berkowitz	5/24	5/25	Netherlands		217.00				50.00		267.00
	5/26	5/30	Israel		1,460.00				200.00		1,660.00
	5/30	6/02	Austria		217.00				50.00		267.00
Committee total					1,894.00				300.00		2,194.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAUL BERKOWITZ, June 6, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GREGG L. COX, HOUSE OF REPRESENTATIVES, EXPENDED ON JUNE 5, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gregg L. Cox	6/5	6/5	Guantanamo Bay, Cuba								
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GREGG L. COX, June 24, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, QATAR, KUWAIT, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 28 AND MAR. 3, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Nancy Pelosi	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Hon. John Murtha	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Hon. David Hobson	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Michael W. Sheehy	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Kenny Kraft	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

NANCY PELOSI, Apr. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 4 AND APR. 7, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	4/4	4/7	France		1,266.00		(3)				1,266.00
Hon. John Tanner	4/4	4/7	France		1,266.00		(3)				1,266.00
Hon. Joel Hefley	4/4	4/7	France		1,266.00		(3)				1,266.00
Susan Olson	4/4	4/7	France		1,266.00		(3)				1,266.00
Committee total					5,064.00						5,064.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUG BEREUTER, Chairman, May 15, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, CYPRUS, AND THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 20 AND APR. 25, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Norman D. Dicks	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Rob Portman	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. John B. Shadegg	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Todd Tiahrt	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Anne M. Northup	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Judy Biggert	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Mike Pence	4/21	4/22	Germany	140.76	153.00		(3)				
Bill Livingood	4/21	4/22	Germany	140.76	153.00		(3)				
Scott Palmer	4/21	4/22	Germany	140.76	153.00		(3)				
Ted VanDer Meid	4/21	4/22	Germany	140.76	153.00		(3)				
John Feehery	4/21	4/22	Germany	140.76	153.00		(3)				
Christy Surprenant	4/21	4/22	Germany	140.76	153.00		(3)				
Chris Walker	4/21	4/22	Germany	140.76	153.00		(3)				
Sam Lancaster	4/21	4/22	Germany	140.76	153.00		(3)				
Jake Abel	4/21	4/22	Germany	140.76	153.00		(3)				
Chris Frech	4/21	4/22	Germany	140.76	153.00		(3)				
George Behan	4/21	4/22	Germany	140.76	153.00		(3)				
Dwight Comedy	4/21	4/22	Germany	140.76	153.00		(3)				
Dr. Eisold	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. J. Dennis Hastert	4/22	4/24	Cyprus		238.00		(3)				
Hon. Norman D. Dicks	4/22	4/24	Cyprus		238.00		(3)				
Hon. Rob Portman	4/22	4/24	Cyprus		238.00		(3)				
Hon. John B. Shadegg	4/22	4/24	Cyprus		238.00		(3)				
Hon. Todd Tiahrt	4/22	4/24	Cyprus		238.00		(3)				
Hon. Anne M. Northup	4/22	4/24	Cyprus		238.00		(3)				
Hon. Judy Biggert	4/22	4/24	Cyprus		238.00		(3)				
Hon. Mike Pence	4/22	4/24	Cyprus		238.00		(3)				
Bill Livingood	4/22	4/24	Cyprus		238.00		(3)				
Scott Palmer	4/22	4/24	Cyprus		238.00		(3)				
Ted VanDer Meid	4/22	4/24	Cyprus		238.00		(3)				
John Feehery	4/22	4/24	Cyprus		238.00		(3)				
Christy Surprenant	4/22	4/24	Cyprus		238.00		(3)				
Chris Walker	4/22	4/24	Cyprus		238.00		(3)				
Sam Lancaster	4/22	4/24	Cyprus		238.00		(3)				
Jake Abel	4/22	4/24	Cyprus		238.00		(3)				
Chris Frech	4/22	4/24	Cyprus		238.00		(3)				
George Behan	4/22	4/24	Cyprus		238.00		(3)				
Dwight Comedy	4/22	4/24	Cyprus		238.00		(3)				
Dr. Eisold	4/22	4/24	Cyprus		238.00		(3)				
Hon. J. Dennis Hastert	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Norman D. Dicks	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Rob Portman	4/24	4/25	United Kingdom		160.00		(3)				
Hon. John B. Shadegg	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Todd Tiahrt	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Anne M. Northup	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Judy Biggert	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Mike Pence	4/24	4/25	United Kingdom		160.00		(3)				
Bill Livingood	4/24	4/25	United Kingdom		160.00		(3)				
Scott Palmer	4/24	4/25	United Kingdom		160.00		(3)				
Ted VanDer Meid	4/24	4/25	United Kingdom		160.00		(3)				
ohn Feehery[4]	4/24	4/25	United Kingdom		160.00		(3)				
Christy Surprenant	4/24	4/25	United Kingdom		160.00		(3)				
Chris Walker	4/24	4/25	United Kingdom		160.00		(3)				
Sam Lancaster	4/24	4/25	United Kingdom		160.00		(3)				
Jake Abel	4/24	4/25	United Kingdom		160.00		(3)				
Chris Frech	4/24	4/25	United Kingdom		160.00		(3)				
George Behan	4/24	4/25	United Kingdom		160.00		(3)				
Dwight Comedy	4/24	4/25	United Kingdom		160.00		(3)				
Dr. Eisold	4/24	4/25	United Kingdom		160.00		(3)				
Committee total					11,020.00						

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Departed CODEL on Apr. 24, 2003 via own transportation.

J. DENNIS HASTERT, Speaker of the House, May 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, BAHRAIN, KUWAIT, AND IRAQ, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 1 AND MAY 6, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David L. Hobson	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Eddie Bernice Johnson	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Silvestre Reyes	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Robin Hayes	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Ed Schrock	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Mike Rogers	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Kenny Kraft	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
John Keefe	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Committee total					10,400.00						10,400.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID L. HOBSON, Chairman, June 2, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 15 AND MAY 19, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Amo Houghton, Chairman	5/15	5/19	Canada		1,102.43		(3)				1,102.43
Hon. James Oberstar	5/15	5/19	Canada		937.32		(3)				937.32
Hon. David Dreier	5/15	5/18	Canada		944.55		(3)				944.55
Liberty Dunn	5/15	5/19	Canada		1,451.66		(3)				1,451.66
Carl Ek	5/15	5/19	Canada		967.41		(3)				967.41
Hon. Phil English	5/15	5/18	Canada		1,189.93		(4)				1,189.93
Hon. Don Manzullo	5/15	5/19	Canada		937.32		(3)				937.32
Hon. Collin Peterson	5/15	5/18	Canada		1,082.55		(3)				1,082.55
Frank Record	5/15	5/18	Canada		937.32		(3)				937.32
Hon. Clay Shaw	5/15	5/19	Canada		937.32		(3)				937.32
Hon. Mark Souder	5/15	5/19	Canada		937.32		(3)				937.32
Hon. Cliff Stearns	5/15	5/19	Canada		971.82		(3)				971.82
Bob Van Wicklin	5/15	5/19	Canada		961.04		(3)				961.04
Hon. Nick Smith	5/15	5/18	Canada		985.69		(3)				985.69
Hon. Louise Slaughter	5/15	5/19	Canada		977.45		(3)				977.45
Fran Marcucci	5/15	5/19	Canada		937.32		(3)				937.32
Brad Smith	5/15	5/18	Canada		938.92		(3)				938.92
Committee total					17,197.37						17,197.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Not available.

AMO HOUGHTON, Chairman, June 18, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, KUWAIT, IRAQ, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 27, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Italy, Kuwait, Iraq and Germany, May 24–27, 2003:											
Hon. Duncan Hunter	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, KUWAIT, IRAQ, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 27, 2003—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Neil Abercrombie	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Anna Eshoo	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Terry Everett	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. John M. McHugh	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Ed Royce	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Vito Fossella	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Stephen F. Lynch	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Robert S. Rangel	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Henry J. Schweiter	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Committee total					7,180.00						7,180.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, June 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOUTH AFRICA AND CAPE VERDE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 31, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amory Houghton, Jr	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	2,469.48	26.00	(3)		9,715.50	102.29	12,184.98	128.29
Hon. Steny H. Hoyer	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,862.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Hon. E. Clay Shaw	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,862.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. John R. Lewis	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,862.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Hon. James A. McDermott	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,862.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Jack F. Quinn	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Melvin L. Watt	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Lynn C. Woolsey	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Ray H. LaHood	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. R. Marion Berry	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,716.50	102.29	34,600.26	364.29
Hon. Mary N. Bono	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Lois G. Capps	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. N. Kay Granger	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Hon. Ruben E. Hinojosa	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.29	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Father Daniel P. Coughlin	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOUTH AFRICA AND CAPE VERDE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert W. Van Wicklin	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,726.90	102.41	31,856.90	335.41
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
Katherine A. Kless	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	355.29
Michael E. Collins	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Geoffrey C. Plague	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Committee total					30,288				31,985.53		62,273.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

AMORY HOUGHTON JR., Chairman, June 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE CZECH REPUBLIC AND LATVIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND JUNE 1, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Mike Bilirakis	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. John Boozman	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Vern Ehlers	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Paul Gillmor	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Joel Hefley	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Nicholas Lampson	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Dennis Moore	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. David Price	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Thomas Reynolds	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. John Shimkus	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Robert Wexler	5/25	5/28	Czech Republic		834.00		6,273.72				7,107.72
Susan Olson	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(4)				6,126.34
Robin Evans	5/24	5/28	Czech Republic		1,668.00						1,668.00
	5/28	6/1	Latvia		1,028.00		(5)				4,570.22
Kay King	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(6)				6,510.34
Carol Lawrence	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(6)				6,510.34
John Lis	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(6)				6,510.34
Patrick Prisco	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(7)				6,126.34
Josephine Weber	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(7)				6,126.34
Committee total				51,360.00			41,557.98				92,917.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military +$5,098.34. [5] Military +$3,542.22. [6] Military +$5,482.34. [7] Military +$5,098.34.

DOUG BEREUTER, Chairman, June 5, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 19 AND JUNE 23, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	6/20	6/23	Jordan		714.00						
Hon. Howard Berman	6/20	6/23	Jordan		714.00						
Hon. Chris Shays	6/20	6/23	Jordan		714.00						
Hon. Donald Payne	6/20	6/23	Jordan		714.00						
Hon. Ileana Ros-Lehtinen	6/20	6/23	Jordan		714.00						
Hon. William Jefferson	6/20	6/23	Jordan		714.00						
Hon. Susan Davis	6/20	6/23	Jordan		714.00						
Hon. Mark Kirk	6/20	6/23	Jordan		714.00						
Sean Mulvaney	6/20	6/23	Jordan		714.00						
Mark Murray	6/20	6/23	Jordan		714.00						
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM KOLBE, Chairman, June 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
HOUSE COMMITTEES Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD L. BOEHLERT, Chairman, June 30, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3233. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Disqualification for Crop Insurance Fraud (RIN: 0560-AG70) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3234. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2003 Agricultural Assistance Act — Crop Disaster Program and Livestock Assistance Program (RIN: 0560-AG95) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3235. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Addition of Australia and New Zealand to the List of Foreign Countries Eligible to Import Poultry Products (Ratite Only) Into the United States [Docket No. 02-015DF] (RIN: 0583-AC97) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3236. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Ophthalmic Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No. 03N-0193] (RIN: 0910-AA01) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3237. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water; Confirmation of Effective Date [Docket No. 03N-0068] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3238. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; D-tagatose and Dental Caries [Docket No. 02P-0177] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3239. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.937 of the Commission's Rule Concerning Repetitious or Conflicting Applications [FCC 03-79; WT Docket No. 02-57] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3240. A letter from the Assistant Division Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability [FCC 03-126; CC Docket Nos. 99-200, 96-98, 95-116] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3241. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Garmin International, Inc.; Amendment of Sections 95.193(a) and 95.631(d) to Authorize Manufacture, Sale and Use of GPS Transmission Enhanced Family Radio Service Units; Amendment of Sections 95.193(a), 95.193(b), and 95.631(d) of the Commission's Rules Governing Permissible Communications in the Family Radio Service [FCC 03-26; WT Docket No. 01-339; RM-10070] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3242. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.937 of the Commission's Rules Concerning Repetitious or Conflicting Applications [FCC 03-79; WT Docket No. 02-57] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3243. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Garmin International, Inc.; Amendment of Sections 95.193(a) and 95.631(d) to Authorize Manufacture, Sale and Use of GPS Transmission Enhanced Family Radio Service Units; Amendment of Sections 95.193(a), 95.193(b), and 95.631(d) of the Commission's Rules Governing Permissible Communications in the Family Radio Service [FCC 03-26; WT Docket No. 01-339; RM-10070] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3244. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices [FCC 03-89; CS Docket No. 97-80] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3245. A letter from the Assistant Division Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability [FCC 03-126; CC Docket Nos. 99-200; 96-98, 95-116] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3246. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with United Arab Emirates (Transmittal No. DDTC 065-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3247. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3248. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-048-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3249. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-236-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3250. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Tall Ships 2003, Navy Pier, Chicago, IL, July 30-August 4, 2003 [CGD09-03-207] (RIN: 1625-AA01, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3251. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coronado Bay Bridge, San Diego, California [COTP SAN DIEGO 03-013] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3252. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Columbia River, Astoria, OR [CGD13-03-013] (RIN: 1625-AA00 (Formerly RIN: 2115-AA97)) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3253. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance on the Application of Section 911 to U.S. Individuals Working in Iraq (Notice 2003-52) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3254. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitations on Assessment and Collection (Rev. Rul. 2003-80) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3255. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Application Procedures and Final Agreement for Withholding

Foreign Partnerships Withholding Foreign Trusts; Additional Guidance for Qualified Intermediaries Regarding Withholding on Small or Related Foreign Partnerships and Trusts (Rev. Proc. 2003-64) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3256. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compensation Deferred Under Eligible Deferred Compensation Plans [TD 9075] (RIN: 1545-AX52) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee on Appropriations. H.R. 2754. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–212). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2433. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; with amendments (Rept. 108–213). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. TOM DAVIS of Virginia):

H.R. 2751. A bill to provide new human capital flexibilities with respect to the GAO, and for other purposes; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. MEEHAN, Mr. WEXLER, Mr. WEINER, and Mr. SCHIFF):

H.R. 2752. A bill to encourage the development and distribution of creative works by enhancing domestic and international enforcement of the copyright laws, and for other purposes; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself and Mr. BARRETT of South Carolina):

H.R. 2753. A bill to direct the Secretary of the Army to convey certain land in Georgia and South Carolina to the counties in which the land is located, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOBSON:

H.R. 2754. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. BASS (for himself and Mr. HUNTER):

H.R. 2755. A bill to authorize the President to issue posthumously to the late William "Billy" Mitchell a commission as major general, United States Army; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 2756. A bill to direct the Commissioner of Internal Revenue to establish an earned income credit public awareness campaign to increase public awareness and educate Americans of the earned income credit; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 2757. A bill to direct the President to assess the advisability of requiring each State to use the Death Master File of the Social Security Administration in issuing drivers' licenses to individuals; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. BOSWELL, Mr. LEACH, and Mr. LATHAM):

H.R. 2758. A bill to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building"; to the Committee on Government Reform.

By Mr. KLECZKA (for himself, Mr. RADANOVICH, Ms. MCCOLLUM, and Mr. SABO):

H.R. 2759. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees; to the Committee on the Judiciary.

By Mr. LANTOS (for himself and Mr. PAYNE):

H.R. 2760. A bill to limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries, and for other purposes; to the Committee on International Relations.

By Mrs. LOWEY (for herself, Mr. MARKEY, and Mr. ENGEL):

H.R. 2761. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 2762. A bill to establish a vocational and technical education grant program; to the Committee on Education and the Workforce.

By Mr. POMBO:

H.R. 2763. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for donations for vocational educational purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H.R. 2764. A bill to amend title 38, United States Code, to extend to all members of the Armed Forces eligible for educational assistance under the Montgomery GI Bill the authority to transfer entitlement to such educational assistance to dependents, and to provide a six month period for enrollment under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government, and for other purposes; to the Committee on International Relations.

By Mr. RUSH:

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Paul Leroy Robeson; to the Committee on Government Reform.

By Mr. ANDREWS (for himself, Mr. BILIRAKIS, Mr. PALLONE, and Mr. RYAN of Ohio):

H. Res. 320. A resolution supporting the removal of Turkish occupation troops from the Republic of Cyprus; to the Committee on International Relations.

By Mr. DEMINT (for himself, Mr. CLYBURN, Mr. SPRATT, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. BROWN of South Carolina):

H. Res. 321. A resolution stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 191; to the Committee on House Administration.

By Mr. STUPAK:

H. Res. 322. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in 'National Night Out', including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

145. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 87 memorializing the United States Congress to continue providing assistance to Michigan to help eradicate bovine tuberculosis; to the Committee on Agriculture.

146. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 56 memorializing the United States Congress to urge the Secretary of the Department of Health and Human Services to authorize any section 1115 demonstration waivers, and any other related Waivers, requested by State of Texas for the purposes of implementing a consumer-directed care program for the purchase of attendant care and other community care services under the state Medicaid program; to the Committee on Energy and Commerce.

147. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 71 memorializing the United States Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004; to the Committee on International Relations.

148. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 89 memorializing the United States Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA-21) and/or other related federal programs; jointly to the Committees on Science and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. GINGREY.

H.R. 63: Mr. PETERSON of Minnesota.

H.R. 102: Mr. PRICE of North Carolina and Mr. ABERCROMBIE.

H.R. 104: Mr. JOHN.

H.R. 135: Mr. GRIJALVA and Mr. BURNS.

H.R. 218: Mr. OSBORNE, Ms. HOOLEY of Oregon, Mr. PAUL, and Ms. ROS-LEHTINEN.

H.R. 313: Mr. UDALL of New Mexico.

H.R. 333: Mr. OWENS.

H.R. 339: Mr. OTTER.

H.R. 369: Mr. LATOURETTE.

H.R. 375: Mr. FRANKS of Arizona.

H.R. 391: Mr. PICKERING.

H.R. 440: Ms. SCHAKOWSKY.

H.R. 466: Mr. NUNES.

H.R. 486: Mr. SHIMKUS, Mr. CHOCOLA, Mrs. MUSGRAVE, Mr. HOEKSTRA, Mr. SOUDER, Mr. TERRY, and Mr. RENZI.

H.R. 515: Mr. WATT.

H.R. 594: Mr. BOUCHER and Mr. PICKERING.

H.R. 673: Mr. OTTER.

H.R. 717: Mr. SHERMAN.

H.R. 791: Mr. DREIER, Mr. GREEN of Wisconsin, Mr. CANTOR, Mr. BLUNT, and Mr. REYNOLDS.

H.R. 857: Mr. BOEHLERT.

H.R. 919: Mr. MURPHY and Mr. REYNOLDS.

H.R. 1006: Mr. LOBIONDO and Mr. OWENS.

H.R. 1177: Mr. EHLERS and Mr. NETHERCUTT.

H.R. 1179: Mr. BURNS.

H.R. 1236: Mr. COLE and Mr. NEUGEBAUER.

H.R. 1268: Ms. SCHAKOWSKY.

H.R. 1414: Mr. KUCINICH, Ms. LEE, and Mrs. NAPOLITANO.

H.R. 1472: Mr. MILLER of North Carolina, Mr. SWEENEY, and Mr. BECERRA.

H.R. 1478: Ms. ESHOO.

H.R. 1513: Mr. GARY G. MILLER of California, Mr. LATHAM, Mr. HOUGHTON, Mr. KENNEDY of Minnesota, and Mr. CANTOR.

H.R. 1565: Ms. MCCOLLUM.

H.R. 1621: Mr. OWENS.

H.R. 1622: Mr. UDALL of New Mexico, Mr. JONES of North Carolina, Mr. HOEFFEL, and Mr. SMITH of Washington.

H.R. 1626: Mr. NUNES.

H.R. 1688: Mr. UDALL of New Mexico, Mr. BAIRD, Mr. SNYDER, Mr. DEUTSCH, Ms. WOOLSEY, Mr. HOLT, Ms. WATERS, Mr. UDALL of Colorado, Mr. MICHAUD, Mr. ACEVEDO-VILÁ, and Mrs. TAUSCHER.

H.R. 1700: Mr. STRICKLAND.

H.R. 1708: Ms. WATSON, Mr. ALLEN, Ms. ESHOO, and Mr. SAXTON.

H.R. 1728: Mr. GIBBONS and Mr. JANKLOW.

H.R. 1752: Mr. KUCINICH, Mr. MCNULTY, and Mr. PAYNE.

H.R. 1793: Mr. BARTON of Texas.

H.R. 1828: Mr. GALLEGLY, Mr. BOOZMAN, Mr. PITTS, Mr. BROWN of South Carolina, Mr. HEFLEY, and Mr. FORBES.

H.R. 1910: Mr. GALLEGLY.

H.R. 1914: Mr. BROWN of South Carolina, Mr. STENHOLM, Mr. BLUNT, Mr. LEWIS of California, Mr. BRADLEY of New Hampshire, Mr. BURNS, and Mr. PETERSON of Minnesota.

H.R. 1943: Mr. DEMINT.

H.R. 2022: Mrs. JO ANN DAVIS of Virginia and Ms. SCHAKOWSKY.

H.R. 2032: Mr. CUMMINGS and Ms. HART.

H.R. 2093: Mr. HAYWORTH, Mr. QUINN, Mr. MILLER of Florida, Mr. SIMMONS, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. LEWIS of Georgia.

H.R. 2154: Ms. DELAURO.

H.R. 2173: Mrs. JONES of Ohio.

H.R. 2213: Mr. STARK and Mr. WAXMAN.

H.R. 2224: Ms. MCCOLLUM.

H.R. 2232: Mr. HINOJOSA.

H.R. 2236: Mr. PLATTS.

H.R. 2238: Mr. GEPHARDT, Mr. MOORE, Mr. DOOLEY of California, Mr. NEAL of Massachusetts, and Mr. LEWIS of California.

H.R. 2249: Mr. MOORE, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, and Mr. MORAN of Kansas.

H.R. 2291: Mr. KANJORSKI.

H.R. 2309: Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Mr. MATSUI, Ms. LOFGREN, Mr. WAXMAN, Mr. GEORGE MILLER of California, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. FARR, Mr. CARDOZA, Mr. DOOLEY of California, Mrs. DAVIS of California, Mrs CAPPS, Mr. STARK, Mr. BACA, Ms. WOOLSEY, and Ms. SOLIS.

H.R. 2314: Mr. POMEROY.

H.R. 2347: Mrs. JO ANN DAVIS of Virginia.

H.R. 2363: Mr. DAVIS of Illinois, Mr. DEUTSCH, Mr. NADLER, and Mr. GRIJALVA.

H.R. 2379: Mr. ROGERS of Kentucky.

H.R. 2385: Mr. MATHESON.

H.R. 2416: Mr. TIAHRT.

H.R. 2422: Mr. ISRAEL.

H.R. 2426: Mr. BELL.

H.R. 2429: Mr. VAN HOLLEN.

H.R. 2446: Mr. BARTLETT of Maryland.

H.R. 2448: Mr. FOLEY, Mrs. MYRICK, and Mr. MCINNIS.

H.R. 2462: Mr. PETERSON of Minnesota and Ms. ESHOO.

H.R. 2467: Mr. MORAN of Virginia.

H.R. 2478: Mr. KANJORSKI and Ms. SCHAKOWSKY.

H.R. 2497: Mr. STARK, Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, and Mr. DOGGETT.

H.R. 2504: Mr. FARR, Mr. RUSH, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio.

H.R. 2517: Mr. SCHIFF, Mr. PENCE, and Mr. SHIMKUS.

H.R. 2522: Mr. ACEVEDO-VILÁ.

H.R. 2540: Ms. LEE, Mr. BISHOP of Georgia, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. LAMPSON, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. BROWN of Ohio, Mr. JEFFERSON, Mr. FROST, Mr. GARY G. MILLER of California, Mr. GREEN of Wisconsin, Mr. BEREUTER, Mrs. JONES of Ohio, Mr. MCINNIS, Mr. LYNCH, Mr. PAUL, Mr. SCHIFF, Mr. SCHROCK, and Mr. WALSH.

H.R. 2556: Mr. SHADEGG, Mr. KING of Iowa, and Mr. HOEKSTRA.

H.R. 2568: Mrs. TAUSCHER.

H.R. 2569: Mr. ISRAEL, Ms. DELAURO, Mr. SERRANO, Mr. UDALL of New Mexico, Mr. BELL, and Mrs. JONES of Ohio.

H.R. 2579: Mr. CHOCOLA.

H.R. 2598: Mr. FORD, Mr. CONYERS, Mr. FROST, and Mr. LAHOOD.

H.R. 2603: Mr. FRANKS of Arizona.

H.R. 2611: Mr. VAN HOLLEN.

H.R. 2621: Mr. MCGOVERN, Mr. HONDA, Ms. MCCOLLUM, and Mr. RAHALL.

H.R. 2622: Mr. SMITH of Washington, Mr. CANTOR, and Mr. BLUNT.

H.R. 2650: Mr. BAIRD and Mr. OBERSTAR.

H.R. 2661: Mr. JONES of North Carolina.

H.R. 2668: Mr. QUINN, Ms. SLAUGHTER, Mr. LATOURETTE, and Mr. MCCOTTER.

H.R. 2670. Mr. SANDERS and Mr. CASE.

H.R. 2671: Mr. SMITH of Texas, Mr. FORBES, Mr. GOODE, Mr. WAMP, Mr. COLLINS, Mr. CULBERSON, Mr. KINGSTON, Mr. DUNCAN, Mr. BARTLETT of Maryland, Mr. GREEN of Wisconsin, Mr. GALLEGLY, Mr. JONES of North Carolina, Mr. GUTKNECHT, Mr. ISAKSON, Mr. GINGREY, Mr. BRADY of Texas, Mr. BEREUTER, Mr. MCCOTTER, Mr. WHITFIELD, Mrs. MUSGRAVE, Mr. KING of Iowa, Mr. CRAMER, Mr. KELLER, Mr. JENKINS, Mr. NEY, Mrs. BLACKBURN, Mr. BOEHNER, Mr. WICKER, Mr. BURNS, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Florida, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. SHIMKUS, Mr. PITTS, Mr. PENCE, Mr. HERGER, Mr. WILSON of South Carolina, Mr. SMITH of Michigan, and Mr. AKIN.

H.R. 2696: Mr. UDALL of Colorado.

H.R. 2700: Mr. SHIMKUS and Mr. RUSH.

H.R. 2704: Mr. DELAHUNT.

H.R. 2705: Mr. SHIMKUS, Mr. WU, and Mr. ALEXANDER.

H.R. 2707: Mr. UDALL of New Mexico.

H.R. 2732: Mr. KLINE and Mr. TIBERI.

H.R. 2734: Mr. BOEHLERT.

H.R. 2748: Mr. KOLBE.

H. Con. Res. 99: Mr. GRIJALVA and Mr. CLAY.

H. Con. Res. 107: Mr. BOSWELL.

H. Con. Res. 154: Ms. JACKSON-LEE of Texas.

H. Con. Res. 213: Mr. CARDOZA.

H. Con. Res. 217: Mr. REYES, Mr. CLAY, Mr. CARDOZA, Mr. FRANK of Massachusetts, Ms. WOOLEY, and Mr. MCNULTY.

H. Con. Res. 237: Mr. KOLBE.

H. Con. Res. 239: Mr. FROST.

H. Con. Res. 240: Mr. SCHIFF, Mr. JACKSON of Illinois, Mr. FATTAH, and Mr. HASTINGS of Florida.

H. Res. 273: Mr. KUCINICH.

H. Res. 304: Mr. BOOZMAN.

H. Res. 307: Mr. DOGGETT, Mr. BLUMENAUER, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MARKEY, Ms. MCCOLLUM, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. TIERNEY, Mr. RANGEL, Mr. THOMPSON of California, and Mr. CASE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. QUINN, Mr. ISSA, Mrs. CAPITO, Mr. BUYER, Mr. EVERETT, and Mr. SULLIVAN.

H.R. 2022: Mr. OWENS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2691

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following new section:

SEC. 3 . None of the funds made available by this Act may be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska, or the Southeast Archaeological Center in Florida.

H.R. 2691

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 13: Page 7, line 13, after the dollar amount insert "(increased by $3,815,000)".

Page 14, line 8, after the dollar amount insert "(increased by $6,550,000)".

Page 17, line 12, after the dollar amount insert "(increased by $10,000,000)".

Page 22, line 17, after the dollar amount insert "(increased by $10,000,000)".

Page 22, line 23, after the dollar amount insert "(increased by $5,000,000)".

Page 25, line 24, after the dollar amount insert "(increased by $32,600,000)".

Page 26, line 1, after the dollar amount insert "(increased by $20,000,000)".

Page 91, line 3, after the dollar amount insert "(increased by $20,000,000)".

Page 97, line 17, after the dollar amount insert "(increased by $7,020,000)".

Page 107, line 16, after the dollar amount insert "(reduced by $94,985,000)".

H.R. 2691

Offered By: Mr. Blumenauer

Amendment No. 14: Add at the end, before the short title, the following new section:

Sec. ___. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California that permits the growing of row crops or alfalfa.

H.R. 2691

Offered By: Mr. Walden of Oregon

Amendment No. 15: At the end of the bill (before the short title), insert the following:

Sec. ___. None of the funds made available in this Act may be used to acquire any land or interest in land for the Stewart B. McKinney National Wildlife Refuge.

H.R. 2691

Offered By: Mr. King of Iowa

Amendment No. 16: At the end of the bill (before the short title), add the following:

SEC. ___. MISSOURI RIVER MANAGEMENT.

In order for the Corps of Engineers to select revisions to the Missouri River Master Water Control Manual that serve and balance the diverse interests of all river uses, including electric generation hydropower, flood control, navigation, recreation, and environmental protection, and in order to manage those uses under the Annual Operating Plan for the Missouri River, during the formal consultations under the Endangered Species Act of 1973 between the Corps of Engineers and the United States Fish and Wildlife Service regarding a new biological assessment for the Missouri River Master Control Manual, none of the funds made available by this Act shall be used to subject management of the Missouri River to the imposition of any regulatory action under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

H.R. 2691

Offered By: Mr. Tancredo

Amendment No. 17: At the end of the bill (before the short title), insert the following:

Sec. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available for "National Foundation on the Arts and the Humanities—National Endowment for the Arts—Grants and Administration" and by increasing the amount made available for "DEPARTMENT OF AGRICULTURE—Forest Service—Wildland Fire Management" for hazardous fuels reduction activities by $57,480,000 respectively.

H.R. 2691

Offered By: Mr. DeFazio

Amendment No. 18: At the end of section 332, relating to the recreation fee demonstration program, page 151, after line 6, insert the following sentence:

The amendments made by this section apply only with respect to areas under the jurisdiction of the National Park Service.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 17, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 21

2 p.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine the risks and benefits to consumers related to government sponsored enterprises.
SD–342

JULY 22

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed.
Room to be announced

Health, Education, Labor, and Pensions
To hold hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and in life.
SD–430

Judiciary
To hold hearings to examine the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, and R. David Proctor, to be United States District Judge for the Northern District of Alabama, both of the Department of Justice.
SD–226

Aging
To hold hearings to examine the consequences of direct-to-consumer advertising of prescription drugs.
SD–628

2 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Mark C. Brickell, of New York, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board, and Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation.
SD–538

Judiciary
To hold hearings to examine bankruptcy and competition issues in relation to the WorldCom Case.
SD–226

JULY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine public interest and localism.
SR–253

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Health, Education, Labor, and Pensions
Business meeting to consider proposed Patient Safety and Quality Improvement Act of 2003, and the nominations of Daniel Pipes, of Pennsylvania, Charles Edward Horner, of the District of Columbia, and Stephen D. Krasner, of California, each to be a Member of the Board of Directors of the United States Institute of Peace, and Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission.
SD–430

Indian Affairs
To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.
SR–485

Judiciary
To resume oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Commission.
SD–226

2 p.m.
Judiciary
To hold hearings to examine the nominations of Rene Acosta, of Virginia, to be an Assistant Attorney General, and Daniel J. Bryant, of Virginia, to be an Assistant Attorney General, both of the Department of Justice.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine privacy and digital rights management.
SR–253

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine enhancing the role of the private sector in public transportation.
SD–538

2:45 p.m.
Foreign Relations
To hold hearings to examine status and prospects for reconstruction relating to Iraq.
SD–419

4 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine agricultural consolidation and the Smithfield/Farmland Deal.
SD–226

JULY 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the past and present of the administration's competitive sourcing initiative.
SD–342

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine federal biodefense readiness.
SD–430

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization.
SH–216

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold oversight hearings to examine the competitive sourcing effort within the National Park Service.
SD–366

JULY 29

9:30 a.m.
Foreign Relations
To resume hearings to examine the status and prospects for reconstruction resources relating to Iraq.
SH–216

JULY 30

10 a.m.
Indian Affairs
To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.
SR–485

SEPTEMBER 16

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.
SH–216

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